

**SOUTHEAST MICHIGAN COMMUNITY ALLIANCE (SEMCA)  
25363 Eureka Rd., Taylor, MI 48180**

**COMPLAINT and GRIEVANCE POLICY**

Background: The appropriate process for the resolution of complaints related to the Department of Energy, Labor & Economic Growth (DELEG) administered programs governed by any of the following, depends upon the nature of the complaint:

Workforce Investment Act (WIA)  
Temporary Assistance to Needy Families (TANF)  
Food Assistance, Employment & Training (FAE&T)  
Reed Act  
Trade Act (except requests for redetermination)  
State of Michigan General Fund/General Purpose funded programs

Complaints fall into two categories, informal complaints and grievances. Informal complaints involve dissatisfaction with services provided or the manner in which services were delivered. Grievances include program complaints involving the proper application of any of the above referenced laws, their regulations and/or policies on a statewide level.

**I. General Requirements - Informal Complaints**

- A. SEMCA shall make available to participants, subgrantees, subcontractors, service providers, employees, and other interested parties an opportunity to resolve complaints informally before they become grievances.

**II. General Requirements – Grievances**

- A. SEMCA has developed this Policy and made it available to all participants, subgrantees, subcontractors, service providers, employees, and other interested parties for the purpose of providing a procedure for the resolution of grievances related to WIA, TANF, FAE&T, Reed Act, Trade Act (except requests for redeterminations), and State of Michigan GF/GP funded programs administered by the DELEG.

All participants, subgrantees, subcontractors, employees, service providers, and other interested parties shall sign and date documentation acknowledging their receipt of and agreement to follow the procedures set forth herein. The documentation shall be maintained for review at the One Stop Service Center.

- B. Generally, all processes prescribed in this Policy are accessible to persons with disabilities or other barriers, as required by law.

SEMCA has posted this Complaint and Grievance Policy in areas where administration and program services are provided, and it is accessible to persons with disabilities or other barriers, as required by law.

- C. SEMCA maintains a monitoring/tracking system to document the grievances received and their disposition. SEMCA maintains these records for review for a period of three years. The retention period begins on the date of the DELEG's acceptance of the final closeout report for the grant or contract. Records are retained beyond three years if any litigation or audit is begun, or if a claim is instituted involving the grant or agreement covered by the records. In these instances, the records are retained until the litigation, audit, or claim has been finally resolved.
- D. Pursuant to 29 CFR 37.35, where a significant number or proportion of limited English-speaking individuals exists, the Complaint and Grievance procedure is provided in appropriate languages to meet the language needs of the limited English speaking individuals who seek information regarding the Complaint and Grievance procedures.

### III. Grievance Procedures:

#### A. Step 1: SEMCA Level Grievance Procedures

1. Grievances are defined as alleged violations related to WIA, TANF, FAE&T, Reed Act, Trade Act (except requests for redeterminations), and State of Michigan GF/GP programs administered by the DELEG.
2. Grievances are required to be filed within one year of the date of the event that gave rise to the grievance.
3. All grievances shall be **in writing** and contain, to the extent practical, the following information:
  - a. The full name, address, and telephone number of the party/parties filing the grievance;
  - b. The full name and address of the party against whom the grievance is made, or other information sufficient to identify the party against whom the grievance is made;
  - c. A clear and concise statement of the facts, as alleged, including the pertinent dates, constituting the alleged violation;
  - d. The provision of the act, regulations, grant, contract, or other agreements under the act believed to have been violated; and
  - e. The relief requested.
4. The grievance may be rejected by SEMCA if it lacks merit, if it is determined that the grievant fails to state a grievable issue or there is no relief that can be granted, or if the grievant fails to comply with this procedure. SEMCA will inform the

grievant in writing of the reason(s) the grievance was rejected. The notification will be issued as soon as possible or within 60 calendar days from the date the grievance was filed and will include the opportunity to appeal to the DELEG/BWT.

5. A hearing on a SEMCA grievance shall be conducted within 30 calendar days from the date the grievance was filed, and a decision must be rendered no later than 60 calendar days from the date the grievance was filed. A hearing is not required at this step if the grievance is resolved or if the grievant withdraws the grievance.

Per Section 181(c) of the WIA, for WIA-related grievances, an opportunity for a hearing shall be provided to participants and other interested or affected parties.

If a hearing is to be conducted, SEMCA must provide written notice to the grievant and to the party against whom the grievance is made. The notice shall include the date, time, and place of the hearing and an opportunity for the parties to present evidence, including witnesses. The notice of the hearing shall indicate the issues to be decided. Notice shall be given not less than ten calendar days prior to the scheduled hearing date.

6. At a minimum, the hearing process shall include:
  - a. A hearing officer;
  - b. An opportunity for each party to present witnesses and evidence;
  - c. An opportunity for each party to ask questions of all witnesses providing testimony at the hearing; and
  - d. A record of the hearing and a list of all evidentiary exhibits presented at the hearing.

At the discretion of the hearing officer, there may be an opportunity to exchange evidentiary information prior to the hearing.

7. A written decision shall be issued by the hearing officer and shall include the following information:
  - a. Date, time, and place of hearing (if held);
  - b. Name and address of the grievant;
  - c. Name and address of the party against whom the grievance is made;
  - d. Names and addresses of all witnesses called by the parties;
  - e. Information sufficient to identify all evidence presented;

- f. A reiteration of the issues raised;
  - g. A determination of the facts;
  - h. An analysis of the issues as they relate to the facts; and
  - i. A decision addressing each issue.
8. If a response to the grievance is not received within the time prescribed, or if either party is dissatisfied with a decision, said party may file an appeal to the DELEG/BWT.

**B. Step 2: State Level Review of a Local Level Decision**

1. SEMCA's grievance decision may be appealed, in writing, to the DELEG/BWT. The appeal must be filed no later than 10 days from receipt of an adverse decision at Step 1, or 10 days from the date a decision was due (i.e. 60 days from filing of the grievance) but not issued at Step 1.

2. All appeals of a SEMCA level grievance decision shall be submitted by **certified mail**, return receipt requested to:

Mr. Gary Clark, Director  
Accelerating Employment Division  
Bureau of Workforce Transformation  
Michigan Department of Energy, Labor & Economic Growth  
Victor Office Building  
201 N. Washington Square, 5th Floor  
Lansing, MI 48913

3. All appeals shall contain, to the extent practicable, the following information:
- a. The full name, address, and telephone number of the party/parties filing the appeal;
  - b. The full name, address, and telephone number (if any) of the party/parties against whom the grievance is made;
  - c. A clear and concise statement of the facts, as alleged, including the pertinent dates, constituting the alleged violation;
  - d. The provision of the act, regulations, grant, contract, or other agreements under the act believed to have been violated; and
  - e. The relief requested.

4. Any appeal of USDOL monitoring findings shall only be reviewed for compliance with USDOL requirements. A record shall be created to forward to USDOL, if required.

**DELEG/BWT Action:**

1. BWT shall notify the appellant and respondent within 10 days of receipt of the appeal, that the appeal was received. This notice will explain the grievance resolution process going forward.
2. BWT will consider the appeal and may:
  - a. Reject the hearing and make a final determination
  - b. Allow waiver of the hearing and make a final determination
  - c. Schedule a hearing and make a final determination

**Rejection of the Hearing:** A grievance may be rejected on appeal if it is determined that it lacks merit, fails to state a grievable issue, if there is no relief that can be granted, or if the appellant failed to comply with the applicable procedures described in this Policy (e.g. the 10 day filing requirement, among other provisions).

**Waiver of the Hearing:** In lieu of a hearing for an appeal of a WIA related local level decision, the parties to the appeal may mutually consent to having BWT decide the matter based on the record created at the local level. If both parties and BWT are in agreement, the hearing is waived. Both parties must provide BWT with written confirmation that demonstrates their consent to waive the hearing.

**Hearing:** For an appeal of WIA related local level decision, an **opportunity** for a hearing must be provided. However, a hearing will not be held under certain circumstances, as described in this policy. In all cases, a final determination must be made within 60 days of the receipt of the appeal.

A hearing **may** be conducted on the appeal. If a hearing is to be conducted, the appellant and the party against whom the grievance is made will be provided written notice of the date, time, and place of the scheduled hearing and of the opportunity to present evidence, including witnesses. The notice of the hearing shall indicate the issues to be decided. Notice shall be given not less than 10 days prior to the scheduled hearing date.

If a hearing on an appeal is to be held, it shall be conducted within 30 calendar days of the filing of the appeal. A hearing is not required at this step if the appellant withdraws the appeal.

**Hearing Process:** At a minimum, the hearing process shall include:

- a. A hearing officer;

- b. An opportunity for each party to present witnesses (subpoenas are not authorized under this Policy) and evidence;
- c. An opportunity for each party to ask questions of all witnesses providing testimony at the hearing; and
- d. A record of the hearing and a list of all evidentiary exhibits presented at the hearing.

At the discretion of the hearing officer, there may be an opportunity to exchange evidentiary information prior to the hearing.

**Final Determination and Appeal to USDOL:** A written decision shall be issued not later than 60 calendar days after the filing of the appeal. The decision shall include the following:

- a. Date, time, and place of hearing (if held);
- b. Name and address of the grievant;
- c. Name and address of the party against whom the grievance is made;
- d. Names and addresses of all witnesses called by the parties;
- e. Information sufficient to identify all evidence presented;
- f. A reiteration of the issues raised;
- g. A determination of the facts;
- h. An analysis of the issues as they relate to the facts; and
- i. A decision addressing each issue.

In general, the decision is final. However, if a decision is not issued by the due date, a WIA related appeal may be reviewed by the Secretary of the U.S. Department of Labor (USDOL). A WIA related decision may be appealed by the adversely affected party to the USDOL within **60 days** of receipt of the DELEG/BWT decision. Pursuant to 20 CFR 667.610(c), an appeal must be submitted to the Secretary of the USDOL by certified mail, return receipt requested, to:

Secretary  
U.S. Department of Labor  
Attention: ASET  
Washington, DC 20210

A copy of the appeal must be simultaneously provided to:

Regional Administrator  
Employment and Training Administration  
U.S. Department of Labor  
230 South Dearborn Street, Room 628  
Chicago, IL 60604

And

Mr. Gary Clark, Director  
Accelerating Employment Division  
Bureau of Workforce Transformation  
Michigan Department of Energy, Labor & Economic Growth  
Victor Office Building  
201 N. Washington Square, 5th Floor  
Lansing, MI 48913

#### **IV. Special Provisions**

- A. **Equal Opportunity:** Complaints alleging violation of the nondiscrimination and equal opportunity (EO) provision of state/federal grant programs must be resolved in accordance with the nondiscrimination and EO policy guidelines issued by the DELEG/BWT.
- B. **Criminal Conduct:** Known or suspected fraud, abuse, or criminal conduct under the WIA shall be reported in accordance with the incident report guidelines issued by the DELEG/BWT.
- C. **TANF Displacement:** Pursuant to the Personal Responsibility Work Opportunity Reconciliation Act of 1996 Regulation 45 CFR 261.70, a grievance may be filed by an affected individual if a recipient of TANF is placed in a position (1) when any other individual is on layoff from the same or any substantially equivalent job, or (2) if the employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with an adult receiving TANF assistance. In this situation, either party to the grievance, the TANF recipient, or the displaced employee, may appeal the decision rendered by SEMCA to the DELEG/BWT.
- D. **WIA Displacement:** Pursuant to WIA Regulation 20 CFR 667.270(d), a grievance may be filed by a regular employee displaced by a WIA participant who is placed in an employment activity operated with WIA funds. A grievance may also be filed by a WIA participant in an employment activity if the participant is displaced.

- E. **Binding Arbitration/Collective Bargaining:** In accordance with 20 CFR 667.600(c)(3) of the WIA regulations, local grant recipient grievance procedures must provide WIA participants a process which allows an individual alleging a labor standards violation to submit the grievance to a binding arbitration procedure if a collective bargaining agreement covering the parties to the grievance so provides.
- F. **Jurisdiction:** Depending on the nature of the grievance, TANF and FAE&T program applicant and recipient grievances shall be handled in accordance with the local grant recipient or the Michigan Department of Human Services (DHS) or other applicable procedures. For example, grievances regarding sanctioning of food stamp benefits will be handled by DHS, while grievances regarding programs administered by the local grant recipient will be handled by SEMCA.
- G. **Wagner-Peyser:** Grievances involving Wagner-Peyser Act activities must be resolved in accordance with the grievance procedures outlined in the Employment Service Manual, which is available on the One-Stop Management Information System. In addition, please refer to the Employment Service Manual for specific guidance regarding work-related complaints that are not program specific, such as: employer hour and wage violations, migrant farm worker complaints, and other possible violations of general labor laws.