



Policy and Procedure

Title:	Grievances and Complaints, General	Number:	OP-12-05
Effective Date:	July 1, 2012	Revisions:	October 10, 2019

Purpose

This policy sets forth the procedures required under the Workforce Innovation and Opportunity Act (WIOA) to address grievances or complaints alleging a violation of the requirements of WIOA, or related agreements, policies and procedures, by the Shenandoah Valley Workforce Development Board (SVWDB) or its service providers.

This policy does not address the procedures for processing complaints alleging discrimination under WIOA section 188 and/or 2 CFR, Chapter I, Chapter II, Part 200. Such complaints must be handled in accordance with the procedures set forth in that regulatory part. Questions about or complaints alleging a violation of the nondiscrimination provisions of WIOA section 188 may be directed or mailed to the SVWDB Equal Opportunity Officer.

Reference

P.L 113-128 WIOA Section 181c
Federal Register 20 CFR Part 603, 651, 652, 683
Federal Register 29 CFR Part 38

Policy

It is the policy of the Shenandoah Valley Workforce Development Board (SVWDB) to provide workforce services in compliance with the Workforce Innovation and Opportunity Act, state regulations and procedures, as well as the SVWDB's own policies and procedures.

Procedure

The grievance and complaint procedures for the SVWDB apply to alleged violations of the requirements of WIOA and/or provisions of related agreements, policies and procedures. These grievances or complaints may be submitted by participants and other interested parties affected by the SVWDB system, including one-stop partners and service providers.

Definitions

The following terms, when used in this policy, have the following meanings unless the context clearly indicates otherwise:

Complainant - an individual, group or agency that files a formal complaint alleging violation of the WIOA and/or provisions of a related agreement/service.

Grievant - an individual, group or agency that files a formal grievance alleging violation of the WIOA and/or provisions of a related agreement/service.

Interested Parties – includes sub-grantees, subcontractors, service providers, employees, One-stop partners and training providers.

Participant - an individual who has been determined to be eligible to participate in and who is receiving services (except follow-up services authorized under the WIOA) under a program authorized by the WIOA. Participation commences on the first day, following determination of eligibility, on which the individual begins receiving subsidized employment, training or other services provided under WIOA.

Filing A Grievance or Complaint

Examples of who may file a grievance or complaint include the following:

1. Applicants and/or registrants for aid, benefits, services or training;

2. Eligible applicants/registrants;
3. Participants;
4. Employers;
5. Applicants for employment under WIOA;
6. Service providers; or
7. Eligible service providers.

Each grievance or complaint must be filed with the SVWDB CEO, in writing, within 30 calendar days of the alleged incident and shall contain the following information:

1. The name, address and phone number of the person filing the grievance or complaint;
2. The date of the alleged situation and the date the grievance or complaint was filed;
3. The identity of the respondent (i.e. the individual or entity against whom the grievance or complaint is alleged);
4. A description of the allegations. This description must include enough detail to allow the reviewer to decide whether the allegations, if true, would violate any of the provisions of WIOA; and
5. The signature of the person filing the grievance or complaint.

Reasonable efforts will be made to ensure that affected participants, including persons who have limited English proficiency, can understand the policy.

Methods of Resolution/Disposition of Complaints

Upon receipt of the grievance or complaint, the reviewer (SVWDB CEO or their designated representative) will provide written notice to the grievant or complainant. This correspondence will be sent within five (5) business days and shall include the following:

1. A summary of the allegations submitted;
2. The date, time and place of the meeting or hearing with the reviewer (The SVWDB will make an attempt to resolve the issue through informal discussions, however such discussions shall not automatically extend or delay other deadlines contained in this procedure);
3. A notice that the grievant or complainant may be represented by an attorney; and
4. A notice that the grievant or complainant may present witnesses and documentary evidence.

Individuals in grievance investigations are protected from retaliation and are permitted to have translators, interpreters, readers and/or a representative of their choice during the grievance process.

The SVWDB has a maximum of 60 calendar days to conduct an investigation of the allegations and offer a resolution. Time frames may be extended for good cause if both parties agree, in writing, to waive the time frames. Any such agreement will delineate specific revised deadlines for the written acknowledgement of the grievance or complaint, setting of a hearing date, conduct of a hearing and/or issuance of a Notice of Final Action. If by the end of the sixty (60) days from the date on which the complaint was filed the grant recipient fails to issue a Notice of Final Action, the complainant or grievant may file a complaint directly with the State WIOA Administrative entity (WIOA Title I Administrator).

Notice of Final Action

Once the investigation is complete and a decision has been reached, a Notice of Final Action shall be sent to the grievant or complainant. If an informal resolution was provided, the Notice of Final Action must summarize the resolution agreed upon. If no informal resolution was provided, the Notice of Final Action shall contain the following information:

1. The reviewer's decision and the reasons supporting the decision;
2. A brief description of the investigation process employed to reach the decision;
3. A notice that, if dissatisfied with the decision, the grievant or complainant may appeal to the Commonwealth of Virginia within 10 business days of receipt of the Notice of Final Action; and
4. A notice that the grievant or complainant may seek a remedy authorized under another Federal, State or local law.

Record Keeping Requirements

Records regarding grievances and complaints shall be maintained for at least three years from the date of resolution of the grievance or complaint.

Records shall include:

1. The name and address of the grievant or complainant;
2. A description of the grievance or complaint;
3. The date the grievance or complaint was filed;
4. The disposition (final action);
5. The date of disposition of the grievance or complaint; and
6. Any other pertinent information.

To the maximum extent possible, the identity of any person who has furnished information relating to, or assisting in, an investigation of a possible violation of the WIOA shall be kept confidential. The information may only be used for purposes of:

1. Record-keeping and reporting;
2. Determining the extent to which an entity is operating its WIOA-funded programs or activities in a nondiscriminatory manner; or
3. Other use authorized by the nondiscrimination and equal opportunity provisions of WIOA.

Revisions:

October 10, 2019