



CENTRAL OKLAHOMA WORKFORCE INNOVATION BOARD

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Grievance Policy for the Local Workforce Development System in Central Oklahoma

For Complaints Alleging Violation Other than Discrimination Complaints

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Approved and Published: February, 2010

Revised: December 19, 2017

PURPOSE: To establish a local grievance policy in conformance with Section 181(c) of the federal Workforce Innovation and Opportunity Act (WIOA).

It should be noted that this section of the law applies to grievances alleging a violation of Title I of the Workforce Innovation and Opportunity Act -- other than discrimination complaints, which are governed by Section 188 of the Act. Section 181(c) is silent with respect to grievances that do not allege a violation of the Act -- for example, complaints about Customer Satisfaction, etc. Therefore, this policy is limited in scope. It is designed to address grievances or complaints alleging violations of Title I of WIOA.

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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Grievance Policy for the Local Workforce Development System in Central Oklahoma

For Complaints Alleging Violation Other than Discrimination Complaints

A. PURPOSE

To establish a local grievance policy in conformance with Section 181(c) of the federal Workforce Innovation and Opportunity Act (WIOA).

Section 181(c) 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....

It should be noted that this section of the law applies to grievances alleging a violation of Title I of the Workforce Innovation and Opportunity Act -- other than discrimination complaints, which are governed by Section 188 of the Act. Section 181(c) is silent with respect to grievances that do not allege a violation of the Act -- for example, complaints about Customer Satisfaction, etc. Therefore, this policy is limited in scope. It is designed to address grievances or complaints alleging violations of Title I of WIOA.

B. AUTHORITY

The authority for this policy derives from the Workforce Innovation and Opportunity Act (WIOA) which requires each State and local area receiving an allotment of WIOA funds under Title I to have a grievance process in place.

C. BACKGROUND

Oklahoma Workforce Development Issuance #05-2012 was issued by the Oklahoma Department of Commerce on April 24, 2012. It provided guidance and policy direction to local areas for establishing grievance procedures for complaints alleging violations of the old Workforce Investment Act (WIA).

D. STATE & FEDERAL REQUIREMENTS

In developing a policy for handling grievances and complaints, the Central Oklahoma Workforce Innovation Board must be mindful of the requirements of its State and Federal funding sources.

D.1 FEDERAL POLICY

The Federal Regulations at 20 CFR 683.600 describe the requirements of federal law that must be met by local areas. The text of 20 CFR 683.600 is presented as an attachment to this policy.

D.2 STATE POLICY

OWDI #05-2012 is the latest state-level guidance related to grievance procedures. On October 26, 2016, a memo from the Office of Legal Counsel for the OSU Board of Regents provided the following information:

“Workforce regulations pertaining to the grievance process are under review. At this moment, given the Governor’s reassignment of those duties to OSU-OKC, the

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procedures put in place by the Oklahoma Department of Commerce would be used with OSU-OKC in place of Commerce....”

OWDI #05-2012 describes the necessary elements of a local policy, including—

D.2.A Local Procedure

Each local area must establish and maintain a procedure for grievances and complaints; and

D.2.B Required Notice

Each local area must provide information about the contents of its grievance and complaint procedures to participants and other interested parties affected by the local Workforce Investment System.

Every entity which receives an award of Title I funds through the local workforce investment system must provide the information contained in the Required Notice to participants receiving Title I-funded services from such entities; and

Each local area must make reasonable efforts to assure that the information contained in the Required Notice will be understood by affected participants and other individuals, including youth and those who are limited-English speaking individuals. Such efforts must comply with the language requirements of 29 CFR 37.35 regarding the provision of services and information in languages other than English.

NOTE: The language requirements of 29 CFR 37.35 were updated on December 2, 2016. That’s when the Final Rule for the Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act was published in the Federal Register. The new Final Rule is codified at 29 CFR Part 38.

The language requirements of the new regulations are given in 29 CFR 38.9 and 29 CFR 38.15.

29 CFR 38.9 states, in part:

“§ 38.9 Discrimination prohibited based on national origin, including limited English proficiency.

“(a) In providing any aid, benefit, service, or training under a WIOA Title I-financially assisted program or activity, a recipient must not, directly or through contractual, licensing, or other arrangements, discriminate on the basis of national origin, including limited English proficiency....

“(b) A recipient must take reasonable steps to ensure meaningful access to each limited English proficient (LEP) individual served or encountered so that LEP individuals are effectively informed about and/or able to participate in the program or activity....”

Here is an excerpt from 29 CFR 38.15:

“§ 38.15 Communications with individuals with disabilities.

“(a) General — (1) Communications with individuals with disabilities. (i) A recipient must take appropriate steps to ensure that communications with individuals with disabilities, such as beneficiaries, registrants, applicants, eligible applicants / registrants, participants, applicants for employment, employees, members of the public, and their companions are as effective as communications with others.”

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Additional information on language requirements related to this Grievance Policy will be described in: (1) The COWIB's Equal Opportunity Policy and (2) The COWIB's Language Assistance Plan.

E. LOCAL POLICY

It shall be the policy of the Central Oklahoma Workforce Innovation Board (COWIB) and its Board of Chief Elected Officials (BCEO) that all services provided by the local workforce development system in Central Oklahoma shall be delivered in a manner that fully complies with the WIOA law and regulations.

In particular, we will develop a process and procedures for receiving and resolving grievances alleging violations of WIOA Title I. Our process and procedures will be fully compliant with the requirements of § 683.600 of the WIOA Final Rule.

E.1 SCOPE OF THIS POLICY.

The first paragraph of § 683.600 describes the general requirement for grievance procedures to be in place for each local area. It also requires the State to develop a grievance procedure. It also mandates that each “*direct recipient of funds under title I... except for Job Corps*” must establish and maintain a grievance procedure:

(a) Each local area, State, outlying area, and direct recipient of funds under title I of WIOA, except for Job Corps, must establish and maintain a procedure for participants and other interested parties to file grievances and complaints alleging violations of the requirements of title I of WIOA, according to the requirements of this section. The grievance procedure requirements applicable to Job Corps are set forth at §§ 686.960 and 686.965 of this chapter.

Pursuant to § 683.600(a), COWIB will develop a grievance process / procedure for the Central Oklahoma workforce development system. Our process / procedure will be designed to work in a coordinated fashion with the processes and procedures of the State of Oklahoma and the other direct recipients in the Central Oklahoma area.

The term “direct recipient” is not explicitly defined in the WIOA law – except by reference to the term, “*Administrative Costs.*” Here is an excerpt from Section 3 of the Workforce Innovation and Opportunity Act:

SEC. 3. DEFINITIONS.

In this Act, and the core program provisions that are not in this Act, except as otherwise expressly provided:

(1) ADMINISTRATIVE COSTS. — The term “administrative costs” means expenditures incurred by State boards and local boards, direct recipients (including State grant recipients under subtitle B of title I and recipients of awards under subtitles C and D of title I), local grant recipients, local fiscal agents or local grant subrecipients, and one-stop operators in the performance of administrative functions...

Consequently, it is our understanding that the term “direct recipient” refers to:

- The State grant recipient under subtitle B ...
The Oklahoma Office of Workforce Development (OSU-OKC);
- Grant recipients under subtitle C ...
Job Corps;

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- Grant recipients under subtitle D ...
National Programs, including:
 - Native American Programs;
 - Migrant and Seasonal Farmworker Programs;
 - National Dislocated Worker Grants;
 - YouthBuild Programs.

The grievance process / procedure for the Central Oklahoma area will be coordinated with the grievance procedures of each of the direct recipients in our area.

More information about the coordination of grievance procedures is given in sections (5) and (6) of this policy.

The COWIB's grievance process / procedure will be developed after receiving input from our one-stop partners, service providers, and the Oklahoma Office of Workforce Development.

The procedure will be established no later than April 1, 2017.

E.2 REQUIRED NOTICE TO PARTICIPANTS AND INTERESTED PARTIES.

Paragraph (b) of § 683.600 describes the general requirement for providing notice to “participants and other interested parties” affected by the local workforce development system. § 683.600(b) of the WIOA Final Rule states:

(b) Each local area, State, and direct recipient must:

- (1) Provide information about the content of the grievance and complaint procedures required by this section to participants and other interested parties affected by the local workforce development system, including one-stop partners and service providers;*
- (2) Require that every entity to which it awards title I funds provide the information referred to in paragraph (b)(1) of this section to participants receiving title I-funded services from such entities; and*
- (3) Must make reasonable efforts to assure that the information referred to in paragraph (b)(1) of this section will be understood by affected participants and other individuals, including youth and those who are limited-English speaking individuals. Such efforts must comply with the language requirements of 29 CFR 37.35 regarding the provision of services and information in languages other than English.*

To satisfy the requirements of § 683.600(b)(1) and § 683.600(b)(2), COWIB will provide information about the content of our grievance and complaint procedures to participants and other interested parties affected by the local workforce development system, including one-stop partners and service providers.

We will provide this information in a couple of ways.

E.2.A Providing Information to One-Stop Partners, Service Providers, and the General Public.

- (i) Periodically, COWIB will publish a written “Continuing Notice of Grievance Procedures” to one-stop partners and service providers; and
- (ii) The Continuing Notice of Grievance Procedures will be described in the Local Plan for the Central Oklahoma workforce area; and

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- (iii) The COWIB's Local Area Grievance Procedures will be published on the COWIB's website at www.cowib.org.

A copy of the Continuing Notice is appended to this policy as Attachment A.

E.2.B Providing Information to Participants Receiving Title I-Funded Services

To satisfy the requirement of § 683.600(b)(2), COWIB will direct every entity to which it awards Title I funds to provide the information contained in the Required Notice to participants receiving Title I-funded services from those entities.

This requirement shall apply to COWIB-funded entities, including:

- The COWIB's provider of Adult and Dislocated Worker services;
- The local One-Stop Operator; and
- WIOA Youth Service Providers in the Central Oklahoma workforce area.

COWIB-funded entities will also be required to post the Continuing Notice in conspicuous locations where Title I-funded services are being delivered. An individual copy of the written "Notice of Grievance Procedures" will be provided to all WIOA participants who are enrolled in Individualized Career Services.

To document that WIA participants have received an individual copy of the written "Notice of Grievance Procedures," COWIB-funded entities shall maintain documentation the participant has read the form and been given an opportunity to ask questions about its contents.

E.3 ASSURING THE INFORMATION IS UNDERSTOOD / LANGUAGE REQUIREMENTS.

To satisfy the requirements of § 683.600(b)(3), COWIB will make reasonable efforts to assure that the information contained in the Required Notice will be understood by affected participants and other individuals, including youth and those who are limited-English speaking individuals. As described on pages 3 and 4 of this policy, such efforts will comply with the language requirements of:

- 29 CFR 38.9 regarding the provision of services and information in languages other than English; and
- 29 CFR 38.15 regarding communications with individuals with disabilities.

E.4 CONTENTS OF THE LOCAL AREA GRIEVANCE PROCEDURE.

Paragraph (c) of § 683.600 describes the required contents of the local area grievance procedures:

(c) Local area procedures must provide:

- (1) A process for dealing with grievances and complaints from participants and other interested parties affected by the local workforce development system, including one-stop partners and service providers;*
- (2) An opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint;*
- (3) A process which allows an individual alleging a labor standards violation to submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties to the grievance so provides; and*
- (4) An opportunity for a local level appeal to a State entity when:*
 - (i) No decision is reached within 60 days; or*

(ii) Either party is dissatisfied with the local hearing decision.

To satisfy the requirement of § 683.600(c)(1), COWIB will provide:

(1) A process for dealing with grievances and complaints from participants and other interested parties affected by the local workforce development system, including one-stop partners and service providers.

As part of developing this process, COWIB finds it necessary to interpret the meaning of § 683.600(c)(1). In particular, there are a couple of phrases in § 683.600(c)(1) which seem to have a specific meaning.

E.4.A Interpreting the Meaning of the Phrase “Other Interested Parties.”

First, COWIB notes that our grievance process must be available to “participants and other interested parties.” In this regard, we interpret the phrase “*other interested parties*” to include, for example –

- 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)¹ of the WIOA Regulations;
- 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.

E.4.B Interpreting the Meaning of the Phrase “Affected by the Local Workforce Development System, Including One-Stop Partners and Service Providers.”

Second, we note that § 683.600(c)(1) requires us to develop a grievance process that is responsive to participants and other interested parties *affected by the local workforce development system*. Furthermore, we note that the phrase, “affected by the local workforce development system” is modified by an additional phrase, “*including one-stop partners and service providers.*”

Consequently, we understand that our grievance process must provide an opportunity for participants and other interested parties to register a complaint or grievance if they have been adversely affected by any part of the local workforce development system. This means our process will be broad in scope. It will be available to participants and other interested parties who have

¹ 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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been affected by 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.

Our grievance process will be robust yet flexible. It will be designed to respond to a variety of grievances / complaints, such as:

- A participant files a grievance against a one-stop partner;
- A “regular employee” at an OJT worksite files a grievance against a service provider;
- A one-stop partner files a grievance against another one-stop partner;
- A business files a grievance against the COWIB;
- A reportable individual files a grievance against the One-Stop Operator;
- Etc.

As described in section (5) and section (6) of this policy, the Central Oklahoma area’s procedure for resolving complaints will be properly coordinated with the grievance procedures of the State and other direct recipients in our area.

To satisfy the requirement of § 683.600(c)(2), COWIB will provide:

(2) An opportunity for an informal resolution and a hearing to be completed within 30 days of the filing of the grievance or complaint.

Additional details will be provided in the written procedures.

To satisfy the requirement of § 683.600(c)(3), COWIB will provide:

(3) A process which allows an individual alleging a labor standards violation to submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties to the grievance so provides.

Labor Standards for WIOA Title I are described in Section 181(b) of the Workforce Innovation and Opportunity Act. The written grievance procedures for the Central Oklahoma area will provide additional details with regard to the resolution of any complaint alleging a labor standard violation.

To satisfy the requirement of § 683.600(c)(4), COWIB will provide:

(4) An opportunity for a local level appeal to a State entity when:

(i) No decision is reached within 30 days; or

(ii) Either party is dissatisfied with the local hearing decision.

Additional details will be provided in the written procedures.

E.5 COORDINATION WITH THE STATE’S GRIEVANCE PROCEDURES.

Paragraph (d) of § 683.600 describes the requirements for the State’s grievance procedures:

(d) State procedures must provide:

(1) A process for dealing with grievances and complaints from participants and other interested parties affected by the statewide Workforce Investment programs;

(2) A process for resolving appeals made under paragraph (c)(4) of this section;

(3) A process for remanding grievances and complaints related to the local Workforce Innovation and Opportunity Act programs to the local area grievance process; and

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(4) An opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint; and

(5) An opportunity for appeal to the Secretary under the circumstances described in § 683.610(a).

In § 683.600(d)(1), the phrase “statewide Workforce Investment programs” is interpreted to mean statewide workforce employment and training activities that are managed / operated through the Oklahoma Office of Workforce Development. “Statewide workforce employment and training activities” are defined in the Final Regulations at § 682.100:

§ 682.100 What are the statewide employment and training activities under title I of the Workforce Innovation and Opportunity Act?

Statewide employment and training activities include those activities for adults and dislocated workers, as described in WIOA sec. 134(a), and statewide youth activities, as described in the Workforce Innovation and Opportunity Act (WIOA) sec. 129(b). They include both required and allowable activities. In accordance with the requirements of this subpart, the State may develop policies and strategies for use of statewide employment and training funds. Descriptions of these policies and strategies must be included in the State Plan.

The grievance process / procedure for the Central Oklahoma workforce area will provide for appropriate coordination with the State’s grievance procedures. For example, if COWIB receives a grievance or complaint related exclusively to the operation of a statewide Workforce Investment program, we will refer to the complaint to the State. Additionally, as described in § 683.600(d)(4), our grievance process / procedure will provide an opportunity for a local level appeal to the State entity.

NOTE: The WIOA Final Rule requires the State to implement additional appeal processes or systems for the Workforce Innovation and Opportunity program. These additional requirements are described in § 683.630, § 683.640, and § 683.650.

E.6 COORDINATION WITH THE GRIEVANCE PROCEDURES OF THE DIRECT RECIPIENTS.

Paragraph (e) of § 683.600 describes the grievance procedure requirements for direct recipients of WIOA Title I funds.

These requirements are applicable to grantees who operate Native American Programs, Migrant and Seasonal Farmworker Programs, National Dislocated Worker Grants, and YouthBuild Programs:

(e) Procedures of direct recipients must provide:

(1) A process for dealing with grievance and complaints from participants and other interested parties affected by the recipient's Workforce Innovation and Opportunity Act programs; and

(2) An opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint.

The grievance process / procedure for the Central Oklahoma workforce area will provide for appropriate coordination with the grievance procedures of these direct recipients. For example, if COWIB receives a grievance or complaint related exclusively to the operation of a direct recipient’s program, we will refer to the complaint to the direct recipient.

E.7 REMEDIES THAT MAY BE IMPOSED AS THE RESULT OF A SUCCESSFUL GRIEVANCE.

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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.*

E.8 OTHER COMPLAINT PROCESSES NOT COVERED BY THIS POLICY.

As described elsewhere in this document, the scope of this policy is limited. The COWIB's Grievance Procedures will cover only complaints and grievances alleging a violation of Title I of the WIOA law.

Even so, other complaint and grievance procedures are available to participants and other interested parties. For example:

Equal Opportunity Complaints. Pursuant to WIOA Section 188, COWIB will maintain a grievance process for handling discrimination complaints brought under WIOA sec. 188 and/or 29 CFR part 38.

Complaints and Reports of Criminal Fraud and Abuse. The U.S. Department of Labor maintains a system for complaints involving criminal fraud, waste, abuse or other criminal activity. More information is given in § 683.620 of the WIOA Final Rule:

§ 683.620 How are complaints and reports of criminal fraud and abuse addressed under the Workforce Innovation and Opportunity Act?

(a) Information and complaints involving criminal fraud, waste, abuse or other criminal activity must be reported immediately through the Department's Incident Reporting System to the Department of Labor Office of Inspector General, Office of Investigations, Room S5514, 200 Constitution Avenue NW., Washington, D.C. 20210, or to the corresponding Regional Inspector General for Investigations, with a copy simultaneously provided to the Employment and Training Administration. The Hotline number is 1-800-347-3756. The Web site is <http://www.oig.dol.gov/contact.htm>.

(b) Complaints of a non-criminal nature may be handled under the procedures set forth in § 683.600 or through the Department's Incident Reporting System.

Finally, it should be pointed out that Paragraph (h) of § 683.600 provides a blanket statement concerning additional remedies that may be sought by a grievant or complainant:

(h) Nothing in this subpart precludes a grievant or complainant from pursuing a remedy authorized under another Federal, State, or local law.

Attachment A: Continuing Notice of Grievance Procedures

Required Notice. As described in Section (2) of this policy, the COWIB’s grievance process will provide a notice to “participants and other interested parties” affected by the local workforce development system. The notice requirements of the WIOA law are given in Paragraph (b) of § 683.600.

In order to provide information about the content of our grievance and complaint procedures to participants and other interested parties, every entity which receives Title I funds from COWIB will be required to post this Continuing Notice in conspicuous locations where Title I-funded services are being delivered.

A copy of the Continuing Notice appears on the following page.

In addition to this Continuing Notice, we will make reasonable efforts to assure that the information in our Grievance Procedures will be understood by affected participants and other individuals, including youth and those who are limited-English speaking individuals. Such efforts will comply with the requirements of:

- 29 CFR 38.9 regarding the provision of services and information in languages other than English; and
- 29 CFR 38.15 with regard to communications with individuals with disabilities.



We Follow the Rules

Continuing Notice of Grievance Procedures

Available to Participants and Other Interested Parties

Thank you for your interest in the programs and services of the Central Oklahoma workforce development system. The Central Oklahoma Workforce Innovation Board (COWIB) provides oversight for services delivered through the workforce development system in these 9 counties:

We strive to assure the delivery of high-quality workforce development services in a manner that is completely consistent with Title I of the Workforce Innovation and Opportunity Act (WIOA). If you believe that the requirements of WIOA Title I have not been met, please let us know. You have a right to be heard.



Notice of Grievance Procedures

If you believe that the rules of Title I of WIOA have been violated, it is your right to file a complaint and you cannot be penalized in any way for filing a complaint. Every applicant, participant, employee or other interested party shall have the right, without fear of reprisal, to present a complaint or grievance.

To file a grievance, you should follow the procedures that are available from the Central Oklahoma Workforce Innovation Board. The procedures are available on our website at www.cowib.org.

The procedures describe the steps you must take in order to file a formal complaint, including:

- Time limits for filing: Generally, you have 60 days from the date of the violation to file a grievance;
- How to describe your complaint, including the alleged violation of the law;
- How to request an informal resolution of your grievance;
- Your right to a written determination; and
- Your right to file an appeal to the Oklahoma Office of Workforce Development.

You can learn more about our grievance procedures by contacting:

Central Oklahoma Workforce Innovation Board

Eddie Foreman, Chief Executive Officer

3813 N. Santa Fe, Suite 135

Oklahoma City, OK 73118

(405) 622-2026 TDD: 1-800-722-0353



The Central Oklahoma Workforce Development System is an Equal Opportunity Employer / Program Auxiliary
Aids and Services are Available upon Request to Individuals with Disabilities

This Notice was financed through a contract with COWIB with funds from the U.S. Department of Labor as administered by the Oklahoma Office of Workforce Development. January 6, 2017

Attachment B: 20 CFR Section 683.600

Subpart F—Grievance Procedures, Complaints, and State Appeals Processes

§ 683.600 What local area, State, and direct recipient grievance procedures must be established?

- A.** Each local area, State, outlying area, and direct recipient of funds under title I of WIOA, except for Job Corps, must establish and maintain a procedure for participants and other interested parties to file grievances and complaints alleging violations of the requirements of title I of WIOA, according to the requirements of this section. The grievance procedure requirements applicable to Job Corps are set forth at §§ 686.960 and 686.965 of this chapter.
- B.** Each local area, State, and direct recipient must:
- B.1** Provide information about the content of the grievance and complaint procedures required by this section to participants and other interested parties affected by the local workforce development system, including one-stop partners and service providers;
 - B.2** Require that every entity to which it awards title I funds provide the information referred to in paragraph (b)(1) of this section to participants receiving title I-funded services from such entities; and
 - B.3** Must make reasonable efforts to assure that the information referred to in paragraph (b)(1) of this section will be understood by affected participants and other individuals, including youth and those who are limited-English speaking individuals. Such efforts must comply with the language requirements of 29 CFR 37.35 regarding the provision of services and information in languages other than English.
- C.** Local area procedures must provide:
- C.1** A process for dealing with grievances and complaints from participants and other interested parties affected by the local workforce development system, including one-stop partners and service providers;
 - C.2** An opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint;
 - C.3** A process which allows an individual alleging a labor standards violation to submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties to the grievance so provides; and
 - C.4** An opportunity for a local level appeal to a State entity when:
 - C.4.a** No decision is reached within 60 days; or
 - C.4.b** Either party is dissatisfied with the local hearing decision.
- D.** State procedures must provide:
- D.1** A process for dealing with grievances and complaints from participants and other interested parties affected by the statewide Workforce Investment programs;
 - D.2** A process for resolving appeals made under paragraph (c)(4) of this section;

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- D.3** A process for remanding grievances and complaints related to the local Workforce Innovation and Opportunity Act programs to the local area grievance process; and
 - D.4** An opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint; and
 - D.5** An opportunity for appeal to the Secretary under the circumstances described in § 683.610(a).
- E.** Procedures of direct recipients must provide:
- E.1** A process for dealing with grievance and complaints from participants and other interested parties affected by the recipient's Workforce Innovation and Opportunity Act programs; and
 - E.2** An opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint.
- F.** The remedies that may be imposed under local, State, and direct recipient grievance procedures are enumerated at WIOA sec. 181(c)(3).
- G.** Discrimination Complaints
- G.1** The provisions of this section on grievance procedures do not apply to discrimination complaints brought under WIOA sec. 188 and/or 29 CFR part 38. Such complaints must be handled in accordance with the procedures set forth in that regulatory part.
 - G.2** Questions about or complaints alleging a violation of the nondiscrimination provisions of WIOA sec. 188 may be directed or mailed to the Director, Civil Rights Center, U.S. Department of Labor, Room N4123, 200 Constitution Avenue, NW, Washington, D.C. 20210, for processing.
- H.** Nothing in this subpart precludes a grievant or complainant from pursuing a remedy authorized under another Federal, State, or local law.

Grievance Policy for the Local Workforce Development System in Central Oklahoma

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.