



## Mississippi Valley Workforce Development Board

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### **WIOA PARTICIPANTS GRIEVANCE AND COMPLAINTS PROCEDURES**

#### **A. PARTICIPANT RIGHTS, BENEFITS, AND COMPLAINT PROCEDURES**

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##### 1. NOTICE TO CUSTOMERS/PARTICIPANTS

Read this form carefully so that you are aware of your rights and benefits as a client, eligible client, or participant in the Workforce Innovation & Opportunity Act (WIOA) program. If you do have a complaint about the WIOA program activity you are enrolled in, follow the process listed on this form under "COMPLAINT PROCEDURE".

##### 2. Civil Rights

No action may be taken in selecting customers, in assigning them to services, employment or training site, or in exiting them from WIOA or from a WIOA activity if such action is based on discrimination with regard to race, color, national origin, political affiliation, or belief, religion, sex, disability, or age or marital status.

##### 3. Additional Rights and Benefits

- a. Each participant shall be assured of workmen's compensation or of comparable insurance coverage, as appropriate.
- b. Each participant, before starting WIOA sponsored services, training, or employment, shall be informed of all rights and benefits to which the customer may be entitled in connection with such training or employment. This shall be provided in a program orientation session.
- c. Each participant will receive individualized counseling services and be an active partner in the development of an Individual Employment Plan (IEP) or Individualized Service Strategy (ISS), based on individual service strategies developed for the participant. The participant shall receive a copy of the IEP or ISS.
- d. Participants will not be permitted to work, be trained, or receive services under conditions, which are unsanitary or hazardous in any way to their health or safety.
- e. Each applicant/participant shall be informed of the complaint and hearing procedure applicable to the WIOA activity in which they are enrolled. The right to file a complaint about any aspect of WIOA is granted by law to all applicants and participants.

#### **B. COMPLAINTS AND GRIEVANCES**

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1. These procedures are for Service Providers clients who have been denied access to a WIOA Basic or Individualized Services. Service providers may provide customers with access to programs and services operated and administered by other organizations and agencies. Applicants/clients/participants may file a complaint about any aspect of their WIOA participation.

- a. If you have a complaint or grievance about programs or services administered by other organizations and agencies, you may need to process your complaint or grievance in accordance with the rules and procedures in place for that entity.
  - b. Except for complaints alleging fraud, criminal activity, discrimination or sexual harassment, complaints shall be made within one year of the alleged occurrence.
2. YOU MAY FILE A GRIEVANCE IF:
- a. You have a grievance regarding the WIOA programs or if you think that there has been a violation of the law concerning a WIOA program and you are affected by that violation.
  - b. You are seeking enrollment or are registered or enrolled in a program under WIOA and have asked for a program service or benefit and have been denied the service or benefit.
3. TYPES OF COMPLAINTS NOT COVERED BY THESE PROCEDURES
- a. WIOA is not an entitlement program. This means that even if you fit the description of individuals who may be eligible to receive services under these programs you may still be denied access to a specific service allowable under program rules.
  - b. This is not considered a violation of the law and may occur, because:
    - i. There may not be sufficient funds to enroll you into a program or provide you with a service at the time that you apply or need the service.
    - ii. Local Areas determine the types and mix of services to offer and may have decided not to offer a particular benefit or service. In such instance, there would be no grounds upon which to file a grievance. You may obtain a copy of the applicable policy upon request.
    - iii. Under WIOA there are eligibility requirements and prioritization criteria. Individuals who are seeking services but who do not meet the eligibility or prioritization criteria cannot be served with these funds.
    - iv. Local Areas have the flexibility to impose requirements or to develop policies and procedures applicable to the programs and services. Requirements, policies, and procedures that have been adopted may restrict access to a program service or may limit the availability of a program service.

### **C. COMPLAINT PROCEDURE**

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- 1. Complaints must be filed within 180 days from the start date of the event or condition that is alleged to be a violation of WIOA.
  - a. Informal Resolution
    - i. You must attempt to work things out informally before a grievance can be filed.
    - ii. Discuss your concern first with WIOA staff with whom you are currently working.
    - iii. If the matter is not resolved, you may request a meeting with the Project Manager which will occur within 72 hours or the next business day if there is an intervening weekend.
    - iv. A form is available for you to complete when requesting this meeting but is not required.
    - v. Completing the form will assure that your request is handled properly and in a timely manner.

- vi. This informal resolution process must be completed within 10 days from the date the complaint was filed.
  - vii. If all parties are satisfied, the complaint is considered resolved.
- b. State and Federal Resolution
- i. If you think you have been subjected to discrimination under WIOA Title 1-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either: the recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose).
 

Iowa State WIOA EO Officer	Director, Civil Rights Center (CRC)
1000 East Grand Ave.,	U.S. Department of Labor
Des Moines, Iowa 50319	200 Constitution Avenue NW, Room N-4123
Ph. (515) 281-8149	Washington, DC 20210
- c. If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (which ever comes sooner), before filing with the Civil Rights Center (see address above).
- ii. If the recipient does not give you a written notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the recipient to issue that Notice before filing a complaint with CRC.
  - iii. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).
  - iv. If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC.
  - v. You must file your CRC complaint within 30 days of the date on which you received the notice of final action.

## 2. What Information Should a Complaint Contain

- a. The complainant may also submit a written and signed complaint narrative, at any level, containing the information required under 29 CFR 38.73, which describes what a complaint must contain as follows:
  - i. The complainant's name and address (or another means of contacting the complainant);
  - ii. The identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination);
  - iii. A description of the complainant's allegations. This description must include enough detail to allow the State WIOA EO Officer or the Director of the DOL CRC as applicable, to decide whether.
    - a. CRC or the recipient, as applicable, has jurisdiction over the complaint;
    - b. The complaint was filed in time; and
    - c. The complaint has apparent merit; in other words, whether the complainant's allegations, if true, would violate any of the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR Part 38; and.
    - d. The complainant's signature or the signature of the complainant's authorized

representative.

- b. The complaint may be filed with the Workforce Center Regional Manager/EO Liaison to be forwarded to the State WIOA EO Officer for processing; at Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209, Telephone 515-281-8149. Hearing Impaired dial 711. Or complainants may file with the U.S. Department of Labor, Director, Civil Rights Center, 200 Constitution Ave. NW, Room N-4123, Washington, DC 20210.
- c. Discrimination complaints must be submitted within 180 days. All discrimination complaints filed must be submitted within 180 days of the alleged violation. An extension of the 180-day filing period may be allowed by the CRC when the complainant demonstrates good cause. Filing a complaint at the state level shall be deemed to have occurred on the date that written notice is actually received by Iowa Workforce Development (IWD).
- d. The State WIOA EO Officer shall accept and investigate only those discrimination complaints within IWD's jurisdiction alleging a violation of Section 188 of the WIOA or 29 CFR 38 by a respondent.

#### **D. WORKFORCE INNOVATION & OPPORTUNITY ACT (WIOA)**

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##### **1. EQUAL OPPORTUNITY IS THE LAW NOTICE**

- a. It is against the law for this recipient of Federal financial assistance to discriminate on the following bases:
  - i. Against any individual in the United States, on the basis of race, color, religion, sex (including 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,
  - ii. Against any beneficiary of, applicant to, or participation in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I financially assisted program or activity.
- b. The recipient must not discriminate in any of the following areas:
  - i. Deciding who will be admitted, or have access, to any WIOA Title I financially assisted program or activity;
  - ii. Providing opportunities in, or treating any person with regard to, such a program or activity; or
  - iii. Making employment decisions in the administration of, or in connection with, such a program or activity.
- c. Recipients of federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.



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### **PARTICIPANT GRIEVANCE AND COMPLAINT PROCEDURE**

I have reviewed the WIOA Participant Rights, Benefits, and Complaint Procedure form and I understand my rights, benefits, and the procedures through which complaints are resolved. I have received a copy of this form.

**Applicant's Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Guardian's Signature (If Applicable):** \_\_\_\_\_

**Date:** \_\_\_\_\_

**WIOA Staff Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Copy Given to Participant?**

Yes  No