Policy for Handling Complaints and Determining Existing Contractors' Compatibility with the RainWise Program

RainWise is a joint program managed by Seattle Public Utilities (SPU) and King County Wastewater Treatment Division (KC WTD) that rebates private property installations of rain gardens and cisterns. The program relies on independent contractors to design and construct installations based on RainWise Design Standards.

RainWise does not directly facilitate the relationship or contract between independent contractors and the property owner. As a result, SPU and KC WTD cannot oversee every aspect of the project to guarantee a high level of customer service and construction quality. To ensure consistent standards for RainWise installations and customer satisfaction, and to provide a framework for documenting complaints against contractors which could ultimately lead to a determination of incompatibility with the program, the following document outlines the steps to be followed to track, document, and resolve contractor complaints.

Complaint Tracking, Research, and Resolution Process

Complaint should be lodged within three months of the incident. The Program Manager will keep detailed notes regarding the complaint, including research into the complaint and any resolution. Documentation will be saved under the contractor's individual directory with SPU.

NOTE: If a request is made to keep a complaint confidential, we will do so to the best of our ability. However, all RainWise communications are subject to public records disclosure act, and any incidents of violence or illegal activity will be reported through official channels.

Step 1: Document the complaint

Customers, staff, or outreach consultants complete a RainWise Contractor Feedback Form. Regardless of RainWise basin, complaints will be forwarded to both SPU and KC WTD Program Managers. The Program Manager for the relevant basin will take the lead, in consultation with the other Program Manager, following these steps:

- Research the property owners' name, address, contact information, and project.
- Attach the complaint and subsequent correspondence to the contact, property, and organization in Consultation Manager.
- Review the rebate paperwork, if any.
- Review complaint with RainWise team to gain any further details.
- If the complaint suggests the project does not adhere to RainWise design details, a program inspector should be sent to verify compliance. In this context, a written report with the inspector's findings should be provided to the Program Managers. The inspection should take place before the end of the warranty period.

Step 2: Determine severity of the complaint

After consulting with RainWise team and/or customer:

- Consider whether any previous complaints occurred within the last two years. If so, review previous complaint(s) and resolution(s).
- Determine severity of current complaint using the criteria below:

  Severe: An instance of any one of the following criteria may result in immediate removal from program:

  - ✓ Failure to complete the RainWise Contractor Orientation
  - ✓ Failure to keep current Seattle Business License
  - ✓ Failure to keep current Washington State Contractor License
  - ✓ Failure to meet RainWise installation requirements: one installation in first year as a RainWise contractor, and one install every two years thereafter
  - ✓ Any illegal activities
  - ✓ Any aggressive, confrontational, or threatening behavior
  - ✓ Removal of a RainWise installation that is still within the property owner agreement period without express approval from the Program Manager

  Moderate: An instance of any two of the following criteria within two years may result in determination of potential incompatibility with the program and probationary status until additional training or other prescribed remedial requirements are met. Three instances within two years may result in removal from program. Criteria are:

  - ✓ Failure to adhere to RainWise design standards on installations (e.g., post-inspections requiring substantial corrections more than 50% of the time)
  - ✓ Failure to consistently submit accurate pre- and post-inspection documents
  - ✓ Failure to consistently submit accurate rebate paperwork
  - ✓ Late arrival or no-shows without prior notice at scheduled pre/post inspections
  - ✓ Unresolved RainWise customer complaints. Resolution should be timely and thorough.
  - ✓ Rebate issues
  - ✓ Warranty issues
  - ✓ Safety issues/concerns (e.g., near misses reported)

Step 3: Notify the contractor

Notify the contractor in writing (and verbally, if possible) that:

- A complaint has been made, and provide the nature of the complaint.
- RainWise Program Manager(s) will be reviewing the complaint to assess whether the severity warrants an evaluation of their compatibility with the RainWise Program.
- The contractor has an opportunity to review the complaint and provide information and/or evidence that may impact the outcome of the determination. The response should be made within 10 business days.

- They will be notified of the determination of compatibility and any required next steps in writing via email or letter within one month after complaint was issued.

Step 4: Determine next steps

- After determining the severity of the complaint, SPU & KC WTD Program Managers determine if:
    - Intervention to support the property owner is warranted and what steps to take.
    - The severity of the complaint warrants assessing contractor compatibility with the program. If so, proceed to Step 5.
- If complaint does not warrant a reevaluation of compatibility with the RainWise program, keep a copy of the complaint form and response from the contractor.
    - Contractor can be reevaluated for having the same or similar complaint waged multiple times. Each complaint must be documented. The contractor has the right to access and review that documentation via a public disclosure request.

Step 5. Assess contractor compatibility

In parallel or following the process of securing a remedy for a property owner (where applicable), a review of a complaint or incident may indicate that a contractor should be evaluated to confirm whether they remain compatible/in good standing with the RainWise program.

This separate analysis should explore both the details pertinent to the current complaint and all former complaint history. The contractor should also be evaluated for their performance/adherence to the RainWise Participation Criteria (See Appendix A for published list).

Ruling on whether a contractor is incompatible with the program depends on which criterion is in question. Failing certain criteria will result in immediate removal from the program, while other criteria require a pattern to develop, and an escalating scale of responses may be taken. See severity criteria outlined in Step 2, above.

Program Manager(s) may consult with appropriate authorities and/or subject matter experts to handle a complaint that is indicative of potentially illegal activities.

Follow up actions, when patterns develop, can be tailored to the situational need, for example, requiring contractors to take additional training, temporary removal of business from approved contractors list in RainWise materials, etc.

Corrective Actions

There shall be three levels of status for those contractors found to be incompatible with the RainWise Program:

1. **Determination of potential incompatibility with RainWise**: Contractor may still be a full participant in the program but will be considered to be in a probationary phase until completing new training/other requirements as set by the Program Manager(s) (for example, complete 10 installations, or go two years without any further confirmed complaints). Failure to do so would escalate the contractor to either of the next two categories at SPU and KC WTD's discretion.

2. **Non-promoted contractor**: Contractor is still allowed to apply for rebates but will be removed from the Contractor Roster and all other promotional materials, and will not be eligible to attend any RainWise event where they would be promoting their business.
3. **Determination of incompatibility with RainWise**: Contractor is no longer permitted to apply for rebates and all relationships and agreements between the contractor and RainWise are void. Program Manager(s) will review any projects in progress and determine how to move forward in a way that adheres to program standards, but also minimizes disruption to the property owner. This may include allowing incompatible contractor to finish out projects in progress before revoking eligibility to perform further RainWise installations.

Status level will be determined by Program Manager(s) based on severity of complaint(s) and what corrective action is being prescribed. For example, if the infractions are related to administrative functions such as rebate paperwork or timeliness at inspection appointments, level 1 would likely be appropriate. If the complaints are related to poor customer service or quality of work, level 2 would be more appropriate to minimize reputational risk to the program while the contractor works to improve their performance. If the complaint is high severity, or a contractor fails to meet a performance improvement plan prescribed during levels 1 or 2, then the contractor would progress to level 3 and be deemed incompatible with the Program.

KC WTD and SPU Program Managers have the authority to make these determinations and will review the determination with their manager before sending notice. Contractors will be notified of the determination of compatibility and any required next steps in writing via email or letter within one month after complaint was issued. Contractors who have been deemed incompatible with the program will also be notified of the appeals process outlined below in that same email.

Appeals Process

Step 1: Contractor submits appeal in writing to SPU or KC WTD stating the nature of the appeal.

- 1A: Express admission of fault and commitment to perform actions restoring status as a contractor in good standing. Include suggested steps for accomplishing that or express willingness to work with SPU and KC WTD to develop a RainWise re-entry agreement.

  OR

- 1B: Argue that the determination of program incompatibility is inaccurate/unfair and detail why.

Step 2: SPU and KC WTD Program Managers review materials.

- In the case of 1A:
  - In consultation with their managers, KC WTD and SPU Program Managers determine likelihood that the contractor can develop those skills or otherwise complete steps needed to reestablish compatibility.

    - Create a re-entry plan and signed agreement to establish contractor in good standing status if appropriate, or
    - Reaffirm original determination if necessary.
- In the case of 1B:
    - If contractor's appeal asserts that the Program Managers' determination or corrective action in Step 5 is unfair or inaccurate, then the Section Managers shall review all relevant material including the contractor's appeal and the Program Manager's determination and corrective action, and shall issue a decision regarding the appeal.

Step 3: Contractor is notified of decision in writing.

- Appeals decision comes from the Section Manager. The Section Manager will notify the Division Director.
- Decision is final and not subject to further appeal.

Appendix A: Contractor Participation Criteria (on website):

Participation Criteria is as follows:

- Complete the RainWise Contractor Orientation
- Submit a Seattle Business License and keep a current Seattle Business Tax Certificate (renewed annually)
- Submit and keep current Washington State Contractor License
- Perform one successful installation in first year as a RainWise contractor, and one installation every two years thereafter.
- Abide by RainWise best practices:
    - Adhere to the RainWise Design Standards on installations
    - Demonstrate sound landscape and construction practices, including high quality workmanship
    - Consistently submit accurate pre- and post-inspection documents
    - Consistently submit accurate rebate paperwork
    - Arrive on time and attend all scheduled pre/post inspections
    - Notify RainWise inspection staff as soon as possible if unable to attend pre/post inspection
    - Consistently address RainWise customer complaints in a timely and thorough manner
    - Treat all RainWise customers, staff, and other contractors with respect. Aggressive, confrontational, or threatening behavior will not be tolerated.

Failure to adhere to these participation criteria may result in being placed in a probationary status or removal from the RainWise program.