

# Metro Region ARMER Standards

## Section 7 – Metro 7.3.0 Appeals Process

**Date Established**

**5-24-01**

**Date Revised/Reviewed**

**4-11-19**

### 1. Purpose or Objective

The objective of this procedure is to describe the process by which a decision of the owner agency, Metropolitan emergency Services Board's (MESB) Radio Technical Operations Committee (TOC), MESB Executive Director or the MESB may be appealed.

### 2. Technical Background

- Capabilities - None
- Constraints - None

### 3. Operational Context

MESB is charged with setting standards and determining protocols and procedures for the smoothest possible operations between and among the users of the metropolitan region of the ARMER system.

The ability to communicate between full participants and non-participants in the regional system is possible due to the hardware and software that has been developed and implemented to foster interoperability. The improper use of this hardware can have minor to grave consequences. These standards, policies and procedures have been set forth to describe how and under what conditions the regional public safety radio system will be used. This is essential in order to maximize service to the citizens of the metropolitan area and minimize potential negative consequences. Responsible management of this resource, therefore, requires that:

- Standards, protocols and procedures be enforced
- Consequences to non-compliance be developed and implemented
- An appeal process be provided

### 4. Recommended Protocol/Standard

All users of the backbone system, whether full Project 25 participants or conventional users connecting via interoperability infrastructure and protocols, have the right to appeal a procedure, a decision, or a sanction set forth by the Radio TOC and the MESB.

### 5. Recommended Procedure

#### Step 1. APPEAL

- In the event of a dispute regarding the outcome of non-compliance procedure, outlined in Metro Standard 7.2, an aggrieved party may file a written appeal to reverse recommendations or sanctions with 30 days of issuance of directives or sanctions.
- Within ten days of receiving a request for appeal, the MESB shall provide written notice of the request to all involved parties and set a date for an appeal hearing by the full MESB with 45 days.

DECISION – the MESB, after a hearing on the matter, shall make a decision regarding the dispute within 60 days and transmit an order to all parties involved. Unless a request for mediation by an aggrieved party is received within 30 days the action called for shall be

implemented in accordance with the order. Copies of the order will be mailed to all affected parties and the MESB Executive Director.

## **Step 2. MEDIATION**

If a dispute between an aggrieved party and the MESB is not satisfied by Step 1 (above), an aggrieved party may file a written request for mediation with the MESB Executive Director. This may be filed at any time prior to a deadline for action or with 30 days of a final action.

- Within ten days of receiving a request for mediation, the MESB shall provide written notice of the request for mediation to all parties involved and provide a list of neutral parties experienced in the regional trunked 800 MHz system and public safety and public service issues. Within 30 days thereafter, the affected parties shall select a mediator from the list of neutrals or someone else mutually acceptable to all parties and submit to mediation for a period of 30 days.
- Any cost incurred throughout this process will be shared equally by all involved parties.

DECISION – The mediator will attempt to negotiate a decision agreeable to the affected parties with 60 days and transmit an order to the parties and the Radio TOC. Once agreement is negotiated and fully executed, it will supersede all other directives on the matter at hand and becomes binding on all parties. Copies of the agreement will be mailed to all affected parties and the MESB Executive Director.

If no agreement is reached, the MESB's previous sanctions, directives or findings will remain in effect. The aggrieved parties may need to seek other remedies as provided by law.

The Executive Director of the MESB will maintain a master schedule and calendar for each event to ensure timely response.

## **6. Management**

The Executive Director and staff of the Metropolitan Emergency Services Board, acting on behalf of the board, will manage this process.