

# West Central Arkansas Workforce Development Board

Larry Carr, Chairman

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

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## Grievance and Complaint Policy and Procedures

**Purpose** - The purpose of this policy is to set forth the procedures for grievance and complaints.

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 development system. These procedures will be made available, upon request, to all WIOA Title I-B 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. The West Central Arkansas Workforce Development Board has established and maintained a procedure for grievances or complaints alleging violations of the requirements of WIOA Sections 127 (b)(1)(C), 132(b)(1)(B), and 132(b)(2)(B) 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

- B. If a grievance or complaint is filed with the Equal Opportunity Officer that, in the opinion of the Officer, should first be filed with the One-Stop Operator, that grievance will be remanded to the Executive Director of the West Central Arkansas One-Stop Operator to

# West Central Arkansas Workforce Development Board

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be processed. This decision will be made within 30 days of receiving the grievance. Notification of remanding will be sent to the complainant or informant.

- C. All complaints, with the exception of complaints alleging fraud or criminal activity, must be filed within one year of the alleged occurrence.
- D. 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 Workforce Innovation Opportunities Act, 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.
- E. 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 Workforce Innovative Opportunities Act, testified or is about to testify in any proceeding or investigation, or provided information or assisted in an investigation.
- F. Complainant's statement must include:
- The full name, telephone number (if any), and address of the person making the complaint
  - The full name and 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 Sections 127 (b)(1)(C), 132(b)(1)(B), and 132(b)(2)(B), regulations, a grant, or other agreements under WIOA Title I-B 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
- G. Upon receipt of a grievance or complaint, the EO Officer 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.

# West Central Arkansas Workforce Development Board

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- H. The EO Officer or designee shall provide a written decision within 60 days of receipt of the grievance or complaint. If requested, a hearing will be completed within those 60 days.
- I. 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 EO Officer, 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.
  - 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 relevant 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 EO Officer or designee will make a written decision.
- J. If a hearing is not requested, the EO Officer 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.
- K. 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 60 days of the receipt of the decision. All appeals of such decisions must be sent by certified mail,

# West Central Arkansas Workforce Development Board

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return receipt requested, to the Chairman of West Central Arkansas Workforce Development Board at the following address:

## **Chairman**

West Central Arkansas Workforce Development Board  
West Central Arkansas Planning and Development District, Inc.  
Post Office Box 6409  
Hot Springs, AR 71902-6409

The Executive Committee of the West Central Arkansas Workforce Development Board will review all documentation, evidence and decisions to develop a recommendation to the full West Central Arkansas Workforce Development Board to confirm, amend or overturn the EO Officer'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.

## **II. Appeal of Local Decisions**

- A. A decision made by the West Central Arkansas Workforce Development Board (Local Board) may be appealed to the Arkansas Division of Workforce Services when no decision is reached within 60 days or when either party is dissatisfied with the local hearing decision WIOA Sections 127 (b)(1)(C), 132(b)(1)(B), 132(b)(2)(B), 20 CFR 683.600, 20 CFR 683.610. A training provider that has been denied eligibility or has had eligibility terminated may appeal to the State Board within 60 days of the decision. WIOA Sections 127 (b)(1)(C), 132(b)(1)(B), 132(b)(2)(B), 20 CFR 683.600, 20 CFR 683.610 A provider of on-the-job training or customized training that has been denied eligibility may appeal to the State Board within 60 days of the decision.
- B. The appeal must be sent by certified mail, return receipt requested to the Director at the address below within 60 days of the local decision or, when no local decision has been reached, within 120 days of the original filing date. The Director will contact the local board director or administrator and investigate the appeal. Except as indicated below, procedures in II (H-O) above will apply.

Director of ADWS:

Director

Arkansas Division of Workforce Services

PO Box 2981

Little Rock, AR 72203

- C. A decision made under the state appeal process concerning a training provider (including on-the-job training and customized training may not be appealed to the Secretary of Labor. [WIOA Sections 127 (b)(1)(C), 132(b)(1)(B), 132(b)(2)(B), 20 CFR 683.600, 20 CFR 683.610

## **III. Appeal of State Decision**

- A. A party to which the decision is adverse may appeal the decision to the Secretary of Labor. The appeal must be filed within sixty (60) days of the receipt of the decision.

# West Central Arkansas Workforce Development Board

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- B. Administrator and the opposing party. The Secretary will investigate the grievance or complaint and make a final determination relating to the appeal no later than 120 days after receiving such appeal.
- C. If no decision reached by the Director and the State Board within 60 days of the filing of the grievance or complaint, then the grievance or complaint may be filed with the Secretary within 120 days of the original filing date. The procedures listed in II (L) above must be followed.
- D. In most cases, the decision of the Secretary may be appealed to the Office of Administrative Law Judges within 21 days of receipt of the final determination. Instructions for this appeal are given in WIOA Sections 127 (b)(1)(C), 132(b)(1)(B), 132(b)(2)(B), 20 CFR 683.600, 20 CFR 683.610 Nothing in this procedure shall be constructed to prohibit a grievant or complainant from pursuing a remedy authorized under another federal, state, or local law.

## IV. Special Complaint Procedures

- A. Complaints of discrimination from participants and other interested parties will be handled in accordance with WIOA Sections 127 (b)(1)(C), 132(b)(1)(B), and 132(b)(2)(B), 20 CFR 683.600, 20 CFR 683.610 and the Department of Labor nondiscrimination regulations implementing that section. Questions about or complaints alleging a violation of the nondiscrimination provisions of WIOA Sections 127 (b)(1)(C), 132(b)(1)(B), 132(b)(2)(B), may be mailed to the Director, Civil Rights Center, U.S. Department of Labor, Room N4123, 200 Constitution Avenue, NW, Washington, DC 20210.
- B. A complaint may be made directly to the Secretary of Labor if a WIOA Title I-B 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. WIOA Sections 127 (b)(1)(C), 132(b)(1)(B), 132(b)(2)(B), 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]

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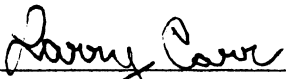
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- C. Testing for use of controlled substances is not part of the Arkansas Workforce Development system; therefore, an appeal procedure is not established for this procedure at this time. [20 CFR 667.640(c)]

Addresses:

**Director of ADWS:**  
Director  
Arkansas Workforce Development  
Board P.O. Box 2981  
Little Rock, AR 72203

**Secretary of Labor:**  
U.S. Department of Labor  
200 Constitution Ave. N.W.  
Washington, DC 20210  
Attention: ASET

  
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Larry Carr, Chair

OCT. 14, 2021  
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Date

Approved on: OCT. 14, 2021  
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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.