NORTHERN AREA LOCAL WORKFORCE DEVELOPMENT BOARD (NALWDB)
ADMINISTRATIVE DIRECTIVE NO.2019-006

EFFECTIVE DATE: DECEMBER 19, 2019

SUBJECT: GRIEVANCE AND COMPLAINT POLICY, REV. 1

APPLICABILITY.

Northern Area Chief Elected Officials (CEOs), Northern Area local Workforce Development Board (NALWDB), and all sub recipients.

PURPOSE.

As stated in Section 683.600 of the Code of Federal Regulations, the purpose of this policy is to "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."

BACKGROUND.

A. The LWDB must:

(1) Provide information about the content of the grievance and complaint procedures required by this section to participants and other interested parties affected by the local workforce development system including, one-stop partners and service providers;

(2) Must make reasonable efforts to assure that the information reference to in paragraph (b)(1)of this section will be understood by affected participants and other individuals, including youth and those who are limited-English speaking individuals. Such efforts must comply with the language requirements of 29CFR 37.35 regarding the provision of services and information in languages other than English.

B. Local area procedures must provide:

{1} A process for dealing with grievances and complaints from participants and other interested parties affected by the local workforce development system, including one-stop partners and service providers;
{2} An opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint;

{3} 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; and,
(4) An opportunity for a local level appeal to a State entity when:

a. No decision is reached within 60 days; or,
b. Either party is dissatisfied with the local hearing decision. ACTION.

A. Program complaints against local WIOA programs and policies.

Who may file? Applicants, participants, service providers, recipients and other interested parties, may file a complaint alleging a non-criminal violation of local WIOA programs, agreements or the local workforce development board’s policies and activities.

Time and place for filing. Local program complaints shall be filed with the service provider or local administrative entity within 1 year from the date of the event or condition that is alleged to be a violation of WIOA.

(1) Local complaint process: Step 1 - Initial Review

(i) Written complaints will be taken by the site manager or local administrative entity from the complainant or the complainant’s designated representative. All complaints will be logged.

(ii) If the complaint alleges a violation of any statute, regulation, policy, or program that is not governed by WIOA, the complaint will be referred to the appropriate organization for resolution. Notice of the referral will be sent to the complainant.

(iii) If the complaint is retained, a complaint file should be established that contains: all application and enrollment forms, if appropriate; the complaint statement and form; chronological log of events; relevant correspondence; and a record of the resolution attempted.

(2) Local complaint process: Step 2 - Informal Resolution

(i) An attempt should be made to informally resolve the complaint to the satisfaction of all parties. This informal resolution process shall be completed within 10 calendar days from the date the complaint was filed. If all parties are satisfied, the complaint is considered resolved. The terms and conditions of the resolution shall be documented in the complaint file.

(3) Local complaint process: Step 3 - Formal Resolution

(i) When no informal resolution is possible, the site manager will forward the complaint and a copy of the file to the local administrative entity that will review the complaint file, conduct a further investigation if necessary, and issue a determination within 20 calendar days from the date the complaint was filed. If further review of the determination is not requested, the complaint is considered resolved. The complaint file should be updated to reflect the determination.

(ii) Any party dissatisfied with the determination may request a hearing within 10 calendar days of the date of the determination. The local administrative entity will schedule the hearing and forward the program complaint to the impartial hearing officer for resolution. The local administrative entity will monitor the processing of the complaint.

(4) Local complaint process: Step 4 - Hearing

(i) The hearing officer will schedule a formal hearing by written notice, mailed to all interested parties at least 7 calendar days prior to the hearing. The notice will include the date, time and place of the hearing. The hearing shall be conducted within 45 calendar days from the date the complaint was filed. Parties may present witnesses and documentary evidence, and question others who present evidence and witnesses. Parties may be represented by an attorney or another designated representative and may request that records and documents be produced. All testimony will be taken under oath or affirmation. The hearing will be recorded. The hearing officer’s recommended resolution will include a summary of factual evidence given during the hearing and the conclusions upon which the recommendation is based.

(5) Local complaint process: Step 5 - Final Decision
(i) The local administrative entity will review the recommendation of the hearing officer and will issue a final decision within 60 calendar days from the date the complaint was filed.

(6) Local complaint process: Step 6- Appeal

(i) Any party dissatisfied with the final decision, or any party who has not received a decision or a final resolution within 60 calendar days from the date the complaint was filed, may file a request for review. A request for review shall be filed with the Department of Workforce Solutions as the state administrative entity within 90 calendar days from the date the complaint was originally filed.

(ii) The state administrative entity will review the record and issue a final decision on appeal within 30 calendar days from the date the appeal was received by the state administrative entity.

Discrimination and Equal Opportunity Grievance
The grievance procedures related to discrimination and equal opportunity are herewith attached. The Northern Area Local Workforce Development Board uses this procedure for processing complaints and grievances related to discrimination and equal opportunity grievances.

This policy rescinds any previous NALWDB policy regarding subject.

INQUIRIES: Contact WIDA Management at 505-986-0363.
Grievance Procedure

Summary Outlining Plan and Implementation Strategy

The administrative entity has developed a policy and procedure in accordance with WIOA 20 CFR§ 683.600(a) for handling grievances at all our facilities including one-stop partners and service provider locations. All management and staff of our one-stop delivery system will be given training on the grievance procedure to ensure all interested parties have the access to information needed to file a grievance.

Customers and participants of workforce services may submit a grievance at the workforce office without fear of discrimination or reprisal. The site manager and/or one-stop operator will make every effort to resolve the grievance.

Explanation of Policy & Compliance Guidelines:

1. Management and staff at each workforce office will be trained by the administrative entity staff to facilitate the process for filing grievances received from customers and participants.

2. Site management and the administrative entity is responsible for overseeing the grievance process; receiving and tracking grievances; leading any necessary investigations by the facility; maintaining the confidentiality of all information associated with grievances; issuing written grievance decisions to the customer or participant; and coordinating with the administrative entity necessary in light of specific allegations.

3. The administrative entity will distribute a “Notice of Grievance Procedures” to the one-stop operator to be posted in prominent area of each workforce office.

4. A copy of the “Notice of Grievance Procedures”, including the contact information of the person to which complaints are made will be posted on the Boards’ website.

5. The “Notice of Grievance Procedures” is to include the following:
   a. The contact information of management (Job Title, business and email address, business phone number).
   b. The expected time frame that the grievance will be resolved.
   c. The contact information of outside entities that a grievance can be submitted if management did not resolve the inquiry to the filer’s satisfaction.
   d. The different ways a grievance can be filed (verbal & written and/or anonymously).
   e. A fillable copy of the grievance form.

6. Management will record the nature and specifics on a grievance form that include the following:
   a. Date and time of incident and the names of all persons involved in the grievance
   b. Contact information of all persons involved in the grievance
   c. A chronological description of events leading up to and following the filing of a grievance.
   d. Instructions on how to record the grievance form for future monitoring.

7. The management will issue a written decision to the filer at the conclusion of the investigation that will include the following:
   a. The date the grievance was received, and the steps taken to investigate the grievance.
   b. A summary of the pertinent findings or conclusions regarding the resident’s concern(s).
   c. A statement as to whether the grievance was confirmed or not confirmed.
   d. Any corrective action taken or to be taken by the facility as a result of the grievance.
   e. The date the written decision was issued.

20 CFR§ 683.600(a) outlines the requirement to establish and maintain a procedure to file grievances and complaints alleging violations of WIOA. 20 CFR§ 683.600(g)(1) further clarifies that the grievance procedure requirement does not apply to discrimination complaints brought under 20 CFR§ 188 and or 38 CFR part 38.

Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities.
Relay New Mexico: 711 (Voice) or 1-800-659-8331 (TTY) FUNDED BY THE U.S. DEPARTMENT OF LABOR 11.19
Northern Area Local Workforce Development Board
WIOA PROGRAM

ACKNOWLEDGEMENT RECEIPT OF
Grievance Procedure

I, __________________________________________, acknowledge and attest that I have received a

(Print Name)

WIOA Program Grievance Procedure.

If under the age of 18, a parent or guardian must sign also.

Signature: __________________________________________

Date: ______________

Printed Name: __________________________________________

Signature of Parent/Guardian: ________________________________

Date: ______________

Printed Name of Parent/Guardian: ____________________________
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<tr>
<th>Name of Customer / Participant (Please Print):</th>
<th>Work Phone:</th>
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<tbody>
<tr>
<td>Name:</td>
<td>Home Phone:</td>
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<tr>
<td>Date of Hire:</td>
<td>Sent documents to external representative</td>
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<th>Home Mailing Address:</th>
<th>Other Mailing Address:</th>
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<td>Street or P.O. Box:</td>
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<td>State:</td>
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<tr>
<th>Date, time and place of event leading to grievance:</th>
<th>Date you became aware of the event, <em>(if different)</em>:</th>
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Detailed chronological description of grievance including names of other persons involved, if any: 

**Proposed solution to grievance:**

**THIS SECTION TO BE COMPLETED BY THE WORKFORCE CENTER**

File a copy of this form with your immediate supervisor and retain a copy for review by the administrative entity.

<table>
<thead>
<tr>
<th>Step</th>
<th>Grievance Filed With <em>(Please Print Name)</em></th>
<th>Date</th>
<th>Customer / Participant Signature</th>
<th>Date</th>
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20 CFR § 683.600(a) outlines the requirement to establish and maintain a procedure to file grievances and complaints alleging violations of Title I. 20 CFR § 683.600(g)(6) further clarifies that the grievance procedure requirement does not apply to discrimination complaints brought under 20 CFR § 188 and or 29 CFR part 38. 

Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities. 

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Funded by the U.S. Department of Labor
The following is to be completed by the person responding to the grievance and attached as the top copy to the formal grievance at each step in the grievance procedure.

Received by: ___________________________ Date: ___________________________

Action taken:

Submitted to Customer / Participant:  
[ ] No  [ ] Yes Date: ___________________________

________________________________________  __________________________________________
Signature of NMWC staff Title

The following is to be completed by the customer / participant (Check as appropriate):

[ ] Agree with action at this step - grievance resolved.
[ ] Disagree with action at this step.

________________________________________
Signature of Customer / Participant

NOTE TO - Customer / Participant If you disagree with the action taken, you have 10 working days to submit your grievance to the next step. Place a copy of your formal grievance on top of this response and include all prior forms and responses when filing at the next step.

70 CFR § 603.600(a) outlines the requirement to establish and maintain a procedure to file grievances and complaints alleging violations of 

WJOA. 20 CFR § 603.600(g)(1)(i) further clarifies that the grievance procedure requirement does not apply to discrimination complaints brought under 20 CFR § 168 and or 29 CFR part 38. 

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Relay New Mexico: 711 (Voice) or 1-800-659-8331 (TTY) 

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Notice of Grievance Procedures

Notificación de procedimientos de queja

New Mexico Workforce Connection recognizes its responsibility to listen to customer and participant grievances and attempt to resolve any such concerns. Customers and participants will not be denied service for filing a grievance. Grievances will be given prompt and careful attention and, when indicated, grievances will result in corrective action. Participants are informed of their rights when services are initiated by receiving a copy of the Grievance Procedures.

- Request to speak with the site manager to communicate your grievance  
(if you prefer to not speak to a manager, please take a Grievance Form located by this procedure and follow the steps below).

- Complete a Grievance Form and send it to the site manager - information listed below.

NM Workforce Connection - Site Manager
1036 Salazar Rd.
Taos, NM 87571 or
email the form to
mary.mylet@state.nm.us

- An attempt will be made to informally resolve the complaint to the satisfaction of all parties. This informal resolution process shall be completed within 10 calendar days from the date the complaint was filed. If all parties are satisfied, the complaint is considered resolved.

- When no informal resolution is possible, New Mexico Workforce Connection will forward the complaint and a copy of the file to the local administrative entity that will review the complaint file, conduct further investigation if necessary, and issue a determination within 20 calendar days from the date the complaint was filed. The administrative entity can be reached with the information below.

NM Workforce Connection / Administrative Entity
Attn: EEO Officer
525 Camino De Los Marquez Suite 250
Santa Fe, NM
(505)986-0363

To learn more about filing a grievance, please contact the site manager for a copy of the Northern Area Local Workforce Development Board Grievance and Complaint Policy.

Any party dissatisfied with the determination may request a hearing within 10 calendar days of the date of the determination. The local administrative entity will schedule the hearing and forward the program complaint to an impartial hearing officer for resolution. The local administrative entity will monitor the processing of the complaint.

Si desea que le expliquemos esta información en español, comuníquese con la recepción.

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20 CFR§ 683.600(a) outlines the requirement to establish and maintain a procedure to file grievances and complaints alleging violations of WIOA. 20 CFR§ 683.600(b) further clarifies that the grievance procedure requirement does not apply to discrimination complaints brought under 20 CFR§ 188 and/or 29 CFR part 38.

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