



NETWORKS NORTHWEST AND NORTHWEST MICHIGAN WORKS! AGENCY

COMPLAINT POLICY AND PROCEDURE

Introduction

Networks Northwest and the Northwest Michigan Works! Agency (NWMWA) have established a complaint procedure for resolving complaints of alleged violations under employment and training programs funded by the federal government via allotments to Networks Northwest from the State of Michigan's Department of Labor and Economic Opportunity, Workforce Development. This includes the Workforce Innovation and Opportunity Act (WIOA) of 2014 (including amendments), the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (as amended) and the subsequent Temporary Assistance for Needy Families (TANF) program reauthorization contained in the Deficit Reduction Act of 2005, the Food Stamp Act of 1977 (as amended) and the Wagner-Peyser Act of 1933 (as amended and more commonly known as the Employment Service).

Any participants, subcontractors, sub grantees, one-stop partners, service providers, providers of training services, employees and other interested persons involved in these NWMWA programs who wish to file a complaint alleging violation of any referenced Act shall follow the procedure below. This includes affected individuals if the employment of a TANF or WIOA participant results in the displacement of, or a reduction in, the employer's regular workforce.

With the exception of complaints alleging fraud or other criminal activity, the filing of a complaint must be made within one year of the alleged occurrence.

Distribution and Posting of Complaint Procedure

This policy shall be distributed to participants, sub grantees, subcontractors, employees, one-stop partners, service providers, providers of training services, and other interested parties in the following manner:

- Participants: provided at program application, registration, or orientation.
- Sub grantees, subcontractors, one-stop partners, service providers, providers of training services: included with the contract, Memorandum of Understanding, or other signed agreement.
- Employees: provided at hire.
- Other interested parties: posted in public areas at all Northwest Michigan Works! Service Centers.

Hard or electronic copies are available upon request.

Participants, sub grantees, subcontractors, employees, one-stop partners, service providers, providers of training services, and other interested parties shall sign and date documentation acknowledging receipt of these complaint procedures and agreeing to follow the procedures.

This complaint procedure shall be posted in all areas where administration and program services are provided by Networks Northwest or subcontractors of Networks Northwest.

Suspected Fraud, Abuse or Other Criminal Conduct

Complaints involving fraud, abuse or other criminal conduct shall be reported, within one work day of the discovery of the occurrence, directly to the U.S. Department of Labor via USDOL Form DL 1-156 (reference Employment and Training Administration, Training and Employment Guidance Letter 2-12) and mailed to Special Agent-in-Charge, Employment and Training Administration, U.S. Department of Labor, 230 South Dearborn Street, Room 756, Chicago, IL 60604. A copy of Form DL 1-156 will also be sent to: Director, State of Michigan, Department of Labor & Economic Opportunity, Workforce Development, P.O. Box 30805, Lansing, MI 48909.

Discrimination

Recipients of federal financial assistance are prohibited from discriminating on the basis of race, color, religion, sex, national origin, age, disability, political affiliation, retaliation, or belief, or, under WIOA programs, on the basis of citizenship status or participation in any WIOA Title I financially assisted program or activity. Complaints alleging such discrimination will be processed by the State of Michigan's Equal Opportunity Officer in accordance with policies established to govern such complaints. Such petitioners should contact the State of Michigan's Equal Opportunity Officer via email at LEO-EO-Discrimination-Complaints@michigan.gov to request a copy of the EO complaint process.

Trade Programs (TAA)

Complaints that involve decisions/determinations for Trade Program eligibility, training, job search, or relocation services pursuant to the Trade Program Regulations 20 CFR 617.50 and 617.51 will follow the separate Trade Program complaint procedure. All other types of complaints originating from TAA participants will follow this procedure.

TANF/Food Assistance Programs

Depending on the nature of the complaint, TANF and Food Assistance program applicant and recipient complaints will be handled in accordance with this policy (for programs administered by Networks Northwest), or the Department of Health and Human Services' (DHHS) procedures (for programs administered by the DHHS).

A complaint may be filed by an affected individual if a recipient of TANF is placed in a position (1) when any other individual is on layoff from the same or any substantially equivalent job or (2) if the employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with an adult receiving TANF assistance. In this situation, either party to the complaint (the TANF recipient or the displaced employee) may appeal the decision rendered by Networks Northwest to the State of Michigan's Department of Labor and Economic Development, Workforce Development, P.O. Box 30805, Lansing, MI 48909.

On-the-Job Training or Work Experience Employers

Employers are required to make available to employees who are subsidized under a NWMWA program a complaint procedure relating to the terms and conditions of employment. If a covered bargaining agreement exists, employers must use the bargaining agreement's complaint procedure. Otherwise the employer may elect to adopt its own complaint procedure, or utilize this complaint procedure. An employer complaint system shall provide for, upon request by the participant, a review of an employer's decision by Networks Northwest and the State of Michigan's Department of Labor and Economic Development, Workforce Development.

If applicable, an employer shall inform program participants of the complaint procedure they are to follow when the participant begins employment.

Workforce Innovation and Opportunity Act (WIOA) Programs

A complaint may be filed by a regular employee displaced by a WIOA participant who is placed in an employment activity operated with WIOA funds. Also, a complaint may be filed by a WIOA participant in an employment activity if the participant is displaced.

If a WIOA participant files a complaint alleging a labor standards violation and a collective bargaining agreement covering the parties to the complaint provides for binding arbitration, then the WIOA participant may also opt to submit the complaint to binding arbitration.

Wagner-Peyser Act Programs

Complaints involving Wagner-Peyser Act Employment Service activities and Employment Law Violations must be resolved in accordance with the complaint system procedures outlined in the Employment Service Manual.

PROCEDURE

Informal Resolution

All individuals who have a complaint are encouraged to resolve their complaint informally with their immediate supervisor, or with the appropriate program manager, or with the appropriate Northwest Michigan Works! Director of Operations, before pursuing the complaint using this procedure.

For complaints against employers of participants (including private-for-profit employers) under the referenced Acts, the complaint will first be filed with the employer according to the employer's existing complaint procedure. If the employer has chosen to follow this complaint procedure, or if the employer decision is unsatisfactory to the petitioner, the complaint may be filed in accordance with Step 1 below.

The Complainant has the right to be represented in the complaint process at their own expense.

All other complaints will be filed in accordance with Step 1 below. Questions regarding the complaint procedure may be directed to the Networks Northwest Complaint Officer, Lisa Schut, by calling (231) 929-5000.

Step 1: Complaint filing procedure

All complaints must be submitted in writing within one year of the date of the alleged occurrence and contain, to the extent practicable, the following information:

- The full name, address, telephone number, and email address of the petitioner;
- The full name, address, and telephone number of the party against whom the complaint is made, or other information that is sufficient to identify the party against whom the complaint is made. This party shall be known as the respondent;
- A clear and concise statement of the facts, as alleged, constituting the alleged violation and a listing of pertinent dates;
- The provisions of the act, regulations, grant, contracts, or other agreements under the act believed to have been violated;
- The relief requested;

- Whether or not a hearing is requested.

Complaints will be sent to: Chief Executive Officer, Networks Northwest, P.O. Box 506, Traverse City, MI 49685-0506.

Step 2: Determination whether relief can be granted

Networks Northwest will acknowledge receipt of the complaint within five (5) business days.

The complaint will be rejected if any of the following applies:

- The complaint lacks merit.
- The complaint fails to state an issue that can be grieved.
- No relief exists in response to the complaint.
- The petitioner has failed to comply with the established complaint procedure.

If a complaint is dismissed due to any of the four reasons listed above, the petitioner and respondent will be notified in writing of the dismissal and the reason for its dismissal within 60 days of the complaint being filed. The notification will include the right of appeal to the State of Michigan's Department of Labor and Economic Development, Workforce Development.

Step 3: Networks Northwest Review

For those petitioners whose complaints have not been dismissed and who request a hearing, a hearing will be scheduled within 30 calendar days of the receipt of the complaint.

At a minimum the hearing process will include a hearing officer, an opportunity for each party to present witnesses and evidence, an opportunity for each party to ask questions of all witnesses providing testimony at the hearing, a record of the hearing, a list of all evidentiary exhibits presented at the hearing. At the discretion of the hearing officer, there may be an opportunity to exchange evidentiary information prior to the hearing.

Both the petitioner and the respondent shall be provided written notice at least 10 days prior to the hearing indicating the date, time, and place of the hearing, the nature of the violations which the hearing covers, and the opportunity to present evidence, including witnesses.

For those petitioners whose complaints have not been dismissed and who do not request a hearing, the Chief Executive Officer will perform an investigation that will include an examination of any evidence presented by the petitioner and/or the respondent.

Step 4: Decision notification procedure

Whether or not a hearing is held, the Chief Executive Officer will make a decision within 60 days of the filing of the complaint. The decision will be in writing and will include:

- Date, time, and place of hearing (if held);
- Names and addresses of the petitioner and the respondent;
- Names and addresses of all witnesses called by the parties;
- Information sufficient to identify all evidence presented;
- A reiteration of the issues raised;
- A determination of the facts;
- An analysis of the issues as they relate to the facts;
- A decision addressing each issue;
- Notification of right to appeal to the State of Michigan's Department of Labor and Economic Development, Workforce Development within 10 calendar days of receipt of an adverse decision.

Step 5: Appeal to the State of Michigan's Department of Labor and Economic Development, Workforce Development

Should a petitioner not receive a decision within the time prescribed, or should a petitioner or respondent be dissatisfied with a decision, said petitioner or respondent shall have the right to a review by the Governor of the State of Michigan via the State of Michigan's Department of Labor and Economic Development, Workforce Development.

All requests for a review of an appeal by the State of Michigan's Department of Labor and Economic Development, Workforce Development will be submitted in writing (submitted by certified mail, return receipt requested) within 10 days of receipt of the decision made by the Networks Northwest Chief Executive Officer or within 10 days from the date on which a decision was required, or, for the PATH program, within 30 days of receipt of the Networks Northwest decision or from the date on which a decision was required. Appeals will be sent to State of Michigan, Department of Labor and Economic Opportunity, Workforce Development, Executive Office, Department of Labor & Economic Opportunity, Workforce Development, P.O. Box 30805, Lansing, MI 48909

Any appeal to the State of Michigan's Department of Labor and Economic Development, Workforce Development will contain (to the extent practicable) the following information:

- The full name, address, and telephone number of the appellant(s);
- The full name, address, and telephone number of the respondent(s);
- A clear and concise statement of the facts, as alleged, including the pertinent dates, constituting the alleged violation;
- The provision of the act, regulations, grant, contract, or other agreements under the act believed to have been violated; and
- The relief requested.

Both parties should send all relevant information and documentation generated at the local hearing and related to the appeal to the State of Michigan's Department of Labor and Economic Development, Workforce Development address to assist with the determination on the grievance. All relevant documentation should be submitted to the State of Michigan's Department of Labor and Economic Development, Workforce Development within 15 days of the filing of the appeal.

In general, a decision at the State of Michigan's Department of Labor and Economic Development, Workforce Development level is final. Following consideration of the appeal, the State of Michigan's Department of Labor and Economic Development, Workforce Development will take one of the following actions:

Rejection of the Appeal: A complaint may be rejected, and a final determination issued, if it is determined that:

- It lacks merit;
- It fails to state a grievable issue;
- There is no relief that can be granted; or
- If the appellant fails to comply with the applicable procedures prescribed in this policy (e.g., the 10 day filing requirement, among other provisions).

The appellant will be informed in writing as soon as possible, or within 60 days from the date the appeal was filed, of the reason the appeal was rejected.

Waiver of the Hearing: In lieu of a hearing for an appeal of a WIOA related local level decision, the parties to the appeal may mutually consent to having the State of Michigan's Department of Labor and Economic Development, Workforce Development decide the matter based on the record created at the local level.

If both parties and the State of Michigan's Department of Labor and Economic Development, Workforce Development are in agreement, the hearing is waived. Both parties must provide the State of Michigan's Department of Labor and Economic Development, Workforce Development with written confirmation that demonstrates their consent to waive the hearing.

State of Michigan's Department of Labor and Economic Development, Workforce Development will issue a final decision within 60 days of the receipt of the appeal taking into consideration the evidentiary documentation previously submitted.

Hearing: For an appeal of a WIOA related local level decision, an opportunity for a hearing may be provided. However, a hearing will not be held under certain circumstances, as previously prescribed in this policy issuance. If a hearing on an appeal is to be held, it shall be conducted within 30 days of the filing of the appeal. A hearing is not required at this step if the appellant withdraws the appeal.

When a hearing is conducted on an appeal, the appellant and the respondent will be provided written notice of the date, time, and place of the scheduled hearing and of the opportunity to present evidence, including witnesses. The notice of the hearing shall indicate the issues to be decided. Notice shall be given not less than ten days prior to the scheduled hearing date.

At a minimum, the hearing process shall include:

- A hearing officer;
- An opportunity for each party to present witnesses (subpoenas are not authorized under this policy issuance) and evidence;
- An opportunity for each party to ask questions of all witnesses providing testimony at the hearing; and
- A record of the hearing and a list of all evidentiary exhibits presented at the hearing.

At the discretion of the hearing officer, there may be an opportunity to exchange evidentiary information prior to the hearing. A written decision shall be issued not later than 60 days after the filing of the appeal. The decision shall include the following:

- Date, time and place of hearing (if held);
- Name and address of the petitioner;
- Name and address of the respondent;
- Names and addresses of all witnesses called by the parties;
- Information sufficient to identify all evidence presented;
- A reiteration of the issues raised;

- A determination of the facts;
- An analysis of the issues as they relate to the facts; and
- A decision addressing each issue.

However, if a decision is not issued by the due date, a WIOA-related appeal may be reviewed by the Secretary of the U.S. Department of Labor. A WIOA-related decision may be appealed by the adversely affected party to the USDOL within 60 calendar days of receipt of the State of Michigan's Department of Labor and Economic Development, Workforce Development decision. Instructions for such an appeal to the U.S. Department of Labor will be provided by the State of Michigan's Department of Labor and Economic Development, Workforce Development.