

## SPOKANE AREA WORKFORCE DEVELOPMENT

## Complaint and Grievance Procedure – Summary

**BACKGROUND:**

There are three types of complaints or grievances an applicant, participant, or registrant may file: Discrimination complaints (which are covered in WIA Policy Number 3450), Complaints against the program, and Complaints against an employer (which are covered by WIA Policy No. 3440).

- o Discrimination complaints may be filed when a participant believes that he or she, or any specific class of individuals, has been or is being subjected to discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation on WIA.
- o Complaints of a general nature may be filed when a participant, applicant, or registrant feels they have been deprived of the benefits assured under the Act. These are complaints against the program and reflect potential violations of WIA and related regulations.
- o The third and final type of complaint is that filed against an employer. In these cases, the employer's grievance procedures must be followed unless the employer uses a grievance procedure required under a covered collective bargaining agreement. In the absence of a collective bargaining agreement or an employer grievance procedure, the state policy shall be followed.

Specific procedures are available for each type of complaint. There are provisions to appeal to the state and, under some circumstances, to the Department of Labor, if any party to the action is not satisfied with the results of the local hearings.

**DISCRIMINATION COMPLAINTS:**

Any person who believes that he or she or any specific class of individuals has been or is being subject to discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIA Title I financially assisted program or activity may file a complaint within 180 days of the alleged discrimination. A complete copy of the complaint procedures, forms in the State's WIA Policy No. 3450 and additional information (forms, addresses and phone numbers) are available from WIA subagent program operators and/or the Spokane Area Workforce Development Council Administration, Room 606 – City Hall, 808 W Spokane Falls Blvd., (509) 625-6210. Petitions for Review must be filed with the US Department of Labor, Civil Rights Center.

**NON-CRIMINAL WIA RELATED COMPLAINTS:**

To be afforded treatment under these procedures, a complaint must allege a violation of the Workforce Investment Act, its regulations, or any grant or agreement under the Act, and be filed in writing within one year of the alleged occurrence.

**EMPLOYER GRIEVANCE PROCEDURES:**

Grievance procedures apply to issues related to the terms and conditions of participant employment. If an employer is required to use a certain grievance procedure under a covered collective bargaining agreement, then those procedures should be followed for the handling of WIA complaints under this section.

**CRIMINAL COMPLAINTS AND REPORTS OF FRAUD, ABUSE, AND OTHER CRIMINAL ACTIVITY:**

Incident reporting procedures are in place to report to the State of Washington and to the U.S. Department of Labor.

**LABOR STANDARDS VIOLATIONS:**

Complaints alleging labor standards violations under Section 181 of the Workforce Investment Act must exhaust local procedures as described above under "non-Criminal WIA Related Complaints" or 60 days after filing must pass with no decision before complaints can be submitted to the Secretary of the Department of Labor.

**GENERAL:**

Once the grievance has been filed, or upon request, you will be furnished a copy of the complete grievance procedure outlining informal resolution, hearing, and appeal rights. Petitions for state review should be addressed to the Assistant Commissioner, Employment Security Department, Employment & Training Division, PO Box 9046, Olympia, WA 98507-9046, ATTN: WIA Complaints.

**WIA REGISTERED CUSTOMER:**

I have read the above and have had the opportunity to ask questions concerning my rights as a participant and the methods for filing a grievance.

Participant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

The Spokane Area Workforce Development Council IS AN EQUAL OPPORTUNITY EMPLOYER PROGRAM and provider of employment and training services. Auxiliary aids and services are available upon request to individuals with disabilities (TDDY 1-800-833-6388).

NOTICE OF RIGHTS TO FILE A DISCRIMINATION COMPLAINT

Equal Opportunity is the Law  
29 CFR Part 37.30

"It is against the law for this recipient of Federal financial assistance to discriminate on the following basis:

Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and

Against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIA Title I-financially assisted program or activity.

The recipient must not discriminate in any of the following areas: Deciding who will be admitted, or have access, to any WIA Title I-financially assisted program or activity; providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program activity.

If you think that you have been subjected to discrimination under a WIA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either: the recipient's Equal Opportunity Officer (or person whom the recipient has designated for this purpose); or the Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action."

Participant Signature: \_\_\_\_\_

Date: \_\_\_\_\_