



Tulsa Area Workforce Development Board, Inc.

Proudly serving Creek, Osage, Pawnee and Tulsa Counties in Oklahoma

Grievance Policy

Board Approved: 08/16/2018

907 S. Detroit Ave., Tulsa OK 74119 Phone: 918-595-8913 www.workforcetulsa.com

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TDD/TTY: 1-800-722-0353; Voice: 1-800-522-8506*

Grievance Policy Changes Overview

Most Recent Policy Changes:

Implementation Date: 08/30/2018
Board Approval: 08/16/2018
Executive Committee Approval: 08/09/2018
Oversight Committee Approval: 07/30/2018

Reason: This policy is updated to reflect the new state policy Oklahoma Workforce Development Issuance #16-2017.

Rescinded: Grievance Policy & Procedures TU2016-102016

Board Approval: 10/20/2016
Executive Committee Approval: 10/06/2016
Oversight Committee Approval: 09/26/2017

Reason: This policy was created to communicate the Workforce Innovation & Opportunity Act grievance process created for the local workforce area.

Tulsa Area Workforce Development Board

Grievance Policy

Board Approval: 08/16/2018

I. Purpose:

To establish a local grievance policy in accordance with § 181 (c) of the federal Workforce Innovation & Opportunity Act (WIOA). This policy applies to grievances alleging a violation of WIOA (other than discrimination complaints, which are governed by § 188 of the Act).

II. Authority:

Oklahoma Workforce Development Issuance #16-2017; WIOA § 181 (c); 2010 Rules of the Oklahoma Employment Security Act - 240:21-11-1 through 240:21-11-34; 29 CFR 37.35; 20 CFR § 683.000.

III. Definitions:

A. Grievance

A written complaint submitted by or on behalf of a participant, a one-stop partner, a service provider, or any other interested party regarding alleged violations of the WIOA.

B. Informal Resolution

The Executive Director of the workforce area or his or her designee will attempt to resolve any grievance or appeal informally by meeting with the parties in person or discussing the grievance with the parties by telephone.

C. Interested Party

A person or entity affected by the local workforce development system, including a One-Stop partner, a service provider, an employer, a participant or the parent of a youth participant, or a person who works in the local workforce development system.

D. Formal Resolution

The Deputy Secretary of Commerce for Workforce Development will conduct a formal resolution hearing pursuant to its rules at 150:1-11-1 through 150:1-11-17. The hearing process will be completed within sixty (60) days from the date the grievance was received by the Director of Workforce Compliance.

E. Remedies

The remedies that may be imposed under this grievance procedure are enumerated in WIOA §181(c)(3).

IV. Local Policy

The Tulsa Area Workforce Development Board (TAWDB) will establish and maintain a procedure for grievances according to the requirements of WIOA § 181(c). The TAWDB will provide information about the content of the grievance procedure to participants and other interested parties affected by the local workforce system, including one-stop partners and service providers.

In the event that a WIOA registrant or participant, one-stop partner, service provider, or any other interested party has or grievance against the local workforce development system, an opportunity to submit the grievance will be offered.

At all levels of the grievance or complaint process, complainants have the right to be represented, at their own expense, by a person(s) of their choosing.

Grievances/complaints must be filed within 180 days of the alleged violation. All grievances or complaints, amendments, and withdrawals must be in writing.

The interested party has the right to receive technical assistance on related law and guidance, and how to complete the local process.

No entity receiving financial assistance under WIOA may discharge, intimidate, retaliate, threaten, coerce or discriminate against any person because such person has filed a complaint, opposed a prohibited practice, furnished information, assisted or participated in any manner in an investigation or hearing.

To the maximum extent possible, the identity of any person who has furnished information relating to, or assisting in, an investigation of a possible violation of the WIOA shall be kept confidential.

Recordings and other records shall be maintained for such time so as to protect the record through judicial review, or at least three years. Copies of the electronic recordings shall be provided at the request of any party to the proceeding.

A. Required Notice of Grievance Procedures

Efforts shall be taken to assure that the information contained within the Required Notice is understood by affected participants and other individuals, including youth and those who are limited-English speaking individuals. All efforts shall comply with the language requirements of 29 CFR 37.35 regarding the provision of services and information in languages other than English. The one-stop operator shall ensure that Required Notice of Grievance Procedures are:

1. distributed to all participants who are receiving WIOA Title I funds,
2. displayed in conspicuous locations in all one-stop centers,
3. made available in languages that represent the populations, and
4. provided to every participant receiving individualized services.

B. Grievance Procedures

In the event that a WIOA registrant or participant, a One-Stop partner, a service provider, or any other interested party has a grievance against the local workforce system, an opportunity to submit the grievance will be offered. Grievances shall be submitted within 30 calendar days from the date of the violations(s).

1. Contents of Grievance

a) Be signed by the grievant or his/her authorized representative;

b) Contain a clear, concise statement of the facts of the case, including--

- (1) The full name, mailing address, email address, and phone number of the party or parties filing the grievance.
- (2) The full name, mailing address, email address, and phone number of the party or parties alleged to have committed the act.
- (3) The date(s) on which the alleged acts which are the basis of the grievance occurred, or if continuing, when such acts began and describe the continuing nature.
- (4) The full name, mailing address, email address, and phone number of persons who may have knowledge

- of the facts of the grievance.
- (5) Any other factual information supporting the complaint.

c) Describe the complainant allegations in sufficient detail to allow the TAWDB Executive Director and/or Manager of Compliance to determine whether:

- (1) The TAWDB has jurisdiction over the grievance;
- (2) The grievance/complaint was filed timely; and
- (3) The grievance/complaint has merit, i.e., whether the allegations, if true, would violated any provision of Title I WIOA.
- (4) Provisions of WIOA, the WIOA regulations, grant, or other agreements under WIOA, believed to have been violated;
- (5) Grievances or complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with the WIOA law, regulation, or contract;
- (6) The remedy sought by the complainant;
- (7) Signature of the complainant or his or her authorized representative; and
- (8) If applicable, a copy of the referral of a grievance/complaint filed with the State to remand to the local level for resolution.
- (9) Grievances may be delivered in person or via postal mail to:

Attention: Manager of Compliance
Tulsa Area Workforce Development Board
Workforce Tulsa
907 S. Detroit Ave., Suite 1325
Tulsa, Oklahoma 74119

2. Informal and Formal Resolutions

a) Informal Resolution

The TAWDB's Executive Director or Manager of Compliance will attempt to resolve any grievance or appeals informally by meeting with the parties in person or discussing the grievance with the parties by telephone. If the grievance is not resolved within fifteen (15) calendar days from the receipt of the grievance, the matter shall then progress to a formal resolution.

b) Formal Resolution

In the event that the grievance cannot be resolved informally, a cohort of Board of Directors will schedule a formal hearing to review the grievance. A hearing shall be performed in accordance with 2010 Oklahoma Employment Security Act 150:1-11-1 through 150:1-11-17. The hearing process shall be completed within sixty (60) days from the date the grievance was received by the TAWDB.

- (1) The grievant and relevant parties shall be notified in writing of the date and place of the formal hearing at least ten (10) days prior to the meeting date.
- (2) The Board of Directors will complete the hearing and render a decision within 60 days of the initial filing of the grievance or complaint.
- (3) If the grievance is submitted by an individual alleging a labor standards violation, the Board of Directors may agree to submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties to the grievance so provides.

3. Letter of Response

A written response shall be provided to the grievant notifying him/her of the determination(s), as well as information for filing an appeal with state.

V. Appeals Process to Oklahoma Office of Workforce Development

If the TAWDB or its Board of Directors does not render a decision within sixty (60) days from the date of the filing of the grievance, an appeal may be filed with the Director of Workforce Compliance within (30) days from the expiration of the (60) day time period.

If the TAWDB or its Board of Directors renders a decision with which a party is dissatisfied, the appeal may be filed with the Director of the Oklahoma Office of Workforce Development within (30) days of the date the local area mails the decision to the party by certified mail.

Appeals must be mailed to:

Oklahoma Office of Workforce Development
Attn: EO Officer
900 North Portland Avenue
Oklahoma City, OK 73107
workforce@osuokc.edu

VI. Compliance

The Manager of Compliance shall review all grievance claims and the response of board staff to ensure each claim process is compliant with local policy and procedures.

It shall be the responsibility of the Manager of Compliance to develop and carry out methods and procedures to implement this policy - including directives, technical assistance, and compliance monitoring activities

VII. Attachments

A. Required Notice of Complaints and Discriminatory Grievance Procedures

The Tulsa Area Workforce Development Board (TAWDB), dba Workforce Tulsa, is funded under the federal Workforce Innovation and Opportunity Act (WIOA) of 2014. As a recipient of federal funds, TAWDB and contractors must comply with all WIOA requirements.

Notice of Grievance Procedures

Every applicant, participant, employee or other interested party shall have the right, without fear of reprisal, to present a complaint or grievance. Grievances are divided into two areas: *Discriminating* and *Non-Discriminatory*.

Discriminatory Grievance: Equal Opportunity Is the Law (29 CFR § 38.35)

It is against the law for this recipient of Federal financial assistance to discriminate against any individual in the United States, on the basis of:

- race, color, religion, sex, national origin, age, disability, political affiliation or belief; and
- against any beneficiary of programs financially assisted under Title I of WIOA,
- on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her 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.

Discriminatory Grievance Process

What To Do If You Believe You Have Experienced Discrimination

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.

- 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 below).
- 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 do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. 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.

Tulsa Area Workforce Development Board
Nicole Cue, Local EOO
907 S. Detroit Ave., Suite 1325
Tulsa, OK 74120
(918) 595-8913
ncue@workforcetulsa.com

Oklahoma Office of
Workforce Development
Attn: EO Officer
900 North Portland Avenue
Oklahoma City, OK 73107
workforce@osuokc.edu

Director
Civil Rights Center (CRC),
Attention: Office of External Enforcement
U.S. Dept. of Labor,
200 Constitution Avenue NW, Room N-4123,
Washington, DC 20210
<http://www.dol.gov/oasam/programs/crc/external-enforc-complaints.htm>

Non-Discriminatory Grievance: a complaint on all items excluded from the discriminatory definition.

Non-Discriminatory Grievance Process:

- File a written complaint within 30 days from the alleged violation with the Local EOO.
- An *informal resolution* process will be begin. If the grievance is not resolved within 15 days of receipt it will be escalated to the Board of Directors.
- For more information on how to file a non-discriminatory grievance contact the Local EOO listed above.

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