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COMPLAINTS & GRIEVANCES POLICY

Background Information

The WDB maintains a formal complaint and grievance process which meets requirements set forth in the Workforce Innovation & Opportunity Act (WIOA) and Implementing Regulations for Programs under the Act (Section 188). These requirements specify, for example, that different kinds of complaints will be processed differently, that everyone shall have access to the complaint procedure, and that certain timelines must be observed. The Southeast Workforce Development Board will comply with the current OWD Issuance guide.

Management of Complaints and Grievances

The OWD will designate one staff member as the local EO Officer. This person will maintain a log of complaints and the activities conducted concerning them, investigate complaint reports, and correspond with parties involved in bringing or resolving complaints.

Who may file a complaint:

- General Public
- Any applicant
- Employee
- Participant
- Service Provider
- Program Recipient
- Or other interested party may file a complaint alleging a violation of local WIOA program policies, or any type of complaint

Different Kinds of Complaints:

1. Discrimination Complaints

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases:

- Against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.

Please see the Southeast WDB Discrimination and Harassment Policy for more information on this type of complaint. Discrimination complaints may be filed within 180 days from the date of the alleged violation with either:

Trence James
State Local Level-EO Representative & Rapid Response Coordinator
Department of Higher Education & Workforce Development
3757 Harry S. Truman Blvd, St. Charles, MO 63301
Work Cell: (816) 804-2956| trence.james@dhewd.mo.gov |

Missouri Department of Higher Education – Office
of Workforce Development State WIOA Equal
Opportunity Officer, Danielle Smith
301 W. High Street
P.O. Box 1087
Jefferson City, MO 65102-1087
Telephone (573)751-2428, Relay 711 or Fax (573)751-4088
Email: danielle.smith@dhewd.mo.gov

Or

Director, Civil Rights Center (CRC)
200 Constitution Avenue NW
Room N-4123
Washington, DC 20210
www.dol.gov/crc

2. Program Complaints and Grievances under WIOA
   An individual or a group of individuals may file a grievance or complaint at any time regarding local or state WIOA policies, programs, activities, etc. These types of complaints are non-criminal complaints in connection with WIOA activities and services must be filed within one year of the date of occurrence. A program complaint or a grievance complaint does not allege discrimination. These two types of complaints must first be filed with the local EO Officer in the region resulting in the reason for the complaint.

   Examples of program complaints and/or grievances could include but are not limited to:

   - Programs, supportive services, or training assistance
   - Selection process for programs, activities, and assistance
   - Policies and procedures
   - Denial of services or benefits
   - Customer/staff treatment or eligibility
   - Discipline, demotion, or classification disputes
   - Employee disputes
   - Customer disputes

Depending on who the complaint is filed against you may also contact the President/COO or the Southeast Board Chief Local Executive Officer, to file a complaint. If a complaint is filed against the President/COO, the Executive Board Committee will then process the complaint.

Process for filing a WIOA program complaint and/or grievance:

- Filing: The person or organization desiring to file a complaint should meet, call, or write a statement addressed to the local EO Officer. This person will help define the category of the complaint or grievance, assist in the completion of appropriate complaint forms, if any, and information, and provide information concerning the forwarding and submission of the complaint to the appropriate organizations. The local EO Officer is not required to submit the actual complaint forms and information to the organizations involved. This forwarding and submission of the complaint is the responsibility of the complaining party. The Southeast Workforce Development Board uses the Missouri's Department of Higher Education and Workforce Development - Office of Workforce Development (DHEWD / OWD) Complaint and Grievance form for these types of complaints. This form can be found in the current OWD Issuance, provided by any staff member of the Southeast Workforce Development Board, any staff member in the local area Job Centers, or on the Southeast Workforce Development Board website.

The complainant must provide:

- Full name
- Complete address
- Other means of contact
- Identity of who they are filing a complaint against (individual or entity)
- Description of the allegations in details
- Date of alleged incident
- The complainant must sign the complaint or have an authorized representative sign (e-mail is also acceptable)
- Resolution and Notification: The local organization EO Officer or administrative entity will attempt to resolve the complaint within ten (10) days from the date the complaint was received. The complainant and Respondent will receive a formal letter acknowledging the complaint, outlining the terms of the complaint agreement, indication of the current status of the complaint, and information on how to appeal the decision. Further investigation outside of the complaint will be done if necessary. If all parties are satisfied or no appeal is filed with the local EO Officer or administrative entity who investigated the complaint within seven (7) days from the informal decision, the complaint is considered resolved.

- Appeal of the Informal Resolution: If the complainant remains unsatisfied and wishes to pursue an impartial hearing on the complaint, a written appeal request must be forwarded to the local EO Officer within seven (7) days from the date of

receiving the notification of informal resolution

- The Formal Hearing: Upon receiving the request for an impartial hearing, the local EO Officer must notify the Executive Board Committee who has been tasked with becoming the hearing committee for local appeals. The local EO Officer will schedule the formal hearing as follows: the impartial hearing must be held and a written decision by the WDB must be issued within *forty* (40) days of the date the complaint was initially filed with the WDB. The notice of hearing date, time, and place, the opportunity to present evidence and be represented by an attorney (or person) of their choice, and the right to a written decision and a notice of appeal must be provided in writing by email or mail to all parties involved at least seven (7) working days in advance of the scheduled date of the hearing.
- Both parties may present witnesses and documentary evidence, and question others who present evidence and witnesses.
- The complainant to respondent may request that records and documents be produced. Licensed attorneys or another designated representative(s) may represent each party.
- All testimony will be taken under oath or affirmation.
- The hearing will be recorded either in writing or by audiotape.

*The person(s) participating in the decision-making process in the informal hearing cannot participate in the decision-making process for the formal complaint. This person(s) may only participant by arranging the meeting or if requested present evidence during the formal meeting.

A complainant may amend or withdraw his or her complaint at any time prior to a scheduled hearing.

- Results of Hearing and Decision: Within sixty (60) days of the receipt of the complaint by the Executive Board Committee, they will issue a written decision to be forwarded to all parties involved by email or mail. The written decision will include the recommended resolution, a summary of factual evidence presented during the hearing, and the conclusions upon which the recommendation is based. The written notification will include information for an appeal. If either party is dissatisfied with the decision, either party may request a review by the Office of Workforce Development.

- Review by Office of Workforce Development (OWD): Either party can request review of the decision or non-decision as if the following conditions have been met:

- No decision was reached within 60 days (unless there has been an accepted extension on the timeline)
- Either party is dissatisfied with the local Formal Hearing Decision

An appeal must be received by the OWD within ninety (90) calendar days from the date the complaint was filed. Appeals of the Local Board Final Decision can be filed with:

Missouri Department of Higher Education - Office of Workforce Development
State WIOA Equal Opportunity Officer
301 W. High Street
P.O. Box 1087
Telephone (573)751-2428, Relay 711 or
Fax (573)751-4088
Email: danielle.smith@dhewd.mo.gov

3. HR complaints

At times during the course of employment issues arise that need to be discussed with management. Here are a few examples of HR Complaints, all of these are for example purposes only and does not include discriminatory actions:

- Interpersonal challenges between managers and/or co-workers.
- Payroll and Benefit Questions
- Issues relating to their employment goals, objectives, and performance evaluations.
- Problems with roles, job titles, and pay
- Issues related to paid and unpaid time off
- Internal transfers and career advancement
- Work/life balance
- Personal issues
- Attendance and other employee policy issues.
- Disciplinary Issues

If you have an HR complaint, you should first speak with your supervisor to try to resolve the issue. If that is not possible or does not solve the problem, please contact their supervisor. The local EO Officer cannot assist with HR complaints; these types of complaints must be handled through Workforce Development Board Management. Should a complaint be discriminatory, the complaint may be file with the local EO officer.

4. Criminal Complaints

Criminal complaints alleging criminal fraud, waste, abuse or other criminal activities must be filed directly and immediately with:

Office of Inspector General-Investigations
200 Constitution Avenue N.W., Room S-5506
Washington, DC 20210

The Employment and Training Administration (Hotline number 1-800-347-3756) must be copied on all complaints that are filed alleging fraud, waste, abuse or other criminal activities. The OWD Equal Opportunity Officer can assist in reporting these complaints.

5. Non-WIOA Remedies

   Complaints may be filed against a state, local area, or other sub recipient alleging violations of WIOA and a federal, state, or local law with respect to a non-WIOA cause of action. The complainant may institute a civil action or pursue other remedies authorized under federal, state, or local law without exhausting these administrative grievance procedures.

6. Department of Labor Investigations

   The U. S. Department of Labor may investigate any action or complaint, when it deems appropriate, and issue final determinations that are binding on all parties involved.

Avoidance of Retaliation

No person or organization may discriminate or retaliate against, or deny benefit to, a person because the person has done or is about to do any of the following: 1) file a complaint; 2) institute or cause to be instituted any proceeding related to the Workforce Innovation & Opportunity Act; 3) testify in any proceeding or investigation, or 4) provide information or assist in any investigation.

Confidentiality of Complaints & Grievances

The WDB shall, to the extent possible, conceal the identity of any person who has furnished information relating to or assisting in the investigation of a possible violation of the Act. This confidentiality will be observed consistent with a fair determination of issues. It is required that all staff study, pass tests and adhere to the Workforce Development System Confidentiality and Information Security Plan as part of their orientation.