

Calcasieu Parish Police Jury

Workforce Investment Act

Grievance Procedure

EMPLOYERS, ORGANIZATIONS AND PARTICIPANTS

SCOPE AND PURPOSE

This policy establishes the procedures to receive, investigate and resolve grievances, and conduct hearings to adjudicate disputes made by WIA participants, applicants for participation, or others as required by the Act (Section 188 (a)(b)(c)(d) and (e) of the Regulations).

COVERAGE AND PROVISIONS

1. Any participant, sub-grantee, subcontractor, or other interested person 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 "exhaustion of local remedies" rule and filed directly at the Federal level.
3. These procedures also provide for resolution of grievances arising from actions, such as audit disallowance or the imposition of sanction, taken by the Governor with respect to 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 LWIA Grant Recipient and the Governor.
5. Upon enrollment into a WIA program, each participant shall be provided with a written description 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 written description 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 sub-recipient's grievance procedure or the 60-day time period 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 make a determination as to whether a violation of section 188 has occurred.

STRUCTURES AND TIMETABLES

All grievances, with the exception of grievances alleging fraud or criminal activity, must be made within one (1) year of the occurrence.

Hearings on any grievance shall be conducted within 30 days of the filing of 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 in regard to all grievances not alleging discrimination or a protected activity.

STEP 1

1. Any participant, sub-grantee, subcontractor, or other interested person shall present the grievance to the WIA Grant Recipient and/or WIB Designated Representative.
2. The grievance shall be acknowledged by the WIA Grant Recipient and/or WIB Designated Representative.
3. The LWIA WIB Director will review the findings and will notify the participant within 10 days, in writing of the findings, recommendations and remedies, if appropriate.

STEP 2

1. If the aggrieved party is dissatisfied with the decision rendered by the LWIA WIB Director, he/she then has the right, within the next five (5) days, to submit a statement of appeal to the LWIA WIB Director.
2. The Workforce Investment Board (WIB) Executive Committee, made up of seven (7) members of the Board shall function as an impartial hearing unit and its findings shall constitute final disposition at the local level.
3. The WIB Executive Committee shall consider the appeal of the WIB Director's decision in the grievance within 30 days after filing the grievance, at a formal hearing.
4. The LWIA WIB Director shall submit all information available from the investigation to the Chairman 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;

Grievance Procedures

- d. opportunity to bring witnesses and documentary evidence and/or to question any witnesses or parties;
 - e. The WIA staff, LWIA recipients, or other sub-recipient shall cooperate in making available any persons under their control or employ to testify, if such persons are requested to testify by the grievant, and to release requested “relevant” documents;
 - f. the right to an impartial hearing officer;
 - g. a verbatim record of the proceeding;
 - h. a written decision by the hearing chairman/representative.
6. The WIB Executive Committee decision shall be conveyed in writing to the grievant, as well as to the LWIA WIB Director. This written decision will be provided within 60 days of the filing of the grievance. 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 LWIA level within 60 days or receives an unsatisfactory decision, the grievant then has a right under Workforce Investment Act Instruction Number 60, Change 1 to request a review from the State.

WIA Participant Grievance Form - Step 1

Workforce Investment Board - LWIA #51

TO

WIB Director
Calcasieu Parish Police Jury
Workforce Investment 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 treated unfairly. 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 LWIA WIB Director/Representative Date

