

**CHAPTER 407
DEPARTMENT OF HUMAN SERVICES,
ADMINISTRATIVE SERVICES DIVISION AND DIRECTOR'S OFFICE**

**DIVISION 5
CLIENT RIGHTS**

Customer Service Complaint Process

407-005-0100

Purpose and Scope

- (1) These rules (OAR 407-005-0100 through 407-005-0120) describe the process for reporting, investigating, and resolving Department of Human Services' customer or client complaints about staff conduct, or customer service or lack of customer service received from Department personnel or Department contractors.
- (2) OAR 407-005-0100 through 407-005-0120 applies to Department personnel and Department contractors.
 - (a) Department contractors shall have established processes for addressing customer service complaints received from Department customers or clients served by Department contractors that meet or exceed the requirements set forth in these rules (OAR 407-005-0100 through 407-005-0120).
 - (b) Department contractors must cooperate with the Department's customer service complaint process and investigation if complaints are filed against them with the Department.
 - (c) Department contractors shall provide a copy of their established process upon request of the Department.
- (3) The customer service complaint process described in these rules does not apply to the following situations:
 - (a) The customer or client is entitled to, or is requesting an administrative or contested case hearing;
 - (b) The subject matter of the complaint should be or already has been decided by a judge;
 - (c) The subject matter of the complaint is dissatisfaction or disagreement with a decision subject to review under OAR 582-020-0005 through 582-020-0125 (Vocational Rehabilitation Service Program);

- (d) The subject matter of the complaint is subject to review under OAR 413-010-0420 (Review of DHS Child Welfare Decisions):
 - (A) Adoption committee decision;
 - (B) Child Protective Services disposition;
 - (C) Juvenile court ruling.
- (e) The subject matter of the complaint is a report of discrimination subject to review under OAR 407-005-0025 through 407-005-0030;
- (f) The subject matter of the complaint is subject to review under OAR 410-141-0260 through 410-141-0266 (Oregon Health Plan Prepaid health plan grievance system: PHP complaint and appeal procedures);
- (g) The subject matter of the complaint is subject to review under OAR 309-118-0000 through 0050 (Oregon State Hospital patient grievance process); or
- (h) Complaints filed anonymously. Anonymous complaints will be reviewed by the Governor's Advocacy Office.

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 409.010 and 411.977

407-005-0105

Definitions

The following definitions apply to OAR 407-005-0100 through 407-005-0120:

- (1) "Customers or Clients" means any individual or entity having contact with the Department seeking information, services, or reimbursement. This includes, but is not limited to: clients and their family members, informal client supports, advocates, Department staff, taxpayers, public officials, service providers, community based organizations, media, and other interested parties.
- (2) "Customer Service Complaint" means a written complaint filed by a customer or client that expresses dissatisfaction with staff conduct, customer service or lack of customer service received from Department personnel or Department contractors.
- (3) "Department" means the Department of Human Services.
- (4) "Department Contractors" means employees, volunteers, trainees, and other individuals or entities who contract with the Department to provide services.

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 409.010 and 411.977

407-005-0110

Customer Service Complaint Procedure

- (1) Customers or clients who are dissatisfied with staff conduct or some aspect of customer services received from Department personnel or Department contractors may file a customer service complaint with the Department. Customers or clients verbally expressing dissatisfaction with customer service will be informed by Department staff of the written customer service complaint process.
- (2) A customer service complaint must be filed within 60 calendar days from the date of the event that caused the dissatisfaction. Untimely complaints will not be processed.
- (3) Written customer service complaints may be filed by:
 - (a) Postal mail;
 - (b) In person at any Department office; or
 - (c) By contacting the Governor's Advocacy Office for assistance in filing a written customer service complaint.
- (4) The Department will assist customers or clients in completing a customer service complaint in writing at the request of a customer or client or when Department staff identifies a need for assistance.
- (5) Customer service complaints will be considered filed on the day the written complaint is received and date stamped by the Department.
- (6) Within five business days of receipt of a written customer service complaint, filed in a Department office, a copy will be sent to the Governor's Advocacy Office.
- (7) Within two business days of receipt of a written customer service complaint filed with the Governor's Advocacy Office, the complaint will be reviewed and sent to the appropriate Department office.
- (8) The Department will develop a process for tracking filed written customer service complaints. The tracking process will be utilized to assure compliance with these rules.
- (9) The Department shall post the customer service complaint process in an easily identifiable format in each local office of the Department.

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 409.010 and 411.977

407-005-0115

Resolution of Customer Service Complaints

- (1) Customers, clients, or their representatives may resolve customer service complaints verbally, by contacting the involved individual or a manager, or by filing a written customer service complaint.
- (2) Within two business days of receipt of a written customer service complaint, the Department will screen the complaint to determine whether the subject matter of the complaint is subject to review under the customer service complaint process. If the subject matter of the complaint is not subject to review under the customer service complaint process, the Department will immediately notify and redirect the customer or client to the alternative process for addressing the customer's or client's issue.
- (3) There are four possible levels of written customer service complaint review. At the first level, the customer service complaint will be reviewed by a first level manager. If the complaint is not resolved at the first level, further review will be conducted by a second or third level manager. The Governor's Advocacy Office will facilitate the final level of review.
- (4) For all levels of review and investigation the following processes and timelines apply:
 - (a) Within five business days of receipt of a written customer service complaint, the reviewing manager will review the customer service complaint. If the written customer service complaint generates no questions, the reviewing manager may begin investigating the matter before contacting the complainant. If there are questions regarding the customer service complaint, the reviewing manager will contact the complainant within five business days of receipt of the written complaint, to discuss the matter before taking any action. The reviewing manager must make the following efforts to contact the complainant:
 - (A) The reviewing manager must make at least two attempts to contact the complainant, using the complainant's preferred method of communication as indicated in the written complaint. If the complainant does not respond within ten business days from the date of the last contact attempt, the manager may consider the complaint closed.
 - (B) If the complainant does not specify a preferred method of communication or the reviewing manager cannot reach the complainant by telephone, the reviewing manager will communicate to the complainant, in writing, requesting that the complainant contact the manager.
 - (b) If contacting the complainant to gather additional information is required, the reviewing manager will begin an investigation regarding the issues of the customer service complaint within five business days from the date of contact with the complainant. If the outcome cannot be determined within ten business

days from the date of contact with the complainant, the manager will notify the complainant of the estimated extension of time needed.

- (A) A reviewing manager will notify the complainant of the outcome of the investigation in a manner that complies with all Department confidentiality and privacy rules.
 - (B) If the complainant indicates that the outcome is satisfactory, the reviewing manager will close the complaint.
 - (C) At levels one through three, the reviewing manager will inform the complainant that if the complainant is dissatisfied with the outcome, the complainant may request the next level of review within five days of the date of notification of the outcome. If the complainant requests the next level of review, the reviewing manager will immediately forward the customer service complaint to the next reviewing level manager or the Governor's Advocacy Office.
- (c) At the fourth level, the Governor's Advocacy Office will facilitate and issue a final determination and the complainant will have no further review rights under the Department's customer service complaint process.
- (5) All customer service complaints, both resolved and unresolved, will be sent to the Governor's Advocacy Office for review and follow-up. Follow-up may include contacting the complainant by telephone or in writing.
 - (6) These customer service complaint procedures shall be administered in such a manner as to protect the confidentiality of client and personnel records.
 - (7) The Department will maintain records of all customer service complaints received, including responses and supporting documentation, for five years from the date the customer service complaint is closed.
 - (8) The Department shall compile a monthly report summarizing each customer service complaint filed. The report will be available to the public upon request. Customer service complaints related to Children, Adults and Families Division, Self-Sufficiency program issues will be provided monthly to the Family Services Review Commission.

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 411.977

407-005-0120

Retaliation Prohibited

No individual filing a customer service complaint or otherwise participating in any of the actions authorized under OAR 407-005-0100 through 407-005-0120 shall be subject to reprimand or

retaliatory action by any division or employee of the Department for having filed a customer service complaint.

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 409.010 and 411.977