

## Special Provisions

### **Equal Opportunity**

Complaints alleging violation of the nondiscrimination and Equal Opportunity (EO) provision of state/federal grant programs must be resolved in accordance with the nondiscrimination and EO policy guidelines issued by LEO.

### **Criminal Conduct**

Known or suspected fraud, abuse, or criminal conduct under the WIOA shall be reported in accordance with the incident report guidelines issued by LEO.

### **Displacement from Employment**

A grievance may be filed by an affected individual if a TANF recipient is placed in a position when (1) 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. Either party to the grievance, the TANF recipient or the displaced employee, may appeal a local level decision to the LEO.

A grievance may be filed by a regular employee or program participant displaced by a WIOA participant placed in an employment activity operated with WIOA funds.

### **Employment Related Rights**

Grievances involving Wagner Peyser Act activities, including but not limited to employer wage and hour violations, migrant and seasonal farm worker complaints, and other possible violations of general labor laws must be resolved using the process outlined in the State of Michigan Employment Service Manual.

WIOA program participants employed in situations covered by a collective bargaining agreement, who are alleging a violation of labor standards, may submit the grievance to a binding arbitration procedure, if allowable under the collective bargaining agreement covering the parties to the grievance.

Complaints alleging violation of the nondiscrimination and equal opportunity (EO) provision of state/federal grant programs must be resolved in accordance with the nondiscrimination and EO policy guidelines issued by LEO.

### **Binding Arbitration/Collective Bargaining**

Grievance procedures must provide WIOA 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.

### **Jurisdiction**

TANF and Food Assistance program applicant and recipient grievances shall be handled in accordance with MWA or Department of Health and Human Services (DHHS) procedures, as appropriate, given the nature of the grievance.

### **Fraud and Abuse**

Known or suspected fraud, abuse, or criminal conduct under the WIOA shall be reported immediately to the MWA EO Officer for incident processing using the incident reporting guidelines issued by LEO.

**For assistance or more information contact: Lynsey Marcellus, Talent Development Manager/EO Officer  
Michigan Works! West Central  
(231) 538.0729, TTY: 711**

(Sources: LEO Policy Issuance 11-37, c.2, LEO Policy Issuance 18-09, 29 Code of Federal Regulations (CFR) Part 38, and State of Michigan Employment Service Manual)



## **EQUAL OPPORTUNITY STATEMENT**

All applicants and participants of Michigan Works! West Central Workforce Development Programs have an equal opportunity to participate in and benefit from all programs, activities, and services without regard to race, color, religion, sex (including but not limited to, pregnancy, childbirth and related medical conditions, sex stereotyping, transgender status and gender identity), national origin (including limited English proficiency), age disability, or political affiliation or belief, or for beneficiaries applicants, and participants only on the basis citizenship or participation in program or activity, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any workforce development program or activity.

## **GRIEVANCE AND COMPLAINT PROCEDURES**

This Grievance and Complaint Procedure is established and maintained for resolving any complaint or grievance alleging a violation of any program that is administered by the Michigan Works! Agency. All program participants shall be provided a written description of the procedures. The procedures will be included in Subrecipient agreements as well as partner agreements. The procedures will also be posted in areas where administration and program services are provided and are accessible to the public.

The Michigan Works! Agency (MWA) insures that all One-Stop Partners, Service Providers, Employer-Based Training Employers, other interested parties, and participants in programs operated under the MWA shall receive fair and expeditious handling of all grievances and complaints related to programs operated with Workforce Innovation and Opportunity Act (WIOA), Temporary Assistance for Needy Families (TANF), Trade Act (except requests for redeterminations), and State of Michigan GF/GP funds from the department of Labor and Economic Opportunity (LEO), and other State funding sources.

### **Informal Complaint Resolution**

Participants, subgrantees, subrecipients, one-stop partners, service providers, employees, providers of training services and other interested parties in programs operated by the MWA shall first attempt to work out a resolution with the person or organization the complaint is against. The complaint procedures for that organization shall be followed and the full appeal process exhausted in an attempt to resolve the complaint satisfactorily. If the complaint cannot be resolved at this level, the complainant (person filing the complaint) shall be directed to the following grievance procedures.

### **Step 1: Local Level Grievance Procedure**

All grievances related to WIOA, TANF, Trade Act (except request for redeterminations), and State of Michigan GF/GP programs funded by the LEO 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, address, and telephone number 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.
- The relief requested.

The completed grievance should be mailed to: Executive Director  
Michigan Works! West Central  
14330 Northland Drive  
Big Rapids, MI 49307

A grievance may be rejected by the MWA if it lacks merit, if the petitioner (person filing the grievance) fails to state grievable issue, there is no relief that can be granted, or if the petitioner fails to comply with these procedures.

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Michigan Works! West Central is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Michigan Relay Service: 711. Supported by the State of Michigan.

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The MWA will inform the petitioner and the party against whom the grievance is made in writing of the reason(s) the grievance was rejected. The notification will be issued as soon as possible but no later than 60 calendar days from the date the grievance was filed and will include the opportunity to appeal to the LEO.

An opportunity for informal resolution of grievances shall be available. If a grievance is settled through the informal resolution process, a written decision shall be issued to the petitioner within 60 days of filing the grievance.

For WIOA-related grievances, an opportunity for a local level hearing shall be made available unless the grievance is informally resolved or withdrawn. Hearings shall be conducted within 30 calendar days from the date the grievance was filed (received by the MWA), and a decision shall be rendered no later than 60 calendar days from the date filed.

If a hearing is to be conducted, the MWA must provide written notice to the petitioner and party/parties against whom the grievance is made. The notice shall include the date, time and place of the hearing and outline the process to present evidence, including witnesses. The notice of the hearing shall indicate the issues to be decided. Notice shall be given not less than 10 calendar days prior to the scheduled hearing date.

At a minimum, the hearing process shall include:

- A hearing officer.
- An opportunity for each party to present witnesses and evidence.
- An opportunity for each party to ask questions of all witnesses providing testimony at the hearing.
- 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 written decision shall be issued by the hearing officer, sent certified mail; return receipt requested and shall include the following information:

- Date, time, and place of hearing;
- Name and address of the petitioner (person filing the grievance);
- Name and address(es) of the party/parties against whom the grievance is made;
- Names and addresses of all witnesses called by the parties;
- 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
- A statement regarding the opportunity to appeal the decision to the LEO

If a response to the grievance is not received by the petitioner within the time prescribed (60 days from the filing of the grievance), or should either party be dissatisfied with a decision, there is an opportunity to appeal to the LEO.

### **Step 2: State Level Review of a Local Level Decision**

If a local level grievance decision is appealed, the written appeal shall be filed with LEO no later than 10 calendar days from receipt of an adverse decision at Step 1, or 10 calendar days from the date a Step 1 decision was due but not received.

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

Talent Investment Agency  
Victor Office Building,  
201 N. Washington Square  
Lansing, Michigan 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 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.

- The relief requested.

Within 15 days from the date the appeal is received by LEO, the parties will be contacted to submit all relevant information and documentation generated at the local hearing to the LEO Executive Office.

Following consideration of the appeal, the LEO will take one of the following actions:

**Rejection of the Appeal:** A grievance may be rejected on appeal and a final determination issued if it is determined that the grievance lacks merit, it fails to state a grievable issue, there is no relief that can be granted, or if the appellant (person filing the grievance) fails to comply with the applicable procedures in this document. The party filing the appeal will be informed, in writing, as soon as possible or within 60 days from the date the appeal was filed of the reason the appeal was rejected.

**Waiver of the Hearing:** In lieu of a hearing for an appeal of a WIOA related local level decision, the parties to the appeal may mutually consent to having LEO decide the matter based on the record created at the local level. If both parties and LEO are in agreement, the hearing is waived. Both parties must provide LEO with written confirmation that demonstrates their consent to waive the hearing. LEO will issue a final decision within 60 days of the receipt of the appeal taking into consideration the evidentiary documentation previously submitted

**Hearing:** For an appeal of a WIOA related local level decision, an opportunity for a hearing must be provided. Unless the appeal is rejected by LEO, the parties agree to waive a hearing or the appeal is withdrawn. If a hearing on the appeal is to be held, it shall be conducted within 30 calendar days of the filing of the appeal.

The appellant (the person filing the grievance) and the party against whom the grievance is made will be provided written notice of the date, time and place of the scheduled hearing 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 no less than 10 calendar days prior to the scheduled hearing date.

At a minimum, the hearing process shall include the same components as described in Step 1: Local Level Grievance Procedure 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 not later than 60 calendar days after the filing of the appeal. The decision shall include the same categories of information as described in Step 1-Local Level Grievance Procedure written decision.

In general, a State level decision is final. However, if a decision is not issued by the due date, a WIOA related appeal may be reviewed by the Secretary of the U.S. Department of Labor (USDOL). A WIOA related decision may be appealed to the USDOL by the adversely affected party within 60 calendar days after a decision was due or the receipt of the LEO decision. The written appeal must be submitted to the following by certified mail, return receipt requested.

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

A copy of the appeal must be simultaneously provided to both of the following:

Regional Administrator  
Employment and Training Administration  
U.S. Department of Labor  
230 South Dearborn St., Room 628  
Chicago, IL 60604

Michigan Department of  
Labor and Economic Opportunity  
Victor Office Building,  
201 N. Washington Sq.  
Lansing, MI 48913