



CENTRAL OKLAHOMA WORKFORCE INNOVATION BOARD

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Grievance and Complaint Procedures

Approved and Published: December 2024

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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), 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.

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



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References

- [Workforce Innovation and Opportunity Act](#) (WIOA) (29 USC § 3241(c))
- [20 CFR Part 683](#)
- [29 CFR 37.35](#)
- [20 CFR 38.54](#)
- [TEGL 5-23](#)
- [WSD #31-2024](#)

Purpose

The Central Oklahoma Workforce Innovation Board (COWIB), provides this issuance as a resource to communicate the local area's instructions for the grievance and complaint process under WIOA.

Background

WIOA requires each local area, state, outlying area, and direct recipient of funds under title I of WIOA, except for Job Corps, to establish and maintain a procedure for participants and other interested parties to file grievances and complaints of a non-criminal nature alleging violations of the requirements of title I of WIOA.

The grievance and complaint procedures in this policy apply to programmatic grievances and complaints, per 29 USC §3241(c) and do not apply to nondiscrimination and equal opportunity complaints under 29 USC § 3248. Such complaints must be handled with the procedures set forth in that regulatory part.

Questions about or complaints alleging a violation of the nondiscrimination and equal opportunity provisions of WIOA Sec. 188 may be directed to the State Equal Opportunity (EO) officer at: eoofficer@oesc.ok.gov. Complaints alleging discrimination by entities in the system may be filed with CRC by postal mail, e-mail, or fax, addressed to Director, Civil Rights Center, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N4123, Washington, DC 20210, CRCEXternalComplaints@dol.gov, 202-693-6505 (fax).

Grievance and complaint procedures do not apply to complaints and reports of criminal fraud and abuse addressed under WIOA. Information and complaints involving criminal fraud, waste, abuse, or other criminal activity must be reported immediately to either the corresponding Regional Inspector General for Investigations or to the Department's Incident Reporting System located at:

The Department of Labor Office of Inspector General

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Office of Investigations, Room S5514
200 Constitution Avenue NW
Washington, DC 20210

Such complaints must be filed along with a copy simultaneously provided to the Employment and Training Administration. The Hotline number is 1-800-347-3756. The website is <http://oig.dol.gov/contact.htm>.

Grievance and complaint procedures within this policy do not apply to non-designation of local areas, denial, or termination of eligibility as a training provider, testing and sanctioning for use of controlled substances, or sanctions for substantial violations or performance failures by a local area.

Nothing in this policy precludes a complainant from pursuing a remedy authorized under another Federal, State, or local law.

Definitions

Complainant: any participant or other personally interested or personally affected party, group, or agency alleging a non-criminal violation of the requirements of WIOA Title I or a related agreement or service.

Interested Parties: sub-grantees, subcontractors, service providers, employees, One-Stop partners, and training providers.

Participant: an individual who has been determined to be eligible to participate in, and who is receiving services under, a program authorized by title I of WIOA.

Introduction

Program complaints are nondiscriminatory, non-criminal complaints involving the proper application of the Workforce Innovation and Opportunity Act regulations and policies at both the local service provider and state level. Complaints may occur for a number of reasons and can arise from anyone being served by the workforce development system or interested parties, including Oklahoma Works (One-Stop) Partners and service providers.

These procedures will be available for use by all individuals and entities; including WIOA Title I grant participants, COWIB staff, COWIB sub-recipients, and other interested parties. The following procedures will include "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 so provides." (Title 20 CFR 683.600(c)(3)).

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Additionally, COWIB and its sub-recipients of WIOA Title I grant funds will make reasonable efforts to assure that information about the content of the grievance and complaint procedures will be understood by affected participants and individuals, including youth and those who are limited English-speaking individuals. Such efforts will comply with the language requirements of Title 29 CFR 37.35.

Right to Counsel

At all levels of the grievance or complaint process, complainants have the right to be represented, at their own expense, by a person(s) of their choosing.

Time Restriction on Filing Complaints

Grievances/complaints must be filed within 30 days of the alleged violation. All grievances or complaints, amendments, and withdrawals must be in writing.

Anti-Retaliation

No entity receiving financial assistance under WIOA may discharge, intimidate, retaliate, threaten, coerce, or discriminate against any person because such person has filed a complaint, opposed a prohibited practice, furnished information, assisted or participated in any manner in an investigation or hearing.

Confidentiality

To the maximum extent possible, the identity of any person who has furnished information relating to, or assisting in, an investigation of a possible violation of the WIOA shall be kept confidential.

Publication of Grievance and Complaint Information

Public notice of the local grievance and complaint procedures are made available to participants and other interested parties by every entity receiving title I funded services. This is done by:

- Posting the procedure in a public location (e.g., website), and
- Making available a copy of the written description of the local grievance and complaint procedure to any participant and other interested party.

Consultation will be offered to provide information about the content of the local grievance and complaint procedures to participants and employees:

- Including in orientations to employees and participants a verbal notification on their

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rights to file a grievance or complaint with the: WIOA title I service provider, COWIB, State, or United States Department of Labor.

- Verbal notification on their rights to receive technical assistance in filing a grievance or complaint.
- Documenting such communication on a notification instrument for employees and program participants; and
- Retaining such notification instruments in individuals' participant or employee files.

Reasonable efforts will be made to ensure that the information on the local grievance and complaint procedures will be understood by participants and other individuals, including youth and those with limited-English speaking ability. This is accomplished by:

- Providing oral interpretation and written translation of both hard-copy and electronic materials; and,
- Complying with providing services and information in languages other than English, as indicated in 29 CFR 37.35.

Grievance Procedures

COWIB Grievance Form

To complete the COWIB Grievance Form, please go to <https://cowib.org/eo-complaint-forms/>.

A copy of the COWIB Grievance Form may also be requested via email to cowib@cowib.org.

Content Requirements of the Grievance or Complaint

Must contain the following information:

- Full name, telephone number, mailing address, and e-mail address of the complainant.
- Full name, telephone number, mailing address, and e-mail address of the respondent.
- Full names, telephone numbers, mailing addresses, and e-mail addresses of persons who may have knowledge of the facts of the grievance or complaint.
- Date and with whom the grievance/complaint was filed.
- A clear and concise statement of the facts describing the alleged violation and the dates and location in which the alleged violation occurred.
- The statement of facts should include enough information to allow the person or entity to determine whether:
 - There is jurisdiction over the complaint/grievance.
 - The grievance/complaint was timely filed; and

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- The grievance/complaint has merit, i.e., whether the allegations if true, would violate any Title I provisions of WIOA.
- Provisions of WIOA, the WIOA regulations, grant, or other agreements under WIOA, believed to have been violated.
- Grievances or complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with the WIOA law, regulation, or contract.
- The remedy sought by the complainant.
- Signature of the complainant or his or her authorized representative; and
- If applicable, a copy of the referral of a grievance/complaint filed with the State to remand to the local level for resolution.

Time Requirement of Filing a Grievance or Complaint

Complainants have the right to file a grievance or complaint, in writing, within 30 days of the alleged violation.

Submission of the Grievance or Complaint

Complaints will be taken from the complainant, a representative, or other designee by email to cowib@cowib.org or mail to:

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

The complaint is considered logged at the time of receipt with confirmation given to the complainant via email response. If no email address for the complaint is provided, include a note indicating the best way for the board to communicate with the complainant.

Complaints received are screened and reviewed by staff at COWIB and if appropriate, are remanded to the service provider or other responsible party to begin informal resolution. COWIB may provide alternative dispute resolution to assist the parties in reaching an understanding about how to best resolve their differences.

Informal Resolution

An attempt will first be made to informally resolve the complaint to the satisfaction of all parties. Informal resolution must be completed within 10 calendar days from the date the

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complaint was filed. If all parties are satisfied, the complaint is considered resolved and a letter outlining the terms and conditions of the resolution is attached to the complaint and sent to the parties.

Formal Resolution

When no informal resolution is possible, information is documented and returned to COWIB for further investigation. A determination letter will be issued within 20 days from the date the complaint was filed and sent to the parties. If the determination is not contested, the complaint will be considered resolved.

Hearing

Any party dissatisfied with the determination from the informal or formal resolution, may appeal in writing within 10 days of the date of determination. The request for a hearing must be filed in writing to cowib@cowib.org or via mail to:

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

Upon receipt of the request for a hearing, the EO Officer of COWIB or his/her designee shall review the grievance or complaint and shall provide an opportunity for an informal and formal resolution, if not yet provided. The EO Officer of COWIB or his/her designee shall notify the complainant and the respondent within 10 days of receipt of the grievance or complaint and proceed with the informal resolution process, and then formal resolutions process. If the COWIB cannot resolve the grievance or complaint, then a hearing may be requested.

Hearing Procedure

In any hearing conducted pursuant to a grievance filed under the WIOA, all parties to the grievance shall be afforded an opportunity for a hearing with the Grievance Panel after reasonable notice. Such notice shall include:

- The date, time, and place of the hearing, in writing at least 10 days prior to the date of hearing.
- The original grievance filed and documentation of informal and formal resolution attempts.
- Relevant sections of WIOA or any other federal regulations involved.
- If not in the original filed grievance, a statement of the alleged violations. The statement

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must accurately reflect the content of the grievance or complaint as submitted by the complainant. However, clarifying notes may be added to ensure the grievance is addressed accurately; and,

- The right of the parties to be represented by an attorney or another designated representative (at their own expense).

The hearing is conducted in an informal manner in front of the Grievance Panel with strict rules of evidence not being applicable. Both parties have the right to present written and/or oral testimony and arguments; the right to call and question witnesses; the right to request and examine records and documents relevant to the issues; and the right to be represented. All evidence and a list of witnesses must be made available in advance to all parties 7 days prior to the hearing. Prior to the hearing, the Chair of the Grievance Panel will inform the parties, in writing, the hearing process (i.e., order of arguments, rebuttals, time restrictions, etc.). The hearing will be recorded electronically.

The hearing process will be completed within 60 days from the date the appeal/request for hearing was received by OESC.

Composition of Grievance Panel

The Grievance Panel will consist of three (3) members who are appointed by the EO Officer of COWIB, along with two (2) alternates.

- Where feasible, the Panel may include a representative from the Central Oklahoma Workforce Board, a COWIB Staff member, and a Service Provider Staff member of any of the WIOA Core Programs. Alternates may be any combination chosen from any of the above entities.

The EO Officer of COWIB or his/her designee will oversee the hearing.

Final Decision by the Grievance Panel

Unless precluded by law, informal disposition or resolution may be made of any individual proceeding by stipulation, agreed settlement, consent order, or default.

If informal disposition or resolution is not achieved, the Grievance Panel shall, within 60 calendar days from the date the complaint was filed, mail electronically and via the United States Postal Service, a written decision to both parties. The decision shall contain the following information:

- The names of the parties involved.

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- A statement of the alleged violation(s) and issues related to the alleged violation.
- A statement of the facts.
- The State Grievance Panel's decision and the reasons for the decision.
- A statement of the corrective action or remedies for violations, if any, to be taken; and
- A notice of the right of either party to file an appeal to the State, if applicable.

Appeals to the State

A participant or affected party may file a grievance with the local area. It will be resolved according to the procedures of the local area, established pursuant to 20 CFR §683.600(c).

An appeal of a local area decision may be filed with the State if:

- No decision is reached within 60 days from the date the grievance is received at the local area level; or
- Either party is dissatisfied with the local area hearing decision.

When the local area does not render a decision within 60 days from the date of receipt of the grievance/complaint, an appeal must be filed with the State within 30 days from the expiration of the 60-day time period.

Appeals to the State will be taken from the complainant, a representative, or other designee by email to eoofficer@oesc.ok.gov or mail to:

Oklahoma Employment Security Commission
2401 N Lincoln Blvd.
Oklahoma City, OK 73105

Federal Appeal

WIOA allows for a formal appeal to the U.S. Department of Labor (USDOL) if the state has not issued a decision within 60 days after a complaint is filed or the party to such decision received an adverse decision. Federal appeals must be made within 60 calendar days of the receipt of the decision being appealed. USDOL will make a final decision no later than 120 days after receiving a formal appeal. USDOL will only investigate complaints arising through the established procedures. Appeals submitted to USDOL must be submitted by certified mail, return receipt requested to:

Secretary U.S. Department of Labor
Attention: ASET

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200 Constitution Avenue, NW
Washington, DC 20210

Maintenance of Records

Recordings and other records shall be maintained for such time so as to protect the record through judicial review, or at least three years. Copies of the electronic recordings shall be provided at the request of any party to the proceeding.

Possible Imposed Remedies

According to WIOA Section 181 (c) (3) remedies that may be imposed for a violation of any requirement shall be limited to:

- Suspension or termination of payments under this title.
- Prohibition of placement of a participant with an employer that has violated any requirement under this title.
- Where applicable, the reinstatement of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment; and
- Where appropriate, other equitable relief.

Policy Additions and Clarifications

The COWIB Chief Executive Officer is authorized to issue additional instructions, guidance, approvals, and/or forms to further implement the requirements of policy.

Inquiries

If you have any questions or concerns regarding issuance email cowib@cowib.org or call (405) 622-2026.