



WIOA POLICY Calcasieu Parish Consortium Workforce Development Board LWDA #51 Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes		Workforce Innovation & Opportunity Act Grievance Procedure & Equal Opportunity Policy  	
POLICY # CS 05		Customer Service Policy	
Rescissions:		Approved 01/28/2016: Revised 08/30/2022	
WDB Chairperson's Signature: Sarita Scheufens		WDB Director's Signature: Stephanie Seemion	
		Expiration Date: Continuous, until further notice	

PURPOSE:

This policy establishes the procedures to receive, investigate and resolve grievances, and conduct hearings to adjudicate disputes made by WIOA participants, applicants for participation, or others as required by Section 188 of the WIOA.

BACKGROUND:

This policy issuance is intended to ensure that LWDA #51 's American Job Center One-Stop and its partners implement compliant policies and procedures in compliance with guidelines provided by the Director, Civil Rights Center, U.S. Department of Labor, regarding the nondiscrimination/equal opportunity provisions of Title I of the Workforce Innovation and Opportunity Act (WIOA).

Section 188 of the WIOA, and the implementing regulations at 29 CFR Part 38, prohibits discrimination because of race, color, religion, sex (including pregnancy, childbirth, or related medical conditions, gender identity, and transgender status), national origin (including limited English proficiency), age, disability or political affiliation or belief, citizenship status, or participation in any WIOA Title I financially assisted program or activity.

The Local Equal Opportunity Officer responsible for adopting and publishing discrimination complaint policies and procedures (already established by the state-level Equal Opportunity Officer) and ensuring compliance with those procedures. A recipient/program provider must provide initial and continued notice that it does not discriminate on any prohibited ground. A copy of the "Equal Opportunity is the Law" notice is provided to each participant and made a part of each participant's file per the regulations. If a complaint is filed, a copy of this Equal Opportunity (EO) Discrimination Complaint Processing Policy and Procedures is to be provided to the complainant, along with a copy of the "Equal Opportunity is the Law" notice.

POLICY GUIDANCE:

COVERAGE AND PROVISIONS

1. Any participant, sub-grantee, subcontractor, or other interested people may file a grievance alleging a violation of the Act, Regulations, or other agreements under the Act.
2. Grievances alleging intimidation, coercion, or retaliation may be exempted from the "exhaustion of local remedies" rule and filed directly at the Federal level.
3. These procedures also provide for the resolution of grievances arising from actions, such as audit disallowance or the imposition of a sanction taken by the Governor concerning audit findings, investigation, or monitoring reports.
4. Any employer-established grievance procedure shall provide for, upon request by the grievant, a review of an employer's decision by the LWDA Grant Recipient and the Governor.

Grievance Procedure & Equal Opportunity Policy

5. Upon enrollment into a WIOA program, each participant shall be provided with a copy of the grievance procedure. Documentation verifying receipt of the grievance procedure is to be maintained in each participant's folder.
6. At the time of hire, each staff shall be provided with a copy of the grievance procedure. Documentation verifying receipt of the grievance procedure is to be maintained in each staff's personnel folder.
7. If a person alleges a violation of Section 143 (Labor Standards) of the Act and exhausts the subrecipient's grievance procedure or the 60 days has elapsed without a decision, either party to the grievance may submit the grievance to the USDOL Secretary of Labor. The Secretary shall investigate the allegations contained in the grievance and determine whether a violation of Section 188 has occurred.

STRUCTURES AND TIMETABLES:

All grievances must be made within one (1) year of the occurrence, except for grievances alleging fraud or criminal activity. Hearings on any grievance shall be conducted within 30 days of filing a grievance and decision rendered within 60 days except in cases alleging fraud or criminal activity. At a minimum, the following steps shall be followed concerning all grievances not alleging discrimination or protected activity.

PROCEDURES:

General Grievance

STEP 1

1. Any participant, sub-grantee, subcontractor, or other interested people shall present the grievance to the WIOA Grant Recipient and/or Local Workforce Development Area (LWDA) Designated Representative.
2. The grievance shall be acknowledged by the WIOA Grant Recipient and/or LWDA designated Representative.
3. The LWDB Director will review the findings and will notify the participant within ten days, in writing, of the results, recommendations and remedies, if appropriate.

STEP 2

1. If the aggrieved party is dissatisfied with the decision rendered by the WDB Director, he/she then has the right, within the next five days, to submit a statement of appeal to the WDB Director.
2. The Workforce Development Board (WDB) Executive Committee, made up of eight (8) board members, shall function as an impartial hearing unit. Its findings shall constitute the final disposition at the local level.
3. The WDB Executive Committee shall consider the appeal of the WDB Director's decision in the grievance within 30 days after filing the grievance at a formal hearing.
4. The WDB Director shall submit all information from the investigation to the WDB Chairperson and the Executive Committee.
5. The hearing procedure shall include:
 - a. written notice of the date, time, and place of the hearing
 - b. the manner in which it will be conducted, and the issues to be decided
 - c. opportunity to be represented by an attorney or other representative of the grievant's choice
 - d. opportunity to bring witnesses and documentary evidence and/or to question any witnesses or parties
 - e. The WIOA staff, LWDA recipients, or other sub-recipient shall cooperate in making available any persons under their supervision to testify if such persons are requested to testify by the grievant and to release requested information (documentation, files, etc.)
 - f. the right to an impartial hearing officer
 - g. a verbatim record of the proceeding
 - h. a written decision by the hearing chairman/representative.

Grievance Procedure & Equal Opportunity Policy

6. The WDB Executive Committee decision shall be conveyed in writing to the grievant and the WDB Director. This written decision will be provided within 60 days from the date the original grievance was filed. This decision will include the name and address to which an appeal may be made at the State level.

STEP 3

1. If the grievant does not receive a decision at the LWDA level within 60 days or receives an unsatisfactory decision, the grievant then has a right, within the next ten days, to request a review of the grievance by the Governor or his designee.
2. The Governor or his designee shall issue a written decision within 30 days of the request for review. The Governor's decision is final.

Alleged Labor Standards Violation

FORMAL PROCEDURE STEP 1

The grievance shall be filed in writing with Assistant Secretary, Office of Workforce Development, Louisiana Workforce Commission (LWC), 1001 N. 23rd Street, P.O. Box 94094, Baton Rouge, La. 70804-9094. LWC shall provide an opportunity for a formal resolution and a hearing to be completed within sixty (60) days of the filing of the grievance with LWC.

The hearing shall be conducted in an informal manner without the application of strict rules of evidence. Both parties shall have the right to be represented, present written and/or oral testimony and/or arguments under oath, call and question witnesses, and request and examine records and documents relative to the issue(s). The hearing shall be recorded either electronically or by a court reporter.

Title 49 of the Louisiana Administrative Procedure Act (APA) regulates the responsibilities and processes of impartial hearing officers/administrative law judges, and the conduct of hearings. Therefore, Title 49 applies to the hearings and hearing officers described in this policy. All references to impartial hearing officers in this policy hold the same meaning as administrative law judge in regard to these regulations.

Following completion of the hearing, the impartial hearing officer shall make a written recommendation to the Assistant Secretary, or his/her designee

FORMAL PROCEDURE STEP 2

If no decision has been reached by LWC within sixty (60) days of receipt of the request for appeal of a local level grievance, or an adverse decision has been rendered by LWC, either party to which such decision is adverse may appeal to the Secretary, U.S. Department of Labor. The Secretary of the U.S. Department of Labor will make a final decision on an appeal no later than one hundred twenty (120) days after receiving the appeal.

Appeals on adverse decisions issued by LWC must be filed with the U.S. Department of Labor within sixty (60) days of the receipt of the decision being appealed.

Appeals in cases where no decision was reached by LWC within sixty (60) days must be filed with the U.S. Department of Labor within one hundred twenty (120) days of the filing of the appeal of a local grievance with LWC.

All appeals to the U.S. Department of Labor must be submitted by certified mail, return receipt requested, to the Secretary, U.S. Department of Labor, Washington, DC 20210, Attention: ASET. A copy of the appeal must simultaneously be provided to the appropriate ETA Regional Administrator and the opposing party.

The Secretary shall issue a final determination no later than 120 days after receiving the appeal.

Grievance Procedure & Equal Opportunity Policy

This policy provides an exclusive remedy for resolving grievances only for employees or individuals who are not covered by a collective bargaining agreement. Employees or individuals who are subject or party to a collective bargaining agreement, or who have union representation should instead refer to the negotiated grievance and arbitration procedures outlined in their respective collective bargaining agreement then in effect.

REFERENCES AND CITATIONS:

WIOA Section 188

(a) In general

(1) Federal financial assistance For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded or otherwise financially assisted in whole or in part under this Act are considered to be programs and activities receiving Federal financial assistance.

(2) Prohibition of discrimination regarding participation, benefits, and employment

No individual shall 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 such program or activity because of race, color, religion, sex (except as otherwise permitted under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.)), national origin, age, disability, or political affiliation or belief.

(3) Prohibition on assistance for facilities for sectarian instruction or religious worship

Participants shall not be employed under this chapter to carry out the construction, operation, or maintenance of any part of any facility that is used or to be used for sectarian instruction or as a place for religious worship (except with respect to the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship, in a case in which the organization operating the facility is part of a program or activity providing services to participants).

(4) Prohibition on discrimination on basis of participant status

No person may discriminate against an individual who is a participant in a program or activity that receives funds under this chapter, with respect to the terms and conditions affecting, or rights provided to, the individual, solely because of the status of the individual as a participant.

(5) Prohibition on discrimination against certain noncitizens

Participation in programs and activities or receiving funds under this chapter shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.

(b) Action of Secretary Whenever the Secretary finds that a State or other recipient of funds under this chapter has failed to comply with a provision of law referred to in subsection (a)(1) of this section, or with paragraph (2), (3), (4), or (5) of subsection (a) of this section, including an applicable regulation prescribed to carry out such provision or paragraph, the Secretary shall notify such State or recipient and shall request that the State or recipient comply. If within a reasonable period of time, not to exceed 60 days, the State or recipient fails or refuses to comply, the Secretary may -

Grievance Procedure & Equal Opportunity Policy

(1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; or

(2) take such other action as may be provided by law.

(c) Action of Attorney General

When a matter is referred to the Attorney General pursuant to subsection (b)(1) of this section, or whenever the Attorney General has reason to believe that a State or other recipient of funds under this chapter is engaged in a pattern or practice of discrimination in violation of a provision of law referred to in subsection (a)(1) of this section or in violation of paragraph (2), General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

(d) Job Corps

For the purposes of this section, Job Corps members shall be considered as the ultimate beneficiaries of Federal financial assistance.

(e) Regulations

The Secretary shall issue regulations necessary to implement this section not later than one year after August 7, 1998. Such regulations shall adopt standards for determining discrimination and procedures for enforcement that are consistent with the Acts referred to in a subsection (a)(1) of this section, as well as procedures to ensure that complaints filed under this section and such Acts are processed in a manner that avoids duplication of effort.

20 CFR 683, Subpart F

§ 683.600 What local area, State, and direct recipient grievance procedures must be established?

§ 683.610 What processes does the Secretary use to review grievances and complaints of Workforce Innovation and Opportunity Act title I recipients?

§ 683.620 How are complaints and reports of criminal fraud and abuse addressed under the Workforce Innovation and Opportunity Act?

§ 683.630 What additional appeal processes or systems must a State have for the Workforce Innovation and Opportunity Act program?

§ 683.640 What procedures apply to the appeals of non-designation of local areas?

§ 683.650 What procedures apply to the appeals of the Governor's imposition of sanctions for substantial violations or performance failures by a local area?

29 CFR 38

Serving as the recipient's liaison with Civil Rights Center.

Monitoring and investigating the recipient's activities, and the activities of the entities that receive WIOA Title I-financial assistance from the recipient, to make sure that the recipient and its subrecipients are not violating their nondiscrimination and equal opportunity obligations under WIOA Title I and this part, which includes monitoring the collection of data required in this part to ensure compliance with the nondiscrimination and equal opportunity requirements of WIOA and 29 CFR 38;

Reviewing the recipient's written policies to make sure that those policies are nondiscriminatory.

Developing and publishing the recipient's procedures for processing discrimination complaints under 29 CFR 38.72 through 29 CFR 38.73, including tracking the discrimination complaints filed against the recipient, developing procedures for investigating and resolving discrimination complaints filed against the recipient, making sure that those procedures are followed, and making available to the public, in appropriate languages and formats, the procedures for filing a complaint.

Grievance Procedure & Equal Opportunity Policy

Conducting outreach and education about equal opportunity and nondiscrimination requirements consistent with §38.40 and how an individual may file a complaint consistent with §38.69.

Undergoing training (at the recipient's expense) to maintain competency of the EO Officer and staff, as required by the Director; and if applicable, overseeing the development and implementation of the recipient's Nondiscrimination Plan under §38.54.

29 CFR 38.34 contains a complete list of the categories of individuals and entities that must receive the Notice.

29 CFR 38.36(a) requires that the Notice be distributed in specified ways, including, at a minimum:

29 CFR 38.36(b) requires the following regarding providing the Notice to persons with disabilities:

29 CFR 38.38 requires that specific information must be included in any materials, publications, or broadcasts (including a recipient's website).

Alternative contact numbers: If the materials, publications, or broadcasts in the category described above include a telephone number for voice contact with the recipient, they must include an alternative telephone number for contact with the recipient through a TDD/TTY or equally effective relay service.

ATTACHMENTS:

ATTACHMENT 1: WIOA Participant Grievance Forms

ATTACHMENT 2: W IOA Sexual Harassment, Non-Participation in Sectarian Activities, EEO, and Equal Opportunity is the Law Policies

ATTACHMENT 3: LWC Complaint Information Form.



CALCASIEU PARISH POLICE JURY
GOVERNING AUTHORITY OF CALCASIEU PARISH, LOUISIANA

WORKFORCE DEVELOPMENT BOARD



P.O. Box 1592 ~ 70602
2424 3rd Street ~ 70601
Lake Charles, Louisiana
Website: www.calcasieuparish.org/wdb

Local Workforce Development Area (LWDA) 51/Region 5
Serving Allen ~ Beauregard ~ Calcasieu ~ Cameron ~ Jeff Davis ~ Vernon Parishes
Calcasieu Consortium Workforce Development Board (WDB)
Ms. Stephanie Seemion, WDB Director

Phone: 337-721-4015
Fax: 337-721-4187
TDD 1-800-947-5277 or 711
Email: sseemion@lwia51.com

WIOA Participant Grievance Form – Step 1
Workforce Development Board – LWDB #51

TO
WDB Director
Calcasieu Parish Police Jury
Workforce Development Board
P.O. Box 1592
Lake Charles LA 70602-1592

FROM
Name: _____
Address: _____
Phone: (_____) _____
Program Applied/Enrolled: _____
Date of Occurrence: _____

TYPE OF GRIEVANCE:

- Employment
- Discharge
- Other - Specify
- Promotion
- Program Participation
- Denial of Program Benefits

STATEMENT OF GRIEVANCE:

Describe what happened and how you were unfairly treated. Include the specific alleged acts, by whom, when, and where. Identify witnesses, if any. Use additional paper as necessary.

RELIEF SOUGHT OR DESIRED CORRECTIVE ACTION:

SIGNATURE OF GRIEVANT

DATE

DECISION/RESULTS:

SIGNATURE OF LWDA WDB DIRECTOR/REP

DATE

*An Equal Opportunity Employer/Program
Auxiliary aids and services are available upon request to individuals with disabilities and for persons with limited English proficiency.*



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WIOA Participant Grievance Form - Step 2
Workforce Development Board – LWDB #51

TO

Executive Committee
Workforce Development Board
P.O. Box 1592
Lake Charles LA 70602-1299

FROM

Name: _____
Address: _____
Phone: (____) _____
Program Applied/Enrolled: _____
Date of Occurrence: _____

STATEMENT OF APPEAL:

I would like to appeal the decision by the Local LWDA Board Director, a copy of which is attached, for the following reason(s):

SIGNATURE OF GRIEVANT

DATE

DECISION/RESULTS:

SIGNATURE OF EXECUTIVE COMMITTEE

DATE



P.O. Box 1592 ~ 70602
2424 3rd Street ~ 70601
Lake Charles, Louisiana
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Email: sseemion@lwia51.com

WIOA Participant Grievance Form – Step 3
Workforce Development Board – LWDB #51

TO

Executive Director
Louisiana Workforce Commission
Office of Workforce Development
P.O. Box 94094
Baton Rouge LA 70804-9094

FROM

Name: _____
Address: _____
Phone: (____) _____
Program Applied/Enrolled: _____
Date of Occurrence: _____

STATEMENT OF APPEAL:

I would like to appeal the decision by the WDB Executive Committee, a copy of which is attached, for the following reason(s):

SIGNATURE OF GRIEVANT

DATE

DECISION/RESULTS:

SIGNATURE OF EXECUTIVE DIRECTOR

DATE



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LOCAL WORKFORCE DEVELOPMENT AREA #51 (LWDA51)

Sexual Harassment Policy

Sexual harassment is a violation of Section 703 of Title VII of the Civil Rights Act as amended. Harassment on the basis of sex is defined as unwelcome sexual advances, requests for sexual favors, and other Verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly' a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as basis for employment decisions affecting such individual or (3) such conduct has the purpose or effect of unreasonably interfering with an individual 's work performance or creating an intimidating, hostile, or offensive working environment.

The Local Workforce Development Board strongly disapproves of and will not tolerate sexual harassment. It is an unlawful employment practice that undermines the integrity of employment relationships, debilitates morale, and interferes with work productivity. Therefore, we are taking affirmative steps to maintain a work environment free from unsolicited or unwelcome sexual overtures.

Immediate action will be taken against any person who sexually harasses another person. Any employee who feels he or she has been subjected to sexual harassment should do the following: continue to work, verbally protest the action to the person who has offended him or her, document the occurrence(s), including date, and time, and list witnesses to the action, if any, report the action immediately to Jazelle Jones, Local Equal Opportunity Coordinator (LEOC).

The employee has the right to file a formal complaint if the harassment continues after the procedures listed above have been followed. Contact Jazelle Jones, Local Equal Opportunity Coordinator, at the Calcasieu Parish Police Jury, Human Services Department, 2001 Moeling Street, Lake Charles, Louisiana 70601, (337) 721-4030 Ext. 5046. The Local Equal Opportunity Coordinator will advise the employee of the procedures for filing the formal complaints.

Non-Participation in Sectarian Activities Policy

This Local Workforce Development Area participants will not be employed or trained in any facility, operating or maintaining any part of any facility which is used for religious instructions or worship except with respect to the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship, in a case in which the organization operating the facility is part of a program or activity providing services to participants.



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Email: sseemion@lwia51.com

If you feel you have been discriminated against based on religious beliefs, you have the right to file a formal complaint. Contact Jazelle Jones, Equal Opportunity Coordinator, at the Calcasieu Parish Police Jury, Human Services Department, 2001 Moeling Street, Lake Charles, Louisiana 70601, (337) 721-4030 ext. 5046. The Equal Opportunity Coordinator will advise procedures for filing a formal complaint.

Equal Employment Opportunity Policy

Welcome to the Calcasieu Parish Police Jury - Workforce Innovation and Opportunity Act (WIOA) Program. The Local Workforce Development Board (WDB) provides oversight and policy guidance of this WIOA program. Upon your introduction to the WIOA Program, you are being provided a copy of the following grievance and complaint procedures. These procedures outline your right to file a grievance or a complaint, as well as instructions on how to do so.

The Local Workforce Development Board recognizes its legal and moral responsibilities to provide equal employment opportunities to all staff employees, applicants for employment, WIOA applicants, and WIOA participants. The Local Workforce Development Board intends to guarantee that personnel actions such as recruitment, hiring, training, performance reviews, promotions, disciplinary actions, demotions, suspensions, and terminations are accomplished without regard to race, color, national origin, religion, sex, age, disability, political belief or affiliation, and for beneficiaries only, citizenship or participation in WIOA funded programs or activities. Thus, we are strongly committed to assure that our organization is in full compliance with Title VI and VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, as amended; Section 504 of the Rehabilitation Act of 1973, Nontraditional Employment for Women Act of 1991; and Section 188 of Workforce Innovation and Opportunity Act; 29 CFR Part 38 and all other regulations implementing the laws previously listed. The Local Workforce Development Board will maintain a continuing and critical analysis of internal employment practices, participant's selection procedures and service delivery methods and will actively uphold goal setting programs which aid in eliminating underutilization of any group represented in our work force.

Full support of equal employment opportunity, fair treatment, and our affirmative action program is expected from the Local Workforce Development Board staff.

If you feel you have been denied any of the above-mentioned opportunities, you have the right to complain. You should immediately contact your supervisor, WIOA counselor or this office to help you resolve any problems. If you wish to formally complain, use the attached participant Complaint Information Form or Participant Grievance Form to do so. Contact Jazelle Jones, Equal Opportunity Coordinator, at the Calcasieu Parish Police Jury, Human Services Department, 2001 Moeling Street, Lake Charles, Louisiana 70601, (337) 721-4030 ext. 5046, for assistance with your grievance/complaint and the proper procedures on filing.



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EOUAL OPPORTUNITY IS THE LAW

The Workforce Development Board is prohibited from discriminating on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and beneficiaries only, citizenship or participation in programs funded under the Workforce Innovation and Opportunity Act (WIOA), as amended in admission or access to, opportunity or treatment in, or employment in the administration of or in connection with any WIOA-funded program or activity.

If you think you have been subjected to discrimination under a WIOA-funded program or activity, you may file a complaint within 180 days from the date of the alleged violation with the Louisiana Workforce Commission, Equal Opportunity Officer, Ireyan J. Clark-Sam, Compliance Programs Director, Louisiana Workforce Commission, Post Office Box, 94094, 1001 North 23rd Street, Baton Rouge, LA 70808-9094, or you may file a Employer/program complaint directly with the Director of the Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW., Room N-4 123, Washington, DC 20210.

If you elect to file your complaint with the State EO Officer or with this office, you must wait until the recipient issues a decision or until 90 days have passed, whichever is sooner, before filing with CRC (see above address).

If the State EO Officer or this office has not provided you with a written decision within 90 days of the filing of the complaint, you need not wait for a decision to be issued but may file a complaint with CRC within 30 days of the expiration of the 90-day period. (In other words, within the 120 days after the day on which you filed your complaint with the recipient.)

If the State EO Officer or this office does give you a Written Notice of Final Action on your complaint, but you are dissatisfied with the recipient's resolution of your complaint, you may file a complaint with CRC. Such complaints must be filed within 30 days of the date you received the Written Notice of Final Action.

Respectfully,

Respectfully,

Stephanie Seemion, Executive Director
Workforce Development Board

Jazelle Jones, Local Equal Opportunity Coordinator
CPPJ Human Services Department