SOUTHEAST MICHIGAN COMMUNITY ALLIANCE (SEMCA)
25363 Eureka Rd., Taylor, MI 48180

COMPLAINT and GRIEVANCE POLICY

Background: This policy applies to any program or operation within SEMCA's services. The appropriate process for the resolution of complaints related to the State of Michigan Department of Labor and Economic Opportunity – Workforce Development (LEO - WD) administered programs governed by any of the following, depends upon the nature of the complaint:

Workforce Innovation and Opportunity Act (WIOA)
Temporary Assistance to Needy Families (TANF)
Food Assistance, Employment & Training (FAE&T)
Trade Act (except requests for redetermination)
Programs and operations funded by other state, local or federal sources*

Definitions:

A. **Appellant:** the party that files the appeal to the WD and the U.S. Department of Labor (USDOL).
B. **Days:** means consecutive calendar days, including weekends and holidays.
C. **Filed:** or filing when used with respect to timelines, means the date of receipt by the intended party.
D. **Informal complaints**: involve dissatisfaction with services provided or the manner in which services were delivered.
E. **Grievance:** a written complaint filed in accordance with this policy.
F. **Local Grant Recipient:** entity that expends awards received directly from WD to carry out a program or programs.
G. **Interested Parties:** includes sub-grantees, subcontractors, service providers, employees, One-Stop partners, providers of training services, Employer-based Training employers and other relevant parties.
H. **Participant:** an individual who has been determined to be eligible to participate in, and who is receiving services under a program covered under this policy.
I. **Complainant:** person filing the complaint
J. **Petitioner:** the party that files the grievance.
K. **Respondent:** the party who argues against the petitioner or appellant.
L. **Service Providers:** sub-recipients or entities that expend awards received from WD grant recipients.

**Programs and operations funded directly to SEMCA by a federal or local entity have a few minor process differences, which will be noted where appropriate.*

Complaints fall into two categories: informal complaints and grievances. Informal complaints involve dissatisfaction with services provided or the manner in which services were delivered. Grievances include program complaints involving the proper application of any of the above referenced laws, their regulations and/or policies on a statewide level.

I. General Requirements

A. SEMCA has developed this Policy and made it available to participants, sub-grantees, sub-contractors, service providers, employees, One-Stop partners, providers of training services, and other interested parties for the purpose of providing a procedure for the resolution of grievances related to WIOA, TANF, FAE&T, Trade Act (except requests for redeterminations), and State of Michigan GF/GP funded programs administered by LEO- WD, as well as other SEMCA programs funded by other sources.

All participants, sub-grantees, subcontractors, service providers, employees, One-Stop partners, providers of training services, and other interested parties shall sign and date documentation acknowledging their receipt of an agreement to follow the procedures set forth herein. The documentation shall be maintained for review at the One-Stop Service Center, unless held on behalf of the whole SEMCA service area. Some specifics include:

- One-Stop Partners receive a copy as attachment to their MOU
- Service Providers' contract will include this policy as an attachment
- Sub-grantees and subcontractors will receive this policy as an attachment to their primary contract
- Employer-Based Training Employers will have it attached to their contract
- Participants will sign acknowledgement of receipt of copy
- Employees will sign acknowledgement of receipt of this policy

B. Generally, all processes prescribed in this Policy are accessible to persons with disabilities or other barriers, as required by law.

SEMCA has posted this Complaint and Grievance Policy in areas where administration and program services are provided and posted on SEMCA's website.

C. SEMCA maintains a monitoring/tracking system to document the grievances received and their disposition. SEMCA maintains these records for review for a period of three years. The retention period begins on the date of the WD's acceptance of the final closeout report for the grant or contract. Records are retained beyond three years if any litigation or audit is begun, or if a claim is instituted involving the grant or agreement covered by the records. In these instances, the records are retained until the litigation, audit, or claim has been resolved.

D. Pursuant to 29 CFR 38.9, where a significant number or proportion of limited English-speaking individuals exists, the Complaint and Grievance procedure is provided in appropriate languages to meet the language needs of the limited English-speaking individuals who seek information regarding the Complaint and Grievance procedures.

Complainant has the right to request and receive language assistance during the process and all notices will be translated into non-English languages when requested and required.

II. General Requirements - Informal Complaints

A. SEMCA shall make available to participants, and other interested parties an opportunity to resolve complaints informally before they become grievances. The complainant shall first attempt to work out a resolution with person or organization the complaint is against.

B. The complainant shall first attempt to work out a resolution with the **On-site Program Manager** for the program which the complaint is against by requesting to speak with the Program Manager. Customers shall be encouraged to informally discuss their concerns with the program manager to attempt an informal resolution of their complaint. The Program Manager shall make every effort to resolve the complaint promptly and enter objective case notes describing the complaint and the resolution or next steps.

C. In the event that no resolution is received, the complainant may then contact the administrative provider: Southeast Michigan Community Alliance (SEMCA) at: 734-229-3500 or 734.229.3506.

III. Grievance Procedures:

Process for the Petitioner:

A. Filing SEMCA Level Grievance:

1. Grievances are defined as alleged violations related to WIOA, TANF, FAE&T, Trade Act (except requests for redeterminations), and State of Michigan programs administered by the WD.
2. Grievances that allege discrimination will no longer be handled by SEMCA administration directly, beginning July 1, 2023. These should be routed to:
    - Matt Shilling, State of Michigan Department of Labor and Economic Opportunity
      LEO-EO-Discrimination-Complaints@michigan.gov.

3. All Grievances are required to be filed within one year of the date of the event that gave rise to the grievance. Grievances that do not allege discrimination will be filed with:

    - Kate Brady-Medley, SEMCA COO
    - 25363 Eureka Road, Taylor, MI 48180
    - Kate.bradymedley@semca.org

B. Criteria:

All grievances shall be **in writing** and contain, to the extent practicable, the following information:

a. The full name, address, and telephone number of the petitioner (party/parties filing the grievance);

b. The full name and address and telephone number of the respondent(s);

c. A clear and concise statement of the facts, as alleged, including the pertinent dates, constituting the alleged violation. Should detail the basic issue, actions and events;

d. The provision of the act, regulations, grant, contract, or other agreements under the act believed to have been violated; and

e. The relief requested.

SEMCA's Procedures for responding to Grievances

SEMCA will handle the grievance in the following ways:

1. **Rejection of Grievance**: The grievance may be rejected by SEMCA if it lacks merit, if it is determined that the grievant fails to state a grievable issue or there is no relief that can be granted, or if the grievant fails to comply with this procedure.

   SEMCA will inform the grievant in writing of the reason(s) the grievance was rejected. The notification will be issued as soon as possible or within 60 calendar days from the date the grievance was filed and will include the opportunity to appeal to the LEO - WD.

2. **Informal Resolution**: Opportunity for informal resolution must be provided. If the grievance is settled through informal means, the resolution will be provided as written result within 60 days.

3. **Formal Hearing**: For WIOA related grievances, a local level hearing will be conducted within 30 days from the date the grievance was filed, and a decision will be rendered no later than 60 calendar days from the date the grievance was filed. A hearing is not required if the grievance is resolved or if the grievant withdraws the grievance.

a) Hearing Notice: If a hearing is to be conducted, SEMCA will provide written notice to the parties. The notice shall include the date, time, and place of the hearing and outline of the process to present evidence including witnesses. The notice of the hearing shall

indicate the issues to be decided. Notice shall be given not less than 10 calendar days prior to the scheduled hearing date.

b) Hearing Process: At a minimum, the hearing process will include:

    a. A hearing officer;

    b. An opportunity for each party to present witnesses and evidence;

    c. An opportunity for each party to ask questions of all witnesses providing testimony at the hearing; and

    d. A record of the hearing and

    e. A list of all evidentiary exhibits presented at the hearing.

    At the discretion of the hearing officer, there may be an opportunity to exchange evidentiary information prior to the hearing.

c) Hearing Decision: A written decision shall be issued by the hearing officer and shall include the following information:

    a. Date, time, and place of hearing (if held);

    b. Name and address of the petitioner;

    c. Name and address of the respondent;

    d. Names and addresses of all witnesses called by the parties;

    e. Information sufficient to identify all evidence presented;

    f. A reiteration of the issues raised;

    g. A determination of the facts;

    h. An analysis of the issues as they relate to the facts; and

    i. A decision addressing each issue and;

    j. A statement regarding the opportunity to appeal the decision to the WD.

State Level Review of a Local Level Decision: process to appeal to WD

If a response to the grievance is not received within the time prescribed (within 60 days from the filing of the grievance), or if either party is dissatisfied with a decision, there is an opportunity to appeal to WD.

1. SEMCA's grievance decision may be appealed, in writing, to the WD. The appeal must be filed no later than 10 days from receipt of an adverse decision at Step 1, or 10 days from the date a decision was due (i.e. 60 days from filing of the grievance) but not issued.

2. All appeals of a SEMCA level grievance decision shall be submitted by **certified mail**, return receipt requested to:

   Workforce Development Executive Office P.O. Box 30805
   Lansing, MI 48909

3. All appeals shall contain, to the extent practicable, the following information:

   a. The full name, address, and telephone number of the appellant(s);

   b. The full name, address, and telephone number of the respondent(s);

   c. A clear and concise statement of the facts, as alleged, including the pertinent dates, constituting the alleged violation;

   d. The provision of the act, regulations, grant, contract, or other agreements under the act believed to have been violated; and

   e. The relief requested.

Evidentiary Documentation: Both parties will be notified that they should send all relevant information and documentation at the local hearing and related to this appeal to the LEO-WD address cited above to assist with the determination on the grievance. Such documentation must be submitted to the LEO-WD within 15 days of filing of the appeal.

LEO-WD Action: Following consideration of the appeal, the LEO will take one of the following actions:

1. **Rejection of the Appeal:** A grievance may be rejected on appeal if it is determined that it lacks merit, fails to state a grievable issue, if there is no relief that can be granted, or if the appellant failed to comply with the applicable procedures described in this Policy (e.g. the 10 day filing

requirement, among other provisions). The appellant will be informed in writing as soon as possible or within 60 days from the date the appeal was filed; of the reason the appeal was rejected.

2. **Hearing:** For an appeal of a WIOA related SEMCA decision, an opportunity for a hearing will be provided. However, a hearing will not be held under certain circumstances, such as a) rejection of appeal b) if parties agree to waive a hearing or c) the appellant withdraws the appeal. If a hearing is to be held, it will be conducted within 30 days of the filing of the appeal. A hearing is not required for appeal of a non-WIOA related local level decision.

Hearing Notice: If a hearing on an appeal is to be held, the appellant and the respondent will be provided written notice of the date, time, and place of the scheduled hearing and of the opportunity to present evidence, including witnesses. The notice of the hearing will indicate the issues to be decided. Notice will be given not less than 10 days prior to the scheduled hearing date.

Hearing Process: At a minimum, the hearing process shall include:

a. A hearing officer;

b. An opportunity for each party to present witnesses (subpoenas are not authorized under this Policy) and evidence;

c. An opportunity for each party to ask questions of all witnesses providing testimony at the hearing; and

d. A record of the hearing and a list of all evidentiary exhibits presented at the hearing.

At the discretion of the hearing officer, there may be an opportunity to exchange evidentiary information prior to the hearing.

Final Decision: A written decision shall be issued not later than 90 calendar days after the filing of the appeal. The decision shall include the following:

a. Date, time, and place of hearing (if held);
b. Name and address of the petitioner;
c. Name and address of the respondent;
d. Names and addresses of all witnesses called by the parties (if hearing is held);
e. Information sufficient to identify all evidence presented (if hearing is held);
f. A reiteration of the issues raised;
g. A determination of the facts;
h. An analysis of the issues as they relate to the facts; and
i. A decision addressing each issue.

D. Step 3: Federal Government Review

In general, a state level decision is final. However, if a decision is not issued by the due date, a WIOA related appeal may be reviewed by the Secretary of the U.S. Department of Labor (USDOL), if appealed within 60 days after the date the decision was due. A WIOA related decision may be appealed by the adversely affected party to the USDOL within **60 days** of receipt of the WD decision. Pursuant to 20 CFR 683.610(c), an appeal must be submitted to the Secretary of the USDOL by certified mail, return receipt requested, to:

Secretary of Labor
U.S. Department of Labor
200 Constitution Ave., NWC-2318
Washington, DC 20210

A copy of the appeal must be simultaneously provided to:

Regional Administrator
Employment and Training Administration
U.S. Department of Labor
230 South Dearborn Street, 6th floor
Chicago, IL 60604

And

Workforce Development Executive Office P.O. Box 30805
Lansing, MI 48909

IV. Special Provisions

A. **Equal Opportunity:** Complaints alleging violation of the nondiscrimination and Equal Opportunity (EO) provision of state/federal grant programs must be resolved in accordance with the nondiscrimination and EO policy guidelines issued by the State of Michigan. These complaints will be routed to the SOM (See Section 1.A above).

B. **Criminal Conduct:** Known or suspected fraud, abuse, or criminal conduct under the WIOA shall be reported in accordance with the incident report guidelines issued by the LEO - WD (PI 18-01).

C. **TANF Displacement:** Pursuant to the 45 CFR 261.70, a grievance may be filed by an affected individual if a recipient of TANF is placed in a position (1) when any other individual is on layoff from the same or any substantially equivalent job, or (2) if the employer has terminated the employment of any regular employee or

otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with an adult receiving TANF assistance. In this situation, either party to the grievance, the TANF recipient, or the displaced employee, may appeal the decision rendered by SEMCA to the WD.

D. **WIOA Displacement:** Pursuant to WIOA Regulation 20 CFR 683.270(d), a grievance may be filed by a regular employee displaced by a WIOA participant who is placed in an employment activity operated with WIOA funds. A grievance may also be filed by a WIOA participant in an employment activity if the participant is displaced.

E. **Binding Arbitration/Collective Bargaining:** Local grant recipient grievance procedures must provide WIOA participants 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.

F. **Jurisdiction:** Depending on the nature of the grievance, TANF and FAE&T program applicant and recipient grievances shall be handled in accordance with the local grant recipient or the Michigan Department of Health and Human Services (DHHS) or other applicable procedures. For example, grievances regarding sanctioning or food stamp benefits will be handled by DHHS, while grievances regarding programs administered by the local grant recipient will be handled by SEMCA.

G. **Wagner-Peyser:** Grievances involving Wagner-Peyser Act activities must be resolved in accordance with the grievance procedures outlined in the Employment Service Manual. In addition, please refer to the Employment Service Manual for specific guidance regarding work-related complaints that are not program specific, such as: employer hour and wage violations, migrant farm worker complaints, and other possible violations of general labor laws.

Appeal Process for Local Grant Recipients

Local grant recipients may appeal non-designation of local areas, monitoring findings, incident report findings, Single Audit resolution findings/issues, and other matters related to State workforce investment programs by filing an appeal with the WD within 30 days of the adverse decision.

Other interested parties may not appeal directly to WD. To the extent that interested parties are affected by a WD decision, the interested parties must first file a grievance at the local level.

Appeals related to USDOL monitoring findings shall only be reviewed for compliance with USDOL requirements. A record shall be created to forward to USDOL, if applicable.

A. **Appeals:** Appeals shall contain, to the extent practicable, all of the following information:

1. The full name, address, and telephone number of the appellant(s).

2. The full name, address, and telephone number (if any) of the respondent(s).

3. A clear and concise statement of the facts as alleged, including the pertinent dates constituting the alleged violation.

4. The provision of the act, regulations, grant, contract, or other agreements under the act believed to have been violated.

5. The relief requested.

Appeals shall be submitted to:

Workforce Development Executive Office P.O. Box 30805
Lansing, MI 48909

B. Rejection of Appeal: An appeal may be rejected for any of the following reasons:

1. It lacks merit.

2. Does not state a grievable issue.

3. There is no relief that can be granted.

4. The petitioner fails to comply with the procedures prescribed in this policy issuance.

C. Hearing: An opportunity for a hearing must be provided for a WIOA related appeal unless the appeal is rejected by WD, the parties agree to waive a hearing, or the appellant withdraws the appeal. If a hearing is to be held, it shall be conducted within 30 days of the receipt of the appeal.

A hearing is not required for an appeal of a non-WIOA related decision.

1. **Hearing Notice:** The parties will be provided written notice of the date, time, and place of the scheduled hearing date and of the opportunity to present evidence, including witnesses. The notice of the hearing shall indicate the issues to be decided. Notice shall be given not less than 10 days prior to the scheduled hearing date.

2. **Hearing Process:** At a minimum, the hearing process shall include all of the following:

   a) A hearing officer.

   b) An opportunity for each party to present witnesses (subpoenas are not authorized under this policy) and evidence.

   c) An opportunity for each party to ask questions of all witnesses providing testimony at the hearing.

   d) A record of the hearing and a list of all evidentiary exhibits presented at the hearing.

At the discretion of the hearing officer, there may be an opportunity to exchange evidentiary information prior to the hearing.

D. **Decision:** A written decision shall be issued not later than 60 days after the filing of the appeal. The decision shall include all of the following:

1. If a hearing is held, the date, time, and place of the hearing.

2. Name and address of the appellant.

3. Name and address of the party against whom the appeal is made.

4. If a hearing is held, the names and addresses of all witnesses called by the parties.

5. If a hearing is held, information sufficient to identify all evidence presented.

6. A reiteration of the issues.

7. A determination of the facts.

8. An analysis of the issues as they relate to the facts.

9. A decision addressing each issue.

E. **USDOL Appeal**: The decision of WD is final. The local grant recipient may appeal noncompliant WIOA grievance procedures of the WD to the Secretary of the USDOL. An appeal must be submitted to the Secretary of the USDOL within 60 days of receipt of the WD decision by certified mail, return receipt requested, to:

Secretary of Labor
U.S. Department of Labor 200 Constitution Ave., NW C-2318
Washington, DC 20210

A copy of the appeal must be simultaneously provided to:

Regional Administrator
Employment and Training Administration
U.S. Department of Labor
230 South Dearborn Street, 6th Floor Chicago, IL 60604

And
Workforce Development Executive Office P.O. Box 30805
Lansing, MI 48909

Federal Contractor
Equal Opportunity Employer & Programs – Minorities/Women/Disabled/Veterans
Reasonable accommodations will be made upon request.

Southeast Michigan Community Alliance (SEMCA)
Complaint and Grievance Policy
Acknowledgement and Agreement

SEMCA has developed a Complaint and Grievance Policy and made it available to all participants, sub-grantees, subcontractors, service providers, employees, and other interested parties for the purpose of providing a procedure for the resolution of grievances related to WIOA, TANF, FAE&T, Trade Act (except requests for redeterminations), and State of Michigan funded programs administered by the WD.

I, _____, acknowledge that as a:
Print Name

□ Service Provider □ Subcontractor □ Subgrantee
□ Participant □ Employee □ Other Interested Party

I have received and read a copy SEMCA's Complaint and Grievance Policy, and I agree to follow the procedures set forth therein.

_____ _____
Signature Date

Federal Contractor
Equal Opportunity Employer & Programs – Minorities/Women/Disabled/Veterans
Reasonable accommodations will be made upon request