

ST. CHARLES COUNTY REGION

COMPLAINT & GRIEVANCE POLICY (PROGRAM COMPLAINTS)

General WIOA 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 (LWDB) policies and activities; or
2. Complaints involving State WIOA policies, programs, activities, or agreements.

A complaint may be amended or withdrawn at any time prior to a scheduled hearing.

Any Missouri Job Center employee who processes a WIOA 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, an investigation will also be kept confidential to the extent possible.

The Missouri Job Center 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.

General WIOA Complaints

Attached to this policy is the OWD General WIOA Complaint Form (**Attachment 1**) that the Missouri Job Center uses as a complaint intake tool. Local offices may duplicate this form for the purpose of receiving general WIOA complaints. Any alternate form must include all information required on the General WIOA Complaint Form. 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. State and local Equal Opportunity (EO) Officers will log all WIOA formal complaints on the form attached to this policy (**Attachment 2** WIOA Complaint and Grievance Log – Local Level). 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 Missouri Job Center encourages informal resolution prior to the filing of a written complaint. If the complainant is not satisfied with the attempt at informal resolution, he or she should be encouraged to complete a General WIOA Complaint Form.

The complainant should be allowed sufficient time and technical assistance to provide a complete and clearly written explanation on his or her complaint form. If the complainant is unable to write, staff may transcribe his or her words onto the form; staff must take care not to alter the language of the complainant. When a written complaint is received, the employee taking the complaint should review it immediately to insure completeness. Care should be taken to

assure the following information has been provided, especially if the complaint is not received on the General WIOA Complaint Form:

1. Full name, telephone number, and address of the person making the complaint;
2. Full name and address of the respondent; and
3. Statement of the facts (including dates) that constitutes the alleged violation(s).

Complaints Involving Local Programs and Policies

Who May File

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 LWDB policies and activities.

Complainants with Disabilities

The Missouri Job Center will accommodate complainants with disabilities 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. The Missouri Job Center will provide 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 (1) year from the date of the event or condition alleged to be a violation of WIOA.

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 local administrative entity 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 administrative entity or the service provider receives the complaint from the complainant or the complainant's designated representative, the receiving employee will log the complaint. The local administrative entity 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 administrative entity or service provider will attempt to informally resolve the complaint to the satisfaction of all parties. This 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. When a service provider attempts the informal resolution, the service provider will forward the complaint file to the local administrative entity. 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 administrative entity 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 prior to a scheduled hearing.

If the complaint is not withdrawn, the local administrative entity 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 another 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 officer 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.

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:

Department of Higher Education and Workforce Development
State WIOA Complaint and Grievance Office
Danielle Smith, State WIOA Complaint and Grievance Officer
PO Box 1087
Jefferson City, MO 65102

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.

Complaints Involving State WIOA Policies, Programs, Activities or Agreements

Who May File

Applicants, employees, participants, service providers, recipients and other interested parties may file a complaint alleging a violation of State WIOA policies, programs, activities or agreements.

Complainants with Disabilities

OWD will accommodate complainants with disabilities, 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. OWD will provide auxiliary aides and services, such as deaf interpreters or assistive listening devices, upon 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 service provider or with OWD within one (1) year from the date of the event or condition alleged to be a violation of WIOA.

Resolution Process

Initial Review- Step One

OWD will receive the complaint from the complainant, or the complainant's designated representative. If the complaint alleges a violation of any statute, regulation, policy, or program that is not governed by WIOA, OWD will refer the complaint to the appropriate organization for resolution and notify the complainant of the referral.

OWD will log all complaints received. The service provider or OWD 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

OWD will attempt to informally resolve the complaint to the satisfaction of all parties. This informal resolution process must be completed within ten (10) business days from the date the complaint is filed. If all parties are satisfied by this informal process, the complaint is considered resolved and the terms and conditions of the resolution will be documented in the complaint's file.

Formal Resolution- Step Three

When an informal resolution is not possible, OWD will forward the complaint file to the address below:

Department of Higher Education and Workforce Development
State WIOA Complaint and Grievance Office
Danielle Smith, State WIOA Complaint and Grievance Officer
PO Box 1087
Jefferson City, MO 65102

The State WIOA Complaint and Grievance Officer will review the complaint file, conduct further investigation, if necessary, and 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 complaint file will be documented accordingly. Any party dissatisfied with the determination may request a hearing within fourteen (14) calendar days of the date of the determination.

Hearing-Step Four

A complainant may amend or withdraw his or her complaint at any time prior to a scheduled hearing. If the complaint is not withdrawn, the OWD 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 another 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.

Final Decision- Step Five

OWD will review the recommendation of the hearing officer and issue a decision within sixty (60) calendar days from the date the complaint was filed. The decision of OWD is considered final.

Appeals to the U.D. Department of Labor (USDOL)

A complainant who receives an adverse final or appeal decision from the State may appeal that decision to USDOL within sixty (60) days of the receipt of the decision being appealed. Appeals must be filed within one hundred and twenty (120) days 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 the Secretary, U.S. Department of Labor, Washington, DC 20210, Attention: ASET. A copy of the appeal must be simultaneously provided to the appropriate Employment and Training Administration (ETA) Regional Administrator and the opposing party.

Criminal Fraud, Waste and Abuse

Information and complaints involving criminal fraud, waste, abuse, or other criminal activity must be reported immediately through the OWD's Incident Reporting System to the USDOL Office of Inspector General, Office of Investigations, Room S5514, 200 Constitution Avenue NW, Washington, D.C. 20210, or to the corresponding Regional Inspector General for Investigations, with a copy simultaneously provided to the ETA. The Hotline number is 1-800-347-3756. Complaints of a non-criminal nature are handled under the procedures set forth in 20 C.F.R. § 667.505 or through the OWD's Incident Reporting System.