

**BARRY/BRANCH/CALHOUN MICHIGAN WORKS! AGENCY
AND SUB-CONTRACT AGENCIES
GRIEVANCE & COMPLAINT PROCEDURES**

OVERVIEW

Michigan Works! - Calhoun Intermediate School District (MWA) insures that all participants, subgrantees, contractors, one-stop partners, service providers, providers of training services, employees and other interested parties in programs operated under Michigan Works! shall receive a fair and expeditious resolution of all grievances related to programs operated with Workforce Investment Act (WIA), Temporary Assistance for Needy Families (TANF), Food Assistance Employment & Training (FAE&T), Reed Act, TAA/Trade Act (except requests for redeterminations), and State of Michigan GF/GP funds from the Michigan Department of Energy, Labor & Economic Growth Bureau of Workforce Transformation (DELEG/BWT).

The policy and procedures are posted and available at the administrative office and the Michigan Works! Service Centers. Staff will provide a copy of the procedure to anyone that requests a copy and will maintain signed and dated documentation that this information was provided. For participants, this documentation will be retained in the participant's file.

A form to use for documenting the receipt of a copy of the procedures by individuals who are not applicants or program participants follows on the next page.

The grievance officer for the Michigan Works! Agency's Administrative Agency is Lindy Hoffman. This individual will keep all formal written complaints on file in the administrative office for a period of three years or until the litigation, audit or claim has been resolved.

All participants, subgrantees, contractors, one-stop partners, service providers, providers of training services, employees and other interested parties in programs operated under Michigan Works! are encouraged to informally discuss their concerns with the program operator's staff to attempt an informal resolution of their complaint. If the complaint cannot be resolved at this level, the complainant shall be apprised of his/her right to file a formal grievance under the procedures outlined below.



Barry/Branch/Calhoun Michigan Works!

SERVICE PROVIDER ORGANIZATION: _____

GRIEVANCE & COMPLAINT PROCEDURES RECEIPT OF COPY VERIFICATION FORM

NOTE: Michigan Works! staff shall provide a copy of the Grievance & Complaint Procedures to anyone that requests a copy. Your name and signature below provides the documentation that staff is required to maintain to show that the copy was provided. Thank you.

DATE	PRINTED NAME	SIGNATURE

December 2009

January 2011

GRIEVANCE & COMPLAINT PROCEDURES
FOR PROGRAMS FUNDED BY WIA, TANF, FAE&T, REED ACT,
TAA (EXCEPT REQUESTS FOR REDETERMINATIONS),
AND STATE OF MICHIGAN GF/GP

Everyone has the right to resolve a grievance about any program that the Michigan Works! - Calhoun Intermediate School District MWA manages. Grievances must be brought within one year, except for suspected fraud, abuse, or criminal conduct should be reported within one work day of the discovery of the occurrence. An immediate report shall be made when a program participant does the same or similar work or an individual who is on layoff or a reduced work schedule. An immediate report shall also be made in the case of a breach of health or safety standards.

Informal Resolution

Participants, subgrantees, contractors, one-stop partners, service providers, providers of training services, employees and other interested parties in programs operated under Michigan Works! shall first attempt to work out a solution with the person or organization the complaint is against or who has the closest involvement with it. (An employed participant first shall bring a work-related grievance to his or her employer.) If this fails to resolve the issue, a formal grievance, in writing, shall be made.

Step 1: Formal Local Level Grievance Procedure

If an informal solution cannot be reached with the person or organization the complaint is against, a written grievance may be submitted to the Michigan Works! – Calhoun Intermediate School District EO Officer. The EO Officer can be of assistance in submitting the written grievance, if necessary. The completed grievance shall be sent to: Lindy Hoffman, EO Officer, Michigan Works!–Calhoun ISD, 17111 G Drive North, Marshall, MI 49068

All grievances related to WIA, TANF, FAE&T, Reed Act, TAA (except requests for redeterminations), and State of Michigan GF/GP programs funded by the DELEG/BWT are required to be filed within one year of the date of the event that gave rise to the grievance.

All grievances shall be in writing and contain, to the extent practicable, the following information:

- The full name, address, and telephone number of the party/parties filing the grievance;
- The full name and address of the party against whom the grievance is made, or other information sufficient to identify the party against whom the grievance is made;
- A clear and concise statement of the facts, as alleged, including the pertinent dates, constituting the alleged violation;
- The provision of the act, regulations, grant, contract, or other agreements under the act believed to have been violated; and
- The relief requested.

The grievance may be rejected by the Michigan Works! – CISD’s EO Officer 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 procedure. The Michigan Works! – CISD’s

EO Officer 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 DELEG/Bureau of Workforce Transformation.

A hearing on a local level grievance shall be conducted within 30 calendar days from the date the grievance was filed, and a decision must be rendered no later than 60 calendar days from the date the grievance was filed. A hearing is not required at this step if the grievance is resolved without one or the grievant withdraws the grievance.

For WIA-related grievances, a local level hearing shall be conducted.

If a hearing is to be conducted, the Michigan Works! – CISD’s EO Officer must provide written notice to the grievant and party against whom the grievance is made. The notice shall include the date, time, and place of the hearing and a description of the hearing process (e.g. opportunity to present evidence, ask questions, etc.). The notice of the hearing shall indicate the issues to be decided. Notice shall be given not less than ten calendar days prior to the scheduled hearing date.

At a minimum, the hearing process shall include:

- a. A hearing officer.
- b. An opportunity for each party to present witnesses 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.
- e. 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.

A written decision shall be issued by the hearing officer and shall include the following information:

- Date, time, and place of hearing (if held);
- Names and addresses of all witnesses called by the parties;
- Name and address of the petitioner;
- Name and address of the respondent;
- Information sufficient to identify all evidence presented;
- A reiteration of the issues raised;
- A determination of the facts;
- An analysis of the issues as they relate to the facts;
- A decision addressing each issue; and

If a response to the grievance is not received within the time prescribed, or should either party be dissatisfied with a decision, there is a right to an appeal to the DELEG/Bureau of Workforce Transformation.

Step 2: State Level Review of a Local Level Decision

A local level grievance decision may be appealed, in writing, to the Michigan Department of Energy, Labor & Economic Growth (DELEG) Bureau of Workforce Transformation no later than ten calendar days from receipt of an adverse decision at Step 1, or ten calendar days from the date a decision was due but not received at Step 1. (A decision is required to be rendered not later than 60 calendar days from the date the grievance was filed.)

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

Mr. Gary Clark, Director
Accelerating Employment Division
Bureau of Workforce Transformation
MI Department of Energy, Labor & Economic Growth
Victor Office Building
201 N. Washington Square, 5th Floor
Lansing, MI 48913

All appeals shall contain, to the extent practicable, the following information:

- The full name, address, and telephone number of the appellant(s);
- The full name, address, and telephone number (if any) of the respondent(s);
- A clear and concise statement of the facts, as alleged, including the pertinent dates, constituting the alleged violation;
- The provision of the act, regulations, grant, contract, or other agreements under the act believed to have been violated; and
- 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 BWT has all relevant documentation necessary to make a determination on the grievance.

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

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 required.

BWT shall notify the appellant and respondent within 10 days of receipt of the appeal that the appeal was received. This notice will explain the grievance resolution process going forward.

BWT will consider the appeal and may: 1) reject the hearing and make a final determination; 2) allow waiver of the hearing and make a final determination; and 3) schedule a hearing a make a final determination.

For an appeal of a WIA related local level decision, an opportunity for a hearing must be

provided. However, a hearing will not be held under certain circumstances, as prescribes in policy from DELEG.

A grievance may be rejected on appeal, without a hearing, if it is determined that it lacks merit, the appellant fails to state a grievable issue or there is no relief that can be granted, or if the appellant fails to comply with the applicable procedures. The grievant will be informed, in writing as soon as possible or within 60 calendar days from the date the grievance was filed, of the reason the grievance was rejected.

In lieu of a hearing for an appeal of a WIA related local level decision, the parties to the appeal may mutually consent to having BWT decide the matter based on the record created at the local level. If both parties and BWT are in agreement, the hearing waived. Both parties must provide BWT with written confirmation that demonstrates their consent to waive the hearing.

A hearing may be conducted on the appeal. If a hearing is to be conducted, the appellant and the party against whom the grievance is made 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 ten calendar days prior to the scheduled hearing date.

If a hearing on an appeal is to be held, it shall be conducted within 30 calendar days of the filing of the appeal. A hearing is not required at this step if the appellant withdraws the appeal.

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) 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.

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

- Date, time, and place of hearing (if held);
- Names and addresses of all witnesses called by the parties;
- Name and address of the petitioner;
- Name and address of the respondent;
- Information sufficient to identify all evidence presented;
- A reiteration of the issues raised;
- A determination of the facts;
- An analysis of the issues as they relate to the facts; and
- A decision addressing each issue.

In general, the decision is final. However, if a decision is not issued by the due date, a WIA related appeal may be reviewed by the Secretary of the U.S. Department of Labor (USDOL). A WIA related decision may be appealed by the adversely affected party to the USDOL within 60

calendar days of receipt of the DELEG/BWT. Pursuant to 20 CFR 667.610(c), 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 & Training Administration
US Department of Labor
230 South Dearborn Street, Room 628
Chicago, IL 60604

and

Mr. Gary Clark, Director
Accelerating Employment Division
Bureau of Workforce Transformation
MI Dept of Energy, Labor & Economic Growth
Victor Office Building
201 N. Washington Square, 5th Floor
Lansing, MI 48913

All appeals shall contain, to the extent practicable, the following information:

- The full name, address, and telephone number of the party/parties filing the appeal;
- The full name, address, and telephone number (if any) of the party/parties against whom the grievance is made;
- A clear and concise statement of the facts, as alleged, including the pertinent dates, constituting the alleged violation;
- The provision of the act, regulations, grant, contract, or other agreements under the act believed to have been violated; and
- The relief requested.

Additional Grievance Policy Information

Complaints alleging violation of the nondiscrimination and equal opportunity (EO) provision of state/federal grant program shall be resolved in accordance with the nondiscrimination and EO policy guidelines issued by the DELEG/BWT and Michigan Works!-CISD.

Any known or suspected fraud, abuse, or criminal conduct under ETA-funded programs should be reported within one work day of the discovery of the occurrence on DL 1-156 to:

(Send original and one copy)
Regional Administrator
Employment & Training Administration
US Department of Labor
230 South Dearborn St., Rm. 628
Chicago, IL 60604

Also, send a copy to:
Director, Bureau of Workforce Transformation
MI Dept. of Energy, Labor & Economic Growth
201 North Washington Square, 5th Floor
Lansing, MI 48913

Pursuant to 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 MWA to the DELEG.

Pursuant to WIA Regulation 20 CFR 667.270(d), a grievance may be filed by a regular employee displaced by a WIA participant who is placed in an employment activity operated with WIA funds. Also, a grievance may be filed by a WIA participant in an employment activity if the participant is displaced.

Also, grievance procedures shall provide WIA 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 in accordance with Section 667.600(c)(3) of the WIA regulations.

Depending on the nature of the grievance, TANF and FAE&T program applicant and recipient grievances shall be handled in accordance with the MWA or the Department of Human Services (DHS) procedures. For example, grievances regarding sanctioning or food stamp benefits will be handled by DHS, while grievances regarding programs administered by the MWA will be handled by the MWA.

Grievances involving Wagner-Peyser Act activities shall 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, the Employment Service Manual provides specific guidance regarding work-related complaints that are not program specific, such as: employer hour and wage violations, migrant farm worker complaints, and other possible violations of general labor laws.

Policy Specific To TAA (Trade Act) Program Requests for Redetermination

This section along with sections before establishes a process for individuals to request redeterminations when they disagree with determinations made concerning their receipt of TAA (Trade Act) program training, job search, and/or relocation services.

Individuals may request a redetermination where there is disagreement with an initial determination. An individual may submit a Request for Redetermination on Form OWD 706 or submit a written request to the Michigan Works! – CISD’s EO Officer. These requests shall include a copy of the initial determination.

If the written request is not on Form OWD 706, it is *not* required that it specifically mention or contain the term “protest,” “appeal,” “request for redetermination,” etc. The written communication will be considered as a grievance, or request for redetermination, if it accomplishes *either* of the following:

- Expresses disagreement or dissatisfaction with the previously issued determination, from which an intent to request a redetermination can be implied, or
- Presents a state of new facts and/or contentions that are contrary to the facts and/or contentions cited in the determination previously issued.

A request for redetermination must be filed within 30 calendar days after the date the original determination was mailed or personally served. When the 30th day after the mailing date or personally served date falls on a Saturday, Sunday, or legal holiday, the 30-day protest period will be extended to include the next day which is not a Saturday, Sunday, or legal holiday. This applies even though the Michigan Works! One-Stop Service Center may be open on that holiday. There may also be certain days of the year that are not holidays, on which Michigan Works! One-Stop Service Centers are closed for other reasons. Since these days are not legal holidays, the 30-day protest period *cannot* be extended to include the next day that is neither a Saturday, Sunday, nor a legal holiday.

If the request for redetermination is received within the 30-day time limit previously described, the Michigan Works! – CISD’s EO Officer reviews and reconsiders the entire file, including the initial determination and any new additional facts, and promptly issues a notice of redetermination on Form OWD 306. However, if the request for redetermination is received *after* expiration of the 30-day time limit, the Michigan Works! – CISD’s EO Officer first must ascertain whether good cause exists to reconsider the initial determination.

When the 30th day falls on a day on which the local Michigan Works! One-Stop Service Center is closed and the request for redetermination is not received prior to that day, a redetermination can be issued only if good cause is found to exist. A worker who attempts to file a request for redetermination but is prevented from filing because the Michigan Works! One-Stop Service Center is closed, will be found to have good cause for late filing if the protest is received on the next day on which the Michigan Works! One-Stop Service Center is open. A redetermination will then be issued.

“Good cause” will include, but not be limited to, the following situations:

- When an interested party has newly discovered material facts that through no fault of his/her own were not available at the time of the initial determination, a request for redetermination made after the expiration of the statutory 30-day period would require a finding of “good cause.”
- When the Michigan Works! – CISD’s EO Officer has additional or corrected information.
- When an administrative clerical error has been discovered.

When the request for redetermination is received after expiration of the 30-day appeal period and does not state why the protest is late, the Michigan Works! – CISD’s EO Officer contacts the worker to request this information.

If the request for a redetermination is received after expiration of the 30-day period and good cause for reconsideration is not established, the request for redetermination shall be denied and the Michigan Works! – CISD’s EO Officer records the facts and reasons for denying the request on Form OWD 306.

If the request for redetermination is received *after* expiration of the 30-day period and *good cause* for reconsideration is established, the redetermination must cover the timeliness factor. The notice of redetermination is then prepared on Form OWD 306.

After receiving a redetermination or denial of a request for redetermination due to untimely request and lack of good cause, an individual may submit an appeal on Form OWD 801, to
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request a hearing within 30 calendar days after the mailing date or personally served date of the redetermination or denial before an Administrative Law Judge (ALJ). All documentation from previous decisions and any additional material must be presented to the ALJ. The Michigan Works! – CISD’s EO Officer will immediately, upon receipt, forward the appeal to:

Ms. Paula Henige, Analyst
Division of Unemployment Appeals
Bureau of Hearing
Michigan Department of Energy, Labor & Economic Growth
3024 West Grand River Boulevard, Suite 13-450
Detroit, Michigan 48202

And a copy to:

Mr. Gary Clark, Director
Accelerating Employment Division
Bureau of Workforce Transformation
MI Department of Energy, Labor & Economic Growth
Victor Office Building
201 N. Washington Square, 5th Floor
Lansing, MI 48913

An individual who disagrees with the decision of an ALJ may request an appeal to the Board of Review, in accordance with the instructions provided with the ALJ’s decision, within 30 days of the ALJ decision.



Dear Participant:

Your signature on this form indicates that you have received a copy of the Barry/Branch/Calhoun Michigan Works! "Grievance and Complaint Procedures" which describes the process for filing an equal opportunity or a program grievance complaint. You will be given a copy of this form and a copy will be kept in your participant file.

EQUAL OPPORTUNITY IS 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, national origin, age, disability, political affiliation or belief; and
- Against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), 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 WIA 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 WIA 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.

What to Do If You Believe You Have Experienced Discrimination

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

Paula Mitchell
Equal Opportunity Officer
Michigan Department of Energy, Labor and Economic Growth
201 North Washington Square, 5th Floor
Lansing, MI 48913
517-373-7675 (Voice), 1-888-605-6722 (TTY)

or

Ramón Surís Fernández, Esq.
Director, Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Ave. NW, Room N-4123
Washington, D.C. 20210

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 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.

For additional information regarding your rights under programs operated by this agency, or to file a formal complaint at the local level, contact:

Lindy Hoffman, Equal Opportunity Officer
Calhoun ISD Michigan Works! Agency
17111 G Drive North
Marshall, MI 49068
269-789-2431 (voice) or 1-800-649-3777 (TTY)

Participant Signature

Date

Intake Staff Signature

Date

AN EQUAL OPPORTUNITY EMPLOYER/PROGRAM SUPPORTED BY THE STATE OF MICHIGAN. AUXILIARY AIDS AND SERVICES ARE AVAILABLE TO INDIVIDUALS WITH DISABILITIES UPON REQUEST. MICHIGAN RELAY CENTER (800) 649-3777 (Voice and TTY)

Michigan Law

Michigan Law prohibits discrimination in employment, education, housing, public accommodation, law enforcement or public service based on the following: Religion, race, color, national origin, sex, disability, age, marital status, height, weight, arrest record, and familial status. Person denied equal opportunity based on these conditions may file a complaint with the Michigan Department of Civil Rights, 1-800-482-3604, www.mdcr.com

EEOC – Equal Employment Opportunity is the Law:

Race, Color, National Origin, Sex

In addition to the protection of Title VAA of the Civil Rights Act of 1963, Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI is the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing service under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal assistance.

Individuals with Disabilities

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of a disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with reasonable accommodations, can perform the essential functions of a job.

If you believe that you have been discriminated against under any of the provisions of the EEOC, you should immediately contact:

The U.S. Equal Employment Opportunity Commission (EEOC), 1801 L Street, N.W., Washington D.C. 20507 or an EEOC field office by calling toll free (800) 669-4000. For individuals with hearing impairments, EEOC's toll free TTY number is (800) 800-3302.

And Justice for All

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, religion, political beliefs, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TTY).

If you believe you have been discriminated against in any Michigan Works! program, and are unsure of which Federal Agency to contact, you may contact the Calhoun Intermediate School District Michigan Works! Equal Opportunity Officer, Lindy Hoffman, 17111 G Drive North, Marshall, MI 49068 or call (269) 789-2431.