

Policy Name: Grievance Procedure	Program Policy Number: 05-2020	Date: October 29, 2020
---	---	---

Scope and Purpose

This policy establishes the procedures to receive, investigate, and resolve grievances, and conduct hearings to adjudicate disputes under the Workforce Innovation and Opportunity Act (WIOA). For complaints alleging discrimination, the complainant must utilize the Discrimination Complaint Procedure.

Each service provider or other sub-recipient shall develop a grievance procedure or adopt Employ BR’s grievance procedure. The procedure shall include all elements and timetables set forth herein. A copy shall be provided to Employ BR.

A copy shall be provided to each WIOA funded participant and/or employee upon entry into active training or work duty.

Program Complaints

Employ BR must distinguish between discrimination complaints and program complaints. A program complaint consists of a non-discriminatory issue. An individual with a program complaint has ten (10) days from the date the incident or issue occurred to submit a written complaint (this complaint should include the individuals contact information). Upon receipt of the written complaint Employ BR Supervisors will investigate and respond to the complainant within ten (10) business days.

If the service provider or other sub-recipient receives a program complaint, the service provider or other sub-recipient must notify the complainant, in writing, within five (5) days of the lack of jurisdiction; therefore giving the individual five (5) days to submit the complaint to Employ BR.

A program grievance issued by the service provider or sub-recipient must follow the timeline mentioned above.

Discrimination Complaints

Coverage and Provisions

1. A grievance is a claim by an employee or participant that he/she has suffered harm or injury by the interpretation, application, or violation of the terms of the WIOA contract and/or personnel policies and procedures.

Grievances may fall into either of two categories:

Informal: being an oral or written notification to the immediate supervisor, instructor, or the personnel designated by the WIOA recipient of the harm suffered by the terms, conditions, or benefits of employment and training. Such a grievance may be resolved at the service provider's or Local Workforce Development Area (LWDA) level.

Formal: being a written notification with an accompanying request for readiness to a legally empowered body, such as the Louisiana Department of Labor's VVIA office, or an impartially appointed

arbitrator, that a serious breach of contractual or agency rules has occurred.

2. Any participant, employee, service provider/contractor or other interested person may file a grievance alleging a violation of the Act, regulations, contract, or other agreement under the Act.
3. All grievances, with the exception of those alleging fraud or criminal activity, must be filed within one (1) year of the alleged occurrence.
4. Any employer established grievance procedure shall provide for a review of an employer's decision by the SDA grant recipient and the Governor or his/her designee.

Hearing Procedure

A hearing shall include the following:

- A. Written notice of date, time and place of the hearing, the manner in which it will be conducted, and the issues to be decided;
- B. Opportunity to be represented by an attorney or the representative of the grievant's choice;
- C. Opportunity to bring witnesses and documentary evidence. The WIOA staff, LWDA recipient, or other sub-recipient shall cooperate in making available any persons under their control or employ to testify, if such persons are requested to testify by the grievant, and release requested documents;
- D. Opportunity to question any witness or parties;
- E. The right to an impartial hearing officer and hearing committee who shall make a recommendation for the resolution of the grievance to the Director (LWDA level);
- F. A written decision by the Director (LWDA level).

Structure and Timetables

This policy sets forth a three level system that allows any person or organization to make a grievance, except in the cases of discrimination at either the service provider or employer level, the LWDA level, or the recipient (state) level. This system provides for a hearing to be conducted in the locale of the grievant within 30 days and a decision rendered within 60 days of the filing of the written grievance.

STEP 1

- A. Any participant, service provider, or other interested person shall present the grievance at the next level closest to the aggrieved (e.g., the participant shall file the grievance with the employer or service provider's Executive Director). The grievance must be in writing.
- B. The grievance shall be acknowledged by the designee at the service provider or LWDA level and hearing scheduled within 30 days.
- C. The entity receiving the grievance, the service provider/employer or LWDA shall provide the grievant with a final decision at that level in writing within 60 days of the filing of the grievance.

STEP 2

- A. If the grievant does not receive a decision at the service provider's level within 60 days or receives a decision which is unsatisfactory, the grievant then has a right to request a hearing at the LWDA level a hearing will be scheduled within 30 days and decision rendered in writing within 61) days. (NOTE: When the grievant is a WIOA funded employee and he/she has exhausted the grievance process at the employer level, a review of the employer's decision will be conducted by the LWDA in lieu of a hearing)
- B. If the grievant does not receive a decision at the LWDA level within 60 days or receives a decision which is unsatisfactory, the grievant then has a right to request a review of the grievant then has a right to request a review of the grievance by the Secretary of Labor or his/her designee.
- C. The request for review shall be filed within 10 days of receipt of the adverse decision or 10 days from the date on which the grievant should have received the decision.
 - i) The Secretary shall issue a decision within 30 days of the request for review.
 - ii) The Secretary shall also provide a review of a grievance initially Red at the State level on which a decision was not issued within 60 days or on which the grievant has received an adverse decision.
 - iii) The Secretary's decision is final.

STEP 3

- A. If the grievant does not receive a decision from the Secretary as provided for in Step 2, the grievant may request of the USDOL that a determination be made on whether there is probable cause to believe that a violation of the Act, Regulation, or other related agreements have occurred.
- B. The grievant shall make the request for review no later than 10 days from the date on which the decision should have been received. The request from the grievant should contain the following:
 - 1) The full name, telephone number (if any), and address of the person filing the grievance;
 - 2) The full name and address of the respondent against whom the grievance is filed;
 - 3) A clear and concise statement of the facts, including pertinent dates, constituting the alleged violation;
 - 4) The provisions of the Act, regulations, grant, or other agreements under the Act believed to have been violated;

- 5) A statement disclosing whether proceedings involving the subject of the request have been commenced or concluded before any federal, state, or local authority, and if so, the date of such commencement or conclusion, the name and address of the authority, and the style of the case;
- 6) A statement of the date the grievance was filed with the Secretary, the date on which the Secretary should have issued a decision, and an attestation that no decision was issued.

Retaliation Prohibited

No person, organization, or agency may discharge or in any manner retaliate against any person because a person has filed a complaint; testified or is about to testify in any proceeding or investigation; or has provided information or has assisted in an investigation.



WIOA Program Administrator