

POLICY

TITLE:	Grievances and Complaints Procedures	PROGRAM:	Adult/DLW/Youth
EFFECTIVE DATE:	07/01/2014	REVISIONS:	4/01/2018

Programs and activities funded by the United States Department of Labor under the Workforce Innovation and Opportunity Act (WIOA) are subject to federal equal opportunity laws and regulations. The Workforce Development Board, as a recipient of federal funds, is obligated to comply with the nondiscrimination provisions of the Workforce Innovation and Opportunity Act. Section 188 of the WIOA describes the prohibition against discrimination on the basis of race, color, religion, gender, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship and participation in WIOA programs.

PROCEDURES

A. Notification

All WDB offices, One-Stop Operator, Service Providers, and partners will post “Equal Opportunity Is The Law” posters in English and Spanish in prominent locations accessible to applicants, participants, terminees, and applicants for employment, employees, and other interested partners.

Employee and/or participant orientations shall include a discussion of their rights under the nondiscrimination and equal opportunity provisions of WIOA and the right to file a complaint of discrimination. Communication of policy shall be documented on a notification instrument for employees, applicants, and participants and retained in individual’s files. Audiotape access to “Equal Opportunity Is The Law” shall be available for individuals with visual disabilities and persons with difficulty reading and /or comprehending written material.

Intimidation and retaliation against individuals for filing a complaint, opposing a prohibited practice, furnishing information, assisting or participating in any manner in an investigation, review or any other activity related to administration of, exercise or authority under, or privilege secured by, the nondiscrimination and equal opportunity provisions of WIOA is prohibited.

B. Filing A Discrimination Complaint

A complaint may be filed with the New River/Mount Rogers Workforce Development Board Equal Opportunity Officer (WDB Executive Director) 6580 Valley Center Drive, Suite 119, Radford, VA 24141. A complaint must be filed within 180 days of the alleged discrimination. An authorized representative may file the complaint on behalf of the individual. The complaint must be filed in writing and be signed by the individual or their authorized representative.

Any complaint alleging any violation of the Workforce Innovation and Opportunity ACT, other applicable federal or state regulations concerning the administration of job training programs, contract or grant conditions, or WDB rules or policies must be filed with the New River/Mount Rogers Workforce Development Board, 6580 Valley Center Drive, Suite 119, Radford, VA 24141 within one year of the incident.

The complaint document must contain the following information:

- Complainant's name and address, and/or other means to contact the complainant;
- Identification of individual(s) and/or organization(s) responsible for the alleged discrimination;
- A description of the complainant's allegations to 1) determine recipient's jurisdiction of the complaint, 2) timeliness of the complaint, 3) specific prohibited basis or bases of the alleged discrimination and 4) apparent merit of the complaint.

It is recommended, but not required, that the complaint be filed on the Notification of Complaint or Grievance Form.

C. **Time Frames**

- Complaints filed with the New River/Mount Rogers WDB will be processed and a determination issued within 90 days. Virginia's discrimination complaint process includes 60 days for the recipient to investigate and, if warranted, 30 days for a State level review.
- For complaints filed with both the Civil Rights Commission and the New River/Mount Rogers WDB, the Civil Rights Commission (CRC) will not investigate the complaint until the NR/MR WDB 90 day processing time has expired.
- The complainant may (within 30 days) file a complaint with the Director of CRC at the end of 90 days if a Notice of Final Action has not been issued.
- The NR/MR WDB EO officer will, immediately upon determining that he or she does not have jurisdiction, notify the complainant that he/she does not have jurisdiction, the reasons for the determination, and the complainant's right to file within 30 days of the notice with the Director of Civil Rights Commission (CRC).
- If an alleged discrimination complaint is not filed within 180 days, or complainant has not filed with CRC within 30 days of receipt of determination, or of expiration of the 90-day period, the CRC Director may for good cause extend the time limits.

D. **Complaint Processing**

The NR/MR WDB EO officer, on receipt of a complaint, will determine which Program Operator or partner entity has jurisdiction over the complaint.

If a Program Operator or partner entity has jurisdiction, the complaint will be recorded in the complaint log and forwarded to the entity for resolution in accordance with that partner's complaint procedures. The complainant will be notified in writing of the referral.

If the NR/MR WDB EO Officer has jurisdiction, a written acknowledgement (within 10 days) containing the specific time frames for processing the complaint will be issued.

If the complainant elects to file with the WDB, the WDB has 90 days to process the complaint and provide a determination. During the 90-day period, the complainant may elect to participate in mediation. Requests for mediation will be referred to the State EO Officer. If the complainant

elects mediation and there is no resolution, the complaint shall be referred for investigation. The WDB will have a period of fifteen (15) days for informal resolution, upon notification that the complaint has been accepted for investigation. If mediation is not elected the complaint shall be investigated by the WDB.

E. **New River/Mount Rogers WDB Complaint Processing Procedures.**

- The NR/MR WDB EO Officer will, with the written acknowledgment, offer the opportunity for the complainant to meet with the EO Officer to clarify the issues raised in the complaint, and notifying the complainant that they have a right to be represented in the complaint process.
- Within 20 working days the EO Officer will provide to the complainant a written statement listing the issues raised and for each issue a statement whether the recipient will accept or reject the issue and the reasons for each rejection.
- Within 40 days the EO Officer will conduct fact finding and investigation of the issues.
- During the period from the initial 10-day notice to the 60-day determination deadline, mediation will be available to the complainant.
- At 60 days referral to the state for review if necessary.
- A written Notice of Final Action containing the EO Officers determination and offer of resolution will be produced and provided to the complainant within 90 days. The NR/MR WDB EO Officer will sign the investigation, including the determination and recommendation.
- The Notice of Final Determination will contain for each issue filed: 1) The NR/MR WDB EO Officer's decision on the issue and an explanation of the underlying reasons for the decision, 2) Description of the way the parties resolved the issue, and 3) Notice that the complainant has a right to file a complaint with the Director of CRC within 30 days of the Notice of Final Action if he/she is dissatisfied with the final action on the complaint.

All activities and records related to an investigation shall ensure the confidentiality of the complaint and resulting actions.

F. **Determinations**

The NR/MR WDB EO Officer shall determine, at the conclusion of the investigation of a complaint, whether there is reasonable cause to believe that a violation occurred.

- Cause Finding – NR/MR WDB EO Officer will submit the signed investigation report including determination and recommendation to the State EO Officer for review within 60 days of the filing date. The State EO Officer will determine further review requirements and will notify the NR/MR WDB EO Officer on how to proceed.
- No Cause Finding – NR/MR WDB EO Officer will notify complainant of his/her right to file complaint with the CRC within 30 days.
- Corrective Action - If discrimination is found, the NR/MR WDB will voluntarily comply, or will ask the respondent to voluntarily comply, with corrective actions or conciliation agreement to correct the discriminatory actions or conditions. Corrective actions may include any of the following:
 1. Back pay, or other monetary relief (Federal Funds shall not be used to provide monetary relief).
 2. Hire or reinstatement
 3. Promotion
 4. Benefits or other services denied, and
 5. Any other remedial or affirmative relief such as outreach, recruitment and training to ensure equal opportunity.

G. **Record Keeping**

The WDB shall maintain a manual log of discrimination complaints to include name and address of complainant, basis of complaint, description of complaint, the date the complaint was filed, the disposition and date of disposition of the complaint, and other pertinent information. The records pertaining to discrimination complaints shall be retained for a minimum of three (3) years from the date of resolution.

New River/Mount Rogers Workforce Development Board

NOTIFICATION OF COMPLAINT/GRIEVANCE

Personal Data:

First Name: _____

Last Name: _____

Address: _____ City: _____ State: _____

Zip: _____

Telephone Number: _____ - _____ - _____ (Please check one) _____ Work _____ Home

E-mail address: _____

Your Case Manager's Name: _____

Respondent Data:

This Complaint is against:

Name: _____

Agency Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone Number: _____ - _____ - _____ Fax Number: _____ - _____ - _____

E-mail address: _____

Complaint Data:

Date of original complaint: _____

Indicate the violation your complaint is based on:

____ Discrimination

___ All other complaints alleging violation of the Act or its regulations. (Please cite applicable sections)

Please state the nature of your complaint. (Use additional pages if necessary) Include copies of any documentation to support your position. DO NOT SUBMIT ORIGINALS. Please sign and date this form at the end of your complaint.

What is the remedy you are seeking?

Do you have a copy of the New River/Mount Rogers Workforce Development Board Complaint Procedures?

___ Yes ___ No

If you do not have a copy of the procedures, please obtain from the WDB Director's office in order that you are aware of filing deadlines and the process for resolution of your complaint.

If you have or will be represented by an attorney or a lay representative, please state:

His/Her Full Name: _____

Mailing Address: _____

City, State, ZIP: _____

Daytime Telephone Number: _____

Section II of the WDB Complaints Procedures provides for an informal conference to assist you in resolving your complaint. Do you want to have an informal conference?

___ Yes ___ No

Will you or any witness you want to testify require the services of an interpreter? If so, for which language? _____

Signature of Complainant

Date

Full Name of Complainant (please print)

FOR OFFICIAL USE ONLY - DO NOT WRITE IN THIS SECTION.

Date Received: _____ Investigator: _____

RESPONDENT INFORMATION

Re: Complaint of: _____

A. Do you have a copy of the WDB Complaint Procedures? ____ Yes ____ No

B. If you are (or will be) represented by an attorney or lay representative, please state:

His/Her Full Name: _____

Mailing Address: _____

City, State, ZIP: _____

Daytime Phone No. _____

C. If you will not be represented by an attorney or lay representative, please state the name and title of the person within your organization who should be contacted regarding this matter:

Name: _____

Title: _____

D. Will you or any witness that you intend to call need the services of an interpreter? If so, for what language? _____