



WILLAMETTE WORKFORCE
PARTNERSHIP
GRIEVANCES AND COMPLAINTS

Revised: July 1, 2021

Policy: A01

PURPOSE

This policy provides guidance and procedures under which Willamette Workforce Partnership (WWP) and its sub-recipients accept and process grievances and complaints. Claims allege a violation of the Workforce Innovation and Opportunity Act (WIOA), grants, or agreements and their applicable laws, regulations, and non-discrimination provisions.

REFERENCES

Code of Federal Regulations 20 CFR 683.600, 610 & 620

Code of Federal Regulations 29 CFR 38.35

WIOA Sec. 181 (c) & 188

POLICY

Willamette Workforce Partnership (WWP) shall operate all workforce programs in conformance with the Workforce Innovation and Opportunity Act (WIOA) and all other applicable laws and regulations. No application or provision of services shall allow discrimination based on race, color, religion, sex, national origin, (including limited English proficiency) age, disability, political affiliation or belief, citizenship status, or participation in any Workforce Innovation and Opportunity Act (WIOA) Title I-financially assisted program or activity as prohibited by WIOA or this part. This includes pregnancy, childbirth, and related medical conditions, transgender status, and gender identity. Should a suspected violation of this policy occur, the grievance or complaint should be addressed as follows:

Who May File

Any applicant, participant, service provider, One-Stop Operator, WSO Partner, or another interested party may file a complaint alleging a violation of Workforce Innovation and Opportunity Act (WIOA), grants, agreements or non-discrimination laws.

Where to File

One can file a grievance or complaint with the sub-recipient/program provider EO Officer, the Willamette Workforce Partnership (WWP) EO Officer or the Willamette Workforce Partnership (WWP) Executive Director. In the interest of expediency, filing with the person closest to the alleged violation is preferable.

Resolution Process

Sub-recipients/program providers and employers of participants must use WWP procedures to process complaints related to the terms and conditions of the participant's training or employment. If a complaint process covered under a collective bargaining agreement is required, then those procedures may be used. Any hearings conducted by an employer must comply with all provisions for hearings described in this policy.



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Complainants with Disabilities

Accommodations in methods of communication and accessibility of locations will be made in compliance with ADA requirements for those with disabilities.

PROCEDURES

General Provisions

Written complaint procedures shall be made available to every applicant of the Workforce Innovation and Opportunity Act (WIOA) services. Reasonable efforts will be made to ensure that participants, individuals and recipients of federal assistance under the Workforce Innovation and Opportunity Act (WIOA) understand those complaint procedures. The written complaint procedure will include a notice that the complainant and respondent have the right to be represented by an attorney or another individual of their own choice. Complaints alleging violations of the Workforce Innovation and Opportunity Act (WIOA) laws and regulations other than the alleged act of discrimination must be filed within one year from the date of the alleged occurrence. Discrimination complaints must be filed within 180 days from the date of the alleged act of discrimination. All references to days shall be defined as calendar days, with timelines beginning on the day a complaint is received by the appropriate party as outlined herein. The Assistant Secretary of the U.S. Department of Labor for a good cause may extend periods.

An EO Officer receiving a grievance or complaint will immediately notify the Willamette Workforce Partnership (WWP) Executive Director and the Willamette Workforce Partnership (WWP) EO Officer (if a sub-recipient EO Officer received the complaint). The Willamette Workforce Partnership (WWP) Executive Director will determine if the complaint relates to an alleged violation of Workforce Innovation and Opportunity Act (WIOA) laws and regulations or alleged discrimination, or is more appropriately referred to another program or organization offering services through the WorkSource Oregon system.

PROCESS

In addition to the process outlined below, allegations of discrimination will adhere to the process requirements as described at 29 CFR Part 38, Subject Group 88. Complainants alleging discrimination may at any time before issuance of a Final Decision, choose to pursue Alternative Dispute Resolution (ADR).



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Complaint Receipt

Upon receipt of a grievance or complaint, the EO Officer will establish a file to contain the following:

- The complainant's application and enrollment forms;
- Completed complaint form or written statement documenting the alleged infringement;
- A chronological log of events related to the alleged violation;
- Relevant correspondence;
- Record of any attempted resolutions before the filing of the complaint.

Complaints alleging discrimination must be filed in writing, either electronically or in hard copy, and must contain the information as outlined at 29 CFR 38.70.

Informal Resolution

An attempt should be made to resolve the satisfaction of all the parties through informal agreement. The friendly resolution process must be completed within ten days of receiving the complaint. If all parties are satisfied, the claim is considered resolved, and the terms and conditions of the resolution must be documented in the complaint file.

Formal Resolution

When an informal resolution is not possible, Willamette Workforce Partnership (WWP) will issue a determination within 20 days of receiving the complaint. If an appeal of the decision is not requested within 14 days from the date of determination, the claim is considered resolved, and the complaint file is documented accordingly.

Hearing

If the Formal Resolution is appealed, the Willamette Workforce Partnership (WWP) Executive Director will refer the claim to the Higher Education Coordinating Commission State Grievance Coordinator for designation of a hearing officer to ensure the complaint receives fair and impartial treatment. The hearing must be conducted within 45 days of the date the complainant the grievance was filed by. The hearing officer will schedule a formal interview and mail a written notice to the complainant, respondent, and any other interested party at least seven days before to the hearing.

Parties may present witnesses and documentary evidence and question others who offer evidence and testimony. The complainant may request that records and documents be produced. Attorneys or other designated representatives may represent each party. All statements will be taken under oath or affirmation.

The hearing will be recorded by either audiotape or writing. The hearing officer's



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recommended resolution will include a summary of factual evidence presented during the hearing and the conclusions upon which the recommendation is based.

Final Decision

The Willamette Workforce Partnership (WWP) Executive Director will review the recommendation of the hearing officer and issue a final decision within 60 days of the date the complainant file the grievance.

Appeal

An appeal may be requested if any party is dissatisfied with the Final Decision, or any party who does not receive a Final Decision or resolution within 90 days of the complaint being filed, may request an appeal. Appeals may be submitted to:

Higher Education Coordinating Commission
Office of Workforce Investments (HECC-OWI)
3225 25th Street SE
Salem, OR 97302

HECC-OWI will review the complaint file, the hearing record, and all applicable documents and issue a final decision within 30 days of receipt of the appeal.

Further Appeal

Any party that receives an adverse decision after appeal may seek a further appeal with the US Department of Labor. All appeals must be submitted by certified mail, return receipt requested, and addressed to:

Secretary of Labor
Attention: ASET
U. S. Department of Labor
Washington, D.C. 20210