

## OFFICE OF JOB TRAINING PROGRAMS, INC.

### Local Complaint and Grievance Process & Policy

According to [29 CFR 38.35](#), it is against the law for WIOA Title I recipients to discriminate on the following bases: Against any individual in the United States, 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 Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.

WIOA recipients 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; or
- 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.

The Office of Job Training Programs (OJTP) has established and maintains an administrative procedure for processing and resolving complaints or grievances, connected with Equal Opportunity (EO) discrimination complaints, general WIOA program complaints and grievances, labor standards violations when collective bargaining agreements are in place, and WIOA complaints of criminal, illegal or improper activities. OJTP will post the Missouri [“EO is the Law” notice/poster](#), in reasonable numbers and places, in available and conspicuous physical locations and on the local website.

The “EO is the Law” notice/poster will be provided in appropriate formats to registrants, applicants, eligible applicants/registrants, applicants for employment and employees and participants with visual impairments. Where notice has been given in an alternate format to registrants, applicants, eligible applicants/registrants, participants, applicants for employment and employees with a visual impairment, a record that such notice has been given must be made a part of the employee's or participant's file.

The “EO is the Law” notice/poster will be provided to participants in appropriate languages other than English as required. The “EO is the Law” notice/poster is in multiple languages on the OWD Equal Opportunity & Disability Accommodations Resources website found [here](#). If a language is needed for a customer and it is not available on the website, please contact the Local or State EO Officer (*contact information is below*).

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 subrecipients and employers of WIOA participants are required to maintain complaint and grievance procedures.

The Local EO 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 OWD or USDOL staff, monitoring the region's service delivery system to ensure compliance with the State's Nondiscrimination Plan 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 OWD's process for discrimination complaints and making sure those procedures are followed.

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

1. WIOA Discrimination Complaints; and
2. WIOA Program Complaints and Grievances; and
3. WIOA Complaints of Criminal, Illegal, or Improper Activities.

### **WIOA Discrimination Complaints**

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 (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 I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity may file with a state or local administrative entity, service provider, One-Stop operator or:

Trence James (TJ)  
State Local Level-EO Representative & Rapid Response Coordinator  
Missouri Department of Higher Education & Workforce Development  
3757 Harry S. Truman Blvd.  
St. Charles, MO 63301  
(816) 804-2956 – Cell  
[trence.james@dhewd.mo.gov](mailto:trence.james@dhewd.mo.gov)

Danielle Smith  
State Equal Opportunity Officer/Complaint and Grievance Officer  
Department of Higher Education & Workforce Development  
PO Box 1087  
Jefferson City, MO 65102  
E-mail: [danielle.smith@dhewd.mo.gov](mailto:danielle.smith@dhewd.mo.gov) Phone: (573) 751-2428

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

The Missouri Nondiscrimination Plan provides procedures on processing discrimination complaints aligned with Section 188 of WIOA. All WIOA discrimination complaints must be submitted and processed through the State Equal Opportunity Officer.

#### Local Discrimination Complaint Procedure

1. Complainants may use the WIOA Discrimination Complaint Form or submit their complaint in writing to the appropriate entity for processing. The complaint must include:
  - a. the complainant's name and address; and
  - b. the identity of the individual or entity that complainant alleges is responsible for the discrimination; and
  - c. 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.
2. The Local EO Officer will acknowledge the receipt of the complaint in writing.
3. The Local EO Officer will send the discrimination complaint to the State EO Officer within 48 business hours after receiving the initial written complaint.

If you file your complaint with the State or Local EO Officer recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the

## Notice of Final Action

### **WIOA Program Complaints and Grievances**

Any applicant, employee, participant, service provider, recipient, or other interested party may file a complaint alleging a violation of local or state WIOA policies, programs, activities or agreements. Complaints may be filed with the Local EO officer or the State EO Officer within one (1) year from the date of the event or condition alleged to be a violation of WIOA. The [OWD General Complaint Form](#) 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 General Complaint and Grievance Procedure**

The Missouri Nondiscrimination Plan provides procedures on processing general WIOA complaints. The Local EO Officer will ensure those procedures are followed when addressing all formal WIOA complaints.

*Initial Review (Step 1):* Once the Local EO Officer receives the complaint they will log the complaint on the required form and establish a complaint file containing the required information.

- Completed General WIOA Complaint Form; and
- Chronological log of events or conditions alleged to be a violation of WIOA; and
- Any relevant correspondence; and
- Record of the attempted informal resolution

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 (Step 2):* 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 (Step 3):* If the complaint is not informally resolved, the Local EO Officer shall review the complaint and will issue a determination within twenty (20) business days from the date the complaint was filed. The complainant shall have the right to request an appeal of the determination. If an appeal is not filed by the complainant within seven (7) business days, the complaint will be considered resolved and is documented in the complainant's file.

*Hearing (Step 4):* If the decision does not satisfactorily resolve the complaint, the complainant has seven (7) business 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) business 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. The hearing notice will include the date, time, and place. As this is a formal hearing, parties may present witness and documentary evidence, and question others who present evidence and witnesses. The complainant may request the production of records and documents. Attorneys or other designated representative(s) may represent each party.

A complainant may amend or withdraw a complaint at any time prior to the scheduled hearing.

**Final Decision (Step 5):** A written decision from the hearing officer must be presented to the Local EO Officer, within sixty (60) business 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 to State EO Officer (Step 6):** If no decision is reached within sixty (60) business days or any party is dissatisfied with the local hearing decision an appeal may be made to the OWD State EO Officer (*see contact information above*). All requests for appeals must be filed within ninety (90) business days from the filing of the complaint. OWD will review the complaint file, the hearing record, and all applicable documents and issue a final decision on the appeal within thirty (30) business days from the date the appeal was received.

**Appeals to the U.S. 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. Parties have one hundred and twenty (120) from the date of filing, or filing of the appeal of a local grievance with the State to file an appeal via certified mail, return receipt requested, to the:

Secretary, U.S. Department of Labor,  
Washington, DC 20210

Attention: ASET. The Employment and Training Administration (ETA) Regional  
Administrator

AND

the opposing party must receive copies of the appeal.

### Complaints Alleging Labor Standard Violations

An individual alleging a labor standards violation may submit a grievance to a binding arbitration, if a collective bargaining agreement covering the parties to the grievance so provides. The individual may submit an [OWD General Complaint Form](#) to the Local EO Officer. 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.

The Local EO Officer will log the complaint and establish a complaint file containing the required information:

- Completed General WIOA Complaint Form; and
- Chronological log of events or conditions alleged to be a violation of WIOA;

- and
- Any relevant correspondence.

The Local EO Officer would arrange mediation between all concerned parties within 10 (ten) business days. The following mediation options could be considered:

- Local Workforce Board Committee
- An EO Officer from a different region
- The Association of Missouri Mediators
- Mediator selected by the Board

The most appropriate mediation method shall be selected to ensure a fair method to settle the complaint.

### **WIOA Complaints of Criminal, Illegal, or Improper Activities**

Information and complaints involving criminal fraud, waste, abuse or other criminal activity must be reported immediately through OWD's Incident Reporting System to the United States Department of Labor Office of Inspector General, Office of Investigations, Room S5514, 200 Constitution Avenue NW, Washington, DC 20210

OR

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. The Web site is <http://www.oig.dol.gov/contact.htm.31>

Complaints of a non-criminal nature may be handled under the procedures set forth in §683.600 or through the OWD's Incident Reporting System.

### **OWD Equal Opportunity Hotline**

The purpose of the OWD Equal Opportunity Hotline is to identify any issues, concerns, and or discrimination occurring within the Missouri workforce system confidentially.  
Toll-Free Complaint Hotline: 866-753-5554

For more information about the discrimination complaint procedures and program complaints and grievance, are found in most current [Missouri Nondiscrimination Plan](#) under Section VI: Complaint Processing Procedures.