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## Compliant and Grievance Policy

**Background:** This policy issuance sets forth the Capital Area Michigan Works! (CAMW!) procedures that shall govern local and state-level grievances and complaints in accordance with the prescribed programs:

Workforce Innovation and Opportunity Act (WIOA)  
Temporary Assistance to Needy Families (TANF)  
Food Assistance, Employment & Training (FAE&T)  
Trade Act (except requests for redetermination)  
Programs and operations funded by other state, local or federal sources

Specifically, this policy establishes a process for grievances filed by participants, sub-grantees, subcontractors, service providers, employees, one-stop partners, providers of training services, and other interested parties.

The hearing procedures in this policy reflect requirements of federal law and are not contested case procedures under the Administrative Procedures Act of 1969 (Public Act 306 of 1969), as amended, being Michigan Compiled Laws Section 24.201 *et. seq.*

### **I. Definitions**

- A. Appellant:** the party that files the appeal to the WD and the U.S. Department of Labor (USDOL).
- B. Days:** means consecutive calendar days, including weekends and holidays.
- C. Filed:** or filing when used with respect to timelines, means the date of receipt by the intended party.
- D. Grievance:** a written complaint filed in accordance with this policy.
- E. Local Grant Recipient:** entity that expends awards received directly from the WD to carry out a program or programs.
- F. Interested Parties:** includes sub-grantees, subcontractors, service providers, employees, one-stop partners, providers of training services, and other relevant parties.
- G. Participant:** an individual who has been determined to be eligible to participate in, and who is receiving services under a program covered under this policy.
- H. Petitioner:** the party that files the grievance.
- I. Respondent:** the party who argues against the petitioner or appellant.

**J. Service Providers:** sub-recipients or entities that expend awards received from WD grant recipients.

Complaints fall into two categories: informal complaints and grievances. Informal complaints involve dissatisfaction with services provided or the manner in which services were delivered. Grievances include program complaints involving the proper application of any of the above referenced laws, their regulations and/or policies on a statewide level.

## **II. General Requirements**

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

All participants, sub-grantees, subcontractors, service providers, employees, One-Stop partners, providers of training services, and other interested parties shall sign and date documentation acknowledging their receipt of an agreement to follow the procedures set forth herein. The documentation shall be maintained for review at the One-Stop Service Center, unless held on behalf of the whole CAMW! service area. Some specifics include:

- One-Stop Partners receive a copy as attachment to their MOU
- Service Providers' contract will include this policy as an attachment
- Employer-Based Training Employers will have it attached to their contract
- Participants will sign acknowledgement of receipt of copy

**B.** Generally, all processes prescribed in this policy are accessible to persons with disabilities or other barriers, as required by law.

CAMW! has posted this Complaint and Grievance Policy in areas where administration and program services are provided and posted on CAMW!'s website.

**C.** CAMW! maintains a monitoring/tracking system to document the grievances received and their disposition. CAMW! maintains these records for review for a period of three years. The retention period begins on the date of the WD's acceptance of the final closeout report for the grant or contract. Records are retained beyond three years if any litigation or audit is begun, or if a claim is instituted involving the grant or agreement covered by the records. In these instances, the records are retained until the litigation, audit, or claim has been resolved.

**D.** Pursuant to 29 CFR 38.9, where a significant number or proportion of limited English-speaking individuals exists, the Complaint and Grievance procedure is provided in appropriate languages to meet the language needs of the limited English-speaking individuals who seek information regarding the Complaint and Grievance procedures. Complainant has the right to request and receive language assistance during the process and all notices will be translated into non-English languages when requested and required.

### III. General Requirements: Informal Complaints

- A. CAMW! shall make available to participants, and other interested parties an opportunity to resolve complaints informally before they become grievances. The complainant shall first attempt to work out a resolution with person or organization the complaint is against.
- B. The complainant shall first attempt to work out a resolution with the **Program Manager** for the program which the complaint is against by requesting to speak with the Program Manager. Participants shall be encouraged to informally discuss their concerns with the program manager to attempt an informal resolution of their complaint. The Program Manager shall make every effort to resolve the complaint promptly and enter objective case notes describing the complaint and the resolution or next steps.
- C. In the event that no resolution is received, the complainant may then contact the administrative provider (CAMW!) at: 517-492-5541.

### IV. Local Grievance Policy and Procedures

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

All participants, sub-grantees, subcontractors, service providers, employees, One-Stop partners, providers of training services, and other interested parties shall sign and date documentation acknowledging their receipt of an agreement to follow the procedures set forth herein. The documentation shall be maintained for review at the One-Stop Service Center, unless held on behalf of the whole CAMW! service area. Some specifics include:

- 1. **One-Stop Partners** – Included in a Memorandum of Understanding or other signed agreement with the current MWA Complaint and Grievance policy attached.
- 2. **Service Providers** – Included in the contract language with the current MWA Complaint and Grievance policy attached to the contract.
- 3. **Employer-Based Training Employers** – Included in the contract language with the current MWA Complaint and Grievance policy attached to the contract; included in the contract language and advise where policy can be reviewed.
- 4. **Other Interested Parties** – The current MWA Complaint and Grievance policy is posted in all one-stop and service center locations in areas that are accessible to the public. Hard or electronic copies are available to the public upon request.
- 5. **Participants** – Signed acknowledgement forms that indicate either the participant has received a copy of the local policy or has received information about the content of the local policy and how to access the entire policy.

All locally developed grievance and complaint policies, procedures, signed acknowledgements, and related documentation shall be maintained and available for review by the WD.

- B. Accessibility:** All processes prescribed in this policy are to be made available in hard copy and/or posted on the agency's public website and must be accessible to persons with disabilities or other barriers, as required by law.

CAMW! has posted this Complaint and Grievance Policy in areas where administration and program services are provided and posted on CAMW!'s website.

- C. Language Barriers:** Pursuant to 29 CFR Part 38.9, where a significant number or proportion of limited English-speaking individuals exist, the local grant recipients are responsible for making a reasonable effort to assure that the information in this policy will be provided to and understood by limited English-speaking individuals who seek information regarding the grievance procedure.

- D. Posting:** Complaint and Grievance procedures must be posted and accessible in areas where administration and program services are provided.

- E. Monitoring/Tracking:** A monitoring/tracking system must be maintained to document the grievances received and their disposition. The local grant recipient is responsible for maintaining these records for review for a period of three years. The retention period begins on the date of the WD's acceptance of the final closeout report for the grant or contract. Records shall be retained beyond three years if any litigation or audit is begun, or if a claim is instituted involving the grant or agreement covered by the records. In these instances, the records shall be retained until the litigation, audit, or claim has been resolved.

- F. Informal Resolution:** The local grant recipient is responsible for making available to participants and interested parties, an opportunity to resolve complaints informally before they become grievances.

- G. Process for the Petitioner:** The process the Petitioner must follow to file a grievance, including:

- 1. Filing:** All grievances related to WIOA, TANF, Food Assistance, Employment & Training (FAE&T), Trade Act (except requests for redeterminations), and State of Michigan programs funded by the WD are required to be filed within one year of the date of the event that gave rise to the grievance. Grievances will be filed with:

CAMW! Chief Operating Officer  
2110 S. Cedar St, Lansing, MI 48910  
tnorwood@camw.net

- 2. Criteria:** All grievances shall be in writing and contain, to the extent practicable, all 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 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.
- e) The relief requested.

**H. CAMW! Grievance Response Procedure:** CAMW! will handle the grievance in the following ways:

**1. Rejection:** The grievance may be rejected by CAMW! if:

- a) It lacks merit.
- b) The petitioner fails to state a grievable issue.
- c) There is no relief that can be granted.
- d) The petitioner fails to comply with the procedures prescribed in this policy issuance.

CAMW! will inform the grievant in writing of the reason(s) the grievance was rejected. The notification will be issued as soon as possible or within 60 calendar days from the date the grievance was filed and will include the opportunity to appeal to the LEO - WD.

**2. Informal Resolution:** An opportunity for an informal resolution of the grievance. If the grievance is settled through the informal resolution process, a written decision shall be issued to the petitioner(s) within 60 days of the filing of the grievance.

**3. Formal Hearing:** For WIOA related grievances, a local level hearing will be conducted within 30 days from the date the grievance was filed, and a decision will be rendered no later than 60 calendar days from the date the grievance was filed. A hearing is not required if the grievance is resolved or if the grievant withdraws the grievance.

**a) Hearing Notice:** If a hearing is to be conducted, CAMW! will provide written notice to the involved parties is to be provided. The notice shall include the date, time, place of the hearing, and outline the process 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 days prior to the scheduled hearing date.

**b) Hearing Process:** At a minimum, the hearing process shall include:

- i. A hearing officer;
- ii. An opportunity for each party to present witnesses and evidence;
- iii. An opportunity for each party to ask questions of all witnesses providing testimony at the hearing;
- iv. A record of the hearing; and
- v. 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.

**c) Hearing Decision:** A written decision shall be issued by the hearing officer and shall include the following information:

- i. Date, time, and place of hearing.
- ii. Name and address of the petitioner.
- iii. Name and address of the respondent.
- iv. Names and addresses of all witnesses called by the parties.
- v. Information sufficient to identify all evidence presented.
- vi. A reiteration of the issues raised.
- vii. A determination of the facts.
- viii. An analysis of the issues as they relate to the facts.
- ix. A decision addressing each issue.
- x. A statement regarding the opportunity to appeal the decision to the WD.

**I. State Level Review of a Local Level Decision – Process to Appeal to WD:**

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

The appeal shall be in writing and shall be filed no later than 10 days from receipt of the adverse local decision, or 10 days from the date a decision was due (i.e., 60 days from filing of the grievance), but not issued.

Appeals shall contain, to the extent practicable, all the following information:

- 1. The full name, address, and telephone number of the appellant(s).
- 2. The full name, address, and telephone number of the respondent(s).
- 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.

All appeals of a local level grievance decision shall be submitted by certified mail, return receipt requested to:

Workforce Development  
 Executive Office  
 P.O. Box 30805  
 Lansing, MI 48909

**J. Special Provisions**

- 1. **Equal Opportunity:** Complaints alleging violation of the Nondiscrimination and Equal Opportunity (EO) provision of state/federal grant programs must be resolved in accordance with the nondiscrimination and EO policy guidelines issued by the local grant recipient in accordance with the policy guidelines set forth by the WD.

**2. Criminal Conduct:** Known or suspected fraud, abuse, or criminal conduct under the WIOA shall be reported in accordance with the incident report guidelines issued by the WD (PI 18-01).

**3. TANF Displacement:** Pursuant to the 45 CFR Part 261.70, a grievance may be filed by an affected individual if (1) a recipient of TANF is placed in a position 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 local decision to the WD.

**4. 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.

**5. 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.

**6. Jurisdiction:** Depending on the nature of the grievance, TANF and FAE&T program applicant and recipient grievances shall be handled in accordance with the local grant recipient or the Michigan Department of Health and Human Services (DHHS) or other applicable procedures. For example, grievances regarding sanctioning or food stamp benefits will be handled by DHHS while grievances regarding programs administered by the local grant recipient will be handled by the local grant recipient.

**7. Wagner-Peyser:** Grievances involving Wagner-Peyser Act activities must be resolved in accordance with the grievance procedures outlined in the Employment Service Manual. 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.

## **V. State Level Review of a Local Level Decision**

The processes WD will follow to handle appeals include:

**A. Evidentiary Documentation:** Within 15 days from the date the appeal is received by WD, the parties will be contacted to submit all relevant information and documentation generated at the local hearing to the WD Executive Office.

**B. WD Review of the Appeal:** WD may take any of the following actions:

**1. Reject the Appeal:** An appeal may be **rejected**, and a final determination issued, for any of the following reasons:

- a) It lacks merit.
- b) The appeal does not state a grievable issue.
- c) There is no relief that can be granted.

**d)** If the appellant fails to comply with the applicable procedures prescribed in this policy (e.g., the 10-day filing requirement).

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

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

**a) Hearing Notice:** The parties 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.

**b) Hearing Process:** At a minimum, the hearing process shall include:

i. A hearing officer.

ii. An opportunity for each party to present witnesses (subpoenas are not authorized under this policy issuance) and evidence.

iii. An opportunity for each party to ask questions of all witnesses providing testimony at the hearing.

iv. 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.

**C. 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:

1. If a hearing is held, the date, time, and place of the hearing.
2. Name and address of the petitioner.
3. Name and address of the respondent.
4. If a hearing is held, the names and addresses of all witnesses called by the parties.
5. If a hearing is held, the information sufficient to identify all evidence presented.
6. A reiteration of the issues.
7. A determination of the facts.
8. An analysis of the issues as they relate to the facts.
9. A decision addressing each issue.

## **VI. USDOL 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 if appealed within 60 days after the date the decision was due. A WIOA related decision may also be appealed by the adversely affected party to the USDOL within 60 days of receipt of the WD decision. An appeal must be submitted to the Secretary of the USDOL by certified mail, return receipt requested, to:



Secretary of Labor  
U.S. Department of Labor  
200 Constitution Ave., NW  
C-2318  
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, 6th Floor  
Chicago, IL 60604

And

Workforce Development  
Executive Office  
P.O. Box 30805  
Lansing, MI 48909

## **VII. Appeal Process for Local Grant Recipients**

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 WD within 30 days of the adverse decision.

Other interested parties may not appeal directly to WD. To the extent that interested parties are affected by a WD decision, the interested parties must first file a grievance at the local level.

Appeals related to USDOL monitoring findings shall only be reviewed for compliance with USDOL requirements. A record shall be created to forward to USDOL, if applicable.

**A. Appeals:** Appeals shall contain, to the extent practicable, all of the following information:

1. The full name, address, and telephone number of the appellant(s).
2. The full name, address, and telephone number (if any) of the respondent(s).
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.

Appeals shall be submitted to:

Workforce Development  
Executive Office  
P.O. Box 30805  
Lansing, MI 48909

**B. Rejection of Appeal:** An appeal may be rejected for any of the following reasons:

1. It lacks merit.
2. Does not state a grievable issue.
3. There is no relief that can be granted.
4. The petitioner fails to comply with the procedures prescribed in this policy issuance.

**C. Hearing:** An opportunity for a hearing must be provided for a WIOA related appeal unless the appeal is rejected by WD, the parties agree to waive a hearing, or the appellant withdraws the appeal. If a hearing is to be held, it shall be conducted within 30 days of the receipt of the appeal.

A hearing is not required for an appeal of a 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 days prior to the scheduled hearing date.

**2. Hearing Process:** At a minimum, the hearing process shall include all of the following:

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.

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

1. If a hearing is held, the date, time, and place of the hearing.
2. Name and address of the appellant.
3. Name and address of the party against whom the appeal is made.
4. If a hearing is held, the names and addresses of all witnesses called by the parties.
5. If a hearing is held, information sufficient to identify all evidence presented.
6. A reiteration of the issues.
7. A determination of the facts.
8. An analysis of the issues as they relate to the facts.
9. A decision addressing each issue.

**E. USDOL Appeal:** The decision of WD is final. The local grant recipient may appeal noncompliant WIOA grievance procedures of the 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 WD decision by certified mail, return receipt requested, to:

Secretary of Labor  
U.S. Department of Labor  
200 Constitution Ave., NW  
C-2318  
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, 6th Floor  
Chicago, IL 60604

And

Workforce Development  
Executive Office  
P.O. Box 30805  
Lansing, MI 48909