

OFFICE OF JOB TRAINING PROGRAMS, INC.  
JEFFERSON/FRANKLIN CONSORTIUM  
3675 WEST OUTER RD. SUITE 201  
ARNOLD, MO 63010

## **COMPLAINT/GRIEVANCE RESOLUTION SYSTEM**

The Office of Job Training Programs (OJTP), as a sub recipient of the Department of Labor – Employment and Training Administration funds and a Workforce Innovation and Opportunity Act (WIOA) service delivery area administration entity, has established and maintains an administrative procedure for processing and resolving complaints or grievances, connected with EO discrimination complaints, general program complaints and grievances, and criminal, illegal or improper activities complaints.

Program operators, contractors, grantees, sub-grantees, sub-recipients, sub-contractors, and any other interested parties will be informed of their right to file complaints or grievances and of the procedures to follow in filing a complaint or grievance under WIOA. All subcontractors and employers of WIOA participants are required to maintain complaint and grievance procedures. Informational posters on this topic, such as the notice “Equal Opportunity is the Law”, will be posted at One-Stop Career Center locations and all other appropriate locations.

The local Equal Employment Opportunity Officer is responsible for ensuring compliance at the local Workforce Development Area for all recipients of WIOA Title I financial assistance including One-Stop Career Centers and service providers. The duties of the local EO Officer are as follows: serve as the local liaison to the State EO Officer and to the U.S. Department of Labor’s (USDOL) Civil Rights Center, reporting to the appropriate official about equal opportunity matters, facilitate onsite EO reviews conducted by DWD or USDOL staff, monitoring the region’s service delivery system to ensure compliance with the State’s MOA and with the equal opportunity and nondiscrimination provisions of the WIOA, 29 CFR Part 38, review all local plans, contracts and agreements to ensure they are nondiscriminatory, participate in training that will enhance and maintain the competencies required of a local-level EO Officer, develop and publish the region’s procedures for processing discrimination complaints and making sure those procedures are followed.

Although this administrative procedure provides for requested hearings and the right to appeal, every effort to resolve all complaints and grievances informally and at the lowest level will be made. This procedure is established in an attempt to resolve complaints, which allege violations of the Act, regulations, grant, or any other agreement, under the Act including complaints arising in connection with any WIOA programs operated by sub recipients.

The procedure includes the following components which are discussed separately for clarity and understanding:

Discrimination Complaints  
General WIOA Complaints  
Local Programs and Policies Complaints  
Local Complaint Resolution Process  
State WIOA Policies, Programs, Activities or Agreements Complaint Process  
State Complaint Resolution Process  
Criminal Fraud, Waste and Abuse Complaints  
Non-Participant Complaints  
Confidentiality of Information  
Documentation and Records

### Discrimination Complaints

The recipient must 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.

Individuals who feel they have been subjected to discrimination under a WIOA Title I – financially assisted program or activity, may file a complaint within 180 days from the date of the alleged violation. Complaints alleging discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and

Any beneficiary of programs financially assisted under Title I – of the Workforce Innovation and Opportunity Act (WIOA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States or his or her participation in any WIOA Title I – financial assisted program or activity may file with a state or local administrative entity, service provider, One-Stop operator or:

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

If the complaint is filed with the Division of Workforce Development (DWD), the complainant will receive a written Notice of Final Action within ninety (90) calendar days from the date the complaint was filed.

Written complaints may be made on the Discrimination Complaint Form (Attachment #1) or must include: the complainant's name and address, the identity of the individual or entity that complainant alleges is responsible for the discrimination, a description of the complainant's allegations in enough detail to allow an initial determination of jurisdiction, timeliness, and the apparent merit of the complaint and the complainant's signature of the complainant's authorized representative.

Immediately upon receiving and logging a discrimination complaint, the local EO officer will forward the complaint to the State EO Officer for determination of jurisdiction and further processing.

### General WIOA Complaints

Complaints involving local, WIOA programs, agreements or local WDB policies and activities may be made up to one (1) year from the date of the event or condition alleged to be a violation of WIOA. The DWD Discrimination Complaint Form (Attachment #1) may be used as a complaint intake tool. 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.

### Local Programs and Policies Complaints

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 WDB policies and activities. Complainants with disabilities may be accommodated in order to file a complaint through alternate formats, as requested. Complaints may be filed with the local administrative entity (AE) or the service provider within one (1) year from the date of the event or condition alleged to be a violation of WIOA.

### Local Complaint Resolution Process

**Initial Review:** The local AE or service provider who receives the complaint will log the complaint and establish a complaint file containing information required by DWD Issuance 09-2012 policy. The purpose of the initial review will be to determine whether or not there appears to be a basis for the complaint and to gather more information from all concerned parties. The findings of the review will be used to assist in an informal resolution of the complaint and be made a part of the complaint file.

**Informal Resolution:** The complaint may be resolved informally to the satisfaction of all parties with the process being completed within ten (10) business days from the date the complaint is filed. Once the complaint is resolved, the terms and conditions of the resolution is documented in the complainant's file.

Formal Resolution: If the complaint is not resolved, the AE will issue a determination within twenty (20) days from the date the complaint was filed. If an appeal is not filed by the complainant, the complaint will be considered resolved and is documented in the complainant's file.

Hearing: If the decision does not satisfactorily resolve the complaint, the complainant has seven (7) days from the receipt of the decision to present a written request for a hearing and review of the decision. A hearing must be conducted by a qualified hearing officer within forty-five (45) calendar days of the original receipt of the written grievance. A formal hearing is scheduled and written notice is mailed to the complainant, the respondent, and any other interested party at least seven (7) business days prior to the hearing. A complainant may amend or withdraw a complaint at any time prior to the scheduled hearing.

Final Decision: A written decision from the hearing officer must be presented to the AE, within sixty (60) calendar days of its original receipt of the written complaint. If the decision fails to satisfactorily resolve the complaint, the hearing officer will request a state review for resolution.

Appeal: All requests for appeals must be filed within sixty (60) calendar days of the receipt of the decision. The appeal will be received by the Missouri Division of Workforce Development (DWD) State WIOA Complaint and Grievance Officer within ninety (90) calendar days from the date the complaint was filed. DWD 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.

#### State WIOA Policies, Programs, Activities or Agreements Complaint Process

Any applicant, employee, participant, service provider, recipient, or other interested party may file a complaint alleging a violation of State WIOA policies, programs, activities or agreements. Complaints may be filed with the service provider or DWD within one (1) year from the date of the event or condition alleged to be a violation of WIOA.

#### State Complaint Resolution Process

The DWD State WIOA Complaint and Grievance Officer shall complete the process including Initial Review, Informal Resolution, Formal Resolution, Hearing, Final Decision. Appeals may be filed within sixty (60) days of the receipt of the decision with the U.S. Department of Labor (USDOL).

### Criminal Fraud, Waste and Abuse Complaints

Complaints alleging fraud, abuse, waste or criminal activity must be immediately reported through DWD's Incident Reporting System

AND

The Department of Labor, Office of Inspector General-Investigations  
Room S5514, 200 Constitution Ave NW  
Washington, D. C. 20510-55514

Or

The corresponding Regional Inspector General for Investigations, with a copy simultaneously provided to the Employment and Training Administration.

### Non-Participant Complaints

Program operators, contractors, grantees, sub-grantees, sub recipients, subcontractors and any other interested party may file grievances about programs or activities under the Workforce Innovation and Opportunity Act.

### 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 Act shall be kept confidential to the extent possible, consistent with the need to conduct a fair review of the issues.

### Documentation and Records

Attachment #1 – Discrimination Complaint Form