

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 State of Michigan Department of Labor and Economic Opportunity – Workforce Development (LEO - WD) administered programs governed by any of the following, depends upon the nature of the complaint:

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

Definitions:

- A. Appellant:** the party that files the appeal to the LEO - WD and the U.S. Department of Labor (USDOL).
- B. Days:** means consecutive calendar days, including weekends and holidays.
- C. Filed:** or filing when used with respect to timelines, means the date of receipt by the intended party.
- D. Informal complaints:** involve dissatisfaction with services provided or the manner in which services were delivered.
- E. Grievance:** a written complaint filed in accordance with this policy.
- F. Local Grant Recipient:** entity that expends awards received directly from LEO - WD to carry out a program or programs.
- G. Interested Parties:** includes sub-grantees, subcontractors, service providers, employees, One-Stop partners, providers of training services, employers of work-based training and other relevant parties.
- H. Participant:** an individual who has been determined to be eligible to participate in, and who is receiving services under a program covered under this policy.
- I. Complainant:** person filing the complaint
- J. Petitioner:** the party that files the grievance.
- K. Respondent:** the party who argues against the petitioner or appellant.
- L. Service Providers:** sub-recipients or entities that expend awards received from LEO-WD grant recipients.

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

- A. SEMCA has developed this Policy and made it available to participants, sub-grantees, sub-contractors, service providers, employees, One-Stop partners, providers of training services, and other interested parties for the purpose of providing a procedure for the resolution of grievances related to WIOA, TANF, FAE&T, Trade Act (except requests for redeterminations), and State of Michigan GF/GP funded programs administered by LEO- WD.

All participants, sub-grantees, subcontractors, service providers, employees, One-Stop partners, providers of training services, 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, unless held on behalf of the whole SEMCA service area.

- 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 CRC'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. Complainant has the right to request and receive language assistance during the process and all notices will be translated into non-English languages when requested and required.

II. General Requirements - Informal Complaints

- A. SEMCA shall make available to participants, sub-grantees, subcontractors, service providers, employees, One-Stop partners, providers of training services, and other interested parties an opportunity to resolve complaints informally before they become grievances. The complainant shall first attempt to work out a resolution with person or organization the complaint is against,

Step 1:

The complainant shall first attempt to work out a resolution with the **On-site Program Manager** for the program which the complaint is against by requesting to speak with the Program Manager. Customers shall be encouraged to informally discuss their concerns with the program manager to attempt an informal resolution of their complaint. The Program Manager shall make every effort to resolve the complaint promptly and enter objective case notes describing the complaint and the resolution or next steps.

Step 2:

In the event that no resolution is received, the complainant shall then contact the administrative provider: Southeast Michigan Community Alliance (SEMCA) at: 734-229-3500.

III. Grievance Procedures:

A. Filing SEMCA Level Grievance

1. Grievances are defined as alleged violations related to WIOA, TANF, FAE&T, Trade Act (except requests for redeterminations), and State of Michigan GF/GP programs administered by the LEO - WD.
2. Grievances are required to be filed within one year of the date of the event that gave rise to the grievance. Grievances will be filed with:
 - Kate Brady-Medley, SEMCA COO
 - 25363 Eureka Road, Taylor, MI 48180
 - Kate.bradymedley@semca.org
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 petitioner (party/parties filing the grievance);
 - b. The full name and address and telephone number of the respondent(s) ;
 - c. A clear and concise statement of the facts, as alleged, including the pertinent dates, constituting the alleged violation. Should detail the basic issue, actions and events;
 - 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.

B. SEMCA's Procedures for responding to Grievances

Receipt of all complaints/grievances will be acknowledged by SEMCA.

1. Rejection of Grievance: 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 LEO - WD.

2. Informal Resolution: Opportunity for informal resolution must be provided. If the grievance is settled through informal means, the resolution will be provided as written result within 60 days.
3. Formal Hearing: For WIOA related grievances, a local level hearing will be conducted within 30 days from the date the grievance was filed, and a decision will be rendered no later than 60 calendar days from the date the grievance was filed. A hearing is not required if the grievance is resolved or if the grievant withdraws the grievance.

If a hearing is to be conducted, SEMCA will provide written notice to the petitioner and the respondent. 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 10 calendar days prior to the scheduled hearing date.

At a minimum, the hearing process will 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
- e. 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.

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 petitioner;
- c. Name and address of the respondent;
- 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 and;
- j. A statement regarding the opportunity to appeal the decision to the LEO.

If a response to the grievance is not received within the time prescribed (within 60 days from the filing of the grievance), or if either party is dissatisfied with a decision, there is an opportunity to appeal to LEO - WD.

C. State Level Review of a Local Level Decision

1. SEMCA's grievance decision may be appealed, in writing, to the LEO -- WD. 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:

Labor and Economic Opportunity – Workforce Development
Executive Office
Victor Office Building, 5th Floor
201 N. Washington Square
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 appellant(s);

- b. The full name, address, and telephone number of the respondent(s);
- 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.

Evidentiary Documentation: Both parties will be notified that they should send all relevant information and documentation at the local hearing and related to this appeal to the LEO-WD address cited above to assist with the determination on the grievance. Such documentation must be submitted to the LEO-WD within 15 days of filing of the appeal.

LEO-WD Action: Following consideration of the appeal, the LEO will take one of the following actions:

1. **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). The appellant will be informed in writing as soon as possible or within 60 days from the date the appeal was filed; of the reason the appeal was rejected.
2. **Waiver of the Hearing:** In lieu of a hearing for an appeal of a WIOA related local level decision, the parties to the appeal may mutually consent to having LEO-WD decide the matter based on the record created at the local level. If both parties and LEO-WD are in agreement, the hearing is waived. Both parties must provide LEO-WD with **written confirmation** that demonstrates their consent to waive the hearing. LEO-WD will issue a final decision within 60 days of the receipt of the appeal taking into consideration the evidentiary documentation previously submitted.
3. **Hearing:** For an appeal of a WIOA related SEMCA decision, an opportunity for a hearing will be provided. However, a hearing will not be held under certain circumstances, such as rejection of appeal or waiver of hearing as previously described in this policy. If a hearing is to be held, it will be conducted within 30 days of the filing of the appeal. A hearing is not required if the appellant withdraw the appeal. For a non-WIOA appeal, a hearing may be held but is not required.

Hearing: If a hearing on an appeal is to be held, the appellant and the respondent 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 will indicate the issues to be decided. Notice will be given not less than 10 days prior to the scheduled hearing date.

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 Decision: A written decision shall be issued not later than 90 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 petitioner;
- c. Name and address of the respondent;
- 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.

D. Step 3: Federal Government Review

In general, a state level decision is final. However, if a decision is not issued by the due date, a WIOA related appeal may be reviewed by the Secretary of the U.S. Department of Labor (USDOL). A WIOA related decision may be appealed by the adversely affected party to the USDOL within **30 days** of receipt of the LEO-WD decision. Pursuant to 20 CFR 683.610(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
Labor and Economic Opportunity - Workforce Development
Executive Office
Victor Office Building, 5th Floor
201 N. Washington Square
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 LEO-WD, adopted as SEMCA's Equal Opportunity Policy Guide. See also SEMCA's Customer Discrimination Complaint Procedure.
- B. **Criminal Conduct:** Known or suspected fraud, abuse, or criminal conduct under the WIOA shall be reported in accordance with the incident report guidelines issued by the LEO-WD.
- 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 LEO-WD.
- D. **WIOA Displacement:** Pursuant to WIOA Regulation 20 CFR 683.270(d), a grievance may be filed by a regular employee displaced by a WIOA participant who is placed in an employment activity operated with WIOA funds. A grievance may

also be filed by a WIOA participant in an employment activity if the participant is displaced.

- E. **Binding Arbitration/Collective Bargaining:** In accordance with 20 CFR 683.600(c)(3) of the WIOA regulations, local grant recipient grievance procedures must provide WIOA 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 Health and Human Services (DHHS) or other applicable procedures. For example, grievances regarding sanctioning of food stamp benefits will be handled by DHHS, 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.

Federal Contractor
Equal Opportunity Employer & Programs – Minorities/Women/Disabled/Veterans
Reasonable accommodations will be made upon request.