

**THE EARLY LEARNING COALITION OF  
FLAGLER AND VOLUSIA COUNTIES, INC.  
BYLAWS**

**Approved by Board of Directors – 11/18/09**

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**ARTICLE I**  
**ORGANIZATION**

Section 1.     Name: The name of the organization shall be The Early Learning Coalition of Flagler and Volusia Counties, Inc. hereinafter referred to as the Coalition.

Section 2.     Authority: The Coalition is authorized by the provisions of Chapter 1002, Part V, Florida Statutes (F.S.); Voluntary Pre-Kindergarten and Section 411.01, F.S., School Readiness Programs.

Section 3.     Location: The Coalition may have offices within Volusia and Flagler Counties as the members may determine or as the affairs of the organization may require.

Section 4.     Members: The Coalition shall have no “members” as that term is defined in Section 617.01401(10), F.S.

Section 5.     Government-in-the-Sunshine Law: The Coalition is committed to ensuring that the deliberation of its Coalition are conducted openly and the actions of the Board are taken openly in accordance with the Government-in-the Sunshine Law, Florida Statute Chapter 286. Accordingly in the event of a conflict between a provision of these Bylaws and a section of the Government-in-the-Sunshine Law, the Government-in-the-Sunshine Law shall prevail.

**ARTICLE II**  
**PURPOSE, INTENT AND RESPONSIBILITY**

Section 1. Purpose of the Coalition: The purpose of the Early Learning Coalition of Flagler and Volusia Counties shall be to implement the provisions set forth in the School Readiness Act, Florida Statute Chapter 411.01, as amended, and the Voluntary Pre-Kindergarten Program, created under Chapter 1002, Part V, F.S. and in Chapter. 617, F.S. The Coalition recognizes the primacy of parents as their children’s first teachers and the importance of children entering the education system ready to learn, and seeks to assist parents by providing opportunities for the at-risk birth-to-kindergarten population to enhance their chances for educational success by participating in quality School Readiness programs that can better prepare them for school.

Section 2. Intent of the Coalition: The Early Learning Coalition of Flagler and Volusia Counties recognizes that School Readiness and pre-kindergarten programs increase children’s chances of achieving future educational success and becoming productive members of society. As such, the Coalition subscribes to the following legislative intent:

- (a) It is the intent of the Legislature that School Readiness and Pre-kindergarten programs be developmentally appropriate, research-based, involve parents as their child’s first teacher, serve as preventive measures for children at risk of future school failure, enhance the educational readiness of eligible children, and support family education. Each program shall provide the elements necessary to prepare at-risk children and eligible 4-year olds for school, including health screening and referral to an appropriate educational program.
- (b) It is the intent of the Legislature that school readiness programs for the eligible low-income birth to kindergarten population are to operate on a full-day, year-round basis to the maximum extent possible to enable parents to work and become financially self-sufficient.
- (c) It is the intent of the Legislature that School Readiness and Pre-kindergarten programs not exist as isolated programs, but build upon existing services and work in cooperation with other programs for young

children, and that School Readiness programs be coordinated and funding integrated to achieve full effectiveness.

Section 3. Responsibilities of the Coalition: The Coalition shall develop and oversee a plan for implementing School Readiness and Voluntary Pre-Kindergarten programs that meet the requirements of applicable Florida statutes and the performance standards and outcome measures established by the state. The Coalition Plan shall include its goals and values. In fulfilling these responsibilities, the Coalition will exercise all authorities not otherwise reserved by statute. The plan shall be reviewed annually and revised as appropriate.

Section 4. Mission:

Assure a safe, early learning environment for children birth to five by:

- Facilitating and enhancing quality early learning;
- Providing and coordinating early learning support services; and
- Championing the enormous positive impact of early learning.

### **ARTICLE III MEMBERSHIP**

Section 1. Numbers of Members: The Coalition shall have at least 18 but not more than 35 members. To the extent possible, the Coalition will have equal representation from both Flagler and Volusia Counties. If representation for Board positions as designated in Section 5(a) below cannot be achieved from one county after due diligence of the Coalition and Board Members, the Board may nominate a member from the alternate county. The Governor of the State of Florida shall appoint the Chair and two (2) other members of each early learning coalition, who must meet the same qualifications as private-sector business members appointed by the Coalition under Section 411.01(6), F.S.

Section 2. Mandated Members: The Coalition will include legislatively mandated members which are designated as either voting or non-voting as follows:

Voting Members

- (a) Department of Children and Families District Administrator or his/her designee who is authorized to make decisions on behalf of the department.
- (b) A regional Workforce Development Board executive or director or his/ her designee.
- (c) A county Health Department director or his/her designee.
- (d) A Children's Services Council or Juvenile Welfare Board chair or Executive Director, if applicable, who shall be a non-voting member if the council or board is the fiscal agent of the coalition or if the council or Board contracts with and receives funds from the coalition.
- (e) An agency head of a local licensing agency as defined in Section. 402.302, F.S., where applicable.
- (f) A president of a local community college or his or her designee.
- (g) One member appointed by a board of county commissioners.
- (h) More than one-third (1/3) of the members of the early learning must be private sector business members who do not have, and none of whose relatives, as defined in Section 112.3143, F.S., has a substantial financial interest in the design or delivery of the Voluntary Pre-Kindergarten Program created under Chapter 1002, Part V, F.S. or the Coalition's School Readiness Program.

Non-Voting Members

- a) A district superintendent of schools or his/her designee who is authorized to make decisions on behalf of the district, who shall be a non-voting member.
- b) A central agency administrator, where applicable, who shall be a non-voting member.
- c) A Head Start director, who shall be a non-voting member.
- d) A representative of private child care providers, including family day care homes, who shall be a non-voting member.

- e) A representative of faith based child care providers, who shall be a non-voting member.
- f) A representative of programs for children with disabilities under the federal Individuals with Disabilities Education Act, who shall be a non-voting member.

Section 3. Private Sector Business Members: With voting rights, including the members appointed by the Governor, more than one-third (1/3) of the members of the early learning board must be private sector business members who do not have, and none of whose relatives, as defined in Section 112.3143, F.S., has a substantial financial interest in the design or delivery of the Voluntary Pre-Kindergarten Program created under Chapter 1002, Part V, F.S. or the Coalition's School Readiness Program. The Coalition will appoint additional members from a list of nominees submitted to the Coalition by a chamber of commerce or economic development council within the geographic region(s) served by the Coalition. With the exception of mandated members, all members shall agree to complete Level I Screening in accordance with Chapter 435, F.S.

Section 4. Optional Members: In addition to the mandated and appointed members specified in law, the Coalition is authorized, but not required, to appoint up to two (2) optional members from each county served by the subject to the following standards:

- (a) An individual that resides in Flagler or Volusia County or who represents a legal entity in Flagler or Volusia County, who shall be a voting member. Neither the member nor the member's relatives shall have a substantial financial interest in the Voluntary Pre-Kindergarten Program or the School Readiness Program. This member may not duplicate the representation of another entity or required position on the Board.
- (b) A parent of a child enrolled in the Voluntary Pre-Kindergarten Education Program or the School Readiness Program, who shall be a voting member. The parent must live in Flagler or Volusia County or represent a legal entity in Flagler or Volusia County and may not have a substantial financial interest in the design or delivery of the Voluntary Pre-

Kindergarten or School Readiness program, or duplicate the representation of a required or conditional member of the Coalition Board.

- (c) A Coalition may appoint as an optional member, a representative of family day care homes, if the member representing private child care providers under Section (2)(k) above does not represent family day care homes. An optional member appointed under this paragraph may have a substantial financial interest in the design or delivery of the Voluntary Pre-Kindergarten Program or the Coalition's School Readiness Program. However, due to the inherent voting conflict of a representative of family day care homes, this optional member must be designated a non-voting member.
- (d) The Coalition may appoint as an optional member a manager, supervisor, or other staff of the Child Care Licensing Program of the Department of Children and Families who is assigned to a district serving one or more counties in the Coalition's region. An optional member appointed under this paragraph may duplicate the representation of the district administrator or designee of the Department of Children and Families appointed under Section (2)(a). This optional member shall be designated as a voting member.

Section 5. Membership Terms: Serving on the Coalition will require a commitment of time including regular meetings, committee involvement, reading and becoming educated about the many aspects of early childhood development and school readiness.

- (a) The terms of all appointed members of the Coalition must be staggered and must be a uniform length that does not exceed four (4) years per term. Designated Board Positions shall be terms of two years allowing for rotation to the alternate county. If a Board seat from the alternate county cannot be filled after due diligence, the Board may elect to nominate a member from the same county. Designated Board positions include:
  - 1) A county Health Department director or his/her designee.
  - 2) One member appointed by a board of county commissioners.

- 3) A district superintendent of schools or his/her designee who is authorized to make decisions on behalf of the district, who shall be a non-voting member.
- 4) A Head Start director, who shall be a non-voting member.
- 5) A representative of private family child care homes who shall be a non-voting member.
- 6) A representative of private centers who shall be a non-voting member.
- 7) A representative of faith based child care providers, who shall be a non-voting member.
- 8) A representative of programs for children with disabilities under the federal Individuals with Disabilities Education Act, who shall be a non-voting member.

Appointed members may serve a maximum of two (2) consecutive terms. When a vacancy occurs in an appointed position, the Coalition must advertise the vacancy. After a mandated or optional member (see Section 3 and 4 above) from one county has served two consecutive terms, the coalition shall provide for the rotation of membership position among the other counties served by the coalition.

- (b) Any representative or appointed member may be removed by two-thirds (2/3) vote of a quorum of the members whenever, in their judgment, the best interests of the organization would be served. The Chair prior to the next Coalition meeting shall give notice of removal in writing to the member.
- (c) Members absent from three (3) consecutive meetings or six (6) meetings within a twelve month period without due cause may be notified by the Chair that their membership is not in good standing, and asked to appoint a designee to serve in their stead.
- (d) Any member may resign by giving written notice to the Chair. Such resignation shall take effect at the time specified in the notice and the acceptance of such resignation shall not be necessary to make it effective.

A mandated member who wishes to resign shall appoint a designee to serve in their stead.

Section 6. Fees and Compensation: Members of the Coalition will not receive any compensation for their services as a Board member, and are considered volunteers.

Section 7. Ethics Provisions: Members of the Coalition are required to comply with Sections 112.313, 112.3135 and 112.31432, F.S. regarding ethics.

#### **ARTICLE IV MANAGEMENT**

Section 1. Powers and Duties: Authority, management and control of the Coalition and all of its affairs, shall be vested in the Board as outlined in "The School Readiness Act" and of Chapter 1002, Part V, F.S. relating to the Voluntary Pre-Kindergarten Program. Members of the Coalition are subject to all ethics provisions in Chapter 112, Part III, F. S.

Section 2. Voting: All members of the Coalition shall have equal voting rights, unless specified by law, and equal privileges. The act of a majority of the members present at the meeting at which a quorum is present shall be the act of the voting members.

- (a) Fifty-one percent (51%) of the voting members shall constitute a quorum for the transactions of the business at any Board meeting of the Coalition. If less than fifty-one percent (51%) of the members are present at a Board meeting, a majority of the members present may adjourn the meeting without further notice. Fifty-one percent (51%) of any Committee or Task Force members shall constitute a quorum for the transactions of the business at any Committee or Task Force meeting. If less than fifty-one percent (51%) of the members are present at a Committee or Task Force meeting, no formal action may be taken. As authorized by the Agency for Workforce Innovation, a quorum may be established through use of telecommunications and/or videoconferencing.

- (b) A voting member will not appoint a designee to act in his or her place except as otherwise provided in Section 2 of Article III of these Bylaws. A voting member may have a representative at meetings, but that representative shall not have voting privileges. When a mandated member appoints a designee, the designee is the voting member, and any individual attending in the designee's place, including the mandated member, does not have voting privileges.
- (c) Conflict of interest may occur when an item is presented for a vote that will directly affect the member, their employer, another organization with which they are involved, a member of their family, or in which they have a direct financial interest. Members shall disclose the conflict, abstain from discussion or voting on the matter, and fill out required State forms.

Section 3. Meetings: Regular meetings shall be held at a time and place to be decided by the members. The Coalition will meet monthly rotating meeting locations between Flagler and Volusia Counties unless decided otherwise by a vote of the members.

- (a) The Annual Meeting of the Coalition will be held each year by the end of the second quarter of the fiscal year.
- (b) Special meetings of the voting members may be called by or at the request of the Chair or a majority of the voting members.
- (c) The agenda and order of business at all Coalition meetings shall be prepared by the staff of the Coalition and approved by the Chair or Vice Chair of the Coalition.
- (d) Minutes of all Coalition meetings shall be kept. These minutes shall be provided to members prior to the next scheduled meeting.
- (e) Notice of all Coalition meetings will be provided in a manner designed to provide reasonable and actual notice to members and the public, or as otherwise required by law.
- (f) All business communication between board members shall take place during the course of publicly-noticed meetings and workshops through verbal exchange. The making of phone calls, text messaging and emails

via cell phone or other devices that could be considered disruptive is disallowed during meetings and workshops. All such devices should be placed on vibrate, silent or turned off. Board members may excuse themselves by leaving the room if communication to those outside of the room is necessary.

Section 4. Parliamentary Authority: All meetings of the Coalition shall be conducted in accordance with Robert's Rules of Order. Nothing in Robert's Rules of Order shall supersede any right or requirement of the Articles of Incorporation or these Bylaws. Failure to strictly comply with the provisions of Robert's Rules of Order shall not affect the validity of any action taken by the Coalition unless it can be affirmatively demonstrated that the failure to follow Robert's Rules of Order directly resulted in a lack of understanding of the action being proposed or other injustice occurred.

## **ARTICLE V OFFICERS**

Section 1. Officers: Officers of the Coalition shall consist of a Chair, Vice Chair, a Secretary and a Treasurer and other officers as the Coalition may elect.

Section 2. Appointment of Chair: The Governor will appoint the Chair of the Coalition unless otherwise stated by legislation.

Section 3. Election of Officers: A voting Coalition member in good standing shall be eligible for nomination and/or appointment to the office of this Coalition.

- (a) A Nominating Committee, appointed by the Chair and approved by the members, shall convene for the purpose of certifying the eligibility of candidates for office and to prepare an official slate of nominees. Any person so nominated shall have given prior consent to nomination and election as an officer.

- (b) Each elected officer shall take office at the end of the annual meeting where they will be installed and shall serve for a term of two (2) years or until a successor is duly qualified and elected. Elected officers may serve in the same position for a maximum of four (4) consecutive years.
- (c) For the purpose of conducting business when the Chair has resigned the position, the Vice-Chair shall become Interim Chair, until the Governor has appointed a Chair. Once the newly appointed Chair is in place, the Vice-Chair will return to his or her position as Vice-Chair.
- (d) If an office is vacated prior to the completion of a one year term, a voting member in good standing may be appointed by the Chair and approved by the voting members to fill the vacancy until the term ends.

Section 4. Duties of the Officers of the Coalition: At a minimum, the duties of each officer are as follows. Other duties may be added as deemed appropriate by the Board.

- (a) Chair: The Chair shall preside at all meetings of the Coalition and exercise and perform other powers and duties as assigned by the Bylaws. The Chair will appoint chairpersons of all committees and work closely with the Executive Director to carry out the Board policies of the Coalition.
- (b) Vice Chair: In the absence of the Chair, the Vice Chair will exercise the duties of the Chair and perform other duties as assigned by the Chair or the Coalition.
- (c) Treasurer: The Treasurer shall keep and maintain, or cause to be maintained, adequate and correct accounts of the property and business transaction of the Coalition, including accounts of assets, liabilities, receipts, disbursements, gains, and losses. The Treasurer shall submit a statement of accounts at each regular meeting of the Coalition and shall make reports as the Coalition may require. The Treasurer shall cause to be deposited or shall cause to be disbursed in accordance with procedures approved by the Coalition all monies and other valuables in the name and

to the credit of the Corporation, and shall perform other duties as may be prescribed by the Chair or by the Coalition. The Treasurer will work with the Audit Task Force to ensure internal and external compliance is achieved.

- (d) Secretary: The Secretary shall cause to be kept the minutes of the meetings of the Coalition, shall see that all notices are given in accordance with the provisions of the Bylaws, or as required by law, be custodian of the Coalition's records, and in general shall perform all duties incident to the office of the Secretary and other such duties as from time to time may be assigned by the Chair or the Coalition.

## **ARTICLE VI COMMITTEES**

Section 1. Committee Membership: Standing and/or special committees may be established by the members as deemed necessary.

- (a) The Chair of each committee shall be a voting member and shall be appointed by the Chair of the Coalition, and approved by the voting members of the Board. Chairs may serve in the same position for a maximum of four (4) consecutive years.
- (b) Each committee shall consist of the committee Chair and representatives of the community. With the exception of the Executive Committee, committee authority is limited to making a recommendation to the Board based on the consensus of the members of the committee.
- (c) Each voting member is expected to participate in at least one (1) committee.

Section 2. Standing Committees: The committees will function in investigative, and informational capacities, reporting regularly to the Board with recommendations for improving the effective operation of the Coalition. The Executive Committee can assume the role and functions of a standing committee if for some reason that standing committee is unable to do so.

- (a) Executive Committee: The Executive Committee consisting of the four officers of the Board and the Chairs of standing committees. The purpose of the Executive Committee shall be to act on behalf of the Coalition on administrative matters and vote on a decision if required before a meeting of the full Coalition Board can reasonably be held. The Executive Committee shall have and exercise all the powers and obligations of the Coalition subject to the limitations of the laws of the State of Florida or in accordance with these Bylaws. All decisions of the Executive Committee must be ratified by a majority of the Coalition Board at the next scheduled meeting. The Chair and Vice Chair of the Coalition shall be Chair and Vice Chair respectively of the Executive Committee. This committee shall assist the Treasurer in reviewing the budget, expenditures, projected expenditures and recommending budget revisions as deemed necessary and appropriate. This committee shall annually recommend the selection of an independent auditor shall review the independent auditor's report and oversee any corrective actions deemed necessary as a result of any fiscal audit review.
- (b) Quality Initiatives Committee: This committee shall ensure compliance with Coalition Plan in regards to quality assurance. This committee shall oversee the Quality Rating System development and implementation including VPK initiatives, accreditation processes, and professional development initiatives as well as training and technical assistance as related to provider quality. This Committee shall determine the needs, concerns, and areas of involvement parents have in their child's education. This committee shall work in collaboration with providers to educate parents on the importance of skill building in the developmental standards with a focus on early literacy.
- (c) Nominating Committee: The Nominating Committee is responsible for nominating members in good standing for election as officers. A slate of nominations shall be submitted to the Board ten days prior to the Board meeting which is scheduled one (1) month prior to the annual meeting. The Nominating Committee is also responsible for recruiting and/or

recommending new qualified members in order to maintain Board membership at the level needed to fulfill the Coalition's mandates.

- (d) Outreach Committee: This committee will develop public awareness, marketing and partnership development strategies to engage the support of the community in furthering the quality of School Readiness and VPK programs of the Coalition.

Section 3. Special Task Forces: The Board may create special task forces as its members deem necessary. Provider Forum shall be deemed a Special Task Force that shall provide an opportunity for providers to share ideas about existing quality initiatives as well as participate in the research and development of new initiatives. A Board Member shall represent the Board of Directors and shall report to the Board the ideas of the Forum.

Section 4. Conflict of Interest: Each member of the Coalition Board is subject to ss.112.313, 112.3135, and 112.3143.

- a.) No state public officer is prohibited from voting in an official capacity on any matter. However, any state public officer voting in an official capacity upon any measure which would insure to the officer's special private gain or loss, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.
- b.) No county, municipal, or other local officer shall vote in an official capacity upon any measure which would insure to his or her special private gain or loss. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.
- c.) No appointed public officer shall participate in any matter which would insure to the officer's special private gain or loss, without first disclosing the nature of his or her interest in the matter.

**ARTICLE VII  
PROGRAM**

Section 1. Program Participation: The School Readiness and Voluntary Pre-Kindergarten programs must meet the program expectations and implementation guidelines as outlined in Florida Statute and in any subsequent legislative revisions. Priority for services shall be consistent with Coalition policy and statutory guidelines.

**ARTICLE VIII  
BOOKS AND RECORDS**

Section 1. Recordkeeping: Correct and complete books and records of the proceedings of the Coalition and its committees are the responsibility of the Coalition. Records of the Coalition's financial accounts are the responsibility of the Coalition. All records will be kept and maintained at the office of the Coalition or at the Coalition's off-site storage and will be subject to the inspection of any member of the Coalition or the public according to the public records act. The organization shall keep a current and accurate record of the names and addresses of the members.

**ARTICLE IX  
FINANCIAL MANAGEMENT**

Section 1. Fiscal Year: The fiscal year of the organization shall begin on July 1 and end on June 30.

Section 2. Audit: An independent single audit of the books and records of the organization shall be conducted annually, in accordance with the Single Audit requirements contained in Section. 215.97, F. S. and the provisions of OMB Circular A-133 . The audit report shall be presented to the members within thirty days of its completion.

Section 3. Checks and Drafts: All checks, drafts, and other orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Coalition shall be signed by such officer(s) and/or agent(s) of the Coalition as determined by resolution of its members.

Section 4. Deposits: All funds of the Coalition shall be deposited within five (5) working days to the credit of the Coalition in such banks, savings and loans, and other depositories as the members may select.

Section 5. Reimbursement Rate: The Coalition shall develop a reimbursement rate schedule that encompasses all programs funded by the Coalition in accordance with the provisions of the “School Readiness Act”, the Voluntary Pre-kindergarten Education Program and all other applicable laws.

## **ARTICLE X BYLAW GUIDANCE**

Section 1. Implementation: These bylaws shall become effective and adopted upon approval of the Coalition. The Coalition’s interpretation of the bylaws shall be considered the correct interpretation when reached by majority vote.

Section 2. Amendments: These bylaws may be altered, amended or repealed and new bylaws may be adopted by a majority of the members present at any regular meeting or at any called meeting of the members, provided that notice of the meeting at which said alteration, amendment, or repeal of the bylaws to be considered has been provided to each member of the Coalition at least five (5) days prior to said meeting and further provided that copies of the proposed amendments, alterations or deletions shall have been forwarded with notice of said meeting. Any Amendments must be submitted to the Agency for Workforce Innovation to be considered as if they were amendments to the Plan.

Section 3. Employee Grievance Policy: It is the policy of Early Learning Coalition of Flagler and Volusia Counties to provide a method for staff members to reach a satisfactory solution for grievances.

(a) Employee Grievance Procedure: Staff members are encouraged to discuss their complaint or problem as soon as it develops with the Executive Director who will attempt, without discrimination, to provide prompt and equitable solutions. The Executive Director will make a sincere effort to adjust promptly, amicably, and satisfactorily any complaint or problem of staff members present. If the problem cannot be resolved with the Executive Director, the employee has the option to submit written notice of the grievance within 10 days of the action or decision of the Executive Director to the Board Chair or Designee. This written notice shall include the following:

- A detailed explanation of how the individual/entity was adversely affected by the action or decision, citing specific legislation, policy, procedure, statute, etc. that was violated.
- The specific ELCFV/agency/entity action or decision.
- The date that the action or decision occurred.
- If desired, the name, address, and telephone number of an individual who can act on behalf of the individual/entity. If the problem cannot be resolved with the Board Chair or Designee, the employee has the option to submit written request within 10 days of the action or decision of the Board Chair or Designee for a hearing before the Executive Committee.

a. Upon receipt of the request for an appeal, the Board Chair will convene the Executive Committee within 30 days of receipt of the request. The Executive Committee is charged with the responsibility of reviewing all pertinent information and, based on the information, making a recommendation to the Board.

b. The Board will discuss and review the findings of the Executive Committee and vote on the recommendation of the committee. ELCFV shall notify the individual/entity in writing within 10 days after the Board's Decision. The decision of ELCFV Board is final.

Provider Grievance Policy: Any grievance made to ELCFV by a Provider must be made in accordance with the following procedure:

- a) The grievance must be set forth clearly and comprehensively in writing and delivered to the office of the ELCFV within ten (10) days of the date of incidence. If there is a legal basis of any kind to the grievance that should be referenced in the writing with as much specificity as reasonably possible, including, by example, but not limitation, reference to policy, procedure, statute, regulation, case law or executive order. If there are third parties who are pertinent to the grievance, contact information for the third parties and any known representative, including but not limited to legal counsel, acting on their behalf should be provided.
- b) Within ten (10) days of the second meeting of the ELCFV Board following receipt by the ELCFV of the grievance the Provider will be informed, in writing, of the decision of the ELCFV.
- c) The decision of the ELCFV is final unless, in the complete discretion of the ELCFV, it is determined that good cause exists for reconsideration. If a Provider believes good cause may exist for reconsideration of a decision by the ELCFV and wishes for the ELCFV to reconsider a decision then the Provider should set forth the basis for reconsideration in writing and deliver the writing to the office of the ELCFV. The ELCFV will respond to any request for reconsideration in the same manner as with any grievance made originally as set forth above. There is not appeals process for grievances made with the ELCFV.
- d) Prior to instituting any litigation with the ELCFV the Provider must first receive a final decision on the grievance, as set forth in paragraphs 1-3 above. In addition, after receiving the final decision, the Provider must request that the ELCFV participate in a mediation conference with the Provider. The request must be in writing and delivered to the office of the ELCFV. It is within the complete discretion of the ELCFV to accept or deny the request. Acceptance may be conditioned upon participation in the mediation conference by third parties who are pertinent to the grievance. Within ten (10) days of receipt of the request the ELCFV will inform the provider in writing whether the request is accepted or denied. If the request is accepted the mediator will be mutually agreed and the entire cost of mediation will be borne by the Provider unless otherwise mutually

agreed. If the request is denied the decision of the ELCFV is final. Mediation must be held within sixty (60) days of the date of written acceptance by the ELCFV unless otherwise mutually agreed. Mediation is to be held in the county of the business office of the Provider making the grievance.

- e) Grievances about Providers are to be dealt with by the Providers and will not be considered by the ELCFV. It is recommended that the Provider have a grievance procedure in place which is likely to result in resolution of any grievance which may or may not include mediation.

**THESE BYLAWS were adopted at a duly scheduled and noticed meeting of the Coalition:**

On the 18<sup>th</sup> day of November, 2009

ATTEST: \_\_\_\_\_  
*Chair*

WITNESS: \_\_\_\_\_  
*Secretary*