

**RIVER PARISHES WORKFORCE INNOVATION  
AND OPPORTUNITY ACT PROGRAMS  
LOCAL WORKFORCE INVESTMENT AREA#14**

**GRIEVANCE PROCEDURE**

**A. SCOPE AND PURPOSE**

This policy establishes the procedure to receive, investigate and resolve grievances and conduct hearings to adjudicate disputes under the Act. Each LWIOA grant recipient or other sub recipient shall adopt these procedures or develop their own to include all of the elements and timetables set forth herein.

**B. COVERAGE AND PROVISIONS**

- I. Any person or organization may file a complaint alleging a violation of the Act, Regulations, Grant, or other agreements under the Act.
- II. These procedures also provide the resolutions of complaints arising from actions, such as audit disallowance's or the imposition of sanctions, taken by the Governor with respect to audit findings, investigations, or monitoring Reports.
- III. All complaints, with the exception of complaints alleging fraud or criminal activity, must be made victims.
- IV. Upon enrollment into a WIOA program each participant shall be provided with a written description of the grievance procedure.
- V. Any employer establishes grievance procedure shall provide for, upon request by the complainant, a review of an employer's decision by the LWIOA grant recipient and the Governor.
- VI. Any person or organization that furnishes information relating to, or assisting in an investigation of a possible violation of the Act shall be kept confidential to the extent possible, consistent with a fair determination of the issues.
- VII. All complaints alleging discrimination shall be filed with the EEO Section, and processed according to procedures in 29 CFR 31.

**C. STRUCTURE AND TIMETABLES**

This policy sets forth a three level system that allows any person or organization to file a complaint except in case of discrimination, at either the sub recipient level, WIOA grant recipient level, or Governor's level within 30 days of the alleged act.

The system provides for a hearing on a grievance to be conducted in the locale of the complainant within 30 days of the filing of the written grievance.

**STEP 1**

- I. Any person or organization shall present the grievance at the level closest to the aggrieved. The grievance must be in writing.
- II. The complaint shall be acknowledged by the designee at the level receiving the complaint and a hearing scheduled within 30 days.
- III. The hearing procedure shall include:
  - a. A written notice of the date, time, and place of the hearing, the manner in which it will be conducted, and the issues to be decided;
  - b. An opportunity to be represented by an attorney or other representative of the complainant's choice;
  - c. An opportunity to bring witnesses and documentary evidence. The WIOA staff, LWIOA recipients or other sub recipients shall cooperate in making

available any persons under their control or employ to testify, if such persons are requested to testify by the complainant, and to release requested documents.

- d. An opportunity to question any witness or parties.
- e. The right to an impartial hearing officer;
- f. A verbatim record of the proceeding;
- g. A written decision by the hearing officer examiner.

The entity receiving the complaint, i.e., WIOA grant recipient or other sub recipient, shall provide the complaint with a final decision in writing within 60 days of the filing of the grievance.

## STEP 2

- I. If the complainant does not receive a decision at the LWOA level within 60 days or receives a decision, which is unsatisfactory, the complainant then has a right to request a review of his complaint by the "Governor or his designee.
- II. The request for review shall be filed within 10 days of receipt of the adverse decision or 10 days from the date on which the complainant should have received the decision.
- III. The Governor shall issue a decision within 30 days of the request for review the Governor's decision is final except in the case of discrimination complaints.
- IV. The Governor shall also provide for a review of a complaint initially filed at the state level on which a decision was not issued within 60 days or on which the complainant has received an adverse decision. Again, a decision shall be made within 30 days.

## STEP 3

- I If the complainant does not receive a decision from the Governor as provided for in Step 2, the complainant may request of the Secretary of Labor that a determination be made on whether there is probable cause to believe that a violation of the Act, Regulation, or other related agreements have occurred.
- II The complainant shall make the request for review no later than 10 days from the date on which the decision should have been received. The request from the complainant should contain the following:
  - a. The full name, telephone number (if any), and address of the person making the complaint.
  - b. The full name and address of the respondent against whom the complaint is made;
  - c. A clear and concise statement of the facts, including pertinent dates, constituting the alleged violation.
  - d. The provisions of the Act, regulations, grant or other agreements under the Act believed to have been violated;.
  - e. A statement disclosing whether proceedings involving the subject of the request have been commenced or concluded before any federal, state, or local authority, and, if so, the date of such commencement or conclusion, the name and address of the authority, and the style of the case, and

- f. A statement of the date the complaint was filed with the Governor, the date on which the Governor should have issued a decision, and in attestation that no decision was issued.

## **RESTRICTIONS REGARDING POLITICAL AND SECTARIAN ACTIVITIES**

### **POLITICAL ACTIVITIES**

The Secretary shall not provide financial assistance for any program under this Act, which involved political activities [Act 195 (6)]

No program under the Act may involve political activities, including but not limited to:

- a. No WIOA participant may engage in partisan or non-partisan political activities during hours for which the participant is paid with Workforce Innovation Opportunity Act funds.  
[LA Rule 32 (H) (1) (a)]
- b. No WIOA participant may, at any time, engage in partisan political activities in which such participant represents himself/herself as a spokesperson for the Workforce Innovation Opportunity Act Program. {LA Rule 32 (H) (1) (b)}.
- c. No WIOA participant may be employed or out stationed in the office of a member of Congress or a State or local legislator or on staff of legislative committees.  
[LA Rule 32(H) (1) C].
- d. No WIOA participant may be employed or out stationed in positions involving political activities in the offices of elected executive officials. However, non-political positions under the responsibility of such elected officials are permissible.

### **NONSECTARIAN (RELIGIOUS) ACTIVITIES**

The employment and/or training of WIOA participants in sectarian activities are prohibited. {FR 629.3 (b)}.

No WIOA participant may be employed or on the construction, operation, or maintenance or any facility as is used or will be used for sectarian instruction or as a place of religious worship. {Act 188 (a) (3)}: {LA Rule 32 (J) (1) (a)}.

Violation of these restrictions may result in immediate termination and/or civil action in any appropriate District Court of the United States.

### **DISCRIMINATION COMPLAINT PROCEDURE**

Discrimination is a failure to treat an individual or a class of persons equally because of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation.

### **NONDISCRIMINATION PROVISIONS**

No individual in the United States shall, on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in WIOA, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any WIOA-funded program or activity.

### **RETALIATION PROHIBITED**

No individual will be discharged, intimidated, threatened, coerced, or otherwise discriminated against because he/she has filed a complaint, testified, assisted, or

participated in any manner in an investigation, proceeding, or hearing.

### **WHO MAY FILE**

Any person who believes that he or she or any specific class of individuals has been or is being subjected to discrimination prohibited by the nondiscrimination and equal opportunity provisions of WIOA or this part may file a written complaint or his/her representative may file.

### **POLICY/PROCEDURE ISSUANCE**

A recipient shall not, directly or through contractual, licensing, or other arrangements, on a prohibited ground, discriminate in determining the types of services, financial aid or other benefits or facilities that will be provided under any WIOA-funded program or activity;

Upon registration into a WIOA program or activity, each participant shall be provided with a written description of the complaint procedure. Documentation is to be maintained in each participant's folder.

At the time of hire, each staff under the WIOA program shall be provided with a written description of the complaint procedure. Documentation verifying receipt of the complaint procedure is to be maintained in each staff's personnel folder. The official LDOL Complaint Poster, which outlines the complaint procedures, must also be displayed prominently at all sites where employees and participants are present.

### **COMPLAINT HANDLING PROCEDURE**

#### **I. SUBJECT**

Discrimination Complaint Processing

#### **II. PURPOSE**

To transmit to all staff of the LWIOA's, Workforce Investment Board, Sub-recipients contractors the Louisiana Workforce Commission's policies and standard procedures for accepting, handling, and processing complaints of discrimination filed by any person who believes that he or she or any specific class of individuals has been or is being subjected to discrimination prohibited by the nondiscrimination and equal opportunity provisions of WIOA.

#### **III. DEPARTMENT POLICY**

It is the policy of the Louisiana Workforce Commission to insure nondiscrimination and equal opportunity in the operation and administration of all programs, services, and activities funded in whole or in part with federal funds.

Any individual who believes that he or she has been discriminated against in the denial and/or receipt of any services funded through the Louisiana Workforce Commission, may file a formal complaint with the Louisiana Workforce Commission, Compliance Programs Office, or the Director, Directorate of Civil Rights, U.S. Department of Labor.

Any staff member of the Louisiana Workforce Commission, LWIOA, or any service Provider/contractor, who receives a complainant shall refer that individual to the Office manager of LWIOA EO Officer in order that the complainant may be assisted in the preparation of his/her complaint in accordance with the procedures established by the Compliance Programs, Office of the Louisiana Workforce Commission.

#### **IV. RESPONSIBILITY**

The local office manager or EO Officer is responsible to ensure that any complaint alleging discrimination meets the following criteria:

- a. The "covered individual" making the complaint is legally entitled to do so;
- b. The individual or entity against which the complaint is filed receives federal financial assistance;
- c. The written complaint is filed within 180 days of the alleged discriminatory act. If the complaint is initiated more than 180 days from the date of the alleged discriminatory action, the complainant should be notified that the complaint must be filed with the Director, Directorate of Civil Rights, U. S. Department of Labor.
- d. That the written complaint is signed by the complainant or his/her authorized representative; contains the complainant's name and address (or specifies another means of contacting him or her); identifies the respondent; and describes the complainant's allegations in sufficient detail to allow the recipient to determine whether the complaint has apparent merit;
- e. That the complainant is informed that he/she may file a complaint with the Louisiana Workforce Commission's Office of Equal Opportunity and Compliance or directly with the Director, Directorate of Civil Rights (DCR), U. S. Department of Labor, 200 Constitution Avenue N.W. Room N-4123, Washington, D.C. 20210. If the complainant chooses to file at the recipient Level (LDOL); inform the complainant that he/she must wait until the recipient (LDOL) issues a decision or until 60 days have passed, whichever is sooner, before filing with DCR. If the complainant does not receive a decision from LDOL or receives a decision which is unsatisfactory, inform the complainant that he/she may file a complaint with the DCR within 30 days of the expiration of the 60-day period and that the Director of Civil Rights may extend the 30-day time limit for good cause shown.

If the complainant elects to have his/her complaint processed at the recipient level (LWC), the following procedure shall apply:

- a. Upon receipt, all discrimination complaints filed with the LWIOA or local office alleging discrimination on the basis of race, color, sex, religion, national origin, age, political affiliation or belief, and for beneficiaries only, citizenship or participation in WIOA shall be forwarded to Evella L. Quiett, Compliance Programs Director, Louisiana Workforce Commission, Post Office Box 94094, Room 244, Baton Rouge, Louisiana 70804-9094. All complaints should have the date stamped to document date received.
- b. The complainant shall be notified that the Louisiana Workforce Commission, Office of Equal Opportunity and Compliance, is required to process his/her Complaint within a 60 day period. If, by the end of the 60 days, the recipient has not completed the processing of the complaint or has failed to notify the Complainant of the resolution, the complainant or his/her representative may, within 30 days of the expiration of the 60-day period, file a complaint with the Directorate of Civil Rights. The Director may extend the 30-day time limit if the complainant is not notified of his/her right to file with DCR after the Expiration of the 60-day state processing, or for other good cause shown.

#### V. LWC COMPLAINT PROCEDURES

- a. Notification/Acceptance of the complaint for investigation to the complainant and the respondent.

Notification Acceptance advised the complainant and respondent of the issues to be resolved.

- b. Where a complaint contains insufficient information, the needed information shall be requested from the complainant. If the complainant fails to respond to the request for additional information after reasonable efforts have been made to obtain this information from the complainant, or the information is not furnished within

15 days of the receipt of such request, the complaint shall be "Administratively Closed" without prejudice upon notice sent to the complainant's last known address

- c. The Office of Equal Opportunity and Compliance will review all documents and acquire additional information and/or conduct hearings to provide the Complainant and respondent with written notification of the resolution within 60 days of the filing of the complaint. Where a "no clause" determination is made, the complainant shall be notified of his/her rights to file with DCR.
- d. If the Office of Equal Opportunity and Compliance determine, after Investigation, that there is reasonable cause to believe that a violation of the nondiscrimination and equal opportunity provisions of WIOA or this part has occurred, the Compliance Programs Director shall issue an Initial Determination to the complainant and respondent in writing of:
  1. The specific findings of the investigation;
  2. The proposed corrective or remedial action(s) and the time by which these corrective or remedial action(s) must be completed;
  3. Whether it will be necessary for the respondent to enter into a written agreement;
  4. the opportunity to engage in voluntary compliance negotiations, and
  5. where no cause determination is made, the complainant and the respondent shall be so notified in writing. Such determination represents final agency action of the Louisiana Department of Labor and the complainant will be notified of his/her rights to file with DCR.

#### VI. WRITTEN ASSURANCE, CONCILIATION AGREEMENT

Written assurances developed pursuant to a finding must provide documentation that the violation(s) listed in the Initial Determination have been corrected. A conciliation agreement entered into pursuant to a finding must be in writing; address each cited violation: specify the corrective or remedial actions(s) to be taken within a stated period of time to come into compliance; provide for periodic reporting on the status of the corrective or remedial action; provide that the violation(s) will not recur; and provide for enforcement for a breach of the agreement.

#### VII. NOTIFICATION OF BREACH OF CONCILIATION AGREEMENT

A Notification of Breach of Conciliation Agreement shall specify the efforts made to achieve voluntary compliance and indicate that these efforts have been Unsuccessful, identify the specific provisions of the Conciliation Agreement Violated, determine liability for the violation and the extent of the liability indicate that failure of the violating party to come into compliance within 10 days of the receipt of the Notification of Breach of Conciliation Agreement may result after the opportunity for a hearing, in the termination or denial of the grant, or discontinuation of assistance.

#### VIII. SANCTIONING PROCEDURES

If after the issuance of a Final Determination or a Notification of Breach of Conciliation Agreement, compliance has not been achieved, the Secretary of Labor, upon recommendation from the Compliance Programs Director, may:

- a. provide for the withholding of cash requisitioned;
- b. Pursue litigation under state contract law (based upon signed assurance or funding agreement);
- c. Terminate the grant agreement/contract;
- d. Issue notice to revoke approval of all or part of the Workforce Innovation Opportunity Plan affected; and
- e. Invoke other actions available under state/federal law.

#### IX. SANCTION HEARING PROCESS

The sub recipient may appeal the Notice to the Secretary of the U. S. Department of Labor under the same conditions as the Governor's disapproval of the Workforce Innovation and Opportunities Training Plan.

**LOCAL EQUAL EMPLOYMENT OFFICER:**

Abbie Cooper

(985) 543-4250

[acooper@stcharlesgov.net](mailto:acooper@stcharlesgov.net).