

INTRODUCTION

Every recipient of funds under Title I of WIA must maintain this procedure for grievances and complaints in accordance with 20 CFR 667.600. *(Complaints involving discrimination will be handled under separate procedures, please inquire.)*

General WIA complaints may be made up to one year from the date of the event or condition alleged to be a violation of WIA. The appropriate resolution process to be followed depends on the nature of the complaint. General WIA complaints fall into the following two categories: (1) complaints involving local WIA programs, agreements or Local Workforce Investment Board (Local Board) policies and activities; or (2) complaints involving State WIA policies, programs, activities or agreements. A complaint may be amended or withdrawn at any time prior to a scheduled hearing.

Information that could lead to identification of a person filing a complaint must be kept confidential to the extent practical. The identity of any person who furnishes information related to, or assisting in, an investigation shall be kept confidential to the extent possible.

An entity receiving financial assistance under WIA may not discharge, intimidate, retaliate, threaten, coerce or discriminate against any person because such person files a complaint, opposes a prohibited practice, furnishes information, assists or participates in any manner in an investigation or hearing.

GENERAL WIA COMPLAINT FORM

A General WIA Complaint Form may be obtained from a Local Workforce Development Center. It may be duplicated for the purpose of receiving general WIA complaints. Any alternate form must include all information required on the General WIA Complaint Form. Any complaint received in writing must be accepted and handled in the same manner as if it were made on the General WIA Complaint Form.

Informal resolution prior to the filing of a written complaint is encouraged. If the complainant is not satisfied with the attempt at informal resolution, they should be encouraged to complete a General WIA Complaint Form.

The complainant should be allowed sufficient time and technical assistance to allow for a complete and clearly written explanation. If the complainant is unable to write, staff may transcribe his or her words onto the form. Care must be taken not to alter the language of the complainant. When a written complaint is received it should be reviewed immediately to ensure completeness. The following information must be provided, especially if the complaint is not submitted on the General WIA Complaint Form:

- full name, telephone number and address of the person making the complaint
- full name and address of the respondent
- statement of the facts (including dates) that constitute the alleged violation(s)

COMPLAINTS INVOLVING LOCAL PROGRAMS AND POLICIES

Who May File

Any applicant, employee, participant, service provider, program recipient or other interested party may file a complaint alleging a violation of local WIA programs, agreements or Local Board policies and activities.

Upon request, complainants with disabilities will be accommodated in communication and location through the provision of:

- alternate formats for notification of hearings, results or other written communication(s)
- auxiliary aids and services, such as interpreters or assistive listening devices for negotiations, hearings or other meetings where aural communication occurs
- an accessible location for hearings or meetings

Time and Place for Filing

Complaints may be filed with the Local Administrative Entity or the service provider within one year from the date of the event or condition alleged to be a violation of WIA.

Resolution Process

Service providers and employers of WIA participants must have procedures in place to process complaints related to the terms and conditions of the participant's training or employment. Employers and service providers may elect to utilize the system established by the Local Administrative Entity or operate their own complaint procedures. If the employer is required to use the complaint processing procedures under a covered collective bargaining agreement, then those procedures may be used to handle general WIA complaints.

Any hearings conducted by an employer must comply with all provisions for hearings described in this policy.

Step 1 - Initial Review

If the complaint alleges a violation of any statute, regulation, policy or program that is not governed by WIA, the complaint will be referred to the appropriate organization for resolution. Notice of the referral will be sent to the complainant.

The Local Administrative Entity or the service provider will receive the complaint from the complainant or the complainant's designated representative. All complaints will be logged. A complaint file should be established that contains the following:

- application and enrollment forms
- completed General WIA Complaint Form (or complainant's written statement)
- chronological log of events or conditions alleged to be a violation of WIA
- relevant correspondence
- record of the attempted informal resolution

Step 2 - Informal Resolution

An attempt should be made by the Local Administrative Entity or the service provider to informally resolve the complaint to the satisfaction of all parties. The informal resolution process must be completed within ten business days from the date the complaint is filed. If all parties are satisfied, the complaint is considered resolved and the terms and conditions of the resolution must be documented in the complaint file. When a service provider attempts the informal resolution, the

service provider will forward the complaint file to the Local Administrative Entity. The Local Administrative Entity will review the complaint file and investigate it further, if necessary.

Step 3 - Formal Resolution

When an informal resolution is not possible, the Local Administrative Entity will issue a determination within 20 calendar days from the date the complaint was filed. If an appeal of the determination is not requested, the complaint is considered resolved and the complaint file should be documented accordingly. Any party dissatisfied with the determination may request a hearing within 14 calendar days of the date of the determination.

Step 4 - Hearing

A complaint may be amended or withdrawn at any time prior to a scheduled hearing.

If the complaint is not withdrawn, the Local Administrative Entity will designate a hearing officer to ensure the complaint receives fair and impartial treatment. The hearing must be conducted within 45 calendar days from the date the complaint was filed. The hearing officer will schedule a formal hearing and mail a written notice to the complainant, the respondent and any other interested party at least seven business days prior to the hearing. The notice will include the date, time and place of the hearing.

Parties may present witnesses and documentary evidence and question others who present evidence and witnesses. The complainant may request that records and documents be produced. Attorneys or other designated representatives may represent each party. All testimony will be taken under oath or affirmation. The hearing will be recorded either in writing or by audiotape. The hearing officer's recommended resolution will include a summary of factual evidence presented during the hearing and the conclusions upon which the recommendation is based.

Step 5 - Final Decision

The Local Administrative Entity will review the recommendation of the hearing officer and issue a final decision within 60 calendar days from the date the complaint was filed.

Step 6 - Appeal

An appeal may be requested by any party dissatisfied with the Local Administrative Entity's final decision, or any party who has not received either a final decision or a resolution within 60 calendar days from the date the complaint was filed. The appeal must be received by the Kansas Department of Commerce within 90 calendar days from the date the complaint was filed at the following address:

Kansas Department of Commerce
Workforce Compliance and Oversight
Legal Services
1000 S.W. Jackson St., Suite 100
Topeka, KS 66612-1354

The Kansas Department of Commerce will review the complaint file, the hearing record, all applicable documents and issue a final decision on the appeal within 30 calendar days from the date the appeal was received.

For more information, contact:

*"an equal opportunity employer/program -
auxiliary aids and services are available
upon request"*



1000 S.W. Jackson St., Suite 100
Topeka, KS 66612-1354
www.kansascommerce.com

WORKFORCE INVESTMENT ACT

GENERAL COMPLAINT & GRIEVANCE PROCEDURES

