

Grievance and Complaint Policy
Southern 14 Workforce Investment Board, Inc., LWIA #26

Purpose/Introductions:

To inform Workforce Innovation Opportunity Act (WIOA) recipients and sub-recipients, other interested or affected parties, and customers/program participants in the LWIA #26 of the procedures for filing grievances or complaints alleging violations of the WIOA Title I-B Program and other WIOA-related regulations or policies, as well as comply with the procedures issued by the State of Illinois. This policy does not apply to allegations of discrimination based on race, color, religion, sex, national origin, age, disability, or political affiliation or belief. Individuals alleging discrimination are required to follow the procedures specified in the brochure *Illinois Department of Commerce and Economic Opportunity, Office of Employment & Training, Discrimination Complaint Procedures* provided to WIOA program participants during the program intake process.

References:

WIOA
2014
Section
181(c)
WIOA, CFR
683-
Subpart F
20 CFR Part 667.600-Subpart F
Illinois workNet WIOA ePolicy Chapter 8 Section 5 and all of its subsections and attachments
<https://apps.illinoisworknet.com/WIOAPolicy/Policy/Index/223>

Illinois workNet WIOA ePolicy Chapter 10 Section 8 and all of its subsections and attachments <https://apps.illinoisworknet.com/WIOAPolicy/Policy/Index/435>

Additional Attachments

Attachment A – Complaint and Grievance Brochure

Attachment B – Complaint and Grievance Procedures Participant Acknowledgement Form- Equal Opportunity Is The Law

Attachment C-WIOA Participant Complaint Form

Background:

The Workforce Innovation and Opportunity Act mandates the development of policy and procedures for the filing of complaints and grievances submitted by participants and other interested persons affected by, and who allege, violations of the requirements of WIOA Title I-B and, WIOA-related regulations or policies. The customer program complaint and grievance policy applies to WIOA **program complaints only**, such as specific complaints about the service providers' services,

activities, case management efforts and ability to provide appropriate WIOA services.

Each WIOA Title 1 funded service provider must adhere to this complaint policy. LWIA #26 (Local Workforce Innovation Area 3/LWIA3) will request that service providers file regular reports on any customer complaints which are received and resolved at the provider's level. These reports, formal complaints, grievances, and attendant actions will be kept on file at LWIA #26 for each provider.

Scope of this Policy:

LWIA #26 is the appropriate agency of contact when the complaint specifically concerns WIOA Title 1- B, and WIOA-related regulations or policies administered by LWIA #26 or its contracted WIOA service providers. In addition to Grievances against an employer for violations of labor standards. It does not cover complaints about WIOA-mandated partner programs. Such complaints should be made via the internal processes of those partner organizations.

Disclaimers:

This Policy does NOT address the procedure for processing complaints alleging discrimination under WIOA Section 188 Nondiscrimination and Equal Opportunity Regulations (29 CFR Part 38). Such complaints must be handled in accordance with the procedures set forth in the regulatory part. Furthermore, this Policy does NOT replace or relate to the separate policies regarding the accessibility and ADA compliance of an organization to its customers. For more information on the ADA as it relates to public accommodations and accessibility of commercial facilities, call the ADA Information Line at 1.800.514.0301 (voice) or 1-833-610-1264 (TTY) or visit their website at <https://www.ada.gov> .

Definitions:

The following definitions apply to this policy only.

- “Appellant” means the person or organization that requests a review from the State of Illinois Office of Employment and Training (OET) of either a decision made by the Local Area Hearing Officer that is not satisfactory or if the Local Area Hearing Officer fails to timely issue a decision on a Complaint or Grievance as described herein.
- “Complaint” means an allegation of a violation of WIOA or WIOA-related regulations or policies by another person, persons, or organization.
- “Complainant” means the person submitting the complaint.
- “Days” means calendar days, not business days.
- “Grievant” means the person submitting a grievance.
- “Grievance” means an allegation against an employer that receives WIOA Title IB funding for a violation of labor standards.
- “LWIA” or “Local Area” means Local Workforce Innovation Area.
- “LWIB” means Local Workforce Innovation Board.
- “Party” means either the Complainant, Grievant, Appellant or the Respondent. Collectively, the Complainant, Grievant, Appellant and Responder(s) shall be referred to as the “Parties”.
- “Respondent” means the person(s) or organization(s) against whom a Complaint or Grievance or appeal of a Complaint or Grievance decision has been filed.

Policy/Procedures:

This policy sets forth the procedures to be followed in Local Workforce Innovation Area #26 regarding program Complaints and Grievances that may occur during the administration of any WIOA funded activities and WIOA related regulations and policies. These procedures outline the receipt, review, and resolution of the Complaints and Grievances.

Under WIOA, customer program Complaints and Grievances are viewed as opportunities to improve services. The primary goals of this complaint process is to address specific customer concerns, resolve the issues in the most expedient manner, learn from the Complaint and Grievance, and implement resolutions throughout the entire system.

A. General Requirements

There are two types of issues covered by this policy.

1. Complaints are those that are non-criminal complaints of violations of WIOA and WIOA-related regulations.
2. Grievances are those filed against an employer for violations of labor standards.

Please note, criminal complaints alleging fraud, waste, misconduct, or other illegal activity under WIOA must be reported immediately to the Department of Labor's Office of Inspector General as required by 20 CFR 683.620. These types of complaints or grievances are not covered by this policy.

B. Notifying Customers of Grievance/Complaint Procedures

All WIOA program participants will be provided *Attachment A* informational brochure during program intake. The information brochures will be displayed throughout LWIA #26 facilities.

C. WIOA The Local Area Complaint/Grievance Officer (Equal Opportunity Officer) All WIOA program participants will be provided *Attachment B* during program intake. The designated Equal Opportunity Officer and contact information for non-discrimination allegations is:

Jessica Barbre, Administrative Assistant & EO Officer
Southern 14 Workforce Investment Board
304 E. Robinson St PO Box 186
Carmi, IL 62821

D. WIOA Grievance and Complaint Filing Procedures

It is the desire of LWIA #26 that grievances and complaints are resolved at the lowest level possible; therefore, when a customer has a concern/ complaint, he/she will meet with the Program Supervisor or Agency Director to discuss and attempt resolve of the concern. If the concern(s) cannot be resolved immediately by either the Program Supervisor or Agency Director, the individual will be provided with the (*WIOA Grievance/Complaint Form*) and brochure. The Complainant/Grievant will be instructed regarding completing the form and the required timelines for completion.

The Complainant/Grievant will be provided information regarding where to submit the Complaint/Grievance.

1. Local Level Complaint/Grievance Procedures

- a. Complaints must be filed within 180 days of the alleged violations.
- b. All individuals filing Complaints and Grievances shall be free from restraint, coercion, retaliation, and discrimination.
- c. The Complainant and Grievant must file the Complaint or Grievance in writing to the Local Area Complaint/Grievance Officer at the address shown below utilizing the *Workforce Innovation and Opportunity Act Grievance/Complaint Form*. The form will be submitted to:

Jessica Barbre, Administrative Assistant & EO Officer
Southern 14 Workforce Investment Board
304 E. Robinson St PO Box 186
Carmi, IL 62821

- d. The Complaint or Grievance must include the following information:
 - 1) Name, address, and telephone number of the Complainant/Grievant;
 - 2) Name, address and telephone number of the person(s) and/or Organization(s) that the Complaint/Grievance is against (the Respondent(s));
 - 3) A clear concise statement of the allegations(s) and facts of the case;
 - 4) The date of the alleged occurrence(s);
 - 5) The provisions of the Workforce Innovation and Opportunity Act, or the WIOA regulations, or policies believed to have been violated;
 - 6) The resolution being sought; and
 - 7) The signature of the Complainant/Grievant or their legal guardian/representative, if applicable.

- e. Upon receipt of a Complaint or Grievance, the Local Area Complaint/Grievance Officer or designee, shall acknowledge receipt of the Grievance or Complaint, if possible, by certified mail, return receipt requested. This must be done within ten (10) days of receipt of the Complaint or Grievance. If sending an acknowledgement via certified mail is not reasonable or possible, it may be sent by email or regular U.S. Mail. This acknowledgement shall be sent to the Complainant/Grievant and the Respondent(s) and shall:
 - 1) Attach a copy of the Complaint/Grievance filed;
 - 2) Outline the steps to be taken to resolve the matter;
 - 3) Advise the Parties to attempt to reach an informal resolution;
 - 4) Notify all Parties of the right to request a hearing if an informal resolution cannot be met; and
 - 5) Provide a summary of the issues to be decided.

- f. If a Complainant or Grievant seeks to amend or withdraw a Complaint/Grievance, the Complainant/Grievant must make a request to the Local Area Complaint/Grievance Officer in writing.
- g. Complaints or Grievances may be resolved through an informal resolution or a hearing process.
- h. An opportunity for an informal resolution and a hearing shall be completed within 60 days of the filing of the Complaint or Grievance.
- i. If a Party is dissatisfied with the local hearing decision or no decision is made within sixty (60) days of filing a Complaint or Grievance, the Party may file an *Appeal* to the state.
- j. If a Grievant alleges a violation of labor standards, that individual may submit the Grievance to a binding arbitration procedure, if there is a collective bargaining agreement that covers the parties to the Grievance, which so provides.

2. Local Level Information Resolution and Hearing Process

a. Informal Resolution

- 1. When a Complaint or Grievance has been resolved through an informal resolution process, the Complainant or Grievant and the Respondent(s) shall

enter into a formal written resolution agreement.

- a. If the complainant and respondent choose to resolve the Complaint or Grievance through an informal resolution, they must make good faith efforts to do so before the scheduled hearing date and within sixty (60) days of the filing of the Complaint or Grievance.
- b. Parties are encouraged to resolve matters informally; however, failure to informally resolve a matter does not warrant dismissal of the Complaint or Grievance, nor should it be taken into consideration as part of the factors to be judged during the resolution process.

b. Hearing

1. Requests for a hearing shall be made by the Complainant or Grievant to the Local Area Complaint/Grievance Officer as soon as possible after the Complaint or Grievance is filed, but in no event later than 30 days of filing of a Grievance or Complaint.
 - a. The Local Area Complaint/Grievance Officer shall appoint a Hearing Officer to conduct the hearing on Complaints or Grievances.
 - b. The Local Area Hearing Officer shall be the Equal Opportunity Officer.
 - c. Any Party may make a request for a change in the Local Area Hearing Officer within five (5) days of receiving notification of the hearing schedule and the designation of the Local Area Hearing Officer.
 - d. Only one (1) request for designation of an alternate Local Area Hearing Officer may be made by any party for each Complaint or Grievance filed
2. Written hearing notices shall be sent by the Local Area Hearing Officer to the Complainant or Grievant and respondent(s), at least 15 days prior to the scheduled hearing date to allow for proper preparation of the case. The notice will include the date, time and place of the hearing.
 - a. The Hearing Officer shall conduct the hearing in an informal manner. Technical rules of evidence do not apply.
 - i. If circumstances allow, the Local Area Hearing Officer may conduct the hearing via telephonic or electronic means.
 - ii. The Parties shall be allowed the opportunity to present evidence, cross-examine witnesses, and be represented by legal counsel.
 - iii. The Party requesting the hearing shall have the burden of establishing the facts and the entitlement of relief requested.
 - iv. The Respondent(s) shall cooperate by making available any information and releasing any documentation requested by the Complainant or Grievant after the Local Area Hearing Officer deems it appropriate and relevant to the Complaint or Grievance.
 - v. The Respondent(s) shall also make available any person under their control or employ to testify, if these persons are requested to testify by the Complainant or Grievant and the Local Area Hearing Officer deems the testimony to be elicited from such persons appropriate and relevant to the Complaint and Grievance.
 - vi. Hearings will only cover those issues listed in the written complaint. If a Complainant or Grievant files more than one (1) Complaint or Grievance against the same Respondent(s) at or near the same time, the Local Area Hearing Officer may combine the issues from the Complaints or Grievances into a single hearing for purposes of

- administrative efficiency and after providing notice to the Parties.
- b. Complete records shall be kept of the hearing via audio recording.
 - c. The Local Area Hearing Officer or designee will make a written decision and it shall be sent by certified mail, with return receipt requested, within 60 days of the filing of the complaint.
 - d. The Local Area Hearing Officer's decision shall contain the following:
 - The names of the Parties involved;
 - A statement of the allegations;
 - A statement of the facts presented during the hearing;
 - The issue(s) being decided;
 - The decision and the reasons for the decision;
 - A statement of corrective actions or remedies, if appropriate;
 - A statement assuring that all steps included in these Complaint and Grievance Procedures have been adhered to; and Notice that either party has the right to appeal to the State the decision by the Local Area Hearing Officer within ten (10) days of receipt of the decision.
 - e) A copy of all decisions will be concurrently sent to:
 - Illinois Department of Commerce & Economic Opportunity
 - Senior State Equal Opportunity Compliance Officer and Investigator
 - 217-558-2418, TTY number 800-785-6055
 - <https://dceo.illinois.gov/aboutdceo/state-eo-officer.html>

Action Required

All WIOA recipients and sub-recipients shall review this policy and distribute it to appropriate individuals within the organizations. The policy shall be made available to all participants and other interested parties who may wish to file a complaint or grievance. All WIOA program participants shall receive a copy of *Attachment A and Attachment B* during intake.