

The Workforce Connection, Inc.

Policy Title: Grievance/Complaint

Reference Number 2016-200-01

Approved: 12/06/2005

Effective: Immediately

Status: Active

**Modifications: Updated 2016
05/02/17 Name Change**

Purpose/Introductions:

To inform WIOA recipients and sub-recipients, other interested or affected parties, and customers/program participants in the Boone, Stephenson and Winnebago Counties Local Workforce Development Area (LWDA #3) of the procedures for filing grievances or complaints alleging violations of the Workforce Innovation and Opportunity Act (Public Law 113-128). 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 WIA program participants during the program intake process.

References:

Public Law 113-128 (Workforce Innovation and Opportunity Act), Section 188
20 CFR 683.285
PY'04 WIA Policy Letter No. 04-05

Background:

Federal law requires that all recipients of WIOA funds, each local workforce development area, and the State, except for Job corps, establish procedures for filing complaints and grievances from participants and other interested parties that are affected by the statewide workforce investment system.

Definitions:

- “Complaint” means an accusation of wrongdoing or injustice by another person, persons, or organization.
- “Complainant” means the person making the complaint.
- “Days” means calendar days, not business days.
- “Grievance” means an allegation against an employer for a violation of labor standards who receives WIOA Title I funding.
- “Grievant” means the person submitting a grievance.
- “Respondent” means the person or organization against whom a complaint or grievance has been filed.

Policy/Procedures:

This policy sets forth the procedures to be followed in Local Workforce Development Area #3, Boone, Stephenson and Winnebago Counties, regarding grievance and complaints that may occur during the administration of any WIOA funded and related activities. These procedures outline the receipts, review, and resolution of the grievances and complaints.

A. General Requirements

There are two types of issues covered by this policy.

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

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 667.630. 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 *The Workforce Connection, Inc. Grievance/Complaint Procedure* information brochure during program intake. The information brochures will be displayed throughout The Workforce Connection facilities.

C. WIOA Grievance/Complaint Officer

The designated Grievance/Complaint Officer and contact information for non-discrimination allegations is:

Public Information Manager
The Workforce Connection, Inc.
303 N. Main Street
Rockford, Illinois 61101
Phone: 815-395-6638

D. WIOA Grievance and Complaint Filing Procedures

It is the desire of The Workforce Connection, Inc. 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 *Grievance/Complaint Form* and brochure. The complainant will be instructed regarding completing the form and the required timelines for completion. The complainant will be provided information regarding where to submit the complaint (name and address of the Grievance/Complaint Officer).

1. Filing a Grievance/Complaint

- a. Complaints must be filed within 180 days of the alleged violation.
- b. All individual filing complaint shall be free from restrain, coercion, retaliation, and discrimination.
- c. The complainant must file the complaint in writing utilizing the *Workforce Investment Act Grievance/Complaint Form*. The form will be submitted to:

Public Information Manager
The Workforce Connection, Inc.
303 N. Main Street
Rockford, Illinois 61101
Phone: 815-395-6638

- d. The complaint must include the following information:
 - 1) Name, address, and telephone number of the complainant;
 - 2) Name, address and telephone number of the person and/or organization that the complaint is against;
 - 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, regulations, grants, or other agreements under Title I of WIOA believed to have been violated;
 - 6) The resolution being sought; and
 - 7) The signature of the complainant or their legal guardian/representative.
- e. Within ten (10) days of the receipt of a grievance or complaint, the Grievance/Complaint Officer or designee, will acknowledge receipt of the grievance by certified mail, return receipt requested.
The acknowledgement will:

- 1) Outline the steps to be taken to resolve the matter;
 - 2) Advise the complainant to attempt to reach an informal resolution;
 - 3) Notify all parties of the right to request a hearing if an informal resolution can't be met; and
 - 4) Provide a summary of the issues to be decided.
- f. If a complaint is to be amended or withdrawn, the complainant must make that request in writing.
 - g. An opportunity for an informal resolution shall be completed within 60 days of the filing of the grievance or complaint.
 - h. If either the complainant or Grievance/Complaint Officer deems they are dissatisfied with the local hearing decision or no decision is made within 60 days, the complainant may file an appeal.
 - i. Allegations of labor standards violations that are covered under a collective bargaining agreement shall be binding and in accordance with the procedures in the bargaining agreement.

Informal Resolutions

If the complainant and respondent choose to resolve the complaint or grievance through an informal resolution, those efforts must be declared in writing prior to the scheduled hearing date. Failure to do so by either party does not warrant the complaint to be dismissed, nor will it be part of the facts to be judged during the resolution process. Informal resolutions should be made at the level where the alleged violation(s) occurred. When a complaint or grievance has been resolved through an informal resolution process, the complainant and the Grievance/ Complaint Officer will enter into a formal written resolution agreement.

Formal Hearing Resolutions

Requests for a formal hearing shall be made to the Grievance/Complaint Officer within 30 days of filing of a grievance or complaint. The Grievance/Complaint Officer shall appoint a Hearing Officer to conduct the hearing. The Hearing Officer shall be an individual who has qualifications necessary to conduct the proceedings and shall be impartial. The complainant may make a request for a change in Hearing Officer within five (5) days of received notification of the hearing schedule and the designation of the Hearing Officer. Only one request for designation of an alternate Hearing Officer may be made by either party for each complaint.

Written notices of the scheduled hearing shall be sent to the complainant, respondent, and other parties considered appropriate 15 days prior to the scheduled hearing date to allow for the proper preparation of the case. The notice will include the date, time and place of the hearing.

The Hearing Officer shall conduct the hearing in an informal manner. Technical rules of evidence do not apply. Both parties shall be allowed the opportunity to present evidence, cross-examine witnesses, and be represented by legal counsel. The party requesting the hearing shall have the burden of establishing the facts and the entitlement of relief requested. The respondent shall cooperate by making available any information and to release any documentation requested by the complainant after it is deemed appropriate and relevant to the complaint. The respondent shall also make available any person under their control or employ to testify, if these persons are requested to testify by the complainant. Hearing will only cover those issues listed in the written complaint.

Complete records shall be kept of the hearing via audio recording.

The 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.

A copy of Illinois Department of Commerce and Economic Opportunity *PY'04 WIA Policy Letter No. 04-05* will be included in the mailing.

The Hearing Officer's decision shall contain the following:

- The names of the parties involved;
- A statement of the alleged violations;
- The issue(s) being decided;
- Reasons for the decision;
- A statement of corrective actions or remedies, if appropriate;
- A statement assuring that all steps included in the complaint procedures have been adhered to; and
- Notice that either party has the right to appeal the decision by the Hearing Officer within ten (10) days of receipt of the decision. (How to proceed if the complainant does not receive a satisfactory decision is addressed in *PY'04 WIA Policy Letter No. 04-05* under State Level Complaints.)

A copy of all decisions will be concurrently sent to:

Illinois Department of Commerce and Economic Opportunity
Bureau of Workforce Development
620 East Adams Street, 5th Floor
Springfield, Illinois 62701

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 the *The Workforce Connection, Inc. Grievance/Complaint Procedure* information brochure.

Inquiries

Inquiries should be addressed to Public Information Manager, The Workforce Connection, Inc. at (815)395-6638.

Effective Date

This policy is effective from the date of issue.