

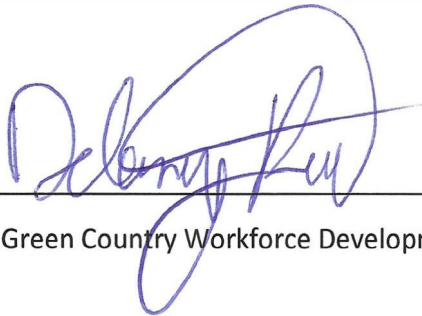


**GREEN COUNTRY WORKFORCE
DEVELOPMENT BOARD**

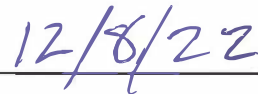
822 S. Muskogee Ave.
Tahlequah, OK 74464

Workforce Innovation and Opportunity Act

Programmatic Grievances and Complaints Policy



Chair, Green Country Workforce Development Board



Date

No individual in the United States may, on the basis of race, color, religion, sex, national origin, age, [disability](#), or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in any WIOA Title I-financially assisted program or activity, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any WIOA Title I-financially assisted program or activity.



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Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request for individuals with disabilities.

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Purpose

Green Country Workforce Development Board (**GCWDB**) provides this issuance, as a resource to Green Country Workforce Development Area (**GCWDA**) and other stakeholders, to communicate instructions for the programmatic grievance and complaint process under WIOA.

Effective Date

Approved by GCWDB– 12.08.2022

NOTE: All GCWDB Policies and attachments are available for download at:

<https://www.greencountryworks.org/resources/policy-research-best-practices/>

Policy

WIOA requires each local area, State, outlying area, and direct recipient of funds under Title I of WIOA, except for Job Corps, to establish and maintain a procedure for participants and other interested parties to file grievances and complaints, of a non-criminal nature, alleging violations of the requirements of Title I of WIOA.

The grievance and complaint procedures in this policy apply to programmatic grievances and complaints, per 29 USC §3241(c)

Exceptions

The grievance and complaint procedures in this policy do not apply to nondiscrimination and equal opportunity complaints under 29 USC § 3248, addressed in:

GCWDB, WIOA Section 188 Discrimination Complaint Procedures Governing WIOA Activities and Oklahoma Works (One-Stop) Center Activities, policy. Herein after referred to as “Discrimination Complaint Procedures.”

Such complaints must be handled with the procedures set forth in that regulatory part. Questions about or complaints alleging a violation of the nondiscrimination and equal opportunity provisions, of WIOA Sec. 188, may be directed to the State Equal Opportunity (EO) officer at: EOOfficer@oesc.ok.gov.

The grievance and complaint procedures in this policy do not apply to complaints and reports of criminal fraud and abuse addressed under WIOA. Information and complaints involving criminal fraud, waste, abuse, or other criminal activity must be reported immediately to either the corresponding Regional Inspector General for Investigations or to the Department’s Incident Reporting System located at:

**The Department of Labor, Office of Inspector General (OIG)
Office of Investigations, Room S5514
200 Constitution Avenue NW
Washington, DC 20210**

Such complaints must be filed with the OIG, along with a copy simultaneously provided to the Employment and Training Administration. The Hotline number is 1-800-347-3756. The website is <http://oig.dol.gov/contact.htm>

Grievance and complaint procedures within this policy do not apply to non-designation of local areas, denial, or termination of eligibility as a training provider, testing and sanctioning for use of controlled substances, or sanctions for substantial violations or performance failures by GCWDB.

Nothing in this policy precludes a complainant from pursuing a remedy authorized under another Federal, State, or local law.

Definitions

Complainant: any participant or other personally interested or personally affected party, group, or agency alleging a non-criminal violation of the requirements of WIOA Title I or a related agreement or service

Interested Parties: sub-grantees, subcontractors, service providers, employees, One-Stop partners, and training providers

Participant: an individual who has been determined to be eligible to participate in, and who is receiving services under, a program authorized by Title I of WIOA

Programmatic Complaints:

Program complaints are nondiscriminatory, non-criminal complaints involving the proper application of WIOA regulations and policies at both the GCWDB service provider and state level. Complaints may occur for a number of reasons and can arise from anyone being served by the workforce development system or interested parties, including Oklahoma Works (One-Stop) Partners and service providers.

These procedures will be available for use by all individuals and entities; including WIOA Title I grant participants, GCWDB staff, sub-recipients of GCWDB, and other interested parties. Local procedures must include: a process which allows an individual alleging a labor standards violation to submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties so provides [Title 20 CFR 683.600(c)(3)]. Additionally, GCWDB and sub-recipients of WIOA Title I grant funds must make reasonable efforts to assure that information about the content of the grievance and complaint procedures will be understood by affected participants and individuals, including youth and individuals who are limited English language proficient (LEP). Such efforts must comply with the language requirements of Title 29 CFR 37.35.

Right to Counsel

At all levels of the grievance or complaint process, complainants have the right to be represented, at their own expense, by a person(s) of their choosing.

Time Restriction to File a Complaint

Grievances/complaints must be filed within 30 days of the alleged violation. All grievances or complaints, amendments, and withdrawals must be in writing.

Anti-Retaliation

No entity receiving financial assistance under WIOA may discharge, intimidate, retaliate, threaten, coerce, or discriminate against any person because such person has filed a complaint, opposed a prohibited practice, furnished information, assisted, or participated in any manner in an investigation or hearing.

Confidentiality

To the maximum extent possible, the identity of any person who has furnished information relating to, or assisting in, an investigation of a possible violation of the WIOA shall be kept confidential. During the investigation, it may be necessary to disclose identities to adequately address specific incidents or events to ensure accurate and factual information is gathered properly.

Public Notice of Grievance and Complaint Procedures

Public notice of the local grievance and complaint procedures must be made available to participants and other interested parties by every entity receiving Title I funded services. GCWDB will:

- Post the local procedure in a public location at <https://www.greencountryworks.org/>.
- Make available printed copy of the written description of the local grievance and complaint procedure to all participants: at the determination of eligibility process and as requested.
 - Documentation of receipt is completed Grievance and Complaint Acknowledgment (attachment A) uploaded to the participant's virtual case file.
- Make available a copy of the written description of the local grievance and complaint procedure to other interested parties as requested.

Consultation must be offered to provide participants and employees with information about the local grievance and complaint procedures. Responsibilities include:

- Providing in orientations to employees and participants, a verbal notification on their rights to file a grievance or complaint with the: WIOA Title I service provider, local workforce development area, State, or United States Department of Labor;
- Verbal notification of their rights to receive technical assistance in filing a grievance or complaint;
- Documenting such communication on a notification instrument (Attachment A) for employees and program participants; and
- Retaining such notification instruments in individuals' participant or employee files.

Reasonable efforts must be made to ensure that the information on the local grievance and complaint procedures will be understood by participants and other individuals, including youth and those with limited English language proficiency (LEP). This may be accomplished by:

- Providing oral interpretation and written translation of both hard-copy and electronic materials; and,
- Complying with providing services and information in languages other than English, as indicated in 29 CFR 37.35.

Local Area Grievance Procedures

Local area procedures must provide:

- A process for dealing with grievances and complaints from participants and other interested parties affected by the local workforce development system, including one-stop partners and service providers;
- Notification that the complainant has the right to file a grievance or complaint within 30 days of the alleged violation;
- Instruction on the process for how to file the grievance or complaint; and
- Notification that the complainant has the right to receive technical assistance on:
 - Related law and guidance, and
 - How to complete the local process.
- An opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint;
- A process which allows an individual alleging a labor standards violation to submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties to the grievance so provides;
- A written response to the complainant, notifying him/her of the determination, as well as information on filing an appeal with the State;
- An opportunity for a local level appeal to a state entity when:
 - No decision is reached within 60 days; or
 - Either party is dissatisfied with the local hearing decision; and,
- Notification to the State regarding any grievance filed at the local level.

GCWDB Complaint Procedure

Complaints must be in writing and include "Required Contents of the Grievance or Complaint Received at the Local or State Level" as found on page 8 of this issuance.

- Complaints will be taken from the complainant, a representative, or other designee by email to eo@greencountryworks.org or mail to:

Green Country Workforce Development Board
822 S. Muskogee Ave. Tahlequah, OK 74464
Jeremy Frutchey | EO Officer/Operations Manager
(405) 269-2821 | eo@greencountryworks.org
- The complaint is considered logged at the time of receipt and confirmation given to the complainant via email response. If no email address for the complaint is provided, include a note indicating the best way for the GCWDA One-Stop Operator to communicate with the complainant.
- Complaints received are screened and reviewed by the One-Stop Operator and are remanded to the appropriate GCWDA partner or service provider to begin informal resolution. The One-Stop Operator may provide alternative dispute resolution to assist the parties in reaching an understanding about how to best resolve their differences.
- The complainant has the right to and must file any grievance or complaint within 30 days of the alleged violation.

- The complainant has the right to and may contact eo@greencountryworks.org or phone (405) 269-2821
 - Related law and guidance, and
 - How to complete the local process.

- The complainant will have:
 - An opportunity for an informal resolution and a hearing completed within 60 days of the filing of the grievance or complaint;
 - A written response to the complainant, notifying him/her of the determination, as well as information on filing an appeal with the State, to EOOfficer@oesc.ok.gov or mail to:

Kacey Luster
State Equal Opportunity Officer
Oklahoma Employment Security Commission
900 N. Stiles Ave.
Oklahoma City, OK 73104
Phone: (405) 557-5496
TTY: 711 or 800-722-0353

and the appeal process as stated in this policy beginning on page 9;

- An opportunity for a local level appeal to a State entity when
 - No decision is reached within 60 days; or
 - Either party is dissatisfied with the local hearing decision; and,
- Notification submitted by the Local EO Officer to the State regarding any grievance filed at the local level. This will be done through submission of the Communication Log (Attachment D of and as instructed in the Discrimination Complaint Policy).
- Pursuant to § 683.600(c)(3) of the WIOA Final Rule, if the grievance proceeds from an individual alleging a labor standards violation, the hearing officer may agree to submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties to the grievance so provides.

Direct Recipients Grievance Procedures

Procedures of direct recipients must provide:

- A process for dealing with grievance and complaints from participants and other interested parties affected by the recipient's WIOA programs; and
- An opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint.

These requirements are applicable to grantees who operate Native American Programs, Migrant and Seasonal Farmworker Programs, National Dislocated Worker Grants, and YouthBuild Programs. The grievance and complaint process for GCWDA will provide for appropriate coordination with the grievance procedures of these direct recipients. For example, if GCWDB receives a grievance or complaint related exclusively to the operation of a direct recipient's program, we will refer the complaint to the direct recipient.

Communication Log

From GCWDB WIOA Section 188 Discrimination Complaint Procedures Governing WIOA Activities and Oklahoma Works (One-Stop) Center Activities Policy: All communications not recorded in Section B on the “Discrimination Complaint Log,” shall be recorded on the “Communications Log” Each Green Country Works American Job Center shall maintain a “Communication Log” ... and submit the log, any records pertaining to the complaint, and all actions taken on the complaint, monthly to the GCWDB EO Officer on the last business day of each month. Each EO Officer must produce his or her complete “Communications Log” to the State EO Officer at eoofficer@okcommerce.gov on or before each of the following dates:

- March 31
- June 30
- September 30
- December 31

The Communication Log includes informally written, verbal, and otherwise received complaints and matters not escalated, through the processes outlined in this Programmatic Complaint Policy or the Discrimination Complaint Policy. The purpose is for provision of notification of all complaints to the State, as required, and to address items, paying particular attention to any safety, maintenance, accessibility, or recurring matters. Responsibility for noting items on the Communication Log falls upon:

- Green Country Works American Job Centers (AJCs) partner staff and volunteers,
- GCWDB staff,
- GCWDB service provider staff,
- GCWDB OSO,
- GCWDB EOO (Equal Opportunity Officer), and
- any other local, area, or regional partner or system oversight staff.

Items should be logged with the center manager, on the Communication Log, in place at the corresponding GCWDA AJC (American Job Center), or with the GCWDB office, the OSO (One Stop Operator) or the EOO as appropriate. The Communication Log is Attachment D, and the Discrimination Complaint Log is Attachment M of the GCWDB Discrimination Complaint Policy. Instructions for the logs are within that policy.

Required Contents of the Grievance or Complaint Received at the Local or State Level

- Full name, telephone number, mailing address, and e-mail address of the complainant;
- Full name, telephone number, mailing address, and e-mail address of the respondent;
- Full names, telephone numbers, mailing addresses, and e-mail addresses of persons who may have knowledge of the facts of the grievance or complaint;
- Date and with whom the grievance/complaint was filed;
- A clear and concise statement of the facts describing the alleged violation and the dates and location in which the alleged violation occurred;
 - The statement of facts should include enough information to allow the person or entity to determine whether:
 - There is jurisdiction over the complaint/grievance;

- The grievance/complaint was timely filed; and
- The grievance/complaint has merit, i.e., whether the allegations, if true, would violate any Title I provisions of WIOA.
- Provisions of WIOA, the WIOA regulations, grant, or other agreements under WIOA, believed to have been violated;
- Grievances or complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with the WIOA law, regulation, or contract;
- The remedy sought by the complainant;
- Signature of the complainant or his or her authorized representative; and
- If applicable, a copy of the referral of a grievance/complaint filed with the State to remand to the local level for resolution.

State Grievance Procedure

Title 20 CFR Section 683.600(d) requires the State to provide a process for dealing with grievances and complaints from participants or interested parties affected by the statewide WIOA programs, resolving appeals of decisions issued at the LWDA (Local Workforce Development Areas) level, remanding grievances and complaints related to the local WIOA Title I programs to the LWDA grievance process, and affording an opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint.

Submitting the Grievance or Complaint

Complaints will be taken from the complainant, a representative, or other designee by email to eoofficer@okcommerce.gov or mail to:

Kacey Luster
State Equal Opportunity Officer
Oklahoma Employment Security Commission
900 N. Stiles Ave.
Oklahoma City, OK 73104
Phone: (405) 557-5496
TTY: 711 or 800-722-0353

The complaint is considered logged at the time of receipt with confirmation given to the complainant via email response. If no email address for the complaint is provided, include a note indicating the best way for the State to communicate with the complainant.

Complaints received are screened and reviewed by staff at OOWD (Office of Workforce Development) and if appropriate, are remanded to the local level to begin informal resolution. OOWD may provide alternative dispute resolution to assist the parties in reaching an understanding about how to best resolve their differences.

Appeals to the State from Local Areas

- A participant or affected party may file a grievance with the local area. It will be resolved according to the procedures of the local area, established pursuant to 20 CFR §683.600(c).
- An appeal of a local area decision may be filed with the State if:
 - No decision is reached within 60 days from the date the grievance is received at the local area level; or

- Either party is dissatisfied with the local area hearing decision.
- When the local area does not render a decision within 60 days from the date of receipt of the grievance/complaint, an appeal must be filed with the State within 30 days from the expiration of the 60-day time period.

Informal Resolution

An attempt must first be made to informally resolve the complaint to the satisfaction of all parties. Informal resolution must be completed within 10 calendar days from the date the complaint was filed. If all parties are satisfied, the complaint is considered resolved and a letter outlining the terms and conditions of the resolution is attached to the complaint and sent to the parties.

Formal Resolution

When no formal resolution is possible, information is documented and returned to OOWD for further investigation. A determination letter will be issued within 20 days from the date the complaint was filed and sent to the parties. If the determination is not contested, the complaint will be considered resolved.

Hearing

Any party dissatisfied with the determination from the informal or formal resolution, may appeal in writing within 10 days of the date of determination. The request for a hearing must be filed in writing to workforce@okcommerce.gov and to:

Oklahoma Office of Workforce Development (OOWD)

900 N. Stiles Ave.

Oklahoma City, OK 73104

Upon receipt of the request for a State hearing, the Executive Director of OOWD or his/her designee shall review the grievance or complaint and shall provide an opportunity for an informal and formal resolution, if not yet provided. The Executive Director of OOWD or his/her designee shall notify the complainant and the respondent within 10 days of receipt of the grievance or complaint and proceed with the informal resolution process, and then formal resolutions process. If the State cannot resolve the grievance or complaint, then a hearing may be requested.

Hearing Procedure

In any hearing conducted pursuant to a grievance filed under the WIOA, all parties to the grievance shall be afforded an opportunity for a hearing with the Grievance Panel after reasonable notice. Such notice shall include:

- The date, time, and place of the hearing, in writing at least 10 days prior to the date of hearing;
- The original grievance filed and documentation of informal and formal resolution attempts;
- Relevant sections of WIOA or any other federal regulations involved;
- If not in the original filed grievance, a statement of the alleged violations. The statement must accurately reflect the content of the grievance or complaint as submitted by the complainant. However, clarifying notes may be added to ensure the grievance is addressed accurately; and,
- The right of the parties to be represented by an attorney or another designated representative (at their own expense).

The hearing is conducted in an informal manner in front of the Grievance Panel with strict rules of evidence not being applicable. Both parties have the right to present written and/or oral testimony and arguments; the right to call and question witnesses; the right to request and examine records and documents relevant to the issues; and the right to be represented. All evidence and a list of witnesses must be made available in advance to all parties 7 days prior to the hearing. Prior to the hearing, the Chair of the Grievance Panel will inform the parties, in writing, of the hearing process (i.e., order of arguments, rebuttals, time restrictions, etc.). The hearing will be recorded electronically.

The hearing process will be completed within 60 days from the date the appeal/request for hearing was received by OOWD.

Composition of Grievance Panel

The Grievance Panel will consist of three (3) members who are appointed by the Executive Director of OOWD, along with two (2) alternates. Where feasible, the Panel may include a representative from the Governor's Council for Workforce and Economic Development, a State Agency partner, and a Local Area Staff member of any of the WIOA Core Programs. Alternates may be any combination chosen from any of the above entities, including OOWD staff or hired entities.

The Executive Director of OOWD or his/her designee will oversee the hearing.

Final Decision by Grievance Panel

Unless precluded by law, informal disposition or resolution may be made of any individual proceeding by stipulation, agreed settlement, consent order, or default.

If informal disposition or resolution is not achieved, the Grievance Panel shall, within 60 calendar days from the date the complaint was filed, mail electronically and via the United States Postal Service, a written decision to both parties. The decision shall contain the following information:

- The names of the parties involved;
- A statement of the alleged violation(s) and issues related to the alleged violation;
- A statement of the facts;
- The State Grievance Panel's decision and the reasons for the decision;
- A statement of corrective action or remedies for violations, if any, to be taken; and
- A notice of the right of either party to file an appeal to the Secretary of Labor, if applicable.

Maintenance of Records

Recordings and other records shall be maintained for such time so as to protect the record through judicial review, or at least three years. Copies of the electronic recordings shall be provided at the request of any party to the proceeding.

Remedies That May Be Imposed at the Local and State Level

According to WIOA Section 181 (c) (3) remedies that may be imposed for a violation of any requirement shall be limited to:

- Suspension or termination of payments under this title;
- Prohibition of placement of a participant with an employer that has violated any requirement under this title;

- Where applicable, the reinstatement of an employee, payment of lost wages and benefits, and re-establishment of other relevant terms, conditions, and privileges of employment; and
- Where appropriate, other equitable relief.

Federal Appeal

WIOA allows for a formal appeal to the U.S. Department of Labor (USDOL) if the state has not issued a decision within 60 days after a complaint is filed or the party to such decision received an adverse decision. Federal appeals must be made within 60 calendar days of the receipt of the decision being appealed. USDOL will make a final decision no later than 120 days after receiving a formal appeal. USDOL will only investigate complaints arising through the established procedures. Appeals submitted to USDOL must be submitted by certified mail, return receipt requested to:

Secretary U.S. Department of Labor
Attention: ASET
200 Constitution Avenue, NW
Washington, DC 20210

A copy of the appeal must be simultaneously provided to the opposing party, and the USDOL Regional Office by certified mail to:

Regional Administrator
U.S. Department of Labor, Employment and Training Administration
Region IV (Dallas) Office
525 S. Griffin Street, Room 317
Dallas, TX 75202

Authorization for Clarifications and Additions

The GCWDB Executive Director is authorized to issue additional instructions, guidance, approvals and/or forms to further implement the requirements of this policy, without making substantive change to the policy, except in situations where new or updated state and federal guidance is issued.

History

- Replaces GCWDB OP-0100301, with an effective date of 08.05.2021, and being associated with GCWDB P-0100300, Nondiscrimination and Equal Opportunity Policy, previously GCWDB Approved and effective: 06.17.2021
- GCWDB Approved and Effective 12.08.2022

References

- OWDI (Oklahoma Workforce Development Issuance) 16-2017, Change 1
- OWDI 13-2017, Change 2
- OWDI 01-2018, Change 1
- The Workforce Innovation and Opportunity Act (WIOA) (29 USC § 3241(c))
- 20 Code of Federal Regulations (CFR) 683 Subpart F
- 29 CFR 37.35
- 20 CFR 38.54

Attachments:

Attachment A: Acknowledgement of Grievance and Complaint Procedures

Attachment ZZ: Vital Service and Information Notice

NOTE: All GCWDB Policies and attachments are available for download at:

<https://www.greencountryworks.org/resources/policy-research-best-practices/>

Acknowledgement of Grievance and Complaint Procedures

Participant Name (printed)

PID

By my initials below, I certify that I have been verbally advised of:

- My right to file a grievance or complaint with the WIOA Title I service provider, Local Workforce Development Area, State or United States Department of Labor, and
- My right to receive technical assistance in filing a grievance or complaint.

I have received copy of, read and understand GCWDB policy and procedures as follows:

- Discrimination Complaint Procedures Governing WIOA Activities and Oklahoma Works (One-Stop) Center Activities Policy
- WIOA Programmatic Grievances and Complaint Policy

Signature

Date

Green Country Workforce Development Board**Vital Service and Information Notice**

Pursuant to 29 CFR 38.9(g)(3), the following notice is given:

This document contains vital service information.

For people with speech or hearing loss:

To enable telephone conversation between people with speech or hearing loss and people without speech or hearing loss, please call Oklahoma Relay at 711-(<http://www.oklahomarelay.com/711.html>) or TDD/TTY: 800-722-0353.

If English is not your preferred language, please contact:

Equal Opportunity (EO) Officers

Green Country Workforce Development Board
822 S. Muskogee Ave. Tahlequah, OK 74464
Jeremy Frutchey | EO Officer/Operations Manager
(405) 269-2821 | eo@greencountryworks.org

State Equal Opportunity Officer
Kacey Luster | Oklahoma Employment Security Commission
900 N. Stiles Ave. Oklahoma City, OK 73104
(405) 557-5496 | EOOfficer@oesc.ok.gov
TTY: 711 or (800) 722-0353

Notice in English

IMPORTANT! This document contains important information about your rights, responsibilities and/or benefits. It is critical that you understand the information in this document, and we will provide the information in your preferred language at no cost to you. Call (918) 456-8846 Ext. 219 for assistance in the translation and understanding of the information in this document.

Notice in Marshallese

MEĻĻĻ KO RELUKKUN AORŌK! Ilo pepa kein epād kōmeĻĻ ko elap aer aorōk ikkijjen jīmwe, eddo im marōn ko am. Ellukun aorōk bwe kwōn jelā im meĻĻ kōn kōmeĻĻ kein. Kim naj jipañ eok kōn meĻĻ kein ilo ukook ak kajin eo kwōj kōnaan, im ejjelok wōnāān (free). Kūr tok nōmba in talpoon in (918) 456-8846 Ext. 219 ñan jipañ ko ikkijjen ukook in kōmeĻĻ ko ilo pepa kein

Notice in Spanish

¡IMPORTANTE! Este document contiene información sobre sus derechos, responsabilidades y/o beneficios. Es importante que usted entienda la información en este documento. Nosotros le podemos ofrecer la información en el idioma de su preferencia sin costo para usted. Llame al (918) 456-8846 Ext. 219 para pedir asistencia en traducir y entender la información en este documento.

