

Region 1 Workforce Development Board Policy Letter #08

Subject: Grievance and Complaint Policy

Effective Date: July 1 2015

Purpose: To set forth the procedure to be used by participants and other interested or affected parties to file grievances or complaints alleging violations of the Workforce Innovation Opportunity Act (WIOA) of 2014. **This issuance does not cover allegations of discrimination based on race, color, religion, sex, national origin, age, disability or political affiliation or belief.** Such discrimination issues are covered under 29 Code of Federal Regulations Part 37 published November 12, 1999.

References: Section 181(c) Workforce Innovation Opportunity Act; NPRM 683.600 Subpart F

Background: Workforce Innovation Opportunity Act requires that each state and local area receiving funds under the Act establish and maintain a grievance and complaint procedure for participants and other interested parties alleging violations of the Act. The procedures must include an opportunity for a hearing to be completed within 60 days of filing the complaint or grievance. This issuance sets forth the Region 1 procedures.

Policy: TRAINING PROVIDER AND ONE-STOP PARTNER GRIEVANCE PROCEDURE

Any complaints arising in connection with WIOA Title I programs operated by WIOA Training Providers alleging a violation of the Act, regulations, grant or other agreements under this Act and from One-Stop Partners, shall be resolved by the following procedure as provided. Complaints must be filed within one (1) year of the alleged occurrence. Training Providers must specifically state section(s) and/or subsection(s) of the Act, regulations, grant or other agreements under this Act for which the allegation of non-compliance exists.

The following four-step grievance procedure does NOT apply to those tendering bids in response to a Request for Proposals. The sole procedure available to a bidder dissatisfied with the WDB's determination for any contract, is to file a written request for reconsideration with the R1WDB Executive Committee. In the event the response is not satisfactory to the bidder, an appeal to the R1WDB's Executive Committee may be written. The decision of the R1WDB's Executive Committee shall be final and shall not be subject to appeal.

Action: Every entity which receives Title I funds through Region 1 WDB must provide the grievance process to applicants, participants, employees and other interested parties. A complaint log is to be maintained by each funded entity. Individual files shall be maintained for each grievance to track documentation, progress and resolution.

Approved:

Expiration Date: Effective until rescinded or modified by the Region 1 Workforce Development Board.

Approved:

February 4, 2016	Executive Committee
February 18, 2016	Region 1 Workforce Development Board of Directors
February 24, 2016	LEO's

Grievance Procedure

Step 1: ALL COMPLAINTS SHALL BE IN WRITING. The individual, organization, or sub-recipient, who has the alleged complaint, shall first submit the specific allegation(s) to the:

Grievance Officer
Region 1 Workforce Development Board
200 New River Town Center, Suite 200
Beckley, WV 25801

Step 2: A representative who has not been part of any of the process or action involved in the complaint shall be designated by the Region 1 Workforce Development Board Executive Director to meet with the complainant or representative(s) of the organization involved and shall attempt informally to resolve the issue(s). The findings of the designated representative must be submitted to the complainant, in writing, within five (5) days following the informal meeting. Notification of the right to request a hearing if a satisfactory resolution has not been achieved shall be included with the findings. If the complainant is not satisfied with the results of the informal meeting, they may proceed to the next step by requesting a hearing, in writing, within five (5) days from the receipt of the informal findings.

Step 3: An impartial hearing officer will be chosen by the Region 1 Workforce Development Board Executive Committee and the Training Provider filing the complaint, by jointly selecting a neutral party they can agree upon. If the parties cannot agree, they shall make application to the Chief Judge of the Raleigh County Circuit Court and that person will designate an impartial hearing officer within ten days. The Region 1 Workforce Development Board and complainant will equally share all costs and fees associated with the hiring of the impartial hearing officer, who will attempt to resolve the allegations and render an independent decision. The requested hearing will be held within thirty (30) days from the date on which the complaint was filed. Written notification of the hearing will be sent out by the hearing officer, stating the date, time, place of the hearing and the issue(s) to be heard. The Region 1 Workforce Development Board will be responsible for the formal request to the Chief Judge of the Raleigh County Circuit Court for an impartial hearing officer. Should an impartial hearing officer not be chosen during the ten (10) day period via the Chief Judge of the Raleigh County Circuit Court, the Region 1 Workforce Development Board Executive Committee will then be responsible for the choosing of an impartial hearing officer, and the person selected may not be a person already rejected by one of the parties. All involved parties have the right to be accompanied by an attorney or other duly authorized representative, the right to bring witnesses and documentary evidence, and the right to present testimony. The complainant may withdraw the request for hearing in writing before the hearing is held and either the complainant or the respondent may request a continuance of the hearing for a good cause.

The hearing officer will issue a written decision to the complainant and other parties involved, as appropriate, not later than sixty (60) days from the date on which the complaint was filed. The decision shall include a synopsis of facts, a statement of reasons for the decision and notice of recourse. All

correspondence will be sent by certified mail with a return receipt requested. If the complainant and/or respondent are dissatisfied or the decision is not received within sixty (60) days of filing the complaint, he/she may proceed to the next step:

Step 4: A written request for an independent state review of the complaint should be submitted to:

Complaints Officer
WORKFORCE West Virginia
112 California Avenue
Cost Center 5002
Charleston, WV 25305

This request must be made within (10) days of the receipt of the decision or ten (10) days from the date the decision should have been rendered by the hearing officer. The designee of WORKFORCE West Virginia will conduct a review of the complaint and issue a decision within twenty (20) days from the date of the receipt of the review request. **THE DECISION RENDERED BY THE WORKFORCE WEST VIRGINIA WILL BE FINAL.**

If WORKFORCE West Virginia fails to issue a decision in the prescribed time frame, the grievance and hearing procedure provides an opportunity to request a determination whether reasonable cause exists to believe that the Act or regulations have been violated, from the Secretary of Labor. The request must be submitted to the Secretary within ten (10) days of the date on which WORKFORCE West Virginia's decision should have been issued. The Secretary shall act within ninety (90) days and, as appropriate, direct WORKFORCE West Virginia to take further action pursuant to State and local procedures, where there is reasonable cause to believe the Act or regulations have been violated.

Complaints of discrimination are to be submitted within one hundred eighty (180) days of the alleged discriminatory act to:

Equal Opportunity Officer
WORKFORCE West Virginia
112 California Avenue
Cost Center 5002
Charleston, WV 25305
304-558-1600

or sent to:

U. S. Department of Labor
Directorate of Civil Rights
Room N-4123
200 Constitution Avenue, N.W.
Washington, D.C. 20210
202-693-6502



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PARTICIPANT GRIEVANCE PROCEDURE

All WIOA Title I program participants have the right to file a grievance (Section 181(c) Workforce Innovation and Opportunity Act: NPRM 683.600 Subpart F). It must be filed within one (1) year of the date the incident occurred.

Step 1: An individual enrolled in WIOA training and having a complaint shall complete the attached form and submit it to his/her immediate Supervisor /Instructor within two (2) work days of becoming aware of the alleged occurrence. Supervisor/Instructor shall give a written response to grievant within three (3) work days. A copy of the complaint and response shall be sent to:

Grievance Officer
Region 1 Workforce Development Board
200 New River Town Center, Suite 200
Beckley, WV 25801

Other individuals participating in the WIOA program but not enrolled in training or other interested parties may file complaints directly to the office cited above and will be governed by the procedures outlined in Step 3 and beyond without regard to the intervening supervisor/instructor steps.

Grievant accepts the decision or proceeds to:

Step 2: Grievant requests an investigation from the Region 1 Workforce Development Board within two (2) work days of receipt of Supervisor/Instructor response. An investigator will be assigned from the Region 1 Workforce Development Board staff to review and/or investigate the complaint. An informal conference will be arranged between the grievant and the sub-sponsor within two (2) work days. A written response of the findings and/or resolutions will be sent to both parties within three (3) work days.

Grievant accepts the decision or proceeds to:

Step 3: Within two (2) work days of receipt of findings and/or resolutions the person having the grievance can send the written grievance form, with the responses from Steps 1 and 2, to:

Grievance Officer
Region 1 Workforce Development Board
200 New River Town Center, Suite 200
Beckley, WV 25801

The Grievance Officer will review the grievance in a final attempt to reach an informal resolution.

If an informal resolution cannot be reached, an informal hearing will be provided within a thirty-day (30) period from the time of the filing of the grievance. A written decision is rendered to all parties within sixty (60) days.

If the grievant does not receive a written decision within sixty (60) days or receives an unsatisfactory decision, the grievant then has a right to request a review of the grievance by the recipient. The request for review will be filed within ten (10) days of the receipt of a decision or ten (10) days from the date on which the grievant should have received a decision. This request for review is to be sent to:

Complaints Officer
WORKFORCE West Virginia
112 California Avenue
Charleston, WV 25305

The decision of WORKFORCE West Virginia is final except where there is reasonable cause to believe that the Workforce Innovation Opportunity Act or Regulations have been violated. If this occurs, either party may request a determination by the Secretary of Labor.

An individual alleging a labor standards violation may submit a grievance to a binding arbitration procedure if a collective bargaining agreement covering the parties to the grievance permits.

Discrimination Complaints

All complaints alleging discrimination on the basis of race, color, national origin, age, disability, sex, religion, political affiliation or belief, and as appropriate, citizenship in violation of Section 188 of the Workforce Innovation Opportunity Act will be filed and processed under the procedures outlined in the United State Department of Labor's current regulations outlined in 29 CFR Part 37 implementing Title VI of the Civil Rights Act of 1964. These complaints must be filed within one hundred eighty (180) days of the alleged incident.

Participants and WIOA funded staff are to be advised of the procedure for filing complaints with WORKFORCE West Virginia or the U. S. Department of Labor, Civil Rights Center. Complaints must be reported on forms supplied to worksite providers and sent to:

Equal Opportunity Officer
WORKFORCE West Virginia
112 California Avenue
Charleston, WV 25305
304-558-1600
TDD (304) 558-1549

or sent to:

United States Department of Labor
Civil Rights Center
200 Constitution Avenue, N.W.
Room N-4123
Washington, D.C. 20210

I have read and understand the above ***Participant Grievance Procedure*** and have been given a copy of said document. I have also been provided with the ***Region 1 Workforce Development Board – WIOA Participant Grievance Form.***

SIGNATURE OF APPLICANT

DATE

REGION 1 WORKFORCE DEVELOPMENT BOARD
WIOA PARTICIPANT GRIEVANCE FORM

Filing Date _____

Name of Complainant _____ Social Security # _____

Address _____

City _____ State _____ Zip _____ Phone # () _____

Supervisor/Instructor: _____
(if applicable)

Address _____

City _____ State _____ Zip _____ Phone # () _____

Step One (1)

Nature of Complaint/Grievance: _____

Remedy Sought: _____

Decision/Summary of Supervisor/Instructor's Response: _____
(if applicable)

Supervisor/Instructor's Signature _____ Date _____
(if applicable)

Complainant's Answer to Supervisor/Instructor's Decision: _____
(if applicable)

____ I am satisfied with Supervisor/Instructor's Decision.
____ I am NOT satisfied with Supervisor/Instructor's Decision and wish to proceed with Step Two (2).

Step Two (2)

Findings and/or resolutions from investigation:

I am satisfied with the investigator's decision.

I am NOT satisfied with the Investigator's decision and request a review, investigation, and/or hearing as appropriate.

Complainant/Grievant's Signature _____ Date _____

This form must be forwarded by the Supervisor/Instructor to the Complaints Officer of the Region 1 Workforce Development Board within two (2) work days of the date of the complainant/grievant's request to proceed to Step Two (2).

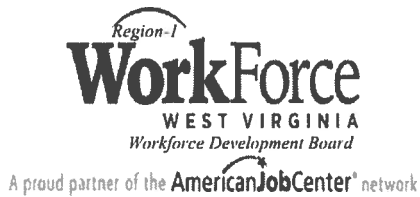
Time Frame:

Step One (5 work days)

Supervisor must respond within three (3) work days of filing of the written complaint. Complainant/Grievant must accept Supervisor/Instructor's decision within two (2) work days or request that the grievance proceed to Step Two (2).

Step Two (7 work days)

Region 1 Workforce Development Board Investigator reviews complaint and responds in writing within five (5) work days of completion of Step One (1). Complainant responds (accepts or appeals) in writing within two (2) work days.



STAFF GRIEVANCE PROCEDURES

Any staff member finding it necessary to file a formal grievance must do so in accordance with the following procedure within five (5) calendar days of the date the grievant became aware of the cause of such grievance.

Grievance Procedure

Step 1: The grievant is to submit a written complaint to the Executive Director. An investigation will occur, after which a resolution to the grievance will be sought.

Step 2: If not resolved within five (5) calendar days, the aggrieved party shall request his/her grievance to be heard by the Executive Committee of the Region 1 Workforce Development Board within an additional five (5) calendar days. The Executive Committee will notify all concerned of the time, date, place of hearing and the right to present evidence, and the right to receive a written decision. The Executive Committee must hear the grievance and render a decision within ten (10) calendar days.

Step 3: If the issue is not resolved by the Executive Committee, the aggrieved party may appeal to the full membership of the Region 1 Workforce Investment Board within five (5) calendar days for review and/or a hearing. The decision of the Region 1 Workforce Development Board will be rendered within fifteen (15) calendar days.

Step 4: If the issue is not resolved by the Region 1 Workforce Development Board, the grievant may appeal the final determination to WORKFORCE West Virginia within ten (10) days from date a decision should have been rendered by writing to:

Complaints Officer
WORKFORCE West Virginia
112 California Avenue
Cost Center 5002
Charleston, WV 25305

The WORKFORCE West Virginia's decision shall be rendered thirty (30) days from the receipt of the request to issue the decision. **THE WORKFORCE WEST VIRGINIA'S DECISION IS FINAL.** Should WORKFORCE West Virginia fail to provide a decision as required, the grievant may then request from the Secretary of Labor a determination whether reasonable cause exists to believe the action or its regulations have been violated.

Complaints of discrimination are to be submitted within one hundred (180) days of the alleged discriminatory act to:

