

## Attachment J

# GRIEVANCE POLICY AND PROCEDURE (NON-CIVIL RIGHTS) 000-033

Effective Date: July 1, 2000

**PURPOSE:** To transmit the New Hampshire Workforce Opportunity Council's (Council) policies and procedures for accepting, handling, and processing grievances that are of a non-civil rights nature.

**POLICY:** It is the policy of the Council that any applicant, participant, potential or actual vendor, sub-grantee, sub-contractor or other aggrieved party who wishes to file a grievance because of alleged violations of the Workforce Investment Act rules, regulations, grant or other agreements under the Act may file a grievance.

### **PROCEDURES:**

1. **Who may file:** Any covered individual or entity who believes that he/she/it has suffered due to violations of the Workforce Investment Act rules, regulations, grant or other agreements under the Act.
2. **When to file:** A formal grievance must be filed within 90 days of the alleged act(s).
3. **Where to file:** Grievances may be filed with the Council EO Officer, 64 Old Suncook Rd., Concord, NH, 03301, Telephone: (603) 228-9500 TDD: 1-800-622-9180. With respect to Title I WIA-funded organizations, grievances may also be filed with the NHWORKS One-Stop Partner or WIA-recipient, who will forward it to the Council EO Officer for proper logging.
4. **How to file:** Each grievance shall be in writing and shall:
  - a) Be signed by the grievant or his/her authorized representative;
  - b) Contain the grievant's name and address, or specify another means of contact;
  - c) Identify the person(s) and/or legal entity complained against (the respondent); and
  - d) Describe the grievant's allegations in sufficient detail to allow determination of whether the grievance
    - falls under Council, One-Stop Partner, or WIA-Recipient jurisdiction
    - was timely filed, and
    - has apparent merit.
  - e) Upon receipt of a written grievance alleging violation of WIA provisions, the Council EO Officer shall promptly log the grievance and forward it to the appropriate One-Stop Partner or WIA-Recipient to
    - initiate review and/or investigation of the grievance, or;
    - provide notice, as appropriate, to all parties including the grievant and the respondent of the specific allegations;
    - inform the grievant and respondent of their right to representation;
    - inform the grievant and respondent of their right to present evidence;

- inform the grievant and respondent of their right to rebut evidence presented by others;
- inform the grievant of their right to select mediation as an alternative method of dispute resolution; and
- make a decision strictly on the evidence.

6. The identity of the grievant shall be kept confidential except to the extent necessary to carry out any investigation, hearing or judicial proceeding arising hereunder. When consent has been provided for release of grievant's identity, disclosure should be under the conditions which will promote receipt of confidential information.
7. No person shall intimidate, threaten, coerce, or discriminate against any individual or entity because he/she/it has made a grievance, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing.
8. Council, the One-Stop Partner, or WIA-Recipient shall process the grievance within 90 days and offer a resolution to the grievant. If by the end of 90 days, grievance processing has not been completed, or the grievant has not been notified of the resolution, the grievant or his/her representative may, within 30 days of the expiration of the 90-day period or upon notification of resolution, file with the U.S. Department of Labor (US DOL), the agency administering WIA.
9. The grievant may choose mediation as an Alternative Dispute Resolution rather than the customary process. If an agreement is not reached under ADR, the grievant may file with the US DOL. In the event that the ADR agreement is breached, the non-breaching party may file a grievance with the US DOL within 30 days of the date on which the party learns of the alleged breach. If the US DOL determines that there has been a breach, the grievant may file a grievance with the US DOL based upon his/her original allegation(s).
11. Nothing in this policy or procedure shall be construed to allow a person or organization to file a suit which alleges a violation WIA or regulations without first exhausting the administrative remedies described herein, nor shall this policy be construed to create a private right of action with respect to alleged violations of WIA or the regulations promulgated thereunder.
12. Nothing in this policy or procedure shall be construed to prohibit a grievant from pursuing a remedy authorized under another Federal, State, or local law for a violation of Labor Standards.

**ACTION:** All staff must be knowledgeable of the contents of this directive.