



## ***GRIEVANCE PROCEDURE***

**SECTION I:** This Grievance Procedure is established and maintained for resolving any complaint or grievance alleging a violation of any program that is administered by South Central Michigan Works!

**SECTION II:** All grievances and complaints utilizing MDELEG/BWT funding sources (including state funding sources) shall follow the guidelines set forth in this Grievance Procedure.

**SECTION III:** All program participants shall be provided upon enrollment into employment or training with a written description of this Grievance Procedure, and the Employer's own grievance procedure, including notification of the rights to file a complaint and instructions on how to do so. This Grievance Procedure will be posted in areas where administration and program services are provided.

**SECTION IV:** Grievances may be brought by any individual or organization, including, but not limited to program participants, subgrantees, subcontractors, employees, and other interested parties. A grievance may also be filed by an affected individual if a recipient of WIA-TANF-funded services 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 a WIA/TANF service-funded individual.

**SECTION V:** Should any grievant have a complaint which is grievable under this procedure, an earnest effort should be made to resolve such differences promptly in the following manner.

Step 1: The grievance is to be reduced to writing and presented to the Employer operating the program in which the grievant is participating in or has applied for employment. An informal hearing shall be conducted between the grievant and the employer. The Employer shall, within five (5) days after receipt of the complaint, issue a written determination as to such complaint. Such determination shall include a synopsis of the facts and a statement of the reasons for decision made and shall also provide the grievant notification of an opportunity to appeal the matter to Step 2 of the Grievance Procedure. This latter notification shall include the procedures for requesting a Step 2 hearing and shall describe the elements of the hearing procedures.

Step 2: If the dispute is not resolved at Step 1, the grievant may, within three (3) days of the issuance of the Step 1 decision, submit said grievance to the President of SCMW!, 310 W. Bacon St., Hillsdale, MI 49242. A formal or informal administrative hearing will be held between the President (or her/his designee), the grievant, the respondent and all other necessary parties not more than thirty (30) days from the date of the filing of the complaint. The grievant must submit to the President, in writing, the following information: (a) grievant's name, address and phone number (if any); (b) name and address of the party against whom the allegation is made; (c) a clear and concise statement of the facts, including pertinent dates, setting forth the alleged violation; (d) the provisions of the Act, regulations, grant, contract, or other agreement under the Act alleged to have been violated; (e) a statement disclosing whether proceedings involving the dispute have been conducted before another authority; (f) a statement indicating, if applicable, that the Employer's grievance procedures have been exhausted; and (g) the relief requested. Grievant shall have the opportunity at the Step 2 hearing to bring witnesses and documentary evidence; to have records or documents relevant to the issues produced by the custodian when such records or documents are kept by or for the employer in the ordinary course of business; and to question any witnesses or parties. Grievant and Respondent shall receive written notice as to the Step 2 hearing or the date, time and place of the hearing, the manner in which it will be conducted, and the issues to be decided thereat not less than ten (10) days prior to the hearing. Other interested parties may also apply for such notice. The President (or her/his designee), acting as the hearing officer, shall, within five (5) days of the close of the hearing, submit his/her written decision to the grievant, which response shall include (a) date, time, and place of hearing; (b) names and addresses of all witnesses called by the parties; (c) name and address of the grievant; (d) name and address of the party against whom the grievance is made; (e) information sufficient to identify all evidence presented; (f) a reiteration of the issues raised; (g) a synopsis of the facts; (h) an analysis of the issues as they relate to the facts; and (i) a decision addressing each issue. The President shall also provide the grievant notification of the opportunity to appeal the matter to Step 3.

Step 3: If the dispute is not resolved at Step 2, then either party may, within three (3) days of the issuance of the President's decision, submit said grievance to the SCMW! Workforce Development Board (The Board) for consideration at its next regularly scheduled meeting. At such meeting, the Board shall consider the positions of

each party and the decision rendered by the President. Within ten (10) days of said meeting, but in any event no longer than sixty (60) days from the initial filing of the grievance, the Board shall submit its written decision to the grievant, which shall include (a) date, time, and place of hearing; (b) names and addresses of all witnesses called by the parties; (c) name and address of the grievant; (d) name and address of the party against whom the grievance is made; (e) information sufficient to identify all evidence presented; (f) a reiteration of the issues raised; (g) a synopsis of the facts; (h) an analysis of the issues as they relate to the facts; (i) a decision addressing each issue; and (j) a statement that local remedies have been exhausted. The President shall also provide the grievant notification of the opportunity to appeal to the State of Michigan Department of Energy, Labor & Economic Growth (DELEG), (Step 4).

**Step 4:** If the grievant is not satisfied with the Board's response, or does not receive the same in time prescribed, including continuances, he/she may appeal, in writing, to the DELEG-Internal Audit and Monitoring Division no later than ten calendar days from receipt of an adverse decision at Step 3, or ten calendar days from the date a decision was required but not received at Step 3 (a decision is required to be rendered not later than 60 calendar days from the date the grievance was filed).

All appeals of a grievance shall be submitted to:

Director  
Internal Audit and Monitoring Division  
DLEG  
611 West Ottawa, 4<sup>th</sup> Floor  
P.O. Box 30004  
Lansing, Michigan 48909

All appeals of a grievance shall contain, to the extent practicable, (a) full name, address, and telephone number of the party/parties filing the appeal; (b) full name, address, and telephone number (if any) of the party/parties against whom the grievance is made; (c) a clear and concise statement of the facts, as alleged, including the pertinent dates, constituting the alleged violation; (d) the provision of the act, regulations, grant, contract, or other agreements under the act believed to have been violated; and (e) the relief requested. The DELEG *may* conduct a hearing. For an appeal of a WIA-related decision, a hearing shall be held. If a hearing is not to be held, both parties to the appeal will be notified within ten days of receipt of the grievance. Both parties to the appeal will be given the opportunity to submit additional relevant information and/or documentation pertaining to the appeal. If a hearing is to be conducted, the grievant and the party against whom the grievance is made shall receive written notice of the date, time, and place of the hearing on the matter and of the opportunity to present evidence, including witnesses. Notice shall be given not less than ten calendar days prior to the hearing on the matter. If a hearing on an appeal is to be held, it shall be conducted within 30 calendar days of filing of the appeal and a written decision shall be issued not later than 60 calendar days after the filing of the appeal. The written decision shall include (a) date, time, and place of hearing; (b) names and addresses of all witnesses called by the parties; (c) name and address of the grievant; (d) name and address of the party against whom the grievance is made; (e) information sufficient to identify all evidence presented; (f) a reiteration of the issues raised; (g) a synopsis of the facts; (h) an analysis of the issues as they relate to the facts; and (i) a decision addressing each issue. A decision of the DELEG is final. However, if a decision is not issued by the due date, a WIA-related appeal may be reviewed by the Secretary of the U.S. Department of Labor (USDOL) within 60 calendar days of receipt of the DELEG-Internal Audit and Monitoring Division decision.

**SECTION VI:** With the exception of complaints alleging fraud or criminal activity, the filing of all complaints must be made within one (1) year of the alleged occurrence.

**SECTION VII:** Both the President at the Step 2 level and the Workforce Development Board at the Step 3 level of the grievance procedure may, at the request of a party or on their own initiative, dismiss any grievance for failure to state a cause of action for which relief can be given. Prior to such a dismissal, the grievant may be given an opportunity to show cause why the grievance should not be dismissed. Any such dismissal may be appealed to the next grievance step.

**SECTION VIII:** Grievant shall have the opportunity to amend their grievance at any time prior to the Step 2 hearing.

**SECTION IX:** A grievance may be withdrawn at any step of this Grievance Procedure. However a grievance once withdrawn may not thereafter be reinstated.

**SECTION X:** Any grievance not appealed in writing within the time limits established in the grievance procedure to the next appropriate step, shall be considered settled on the basis of the last determination.

**SECTION XI:** Written notification of the date, time and place of all formal or informal hearings or meetings regarding the grievance shall be provided to the grievant and respondent, and shall indicate the manner in which such hearing or meeting will be conducted.

**SECTION XII:** The grievant shall have the opportunity to be represented by an attorney or other representative of the complainant's choice at all levels of this Grievance Procedure.

**SECTION XIII:** Parties to the grievance shall have an opportunity to request the continuance of any hearing or meeting for good cause. For special provisions that apply to grievances of decisions/determinations for the Trade Act program training, job search or relocation services, protocol in the SCMW! Grievance and Complaint Policy shall apply.

**SECTION XIV:** In the event there is a series of subcontracts between the Employer and SCMW!, in order to reduce the number of appeal levels in the grievance procedure, if the grievant and the Employer both agree, the grievance may be passed on to the next step in the contract chain until it reaches Step 2. However, under no circumstances may it be passed on under this section without an initial determination made by the Employer.

**SECTION XV:** In the event that the alleged violation of WIA or the WIA regulations, grants or contracts, is also an alleged violation of another law, regulations or agreement, nothing in this procedure shall preclude an individual or an organization from filing a complaint or grievance under such other law or agreement with respect to the non-WIA cause of action, as well as filing a complaint under WIA. However, no suit may be filed which alleges a violation of the WIA or the WIA regulations without first exhausting the applicable administrative remedies under this Grievance Procedure.

**SECTION XVI:** For grievances that involve dual enrollments of participants in the Trade Adjustment Act Program and the WIA Dislocated Worker Program or the North American Free Trade Act Program and the WIA Dislocated Worker Program, following actions must be undertaken:

- a. SCMW! will determine the funding source supporting the activity or program being grieved.
- b. If there is only one funding source for the grieved activity or program involved, SCMW! shall resolve the grievance under the appropriate grievance procedure.
- c. If the grievance involves two funding sources, a letter describing the issues shall be written to both the DELEG/WP and DELEG/ESA at the following addresses requesting instruction on how to handle the grievance:

Director  
Internal Audit and Monitoring Division  
DELEG  
611 West Ottawa, 4<sup>th</sup> Floor  
P.O. Box 30004  
Lansing, MI 48909

Director  
Employment Service Agency  
DELEG  
Landmark Building, 3<sup>rd</sup> Floor  
105 West Allegan  
Lansing, 48933

**SECTION XVII:** Discrimination Complaints. SCMW! is committed to the principles of equal opportunity (EO) and nondiscrimination in the provision of programs and services administered by the agency. In carrying out this commitment, we require the equitable treatment of all persons in the opportunity for employment, as well as their access to, and receipt of, program services without discrimination based on race, color, national origin, age, sex, religion, disability, and other non-merit factors.

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 EO provisions of state/federal programs administered by OWD, may file a written complaint. All complaints must be filed within 180 days of the alleged discrimination.

**SECTION XIX:** All complaints alleging criminal activity, fraud, or abuse, must be made within ten (10) days of the alleged act. Any allegation must be reported directly to the Secretary of Labor at the following address:

Secretary of Labor  
c/o Regional Administrator  
Employment and Training Administration  
U.S. Department of Labor  
230 South Dearborn Street  
Chicago, Illinois 60604

All such allegations will be promptly investigated.