

CDFA Policies for ... Marketing Orders, Councils, and Agreements (MOCAs)

| GRIEVANCE PROCEDURE | | |
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| <p>Notes:</p> <ol style="list-style-type: none"> 1. Any person aggrieved by the actions or determinations of a marketing order, council, or agreement (MOCA) and unable to resolve the matter informally through review of the problem with the MOCA's chief executive may request a hearing before the MOCA Board's Grievance Committee. 2. "Aggrieved Person" means a member of the industry regulated by the affected MOCA. 3. "Aggrieved Person" does <i>not</i> mean employee. Aggrieved employees must follow the MOCA's employee grievance procedures. 4. Due to public requirements for due process, neither the MOCA nor CDFA can guarantee the confidentiality of information submitted in written complaints. 5. A MOCA's Executive Committee shall act as the Grievance Committee unless the Board determines that a special Grievance Committee should be appointed. A special Grievance Committee shall be composed of not fewer than three nor more than seven members of the industry. | | |
| Action | Party | Time Frame |
| Attempt to resolve grievance through informal discussion with MOCA's chief executive. | Aggrieved Person MOCA Chief Executive | Within 89 days from the date of action or determination that is subject of claim. |
| File written claim with MOCA and CDFA, via Marketing Branch. | Aggrieved Person | Within 90 days of date of action or determination that is subject of claim. If complaint concerns assessment, within 90 days after assessment's final due date, as established by MOCA. |
| Issue confirmation to aggrieved person of MOCA's and CDFA's receipt of written complaint. | MOCA | Within 20 days of receipt of written complaint. |
| Notify aggrieved person and CDFA of the date, time and place of Grievance Committee's meeting. | MOCA | At least 20 days prior to the date of the meeting. |
| <p>Convene to examine facts and circumstances of the grievance.</p> <p>This process includes consideration of oral and written testimony and other evidence presented by aggrieved person and other interested parties, including but not limited to MOCA staff.</p> <p>The meeting shall be recorded and/or transcribed.</p> | Grievance Committee | Within 60 days of MOCA's receipt of written complaint. |
| Submit to MOCA Board an analysis of merits of the grievance and recommendation for resolution. | Grievance Committee | Within 30 days after Grievance Committee's meeting. |
| Recommend to CDFA whether to approve or deny Grievance Committee's recommendation. | MOCA | Within 60 days of receipt of Grievance Committee's recommendation. |

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| Issue final decision to MOCA and aggrieved person. | CDFA | Within 60 days of receipt of MOCA's recommendation. |
| If CDFA's decision is unfavorable, appeal decision by submitting to CDFA a written request for appeal, outlining reasons why appeal is warranted. | Aggrieved Person | Within 60 days of receipt of CDFA's decision. |
| If appeal is denied by CDFA or unfavorable decision is upheld, petition appropriate court for judicial review. | Aggrieved Person | Not time-specified |
| If grievance concerns assessments, file assessment reports and pay assessments until matter is resolved. | Aggrieved Person | According to ordinary assessment report filing and payment schedule. |
| If grievance concerns assessments and aggrieved person prevails in all or part of the claim, refund amount of assessment payments, penalties and/or interest due to aggrieved person according to ultimate decision. | MOCA | Not time-specified |