

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

GRIEVANCE POLICY

I. General Requirements:

- A. SEMCA officials have developed this policy and made it available to participants, subgrantees, subcontractors, service providers, employees, and other interested parties a procedure, consistent with this PI, for grievances which involve WIA, TANF, FAE&T, Reed Act, Trade Act (except requests for redeterminations), and State of Michigan GF/GP programs administered by the DLEG/BWP. In addition, participants, subgrantees, subcontractors, employees, service providers, and other interested parties shall sign and date documentation acknowledging receipt of and agreement to follow the procedure for grievances. The documentation shall be maintained for review.
- B. Generally, all processes prescribed are accessible to persons with disabilities or other barriers, as required by law.

SEMCA has posted this 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 DLEG's acceptance of the final closeout report for the grant or contract. Records shall be 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 shall be 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 grievance procedure is provided in appropriate languages to meet the particularized language needs of the limited English speaking individuals who seek information regarding the grievance procedure.

- E. 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. Grievance Procedures:

A. Step 1: SEMCA Level Grievance Procedures

1. All grievances related to WIA, TANF, FAE&T, Reed Act, Trade Act (except requests for redeterminations), and State of Michigan GF/GP programs funded by the DLEG/BWP are required to be filed within one year of the date of the event that gave rise to the grievance.
2. All grievances shall be in writing and contain, to the extent practicable, 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.
3. The grievance may be rejected by the AE of the WDB 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. The AE of the WDB 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 DLEG/Internal Audit and Monitoring Division (IAMMD).
4. 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 without one or the grievant withdraws the grievance.

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

If a hearing is to be conducted, the AE of the WDB must provide written notice to the grievant and 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.

5. 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.
 - 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.

6. 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.
7. If a response to the grievance is not received within the time prescribed, or should either party be dissatisfied with a decision, there is opportunity to an appeal to the DLEG/Internal Audit and Monitoring Division.

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

1. SEMCA's grievance decision may be appealed, in writing, to the DLEG/Internal Audit and Monitoring Division. The appeal must be filed no later than ten calendar days from receipt of an adverse decision at Step 1, or ten calendar days from the date a decision was due but not issued at Step 1.

2. All appeals of a SEMCA level grievance decision shall be submitted to:

Mr. Mike Wurmlinger, Director
Internal Audit and Monitoring Division
Michigan Department of Labor & Economic Growth
300 North Washington Square 4th Floor
Lansing, Michigan 48909

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.
5. An appeal may be rejected if it is determined that the appellant fails to state a grievable issue or there is no relief that can be granted, or if the appellant fails to comply with the applicable procedures described in this PI. The grievant will be informed, in writing as soon as possible or within 60 calendar days from the date the grievance was filed, or the reason the grievance was rejected.
6. 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 date 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 **ten** calendar days prior to the scheduled hearing date.

For an appeal of a WIA related SEMCA decision, an **opportunity for** a hearing must be provided. A hearing will not be held if the WIA related appeal involves a non-grievable issue.

In lieu of a hearing for an appeal of a WIA related SEMCA decision, the parties to the appeal may mutually consent to the hearing officer deciding the matter based on the record created at the local level.

7. If a hearing is not to be held, the parties to the appeal will be notified within ten days of receipt of the appeal. The parties to the appeal will be given the opportunity to submit additional relevant information and/or documentation pertaining to the appeal.
8. 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.
9. 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 PI) and evidence.
 - c. An opportunity for each party to ask questions of all witnesses providing testimony at the hearing.

- 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.

10. 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.
11. 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 calendar days of receipt of the DLEG/Internal Audit and Monitoring Division 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. Mike Wurmlinger, Director
Internal Audit and Monitoring Division
Michigan Department of Labor & Economic Growth
300 North Washington Square 4th Floor
Lansing, Michigan 48909

III. State Level Review of a Local Grant Recipient Appeal

- A. SEMCA may appeal monitoring findings, incident report findings, single audit resolution findings/issues, and other matters related to State Workforce Investment programs by filing an appeal with the DLEG/Internal Audit and Monitoring Division.

Other interested parties cannot appeal monitoring findings, incident report findings, single audit resolution findings/issues, etc. (which are issued by DLEG/IAMD) directly to DLEG/IAMD. To the extent that interested parties are affected by a DLEG/IAMD decision regarding monitoring findings, incident report findings, single audit resolution findings/issues, etc., the interested parties must first file a grievance at the local level (see Step 1: Local Level Grievance Procedures).

- B. All appeals shall be submitted to:

Mr. Mike Wurmlinger, Director
Internal Audit and Monitoring Division
Michigan Department of Labor & Economic Growth
300 North Washington Square 4th Floor
Lansing, Michigan 48909

- C. All appeals shall contain, to the extent practicable, the following information:
1. The full name, address, and telephone number of the party/parties filing the appeal;
 2. The full name, address, and telephone number (if any) of the party/parties against whom the appeal is made;

3. A clear and concise statement of the facts, as alleged, including the pertinent dates, constituting the alleged violation;
 4. The provision of the act, regulations, grant, contract, or other agreements under the act believed to have been violated; and
 5. The relief requested.
- D. 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 applicable.
- E. The DLEG/Internal Audit and Monitoring Division may conduct a hearing on an appeal within 30 calendar days of the filing of the appeal. The appellant and the party against whom the appeal is made will be provided written notice of the date, time, and place of the scheduled hearing date 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 ten calendar days prior to the scheduled hearing date.

For an appeal of a WIA related SEMCA decision, an opportunity for a hearing must be provided. However, a hearing will not be held if the WIA related appeal involves a non-grievable issue.

- F. 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.
- G. At a minimum, the hearing process shall include:
1. A hearing officer.
 2. An opportunity for each party to present witnesses (subpoenas are not authorized under this PI) and evidence.
 3. An opportunity for each party to ask questions of all witnesses providing testimony at the hearing.
 4. 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.

- H. A written decision shall be issued not later than 60 calendar days after the filing of the appeal. The decision shall include the following:

1. Date, time, and place of hearing;
 2. Name and address of the appellant;
 3. Name and address of the party against whom the appeal is made;
 4. Names and addresses of all witnesses called by the parties;
 5. Information sufficient to identify all evidence presented;
 6. A reiteration of the issues raised;
 7. A determination of the facts;
 8. An analysis of the issues as they relate to the facts; and
 9. A decision addressing each issue.
- I. 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 USDOL. A WIA related decision may be appealed by the adversely affected party to the USDOL within 60 calendar days of receipt of the DLEG/Internal Audit and Monitoring Division decision. Pursuant to 20 CFR 667.610(c), all appeals must be submitted 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. Mike Wurmlinger, Director
Internal Audit and Monitoring Division
Michigan Department of Labor & Economic Growth
300 North Washington Square 4th Floor
Lansing, Michigan 48909

IV. Appeals Related to Designation as a Local Workforce Investment Area

In accordance with Section 116(a)(5) of the WIA and 20 CFR 667.645(a and b),

- A. Appeals of denial of automatic or temporary and subsequent designation as a local workforce investment area may be filed with the Michigan Workforce Investment Board.
- B. If the appeal to the Michigan Workforce Investment Board does not result in designation as a local workforce investment area, the appellant may request a review by the Secretary of USDOL. Appeals must be filed no later than 30 days after receipt of written notification of the denial from the State Board, and 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 Michigan Workforce Investment Board.

V. Special Provisions:

- A. 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 DLEG/BWP.
- B. If SEMCA or any of its subrecipients receives a complaint based on fraud, abuse, or other criminal activity related to the WIA program, SEMCA's procedure will require the incident to be reported directly to the USDOL using the appropriate USDOL Incident Report form with a copy of the form to be sent to the State awarding agency.
- C. Pursuant to the PRWORA 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 the AE of the WDB to the DLEG/Internal Audit and Monitoring Division.
- D. 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. Also, a grievance may be filed by a WIA participant in an employment activity if the participant is displaced.

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.

- E. 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 or food stamp benefits will be handled by DHS, while grievances regarding programs administered by the local grant recipient will be handled by the AE of the WDB.
- F. 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.