

735 KAR 2:060. Grievance procedures.

RELATES TO: KRS 12.290, 163.510(4)

STATUTORY AUTHORITY: KRS 163.510(4), 163.515

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation is necessary to implement KRS 163.510(4), which authorizes the Kentucky Commission on the Deaf and Hard of Hearing to oversee the provision of interpreting and captioning services and to provide such services if necessary. This administrative regulation establishes a process for receiving and handling complaints against interpreters, captioners, state agencies or the Interpreter Referral Services Program.

Section 1. (1) Grievances may be filed against the:

- (a) Interpreter;
- (b) Captioner;
- (c) State agency;
- (d) KCDHH Interpreter Referral Services Program staff; or
- (e) Interpreter Referral Agency.

(2) All grievances shall be submitted in writing or on video within ninety (90) days of the event in question to the Executive Director of the Kentucky Commission on the Deaf and Hard of Hearing, 632 Versailles Road, Frankfort, Kentucky 40601 and shall include:

- (a) Name, address, and phone number of person filing the grievance;
- (b) Name and role, i.e., interpreter, captioner, state agency, referral agency, of person(s) against whom the grievance is being filed;
- (c) Date, time, and location of the alleged violation;
- (d) Description of the alleged violation and, if known, reference made to the appropriate authorizing body, as established in 201 KAR 39:120, the Code of Ethics, and the nature of the alleged violation; and
- (e) Signature of the complainant.

(3) Anonymous grievances will not be recognized.

(4) The KCDHH Executive Director will investigate the alleged grievance within thirty (30) days of receiving the grievance.

(5) Copies of the grievance shall be made available to the:

- (a) Complainant;
- (b) Respondent as the person whom the grievance is against;
- (c) Witnesses; and
- (d) All other pertinent parties to the grievance or the investigation.

(6) The KCDHH Executive Director shall submit a written decision within sixty (60) days of receiving the grievance, which may result in:

- (a) Mediation among the involved parties; and
- (b) Dismissal of the grievance; or
- (c) The grievance being referred to the Kentucky Board of Interpreters, if the grievance is of serious nature.

(7) If the decision of the KCDHH Executive Director is appealed, the KCDHH Commissioner Executive Board shall review the decision and make a ruling.

(8) If the decision of the KCDHH Commissioner Executive Board is appealed, then the KCDHH shall comply with all provisions of KRS Chapter 13B.

(9) The KCDHH Interpreter Referral Service Program may discontinue utilizing the services of an interpreter, the State agency, Interpreter Referral Agency, or captioner based upon the findings of a grievance that by a preponderance of the evidence, with evidence sufficient to

conclude that it is more likely than not, conduct such as the following occurred:

(a) Noncompliance with licensure requirements; or

(b) Not meeting ethical standards and professional business protocols.

(10) All records of grievances filed and the proceedings shall be kept at the KCDHH offices in accordance with the Open Records and Open Meetings Law. (New 25 Ky.R. 958; eff. 1-19-1999 – Amd 44 Ky.R. 2403; 45 Ky.R. 41; eff. 8-6-2018.)