
Policy Number: Section 1 Policy 5

Effective Date: 12/09/2024

WIOA Grievance Policy

Purpose:

This policy provides guidance and procedures under which the Central Arkansas Workforce Development Board and its sub recipients/contractors accept and process grievances and complaints that allege a violation of the Workforce Innovation and Opportunity Act (WIOA), regulations, grants or other agreements administered under the Act, terms and conditions of employment, or discrimination.

Policy:

The Central Arkansas Workforce Development Board mandates the implementation of policies and procedures that provides the means necessary for participants, workforce staff, board members and any interested parties the ability to file official grievances/complaints within the requirements of the Workforce Innovation and Opportunity Act and the State of Arkansas's Grievance Policy (WIOA Title I-B, Updated).

1. WIOA § 683.600(a) states that:
Each local area, State, outlying area, and direct recipient of funds under title I of WIOA, except for Job Corps, must establish and maintain a procedure for participants and other interested parties to file grievances and complaints alleging violations of the requirements of title I of WIOA, according to the requirements of this section. The grievance procedure requirements applicable to Job Corps are set forth at §§686.960 and 686.965 of this chapter.

CAWDB GRIEVANCE AND APPEAL PROCEDURE

I. PURPOSE

In accordance with 20 CFR 683.600, the purpose of this procedure is as follows:

- A process for dealing with grievances and complaints participants and other interested parties affected by the local workforce development system, including one-stop partners and service providers
- A process for resolving appeals from decisions made by the one-stop operator or other partner

These procedures will be made available, upon request, to all WIOA Title I participants and other interested parties affected by the local workforce development system.

II. General Guidelines for Filing a Grievance or Complaint [WIOA §181(c); 20 CFR 683.600]

- A. The Central Arkansas Workforce Development Board has established and maintains a procedure for grievances or complaints alleging violations of the requirements of Title I of the Workforce Innovation and Opportunity Act or Arkansas Act. Grievances or complaints involving activities within the Central Arkansas Workforce Development Area should follow these procedures. Grievances or complaints should be sent by certified mail, return receipt requested, to the Executive Director at Central Arkansas Planning and Development District at the address below.

Director of the Central Arkansas Workforce Development Board
Central Arkansas Planning and Development District, Inc.
Post Office Box 300
Lonoke, AR 72086

- B. If a grievance or complaint is filed with the Director that, in the opinion of the Director, should first be filed with the One-Stop Operator, that grievance will be remanded to the Executive Director of the Central Arkansas One-Stop Operator to be processed. This decision will be made within 30 days of receiving the grievance. Notification of remanding will be sent to the complainant or informant.
- C. All complaints, with the exception of complaints alleging fraud or criminal activity, must be filed within one year of the alleged occurrence.
- D. The name of the complainant or informant will be kept confidential where possible. Where disclosure of the person's identity is essential to assure a fair determination of the issues and to effectively accomplish responsibilities under the Workforce Innovation and Opportunity Act, disclosure will be under conditions that promote continued receipt of confidential information. Written reports may be subject to disclosure under Arkansas Freedom of Information Act.
- E. No person, organization, or agency may discharge or in any other manner retaliate against any person because that person has filed a complaint, instituted any proceeding related to the Workforce Innovation and Opportunity Act, testified or is about to testify in any proceeding or investigation, or provided information or assisted in an investigation.
- F. Complainant's statement must include:
- The full name, telephone number (if any), and address of the person making the complaint

- The full name and address of the person or entity against whom the complaint is made
 - A clear and concise statement of the facts, including pertinent dates, constituting the alleged violation
 - The provisions of the Workforce Innovation and Opportunity Act, regulations, a grant, or other agreements under WIOA Title I believed to have been violated
 - A statement disclosing whether proceedings involving the subject of the request have been commenced or concluded before any federal, state, or local authority, and if so, the date of the commencement or conclusion and the name and address of the authority
- G. Upon receipt of a grievance or complaint, the Executive Director or designee will acknowledge receipt of the grievance to all parties by certified mail, return receipt requested. The acknowledgement of receipt of the grievance will:
- Outline the steps to be taken to resolve the matter.
 - Notify all parties of the right to request a hearing.
 - Advise of attempt to reach an informal resolution.
 - Provide a synopsis of issues to be decided.
- H. The Executive Director or designee shall provide a written decision within 60 days of receipt of the grievance or complaint. If requested, a hearing will be completed within those 60 days.
- I. The following procedures will apply to a hearing:
- The hearing will be informal. Technical rules of evidence will not apply. Hearsay evidence will be admissible at the discretion of the hearing examiner.
 - Hearings will be held at a time and place determined by the Director, after reasonable written notice has been sent to the parties and the witnesses.
 - The party requesting the hearing will have the burden of establishing the facts and the entitlement to the relief requested.
 - Either party may be represented by an attorney or other representative.
 - Either party may bring witnesses and documentary evidence.
 - The respondent will cooperate by making available any person under their control or employ to testify, if these persons are requested to testify by the complainant, and to release requested documents relevant to the issue after the requesting party has established that such testimony/documentation is relevant and not cumulative.
 - Either party or representative will have the opportunity to question any witness.
 - A verbatim record or tape recording will be made of the proceeding.
 - The Executive Director or designee will make a written decision.
- J. If a hearing is not requested, the Executive Director or designee will conduct an administrative fact-finding investigation. The investigation will include:

- Opportunities for all parties to submit an in-depth position statement, including documentary supportive data and/or records.
 - Access to and review of appropriate official records.
 - Interview of principle parties and opportunity for all parties to offer rebuttal to information received.
 - A written decision.
- K. A written decision will be sent by certified mail, return receipt requested, and will contain the following:
- Statement assuring the adherence with all steps included in the grievance/complaint procedures.
 - Issue(s) being decided.
 - Statement of facts.
 - Reasons for the decision.
 - Remedies to be offered, if appropriate.
 - Summary.
 - Advisement of the right to appeal the decision.
- L. A party to which the decision is adverse may appeal the decision to the Central Arkansas Workforce Development Board.
- M. The following documents need to be included when filing an appeal: Each complaint must be filed in writing in a form prescribed by the State WIOA EO Officer or Director and must:
- a. Contain the complainant's name and address (or specify another means of contacting them).
 - b. Identify the respondent's name and address (the individual or entity that the complainant alleges is responsible for the discrimination);
 - c. Date of occurrence.
- d. Describe the complainant's allegations in sufficient detail to allow the Director of ADWS or the State EO Officer to determine whether:
- i. ADWS, the State WIOA EO Officer, as applicable, has jurisdiction over the complaint; and
 - ii. The complaint was timely filed; and
 - iii. The complaint has apparent merit (whether the complainant's allegations, if true, would violate any of the EO and nondiscrimination provisions of WIOA).
- e. Be signed by the complainant or their authorized representative.

The appeal must be filed within 60 days of the receipt of the decision. All appeals of such decisions must be sent by certified mail, return receipt requested, to the Chairman of Central Arkansas Workforce Development Board at the following address:

Chairman
Central Arkansas Workforce Development Board
Post Office Box 300
Lonoke, AR 72086

The Executive Committee of the Central Arkansas Workforce Development Board will review all documentation, evidence and decisions to develop a recommendation to the full Central Arkansas Workforce Development Board to confirm, amend or overturn the Director's decision.

The Central Arkansas Workforce Development Board will meet to decide the issue and inform all parties of its decision by certified mail, return receipt requested.

III. APPEAL OF LOCAL DECISIONS

- A. A decision made by the Central Arkansas Workforce Development Board Executive Director may be appealed to the Director of Arkansas Workforce Connections (State Board) when no decision is reached within 60 days or when either party is dissatisfied with the local hearing decision. [WIOA §181(c)(1); 20 CFR 683.600]

Director
Arkansas Division of Workforce Services
Attn: Appeal/Grievance Review
P. O. Box 2981
Little Rock, AR 72203

- B. A training provider that has been denied eligibility or has had eligibility terminated may appeal to the State Board within 60 days of the decision. [20 CFR 663.565(b)(4)]
- C. A provider of on-the-job training or customized training that has been denied eligibility may appeal to the State Board within 60 days of the decision.
- D. The appeal must be sent by certified mail, return receipt requested to the Director at the address below within 60 days of the local decision or, when no local decision has been reached, within 120 days of the original filing date. The Director will contact the local board director or administrator and investigate the appeal.

IV. SPECIAL COMPLAING PROCEDURES

- A. Complaints of discrimination from participants and other interested parties will be handled in accordance with WIOA section 188(b) and the Department of Labor nondiscrimination regulations implementing that section. Questions about or complaints alleging a violation of the nondiscrimination provisions of WIOA section 188 may be mailed to the Director, Civil Rights Center, U.S. Department of Labor, Room N4123, 200 Constitution Avenue, NW, Washington, DC 20210. [20 CFR 683.600]
- B. Section 15(a)(3) of the Fair Labor Standards Act states that it is a violation for any person to "discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or

caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding, or has served or is about to serve on an industry committee." In this case, the Secretary shall take such action or order such corrective measures, as necessary, with respect to the recipient or the aggrieved individual, or both, within 30 days. [WIOA §184(f)]

Secretary, U.S. Department of Labor, ETA
200 Constitution Avenue NW
Washington, DC 20210

- C. Information and complaints involving criminal fraud, waste, abuse or other criminal activity must be reported immediately through the Department of Labor's Incident Reporting System to the DOL Office of Inspector General, Office of Investigations, Room S5514, 200 Constitution Avenue NW, Washington, DC 20210, or to the corresponding Regional Inspector General for Investigations, with a copy simultaneously provided to the Employment and Training Administration. The Hotline number is 1-800-347-3756.
- D. Testing for use of controlled substances is not part of the Arkansas Workforce Investment system; therefore, an appeal procedure is not established for this procedure at this time.

EQUAL OPPORTUNITY UNDER THE LAW

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases:

- Against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I—financially assisted program or activity.
- The recipient must not discriminate in any of the following areas:
- Deciding who will be admitted, or have access, to any WIOA Title I—financially assisted program or activity.
- Providing opportunities in, or treating any person with regard to, such a program or activity; or
- Making employment decisions in the administration of, or in connection with, such a program or activity.
- Recipients of federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

If you think that you have been subjected to discrimination under a WIOA Title I—financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

- The recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or
- The Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210 or electronically as directed on the CRC website at www.dol.gov/crc.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

Inquiries May Be Addressed To:

Local Level	WIOA EO Officer Tina Roush P. O. Box 300 Lonoke, AR 72086 Telephone: (501) 676-2721 ARS: 1-800-285-1131
State Level	Arkansas Division of Workforce Services Patrenna White WIOA EO Manager P.O. Box 2981 Little Rock, AR 72203 Telephone: (501) 682-3106 ARS: 1-800-285-1131
Federal Level	Secretary, U.S. Department of Labor, ETA 200 Constitution Avenue NW Washington, DC 20210 (202) 693-6500 Arkansas Relay Service 1-800-285-1121 (Voice) 1-800-285-1131 (TDD)

NOTE: The Central Arkansas Planning and Development District, Inc. (CAPDD) shall provide reasonable accommodations as required by federal and state legislation, including Section 503 and 504 of the Rehabilitation Act of 1973 as amended, and the Americans with Disabilities Act (ADA) of 1990, to persons with disabilities who are otherwise qualified for positions for which they are applying or in which they are employed. For additional information contact the Executive Director or Equal Opportunity Officer.

DISCRIMINATION COMPLAINT POLICY

The Central Arkansas Planning and Development District shall assure nondiscrimination and equal opportunity in the operation and administration of all programs, services, and activities funded in whole or in part with federal funds. The Equal Opportunity Officer/Director/Manager is designated as the responsible individual for affecting compliance with this part.

The District shall establish, maintain and make available a procedure for processing/resolving discrimination complaints alleging violation of the requirement of Title I of the Workforce Innovation and Opportunity Act.

Any individual who believes that he/she has been discriminated against has the right to file a complaint within 180 days of the alleged discriminatory act(s) in accordance with the WIOA Discrimination Complaint Procedures.

A. FILING COMPLAINTS OF DISCRIMINATION

1. Any person who believes that either he or she, or any specific class of individuals, has been or is being subjected to discrimination prohibited by WIOA or 29 CFR § 38 may file a written complaint, either by him/herself or through a representative.
2. A complainant may file a complaint with either:
 - a. Local One-Stop Equal Opportunity Officer, P.O. Box 300, Lonoke, Arkansas, (501) 676-2721 or ARS 1-800-285-1121 (Voice) or 1-800-285-1131 (TDD).
 - b. State WIOA Equal Opportunity Manager, P.O. Box 2981, Little Rock, Arkansas 72203(501) 682-3105 or ARS 1-800-285-1121 (Voice) or 1-800-285-1131 (TDD).
 - c. The Director of the Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Ave. NW, Room N-4123, Washington, D.C. 20210, or the address listed in 29 CFR Part 38.
3. Complaints shall be filed within 180 calendar days of the alleged violation unless such time limitation is waived by the Director of CRC for good cause shown. The WIOA EO Manager shall not accept complaints filed after the 180-day limit unless the complaint includes written notice of a waiver obtained from the Director of CRC. If a complainant submits a complaint that is untimely (over 180 days) the complaint will be processed as usual and submitted to CRC for an extension of time.

4. All Complaints shall be submitted in writing. A complainant may file a complaint by:
 - a. Completing and submitting a CRC Complaint Information Form
 - b. Submitting a written document containing the information required by 29 CFR Section 38 which includes:
 - 1) The complainant's name and address, or other means of contacting the complainant.
 - 2) The identity of the respondent.
 - 3) A description of the complainant's allegations with sufficient detail to allow the WIOA EO Manager to determine whether the WDB has jurisdiction, whether the complaint was filed on time, and whether the complaint has apparent merit, and
 - 4) The complaint's signature or the signature of the complaint's representative.
 - 5) Both the complainant and the respondent have the right to representation by an attorney or other individual of their choice. The WDB shall not be responsible for any costs incurred by either the complainant or the respondent in obtaining representation.

B. JURISDICTION OF COMPLAINTS OF DISCRIMINATION

1. The WIOA EO Manager shall accept and investigate only those discrimination complaints alleging a violation of WIOA Section 188 by a respondent or the WIOA.
2. If a complaint filed with the WIOA EO Manager alleges discrimination by a recipient on a basis that is both prohibited by WIOA Section 188 and by a federal law enforced by a federal grant-making agency other than the U.S. Department of Labor, and the recipient is funded in whole or in part by that other federal agency, the WDB shall refer the complaint to the other federal agency for processing under the other federal agency's procedures.
3. If the WIOA EO Manager determines that the WIOA does not have jurisdiction over the complaint, he/she shall provide written notification to the complainant, which includes:
 - a. A statement of the reasons for the determination: and
 - b. A notice that the complainant may file a complaint with CRC within 30 days of receipt of the notification.

C. PROCESSING COMPLAINTS OF DISCRIMINATION

1. If the WIOA EO Manager determines that the WDB does have jurisdiction over a complaint alleging discrimination, the WIOA EO Manager shall issue a written acknowledgement of receipt including a notice of the complainant's right to representation in the complaint process and the opportunity to participate in an alternate dispute resolution rather than the customary process described in 29 CFR Section 38 and in this section.
2. The WIOA EO Manager shall issue to the complainant a statement of the issues raised in the complaint and a statement regarding each issue of whether

the WDB will accept the issue for investigation or reject the issue with the reasons for any rejection.

3. The WIOA EO Manager shall investigate the circumstances underlying the complaint.
4. The WIOA EO Manager shall attempt to resolve the complaint. At any point in the investigation of the complaint, the complainant, respondent or the WIOA EO Manager may request that the parties attempt conciliation. The WIOA EO Manager will act to facilitate such conciliation efforts.
5. Within 90 days of the date of receipt of the complaint, the WDB shall issue a Notice of Final Action, which shall include:
 - a. For each issue raised, the WDB decision on the issue and reasons for the decision, or a description of the way the parties resolved the issue; and
 - b. Notice that the complainant has the right to file a complaint with CRC within 30 days of the date on which the Notice of Final Action is issued, if he/she is dissatisfied with WDB final action on the complaint.
6. If the complainant is dissatisfied with the WDB decision in the Notice of Final Action, the complainant or his/her representative may file a complaint with the Director of CRC within 30 days of the date on which the complainant received the Notice.
7. If by the end of the 90-day period from the date on which the WIOA EO Manager received the complaint, the WDB fails to issue a Notice of Final Action, the complainant or his/her representative may file a complaint with the Director of CRC within 30 days of the date on which the complaint was filed.

D. ALTERNATE DISPUTE RESOLUTION OF COMPLAINTS OF DISCRIMINATION

1. The complainant may choose to use the WDB Discrimination Complaint Alternate Dispute Resolution (ADR) procedure rather than the complaint processing procedure.
2. If the parties do not reach an agreement under ADR, the complainant may file a complaint with the Director of CRC.
3. A party to an agreement reached under the WDB ADR process may file a complaint with the Director of CRC in the event the agreement is breached following the process described in 29 CFR Section 38).

NOTE: The CAPDD EEO Policy is subject to change at any time in response to changes and revisions to state and federal laws and regulations.

Approved by: <u>Michael Horan</u>	Date: <u>12-9-2024</u>
Title: <u>CAWDB Chairperson</u>	

CAPDD/Arkansas Workforce Center is an "equal opportunity employer/program," and "auxiliary aids and Services are available upon request to Individuals with disabilities." Arkansas Relay Service: 1-800-285-1121 (Voice) 1-800-285-1131 (TDD) or TDD 711.