ATTACHMENT 12. Complaints and Grievance Policy – Nondiscrimination, Programmatic

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EASTERN JACKSON COUNTY
WORKFORCE DEVELOPMENT BOARD

Serving Eastern Jackson County Mo. including:
Independence, Blue Springs, Lee's Summit, Grandview, Raytown,
Sugar Creek, Buckner, Grain Valley, Oak Grove, Lone Jack, and other municipalities.

The Full Employment Council, Inc. (FEC) is the fiscal agent and workforce support organization for the Eastern Jackson County Workforce Development Board.

Workforce Innovation and Opportunity Act (WIOA) Policy

PROGRAM COMPLAINT AND DISCRIMINATION PROCEDURES POLICY

POLICY NUMBER: 2013-02, Modification 4

EFFECTIVE DATE: 3-3-2016

MODIFICATION DATE: 1-27-20

APPROVED BY

Clyde McQueen, President/CEO
Full Employment Council, Inc.,
Managing Entity/Fiscal Agent
Eastern Jackson County Workforce Development Board

INQUIRIES
Questions about this Issuance should be addressed by email to Latrina Collins, Director of Planning, at lcollins@feckc.org, who shall disseminate the agency response after consulting with Full Employment Council Officers.

PURPOSE
This issuance is to address the process by which all discrimination and all program complaints must be processed.

BACKGROUND
The Workforce Development Board must be in compliance with State and Federal regulation as it relates to the Workforce Innovation and Opportunity Act. Mandatory training is required for all staff concerning nondiscrimination of FEC/Missouri Career Center employees and participants by implementing sound Equal Opportunity program and workplace practices and to provide all staff with the information they need to avoid discrimination and provide information to comply with Federal EEO laws. This modification updates Grievance and Equal Opportunity forms. This Issuance is based upon Missouri Division of Workforce Development Issuance 16-2017, *Disseminating Notices for Equal Opportunity Complaints and WIOA Complaints and Grievances*, and Missouri Division of Workforce Development Issuance 09-2012, *Workforce Investment Act Complaint Resolution Policies.*

The Full Employment Council, Inc. is an Equal Opportunity Employer/Program. Auxiliary services are available. MO relay 711.

POLICY

I. PROGRAM COMPLAINT PROCEDURES

Every recipient of funds under Title I of the Workforce Innovation and Opportunity Act (WIOA) must maintain a written procedure for grievances and complaints in accordance with 20 CFR 667.600, et seq. As such, this policy will govern the Office of Workforce Development's (OWD) processing of WIOA complaints and grievances.

General Program Complaints may be made up to one (1) year from the date of the event or condition alleged to be a violation of WIOA. The appropriate resolution process to be followed depends on the nature of the complaint. General WIOA complaints fall into the following two categories:

1. Complaints involving local WIOA programs, agreements, or local Workforce Development Board policies and activities; or
2. Complaints involving State WIOA policies, programs, activities, or agreements.

If FEC does not have the jurisdiction of a program complaint then the complainant will be referred to the appropriate entity (e.g. Family Services Division (Food Stamps), Division of Workforce Development (Unemployment Insurance) etc.

A complaint may be amended or withdrawn at any time prior to a scheduled hearing.

The Local WIOA Equal Opportunity (EO) Manager who processes a WIOA Program Complaint will keep information that could lead to the identification of the person filing the complaint confidential, to the extent practical. The identity of any person who furnishes information related to, or assisting in, and investigation will also be kept confidential to the extent possible.

FEC and its One-Stop partners will not discharge, intimidate, retaliate, threaten, coerce, or discriminate against any person because such person files a complaint, opposes a prohibited practice, furnishes information, assists, or participates in any manner in an investigation or hearing.

A. General Program Complaints

Included in the body of this Issuance is the General Program Complaint Form that will be used as a complaint intake tool. Any complaint received in writing will be accepted and handled in the same manner as if it were made on the General WIOA Complaint Form. The log shall include: the name and address of the complainant; the basis for the complaint; a description of the complaint; the disposition and date of disposition of the complaint; and any other pertinent information.

The procedures are as follows:

Who may file a complaint concerning programming with WJOA Title I?

Any applicant, employee, participant, service provider, program recipient, or other interested party may file a complaint alleging a violation of local WIOA programs, agreements or Workforce Development Board policies and activities.

B. Complainants with Disabilities

Complainants by persons with disabilities will be accommodated as needed so that they may file complaints. Alternate formats will be used on request to notify the complainant of hearings, results, and any other written communication. Auxiliary aides and services, such as deaf interpreters or assistive listening devices, on request for negotiations, hearings and any other meetings where aural communication occurs. An accessible location will be used for hearings and other meetings on request.

Time and Place for Filing?

Complaints may be filed with the local administrative entity or the service provider within one (I) year from the date of the event or condition alleged to be a violation of WIOA (365 days).

C. Resolution Process

Initial Review: Step One – If the complaint alleges a violation of any statute, regulation, policy, or program that is not governed by WIOA, the WIOA EO Manager or service provider may refer the complaint to the appropriate organization for resolution. In such cases, the local administrative entity or service provider will notify the complainant of the referral.

Once the local WIOA EO Manager or the service provider receives the complaint from the complainant or the complainant's designated representative, the FEC will log the complaint. The local WIOA EO Manager or service provider will then establish a complaint file containing the following:

1. Application and enrollment forms;
2. Completed General WIOA Complaint Form (or complainant's written statement);
3. Chronological log of events or conditions alleged to be a violation of WIOA;
4. Any relevant correspondence; and
5. Record of the attempted informal resolution

Informal Resolution: Step Two - The local WIOA EO Manager or service provider will attempt to informally resolve the complaint to the satisfaction of all parties. The informal resolution process must be completed within ten (10) business days from the date the complaint is filed. If all parties are satisfied, the complaint is considered resolved, and the terms and conditions of the resolution must be documented in the complainant's file. The local administrative entity will review the complaint file and investigate it further if necessary.

Formal Resolution: Step Three - When an informal resolution is not possible, the local WIOA EO Manager will issue a determination within twenty (20) calendar days from the date the complaint was filed. If the complainant does not request an appeal of the determination, the complaint is considered resolved, and the local administrative entity or service provider will document this in the complaint file. Any party dissatisfied with the

determination may request a hearing within seven (7) calendar days of the date of the determination.

Hearing: Step Four - A complainant may amend or withdraw his or her complaint at any time period prior to a scheduled hearing. If the complaint is not withdrawn, the local WIOA EO Manager will designate a hearing officer to ensure the complaint receives fair and impartial treatment. The hearing must be conducted within forty-five (45) calendar days from the date the complaint was filed. The hearing officer will schedule a formal hearing and mail a written notice to the complainant, the respondent, and any other interested party at least seven (7) business days prior to the hearing.

The notice will include the date, time, and place of the hearing. Parties may present witnesses and documentary evidence, and question others who present evidence and witnesses. The complainant may request that records and documents be produced. Attorneys or any other 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 hearing officer's recommended resolution will include a summary of factual evidence presented during the hearing and the conclusions upon which the recommendation is based. The hearing officer will also concur with the chief local elected official (CLEO) toward reaching consensus on the recommended resolution to the complaint. If consensus cannot be reached, the hearing office will initiate a request to the state for resolution.

Final Decision: Step Five - The local administrative entity will review the recommendation of the hearing officer and issue a final decision within sixty (60) calendar days from the date the complaint was filed.

Dot Coleman, Equal Opportunity Manager
Full Employment Council, Inc.
15301 E. 23rd Street
Independence, MO 64055
Phone: (816) 471-2330
Email: dcoleman@feckc.org

Appeal: Step Six - Any party dissatisfied with the local administrative entity's final decision, or any party who has not received either a final decision or a resolution within sixty (60) calendar days from the date the complaint was filed, may request an appeal. The appeal must be received by the OWD within ninety (90) calendar days from the date the complaint was filed at the following address:

Danielle Smith, State Equal Opportunity Officer
Missouri Department of Higher Education and Workforce Development -Office of Workforce Development
301 W. High
Street PO Box
1087
Jefferson City, MO 65102
Phone: (573) 751-2428, Fax (573) 751-4088
Missouri Relay Services at 711

OWD will review the complaint file, the hearing record, and all applicable documents and issue a final decision on the appeal within thirty (30) calendar days from the date the appeal was received.

Full Employment Council (FEC) / Workforce Innovation Opportunity Act (WIOA)

Program Complaint Form

General WIOA complaints fall into the following two categories:

1. Complaints involving local WIOA programs, agreements, or local Workforce Development Board policies and activities; or
2. Complaints involving State WIOA policies, programs, activities, or agreements.

Complaint (person filing the complaint)

Name:			
Address:	City:	State:	Zip Code:
Telephone:	Email:		

Complainants with disabilities will be accommodated during the complaint process. If an accommodation is required in communication or accessibility of location, please indicate the kind of accommodation required, e.g. accessible location, deaf interpreter (please indicate type of sign language), notification of results and/or hearing dates in alternative format such as Braille, large print or cassette.

Name:			
Address:	City:	State:	Zip Code:
Telephone:	Email:		

Location of office where the complaint occurred.

Respondent (person/entity complaint filed against)

Provide a clear and brief statement of the facts. Include relevant dates that will assist in the investigation and resolution of the complaint. If additional space is needed, use reverse side of this form or attach additional sheets.

The above information is true and correct to the best of my knowledge.

_____ _____

Signature of Complainant Date

Program Complaint Form

FOR OFFICIAL USE ONLY	
Person Receiving Complaint:	Title:
Address:	City: j State:
Telephone:	E-Mail:

The Full Employment Council is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

Diagram of FEC Program Complaint Process

Complaint received by program operator:

Days:

0 day

The EEO Officer has 7 days from receipt of the grievance to investigate and provide a written decision to the (l.) complainant (2.) respondent (3.) Local EO Manager.

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If program operator unsatisfactorily resolves the grievance, the complainant has 5 days from the receipt of the written decision to request an impartial hearing and review of that decision.

If impartial hearing is requested then the Program Operator must ensure that a qualified hearing officer conducts an impartial hearing within 30 days of the

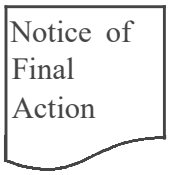
30 original receipt of the grievance.

The complainant and respondent (if not the program operator) will be provided a written notice of the (1.) Date (2.) Time (3.) Place of the hearing and all parties will have the opportunity to present evidence and to be represented by an attorney or other individual of his/her choice.

The qualified hearing officer is to present a written decision within 60 days of the original receipt of the written grievance to the program operator who in

60 days turn, issues a decision to the Complainant/respondent

10 days Still not resolved? STATE REVIEW.
Complainant must submit for State Review and be received by OWD within 10 days after written decision from program director or within 15 days this written decision should have been made.



OWD will respond to all parties within 60 days of receiving the request for a

60 days state review.

For more information on the references for this reference sheet please refer to the following: 29 CFR 37.25(d); and 37.70-37.80. See also 37.7(e)] or follow the link provided below: http://www.dol.gov/oasam/programs/crc/citations.html#29cfr37-25-d

II. COMPLIANCE WITH EQUAL OPPORTUNITY AND DISCRIMINATION LAWS

The Workforce Development Board will full comply with the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act, including the Nontraditional Employment for Women Act of 1991; Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended, Title IX of the Education Amendments of 1972, as amended, and the Americans with Disabilities Act, as amended, and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR part 34, and incorporate this language into all service contracts and agreements.

III. DISCRIMINATION COMPLAINT PROCEDURES

The Workforce Development Board will follow the Missouri Division of Workforce Development Issuance 16-2017, *Disseminating Notices for Equal Opportunity Complaints and WIOA Complaints and Grievances,* and Missouri Division of Workforce Development Issuance 09-2012, *Workforce Investment Act Complaint Resolution Policies,* which outline the dissemination of notices and complaint resolution practices. Forms provided in the body of this Issuance shall be utilized for receiving complaints.

OWD Issuance No. 16-2017, Disseminating Notices for Equal Opportunity Complaints and WIOA Complaints & Grievances, at

https://jobs.mo.gov/sites/jobs/files/dwdissuance16-2017_010818corrected.pdf

Equal Opportunity is the Law, at:

https://www.eeoc.gov/sites/default/files/migrated_files/employers/eeoc_self_print_poster.pdf

Equal Opportunity is the Law, in Spanish, at:

https://www.eeoc.gov/sites/default/files/migrated_files/employers/eeoc_self_print_poster_spanish.pdf