

ALABAMA WORKFORCE INVESTMENT SYSTEM

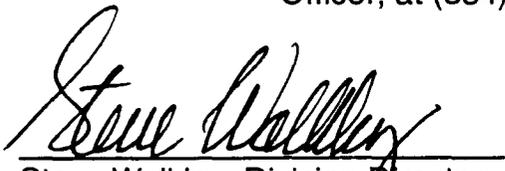
**Department of Economic and Community Affairs
Workforce Development Division
401 Adams Avenue
Post Office Box 5690
Montgomery, Alabama 36103-5690**

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GOVERNOR'S WORKFORCE DEVELOPMENT DIRECTIVE NO. PY 2000-2 0

SUBJECT: Workforce Investment Act (WIA) Grievance Procedures

- 1. Purpose.** This Directive transmits guidelines for local workforce investment area grievance procedures in the Alabama Workforce Investment System.
- 2. Discussion.** Local workforce investment areas are required to establish and maintain procedures for handling grievances and complaints that allege violations in their Workforce Investment Act (WIA) Title I programs and services (WIA §181[c] and 20 CFR, §667.600[a]).
- 3. Action.** Each local workforce investment area will establish written grievance and complaint procedures that comply with WIA §181(c); 20 CFR Part 667, Subpart F, §667.600 and the attached guidelines.
- 4. Contact.** Questions should be directed to Lillian Patterson, Equal Opportunity Officer, at (334) 242-5861.


Steve Walkley, Division Director
Workforce Development Division

Attachment

Guidelines for Local Workforce Investment Area Grievance Procedures Under the Workforce Investment Act (WIA)

Scope and Purpose

Each local workforce investment area in the Alabama Workforce Investment System must establish and maintain grievance procedures. The procedures must provide for resolution of grievances or complaints from participants and others affected by the local workforce investment system, including complaints about WIA Title I-funded programs and services administered by One-Stop partners and service providers.

Local area grievance procedures must be designed to resolve grievances or complaints that allege violations of Title I of WIA. Employee grievances or complaints related to terms and conditions of employment will be handled according to procedures established by employers. Discrimination complaints will be handled according to procedures established under WIA regulations at 29 CFR Part 37. Complaints involving criminal fraud, waste, abuse or other criminal activity will be handled according to procedures established under the incident reporting system.

General Requirements

At a minimum, local area grievance procedures must include the following elements.

- **Notice.** A method of notifying participants and other interested parties of grievance procedures and their rights to use the procedures. Reasonable efforts must be made to ensure that information is available to and understandable by participants and others, including persons of limited-English speaking ability, youth, and persons with disabilities that might affect their ability to read, hear or otherwise access information regarding grievance procedures.

Local areas must ensure that entities to which it awards Title I funds are aware of and comply with the requirement to notify participants and others of the right to file grievances and procedures to follow.

- **Time Limits.** Grievances and complaints, except those alleging discrimination, must be filed within one (1) year of the alleged violation.
- **Records.** A grievance or complaint log will be maintained. At a minimum, the log must include the name and address of the aggrieved or complainant; a brief statement of the alleged violation; date filed; brief statement of the decision; and the date of the final decision.

All records of grievances and complaints will be maintained for no less than three (3) years from the date of final resolution.

- **Confidentiality.** Local areas will ensure that complaints, actions taken, and the identity of complainants will be kept confidential.
- **Prohibition Against Retaliation.** It is a violation of WIA Section 184 (f) to discharge or in any other manner discriminate against an individual because that individual has filed a

complaint, instituted a proceeding under Title I, or testified in a proceeding or investigation under or related to Title I.

- **Due Process.** Local areas must ensure due process in the administration of their grievance procedures. At a minimum, the elements of due process include notice and opportunity to be heard.

Specific Elements Required in Local Area Procedures

- Opportunity for informal resolution and a hearing within sixty (60) days of the date a grievance or complaint is filed.
- Opportunity for an individual alleging a labor standards violation to submit the grievance to a binding arbitration procedure when an applicable collective bargaining agreement provides for such.
- Opportunity to appeal to the Alabama Department of Economic and Community Affairs (ADECA), Workforce Development Division (WDD) when (1) the local area does not issue a decision within sixty (60) days; or (2) either party to the complaint is dissatisfied with the local area decision. Appeals should be mailed within ten (10) days of receipt of an unsatisfactory decision or of the date by which the complainant should have received a decision to

Director
Workforce Development Division
Alabama Department of Economic and Community Affairs
401 Adams Avenue
PO Box 5690
Montgomery, Alabama 36103-5690.

Discrimination Complaints

Any person alleging a violation of the nondiscrimination provisions of WIA or alleging discrimination on the basis of race, color, national origin, age, sex, disability, religion, political belief, or for beneficiaries, citizenship or WIA participation may file a complaint with the ADECA Workforce Development Division or with the Civil Rights Center, U.S. Department of Labor. Complaints alleging discrimination must be filed within 180 days of the alleged discriminatory action.

Complainants who wish to file with the ADECA Workforce Development Division should send written complaints to

Lillian Patterson
Equal Opportunity Officer
Workforce Development Division
Alabama Department of Economic and Community Affairs
401 Adams Avenue
PO Box 5690
Montgomery, Alabama 36103-5690.

Complainants who wish to file with the Civil Rights Center should mail written complaints to

Director
Civil Rights Center
U.S. Department of Labor
200 Constitution Avenue NW
Room N-4123
Washington, DC 20210.