



Grievance Procedures

SECTION I: This Grievance Procedure is established and maintained for resolving any complaint or grievance alleging a violation of any program that is administered by Capital Area Michigan Works! (CAMW!). The CAMW! Grievance Procedure, and any subsequent modification, is included within CAMW! agreements, disseminated to all sub-recipient, staff members, and partners via email notification, posted in all American Job Centers, and is available on the CAMW! website at www.camw.org. The Grievance Procedure is provided to program participants and also made available to other interested parties.

SECTION II: All grievances and complaints utilizing the Department of Labor and Economic Opportunity, Workforce Development, State of Michigan (LEO-WD) funding sources (including state funding sources) shall follow the guidelines set forth in this Grievance Procedure.

SECTION III: All program participants shall be provided upon enrollment into employment or training with a written description of this Grievance Procedure, and the Employer's own grievance procedure, including notification of the rights to file a complaint and instructions on how to do so. Program participants will be provided with a copy of the Grievance Procedure and will sign the Capital Area Michigan Works! Release Statement certifying receipt of the document. Employer-based training employer contracts will include Grievance Procedure language within the contract agreement and the Grievance Procedure will be provided as an attachment to the contract to the employer. The Grievance Procedure will be included in contract language with Service Providers as well as On-Stop Partner agreements. This Grievance Procedure will be posted in areas where administration and program services are provided and are accessible to the public. Hard or electronic copies will be made available to the public upon request.

SECTION IV: Grievances may be brought by any individual or organization, including, but not limited to program participants, subgrantees, subcontractors, employees, one-stop partners, service providers, providers of training services, and other interested parties. A grievance may also be filed by an affected individual if a recipient of Workforce Innovation and Opportunity

Act (WIOA), Temporary Assistance for Needy Families (TANF), Trade Act, Reed Act, Trade Adjustment Assistance (TAA), General Fund/General Purpose (GF/GP) or Food Assistance Employment & Training (FAE&T) services 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 a CAMW! service-funded individual. This policy provides a process that 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.

SECTION V: Should any grievant have a complaint that is grievable under this procedure, an earnest effort should be made to resolve such differences promptly in the following manner. All grievances are required to be filed within one year of the date of the event that gave rise to the grievance.

Step 1: The grievance is to be reduced to writing and presented to the Employer operating the program in which the grievant is participating in or has applied for employment. An informal hearing shall be conducted between the grievant and the employer. The Employer shall, within five (5) days after receipt of the complaint, issue a written determination as to such complaint. Such determination shall include a synopsis of the facts and a statement of the reasons for decision made and shall also provide the grievant notification of an opportunity to appeal the matter to Step 2 of the Grievance Procedure. This latter notification shall include the procedures for requesting a Step 2 hearing and shall describe the elements of the hearing procedures.

Step 2: If the dispute is not resolved at Step 1, the grievant may, within three (3) days of the issuance of the Step 1 decision, submit said grievance to the Chief Executive Officer of CAMW!, 2110 S. Cedar St., Lansing, MI 48910. A formal or informal administrative hearing will be held between the Chief Executive Officer (or his designee), the grievant, the respondent and all other necessary parties not more than thirty (30) days from the date of the filing of the complaint. The grievant must submit to the Chief Executive Officer, in writing, the following information: (a) The full name, address, and telephone number of the petitioner; (b) The full name, address, and telephone number of the respondent(s); (c) a clear and concise statement of the facts, including pertinent dates, setting forth the alleged violation; (d) the provisions of the Act, regulations, grant, contract, or other agreement under the Act alleged to have been violated; and (e) the relief requested. A grievance may be rejected 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 policy. The Grievant and Respondent will be informed in writing of the reason(s) the grievance was rejected. The notification will be issued within 60 days from the date the grievance was filed and will include the opportunity to appeal to the LEO-WD.

Grievant and Respondent shall receive written notice as to the Step 2 hearing or the date, time and place of the hearing, the manner in which it will be conducted, and the issues to be decided thereat not less than ten (10) days prior to the hearing. Other interested

parties may also apply for such notice. At a minimum, the hearing process shall include: a hearing officer; an opportunity for each party to present witnesses (subpoenas are not authorized under this PI) and evidence; an opportunity for each party to ask questions of all witnesses providing testimony at the hearing; 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. The Chief Executive Officer (or his designee), acting as the hearing officer, shall, within five (5) days of the close of the hearing, submit his/her written decision to the grievant, which response shall include (a) date, time, and place of hearing; (b) names and addresses of all witnesses called by the parties; (c) name and address of the petitioner(s); (d) name and address of the respondent(s) against whom the grievance is made; (e) information sufficient to identify all evidence presented; (f) a reiteration of the issues raised; (g) a synopsis of the facts; (h) an analysis of the issues as they relate to the facts; and (i) a decision addressing each issue. The Chief Executive Officer shall also provide the grievant notification of the opportunity to appeal the matter to Step 3 of the Grievance Procedure.

Step 3: If the dispute is not resolved at Step 2, then either party may, within three (3) days of the issuance of the Chief Executive Officer's decision, submit said grievance to the CAMW! Administrative Board (The Board) for consideration at its next regularly scheduled meeting. At such meeting, the Board shall consider the positions of each party and the decision rendered by the Chief Executive Officer. Within ten (10) days of said meeting, but in any event no longer than sixty (60) days from the initial filing of the grievance, the Board shall submit its written decision to the grievant, which shall include (a) date, time, and place of hearing; (b) names and addresses of all witnesses called by the parties; (c) name and address of the petitioner(s); (d) name and address of the respondent(s) against whom the grievance is made; (e) information sufficient to identify all evidence presented; (f) a reiteration of the issues raised; (g) a synopsis of the facts; (h) an analysis of the issues as they relate to the facts; and (i) a decision addressing each issue; j) a statement regarding the opportunity to appeal the decision to the LEO-WD. The Chief Executive Officer shall also provide the grievant notification of the opportunity to appeal to LEO-WD, (Step 4).

Step 4: If the grievant is not satisfied with the Board's response, or does not receive the same in time prescribed, including continuances, he/she may appeal, in writing, no later than ten calendar days from receipt of an adverse decision at Step 3, or ten calendar days from the date a decision was required but not received at Step 3 (a decision is required to be rendered not later than 60 calendar days from the date the grievance was filed).

All appeals of a grievance shall be submitted, in writing, by certified mail, return receipt requested to:

Workforce Development
Executive Office
Victor Office Center
201 N. Washington Square
Lansing, MI 48913

All appeals of a grievance shall contain, to the extent practicable, (a) full name, address, and telephone number of the appellant(s); (b) full name, address, and telephone number (if any) of the respondent(s) against whom the grievance is made; (c) a clear and concise statement of the facts, as alleged, including the pertinent dates, constituting the alleged violation; (d) the provision of the act, regulations, grant, contract, or other agreements under the act believed to have been violated; and (e) the relief requested.

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 LEO-WD has all relevant documentation necessary to make a determination on the grievance.

All relevant documentation and information should be sent to LEO-WD within **15 days** of the filing of the appeal to the LEO-WD Executive Office. LEO-WD has the **discretion** to provide parties with the opportunity to provide additional information after the 15 day deadline if LEO-WD believes it is necessary to make a final determination.

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

- 1. Rejection of the Appeal:** A grievance may be **rejected**, and a final determination issued, if it is determined that: a) It lacks merit; b) It fails to state a grievable issue; c) There is no relief that can be granted; or d) If the appellant fails to comply with the applicable procedures prescribed 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. Hearing:** For an appeal of a WIOA related local level decision, an opportunity for a hearing must be provided unless the appeal is rejected by the LEO-WD, the parties agree to waive a hearing, or the appellant withdraws the appeal. If a hearing on an appeal is to be held, it shall be conducted within **30 days** of the filing of the appeal. A hearing is not required for an appeal of a non-WIOA related local level decision.

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 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 (subpoenas are not authorized under this PI) and evidence; an opportunity for each party to ask questions of all witnesses providing testimony at the hearing; 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.

3. **Final Decision:** A written decision shall be issued not later than **60 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; i) and A decision addressing each issue.

Review of a State Level Decision

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 USDOL. A WIOA related decision may be appealed by the adversely affected party to the USDOL within **60 days** of receipt of the LEO-WD decision. 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

Workforce Development
Executive Office
Victor Office Center
201 N. Washington Square
Lansing, MI 48913

State Level Review of a Local Grant Recipient Appeal

Local grant recipients may appeal non-designation of local areas, 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 LEO-WD within 30 days of the adverse decision.

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

All appeals shall be submitted to:

Workforce Development
Executive Office
Victor Office Center
201 N. Washington Square
Lansing, MI 48913

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 (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, contract, or other agreements under the act believed to have been violated; and
- e) The relief requested.

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: For an appeal of a WIOA related local level decision, an opportunity for a hearing must be provided unless the appeal is rejected by the LEO-WD, the parties agree to waive the hearing, or the appellant withdraws the appeal. If a hearing on an appeal is to be held, it shall be conducted within **30 calendar days** of the receipt of the appeal.

A hearing is not required for an appeal of a non-WIOA or non-WIOA related decision.

1. Hearing Notice: The parties 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 **10 calendar days** prior to the scheduled hearing date.

2. 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.

- 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.

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

- a) Date, time, and place of hearing;
- b) Name and address of the appellant;
- c) Name and address of the party against whom the appeal is made;
- d) Names and addresses of all witnesses called by the parties;
- e) Information sufficient to identify all evidence presented;
- f) A reiteration of the issues raised;
- g) A determination of the facts;
- h) An analysis of the issues as they relate to the facts; and
- i) A decision addressing each issue.

USDOL Appeal: The decision of the LEO-WD is final. The local grant recipient may appeal noncompliant WIOA grievance procedures of the LEO-WD to the Secretary of the USDOL. An appeal must be submitted to the Secretary of the USDOL within 60 days of receipt of the LEO-WD 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

Workforce Development
Executive Office
Victor Office Center
201 N. Washington Square
Lansing, Michigan 48913

Special Provisions

Parties involved in a grievance procedure should take note of the following:

- 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.
- B. **Criminal Conduct:** Known or suspected fraud, abuse, or criminal conduct under WIOA shall be reported in accordance with the incident report guidelines issued by the LEO-WD.
- C. **TANF Displacement:** Pursuant to the PRWORA Regulation 45 CFR 261.70, a grievance may be filed by an affected individual if a recipient of TANF is placed in a position (1) when any other individual is on layoff from the same or any substantially equivalent job or (2) if the employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with an adult receiving TANF assistance. In this situation, either party to the grievance, the TANF recipient, or the displaced employee, may appeal the decision rendered by the AE of the WDB to the LEO-WD.
- D. **WIOA Displacement:** 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. Also, a grievance may be filed by a WIOA participant in an employment activity if the participant is displaced.
- E. **Binding Arbitration/Collective Bargaining:** 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 (MDHHS) or other applicable procedures. For example, grievances regarding sanctioning or food stamp benefits will be handled by MDHHS, while grievances regarding programs administered by the local grant recipient will be handled by the AE of the WDB.
- 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 and seasonal farm worker complaints, and other possible violations of general labor laws.

SECTION VI: With the exception of complaints alleging fraud or criminal activity, the filing of all complaints must be made within one (1) year of the alleged occurrence.

SECTION VII: Both the Chief Executive Officer at the Step 2 level and the Administrative Board at the Step 3 level of the grievance procedure may, at the request of a party or on their own initiative, dismiss any grievance for failure to state a cause of action for which relief can be given. Prior to such a dismissal, the grievant may be given an opportunity to show cause why the grievance should not be dismissed. Any such dismissal may be appealed to the next grievance step.

SECTION VIII: Grievant shall have the opportunity to amend their grievance at any time prior to the Step 2 hearing.

SECTION IX: A grievance may be withdrawn at any step of this Grievance Procedure. However a grievance once withdrawn may not thereafter be reinstated.

SECTION X: The time elements in the first three steps of the Grievance Procedure may be shortened or extended by the CAMW! Chief Executive Officer upon receipt of a mutual agreement between the parties.

SECTION XI: Any grievance not appealed in writing within the time limits established in the grievance procedure to the next appropriate step, shall be considered settled on the basis of the last determination.

SECTION XII: Written notification of the date, time and place of all formal or informal hearings or meetings regarding the grievance shall be provided to the grievant and respondent, and shall indicate the manner in which such hearing or meeting will be conducted.

SECTION XIII: The grievant shall have the opportunity to be represented by an attorney or other representative of the complainant's choice at all levels of this Grievance Procedure.

SECTION XIV: Parties to the grievance shall have an opportunity to request the continuance of any hearing or meeting for good cause.

SECTION XV: In the event there is a series of subcontracts between the Employer and CAMW!, in order to reduce the number of appeal levels in the grievance procedure, if the grievant and the Employer both agree, the grievance may be passed on to the next step in the contract chain until it reaches Step 2. However, under no circumstances may it be passed on under this

section without an initial determination made by the Employer.

SECTION XVI: In the event that the alleged violation of the WIOA regulations, grants or contracts, is also an alleged violation of another law, regulations or agreement, nothing in this procedure shall preclude an individual or an organization from filing a complaint or grievance under such other law or agreement with respect to the non-WIOA cause of action, as well as filing a complaint under WIOA. However, no suit may be filed which alleges a violation of the WIOA regulations without first exhausting the applicable administrative remedies under this Grievance Procedure.

SECTION XVII: For grievances that involve dual enrollments of participants in the Trade Adjustment Assistance Program and the WIOA Dislocated Worker Program, the following actions must be undertaken:

- a. CAMW! will determine the funding source supporting the activity or program being grieved.
- b. If there is only one funding source for the grieved activity or program involved, CAMW! shall resolve the grievance under the appropriate grievance procedure.

SECTION XVIII: Complaints alleging violation of the nondiscrimination and equal opportunity (EO) provision of state/federal grant programs must be resolved in accordance with the nondiscrimination and EO policy guidelines issued by the LEO-WD.

No individual shall, on the grounds of race, color, religion, sex (including pregnancy and related medical conditions, sexual orientation, gender identity or expression), national origin (including limited English proficiency), familial status, marital status, age, disability, height, weight, retaliation, political affiliation, or belief, and for beneficiaries only, citizenship or participation, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any CAMW! funded program or activity, in accordance with applicable federal, state and local laws or any other reason prohibited by applicable laws.

Any person who believes that he or she or any specific class of individuals has been or is being subjected to discrimination and/or retaliation prohibited by the nondiscrimination and equal opportunity provisions of any Act, regulation, contract or agreement may file a written complaint by him or herself or by a representative. All complaints of discrimination will be handled as confidentially as possible to protect the rights of all parties involved. Intimidation and retaliation against any individual for having filed a discrimination complaint, opposed a discriminatory practice, furnished information, assisted or participated in any manner in a discrimination complaint investigation, hearing or other activity to secure rights protected by the nondiscrimination and EO provisions of federal programs is strictly prohibited.

Complaints of discrimination filed by Limited English Proficiency customers, unless filed by the complainant's authorized representative, are to be submitted by the complainant in writing in his/her primary language. All subsequent interaction and communications with the complainant will be conducted in accordance in a manner which ensures that the complainant

can understand and effectively participate in all phases of the discrimination complaint process.

The complaint may be filed either with the Capital Area Michigan Works! or with the Directorate of Civil Rights at the following addresses:

Tekea Norwood, Chief Operating Officer and Equal Opportunity Officer
Capital Area Michigan Works!
2110 S. Cedar Street
Lansing, MI 48910

OR

Directorate of Civil Rights
U.S. Department of Labor
200 Constitution Avenue NW, Room 4123
Washington, D.C. 20210

A complaint of discrimination must be filed within 180 calendar days of the alleged discrimination. The Directorate of Civil Rights, for good cause shown, may extend the filing time. A complaint of discrimination shall be filed in writing and shall:

1. Be signed by the complainant or his or her authorized representative;
2. Contain the complainants name and address (or specify another means of contacting him or her);
3. Identify the respondent;
4. Dates of the alleged discrimination occurred;
5. Description of the complainant's allegations in sufficient detail to determine whether:
 - a. CAMW! has jurisdiction over the complaint;
 - b. The complaint was timely filed; and
 - c. The complaint has apparent merit.

If the complaint does not contain all required elements, CAMW! will seek to obtain missing/clarifying information from the complainant. Requests for clarification will be forwarded, in writing, to the complainant, providing ten days for receipt of the information. If missing information is not received within the ten-day standard, CAMW! may close the complaint file and forward the complainant notice of such action. If a written discrimination complaint contains all required content elements, the EO Officer will review the complaint and make a determination as to whether CAMW! has jurisdiction. In cases where jurisdiction is established, CAMW! will proceed with the review and processing of the complaint. If CAMW! lacks jurisdiction, the complainant will be notified, in writing, of that determination. The notification will include a statement regarding the reasons for reaching the determination and, where possible, include referral to an appropriate state or federal agency with complaint processing authority. Where an appropriate referral source is unknown, the notice must specifically state that the complainant has 30 days from the date of the "Notice of Lack of Jurisdiction" was received to file with USDOL's Civil Rights Center.

If all pre-processing elements are met, the EO officer will analyze the issues detailed in the complaint and provide the complaining party with written notification within ten days of receipt of the complaint. The notice will contain the following:

1. Acknowledge complaint receipt and notify the complainant of their right to be represented in the complaint process;
2. Include a listing of the issues raised in the complaint;
3. Specify, for each issue raised, whether the CAMW! accepts or rejects the issue for investigation;
4. Notification of the right to request and receive, at no cost, auxiliary aides and services, language assistance and services;
5. Provide, if issues have been accepted for review, information regarding complaint resolution options and the availability of ADR. The mediation brochure published by the State will be provided.

If the issues raised will require more than ten days to analyze and determine a response, the complainant must be forwarded an acknowledgement of complaint receipt within the ten (10) day standard. The notice will indicate that CAMW! is in the process of reviewing the issues raised in the complaint and will specify a date by which the complainant will be notified of the determination.

CAMW! will notify the LEO-WD via email upon complaint receipt with a notice that specifies the workforce program and nature of the complaint.

Alternative dispute resolution (ADR) or mediation will be available as an option for complaint resolution. All ADR sessions will be conducted by an impartial professional mediator who is trained in mediation techniques and the principles of nondiscrimination and EO. The choice as to whether CAMW! uses its ADR or fact-finding procedures in processing a complaint of discrimination is a matter of complainant choice. The complainant may attempt ADR at any time after the complainant has filed a written complaint with the CAMW!, but before a Notice of Final Action has been issued (29 CFR 38.72 c1). The complainant will be given ten days to notify the EO Officer of the manner in which they elect to resolve the dispute. After the resolution approach has been selected, the EO Officer will notify the respondent(s) and/or other entities involved of the nature of the alleged act(s)/incident(s) of discrimination that have been accepted for investigation and the approach that will be used to review and resolve the complaint. The notification will specifically reference that any form of retaliation or intimidation because a complaint of discrimination has been filed is prohibited.

If the complainant elects ADR, the EO Officer will schedule/refer the complainant and respondent to mediation. Where the mediation is successful and results in the negotiation of a written settlement agreement, signed by the mediator and all parties involved, a "Notice of Final Action" notice will be issued to include:

1. A description of the way the parties resolved the issue; and
2. A statement reminding the parties of options available in the event there is a breach of the negotiated agreement. For mediation sessions conducted for USDOL programs, a reference that the non-breaching party may file a complaint with the CRC Director within 30 days of the date the party learns of the alleged breach.

If the parties do not reach an agreement under ADR, the complainant may file a complaint with the Directorate of Civil Rights noted above and as described under 29 CFR § 38.72 - Required elements of a recipient's complaint processing procedures.

If the complainant elects to have their allegations investigated and resolved through a fact-finding process, the EO Officer will conduct the investigation. At the conclusion of the investigative process, the EO Officer will issue a "Notice of Final Action-Local Recipient Level" within 90 days that will contain:

1. Decision on each issue accepted for investigation;
2. An explanation of the reasons underlying each decision;
3. Notice of the complainant's right to file with the CRC.

In addition to the "Notice of Final Action-Local Recipient Level," the EO Officer will prepare a written "Report of Findings" to document the local investigative process.

Where allegations of discrimination are substantiated through the investigative process, the CAMW! will initiate actions to completely remedy any adverse action experienced by the complainant and correct any technical violation or EO management deficiencies to ensure that discrimination or EO violations do not reoccur. In cases where CAMW! is unable to secure voluntary compliance to correct findings of discrimination, CAMW! will initiate sanction proceedings against the recipient agency.

Intimidation and retaliation against any individual for having filed a discrimination complaint, opposed a discriminatory practice, furnished information, assisted or participated in any manner in a discrimination complaint investigation, hearing or other activity to secure rights protected by the nondiscrimination and EO provisions of federal programs is strictly prohibited.

CAMW! will maintain on file a detailed factual chronology of all contacts and discussions held in response to discrimination complaints received by the agency. Actions taken with respect to the logistical aspects of the ADR process and each interview, meeting, and official action taken during a fact-finding investigation must be documented. All correspondence required in carrying out complaint-related functions will be forwarded to the complainant and other involved parties, as appropriate, by certified mail.

CAMW! will maintain a log of all complaints alleging discrimination and will be maintained as a confidential document. The log will contain:

1. Complaint number;
2. Name, address, phone number, or place to contact the complainant;
3. Date of receipt of the signed complaint;
4. An identification of the program or funding source under which the workforce services were provided;
5. Grounds or basis for the complaint;
6. Brief description of the complaint;
7. Nature of the resolution; and
8. Date of the resolution.

The log will be filed with CAMW! upon request. All records regarding discrimination complaints and actions taken will be retained for a period of three years from the date of the resolution of the complaint.

SECTION XIX: Known or suspected fraud, waste, abuse, or criminal activity conducted under WIOA shall be reported in accordance with the incident report guidelines issued by the LEO-WD. All information and complaints involving fraud, waste, abuse, or other criminal activity related to the WIOA programs administered by CAMW! shall be immediately reported directly to USDOL (20 CFR 683.620) using the appropriate incident report form (Form DL 1-156) at the following address:

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

A copy of any written communication to USDOL should also be immediately transmitted to LEO-WD. Complainants are encouraged to precede written communications to USDOL and LEO-WD with telephone communications.