



WASHINGTON STATE
Workforce Training and
Education Coordinating Board

General Topic: Non-WDC Complaint & Grievance Policy & Procedure	Policy # 460
Applies to: Sub-recipients of WIA funds	Effective Date: August 2011
References: <u>WIA Title 1-B Washington State Policy #3440</u> <u>WIA Statute Section 181(c), Grievance Procedure</u> <u>WIA Statute Section 188, Nondiscrimination Policy</u> <u>20 CFR Part 667.660, Subpart F "Grievance Procedures, Complaints and State Appeals Processes"</u> <u>29 CFR Part 37</u>	Executive Director Approval  <hr/> Eleni Papadakis, Executive Director

Background

Each state and local entity receiving Workforce Investment Act Title I (WIA) grant funds are required to establish and maintain a procedure for grievances or complaints alleging violations of WIA requirements from participants and other interested or affected parties.

Workforce Development Councils (WDCs) are explicitly named and provided this guidance through the WIA Title I-B Washington State Policy #3440. This Workforce Board policy is intended to provide specific guidance to non-WDC Subrecipients of WIA funds administered by the Workforce Board and any subcontractor therein.

Purpose

This policy provides guidance in the development, maintenance and implementation of local-level grievance and complaint procedures for non-WDC Subrecipients of WIA grant funds administered by the Workforce Board. It is the responsibility of Subrecipients to develop specific procedures which will ensure timely and well-documented resolution to grievances or complaints.

Policy

The Workforce Board requires that any organization providing services to participants using WIA Title I grant funds have a comprehensive complaint policy and procedures which comply with the grievance and complaint provisions of WIA Section 181(c) and Title 20 CFR Part 667.660, Subpart F "Grievance Procedures, Complaints and State Appeals Processes. Complainants must have their complaints heard and an earnest attempt must be made to reach a resolution. Appeals to the Workforce Board and, under some circumstances, to the U.S. Department of Labor can be made if either party to a grievance or complaint is not satisfied with the results of the local hearings.

This policy does not address the procedures for processing complaints alleging discrimination under WIA Section 188 and/or Federal Register Part II 29 CFR 37. Information and complaints involving allegations of fraud abuse or other criminal activity must be reported immediately to the Workforce Board.

Procedure

A. General Principles and Requirements

- a. Each Subrecipient must develop, maintain and implement their own grievance or complaint policy which meets or exceeds the standards set by the Workforce Board.
- b. At all levels of the grievance or complaint process, Complainants have the right to be represented, at their own expense, by a person(s) of their choosing.
- c. All grievances or complaints, amendments, and withdrawals must be in writing.
- d. All persons filing grievances or complaints shall be free from restraint, coercion, reprisal, or discrimination.

B. Grievance and Complaint Procedures

- a. Notice of the Subrecipient's grievance and complaint procedures, and instructions on how to file a complaint, must be made available to each participant.
- b. Each participant must sign and date an acknowledgement of receipt of the grievance and complaint procedures within 30 days of enrollment. This must be included in the participant's file.
- c. The grievance and complaint procedure must include:
 - i. notification that the participant has the right to file a grievance or complaint within a reasonable timeframe from the date of the alleged violation
 - ii. instructions for filing a grievance or complaint, including the name and job title of the person with whom to file the grievance or complaint
 - iii. standard timeline for resolution, including an opportunity for an informal resolution OR a hearing to be completed within 60 days of the filing of the grievance or complaint
 - iv. notification that the participant has the right to receive technical assistance. Subrecipients have the responsibility to provide technical assistance to Complainants, such as providing instructions on how to file a grievance or complaint, providing relevant copies of documents such as WIA regulations or contracts, and providing clarifications and interpretations of relevant provisions.
- d. Grievances or complaints must be received in writing, signed and dated by the Complainant. They should include:
 - i. clear and concise statement of the facts and dates describing the alleged violation

- ii. identification the provisions of WIA, WIA regulations, grant or other agreements under WIA believed to have been violated
- iii. the remedy sought by the Complainant
- iv. Absence of any of this **requested information** shall not be a basis for dismissing the grievance or complaint.

C. Resolution

- a. The Subrecipient must develop a timely and well-documented process for resolving grievances or complaints.
- b. The Subrecipient must provide an opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint.
 - i. Informal resolution: When possible, Subrecipients should resolve the matter informally prior to a hearing.
 - ii. Hearing: A hearing will be conducted if an informal resolution cannot be reached. All parties will have the right to present written and/or oral testimony and arguments; the right to call and question witnesses in support of their position; the right to examine records and documents relevant to the issues; and the right to be represented.
- c. Written acknowledgement of the resolution by both the Complainant and the Respondent must be maintained in the participant's file.

D. Appeal to Workforce Board (State-level Appeal)

- a. Any complaint received by the Workforce Board alleging a violation by a Subrecipient will be remanded to the Subrecipient for resolution according to their established grievance or complaint procedures.
- b. If a Complainant does not receive a decision from the Subrecipient within 60 days of the filing of the grievance or complaint, or is not satisfied with the decision, the Complainant has the right to file an appeal with the Workforce Board.
- c. The Complainant may request a hearing with the Workforce Board by submitting a written notice of appeal to grant manager at the Workforce Board, or his/her designee.
- d. Request for an appeal to the Workforce Board must be received within 10 days from the date of the decision or the date on which a Complainant **should have received a decision regarding a locally filed complaint**. Requests for appeal shall include:
 - i. the full name, telephone number, and mailing address of the Complainant;
 - ii. the full name, telephone number, and mailing address of the Subrecipient;
 - iii. a statement of the basis of the appeal; and

- iv. copies of relevant documents, such as the complaint filed with the Subrecipient and the local decision, if any.
 - e. Upon review of relevant information a written decision will be mailed to both the Complainant and the Respondent by certified mail. The decision shall contain the following information:
 - i. the names of the parties involved;
 - ii. a statement of the alleged violation(s) and issues related to the alleged violation;
 - iii. a statement of the facts;
 - iv. the Workforce Board's decision and the reasons for the decision;
 - v. a statement of the corrective action, if any, to be taken; and
 - vi. a notice of the right of either party to file an appeal to the Secretary of Labor.
 - f. Remedies that may be imposed for a violation of any requirement under WIA Title I shall be limited to:
 - i. suspension or termination of payments under WIA Title I;
 - ii. prohibition of placement of a participant with an employer that has violated any requirement under WIA Title I;
 - iii. reinstatement, where applicable, of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment; and
 - iv. where appropriate, to other equitable relief.
- E. Federal-Level Appeal Process
 - a. Under Title 20 CFR Section 667.610(a)(1), if the state has not issued a decision within the required 60-day time limit, the Complainant can file an appeal to the Secretary of Labor. The appeal must be filed with the U.S. Secretary of Labor no later than 120 days of the filing of the grievance or complaint with the state, or the filing of the appeal of a local grievance or complaint with the state.
 - b. In cases where a decision has been reached and the Complainant is not satisfied with the decision, the Complainant can file an appeal to the Secretary of Labor within 60 days of the receipt of the decision being appealed.
 - c. The request for appeal must be submitted by certified mail, return receipt to:
Attention: ASET Secretary
U. S. Department of Labor
200 Constitution Avenue, NW Washington, D.C. 20210
 - d. A copy of the appeal must be simultaneously provided to ETA Regional Administrator-Region 6:
U.S. Department of Labor, Office of Regional Administrator
P.O. Box 193767
San Francisco, CA 94119-3767
 - e. A copy of the appeal must be simultaneously provided to the opposing party.