

**THE OAKLAND COUNTY MICHIGAN WORKS! AGENCY'S
GRIEVANCE AND COMPLAINT PROCEDURES FOR
PROGRAMS FUNDED THROUGH THE
MICHIGAN TALENT INVESTMENT AGENCY**

Programs Affected: The Workforce Innovation and Opportunity Act (WIOA), the Temporary Assistance for Needy Families (TANF) Act, the Food Assistance Employment and Training (FAE&T) Program, the Trade Adjustment Assistance (TAA) Act (except requests for redeterminations), the Michigan Community Ventures (CV) Program, and other State of Michigan General Fund/General Purpose (GF/GP) or Penalty and Interest (P & I) or State Restricted Funded Programs Administered by the Michigan Talent Investment Agency (TIA).

References: WIOA, Sections 106(b)(5) and 181(c)
WIOA, 20 Code of Regulations (CFR), Part 683.600-650
The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, P.L. 104-193
TANF Regulations, 45 CFR 261.70
The Food Stamp Act of 1977
The Trade Adjustment Assistance Reform Act of 1974, as amended
TIA Policy Issuance (PI): 11-37, Change 2 ("Grievance and Complaint Policy")
TIA PI: 18-20 ("The Community Ventures Program")

Background: These procedures establish the Oakland County Michigan Works! Agency's (MWA's) process for grievances and complaints that participants, subgrantees, subcontractors, service providers, employees, One-Stop partners, providers of training services, and other interested parties file.

These procedures also establish a process for appeals that local grant recipients file with regard to non-designation of a local area, monitoring findings, incident report findings, single audit resolution findings/issues, and other matters.

The hearing procedures in this document reflect requirements of federal law and are **not** contested case procedures under the Administrative Procedures Act of 1969 (Public Act 306 of 1969), as amended, being Michigan Compiled Laws Section 24.201 *et. seq.*

Effective Date: This procedure is effective immediately.

I. Definitions

Administrative Entity: The organization that administers workforce development programs for a given Michigan Works! Agency (MWA). The Oakland County MWA's administrative entity is the Oakland County Workforce Development Division, a division of Oakland County Government.

Appellant: The party that files an appeal to the TIA and the U.S. Department of Labor (USDOL).

Days: Means consecutive calendar days, including weekends and holidays.

Filed: or filing, when used with respect to timelines, means the date of receipt by the intended party.

Grievance: A *written* complaint that is filed in accordance with these procedures.

Interested Parties: Includes subgrantees, subcontractors, service providers, employees, One-Stop partners, providers of training services, and other relevant parties.

Local Grant Recipient: An entity that expends awards received directly from the TIA to carry out a program or programs. Oakland County Government is the local grant recipient for the Oakland County MWA.

Michigan Works! Agency: A geographic area in which workforce development services are administered and provided.

Participant: An individual who has been determined to be eligible to participate in, and who is receiving services under, a program covered under these procedures.

Petitioner: The party who/that files the grievance.

Respondent: The party who/that argues against the petitioner or appellant.

Service Providers: Subrecipients or entities that expend awards received from Oakland County to carry out a program or programs that are covered under these procedures.

II. Local Grievance Policy and Procedures

A. Local Grievance Policy: The Oakland County Workforce Development Division of Oakland County Government is responsible for developing, maintaining, and making available to participants and other interested parties grievance procedures that are consistent with TIA Policy Issuance (PI): 11-37, Change 2. The Oakland County MWA's Grievance and Complaint Procedures must comply with all state and federal rules and regulations. These procedures shall be provided to interested parties who are affected by the Oakland County MWA's Workforce System, including the following:

1. One Stop Partners – The Oakland County MWA's current Grievance and Complaint Procedures shall be referenced in and attached to the Memorandums of Understanding (or addendums thereto) that the Oakland County MWA has executed with its One-Stop Partners.
2. Service Providers – The Oakland County MWA's current Grievance and Complaint Procedures shall be referenced in a provision of -- and attached to -- the contracts the Oakland County MWA has executed with its service providers.
3. Employer-Based Training Employers – The Oakland County MWA's current Grievance and Complaint Procedures shall be referenced in a provision of -- and attached to -- an employer-based contract. The contract's provision shall advise where the procedures can be reviewed.

4. Other Interested Parties – The Oakland County MWA's current Grievance and Complaint Procedures shall be posted in all of the MWA's One-Stop and Service Center locations in areas that are accessible to the public. The MWA shall make hard or electronic copies available to the public upon request.
5. Program Participants – The Oakland County MWA's current Grievance and Complaint Procedures shall be provided to program participants, who must sign and date documentation that acknowledges their receipt of, and their agreement to follow, the Oakland County MWA's Grievance and Complaint Procedures.

The Oakland County MWA's Grievance and Complaint Procedures, signed acknowledgements, and related documentation shall be maintained and available for the TIA's review.

- B. Accessibility:** All processes prescribed in these procedures are available in hard copy and/or are posted on Oakland County's website, advantageoakland.com. The processes must also be accessible to persons with disabilities or other barriers, as required by law.
- C. Posting:** These grievance procedures must be posted and accessible in areas in which administrative and program services are provided.
- D. Monitoring/Tracking:** A monitoring/tracking system will be maintained to document the grievances that are received and their disposition. Oakland County Government and its workforce development service providers are responsible for maintaining these records for review for a period of **three years**. The retention period begins on the date of the TIA's acceptance of the final closeout report for a given program's grant or contract. Records shall be retained beyond three years if any litigation or audit is begun, or if a claim involving the grant or agreement covered by the records is instituted. In these instances, the records shall be retained until the litigation, audit, or claim has been resolved.
- E. Language Barriers:** Pursuant to 29 CFR 37.35, where a significant number or proportion of limited English-speaking individuals exist, Oakland County Government and its workforce development service providers are responsible for making a reasonable effort to assure that the information in these procedures will be provided to, and understood by, limited English speaking individuals who seek information regarding these grievance procedures.
- F. Informal Resolution:** Oakland County Government and its workforce development service providers are responsible for making available to participants and interested parties an opportunity to resolve complaints informally before they become grievances.
- G. Grievance Procedures for the Petitioner:**
 - 1. Filing:** All grievances that relate to the WIOA, the TANF, the FAE&T Program, the TAA Act (except requests for redeterminations), the CV Program, and other State of Michigan GF/GP or P & I or State Restricted Programs the TIA funds are required to be filed with the

Oakland County Workforce Development Division within **one year** of the date of the event that gave rise to the grievance.

2. Criteria: All grievances **shall** be in **writing and signed**, and they shall contain, to the extent practicable, the following information:

- a. The full name(s), address(es), and telephone number(s) of the petitioner(s).
- b. The full name(s), address(es), and telephone number(s) of the respondent(s);
- c. A clear and concise statement of the facts, as alleged, including the pertinent dates, that constitute the alleged violation.
- d. The provision(s) of the act, regulations, grant, contract, or other agreements under the act that are believed to have been violated.
- e. The relief requested.

3. Address: Grievances shall be submitted to:

Ms. Jennifer Llewellyn, Manager
The Oakland County Workforce Development Division
2100 Pontiac Lake Road, Dept. #437
Waterford, Michigan 48328

H. The Oakland County MWA's Grievance Procedures: The Oakland County MWA's procedures for handling grievances follow:

1. Rejection: The Oakland County Workforce Development Division may reject a grievance for any of the following reasons:

- a. It **lacks merit**.
- b. The petitioner fails to state a **grievable issue**.
- c. There is **no relief** that can be granted.
- d. The petitioner fails to comply with the **procedures prescribed in this document**.

The Oakland County Workforce Development Division will inform the petitioner and respondent in writing of the reason(s) the grievance was rejected. The notification must be issued within **60 calendar days** from the date the grievance was filed and will include the opportunity to appeal to the TIA.

2. Informal Resolution: An opportunity for an informal resolution of the grievance must be provided. If the grievance is settled through the informal resolution process, a written decision shall be issued to the petitioner(s) within 60 calendar days of the filing of the grievance.

3. Hearing: The Oakland County MWA shall provide an opportunity for a hearing for WIOA related grievances that are not formally resolved or withdrawn. If a hearing is held, it shall be conducted within 30 calendar days from the date the grievance was filed, and a decision shall be rendered no later than 60 calendar days from the date the grievance was filed.

a. Hearing Notice: If a hearing is to be conducted, the Oakland County Workforce Development Division will provide written **notice** to the petitioner(s) and respondent(s). 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.

b. Hearing Process: At a minimum, the hearing process shall include:

- 1.) A hearing officer;
- 2.) An opportunity for each party to present witnesses (subpoenas are not authorized under these procedures) and evidence;
- 3.) An opportunity for each party to ask questions of all witnesses who provide testimony at the hearing;
- 4.) A record of the hearing; and
- 5.) 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.

c. Hearing Decision: A written decision shall be issued by the hearing officer, and it shall include the following information:

- 1.) The date, time, and place of the hearing;
- 2.) The name(s) and address(es) of the petitioner(s);
- 3.) The name(s) and address(es) of the respondent(s);
- 4.) The names and addresses of all witnesses called by the parties, if applicable;
- 5.) Information sufficient to identify all evidence that is presented;
- 6.) A reiteration of the issues raised;
- 7.) A determination of the facts;
- 8.) An analysis of the issues as they relate to the facts;
- 9.) A decision that addresses each issue; and
- 10.) A statement regarding the opportunity to appeal the decision to the TIA.

I. Appeal to the TIA: If a response to the grievance is not received within the time prescribed (i.e., 60 calendar days from the filing of the grievance), or should either party be dissatisfied with a decision, there is an opportunity for an appeal to the TIA.

The appeal shall be in writing and shall be filed no later than 10 calendar days from receipt of the adverse local decision, or 10 calendar days from the date a decision was due (i.e., 60 calendar days from the filing of the grievance) but not issued.

1. **Appeal Criteria:** All appeals shall contain, to the extent practicable, the following information:
 - a. The full name(s), address(es), and telephone number(s) of the appellant(s);
 - b. The full name(s), address(es), and telephone number(s) of the respondent(s);
 - c. A clear and concise statement of the facts, as alleged, including the pertinent dates, that constitute the alleged violation;
 - d. The provision(s) of the act, regulations, grant, contract, or other agreements under the act believed to have been violated; and
 - e. The relief requested.

All appeals of a decision that the Oakland County Workforce Development Division renders **shall** be submitted by **certified mail**, return receipt requested, to:

The Michigan Talent Investment Agency
Executive Office
Victor Office Center
201 N. Washington Square
Lansing, Michigan 48913

J. **Special Provisions**

1. **Equal Opportunity:** Complaints that allege 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 the TIA.
2. **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 the TIA.
3. **TANF Displacement:** Pursuant to the PRWORA Regulation 45 CFR 261.70, a grievance may be filed by an affected individual if (1) a recipient of TANF is placed in a position when 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 who is receiving TANF assistance. In this situation, either party to the grievance, the TANF recipient, or the displaced employee, may appeal to the TIA the decision that the Oakland County Workforce Development Division rendered.
4. **WIOA Displacement:** A grievance may be filed by a regular employee displaced by a WIOA participant who is placed in an employment activity operated with WIOA funds. A grievance may also be filed by a WIOA participant in an employment activity, if the participant is displaced.

5. **Binding Arbitration/Collective Bargaining:** The Oakland County MWA's grievance procedures must provide WIOA participants a process that allows an individual who alleges 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.
6. **Jurisdiction:** Depending on the nature of the grievance, TANF and FAE&T program applicant and recipient grievances shall be handled in accordance with the procedures of the Oakland County MWA or the procedures of the Michigan Department of Health and Human Services (DHHS) or other applicable procedures. For example, grievances regarding sanctioning or food stamp benefits will be handled by DHHS, while grievances regarding programs administered by the Oakland County MWA will be handled by the Oakland County Workforce Development Division.
7. **Wagner-Peyser:** Grievances that involve Wagner-Peyser Act activities must be resolved in accordance with the grievance procedures that are outlined in the TIA's Employment Service Manual, which is available on the TIA's One-Stop Management Information System. In addition, interested parties should refer to the Employment Service Manual for specific guidance regarding work-related complaints that are not program specific (e.g., employer hour and wage violations, migrant and seasonal farm worker complaints, and other possible violations of general labor laws).

III. State Level Review of a Local Level Decision

The process the TIA will follow to handle appeals include:

- A. **Evidentiary Documentation:** Within 15 calendar days from the date the appeal is received by the TIA, the parties will be contacted to submit to the TIA's Executive Office all relevant information and documentation that was generated at the Oakland County MWA's hearing.
- B. **TIA Review of the Appeal:** The TIA may take any of the following actions:
 1. **Reject the Appeal:** An appeal may be **rejected**, and a final determination issued, for any of the following reasons:
 - a. It lacks merit.
 - b. It does not state a grievable issue.
 - c. There is no relief that can be granted.
 - d. If the appellant fails to comply with the applicable procedures prescribed in this document (e.g., the 10 day filing requirement).
 2. **Hearing:** An opportunity for a hearing must be provided for a WIOA related appeal of an Oakland County MWA decision, unless the appeal is rejected by the TIA; the parties agree to waive a hearing; or the appellant withdraws the appeal. If a hearing is held, it shall be conducted within 30 calendar days of the receipt of the appeal.

A hearing is not required for an appeal of a non-WIOA related Oakland County MWA decision.

- a. **Hearing Notice:** The parties 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 not less than ten calendar days prior to the scheduled hearing date.

- b. **Hearing Process:** At a minimum, the hearing process shall include the following:
 - 1.) A hearing officer;
 - 2.) An opportunity for each party to present witnesses (subpoenas are not authorized under these procedures) and evidence;
 - 3.) An opportunity for each party to ask questions of all witnesses providing testimony at the hearing; and
 - 4.) 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.

- c. **Final Decision:** A written decision shall be issued not later than 60 calendar days after the filing of the appeal. The decision shall include the following information:
 - 1.) The date, time, and place of the hearing;
 - 2.) The name(s) and address(es) of the petitioner(s);
 - 3.) The name(s) and address(es) of the respondent(s);
 - 4.) If the hearing is held, the names and addresses of all witnesses called by the parties;
 - 5.) If the hearing is held, information sufficient to identify all evidence that is presented;
 - 6.) A reiteration of the issues;
 - 7.) A determination of the facts;
 - 8.) An analysis of the issues as they relate to the facts; and
 - 9.) A decision that addresses each issue.

IV. USDOL Review of a State Level Decision

In general, a state level decision is final. If a decision is not issued by the due date, however, a WIOA related appeal may be reviewed by the Secretary of the U.S. Department of Labor (USDOL), if the appeal is made within 60 calendar days after the date the decision was due. A WIOA related decision may also be appealed by the adversely affected party to the USDOL within 60 calendar days of receipt of the TIA decision. An appeal must be submitted to the Secretary of the USDOL by certified mail, return receipt requested, to:

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

A copy of the appeal must be simultaneously provided to:

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

And

The Michigan Talent Investment Agency
Executive Office
Victor Office Center
201 N. Washington Square
Lansing, Michigan 48913

V. The Appeal Process for Local Grant Recipients

Oakland County may appeal its non-designation as a local area, monitoring findings, incident report findings, Single Audit resolution findings/issues, and other matters related to State Workforce Investment programs, by filing an appeal with the TIA within 30 calendar days of the adverse decision.

Other interested parties cannot appeal directly to the TIA. To the extent that interested parties are affected by a TIA decision, the interested parties must first file a grievance at the Oakland County MWA level.

Appeals related to USDOL monitoring findings shall be reviewed only for compliance with USDOL requirements. A record shall be created to forward to the USDOL, if applicable.

A. Appeals Criteria: All appeals shall contain, to the extent practicable, the following information:

1. The full name(s), address(es), and telephone number(s), of the appellant(s);
2. The full name(s), address(es), and telephone number(s) (if any) of the respondents;
3. A clear and concise statement of the facts, as alleged, including the pertinent dates, constituting the alleged violation;
4. The provision (s) of the act, regulations, grant, contract, or other agreements under the act believed to have been violated; and
5. The relief requested.

Appeals shall be submitted to:

The Michigan Talent Investment Agency
Executive Office
Victor Office Center
201 N. Washington Square
Lansing, Michigan 48913

B. Rejection of Appeal: An appeal may be rejected for any of the following reasons:

1. It lacks merit.
2. It does not state a grievable issue.
3. There is no relief that can be granted.
4. The petitioner fails to comply with the procedures prescribed in this document.

C. Hearing: An opportunity for a hearing must be provided for a WIOA related appeal, unless the appeal is rejected by the TIA; the parties agree to waive a hearing; or the appellant withdraws the appeal. If a hearing is held, it shall be conducted within 30 calendar days of the receipt of the appeal.

A hearing is not required for an appeal of a non-WIOA related decision.

1. **Hearing Notice:** The parties will be provided written notice of the date, time, and place of the scheduled hearing date, 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 not less than 10 calendar days prior to the scheduled hearing date.
2. **Hearing Process:** At a minimum, the hearing process shall include the following:
 - a. a hearing officer;
 - b. An opportunity for each party to present witnesses (subpoenas are not authorized under these procedures) and evidence;
 - c. An opportunity for each party to ask questions of all witnesses providing testimony at the hearing; and
 - d. 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.

D. Decision: A written decision shall be issued not later than 60 calendar days after the filing of the appeal. The decision shall include the following information:

1. If a hearing is held, the date, time, and place of the hearing;
2. The name(s) and address(es) of the appellant (s).
3. The name(s) and address(es) of the party(ies) against whom the appeal is made;
4. If a hearing is held, the names and addresses of all witnesses called by the parties;
5. If a hearing is held, information sufficient to identify all evidence presented;
6. A reiteration of the issues;
7. A determination of the facts;
8. An analysis of the issues as they relate to the facts; and
9. A decision that addresses each issue.

E. USDOL Appeal: The decision of the TIA is final. The local grant recipient may appeal noncompliant WIOA grievance procedures of the TIA to the Secretary of the USDOL. An appeal must be submitted to the Secretary of the USDOL within 60 days of receipt of the TIA decision by certified mail, return receipt requested, to:

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

A copy of the appeal must be simultaneously provided to:

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

And

The Michigan Talent Investment Agency
Executive Office
Victor Office Center
201 N. Washington Square
Lansing, Michigan 48913

VI. Assistance

The Oakland County Michigan Works! Agency's Grievance/Complaint Procedures can be obtained at any time by contacting either a service provider or the Oakland County Workforce Development Division. The service provider or the Oakland County Workforce Development Division shall help an individual by:

- Answering questions;
- Assisting in informal complaint resolution; and
- Determining which rules might apply.

I acknowledge receipt of, and agree to follow, the Oakland County Michigan Works! Agency's Grievance and Complaint Procedures.

Participant Signature

Date

EQUAL OPPORTUNITY EMPLOYER/PROGRAM

Auxiliary Aids and Services are Available upon Request to Individuals with Disabilities

TTY: 711 or 1-800-649-3777

A Proud Partner of the American Job Center Network

I acknowledge receipt of, and agree to follow, the Oakland County Michigan Works! Agency's Grievance and Complaint Procedures.

Signature

Date

Name and Title

Organization

EQUAL OPPORTUNITY EMPLOYER/PROGRAM

Auxiliary Aids and Services are Available upon Request
to Individuals with Disabilities TTY: 711 or 1-800-649-3777
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