

OMWBE – Streamline Appeals Process

<p>Project Title: Streamline Appeals Process</p> <p>Dates of Workshop: October 2012 – June 2013</p> <p>Contact Person: Amanda Migchelbrink, Legal Director</p> <p>Lean Tool(s): Value Stream Mapping, One-piece flow, Bottleneck analysis</p>
<p>Background</p> <ul style="list-style-type: none"> In 2012, Governor Gregoire had identified coordinating appeals with the Office of Administrative Hearings (OAH) to ensure a legally-sufficient decision is communicated to all parties within 90 calendar days of OMWBE’s receipt of the appeal, as one of the priorities for OMWBE’s new director. Prior to June 2012, firms presented their appeals to a Certification Committee comprised of a Contract certification expert, Washington State Department of Transportation Office of Equal Opportunity (WSDOT OEO), and an OMWBE administrative support employee.
<p>Objectives/Mission Statement</p> <ul style="list-style-type: none"> Reduce waiting time for firms appealing denials and decertifications. Apply regulations in a consistent manner. Conduct investigations according to policies and procedures developed by legal director. Reduce the risk of erroneous decisions.
<p>Targets/Metrics Estimated for Current and Future Conditions</p> <ul style="list-style-type: none"> Diagnose the certification/decertification in regards to the federal procedures governing these processes. Continue to apply Lean processes reducing time and capacity needs. Meet with both state and federal agencies to clarify specifics, objectives, reporting methods, tracking and communication of investigations leading to hearings. Schedule progress meetings to communicate updates and any developments with both state and federal agencies. Use calculus that articulates and accounts for timelines, extensions, and parameters for timely processing including exceptions. Budget for anticipated workloads. Provide training to uniformly collect and interpret evidence; execute investigations, and present determinations. Adopt an automated electronic tracking system for appeals and investigations that facilitates timely and comprehensive communication. Conduct a gap analysis to anticipating the unknown and develop mitigation strategies. Create policies and procedures that reflect the OMWBE/OAH hearing process.
<p>Results</p> <ul style="list-style-type: none"> OMWBE reorganized and added a legal director to the agency. The legal director led the streamlining of the appeals process and created infrastructure, with policies and procedures. The creation of a memo template to OAH has made requesting hearings very efficient. 12 firms have appealed using this streamlined appeals process, and OAH has scheduled dates for hearings.
<p>Next Steps</p> <ul style="list-style-type: none"> The OMWBE/WSDOT/USDOT team discovered a need to pursue joint task force investigations. In many instances, as certifications are questioned, other issues are discovered. Often, there may be several agencies making inquiries or investigations regarding the same firm for different reasons. The team felt there should be a prioritization of those efforts or a joint task force process for investigations. As this is a recent realization, the team for the next few weeks will be collaborating to create infrastructure and prioritization of responsibilities. Then, the team will decide how to incorporate a joint taskforce investigation into the certification appeals process, if applicable.