POLICY: A-11
TITLE: Non-Criminal Grievance and Complaint Process

ISSUED: May 17, 2018

PURPOSE:
To communicate the Clackamas Workforce Partnership and its sub recipients and contractors process for:

1. Receiving non-criminal grievances and complaints from participants or interested parties affected by the local Workforce Investment System, including one-stop partners and service providers; that allege a violation of WIOA requirements and/or terms and conditions of employment;

2. Providing and managing an opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint; and

3. Resolving appeals of Clackamas Workforce Partnership decisions.

Information and complaints alleging criminal fraud, waste, abuse or other criminal activity under WIOA are addressed in a separate policy, Clackamas Workforce Partnership policy F-01 Incident Reporting Requirements. Nondiscrimination and Equal Opportunity complaints are addressed in Clackams Workforce Partnership policy P-04.

REFERENCES:
- WIOA Section 181(c)
- 20 CFR Part 683.600-683.601

DEFINITIONS:
Grievance or complaint: A written expression by a party against individuals, including staff, participants, or partner organizations alleging a non-criminal violation of the provisions of the WIOA, the WIOA regulations, grant, or other agreements under the WIOA.

Local Workforce Investment System: Includes WIOA 1-B service providers, the WorkSource Clackamas American Job Center and/or affiliated sites and its partners.

Sub recipient: An entity, including service providers, to which a WIOA sub grant is awarded and who is accountable to Clackamas Workforce Partnership for the use of the funds provided.

Complainant: Applicants (program and employment), participants, employees, subcontractors, and other interested parties and members of the public that have complaints and/or grievances of the requirements of WIOA in the operation of programs and activities.
**Respondent:** The person, organization or agency against which a complaint has been filed for the alleged violation of the requirements of WIOA.

**Hearing Officer:** An impartial party who presides at a hearing on a grievance or complaint.

**POLICY:**
Clackamas Workforce Partnership values customer service and customer satisfaction and prefers that dissatisfaction and non-criminal complaints be resolved amicably as close to the point of service delivery as possible. Whenever possible, parties should work together to resolve the problem before a written grievance or complaint is filed with Clackamas Workforce Partnership. Should a party file a complaint, sub recipients will work to help resolve the problem and will not penalize the party in any way for filing a complaint.

In order to ensure program integrity, Clackamas Workforce Partnership’s WIOA 1B sub recipients must develop and maintain procedures to process complaints in an objective and consistent manner. Procedures will include how individuals are informed of their right to file a grievance or complaint and what the informal and formal process is for those individuals who have grievances and complaints.

The right to file a grievance or complaint and the right to be represented by an attorney or other individual of his or her own choice must be made available to applicants (program and employment), participants, employees, one-stop partners, subcontractors, and other interested parties and members of the public. Reasonable efforts must be made to assure that all individuals, including youth and those with limited-English speaking skills, understand these rights. The informal and formal process of how to file a grievance need not be provided routinely to all individuals mentioned above. However, copies must be provided to individuals in a timely manner when an individual expresses a desire to file a complaint or upon request by any individual.

Where a hard copy case file is maintained, a copy of an acknowledgement of receipt of the local grievance and complaint procedures shall be signed by the participant and included in each participant’s case file. Where an electronic case file is maintained, staff must make a note indicating that this notification did occur, the date of the notification, and the name of the staff person who provided it.

**Process:**
All complaints and grievances should initially be reviewed and resolved by the WIOA 1B service provider Manager. If resolution is not possible at that level, then complaints and grievances will then be reviewed by the WIOA 1B Program Manager. If the individual is not happy with the results of this process, they may file a written complaint with Clackamas Workforce Partnership Equal Opportunity (EO) Officer. A log of these written complaints and grievances will be maintained by Clackamas Workforce Partnership.
With the exception of discrimination complaints (addressed in Clackamas Workforce Partnership’s policy P-04 Nondiscrimination and Equal Opportunity Requirements and Attachments for Posting), grievances and complaints of alleged non-criminal violations filed in writing with the Clackamas Workforce Partnership EO Officer must include:

1. Name, mailing address, and telephone number of complainant;
2. Name, mailing address, and telephone number of respondent;
3. A clear and concise statement of the facts and dates describing the alleged violation;
4. Provisions of WIOA, the WIOA regulations, grant, or other agreement believed to have been violated;
5. Synopsis of the informal resolution efforts; and,
6. Remedy sought by the complainant.

Upon receipt of the written grievance or complaint, the Clackamas Workforce Partnership EO Officer will review the grievance or complaint and provide an opportunity for an informal resolution. If Clackamas Workforce Partnership cannot resolve the grievance or complaint informally, then a local hearing will be held. If the complainant is dissatisfied with the local hearing decision the complainant may file a request for review with the Higher Education Coordinating Commission Office of Workforce Investments (HECC-OWI).

**Timeline:**

1. Within ten (10) days of the receipt of the grievance or complaint, the Clackamas Workforce Partnership EO Officer will notify the complainant and respondent and proceed with the informal resolution process.

2. Within 20 days of the receipt of the grievance or complaint, if Clackamas Workforce Partnership can’t resolve the grievance or complaint informally, the Clackamas Workforce Partnership EO Officer will notify the complainant and respondent in writing that a hearing will be conducted. The hearing notice will advise the following:
   a. The date, time and place of hearing before an impartial Hearing Officer;
   b. The pertinent sections of the WIOA or any other federal regulations involved;
   c. A statement of the alleged violations. This statement must accurately reflect the content of the grievance or complaint as submitted by the complainant. However, clarifying notes may be added to assure that the grievance or complaint is addressed accurately;
   d. The name, address, and telephone number of the contact person issuing the notice.

3. Within 30 days of the receipt of the grievance or complaint, the hearing will be conducted.

4. Within 60 days of the receipt of the grievance or complaint, the Clackamas Workforce Partnership EO Officer shall consider the complaint, informal resolution efforts, and the Hearing Officer’s recommendation and issue a written decision to each party.
Timelines may be extended if good cause is shown, and if both the complainant and respondent parties agree in writing to waive the timelines.

The complainant may withdraw a complaint at any time. Such a withdrawal must be in writing.

**Hearing:**
The local hearing will be conducted in an informal manner with strict rules of evidence not being applicable. The hearing will be recorded electronically.

Both parties will have the right to:
1. Present written and/or testimony under oath and arguments;
2. Call and question witnesses;
3. Request and examine records and documents relevant to the issuers; and
4. Be represented.

Parties may file with the Hearing Officer written arguments in lieu of closing arguments within five (5) days of the close of the hearing.

Following completion of the hearing or submission of written closing arguments, the Hearing Officer will issue a proposed decision to the Clackamas Workforce Partnership EO Officer. The Hearing Officer’s proposed decision shall contain the following information:
1. The names of the parties involved;
2. A statement of the alleged violation(s) and issues related to the alleged violation;
3. A statement of the facts;
4. The Hearing Officer’s proposed decision and the reasons for the decision; and
5. A statement of the proposed corrective action, if any, to be taken.

**Clackamas Workforce Partnership Decision:**
The Clackamas Workforce Partnership EO Officer will review the record established by the hearing and may adopt or modify the Hearing Officer’s proposed decision as a final decision or direct the Hearing Officer to conduct further proceedings.

The Clackamas Workforce Partnership EO Officer will issue a written decision to the concerned parties within 60 days of receipt of the grievance or complaint, unless both the complainant and respondent parties agree in writing to waive the timelines. The written decision will be sent to both parties by certified mail and will contain the following information:
1. The names of the parties involved;
2. A statement of the alleged violation(s) and issues related to the alleged violation;
3. A statement of facts;
4. The Clackamas Workforce Partnership EO Officer’s decision and the reasons for the decision;
5. A statement of the corrective action, if any, to be taken; and
6. A notice of the right of either party to file a request for review with HECC-OWI.

HECC-OWI Review:
The complainant or respondent may request a review by HECC-OWI if they are dissatisfied with Clackamas Workforce Partnership’s decision; if Clackamas Workforce Partnership fails to issue a decision within the 60-day time limit (unless the timelines have been waived); or if there has been an incident of restraint, coercion, or reprisal as the result of filing the grievance or complaint.

All written requests for review or appeals must include the following:
1. Name, mailing address, and telephone number of complainant;
2. Name, mailing address, and telephone number of Clackamas Workforce Partnership;
3. A statement of the basis of the request or appeal; and
4. Copies of relevant documents, such as the complaint filed at Clackamas Workforce Partnership and Clackamas Workforce Partnership’s decision.

The request for review of the decision must be submitted to the:
EO Officer
Higher Education Coordinating Commission – Office of Workforce Investments
875 Union Street NE #310
Salem, OR 97311

Approved:

[Signature]
5.17.18

Workforce Investment Council Board Chair

Date