

COWIB Grievance Procedure

June, 2005

(Approved by the Central Oklahoma Workforce Investment Board ... June 15, 2005)

I. Grievances

A grievance filed with the Central Oklahoma Workforce Investment Board (COWIB) by a participant or affected party alleging a violation of Title I of WIA is governed by the procedure set forth herein.

This procedure does not apply to grievances alleging discrimination. Discrimination complaints are governed by the COWIB's Discrimination Complaint Processing Procedures.

This procedure does not apply to Title I, Subtitle C, Job Corps.

This procedure is separate and apart from the Dispute Resolution Policy that is available to some service providers who have a contract with the Board of Local Elected Officials for the Central Oklahoma workforce investment area. The policy set forth herein may be used in place of the Dispute Resolution Policy, as appropriate, when there is an alleged violation of Title I of WIA.

Nothing in this procedure precludes a grievant or complainant from pursuing any other remedy authorized under another Federal, State, or local law.

II. Authority

The Workforce Investment Act of 1998 (WIA) requires all local areas receiving an allotment of WIA funds under Title I to have a grievance process in place.

Legal Authority: WIA § 181(c); 20 CFR §667.600; 2001 Rules of the Oklahoma Employment Security Act – 240:21-11-1 to 240:21-11-34.

III. What is the COWIB's Responsibility?

As required by State Policy, (Oklahoma Employment and Training Issuance #9-2002), the COWIB is responsible for establishing and maintaining procedures for grievances or complaints filed by participants and other interested parties in which a violation of the Workforce Investment Act is alleged.

IV. Who May File a Grievance?

Any participant or other interested party may file a complaint or grievance with the COWIB. An “interested party” may be a person or entity affected by the local Workforce Investment System, including a One-Stop partner, a service provider, an employer, a participant or the parent of a youth participant, a person who works in the local workforce development system, etc.

V. What is the Time Limit for Filing a Grievance with the COWIB?

The grievance must be filed, in writing, within 20 calendar days from the date of the violation(s) which is the basis of the grievance.

VI. To Whom Should the Grievance be Delivered?

Grievances may be delivered in person or via postal mail to:

Chief Executive Officer
Central Oklahoma Workforce Investment Board
7401 N.E. 23rd Street
Oklahoma City, OK 73141

VII. What are the Required Contents of a Written Grievance?

Each grievance shall be in writing and should:

- A. Be signed by the grievant or his/her authorized representative;
- B. Contain a clear, concise statement of the facts of the case, including--
 - 1. The full name, mailing address and phone number of the party or parties filing the grievance;
 - 2. The full name, mailing address and phone number of the party or parties alleged to have committed the act;
 - 3. The date(s) on which the alleged acts which are the basis of the grievance occurred, or if continuing, when such acts began and describe the continuing nature;
 - 4. Names and addresses of persons who may have knowledge of the facts of the grievance;
 - 5. Any other factual information supporting the complaint;
- C. Describe the grievant’s allegations in sufficient detail to allow the Chief Executive Officer to determine whether:

1. The COWIB has jurisdiction over the grievance;
2. The grievance was timely filed; and
3. The grievance has apparent merit, i.e., whether the allegations if true, would violate any provision of Title I of WIA.

VIII. How will the COWIB Resolve the Grievance?

A. Informal Resolution Process

The COWIB's Chief Executive Officer will attempt to resolve any grievance informally by meeting with the parties in person or discussing the grievance with the parties by telephone. If the grievance is not resolved within fifteen (15) calendar days from the receipt of the grievance, the CEO will forward the grievance to the COWIB's Board of Local Elected Officials.

B. Review by Local Elected Officials

In the event that the grievance cannot be resolved informally, the Board of Local Elected Officials will schedule an informal hearing to review the grievance. The grievant and other parties shall be notified in writing of the date and place of the informal hearing at least ten (10) days prior to the meeting date.

The Board of Local Elected Officials will complete the informal hearing and render a decision within 60 days of the initial filing of the grievance or complaint.

If the grievance proceeds from an individual alleging a labor standards violation, the Board of Local Elected Officials may agree to submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties to the grievance so provides.

IX. How will the Decision of the COWIB or its Board of Local Elected Officials be Announced?

The decision of the COWIB or its Board of Local Elected Officials will be delivered via certified mail to each party in the grievance.

X. What Remedies May be Ordered as the Result of a Successful Grievance?

Pursuant to Section 181(c) of the Workforce Investment Act, the remedies that may be imposed for a violation of any requirement of Title I of WIA shall be limited—

- A. To suspension or termination of payments under WIA Title I;

- B. To prohibition of placement of a participant with an employer that has violated any requirement under WIA Title I;
- C. Where applicable, to reinstatement of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment; and
- D. Where appropriate, to other equitable relief.

XI. Is there an Appeal Process?

An appeal may be filed with the Oklahoma Employment Security Commission (OESC) if--

- A. No decision is reached within sixty (60) days from the date the grievance is received by the COWIB; or
- B. Either party is dissatisfied with the local grievance decision.

XII. What is the Time Limit for Filing an Appeal with the OESC?

If the COWIB or its Board of Local Elected Officials does not render a decision within sixty (60) days from the date of the filing of the grievance, an appeal must be filed with the OESC within 30 days from the expiration of the 60 day time period.

If the COWIB or its Board of Local Elected Officials renders a decision that a party is dissatisfied with, the appeal must be filed with the OESC's Director of Employment & Training within 30 days of the date the local area mails the decision to the party by certified mail.

XIII. To Whom Should the Appeal be Addressed?

Appeals should be made to—

Oklahoma Employment Security Commission
Attn: Director of Employment and Training
Will Rogers Office Building, 5th Floor
2401 North Lincoln Boulevard
P.O. Box 52003
Oklahoma City, OK 73152-2003

For additional information on the procedure for appeals to the OESC, please see the Rules for the Administration of the Oklahoma Employment Security Act (Rules 240:21-11-1 through 240:21-11-34).