



NEMO WORKFORCE DEVELOPMENT BOARD

Complaint and Grievance Policy

NEMO WDB Issuance 19-2020

Issuance Date: 07/01/2020

This policy describes the complaint and grievance procedures for programs and activities conducted by the Northeast Missouri Workforce Development Board (NEMO WDB) as well as complaints arising from actions taken by One-Stop operator(s), One-Stop partners and/or service providers on investigations, audits, procurements, or monitoring reports.

If you are enrolled in a WIOA program or if you are employed as a staff person in an agency administering a WIOA program, you cannot be denied benefits or services, be segregated or treated any differently from other participants or staff, nor be discriminated against in any way 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 1 of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title 1-financially assisted program or activity.

Four types of complaints are covered by this policy. They are: 1) Discrimination Complaints; 2) Program Complaints; 3) Labor Standard Complaints; and 4) Criminal Complaints.

If a complaint alleges a violation of any statute, regulation, policy, or program that is not governed by WIOA, the Local or State EO Officer 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.

Non-Criminal Complaints

WIOA requires that non-criminal complaints be filed within one (1) year of the date of occurrence. An opportunity for informal resolution and impartial hearings must be conducted within 60 days of the receipt of the complaint if resolution cannot be reached during the initial investigation or review.

COMPLAINANTS RIGHTS

DISCRIMINATION COMPLAINTS

Applicants, eligible applicants, participants, applicants for employment, employees and members of the public, including those with disabilities, and unions or professional organizations holding collective bargaining or professional agreements with the NEMO WDB (or its sub-contractors) may file discrimination complaints using the following procedures. Exhaustion of the local and state's administrative remedies is recommended for expediency in complaint resolution.

EQUAL OPPORTUNITY IS THE LAW

It is against the law for the NEMO Workforce Development Board, recipient of Federal financial assistance, to discriminate against any individual in the United States on the basis of 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 1 of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title 1-financially assisted program or activity.

The NEMO WDB shall not discriminate in any of the following areas:

Deciding who will be admitted, or have access to any WIOA Title I financially assisted program or activity; providing opportunities in or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

A OWD or Local Program Operator employee who takes a discrimination complaint must immediately route the complaint to the Local Equal Opportunity Officer or the State Equal Opportunity Officer. Immediately upon receiving and logging the complaint, the local EO officer will forward the complaint to the State EO Officer for determination of jurisdiction and further processing.

Complaint Routing and Record Keeping

A Job Center staff who takes a discrimination complaint must immediately route discrimination complaints to the State EO Officer within two (2) business days from when the complaint was received and notify the Local EO Officer. The Local EO Officer will log all complaints on the DWD-PO-524 EO Local WIOA Discrimination Complaint Log (See Exhibit VII-D). The log will 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. State and Local-level EO Officers are responsible for keeping any information that could lead to the identification of the person filing the complaint confidential. Immediately upon receiving and logging a discrimination complaint, the Local-level EO Officer will forward the complaint to the State EO Officer for determination of jurisdiction and further processing.

WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

If you think that you have been subjected to discrimination under a WIOA Title I financially assisted program or activity, you may file a complaint **within 180 days** from the date of the alleged violation with either:

LOCAL:

Sharon Hillard, Equal Opportunity Officer
NEMO Workforce Development Board, Inc.
111 E. Monroe
Paris, MO 65275
Phone: (660) 327-5125
Fax: (660) 327-5128

STATE:

Danielle Smith, State WIOA Equal Opportunity Officer
Office of Workforce Development
301 W. High Street, P.O. Box 1087,
Jefferson City MO 65102
Phone: (573) 751-2428
Fax: (573) 751-4088

FEDERAL:

The Director, Civil Rights Center (CRC)
US Department of Labor
200 Constitution Avenue NW, Room N-4123
Washington, D.C. 20210

You may also file your complaint with the service provider or the One-Stop operator and they will forward your complaint to the proper entity within 2 business days.

Discrimination Complaint Form (DWD-101) may be found at www.jobs.mo.gov/dwdeo. This form is also available in Spanish and will be translated to other languages upon request. Forms are also available at www.nemowib.org

PROGRAM (GENERAL) COMPLAINTS

General complaints may be filed up to one (1) year from the date of the event or condition alleged to be a violation of the WIOA.

The General Complaints fall into 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 you believe, you have been unjustly denied any benefit or service allowed under the Workforce Innovation and Opportunity Act, or have reason to believe a violation of the Act, its regulations or any agreement under the Act has occurred, a complaint may be filed as outlined in these procedures. Complainants are encouraged to attempt to resolve the alleged violation at the local level by following the grievance procedures of his/her employer or work site. Office of Workforce Development (OWD), NEMO Workforce Development Board (NEMO WDB) and its One-Stop Operators will not discharge, intimidate, retaliate, threaten, coerce, or discriminate against any person who files a complaint, opposes a prohibited practice, furnishes information, assists, or participates in any manner in an investigation or hearing.

A complaint may be amended or withdrawn at any time prior to a scheduled hearing. All complaints will be kept confidential to the extent possible as well as the identity of any person who furnishes information related to the complaint, or assists in the investigation.

Informal resolution prior to the filing of a written complaint is encouraged. If the complainant is not satisfied with the attempt at informal resolution, he or she should proceed with filing a written complaint. **The form (DWD-104)** can be found at www.jobs.mo.gov/dwdeo. The form is available in Spanish on the website and other languages are available upon request.

NON-PARTICIPANT COMPLAINTS

In addition to participant grievances, complaints alleging a violation of the Act, federal regulations, the Local & State's contracts and issuance's, grants, or other agreements as well as those arising from actions such as the procurement of goods and/or services, audit disallowance's, or the imposition of sanctions taken by the Governor with respect to audit findings, investigations or monitoring reports may be resolved through these procedures.

WIOA permits program operators, contractors, grantees, sub-grantees, sub-recipients, to complain through their employer's grievance Steps 1 and 2 of this policy. If the employer's procedure is used, the time frames and steps contained therein will be adhered to.

COMPLAINT FILING

Local procedures (Step 1 of 2 of this policy) must be exhausted to the State. Likewise, State level procedures must be exhausted before escalating the complaint to the U.S. Department of Labor (when applicable).

Your complaint must be submitted in writing and signed. It should include your name, address, and telephone number, a description of the complaint incident(s), names of those responsible (or organization responsible), when, where, and what acts are the basis of the complaint, and relief that is sought. Complaints should be filed immediately after the complaint incident so that your rights will not be jeopardized due to untimely filing and so that the complaint may be promptly resolved. All time frames in this policy refer to calendar days.

For all non-employment related grievances or if a participant is unable to satisfactorily resolve any employment related grievance with his/her employer, the participant must utilize the procedure contained in this policy to seek further resolution.

STEP 1

Any organization or individual who has a complaint arising in connection with the WIOA programs should contact **Sharon Hillard, Equal Opportunity Officer at the NEMO Workforce Development Board**. The local administrative entity or service provider will attempt to resolve the complaint informally to the satisfaction of all parties. The informal resolution must be completed within ten (10) business days from the date the complaint was received. When a service provider attempts the informal resolution, the service provider will forward the complaint file to the Local Equal Opportunity Officer. The Local Equal Opportunity Officer will review the file and investigate further, if necessary.

STEP 2

If an informal resolution fails, and a review is requested, the complainant will file the grievance in writing with the NEMO WDB. The NEMO WDB Equal Opportunity Officer will issue a determination within twenty (20) days from the date the complaint was filed. If the complainant does not request an appeal of the determination, the complaint is considered resolved. Any party dissatisfied with the determination may request a hearing within seven (7) calendar days from the date of the determination.

STEP 3

The NEMO WDB must ensure that a qualified hearing officer conducts an impartial hearing, within forty-five (45) days from the date the complaint was filed. The complainant, respondent, and any other interested party, will be provided with a written notice of the date, time and place of the hearing at least seven (7) business days prior to the hearing so that all parties have the opportunity to present evidence and to be represented by an attorney, and the appeal process outlined in Step 4 of these procedures. If possible, a licensed attorney, authorized to take sworn statements, will be utilized to conduct impartial hearings. All testimony will be taken under oath or affirmation and will be recorded in either writing or by audiotape.

Employers must have a grievance procedure relating to the terms and conditions of employment for participants funded under WIOA. Employers may operate their own procedure or they may utilize those of the local area. Employers shall inform participants which procedure to follow when the participant's begins employment. Participants may request a local area review of an employer's decision with appeal rights to OWD should the local area render a disputed decision.

The hearing officer is to present a written decision to the NEMO WDB within fourteen (14) days of the hearing. The hearing officer will also concur with the Chief Local Elected Official toward reaching consensus on the recommended resolution to the complaint. If consensus cannot be reached, the hearing officer will initiate a request to the state for resolution. The NEMO WDB must issue a written decision within sixty (60) calendar days of the original filing of the grievance. If the NEMO WDB fails to issue this written decision to the complainant within (60) days from the date the complaint was originally filed, or is dissatisfied with the final decision, the complainant has the right to request a State review under the procedures outlined in Step 4.

STEP 4

If the decision fails to resolve the grievance, or any party who has not received either a final decision or a resolution within sixty (60) days from the date the complaint was filed, may request an appeal. The appeal must be received by Danielle Smith, State EO Officer, Office of Workforce Development, 301 W. High Street, P.O. Box 1087, Jefferson City MO 65102 within ninety (90) days from the date the complaint was filed. The review process performed by OWD may be conducted by, (a) its own staff, (b) a licensed attorney through an impartial hearing or (c) any other means of independent review or investigation. OWD will provide a written final decision to the complainant within **sixty (60) days** of the date the request for review was received.

Nota bene: Local or state level resolutions cannot be characterized as an alternative to the federal process and the complainant should be aware that he/she has a 180-day time limit from the alleged violation to file discrimination complaints with the Secretary of Labor.

APPEALS TO THE US DEPARTMENT OF LABOR SECRETARY (USDOL)

Should OWD either fail to issue a written final decision within **sixty (60)** days of the request or deliver an adverse final or appeal decision, the complainant may request from the Secretary of the United States Department of Labor, a determination as to whether reasonable cause exists to believe that the Act, or its regulations have been violated. This request must be filed within **sixty (60)** days of the date the final decision should have been issued from OWD. Appeals must be filed within one hundred and twenty days (120) of the complainant's filing of the grievance with the State, or filing of the appeal of a local grievance with the State. All appeals must be submitted by certified mail, return receipt requested to:

Secretary
United States Department of Labor
Washington DC 20210
Attention: ASET

*A copy of the appeal must be simultaneously provided to the Employment and Training (ETA) Administrator at 911 Walnut Street, Kansas City, Missouri 64106 and the opposing party.

The complaint should contain the following:

- 1) The full name, address, and telephone number of the person making the complaint;
- 2) The full name and address of the respondent against whom the complaint is made;
- 3) A clear and concise statement of the facts, including pertinent dates, constituting the alleged violation;
- 4) The provision 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 style of the case; and
- 6) A statement of the date the complaint was filed with OWD, the date on which OWD should have issued a final decision and an attestation that no decision was issued.

LABOR STANDARDS COMPLAINTS

Complainants may:

- a) Exhaust the non-criminal administrative process by submitting the complaint directly to the Office of Workforce Development (OWD) for review and disposition within sixty (60) days; or
- b) Submit the grievance to a binding grievance procedure if a collective bargaining agreement covering the parties so provides. If sixty (60) days expires with no decision (or an adverse decision is rendered), the complaint may be submitted to the U.S. Department of Labor which may change, reverse or issue a final decision.

Violation of Relocation Prohibitions

Relocation complaints under Section 181(d) should be filed directly with the U. S. Department of Labor, Employment and Training Administration, 911 Walnut Street, Kansas City, Missouri 64106 (816) 426-3796 for investigation.

CRIMINAL COMPLAINTS

Information and complaints alleging criminal fraud, waste, abuse, or other criminal activities must be filed directly and immediately through the OWD Incident Reporting System to the USDOL Office of Inspector General, Office of Investigations, Room S5514, 200 Constitution Avenue NW, Washington D. C. 20210- The Regional Inspector General for Investigations, Employment and Training Administration, 911 Walnut Street, Kansas City, Missouri 64106, must be copied on all complaints that are filed alleging fraud, waste, abuse or other criminal activities. The Hotline number is 1-800-347-3756. The OWD Equal Opportunity Officer can assist in reporting to the Office of Inspector General.

AUDIT RESOLUTION POLICY

OWD and the NEMO WDB maintains procedures which may be used for resolution of complaints arising from actions such as audit disallowance's and the imposition of sanctions taken by OWD or the NEMO WDB Administrative Entity, respectively, which pertain to audit findings, investigations, or monitoring reports. Such complaints must be filed in writing and addressed to Danielle Smith, State EO Officer, Office of Workforce Development, , 301 W. High Street, P.O. Box 1087, Jefferson City MO 65102, or, respectively, to Sharon Hillard, EO Officer, NEMO Workforce Development Board, 111 E. Monroe, Paris, Missouri 65275. Complaints will follow the Complaint Filing Section of this Issuance.

NON-WIOA REMEDIES

In any case, where the alleged violation of the Act or regulation is also an alleged violation of another law, regulation or agreement, nothing in this process shall preclude an individual or organization from filing a complaint or grievance with the appropriate authority under that law. Assistance in filing the complaint or appeal may be obtained by contacting Sharon Hillard, EO Officer at the NEMO Workforce Development Board.

Complaints may be filed against state, local area or other Subrecipients for violation of WIOA and a federal, state, or local law with respect to 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.

PROHIBITION AGAINST REPRISAL

No person, organization or agency may discharge, or in any manner discriminate or retaliate against any person or deny any person a benefit to which that person is entitled because such person has filed any complaint, instituted, or caused to be instituted any proceeding under or related to the Act, has testified or is about to testify in any proceeding or investigation, or has provided information or assisted in any investigation.

CONFIDENTIALITY OF INFORMATION

The identity of any person who has furnished information relating to or assisting in the investigation of a possible violation of the WIOA shall be kept confidential to the extent possible, consistent with a fair determination of the issues.

For further information or assistance, please contact:

**Sharon Hillard, Equal Opportunity Officer
NEMO Workforce Development Board
111 East Monroe
Paris, MO 65275
(660) 327-5125
shillard@nemowib.org**

ACKNOWLEDGEMENT OF RECEIPT

For WIOA program participants and staff only.

A copy of the signed and dated receipt will be placed in the participant or personnel file

I acknowledge that I have received a copy of the NEMO Workforce Development Board's Complaint and Grievance Procedures Policy.

Signature

Date

Signature of WDB Staff/Sub-Contractor Staff Issuing Policy

**NEMO Workforce Development Board is an Equal Opportunity Program/Employer
Auxiliary aids and services are available upon request to individuals with disabilities.
Alternate formats for non-English speaking individuals available upon request.
Missouri TTY users may call Missouri Relay 7-1-1**