



Macomb/St. Clair Workforce Development Board

REQUEST FOR PROPOSAL (RFP)

One-Stop Operator
Macomb/St. Clair Michigan Works! Career Centers

Bidder's Conference: March 29, 2017 10:00 a.m.

Proposal Due: April 13, 2017 by 4:00 p.m.

1. BACKGROUND

The Macomb/St. Clair Workforce Development Board (M/SCWDB) is part of a comprehensive workforce development system funded by the Workforce Development Agency, State of Michigan and the Workforce Innovation and Opportunity Act (WIOA). The M/SCWDB administers the workforce development activities operated in five Macomb/St. Clair Michigan Works! Career Centers (One-Stop Centers) located in a two-county area.

The WIOA requires that One-Stop Operators must be procured through a competitive process. The main role of the One-Stop Operator is to coordinate the service delivery of participating One-Stop partners and service providers.

The M/SCWDB is seeking competitive proposals from prospective One-Stop Operators to procure a One-Stop Operator to coordinate the partners and services of the five One-Stop Career Centers that are a part of Macomb/St. Clair Michigan Works!

The bidder that is selected will be awarded a two-year contract (7/1/17 through 6/30/19) with two options to extend for one year (potentially through 6/30/21). If Federal or State laws or regulations change the requirements regarding the One-Stop Operator, the winning bidder will be expected to implement any changes as needed.

2. PROPOSED SCOPE OF WORK

The following types of organizations are eligible to bid to become a One-Stop Operator:

- Government agencies or governmental units, such as: Local or county governments, school districts, State agencies, and Federal WIOA partners;
- Employment Service State agencies under the Wagner-Peyser Act, as amended by title III of WIOA;
- Indian Tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations (collectively referred to herein as “Indian Tribes”);
- Educational institutions, such as: institutions of higher education, nontraditional public secondary schools such as night schools, and area career and technical education schools (however, elementary and other secondary schools are not eligible to become a one-stop operator);
- Community-based organizations, nonprofit entities, or workforce intermediaries;

- Other interested organizations that are capable of carrying out the duties of the One-Stop Operator, such as a local chamber of commerce, other business organization, or labor organization;
- Private for-profit entities;
- Local WDBs, if approved by the Chief Elected Official (CEO) and the Governor as required in WIOA sec. 107(g)(2).

Entities selected and serving as One-Stop Operators are subrecipients of a Federal award and thus are required to follow the Uniform Guidance, 2 CFR 200 and the WIOA.

The M/SCWDB is looking for organizations/entities to serve as One-Stop Operators for the following Career Centers:

- Clinton Township – Macomb County
- Mt. Clemens - Macomb County
- Roseville - Macomb County
- Warren - Macomb County
- Port Huron – St. Clair County

Bidders must serve as the One-Stop Operator for all five centers.

RESPONSIBILITIES: A One-Stop Operator is the entity that coordinates the service delivery of required one-stop partners and service providers. Following is a list of responsibilities for the selected One-Stop Operator:

- Facilitate quarterly meetings with required One-Stop partners, focusing on coordinating partner services with Michigan Works!
- Assist Macomb/St. Clair Michigan Works! staff with the monitoring and review implementation of Memorandums of Understanding with required WIOA partners and “optional” partners
- Assist in conducting the Service Center certification criteria reviews at least once annually, per the Workforce Development Agency Policy Issuance 15-30. See attachment A.
- Upon request, develop reports and recommendations for the administrative staff of the M/SCWDB. Reports may include recommendations for partnership development and improvement, as well as continuous improvement of the One-Stop system as a whole; developing policies and plans to meet performance standards for workforce development programs; and designing programs to achieve goals of the M/SCWDB.

EXPECTATIONS: The following is a list of expectations for the selected One-Stop Operator:

- Avoid Conflicts of Interest when possible and disclose and recuse from unavoidable Conflicts of Interest
- Follow all policies and procedures of the M/SCWDB regarding Conflict of Interest, Code of Conduct, Grievance Procedures and Equal Opportunity provisions
- Adhere to all Federal, State and local policies

3. **ELIGIBLE BIDDERS**

The M/SCWDB will consider only those proposals submitted by organizations which are licensed and/or incorporated in accordance with State statutes and which are authorized to conduct business in the State of Michigan. Organizations should not be debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation by any federal department or agency.

Bidder's Conference- A Bidders Conference will provide prospective bidders the opportunity to ask questions and seek technical assistance. Technical assistance will not be provided outside of this conference. Although attendance at the bidder's conference is not required, it is strongly recommended. The bidders conference will be held:

**March 29, 2017
10:00 a.m.
M/SCWDB Administrative Office
VerKuilen Building
21885 Dunham Rd.
Suite 11
Clinton Township MI 48036**

4. **REQUIREMENTS FOR BIDDERS**

- A. No proposal will be accepted from, or contract awarded to any person, firm, or corporation that is in arrears or is in default with the M/SCWDB, upon any debt or contract, or that is in default as surety or otherwise, or failed to perform faithfully any previous contract with the M/SCWDB.
- B. All costs incurred in the preparation, submission, and presentation of this proposal, in any way whatsoever, will be wholly absorbed by the prospective bidder. All supporting documentation will become the property of the M/SCWDB unless requested otherwise at the time of submission. Michigan FOIA requires

the disclosure, upon request, of all public records that are not exempt from disclosure under section 13 of the Act, which are subject to disclosure under the Act. Therefore, confidentiality of information submitted in response to this Request for Proposals is not assured.

- C. The M/SCWDB reserves the right to modify the scope of services during the course of the contract. Such modification may include adding or deleting any tasks this project will encompass and/or any other modifications deemed necessary. Any changes in pricing or payment terms proposed by the proposer resulting from the requested changes are subject to acceptance by the M/SCWDB. Changes may be increases or decreases.
- D. Proposer shall note that this RFP is considered to be under evaluation from the opening date until contract award. The M/SCWDB and review committee are restricted from giving any information relative to the progress of the evaluation during this time, except as required to administer the evaluation process.
- E. This RFP does not commit the M/SCWDB to award a contract, to pay any cost in the preparation of a proposal in response to this request, or to procure or contract for services or supplies. The M/SCWDB reserves the right to accept or reject any or all proposals received as a result of this request, to negotiate with all qualified sources, or to cancel in part or in its entirety this RFP, if it is in the best interest of the M/SCWDB to do so. Further, all requested amounts are subject to reduction based upon final award selections and availability of funds.
- F. To insure fairness in the review process, prospective bidders should not discuss their proposal or this RFP with individuals who sit on the M/SCWDB or staff prior to the completion of the procurement process.

5. EVALUATION PROCESS

Proposals will undergo the following review:

- M/SCWDB staff will review proposals for technical compliance with the RFP and may prepare a summary of the bidder's qualifications, scope of work and budget. Staff will confirm that all required signature pages and sections of RFP are completed.
- Review Committee - Proposals will be reviewed and rated independently by three M/SCWDB staff members in accordance with the published review criteria. Finalists may be interviewed by the three staff members and recommendations will be forwarded to the M/SCWDB.

Contracts executed as a result of the review process will be between the M/SCWDB and the proposing organization. The review and decision process is expected to be completed by 04/27/17. Contract implementation will begin on 7/01/17.

6. ADDITIONAL ASSURANCE AND CERTIFICATIONS

CONTRACTOR shall comply with all of the following laws and regulations to the extent they are applicable to the services funded under any contract award.

1. Executive Order 11246, 12549 and 12689, as amended by 11375 (41 CFR parts 60-64);
2. Rehabilitation Act of 1973, as amended, Sections 503 and 504 (29 USC 793 and 794), PL 93-112;
3. Americans with Disabilities Act of 1990 (42 USC 12101 et seq.), PL 101-336;
4. Immigration and Naturalization Act of 1986 (8 USC 1324a), PL 99-603;
5. Age Discrimination Act of 1975, as amended (29 USC 621), PL 94-135;
6. Family and Medical Leave Act of 1993 (29 USC 2601), PL 103-3;
7. Pregnancy Discrimination Act of 1975 (92 Stat 2076), PL 95-555;
8. Civil Rights Act of 1964, Titles VI and VII (42 USC 2000 et seq.), PL 88-352;
9. Civil Rights Act of 1968, Title VIII (42 USC 300 et seq.), PL 90-284;
10. Civil Rights Restoration Act of 1991 (20 USC 1686-1688, 29 USC 706 and 709, 42 USC 2000[d]-4[a] and 6107), PL 100-259;
11. Education Amendments of 1972, Title IX, as amended (29 USC 1681), PL 92-318, PL 93-568, and PL 94-482;
12. Older Americans Act of 1965, as amended (47 USC 3001 and 3056 et seq.), PL 89-73;
13. Military Selective Service Act, Title I, Section 3, as amended (50 USC 453), PL 97-86;
14. Affirmative Action Provisions of the Vietnam Era Veterans' Readjustment Assistance Act, as amended (38 USC 4218), PL 72-74;
15. Equal Pay Act of 1963, as amended (29 USC 206d), PL 88-38;
16. Privacy Act of 1974 (5 USC 522a[e][3]), PL 93-579;
17. Elliott Larsen-Civil Rights Act, as amended (MCLA 37.2101 et seq.), 1976, PA 456;
18. Whistle Blower's Protection Act (MCLA 15.361 et seq.), 1980, PA 469;
19. Persons with Disabilities Civil Rights Act (MCLA 37.1101 et seq.), PA 220 of 1976;
20. Federal Hatch Act (5 U.S.C. Sections 1501-1508);
21. Jobs for Veterans Act, PL 107-288 (Reference: ETA TEGl No. 5-03).
22. Michigan Youth Employment Standards Act, as amended (MCLA 409.101-124), PA 90 of 1978; or the Federal Child Labor Regulations, Part 570, as amended, whichever is more stringent;

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Macomb/St. Clair Workforce Development Board is an Equal Opportunity Employer/Program. Auxiliary aids and other accommodations are available upon request to individuals with disabilities. Supported by the State of Michigan. Michigan Relay dial 7-1-1.

23. Michigan Minimum Wage Law, as amended (MCLA 408.381-398), PA 154 of 1964;
24. Michigan Payment of Wages and Fringe Benefits, as amended (MCLA 408.471-583), PA 390 of 1978; and Overtime Protection (MCLA 408.477), PA 390 of 1978;
25. Michigan Workers' Disability Compensation Act, as amended (MCLA 418.101-941); and Administrative Rules, PA 317 of 1969;
26. Michigan Open Meetings Act, as amended (MCLA 15.261 et. seq), PA 267 of 1976;
27. Michigan Contracts with Employers Engaging in Unfair Practices, as amended (MCLA 423.321 et seq.), PA 278 of 1980;
28. Michigan Occupational Safety and Health Act, as amended (MCLA 408.1001-1094), PA 154 of 1974;
29. Michigan Right to Know Act (MCLA 408.1014a-1014n), PA 80 of 1986;
30. MCL 35.1093 (PA 39 of 1994), insuring delivery of effective and equitable employment services to Veterans;
31. Social Welfare Act 280, P.A. 1939, as amended (MCLA 400.55a and 400.56f);
32. Title IV-F of the Social Security Act (P.L. 74-271), as amended;
33. Michigan welfare policy provisions; Public Act 223 of 1995;
34. Title IV-A of the Social Security Act (P.L. 74-271), as amended;
35. 45 Code of Federal Regulations (CFR) 201 through 257, and 260;
36. Food Stamp Act of 1977 (P.L. 105-33), as amended;
37. 7 CFR 271, 272, and 273;
38. Workforce Investment Act of 1998;
39. Reed Act Provisions of Title IX of the Social Security Act;
40. Michigan Elliott-Larsen Civil Rights Act, P.A. 453 of 1976, as amended;
41. Grove City Civil Rights Bill, S557-PL-100-259, as amended;
42. Michigan Persons with Disabilities Civil Rights Act, P.A. 220 of 1976 as amended;
43. Workforce Opportunity Wage Act, Act 138 of 2014 (MCL 408.411);
44. Michigan Department of Labor, Employment Standards, Overtime Compensation Rules R 408.721-408.735;
45. Trade Adjustment Assistance Reform Act of 2002 (TAA Reform Act);

46. OmniCircular 2 CFR Part 200 et al.

47. Workforce Innovation and Opportunity Act (WIOA) Public Law 113 – 128.

All other applicable Federal and State legislation.

1. Administrative Entity/M/SCWDB Held Harmless

If awarded a contract, the bidder shall defend, indemnify and hold harmless the M/SCWDB, its officers, agents, member counties and employees from any and all claims and losses incurred by or resulting to any person, firm, or corporation who may be damaged or injured by the bidder in the performance of said contract.

2. Certification Regarding Debarment and Suspension

A prospective recipient of federal assistance funds, in accordance with Executive Order 12549, Debarment and Suspension, 29 CFR Part 98, Section 98.510, and Executive Order 12689, 2 CFR 215 Appendix A8, page 26297 is required to certify with an official signature on the Debarment and Suspension form that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in a transaction with any federal department or agency.

3. Certification Regarding Lobbying

Prospective recipients of federal assistance funds must certify with an official signature on the Certification Regarding Lobbying form that no federally appropriated funds have been used or will be used by the prospective recipient for the purpose of lobbying.

4. Reporting

If awarded funding, the bidder shall:

- a. Provide access and the rights to examine, transcribe and audit all records, books, papers, tapes or documents related to contract performance.
- b. Record all costs incurred, and report these costs in the manner and format prescribed by and in conformance with applicable Federal/State requirements.
- c. Retain all records pertinent to the program, including financial, participant and statistical records and supporting documents, for at least five (5) years from the date of expiration of any contract awarded as a result of this proposal.

5. Prevention of Fraud and Program Abuse

To ensure the integrity of the Workforce Development Agency, State of Michigan programs, special efforts are necessary to prevent fraud and other program abuses. Fraud includes deceitful practices and intentional misconduct, such as willful misrepresentation in accounting for the use of program funds. "Abuse" is a general term which encompasses improper conduct which may or may not be fraudulent in nature. While the Workforce Development Agency, State of Michigan law and regulations are specific, possible problem areas could include the following: conflict of interest, kickbacks, commingling of funds, charging fees to participants and employers, nepotism and child labor, political patronage, political activities, sectarian activities, unionization and anti-unionization activities/work stoppages and maintenance of effort. Bidders who receive contracts will be required to report immediately any violations in these areas or in problem areas which may later be defined.

7. PROPOSAL DEADLINE

Proposals are due **April 13, 2017 by 4:00 p.m. EST**

**Submit one original, signed and sealed Proposal Package. (beginning page 11)
A Proposal Package includes completion of all of the following;**

- Proposal Certification – page 11
- Written Narrative – page 12
- Budget – page 13
- Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – page 14
- Certification Regarding Lobbying – page 17
- Notice of Grievance /Complaint Procedure – page 25

Submit the Proposal Package by the above deadline to:

John H. Bierbusse
Executive Director
Macomb/St. Clair Workforce Development Board
21885 Dunham Rd. Suite 11
Clinton Township, MI 48036

8. PROPOSAL REVIEW CRITERIA

A. Experience and Personnel (40%)

The successful bidder must show experience in similar activities and working knowledge of Michigan Works! or other workforce development

programs/agencies. Personnel assigned to the contract will be experienced and/or well-educated in such endeavors.

B. Project Approach (40%)

The successful bidder must propose a plan and approach that will demonstrate an understanding of partnership development and coordination. Knowledge and expertise with advising the Boards and staff on improving services will be present.

C. Proposed fees (20%)

The successful bidder will provide proposed fees and an estimated time commitment which are competitive and reasonable.

The M/SCWDB anticipates that terms of the contract require a time commitment of a maximum of 1000 hours in a one year period.



**PROPOSAL PACKAGE – RESPONSE TO RFP
ONE-STOP OPERATOR**

Proposal Certifications

I hereby certify:

- a. that all information contained in this proposal in response to questions concerning the applicant organization, its operation, and its proposed program, is true and accurate; and
- b. that completion of this proposal is an application for funding and does not ensure that the proposed program will be funded; and
- c. that if selected for funding, the applicant organization will be bound by the information contained herein as well as by the terms and conditions of the resultant contract or agreement.
- d. that to the best of its knowledge and belief, the cost data are accurate, complete, and current at the time of agreement on price. This price shall be valid for a minimum of six months after submission.

Signature: _____ Date: _____

Name: _____ Title: _____

Organization: _____

WRITTEN NARRATIVE

1. Describe any previous experience with providing the services listed in the “Proposed Scope of Work” section. Describe the staff and/or personnel that will be involved in the project. (include résumés) Describe your experience working with Michigan Works! Agencies or other workforce development agencies. Two references may be listed, if desired.
2. Describe your plan and approach to implementing the “Responsibilities” under the “Proposed Scope of Work.” Provide any other information or potential ideas you’d like to add beyond the “Proposed Scope of Work.”
3. Complete the following Budget table of cost requirements.

BUDGET

A.

TASK/RESPONSIBILITY	# OF ESTIMATED HOURS REQUIRED FOR TASK	COST PER HOUR	TOTAL COST
Facilitation of Quarterly Meetings with MW! One-Stop Partners			
Assisting Michigan Works! Staff with Monitoring/Review/Implementation of Memorandums of Understanding with WIOA Partners and "optional" partners			
Assisting with Service Center criteria reviews annually per Talent Investment Agency, Policy Issuance 15-30			
	Total # of Hours _____		Total Proposal Cost _____

B.

Please indicate the hourly rate to be charged if requested by the Macomb/St. Clair Workforce Development Board to develop reports and recommendations; assist staff with the development of policies, plans and programs; or assist with designing programs as defined on page 3 regarding responsibilities under the Proposed Scope of Work of the One-Stop Operator. \$_____

**Certification Regarding
Debarment, Suspension, Ineligibility and Voluntary Exclusion
Lower Tier Covered Transactions**

This certification is required by the regulations implementing Executive Orders 12549 and 12689, Debarment and Suspension. A contract award (see 2 CFR 180.220) must not be made to parties listed on the government-wide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1986 Comp., p. 189) and 12689 (3 CFR Part 1989 Comp., p. 235), "Debarment and Suspension". The Excluded Parties List System in SAM contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549. (2 CFR Part 200 Appendix II).

**BEFORE COMPLETING CERTIFICATION, READ ATTACHED INSTRUCTIONS
WHICH ARE AN INTEGRAL PART OF THE CERTIFICATION**

- (1) The prospective recipient of federal assistance funds certifies, by the submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.
- (2) Where the prospective recipient of federal assistance funds is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Name and Title of Authorized Contractor Representative

Signature

Date

Instructions for Certification

1. By signing and submitting this proposal, the prospective recipient of Federal assistance funds is providing the certification as set out below.
2. This certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective recipient of Federal assistance funds knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the Department of Labor (DOL) may pursue available remedies, including suspension and/or debarment.
3. The prospective recipient of Federal assistance funds shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective recipient of Federal assistance funds learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549 and Executive Order 12689. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective recipient of Federal assistance funds agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the DOL.
6. The prospective recipient of Federal assistance funds further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to check the List of Parties Excluded from Procurement or Nonprocurement Programs.

Entities must verify that procurements of \$25,000 or more do not result in an award to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in federal assistance programs. [2 CFR Part 180; 2 CFR, Part 200.205(d)]

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the DOL may pursue available remedies, including suspension and/or debarment.

**CERTIFICATION REGARDING LOBBYING
CERTIFICATION FOR CONTRACTS, GRANTS, LOANS,
AND COOPERATIVE AGREEMENTS**

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representative of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Contractor

Typed Name and Title of Certifying Official

Signature _____ Date: _____

MACOMB/ST. CLAIR MICHIGAN WORKS! NOTICE OF GRIEVANCE/COMPLAINT PROCEDURE

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
- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. 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.
- G. 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.
- H. 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.

