

Workforce Innovation and Opportunity Act (WIOA) Grievance and Complaint Policy and Procedures

Purpose – The purpose of this policy is as follows:

In accordance with 20 CFR 667.600, the purpose of this procedure is as follows:

- A process for dealing with grievances and complaints from participants and other interested parties affected by the West Central Arkansas workforce development programs
- A process for resolving appeals from decisions made by the one-stop operator or other partner

The purpose of this procedure is also a process for appealing decisions made concerning the West Central Arkansas Workforce Innovations and opportunity Act. These procedures will be made available, upon request, to all WIOA Title I participants and staff persons.

References:

20 CFR 667.600	WIOA § 127(b)(1)(C)
20 CFR 667.630	WIOA § 132(b)(1)(B)
20 CFR 667.640(c)	WIOA § 132(b)(2)(B)
20 CFR 683.600	WIOA § 181(C)
20 CFR 683.610	

Procedures

I. General Guidelines for Filing a Grievance or Complaint

- A. West Central Arkansas Planning and Development District, Inc. maintains a procedure for grievances or complaints alleging violations of the requirements of Title I of the WIOA from participants and other interested or affected parties. Grievances or complaints involving activities within the West Central Arkansas Workforce Development Area should follow these procedures. Grievances or complaints should be sent by certified mail, return receipt requested, to the Equal Opportunity officer (EEO) of West Central Arkansas at the address below:

Cora Easterday, EO Officer
West Central Arkansas Planning and Development District, Inc.
P O Box 6409
Hot Springs, AR 71902-6409

West Central Arkansas Workforce Development Board
Larry Carr, Chairman
P O Box 6409, Hot Springs, AR

- B. All complaints, with the exception of complaints alleging fraud or criminal activity, must be filed within 180 days of the alleged occurrence.
- C. The name of the complainant or informant will be kept confidential where possible. Where disclosure of the person's identity is essential to assure a fair determination of the issues and to effectively accomplish responsibilities under the WIOA, disclosure will be under conditions that promote continued receipt of confidential information. Written reports may be subject to disclosure under Arkansas Freedom of Information Act.
- D. No person, organization, or agency may discharge or in any other manner retaliate against any person because that person has filed a complaint, instituted any proceeding related to the WIOA, testified or is about to testify in any proceeding or investigation, or provided information or assisted in an investigation.
- E. Complainant's statement must include:
- The full name, telephone number (if any), and complete address of the person making the complaint
 - The full name and complete address of the person or entity against whom the complaint is made
 - A clear and concise statement of the facts, including pertinent dates, constituting the alleged violation
 - The provisions of the WIOA Act regulations, a grant, or other agreements under WIOA Title I believed to have been violated
 - 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 the commencement or conclusion and the name and address of the authority
- F. Upon receipt of a grievance or complaint, the Executive Director or designee will acknowledge receipt of the grievance to all parties by certified mail, return receipt requested. The acknowledgement of receipt of the grievance will:
- Outline the steps to be taken to resolve the matter.
 - Notify all parties of the right to request a hearing.
 - Advise of attempt to reach an informal resolution.
 - Provide a synopsis of issues to be decided.
- G. The Executive Director or designee shall provide a written decision within 30 days of receipt of the grievance or complaint. If requested, a hearing will be completed within those 30 days.
- H. The following procedures will apply to a hearing:
- The hearing will be informal. Technical rules of evidence will not apply. Hearsay evidence will be admissible at the discretion of the hearing examiner.
 - Hearings will be held at a time and place determined by the Executive Director or designee, after reasonable written notice has been sent to the parties and the witnesses.
 - The party requesting the hearing will have the burden of establishing the facts and the entitlement to the relief requested.
 - Either party may be represented by an attorney or other representative.
 - Either party may bring witnesses and documentary evidence.

West Central Arkansas Workforce Development Board
Larry Carr, Chairman
P O Box 6409, Hot Springs, AR

- The respondent will cooperate by making available any person under their control or employ to testify, if these persons are requested to testify by the complainant, and to release requested documents relevant to the issue after the requesting party has established that such testimony/documentation is relative and not cumulative.
- Either party or representative will have the opportunity to question any witness.
- A verbatim record or tape recording will be made of the proceeding.
- The Executive Director or designee will make a written decision.

If a hearing is not requested, the Executive Director or designee will conduct an administrative fact-finding investigation. The investigation will include:

- Opportunities for all parties to submit an in-depth position statement, including documentary supportive data and/or records.
 - Access to and review of appropriate official records.
 - Interview of principle parties and opportunity for all parties to offer rebuttal to information received.
 - A written decision
 - A written decision will be sent by certified mail, return receipt requested, and will contain the following:
 - Statement assuring the adherence with all steps included in the grievance/complaint procedures.
 - Issue(s) being decided.
 - Statement of facts.
 - Reasons for the decision.
 - Remedies to be offered, if appropriate.
 - Summary.
 - Advisement of the right to appeal the decision.
- I. A party to which the decision is adverse may appeal the decision to the West Central Arkansas Workforce Development Board. The appeal must be filed within 15 days of the receipt of the decision. All appeals of such decisions must be sent by certified mail, return receipt requested, to the Chairperson of West Central Arkansas Workforce Development Board at the following address:

WCAWDB Chairperson
P O Box 6409
Hot Springs, AR 71902-6409

The West Central Arkansas Workforce Development Board will review all documentation, evidence and decisions to amend or overturn the Executive Director's decision.

The West Central Arkansas Workforce Development Board will meet to decide the issue and inform all parties of its decision by certified mail, return receipt requested. A decision will be issued within 30 days of the receipt of the appeal.

West Central Arkansas Workforce Development Board
Larry Carr, Chairman
P O Box 6409, Hot Springs, AR

II. Special Complaint Procedures

- A. Complaints of discrimination from participants and other interested parties will be handled in accordance with WIOA section 188(b) and the Department of Labor nondiscrimination regulations implementing that section. Discrimination complaints must be filed within 180 days of the alleged violation. Questions about or complaints alleging a violation of the nondiscrimination provisions of WIOA may be mailed to the Executive Director or designee, West Central Arkansas Planning and Development, Inc., P O Box 6409, Hot Springs, AR 71902-6409 or the Director, Civil Rights Center, U.S. Department of Labor, Room N4123, 200 Constitution Avenue, NW, Washington, DC 20210. [20 CFR 667.600(f)]
- B. A complaint may be made directly to the Secretary of Labor if a WIOA Title I recipient has discharged or in any other manner discriminated against a participant or against any individual in connection with the administration of the program involved, or against any individual because such individual has filed any complaint or instituted or caused to be instituted any proceeding under or related to this title, or has testified or is about to testify in any such proceeding or investigation under or related to this title, or otherwise unlawfully denied to any individual a benefit to which that individual is entitled under the provisions of this title or the Secretary's regulations. In this case, the Secretary shall take such action or order such corrective measures, as necessary, with respect to the recipient or the aggrieved individual, or both, within 30 days.
- C. Information and complaints involving criminal fraud, waste, abuse or other criminal activity must be reported immediately through the Department of Labor's Incident Reporting System to the DOL Office of Inspector General, Office of Investigations, Room S5514, 200 Constitution Avenue NW, Washington, DC 20210, or to the corresponding Regional Inspector General for Investigations, with a copy simultaneously provided to the Employment and Training Administration. The Hotline number is 1-800-347-3756. [20 CFR 667.630]
- D. Testing for use of controlled substances is not part of the Arkansas Workforce Investment system; therefore, an appeal procedure is not established for this procedure at this time. [20 CFR 667.640(c)]

Larry Carr
Larry Carr, Chairperson

Oct. 14, 2021
Date

Approved on: Oct. 14, 2021

WDB is an equal opportunity employer and provider of employment and training services. Auxiliary aids and services are available upon request to persons of disability.