

Date Revised: July 3, 2024

To: Ramsey County DWP/MFIP-ES Staff

From: Workforce Solutions Integrate Planning Manager

Subject: Dispute Resolutions Process

Purpose: Expectations regarding dispute resolutions protocol while working with both the MFIP participant and FAS staff in addressing disputes

BACKGROUND:

Program participants challenging an action made by Ramsey County employment services (ES) have a right to appeal through a conciliation conference and/or a fair hearing.

A participant can choose whether to pursue dispute resolution through either 1 or both of the following:

- A Conciliation Conference— an informal process. See [19.48.3 \(Conciliation Conference\)](#).
- A Fair Hearing (Appeal) – a formal legal process. See [19.48.6 Fair Hearing \(Appeal\)](#).

PROCESS/PROCEDURES:**A. Overview of Dispute Resolution Process:**

1. The counselor or the participant can request a conciliation conference if they are in disagreement with content or the interpretation of their Employment Plan (EP), receive an MFIP Notice of Intent to Sanction (NOITS), or a notice of adverse action.
*Conciliation is an option and is not a requirement prior to requesting a fair hearing.
2. A conciliation conference is an informal meeting conducted face to face (preferred), virtual meeting or over the phone and involves the participant, the counselor and the ES supervisor or manager. The purpose of the meeting is to try to reach a mutual agreement on how to settle the disagreement.
3. An ES manager/supervisor or someone designated by the manager must review the outcome of the conciliation meeting. If the outcome is agreed upon, make the necessary recommended changes/actions, ensure supporting documentation is in place and case note outcome.
4. Participants who disagree with the outcome of the conciliation conference may then request a fair hearing.
5. A fair hearing is the legal proceeding for a participant disputing DWP or MFIP FAS and/or ES actions. A Human Services judge settles the disagreement through a formal hearing conducted according to Minnesota Statutes.
6. A participant has a right to request a fair hearing if he/she disagrees with the EP, did not reach an agreement in the conciliation conference, received a NOITS, or received notice of adverse action such as a sanction or case closure. Other issues that may be appealed are:
 - The amount of the assistance payment.
 - A suspension, reduction, denial, or termination of assistance.
 - The basis for an overpayment, the calculated amount of an overpayment, and the level of recoupment.
 - The eligibility for an assistance payment.
 - The use of protective or vendor payments.

7. Participants must submit a request for a fair hearing to DHS ([Appeals to State form](#) DHS-0033) or in writing to county responsible for administering MFIP within the following timelines:
 - Within 30 days after receiving the notice of adverse action or notice of intent to sanction.
 - Within 90 days after receiving notice of the county's action, if the participant shows good cause for not making the 30-day deadline.
8. If the participant sends the request to the employment services agency, the Employment Counselor (EC) should notify their agency manager and route the fair hearing request to the financial worker as soon as possible.
9. The EC should be prepared to attend the fair hearing and provide any records requested by the judge including printing off any relevant information from Workforce One.

B. Request for a Fair Hearing for a Case Involving Employment Services

1. The Appeals Office normally schedules a hearing within 30 days upon receipt of the participant's written request. The State's obligation is to:
 - Schedule fair hearings at a reasonable time and date.
 - Have an impartial referee conduct the fair hearing.
 - Allow for the option of conducting the hearing by telephone.
 - Use an accessible site if the participant has disabilities.
2. Within three days, the FAS (financial worker and/or lead) staff assigned to the case, must review the allegations, contact the participant to identify any issues that may be unclear and attempt to resolve the issues by addressing participant questions and concerns and by correcting any known FAS errors. FAS must case note all attempts to reach the participant.
3. FAS must contact ES staff (using CAFÉ to identify the current ES counselor) to ensure proper notices were sent (i.e., NOITS) and to ensure relevant policies were followed. FAS will ask whether a conciliation conference was offered and the resulting conclusions. FAS will verify that the ES staff connected to the disputed ES action will attend the hearing. The dispute resolutions representative may also attend the hearing. See table below for Representatives.
4. FAS will request ES to provide a summary of actions regarding the disputed case along with supporting documents such as copies of NOITS and EPs to be sent back to FAS within a specified time (usually 3-5 business days).
5. Case notes are not approved supporting documentation as they are often subjective and each person who has written a case note related to that case could be called as a witness during the hearing; information found in the case notes can, however, be used as part of the ES summary.
6. FAS must case note contact with ES. If ES staff does not respond to FAS within 24 hours, FAS will contact the designated ES dispute resolutions Representative. The ES Dispute Resolutions Representative must sign off on all information supplied back to FAS.
7. With FAS supervisor approval, FAS will summarize all FAS and ES information and documentation collected onto the State Agency Appeal Summary form; FAS will then send the

information to the appeals clerk. FAS will not send the appeal summary prior to receiving ES summary of action and supporting documentation.

8. FAS will provide copies of the State Agency Appeal Summary as well as supporting documentation to both the participant and DHS at least three working days prior to the scheduled hearing.
9. FAS and ES representatives, their supervisors, and/or designated dispute resolutions representatives should plan to attend the scheduled fair hearing either (face-to-face, by telephone, or videoconference).
10. FAS and ES are each expected to case note attendance to the hearing and immediately follow through with the judge's recommended actions. The actions could be immediate or come at later time depending on the situation.
11. If the county action is found correct: ES should proceed as planned. If sanction is applicable, apply the sanction beginning with the next payment month. If the participant's appeal is upheld: Restore any benefits that had been previously reduced.

C. Resources:

1. [Appeals to State form : DHS-0033](#)
2. [ES Rights and Responsibilities](#)
3. [DHS Appeals Hearings Information](#)
4. [DHS ES Manual Dispute Resolution](#)
5. [DHS Combined Manual Appeals](#)

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