

Northwest Wisconsin WDA #7

Guide To Resolution Of Grievances and Complaints

(Revised August 15, 2016)

Policy Statement

Northwest Wisconsin WDA#7 believes that all job seekers, workers, employers, workforce program applicants and participants should:

- Be treated respectfully;
- Be provided physical access to services;
- Be provided with reasonable accommodation for services including language translation;
- Be assured of personal privacy and information security.

Local Equal Opportunity Officer (EEO)

The Northwest Wisconsin WDA #7 Equal Opportunity Officer (EEO) can assist anyone in contacting the appropriate person to work with in filing a grievance or addressing a complaint. The EEO is:

Cory Kempf, Human Resource Manager/EEO
Northwest Wisconsin CEP, Inc.
1805 North 14th St., Superior, WI 54880
Phone: (715) 392-6081
TDD/TTY Dial 7-1-1 toll free
ckempf@nwcep.org

Other information about employment law and employee rights can be found at the website of the Wisconsin Department of Workforce Development, Equal Rights Division:

<https://dwd.wisconsin.gov/er/>

and at the United States Equal Opportunity Commission:

<http://www.eeoc.gov/>

Types of Grievances

Sometimes individuals who are applying for or participating in public programs are unhappy with the treatment they receive or the decisions that are made by program staff. There are different kinds of problems that can come up and each might be handled differently.

One kind of problem might be about the **rules and regulations** of a particular program and whether the program workers have followed those rules and regulations.

A second kind of problem might be with a **decision** about program eligibility or benefits. Problems related to a particular program (WIOA, W-2, FoodShare, Veterans, and others), whether about regulations or decisions, should be sent to the Supervisor of the specific program. That information may

be obtained from the people at the Reception Desk in the job center or from the EEO. Most programs have a written Grievance Procedure that describes how grievances and complaints are handled.

Northwest Wisconsin WDB #7 administers the Workforce Innovation and Opportunity Act (WIOA) programs and will address any grievances or complaints about WIOA services and programs. In addition to program applicants and participants, **contracting agencies and proposers** may also file a grievance or complaint if they believe that a procurement process has not been conducted fairly or that a contract provision has been violated.

A special kind of problem involves potential **discrimination**. Discrimination means that an individual did not receive program services because of age, ancestry, national origin, skin color, religion, creed, gender, gender preference, disability, health condition, marital status, genetic testing, arrest and conviction record, or other protected status under the Civil Rights Act of 1964 and other civil rights laws.

Discrimination complaints are very serious. Such complaints must be filed within 180 days of when an incident happens. Discrimination complaints may be filed at the local, state or federal level.

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ckempf@nwcep.org

OR

David Duran, Equal Opportunity Officer
Wisconsin Department of Workforce Development
Division of Employment and Training
201 East Washington Avenue, Rm G100
PO Box 7972, Madison WI 54307-7972
Phone: (608) 266-6889
TTY (866) 275-1165
Fax: (608) 261-8506
david2.duran@dwd.wisconsin.gov

OR

Director, Civil Rights Center (CRC)
ATTENTION: Office of External Enforcement
United States Department of Labor
200 Constitution Avenue NW, Room N-4123
Washington DC 20210
Fax: (202) 693-6505
CRCEXternalComplaints@dol.gov

Sometimes there are problems or grievances against an **employer**. These might involve discrimination, but also concerns about wages, hours worked, and things related to employment laws. If the employer has a written complaint process, that should be the first step to address a complaint.

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Complaints about an employer for things such as wages, work hours, being fired, and workplace injuries may also be directed to the state Equal Rights Division:

Wisconsin Department of Workforce Development
Equal Rights Division
201 East Washington Avenue, Room A100
PO Box 8928
Madison WI 54308
Phone: (608) 266-6860
TTY (608) 264-8752
www.dwd.wisconsin.gov/er

OR

U.S. Equal Employment Opportunity Commission
Reuss Federal Plaza
310 West Wisconsin Avenue, Suite 500
Milwaukee, WI 53203-2292
Phone: 1 (800) 669-4000
Fax: (414) 297-4133
TTY: 1 (800) 669-6820
ASL Video: 844-234-5122
Info@eeoc.gov

Lastly, although it is rare, there are times when someone has reason to believe that program staff and administrators are doing something illegal. This is usually called **fraud and malfeasance**. Such cases may be brought to the attention of the Local EOO. Complainants who fear that their positions will be compromised by submitting information at the local level may file at the state or federal level:

Wisconsin Department of Workforce Development
Administrator, Division of Employment and Training
PO Box 7972
Madison WI 53707-7972
<https://dwd.wisconsin.gov>

OR

Office of Inspector General
7171 4th Street NW, 5th Floor
Washington DC 20005
Phone: 1 (800) 521-1629
Hotline.oig@dc.gov (email)
<http://oig.dc.gov>

Grievance Process

If the grievance or complaint involves the WIOA program or any other program administered by Northwest Wisconsin Workforce Investment Board or its service provider, the Local Equal Opportunity Officer (EOO) will usually attempt to reach a mutually satisfactory resolution to the complaint through negotiation, problem-solving, and other available resources. If the complaint cannot be resolved through such means, a formal hearing may be scheduled **if requested in writing by the complainant** with the EOO serving as Hearing Officer. If a conflict of interest exists for the EOO, he has the responsibility to select an independent Hearing Officer for the case. If the grievance or complaint is directed toward another workforce program, the EOO can assist in contacting the appropriate person or agency.

If the EOO is unable to negotiate a satisfactory resolution to a grievance or complaint regarding WIOA or another program administered by Northwest Wisconsin Workforce Investment Board or its service provider, the complainant may request a formal or “fair” hearing in writing to resolve the matter. A fair hearing involves the following things:

1. **Notice** to all parties of the specific allegations of the complaint, and the responses of those involved;
2. **Timely resolution** of the complaint;
3. An **impartial decision maker**;
4. The right of the parties to **representation**;
5. The right of each part to present **evidence**, both in writing and through witnesses;
6. The right of each party to **question evidence and witnesses**;
7. A **decision** made solely on the recorded evidence.

Preparing a Grievance/Complaint

1. Complaints and grievances may be initiated with the Local Equal Opportunity Officer by telephone, personal contact, or written correspondence. Complaints and grievances not involving a discrimination claim should be made within one year of the alleged violation. Discrimination claims must be made within 180 days of the date of the alleged violation. After initial contact, the Local EOO may require a written statement. Generally, grievances beyond the local level will require written statements.
2. Complaints should be addressed to the appropriate level of authority.
3. A complaint/grievance must be factual and sufficiently accurate to be evaluated on its own merits by an objective reviewer.

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4. The "Filing Date" of a complaint/grievance is established when a complainant submits the following information:
 - a. The full name, address, and phone number of the complainant;
 - b. The name and address of the respondent against whom the complaint is being made;
 - c. A clear, concise statement of the facts of the case, including pertinent dates regarding the alleged violation;
 - d. The provisions of a particular program, its regulations, processes, or administrative rules that have allegedly been violated;
 - e. A statement disclosing whether the complaint/grievance has been cross-filed with any other jurisdiction, and whether such proceedings have commenced or been concluded, including dates, authorities, and other pertinent information.

5. Once a Filing Date is established, the EOO will acknowledge receipt of the complaint within five (5) working days unless there is a specific reason for a delay. After accepting the complaint or grievance, the EOO will conduct a hearing within thirty (30) calendar days of the Filing Date and issue a decision to the complainant within sixty (60) days of the Filing Date. Complainants receiving an adverse decision or no decision on a complaint/grievance within sixty (60) calendar days may file an appeal requesting a state level independent review. The appeal must be filed within ten (10) calendar days after the complainant received the decision or within fifteen (15) calendar days after the decision was due, to the Wisconsin Department of Workforce Development:

David Duran, Equal Opportunity Officer
Wisconsin Department of Workforce Development
Equal Rights Division
201 East Washington Avenue, Room G100
PO Box 7972
Madison WI 54307-7972
Phone: (608) 266-6889
Fax: (608) 261-8506 (fax)
TTY: (866) 275-1165
david2.duran@dwd.wisconsin.gov

6. The Local EOO will provide all necessary information to assist an individual in filing a grievance, complaint or appeal with the appropriate authority.

Grievance Authorities

There are several levels at which complaints and grievance may be heard. It is important to submit the grievance to the appropriate individual or agency in order to insure a prompt response. In most cases, a higher level authority will not hear a grievance until it has been handled by a lower level process. The following are individuals and agencies that deal with complaints and grievances:

Local Employment Opportunity Officer

The person that most grievances and complaints should be addressed to in Northwest Wisconsin Workforce Development Area unless there is good reason go around him. The Local EOO will assist anyone in developing a grievance or complaint and in directing that grievance or complaint to the appropriate authority.

Northwest Wisconsin Workforce Development Board #7

If there is a serious concern about NWWIB or service provider staff, including the Local EOO, a complainant may contact the Chair of the Northwest Wisconsin Workforce Development Board or another member directly by using the information about board membership at www.nwwib.com

DWD Division of Employment and Training

The state office is the second level for submitting a grievance or complaint and will usually hear appeals of decisions. Such appeals must be filed within ten days of a decision being made or 15 calendar days if no decision was received with 60 days of the Filing Date. The state office will not take the place of the local process and usually will not set up a new hearing, but only review the documentation submitted in the local hearing after it is complete.

Grievances and complaints involving **employment discrimination** and **employer issues** are best directed to the DWD Equal Rights Division as above or to the federal Equal Opportunity Commission as indicated above as those offices are best trained to deal with issues of employment law.

United States Department of Labor Employment and Training Administration

The ultimate authority for many federal employment and training programs, including the Workforce Innovation and Opportunity Act (WIOA) programs, is the U.S. Department of Labor Employment and Training Administration (DOLETA). It is possible for a complainant to contact the U.S. Department of Labor as a matter of last resort. Information is available at <https://www.doleta.gov/>. Complaints alleging **discrimination** may also be filed with the U.S. Department of Labor Civil Rights Center at <http://www.dol.gov/oasam/programs/crc/index.htm>.

Incidents of alleged fraud, malfeasance, a misapplication of funds, gross mismanagement, or other possibly illegal use of public funds may be reported to the U.S. Department of Labor Office of the Inspector General at 1-800-347-3756 with additional information available at: <http://www.oig.dol.gov/hotlinecontact.htm>.

Any questions about this guide or request for additional information about filing a grievance can be addressed to the Local Employment Opportunity Officer as above.