



CENTRAL OKLAHOMA WORKFORCE INNOVATION BOARD

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Grievance Procedures

For the Local Workforce Development System in Central Oklahoma

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Approved and Published: July, 2005

Revised: December, 2017

These procedures are established pursuant to Section 181(c) of the Workforce Innovation and Opportunity Act (WIOA) and Oklahoma Workforce Development Issuance #16-2017 in accordance with the COWIB Grievance Policy.

The Central Oklahoma Workforce Innovation Board (COWIB) is the policy and guidance board for the Workforce Oklahoma system in Central Oklahoma. We are business leaders with a goal to establish a highly skilled, productive workforce in our 9-county area.

The Central Oklahoma Workforce Innovation Board (COWIB) complies with WIOA's Equal Opportunity and Nondiscrimination provisions which prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or, the basis of citizenship status or participation in a WIOA Title-1 financially assisted program or activity.

COWIB is an Equal Opportunity Employer/ Program. Auxiliary aids and services are available upon request to individuals with disabilities. This was financed in whole or in part by fund from the US Dept. of Labor as administered by the Oklahoma Office of Workforce Development.

<http://www.cowib.org/>



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Download all referenced forms at: <http://www.cowib.org/about-us/cowib-forms/> or request from:
COWIB Program and Policies Manager: (405) 622-2026 X 302 or COWIB@cowib.org

Grievance Procedures

For the Local Workforce Development System in Central Oklahoma

(Approved by the Central Oklahoma Workforce Innovation Board ... February, 2017; amended December 19, 2017 per Oklahoma state policy)

A. INTRODUCTION

These procedures are established pursuant to Section 181(c) of the Workforce Innovation and Opportunity Act (WIOA) – which states, in part:

(c) GRIEVANCE PROCEDURE. —

(1) IN GENERAL. — Each State and local area receiving an allotment or allocation under this title shall establish and maintain a procedure for grievances or complaints alleging violations of the requirements of this title from participants and other interested or affected parties. Such procedure shall include an opportunity for a hearing and be completed within 60 days after the filing of the grievance or complaint....

These procedures do not apply to grievances alleging discrimination. Discrimination complaints are governed by the COWIB's Discrimination Complaint Processing Procedures.

Additionally, these procedures are separate and apart from the COWIB's Contract Dispute Policy that is available to service providers who have a contract with the COWIB to provide WIOA Title I program services. These procedures do not apply to services received under Title I, Subtitle C, Job Corps.

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

For more about the background and authority of these procedures, see the COWIB's Grievance Policy for the Local Workforce Development System.

B. WHO MAY FILE A GRIEVANCE?

If you are a current or former participant who has received services through the local workforce development system in Central Oklahoma, you may file a grievance with the COWIB. You may also file a grievance if you are an "interested party." You may use these procedures if you believe there has been a violation of the requirements of Title I of the Workforce Innovation and Opportunity Act (WIOA).

B.1 WHAT IS TITLE I OF WIOA?

The Workforce Innovation and Opportunity Act (WIOA) is described as "...landmark legislation that is designed to strengthen and improve our nation's public workforce system and help get Americans, including youth and those with significant barriers to employment, into high-quality jobs and careers and help employers hire and retain skilled workers."¹

Title I of WIOA covers multiple topics, including:

- Administrative requirements and restrictions
- Adult and Dislocated Worker Employment and Training Activities
- Establishment of one-stop delivery systems
- Identification of eligible providers of training services
- Job Corps

¹ Source: <https://doleta.gov/wioa/>

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- Local workforce development boards
- Migrant and seasonal farmworker programs
- National dislocated worker grants
- Native American programs
- Performance accountability
- State workforce development boards
- System Alignment
- YouthBuild program
- Youth Workforce Investment Activities
- *More*

Title I describes a variety of requirements that apply to local workforce development boards, one-stop partners, one-stop operators, eligible providers of training services, Title I grant recipients, and others.

A PDF copy of the WIOA law may be found on the internet here:

<http://www.gpo.gov/fdsys/pkg/PLAW-113publ128/pdf/PLAW-113publ128.pdf>

B.2 WHO IS A PARTICIPANT IN THE LOCAL WORKFORCE DEVELOPMENT SYSTEM?

Generally speaking, you may be regarded as a participant in the local workforce development system if you have:

- Taken an action (such as completing an enrollment form or application for services) demonstrating an intent to use the services of the local workforce development system;
- Met specific reporting criteria of the program;
- Been determined eligible; and
- Received services other than information-only services and self-service activities.²

For the WIOA Title I Youth program, a participant is a reportable individual who has satisfied all applicable program requirements for the provision of services, including eligibility determination, an objective assessment, and development of an individual service strategy, and received one or more of the 14 WIOA Youth program elements identified in Section 129(c)(2) of WIOA.

For the WIOA Title IV Vocational Rehabilitation programs, a participant is a reportable individual who has applied for and been determined eligible for VR services, has an approved and signed IPE, and has begun to receive services under the IPE.

Services of the local workforce development system include Career Services such as:

- Initial Assessment
- Labor Exchange Services
- Referrals / Coordination with Other Programs and Services
- Assistance Filing Claims for Unemployment Compensation
- Assistance in Establishing Eligibility for non-WIOA Programs
- Comprehensive and Specialized Assessments
- Development of an Individual Employment Plan
- Group Counseling
- Individual Counseling

² An individual in an Adult Education and Family Literacy Act (AEFLA) program who has not completed at least 12 contact hours is *not* considered to be a participant – pursuant to the WIOA Final Rule given at § 677.150(a)(3)(i).

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- Career Planning
- Short-Term Prevocational Services
- Internships and Work Experiences
- Workforce Preparation Activities
- Financial Literacy Services
- Out-of-Area Job Search Assistance and Relocation Assistance;
- English Language Acquisition Programs

These services may have been provided through a one-stop center in the Central Oklahoma area – operating under the common identifier, “American Job Center.” Additionally, in some cases, services may have been delivered by Eligible Providers of Training Services as described in Section 122 of WIOA. The actual service may have been funded through any of the programs and activities identified in WIOA Section 121(b)(1)(B) or Section 121(b)(2)(B), as appropriate.

B.3 WHAT IS THE CENTRAL OKLAHOMA AREA?

The Central Oklahoma area includes 9 counties: Canadian, Cleveland, Hughes, Lincoln, Logan, Okfuskee, Oklahoma, Pottawatomie, and Seminole.

B.4 WHO IS AN INTERESTED PARTY?

Section 181(c) says a grievance or complaint may be filed by an “other interested or affected” party.

Examples of an “interested party” include–

- Individuals who have applied to receive services offered through the local workforce development system;
- Former participants who have exited from a service of the local workforce development system; or
- Regular employees (non-participants) who allege displacement as the result of a Work Experience activity, an On-the-Job Training activity, or a Transitional Job activity, etc.;
- Service providers;
- One-Stop Partners;
- Employers, Business owners and managers, Etc.;
- A parent or guardian of a participant in a WIOA Youth program activity;
- “Reportable individuals” as defined in § 677.150(b)³ of the WIOA Regulations;
- Eligible Providers of Training Services (as described in Section 122 of WIOA);
- Any other organization or person who has been affected by the local workforce development system.

As required by § 683.600(c)(1), our process for dealing with grievances and complaints will be open to all participants and other interested parties who have been affected by the local workforce development system.

C. WHO MAY A GRIEVANCE BE FILED AGAINST?

Pursuant to the WIOA Final Rule at § 683.600(c)(1), a grievance may be filed whenever a participant or other interested party believes there has been a violation of any requirement of Title I of the WIOA law. The

³ A reportable individual is: “An individual who has taken action that demonstrates an intent to use program services and who meets specific reporting criteria of the program, including:
(1) Individuals who provide identifying information; (2) Individuals who only use the self-service system; (3) Individuals who only receive information-only services or activities.”

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grievance may result from any adverse interaction with the local workforce development system, including one-stop partners and service providers.

Grievances may be filed against any component of the local workforce development system – including one-stop partners, service providers, the COWIB’s One-Stop Operator, and even the COWIB itself.

The person or organization against who a grievance is filed shall be known as the “respondent.”

D. COWIB GRIEVANCE FORM

D.1 DOWNLOAD COWIB GRIEVANCE FORM

To download the COWIB Grievance Form, go to
<http://www.cowib.org/about-us/cowib-forms/>

D.2 REQUEST COWIB GRIEVANCE FORM

A copy of the COWIB Grievance Form may be requested:
COWIB Programs and Policies Manager
3813 N Santa Fe Ave, Ste 135
Oklahoma City, OK 73118
(405) 622-2026 X 302 or email to: COWIB@cowib.org

E. WHAT IS THE TIME LIMIT FOR FILING A GRIEVANCE?

The grievance must be filed, in writing, within 30 calendar days from the date of the violation(s) which is the basis of the grievance.

F. TO WHOM SHOULD THE GRIEVANCE BE DELIVERED?

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

Chief Executive Officer
Central Oklahoma Workforce Innovation Board
3813 N. Santa Fe, Suite 135
Oklahoma City, OK 73118

G. WHAT ARE THE REQUIRED CONTENTS OF A WRITTEN GRIEVANCE?

Each grievance shall be in writing and should:

G.2 BE SIGNED BY THE GRIEVANT OR HIS/HER AUTHORIZED REPRESENTATIVE;

G.3 CONTAIN A CLEAR, CONCISE STATEMENT OF THE FACTS OF THE CASE, INCLUDING—

- G.3.a The full name, mailing address and phone number of the party or parties filing the grievance;**
- G.3.b The full name, mailing address and phone number of the party or parties alleged to have committed the act;**
- G.3.c 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;**
- G.3.d Names and addresses of persons who may have knowledge of the facts of the grievance;**
- G.3.e Any other factual information supporting the complaint;**

G.4 DESCRIBE THE GRIEVANT’S ALLEGATIONS IN SUFFICIENT DETAIL TO ALLOW THE CHIEF EXECUTIVE OFFICER TO DETERMINE WHETHER:

- G.4.a The COWIB has jurisdiction over the grievance;**

G.4.b The grievance was timely filed; and

G.4.c The grievance has apparent merit, i.e., whether the allegations if true, would violate any provision of Title I of WIOA.

H. HOW WILL THE COWIB RESOLVE THE GRIEVANCE?

H.1 DETERMINATION OF JURISDICTION

Upon receiving a grievance – and before making a decision about investigating it -- the COWIB’s Chief Executive Officer will review the complaint in order to determine whether the COWIB has jurisdiction.

In some circumstances, the COWIB will not investigate the grievance. Rather, we will refer the complaint to another agency / organization.

For example, if the grievance is related to any of the statewide Workforce Investment programs described in § 682.100 of the WIOA Final Rule, the COWIB’s CEO will consider whether the complaint should properly be referred to the Oklahoma Office of Workforce Development. Statewide Workforce Investment activities include:

- Rapid Response activities;
- Technical Assistance activities;
- Disseminating the State list of eligible providers of training services;
- Statewide youth activities;
- Etc.

Other circumstances in which the COWIB will review for proper jurisdiction:

- If the grievance arises from a complaint or dispute involving a Job Corps Center operator or service provider, COWIB will consider whether the complaint should properly be handled according to a process described in §§ 686.960 and 686.965 of the WIOA Final Rule.
- If the grievance involves another direct recipient of WIOA Title I funds, COWIB will consider whether the complaint should properly be referred for resolution. Title I direct recipients include:
 - Native American Programs;
 - Migrant and Seasonal Farmworker Programs;
 - National Dislocated Worker Grants;
 - YouthBuild Programs.

If COWIB decides not to accept the grievance because it does not have proper jurisdiction for resolving the complaint, the grievant will be notified in writing.

If the COWIB decides to accept the grievance for investigation and resolution, then the grievant will be notified, and the resolution process will continue as described in Parts B - D, below.

H.2 TIMELY FILING / APPARENT MERIT

The COWIB’s Chief Executive Officer will determine:

- If the grievance was filed in a timely manner; and
- If the grievance has apparent merit -- i.e., whether the allegations, if true, would violate any provision of Title I of WIOA.

Timely Filing. If the COWIB determines that the violation(s) which is the basis of the grievance occurred more than 30 days prior to the filing of the written grievance, then the COWIB’s CEO may decide to dismiss the complaint without any further action.

Apparent Merit. If the COWIB determines that the allegations described in the grievance, if true, would not violate any provision of WIOA Title I, then the COWIB's CEO will dismiss the complaint without any further review.

If COWIB determines that the grievance lacks timeliness or apparent merit, the grievant will be notified in writing. An opportunity to appeal the decision will be offered, as described in Section 9 of these Procedures.

If the COWIB finds that the grievance was properly filed in a timely manner and has apparent merit, then the grievant will be notified and the resolution process will continue as described in Parts C and D, below.

H.3 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, etc. If the grievance is not resolved within fifteen (15) calendar days from the receipt of the grievance, the CEO will assign the grievance to a Hearing Officer.

H.4 REVIEW BY HEARING OFFICER

In the event the grievance cannot be resolved informally, the designated Hearing Officer 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 hearing date.

The Hearing Officer will establish rules for the conduct of the hearing. The Hearing Officer will be responsible for maintaining order and decorum.

H.4.a Is there a right of representation in the complaint process?

Yes. Both the complainant and the respondent have the right to be represented by an attorney or other individual of their choice.

H.4.b Will the confidentiality of the grievant be respected?

The name of the grievant will only be released to the extent necessary to investigate and fairly determine the issues raised in the complaint. The individual or entity against whom the grievance is filed will receive a copy of the complaint during the course of the investigation and resolution process in order to allow the individual or entity the opportunity to respond to the allegation(s).

H.4.c Will the confidentiality of witnesses be respected?

The identity of any individual who furnishes information to, or assist in, an investigation of a grievance will only be released to the extent necessary to investigate and fairly determine the issues raised in the complaint.

H.4.d Are there protections against intimidation and retaliation?

Yes. COWIB will admonish its one-stop partners and service providers that they must not discharge, intimidate, retaliate, threaten, coerce or discriminate against any individual because the individual has:

- Filed a grievance or complaint alleging a violation of Title I of WIOA;
- Opposed a practice prohibited by Title I of WIOA;
- Furnished information to, or assisted or participated in any manner in, an investigation, review, hearing, or any other activity related to these Grievance Procedures.

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The Hearing Officer will complete the informal hearing and render a decision within 60 days of the initial filing of the grievance or complaint.

Pursuant to § 683.600(c)(3) of the WIOA Final Rule, if the grievance proceeds from an individual alleging a labor standards violation⁴, the hearing officer may agree to submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties to the grievance so provides.

I. HOW WILL THE DECISION OF THE COWIB BE ANNOUNCED?

The decision of the Hearing Officer will be delivered via mail to each party in the grievance.

J. WHAT REMEDIES MAY BE ORDERED AS THE RESULT OF A SUCCESSFUL GRIEVANCE?

The remedies that may be imposed under local, State, and direct recipient grievance procedures are enumerated at WIOA sec. 181(c)(3):

(3) REMEDIES.—Remedies that may be imposed under this section for a violation of any requirement of this title shall be limited—

(A) to suspension or termination of payments under this title;

(B) to prohibition of placement of a participant with an employer that has violated any requirement under this title;

(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.

K. IS THERE AN APPEAL PROCESS?

Yes. An appeal may be filed with the Oklahoma Office of Workforce Development if--

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

L. WHAT IS THE TIME LIMIT FOR FILING AN APPEAL WITH THE STATE?

If the COWIB 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 Oklahoma Office of Workforce Development not more than 30 days after the expiration of the 60 day time period.

If the COWIB renders a decision that a party is dissatisfied with, the appeal must be filed with the Oklahoma Office of Workforce Development not more than 30 days after COWIB mails the decision to the parties by certified mail.

M. TO WHOM SHOULD THE APPEAL BE ADDRESSED?

Appeals should be made to—

Erin E. Risley-Baird | Executive Director
Oklahoma Office of Workforce Development
900 N. Portland Ave.

⁴ Labor standards are described in Section 181(b) of the Workforce Innovation and Opportunity Act.

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Oklahoma City, OK 73107

O. GRIEVANCES REFERRED FROM THE STATE

Oklahoma Workforce Development Issuance #05-2012 provides that, in some cases, a grievance may be referred to the COWIB from the Oklahoma Office of Workforce Development. It states:

“The Director of Compliance may refer a grievance, originally filed with the [Oklahoma Office of Workforce Development], to the local area if there is likelihood that it could be resolved at that level....”

Upon receipt of a referred grievance, COWIB will review the facts of the complaint, and the COWIB’s Chief Executive Officer will make a determination as to whether COWIB will accept the grievance. In determining whether to accept the grievance, the COWIB’s CEO will consider 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.

O.1 GRIEVANCE ACCEPTED.

If the grievance is accepted, the Chief Executive Officer will take the following actions:

- Advise Oklahoma Office of Workforce Development that COWIB will consider that the grievance has been remanded to COWIB for resolution; and
- Attempt to resolve the grievance informally by meeting with the parties in person or discussing the grievance with the parties by telephone.

COWIB will remain seized of any grievance that has been reviewed and accepted by the COWIB’s CEO. The resolution process will proceed sequentially through Steps 6, 7, and 8 of these procedures.

At every step, the COWIB’s CEO will advise the Oklahoma Office of Workforce Development of any written notices, hearings, and/or decisions.

If the grievance is not resolved within sixty (60) days after COWIB receives it or if any party is dissatisfied with the COWIB’s decision, then an appeal may be filed as described in Step 9 of these procedures.

O.2 GRIEVANCE NOT ACCEPTED.

If the grievance fails to meet the criteria for acceptance, the COWIB’s Chief Executive Officer will notify the Oklahoma Office of Workforce Development that the grievance has not been accepted for resolution through the COWIB’s normal grievance process. Proper notification shall also be given to the grievant.

Download all referenced forms at: <http://www.cowib.org/about-us/cowib-forms/> or request from:
COWIB Program and Policies Manager: (405) 622-2026 X 302 or COWIB@cowib.org

ⁱ **POLICY ADDITIONS AND CLARIFICATIONS:** The COWIB Chief Executive Officer is authorized to issue additional instructions, guidance, forms, etc., to further implement the requirements of this policy.

Inquiries about this policy should be directed to the COWIB’s Programs and Policy Manager at (405) 622-2026, x302.