

## Washoe County Human Services Agency

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### Regulations for Child Care Facilities

### Appeal Procedure

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#### SECTION 16 APPEAL PROCEDURE

- \*16.1 Employment Denial Based on Results of Comprehensive Background Check of work permit. Any applicant who receives a memo from State of Nevada Child Care Licensing indicating that they are ineligible for employment in a child care facility may contact State of Nevada Child Care Licensing for instructions on the ~~is denied a sheriff's work permit shall follow the~~ appeal procedure. ~~provided in Washoe County Code Chapter 45.~~
- 16.2 Right to appeal. Any applicant, licensee, caregiver, or applicant for a Director position who is dissatisfied with the decision (substantiation of a complaint, violation noted in an inspection or administrative fine under \$250) of the Agency Social Worker that causes a hardship shall be given the opportunity to appeal that decision. He may appeal to the Social Worker's Supervisor within 30 calendar days of receiving the Social Worker's decision by mail. The Supervisor will then make a determination within ten calendar days of meeting with the applicant, licensee, or caregiver.
- 16.3 Notification. An applicant for a child care license who was denied a license, a person whose Director application was denied, or a licensee whose license may be suspended, revoked, limited, or have an administrative fine imposed shall be notified by letter. The written notice of the action or proposed action shall be sent by certified mail to the address shown in the record. The notice shall specify the reasons for and the effective date of the administrative fine, denial, suspension, or revocation. If a Social Worker substantiates a complaint on a facility, the results will be sent through regular mail.
- 16.4 Decision pending appeal. The decision of the Social Worker will be in effect from the date given in the notice pending the result of the appeal.
- \*16.5 Appeal hearing. Any Director ~~or~~ licensee, ~~or caregiver,~~ whose application was denied, license suspended, revoked, limited, or has an administrative fine imposed over \$250 has the right to an appeal hearing.
- A. The Director, licensee, or caregiver may request an appeal hearing by filing such a written request with the Agency Director within ten calendar days of receipt of the Supervisor's decision.
  - B. The Agency Director or designee shall schedule a hearing within 20 calendar days of receipt of the appeal and notify all parties involved of the hearing date, time, and place.
  - C. Notice of the hearing must be given no less than five days before the date of the hearing.
  - D. An impartial hearing officer selected by the Agency shall conduct the informal hearing in accordance with established informal hearing procedures.
  - E. If the appellant fails to appear at the hearing within 15 minutes of the designated time, the hearing officer will formally adjourn the proceedings. The Agency will notify the

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appellant that within five calendar days a written statement setting forth the reason(s) for the appellant's failure to appear at the hearing must be submitted to the hearing officer.

- F. The hearing officer, after review of the reason given by the appellant for his failure to appear, may schedule another hearing within ten calendar days thereafter. Should the hearing officer deem the reason inadequate or without sufficient merit, the hearing shall not be rescheduled. Only one such rescheduling of a hearing will be considered or granted.
- G. The hearing officer may extend the hearing for a reasonable period of time in order to hear all evidence either side has to offer. At the conclusion of the hearing, the matter shall stand submitted for decision. Within ten calendar days after the hearing, the hearing officer shall mail a written decision to the appellant and the Agency.

16.6 Appeal of hearing officer's decision. Upon receipt of the decision of the hearing officer, the Agency or appellant may within 30 days appeal that decision to a court of competent jurisdiction in the County. The decision of the hearing officer becomes final if no appeal is filed within the 30-day period.