



Administered locally by the Macomb/St. Clair Workforce Development Board
VerKuilen Building
21885 Dunham Road
Suite 11
Clinton Township, MI 48036-1030

GRIEVANCE PROCEDURE

The Macomb/St. Clair Workforce Development Board maintains a formal grievance procedure to receive, investigate and resolve grievances and to conduct hearings in order to settle disputes arising out of programs with funding sources received from the Workforce Development Agency, State of Michigan (WDASOM).

Grievances can be brought by any individual or organization including, but not limited to, program participants, contractors, one-stop partners, applicants seeking participation or financial assistance, labor unions and community-based organizations; or from administrative staff of the Macomb/St. Clair Workforce Development Board.

A grievance may be filed by an affected individual if a recipient of Temporary Assistance for Needy Families (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 Administrative Entity of the Workforce Development Board to the Workforce Development Agency, State of Michigan (WDASOM).

A grievance may be filed by a regular employee displaced by a Workforce Innovation and Opportunity Act (WIOA) participant who is placed in an employment activity operated with WIOA funds. Also, a grievance may be filed by a WIOA participant in an employment activity if the participant is displaced.

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 grievance so provides.

Where the alleged violation of the funding source or regulation is also an alleged violation of another law, regulation or agreement, nothing in this grievance procedure shall preclude an individual or an organization from filing a grievance under such other law or agreement with respect to the cause of action; as well as filing a grievance under the provisions herein.

In the case of participants who are receiving services under funding sources received from the WDASOM, every individual prior to entering employment or training is informed of his/her rights and benefits in connection with same. Each participant receives a written grievance procedure including a notification of their right to file a grievance and how to do so. Every employer of training participants will notify their participants of the scope and availability of procedures for grievances relating to terms and conditions of employment. An employer grievance system shall provide for, upon request by the grievant, a review of an employer's decision by the Macomb/St. Clair Workforce Development Board.

The grievance procedure is available to any and all interested parties for review on the Macomb/St. Clair Workforce Development Board's website (www.macomb-stclairworks.org). In addition, the Macomb/St. Clair Workforce Development Board will provide copies of this Grievance Procedure to all interested parties affected by the local Workforce System including local One-Stop partners, service providers, and to all Employer-based training employers and participants.

The identity of any person who has furnished information relating to, or assisting in, an investigation of a possible violation of the funding source shall be kept confidential to the extent possible, consistent with the fair determination of the issues.

INFORMAL

Step 1: Any individual having a grievance alleging a violation of Macomb/St. Clair Workforce Development Board funded programs, regulations, grants or other agreements, should first attempt to resolve the issue with his/her immediate supervisor. Training participants should discuss the matter at their training facility if the training site is the involved party. Participants involved in on-the-job training programs should first seek resolve with his/her employer.

FORMAL

Step 2: If resolution of the grievance is not accomplished at Step 1, the grievant should next attempt a resolution with the Complaint Coordinator for the Macomb/St. Clair Workforce Development Board. Contact (586) 469-5220 for the name of this person.

Step 3: If satisfactory disposition cannot be agreed upon at Step 2, a formal, written grievance can be filed with the Executive Director of the Macomb/St. Clair Workforce Development Board.

- A. All grievances related to WIOA programs, Temporary Assistance for Needy Families (TANF), Food Assistance Employment & Training (FAE&T), Trade Act (except requests for redeterminations), and State of Michigan General Fund/ General Purpose (GF/GP) programs funded by the WDASOM are required to be filed within one year of the date of the event that gave rise to the grievance.
- B. All grievances shall be in writing and contain, to the extent practicable, the following information:
 - 1) The full name, address, and telephone number of the party/parties filing the grievance;
 - 2) 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;
 - 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;
 - 5) The relief requested.
- C. The grievance may be rejected by the Executive Director of the Macomb/St. Clair Workforce Development Board 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 Executive Director of the Macomb/St. Clair Workforce Development Board 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 WDASOM/Program Review and Evaluation Division.

- D. A hearing on a local level 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 WIOA-related grievances, Section 18(c) of the WIOA 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 Executive Director of the Macomb/St. Clair Workforce Development Board 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.
- E. At a minimum, the hearing process shall include:
- 1) A hearing officer,
 - 2) An opportunity for each party to present witnesses 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.
- F. A written decision shall be issued by the hearing officer and shall include the following information:
- 1) Date, time and place of hearing (if held);
 - 2) Name and address of the grievant;
 - 3) Name and address of the party against whom the grievance 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.
- G. 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 submit an appeal to the WDASOM/Program Review and Evaluation Division.

Step 4 State Level Review of a Local Level Decision

- A. A local level grievance decision may be appealed, in writing, to the WDASOM/Program Review and Evaluation Division. The appeal must be filed no later than ten(10) calendar days from receipt of an adverse decision in Step 3, or ten calendar days from the date a decision was due but not received at Step 3.
- B. All appeals of a local level grievance decision shall be submitted to:

Ms. Paula Mitchell
Program Review and Evaluation Division
Workforce Development Agency, State of Michigan
Victor Office Building
201 N. Washington Square, 5th Floor
Lansing, Michigan 48913

- 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 grievance 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.

Both parties should send all relevant information and documentation generated at the local hearing and related to this appeal to the address provided above (i.e. where the appeal was sent). It is the responsibility of the parties to ensure the WDASOM has all relevant documentation necessary to make a determination on the grievance.

The appeal should be sent to the WDASOM within 15 days of the filing of the appeal. The WDASOM has the discretion to provide parties with the opportunity to provide additional information after the 15 day deadline if the WDASOM believes it is necessary to make a final determination.

Rejection of the Appeal

A grievance may be rejected and a final determination issued, if it is determined that it lacks merit, it fails to state a grievable issue, there is no relief that can be granted, or if the appellant fails to comply with the applicable procedures prescribed in the policy (e.g. the ten day filing requirement among other provisions.)

Waiver of a 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 the WDASOM decide the matter based on the record created at the local level.

If both parties are in agreement, the hearing is waived. Both parties must provide the WDASOM with written confirmation that demonstrates their consent that the hearing is waived.

The WDASOM will issue a final decision within sixty (60) days of the receipt of the appeal taking into consideration the evidentiary documentation previously submitted.

Hearing

For an appeal of a WIOA related local level decision, an opportunity for a hearing may be provided. However, a hearing will not be held under the circumstances as described in the conditions listed previously under the heading "Rejection of the Appeal" within this document.

When a hearing is conducted on an appeal, 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 shall indicate the issues to be decided. Notice shall be given not less than ten (10) days prior to the scheduled hearing date. At a minimum the hearing process shall include a hearing officer, an opportunity for each party to present witnesses and evidence, an opportunity for each party to ask questions of all witnesses providing testimony at the hearing, and a record of the hearing and a list of all evidentiary exhibits presented at the hearing.

A written decision shall be issued not later than 60 days after the filing of the appeal.

D. 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 United States 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 WDASOM decision. Pursuant to 20CFR 667.610©, 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
Ms. Paula Mitchell
Program Review and Evaluation Division
Workforce Development Agency, State of Michigan
Victor Office Building
201 N. Washington Square, 5th Floor
Lansing, Michigan 48913

E. State Level Review of a Local Grant Recipient Appeal

Local grant recipients 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 WDASOM/Office of Audit & Financial Compliance (O AFC) within 30 days of the adverse decision. Other interested parties cannot appeal monitoring findings, incident report findings, etc (which are issued by the WDASOM/O AFC) directly to the WDASOM/O AFC. To the extent that interested parties are affected by a WDASOM/O AFC 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 following the procedures described previously in this document. All appeals must be submitted to:

Office of Audit and Financial Compliance
Workforce development Agency, State of Michigan
Victor Office Building
201 N. Washington Square, 3rd Floor
Lansing, Michigan 48913

All appeals shall contain, to the extent practical, the following information:

- a) The full name, address, and telephone number of the appellant(s);

- b) The full name, address, and telephone number (if any) 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, contractor other agreements under the act believed to have been violated; and
- e) The relief request.

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.

Hearing Notice

The WDASOM/OAFC may conduct a hearing on an appeal within 30 days of the filing of the appeal. The appellant and the respondent 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 (10) days prior to the scheduled hearing date.

Hearing

For an appeal of a WIOA related local level decision, an opportunity for a hearing must be provided. However, a hearing will not be held if the WIOA related appeal involves a non-grievable issue. If a hearing on an appeal is to be held, it shall be conducted within thirty (30) days of the filing of the appeal.

Hearing Process

The hearing process shall, at a minimum, include a hearing officer, an opportunity for each party to present witnesses and evidence, an opportunity for each party to ask questions of all witnesses providing testimony at the hearing, and 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.

Appeals

A decision shall be rendered not later than sixty (60) days after the filing of the appeal. The WDASOM's decision is final. The local grant recipient may appeal noncompliant WIOA grievance procedures of the WDASOM to the Secretary of the USDOL. Pursuant to 20 CFR667.610©, an appeal must be submitted to the Secretary of the USDOL within sixty (60) days of receipt of the WDASOM decision 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
Ms. Paula Mitchell
Program Review and Evaluation Division
Workforce Development Agency, State of Michigan
Victor Office Building
201 N. Washington Square, 5th Floor
Lansing, Michigan 48913

Special Provisions

Grievances Alleging Discrimination

The Macomb/St. Clair Workforce Development Board and its subcontractors will not discriminate against any employee, applicant for employment, or applicant for services provided by any WDASOM funds because of race, religion, color, national origin, sex, age, height, weight, marital status, disability, arrest without conviction, or other categories of groups protected by the law.

Grievances 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 WDASOM.

Any individual feeling that they have been subjected to discrimination under a WDASOM-funded program may file a complaint within 180 days from the date of the alleged violation with either the EO officer of the Macomb/St. Clair Workforce Development Board at (586) 469-5220 or:

Ms. Paula Mitchell
Program Review and Evaluation Division
Workforce Development Agency, State of Michigan
Victor Office Building
201 N. Washington Square, 5th Floor
Lansing, Michigan 48913

Or

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

Grievances Alleging Criminal Activity Related to the WIA Program

Complaints of alleged fraud, abuse, or other criminal activity related to the WIA program will be reported directly to the USDOL. The complaint will be filed using USDOL Form DL-156 (USDOL Incident Report.) A copy of the form will be sent to:

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

A copy of the DL-156 should also be submitted to:

Office of Audit and Financial Compliance
Workforce Development Agency, State of Michigan
Victor Office Building
201 N. Washington Square, 3rd Floor
Lansing, Michigan 48913
P.O. Box 30004
Lansing, MI 48909

Macomb/St. Clair Workforce Development Board Sexual Harassment Policy

The Macomb/ St. Clair Workforce Development Board affirms a personal and official commitment to an Equal Employment Opportunity Program which prohibits discrimination on the basis of sex. This policy applies to all programs administered by the Macomb/ St. Clair Workforce Development Board and its subcontractors. **Note:** The Macomb/St. Clair Workforce Development Board has adopted the Macomb County Board of Commissioners policy on Sexual Harassment as approved on March 23, 1989. The policy is as follows:

Whereas, the Macomb/St. Clair Workforce Development Board has in the past and continues to advocate the rights of all persons and in particular, its employees, to be free from discrimination because of race, color, religion, sex, national origin, marital status, age, political affiliation, handicapped condition or any other legally protected status, and

Whereas employees of the Macomb/St. Clair Workforce Development Board and its service providers must be free of discrimination and

harassment and must have a viable means by which to have claims of discrimination and harassment heard.

Now therefore, the Macomb/St. Clair Workforce Development Board adopts the following policy:

- A. No employee, supervisor of the Macomb/St. Clair Workforce Development Board or its service providers shall discriminate or harass any employee, or customer, because of said employee's, or customer's, race, color, religion, sex, national origin, marital status, age, political affiliation, handicapped condition, or other legally protected status.
- B. That any form of discrimination and/or sexual harassment will be deemed to be a violation of this policy.
- C. Discrimination because of sex includes sexual harassment which includes but is not limited to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:
 1. Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain or continue employment.
 2. Submission to or rejection of such conduct or communication is used as a factor in decisions affecting employment.
 3. Such conduct or communication has the purpose or effect of substantially interfering with an Individual's employment, or creating an intimidating, hostile or offensive working environment.
- D. Any employee, or customer, who believes he/she has been discriminated against in violation of this policy, and in particular, believes he/she has been subjected to sexual harassment, shall report said incident either in writing or in person to their immediate supervisor or department head or the Executive Director of the Macomb/St. Clair Workforce Development Board.
- E. The person to whom the complaint is initially reported shall immediately conduct a preliminary investigation and report the findings to the Executive Director of the Macomb/St. Clair Workforce Development Board forthwith.
- F. The Executive Director of the Workforce Development Board shall immediately investigate the complaint fully and completely.
- G. If the Executive Director of the Macomb/St. Clair Workforce Development Board shall conclude that improper conduct occurred, proper discipline will be imposed in accordance with appropriate Macomb/St. Clair Workforce Development Board practices and shall include all forms of discipline up to and including discharge of employee or removal of the service provider.
- H. A person against whom a complaint of discrimination or sexual harassment has been made shall be entitled to exercise any and all rights as may be provided by an applicable grievance procedure, the U.S. and State Constitution and Federal and State law.
- I. A copy of this policy will be distributed to each employee and customer. All new employees or customers shall be provided a written copy of this policy when hired or registered for services.
- J. Any persons having questions regarding the meaning, implementation or effect of this policy may direct inquiries regarding same to the Executive Director of the Macomb/St. Clair Workforce Development Board.