

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

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

A copy of the appeal must be simultaneously provided to both of the following:

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

Mr. Allen Williams, Director
Internal Audit & Monitoring Division
MI Dept. of Labor & Econ. Growth
611 West Ottawa, 4th Floor
P.O. Box 30004
Lansing, MI 48909

Special Provisions

Employment Related Rights

Complaints alleging violations of employment related rights or unjust treatment in an employment situation will be handled using the process outlined in the State of Michigan Employment Service Manual. This Manual and assistance with complaints is available from the Michigan Works! Service Center.

Workforce Development program participants employed in situations covered by a collective bargaining agreement, who are alleging a labor standards violation may submit the grievance to a binding arbitration procedure, if the agreement covering the parties to the grievance allows.

Displacement from Employment

A grievance may be filed by an affected individual if a TANF recipient is placed in a position when (1) 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.

A grievance may be filed by a regular employee or program participant displaced by a WIA participant placed in an employment activity operated with WIA funds.

Fraud and Abuse

Known or suspected fraud, abuse, or criminal conduct related to any workforce development program must be reported immediately to the MWA EO Officer for incident processing using the incident reporting guidelines issued by MDLEG.

(Source: MDLEG/BWP Policy Issuance 06-03, 7/26/06, PI 05-02, 3/18/05, and State of Michigan Employment Service Manual, 11/2006)

For assistance or more information contact:

Jeanne Konrad
Equal Opportunity Officer
(269) 349-1533
Or call:
Three Rivers Michigan Works! Office
(269) 273-2717

An equal opportunity employer / program supported by the State of Michigan. Auxiliary aids and services are available upon request to individuals with disabilities - Michigan Relay Center 1-800-649-3777 {Voice and TTY}.

8/08

KALAMAZOO-ST. JOSEPH Workforce Development Programs



EQUAL OPPORTUNITY STATEMENT

All applicants and participants of the Kalamazoo/St. Joseph Michigan Works! Workforce Development Programs will be provided equal opportunity to participate in and benefit from all programs, activities, and services without regard to race, color, religion, national origin, age, sex, height, weight, marital status, disability, arrest record, or political affiliation or belief, or citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or other non-merit factors.

GRIEVANCE AND COMPLAINT PROCEDURE

The Kalamazoo-St. Joseph Michigan Works! Agency (MWA) insures that all participants, subgrantees, subcontractors, one-stop partners, service providers, employees, providers of training services, and other interested parties in programs operated under the MWA shall receive fair and expeditious handling of all grievances and complaints related to programs operated with Workforce Investment Act (WIA), Temporary Assistance for Needy Families (TANF), Food Assistance Employment and Training (FAE&T), Reed Act, Trade Act (except requests for redeterminations), Michigan Prisoner Re-entry Initiative (MPRI) and State of Michigan GF/GP funds from the Michigan Department of Labor & Economic Growth/Bureau of Workforce Programs (MDLEG/BWP) and other State funding sources.

All complaints and grievances reported to the MWA alleging violation of the non-discrimination and equal opportunity (EO) provisions of state and/or federal programs and policies shall be resolved using the following procedures which are consistent with the non-discrimination and EO policy guidelines issued by the MDLEG/BWP.

Informal Complaint Resolution

Participants, subgrantees, subcontractors, one-stop partners, service providers, employees, providers of training services and other interested parties in programs operated by the MWA shall first attempt to work out a resolution with the person or organization the complaint is against. The complaint procedure for that organization shall be followed and the full appeal process exhausted in an attempt to resolve the complaint satisfactorily. If the complaint cannot be resolved at this level, the complainant (person filing the complaint) shall be directed to the following grievance procedures.

Step 1: Local Level Grievance Procedure

All grievances related to WIA, TANF, FAE&T, Reed Act, Trade Act (except request for redeterminations), and State of Michigan GF/GP programs funded by the MDLEG/BWP are required to be filed within one year of the date of the event that gave rise to the grievance.

All grievances shall be in writing and contain, to the extent practicable, the following information:

- The full name, address, and telephone number of the party/parties making the complaint;
- The full name and address of the party against whom the complaint is made, or other information sufficient to identify the party against whom the complaint is made;
- A clear and concise statement of the facts, as alleged, including the pertinent dates, constituting the alleged violation;
- The provision of the act, regulations, grant, contract, or other agreements under the act believed to have been violated; and
- The relief requested.

The completed grievance should be sent to:

Jeanne Konrad, EO Officer
Kalamazoo/St. Joseph Michigan Works!
222 S. Westnedge Ave.
Kalamazoo, MI 49007

A grievance may be dismissed by the MWA if it lacks merit, if it is determined the grievant (person filing the grievance) 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 MWA will inform the grievant in writing of the reason(s) the grievance was dismissed. 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 MDLEG/Internal Audit and Monitoring Division (IAMD).

For WIA-related grievances, Section 181 (c) of the WIA indicates that an opportunity for a hearing shall be provided to participants and other interested or affected parties. If a hearing is to be held, it must be conducted within 30 calendar days from the date the grievance was filed (received by the MWA), 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.

If a hearing is to be conducted the MWA 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 (10) calendar 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.
- A record (written transcript and audio recording) 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.

A written decision shall be prepared by the hearing officer, sent certified mail, return receipt requested and will include the following information:

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

If a response to the grievance is not received by the grievant within the time prescribed, or should either party be dissatisfied with a decision, there is an opportunity to appeal to the MDLEG/ Internal Audit & Monitoring Division.

Step 2: State Level Review of a Local Level Decision

A local level grievance decision may be appealed, in writing, to the MDLEG/Internal Audit and Monitoring Division no later than ten (10) calendar days from receipt of an adverse decision at Step 1, or ten (10) calendar days from the date a decision was due but not received at Step 1.

All appeals of a local level grievance decision shall be submitted to:

Mr. Allen Williams, Director
Internal Audit & Monitoring Division
Michigan Department of Labor & Economic Growth
611 West Ottawa, 4th Floor
P. O. Box 30004
Lansing, Michigan 48909

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

- The full name, address, and telephone number of the party/parties filing the appeal;
- The full name, address, and telephone number of the party/parties against whom the grievance is made;
- A clear and concise statement of the facts, as alleged, including the pertinent dates, constituting the alleged violation;
- The provision of the act, regulations, grant, contract, or other agreements under the act believed to have been violated; and
- The relief requested.

An appeal may be dismissed if it is determined that the appellant (person filing the appeal) fails to state a grievable issue or there is no relief that can be granted, or if the appellant fails to comply with the applicable procedures in this brochure. The appellant will be informed in writing as soon as possible or within 60 calendar days from the date the appeal was filed of the reason(s) the appeal was dismissed.

For an appeal of a WIA related local level decision, an opportunity for a hearing must be provided. A hearing will not be held if the WIA related appeal involves a non-grievable issue. In lieu of a hearing for an appeal of a WIA related local level decision, the parties to the appeal may mutually consent to a hearing officer deciding the matter based on the record created at the local level.

If a hearing is to be conducted, the appellant and the party against whom the grievance is made will be provided written notice of the date, time and the 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 no less than ten (10) calendar days prior to the scheduled hearing date. If a hearing on the appeal is to be held it shall be conducted within 30 calendar days of the filing of the appeal. A hearing is not required at this step if the appellant withdraws the appeal.

If a hearing is not to be held the parties to the appeal will be notified within ten (10) days of receipt of the appeal. The parties to the appeal will be given the opportunity to submit additional relevant information and/or documentation pertaining to the appeal.

At a minimum, the hearing process shall include the same components as described in Step 1: Local Level Grievance Procedure hearing.

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

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