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DEPARTMENT OF LABOR AND EMPLOYMENT

OFFICE OF EMPLOYMENT AND TRAINING PROGRAMS

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Category: Workforce Investment Act
Subject#: WIA Grievance Procedures
Source: Federal/State
Revise/Replace: N/A
Contact: Employment and Training Programs Director
Distribution: Managers, Employment & Training Staff, Workforce Region Directors, Fiscal
Colorado One-Stop System Policy Guidance Letter#: 01-11-WIA1
Date: April 6, 2001

I. REFERENCE(S):

Workforce Investment Act (WIA) of 1998, section 181 (c) and WIA Final Rules, Subpart F – Grievance Procedures, Complaints, and State Appeals Processes §667.600.

II. PURPOSE:

To provide guidance and policy direction to local Workforce Boards and Workforce Regions on establishing grievance and complaint procedures.

III. BACKGROUND:

Grievance procedures are required under WIA in order to assure that all participants and other interested parties are aware of their rights under the Act. Also, to assure that individuals who believe their rights have been negatively affected by WIA-related actions have access to appropriate remedies.

IV. POLICY/ACTION:

Requirements

A. Each local Workforce Region that receives funds under Title I of WIA, must establish and maintain a procedure for grievances and complaints.

B. Each local Workforce Region must:

1. Provide information about the content of the grievance and complaint procedures to participants and other interested parties affected by the local Workforce Investment System, including One-Stop partners and service providers;
2. Provide the following information in the complaint:
 - A local address for filing and the staff position responsible to receive complaints;
 - Full name, mailing address and phone number of the party or parties filing the complaint;
 - Full name, mailing address and phone number of the party or parties alleged to have committed the act;
 - A clear, concise statement of the facts of the case, and the nature of the violation(s);
 - The date of the alleged act and factual information supporting the complaint;
 - The remedy that is sought.
3. Make reasonable efforts to assure that the information referred to in B-1 of this PGL will be understood by affected participants and other individuals, including youth and those who are limited-English speaking individuals.

C. The Workforce Region's procedures must provide:

1. A process for dealing with grievances and complaints from participants and other interested parties affected by the local Workforce Investment System, including One-Stop partners and service providers;
2. An opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint;
3. 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 to the grievance so provides; and
4. An opportunity for a local level appeal to the State when:
 - a. No decision is reached within 60 days; or
 - b. Either party is dissatisfied with local hearing decision.

D. Local level grievance being appealed to the State:

1. An appeal must be in writing and filed with the Colorado Department of Labor and Employment (CDLE) within ten (10) days after notification of the decision or, if a timely decision is not rendered, within fifteen (15) days from the date on which the complainant should have received a timely decision.
2. Whenever a Local Workforce Center (WfC) has failed to provide procedural process in a timely manner to a complainant, and such failure results in an

appeal to CDLE, the WfC shall bear costs associated with disposition of the appeal.

3. The following defines the appeal process:

- The appeal must be received by:

Colorado Department of Labor and Employment
ATTN: State Grievance Administrator
Two Park Central, Suite 400
1515 Arapahoe Street
Denver, Colorado 80202-2117

- The appeal must contain a specific statement of the grounds upon which the appeal is sought. A copy of the written, formal complaint – submitted to the WfC, a transcript or recording of the hearing proceedings, and a copy of the written decision of the WfC being appealed must be included.
- A designee of the Executive Director will then conduct a state review.
- When the review process is completed, the designee of the Executive Director will make a written recommendation to the Executive Director.
- The Executive Director or her designee will make a final decision within sixty (60) days of receipt of the appeal.
- Notification of the Executive Director’s final decision will be provided to the complainant.
- For reasonable cause as determined by the Executive Director’s designee, the time line of the state review hearing process may be extended.

Should the Executive Director not render a decision, an appeal may be made to the Secretary of Labor, U.S. Department of Labor, Washington, DC 20210, Attention: ASET. A copy of the appeal must be simultaneously provided to the ETA Regional Administrator, U.S. Department of Labor, 525 S. Griffin Street, Dallas, Texas 75202 and the opposing party. The Executive Director’s decision is final unless the Secretary of Labor exercises the authority for Federal-level review.

Definition: Where the term “days” appears, it shall be defined as calendar days, not working days.

- E. Enumerated in the WIA law, section 181 (c) (3) are remedies that may be imposed upon a local, State and direct recipient for a violation of any requirement of this title:
1. Suspension or termination of payments under this title;
 2. Prohibition of placement of a participant with an employer that has violated any requirement under this title;

3. Where applicable, reinstatement of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment; and
4. Where appropriate, other equitable relief.

V. IMPLEMENTATION DATE

Upon receipt of this PGL.

VI. INQUIRIES:

Please direct all inquiries to your Program Support Representative at Employment and Training Programs.

Robert D. Hale, Director
Division of Employment and Training