nevadaworks

Coordinating Workforce Development for Northern Nevada

Grievance Policy

Approved: ~~June 14, 2019~~ Pending

Purpose: To provide the Workforce Innovation and Opportunity Act (WIOA) requirements for Nevadaworks Service Providers that receive program funds in establishing and maintaining Grievance/Complaint and Hearing/Appeal procedures for use with program related complaints.

Policy: A grievance or complaint is any written and signed communication by an interested party, comprising of the complaint date, full name, telephone number, mailing address and email address (if available). For the purposes of this policy, the individual/entity filing the grievance or complaint will be referred to as Complainant. The grievance or complaint shall include the basis upon which the review is sought as it relates to services, working conditions, wages, or work assignments and include the desired resolution. For the purposes of this policy, grievances or complaints shall originate in connection with WIOA Title I programs operated by WIOA Title I recipients, to include the following entities which will be referred to as the Complainee: Sub-Recipients, Eligible Training Providers, and other Contractors for Nevadaworks Service Providers, or Nevadaworks. The written request should include account(s) of the allegation(s) with clear and concise statement(s) of fact, dates and supporting documentation as appropriate.

An appeal is any written, dated and signed communication by an interested party expressing their intent to appeal any action or inaction with respect to a grievance or complaint at a higher level. All parties will make reasonable efforts to assure that the grievance allegation(s) and resolution process will be understood by affected participants and other individuals, including Youth and those who are limited-English speaking individuals. Such efforts will comply with the language requirements specified in 29 CFR §38 regarding provisions of services and information in languages other than English.

~~The requirements prescribed herein are applicable to all Sub-Recipients, Eligible Training Providers, and other Contractors for Nevadaworks Service Providers who receive WIOA funds from Nevadaworks and hereafter shall be referred to as the Complainee.~~

NOTE: The provisions of this policy do not apply to Criminal/Incident Reporting, Equal Opportunity Provisions, Employment, Accessibility or Discrimination provisions for individuals with disabilities brought under WIOA Sec. 188 or 29 CFR §38. Please refer to Nevada State Compliance Policy Section 4: Equal Opportunity/Grievance for specific policies.

I. **Grievance Policy Requirements:** The following are policy guidelines that must be adhered to:

   A. Nevadaworks Service Providers may operate their own Nevadaworks approved grievance system or may utilize the Nevadaworks grievance system. A Service Provider's grievance system shall provide for, upon request by the Complainant, Nevadaworks review and decision.

   B. At the time of registration, all registered participants in a WIOA program shall be provided an Applicants' Rights, Certification and Release of Information form (NW-35). The applicant must sign to certify:

      1. They understand their rights under federal law and acknowledge their right to file a complaint.

2. They have received and understand the Grievance Policy provided by the Service Provider program staff.

C. Service Providers are required to provide a signed copy of the (NW-35) form to the participant and maintain this documentation in the participants' files.

D. Grievances may be brought by any individual or organization including but not limited to program participants, Service Providers, staff of Service Providers, One-Stop-Partners, applicants for Nevadaworks sponsored training and services, labor unions and community-based organizations, or any other interested person(s).

E. All persons filing a grievance shall be free from restraint, coercion, reprisal, or discrimination. When grievances arise, they shall be considered an individual's right to express himself/herself. Good faith effort shall be made to reach a mutually satisfactory resolution for parties as promptly as feasible.

II. Provisions for Processing a Grievance: The following ~~are~~ actions are required to utilize the ~~by Service Providers utilizing the~~ Nevadaworks grievance procedures~~, or by staff of Service Providers of Nevadaworks~~:

A. Filing the Grievance:

1. ~~For a general grievance~~Nevadaworks or the Service Providers ~~will~~ must provide the Complainant with the Nevadaworks Notification of Grievance form (NW-29).
2. Any complaint relating to a term or condition of employment shall be filed under the employer's established grievance procedures. All other complaints shall be initiated at the Nevadaworks or Service Provider level as appropriate. Any action pursuant to the original decision is stayed until a final decision is made by the appeals process.
3. Each grievance must be filed within 180 calendar days of the alleged occurrence. Grievances alleging fraud or criminal activity may be filed past the 180 calendar days grievance limitation.
4. ~~If the complainant indicates he/she wishes to file a grievance~~ Grievances filed through the Service Provider~~, staff~~ shall be forwarded ~~the grievance~~ to Nevadaworks within three (3) business days. The Nevadaworks Program Manager serves as the Grievance Officer.
5. The grievance must be filed in writing, include a signature and date, and shall include the following:
   - **a.** The complaint date, full name, telephone number, mailing address, and email address (if available) of the complainant;
   - **b.** Name, telephone number and mailing address of the Complainee;
   - **c.** The fact(s) including date(s) of the alleged occurrence;
   - **d.** Any supporting documentation, considered to be needed or relevant, to validate the basis of the grievance;
   - **e.** Witness name and contact information; and,
   - **f.** Include what remedy or resolution is being sought to resolve this complaint.

   Note: Verbal grievances will not be accepted.
6. The official filing date of a grievance is the date it is received by the Service Provider or Nevadaworks whichever is earliest.

B. Any absence of the required information shall not constitute grounds for dismissal of the grievance; therefore, the grievance will be addressed at the appropriate level.

C. Grievances can be amended to clarify issues, but new allegations cannot be added after the initial submission.

D. The Complainant has the right to withdraw their grievance in writing at any time prior to the hearing.

E. Refer to Nevadaworks Data Collection/Record Retention/Confidentiality Policy (NWP-3303) for general documentation and record retention procedures.

III. Nevadaworks Grievance Resolution Process:

A. Upon receipt of a grievance, the Complainant is first offered an informal resolution meeting ~~(e.g., three-way meeting~~ with the Complainee ~~Counselor, Instructor, and Complainant)~~ that shall be scheduled within twenty (20) calendar days of the official filing date of the grievance ~~after the grievance is filed with Nevadaworks~~. At the conclusion of a successful informal meeting, a settlement agreement shall be reached. All parties shall conduct themselves in accordance with the settlement agreement and consider the matter resolved.

B. In the event an informal resolution is not met, Nevadaworks will arrange for a hearing to be held and a decision to be made no later than sixty (60) calendar days of the official filing date of the grievance ~~after the filing of the grievance~~.

C. Notice of the hearing shall be mailed to all interested parties by first class, certified, return receipt requested, mail, postage prepaid, no less than ten (10) calendar days prior to the date of the hearing.

D. All hearings conducted under this procedure will be conducted by the Nevadaworks Grievance Officer, with the exception of grievances filed against Nevadaworks or the One-Stop Operator which will be conducted by a convened panel of three people, comprised of one Nevadaworks Local Elected Official, one Nevadaworks Board member, and one One-Stop core partner representative with leadership-level responsibility. In connection with the hearing, the Nevadaworks Grievance Officer or panel, as applicable, may determine, but will not be limited to, the following:

1. Set the overall parameters of the hearing including, but not limited to, the imposition of reasonable time limits;
2. Regulate the course of the hearing;
3. Secure assistance from advisors;
4. Review the facts pertinent to the grievance;
5. Review and assess additional documentation related to the grievance;
6. Assess factual areas of agreement and disagreement;
7. Provide full opportunity for the presentation of testimonies and evidences;
8. Decide on any additional or alternative ways to resolve the grievance;
9. Interview any witnesses named in the grievance regarding the factual allegations allegedly surrounding that witness;
10. Review the laws, statutes, policies or procedures which were allegedly violated as cited in the grievance; and
11. Recommend further investigation as necessary and applicable.

E. A request for a five (5) day postponement of the hearing may be made by either party upon a showing of good cause to the Nevadaworks Grievance Officer or panel, as applicable, provided the hearing and decision can still be completed within sixty (60) calendar days of the filing of the grievance.

IV. Nevadaworks Grievance Resolution Procedures:

A. Upon receipt of the written grievance Nevadaworks shall, within seven (7) calendar days, forward to the State and the Complainee a copy of the written grievance.

~~B. Nevadaworks shall provide all appropriate forms to the Complainant.~~

~~C.~~B. Complainants must exhaust the procedures at the Service Provider level before the grievance may be filed with the State. The only exceptions will be when the Governor's Workforce Development Board (GWDB) has determined that:

1. The Complainee did not act within the specified time frame.
2. The Complainee was not in compliance with either their own procedures or the State's.

~~D.~~C. Nevadaworks shall provide an opportunity for a local level appeal to a State entity when:

1. No decision is reached within sixty (60) calendar days; or,
2. Either party is dissatisfied with the local hearing decision.

V. Grievance Decision:

A. ~~Nevadaworks is required to issue a~~ A written decision from the Nevadaworks Grievance Officer or the convened panel, as applicable, must be issued not later than sixty (60) calendar days after the official filing date of the grievance ~~filing of the grievance~~. The decision must be delivered by certified mail, return receipt requested, to both Complainant and Complainee and include the following:

1. Grievance/complaint, names of Complainant and Complainee,
2. Statement of alleged violations,
3. Decision and reason(s) for decision,
4. Statement of corrective action, if any, to be taken,
5. Notice of the right to request a review by the GWDB. This request must be made within ten (10) calendar days of receipt of the adverse decision.

B. Nevadaworks will inform the State of the grievance resolution outcome via e-mail within seven (7) calendar days of the written decision.

VI. Resolving Grievance Appeals:

A. Any party who has filed a grievance at any level may appeal to the ~~higher level~~ GWDB when no decision is reached within sixty (60) calendar days of the official filing date of the grievance or either party is dissatisfied with the decision.

B. The appeal must be in writing and include the information required in the original grievance, including any issued resolutions. Appeals not ~~and~~ filed within ten (10) calendar days of the receipt of an adverse decision will not be considered~~; or~~

C. ~~The appeal must be filed after the tenth day following the decision is null and void~~Rules of the GWDB Hearing of Complaint:~~.~~

1. Grantee shall notify the complainant and the respondent as applicable of the GWDB hearing not less than 10 days prior to the date of the hearing by certified mail (return receipt requested).
2. The strict rules of evidence will be waived since the hearing shall be conducted in an informal manner by both parties in order to obtain full disclosure of all the facts.
3. The presentation of both written and oral testimony will be allowed.
4. If either the complainant or the respondent fails to appear at the hearing, the GWDB shall render a decision based on the review of all available information.

5. Any other rules the GWDB may determine appropriate.

References:

SCP 4.4 WIOA Non-Criminal Grievance/Complaint and Appeals Process

NWP-3303 Data Collection/Record Retention/Confidentiality Policy