

Title: Complaints & Grievances Policy	Related Forms: No
Effective Date: 1/27/2017	Revised Date: 12/10/2021

Purpose

To outline procedures for addressing grievances or complaints alleging a violation of the requirements of WIOA by the WVVDB or service providers.

References

- PUBLIC LAW 113–128 Workforce Innovation & Opportunity Act (WIOA)
- VWL # 16-09 WIOA Program Grievance and Complaint Processing

Policy

It is the policy of the WVVDB to follow all procedures and guidance put in place by the state for processing any and all complaints or grievances that allege any violation of WIOA or provisions of a related agreement or service. Section 181 (c) of WIOA requires that each State, local workforce development area and direct recipient of WIOA Title I funds must establish and maintain a procedure for individuals to file a grievance or complaint alleging violations of the requirements WIOA Title I. These grievances or complaints may be submitted by participants and other interested parties affected by the local workforce investment system, including one-stop partners and service providers.

This guidance does not address the procedures for processing complaints alleging discrimination under WIOA section 188 and 29 CFR part 38. Such complaints must be handled in accordance with the procedures outlined in that regulatory part and VWL 15-05, WIOA Discrimination Complaint Process. Questions about or complaints alleging a violation of the nondiscrimination provisions of WIOA section 188 may be directed or mailed to the designated local area Equal Opportunity (EO) Officer, State WIOA EO Officer or the Director of the Civil Rights Center, U.S. Department of Labor, Room N4123, 200 Constitution Avenue N.W., Washington, D.C., 20210. This guidance does not address procedures for processing complaints alleging fraud, abuse, or other alleged criminal activity. Such complaints should be directed to the Office of the Inspector General, U.S. Department of Labor.

Procedure

Participants and other interested parties must be provided this policy with the Complaints & Grievances form. The form also must include the Babel notice, to ensure that persons who have Limited English proficiency can understand the policy. A copy of the policy may also be provided via accessible software for text to speech and utilizing the video relay services for individuals with hearing and/or reading limitations. Rights to file a complaint or grievance will also be explained to employees and participants during orientations.

The local area shall notify participants that complaints or grievances should be addressed to the Director of the WVVDB at 4419 Pheasant Ridge Road, Suite 301, Roanoke, VA 24014 or 540-562-8442. If a grievance regards the Executive Director, the Chair of the Board can designate an alternate contact to receive the grievance. Examples of who may file a grievance or complaint include the following:

- Applicants or registrants for aid, benefits, services, or training

- Eligible applicants or registrants
- Participants
- Employers
- Applicants for employment under WIOA
- Service providers, or
- Eligible training providers

Each grievance or complaint must be filed, in writing, within thirty (30) calendar days of the alleged violation and must contain the following information:

- The name, address and phone number of the person filing the grievance or complaint
- The date of the alleged violation and the date the grievance or complaint was filed
- The identity of the respondent
- A description of the allegations, including enough detail to allow the reviewer to decide whether the allegations, if true, would violate any WIOA provisions, and
- The signature of the person filing the grievance or complaint

Upon receipt of the grievance or complaint, the reviewer will provide written notice to the grievant or complainant. This correspondence will be sent within five (5) business days and must include the following:

- A summary of the allegations submitted
- The date, time and place of the meeting or hearing with the reviewer (NOTE: WVVDB may offer an informal resolution and if it is accepted it shall be completed in a meeting before the hearing date)
- Notice that the grievant or complainant may be represented by an attorney, and
- Notice that the grievant or complainant may present witnesses and documentary evidence

Individuals in grievance investigations are protected from retaliation and are permitted to have translators, interpreters, readers and/or a representative of their choice during the grievance process.

The WVVDB has a maximum of sixty (60) calendar days to investigate of the allegations and offer a resolution to the complainant. If by the end of the sixty (60) days from the date on which the complaint was filed the WVVDB fails to issue a Notice of Final Action, the complainant or grievant may file a complaint directly with the State WIOA Administrative entity (WIOA Title I Administrator).

Once the investigation is complete and a decision has been reached, a Notice of Final Action must be sent to the grievant or complainant. If an informal resolution was provided, the Notice of Final Action must summarize the agreed upon resolution. If no informal resolution was provided, the Notice of Final Action must contain the following information:

- The reviewer's decision and the reasons for supporting that decision
- A brief description of the investigation process employed to reach the decision
- Notice that if dissatisfied with the decision the grievant or complainant may appeal to the Commonwealth of Virginia within 30 business days or receipt of the Notice of Final Action, and

- Notice that the grievant or complainant may seek a remedy authorized under another Federal, state, or local law

According to WIOA Section 181 (c) (3) remedies that may be imposed under this section for a violation of any requirement of this title shall be limited to:

- Suspension or termination of payments under this title
- The prohibition of placement of a participant with an employer that has violated any requirement under this title
- Where applicable, the reinstatement of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment, and
- Where appropriate, other equitable relief.

Records regarding grievances and complaints must be maintained for at least three years from the date of resolution of the grievance or complaint. All records must include the following:

- The name and address of the grievant or complainant
- A description of the grievance or complaint
- The date the grievance or complaint was file
- The disposition (final action)
- The date of disposition of the grievance or complaint, and
- Any other pertinent information

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. The information may only be used for purposes of:

- Record-keeping and reporting
- Determining the extent to which an entity is operating is WIOA-funded programs or activities in a nondiscriminatory manner, or
- Other use authorized by the nondiscrimination and equal opportunity provisions of WIOA