



WESTERN OKLAHOMA WORKFORCE DEVELOPMENT BOARD

Discrimination and Grievance Policy

Approved 11.28.17

This policy applies to all Service Providers and their staff as well as other recipients of funds obtained through the Workforce Board (WB), including WB members and employees of the WB, unless the context clearly indicates otherwise.

I. Discrimination and other prohibited acts:

1. No person covered by this policy shall be appointed to or demoted or dismissed from any position in the Workforce Development Area, or in any way favored or discriminated against with respect to employment in the Workforce Development Area because of political or religious opinions or affiliations, race, creed, gender, color, age, gender identity, sex, or national origin or by reason of any handicap or disability.
2. No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration. Letters of inquiry, recommendation and reference for public employees by public officials shall not be considered official authority or influence unless such letter contains a threat, intimidation, or irrelevant, derogatory or false information.
3. No person shall make any false statement, certificate, score, rating or report with regard to any test, certification or appointment or in any manner commit any fraud preventing the implementation of the provisions of the WB policies and rules made pursuant thereto.
4. No employee, examiner or other person shall deny, deceive or obstruct any person in his or her right to examination, eligibility, certification or appointment or furnish to any person any special or secret information for the purpose of effecting the rights or prospects of any person with respect to employment.
5. No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for or as a result of any appointment, proposed appointment, promotion or proposed promotion to or any advantage in, a position covered by the WB.
6. No officer or employee subject to the WB shall permit or engage in sexual harassment. Unwelcome sexual advances, requests for sexual favors, and verbal, graphic or physical conduct of a sexual nature constitute sexual harassment when:
 - a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - b. submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - c. 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.

II. Grievance

A grievance filed with the Workforce Board (WB) by a participant or affected party alleging a violation of Title I of WIOA is governed by the procedure set forth herein. This procedure does not apply to Title I, Subtitle C, Job Corps.

This procedure is separate and apart from the WB's Contract Dispute Policy (adopted from the Fiscal Agent) that is available to service providers who have a contract to provide WIOA Title I program services in the Workforce Development area. The policy set forth herein may be used in place of the Contract Dispute Policy, as appropriate, when there is an alleged violation of Title I of WIOA.

This procedure does not apply to protests that are filed as the result of a competitive procurement process established by the WB (adopted from the Fiscal Agent). Service Providers are requested to review this policy with all participants (and parents/legal guardians if applicable), provide the participant a copy of the policy and then upload the policy.

Nothing in this policy and/or procedure precludes a grievant or complainant from pursuing any other remedy authorized under another Federal, State, or local law.

II. Authority

The Workforce Innovation and Opportunity Act of 2014 (WIOA) requires all local areas receiving an allotment of WIOA funds under Title I to have a grievance process in place.

III. What is the WB's Responsibility?

As required by State Policy, the WB is responsible for establishing and maintaining procedures for grievances or complaints filed by participants and other interested parties in which a violation of the WIOA is alleged. The WB requires all Service Providers to share and explain this policy and the content herein with all applicants and participants of the programs they implement. A copy of this policy and the content herein must be provided to any party that requests it and to all applicants and participants of the programs the Service Providers implement while under contract with the WB. Evidence that sharing and explanation has occurred will be evidenced by the uploading appropriate documents as well as any other required documentation such as a case note. Auxiliary aids and services may be made available upon request for individuals who need assistance with understanding this policy and the content herein.

IV. Who May File a Grievance?

Any participant or other interested party may file a complaint or grievance with the WB. An "interested party" may be a person or entity affected by the local Workforce Development System, including a One-Stop partner, a service provider, an employer, a participant or the parent of a youth participant, a person who works in the local workforce development system, etc.

V. What is the Time Limit for Filing a Grievance with the WB?

The grievance must be filed, in writing, and delivered within 20 calendar days from the date of the violation(s) which is the basis of the grievance.

VI. To Whom Should the Grievance be Delivered?

Grievances may be delivered in person or via postal mail to:

Christi Porter
Workforce Board Executive Director
c/o Workforce Board
1116 19th Street
Woodward, OK 73801

VII. What are the Required Contents of a Written Grievance?

Each grievance shall be in writing and should:

- A. Be signed by the grievant or his/her authorized representative;
- B. Contain a clear, concise statement of the facts of the case, including--
 - A. The full name, mailing address and phone number of the party or parties filing the grievance;
 - B. The full name, mailing address and phone number of the party or parties alleged to have committed the act;

- C. The date(s) on which the alleged acts which are the basis of the grievance occurred, or if continuing, when such acts began and describe the continuing nature;
- D. Names and addresses of persons who may have knowledge of the facts of the grievance;
- E. Any other factual information supporting the complaint;
- C. Describe the grievant's allegations in sufficient detail to allow the WB Director to determine whether:
 - 1. The WB has jurisdiction over the grievance;
 - 2. The grievance was timely filed; and
 - 3. The grievance has apparent merit, i.e., whether the allegations if true, would violate any provision of Title I of WIOA.
- D. Referral of a grievance filed with Oklahoma Office of Workforce Development (OOWD) — The Office of the General Counsel may refer a grievance, originally filed with the OOWD, to the local area if there is likelihood that it could be resolved at that level. If the referred grievance is not resolved within ten (10) days from the date of receipt by the local area, the Office of General Counsel will attempt to resolve the issue informally.

VIII. How will the WB Resolve the Grievance?

A. Informal Resolution Process

The WB Director will attempt to resolve any grievance informally by meeting with the parties in person or discussing the grievance with the parties by telephone. If the grievance is not resolved within fifteen (15) calendar days from the receipt of the grievance, the WB Director will forward the grievance to the WB Executive Committee.

B. Review by Executive Committee

In the event that the grievance cannot be resolved informally through the WB Director, the WB Executive Committee will schedule an informal hearing to review the grievance. The grievant and other parties shall be notified in writing of the date and place of the informal hearing at least ten (10) days prior to the meeting date.

The WB's Executive Committee will complete the informal hearing and render a decision within sixty (60) days of the initial filing of the grievance or complaint. If the grievance proceeds from an individual alleging a labor standards violation, the WB Executive Committee may agree to submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties to the grievance so provides.

IX. How will the Decision of the Executive Committee be Announced?

The decision of the WB Executive Committee will be delivered via certified mail to each party in the grievance.

X. What Remedies May be Ordered as the Result of a Successful Grievance?

Pursuant to the WIOA, the remedies that may be imposed for a violation of any requirement of Title I of WIOA shall be limited—

- A. To suspension or termination of payments under WIOA Title I;
- B. To prohibition of placement of a participant with an employer that has violated any requirement under WIOA Title I;
- C. Where applicable, to reinstatement of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment; and
- D. Where appropriate, to other equitable relief.

XI. Is there an Appeal Process?

A. Appeals to the OOWD from Grievance Decisions of a Local Area

- 1. Filing grievance with local area — A participant or affected party may file a grievance with the local area. It will be resolved according to the procedures of the local area.

2. Appeals with OOWD — An appeal may be filed with the Executive Director, in care of the Office of the General Counsel, from a grievance decision issued at the local area if:
 - i. No decision is reached within 60 days from the date the grievance is received at the local area level; or
 - ii. Either party is dissatisfied with the local area hearing decision.
3. Time limit for filing an appeal with OOWD
 - i. If the local area does not render a decision within sixty (60) days from the date of receipt of the grievance, an appeal must be filed with the Executive Director, in care of the Office of the General Counsel, within thirty (30) days from the expiration of the sixty (60) day time period.
 - ii. If the local area renders a decision that a party is dissatisfied, the appeal must be filed with the Executive Director, in care of the Office of the General Counsel, within thirty (30) days of the date the local area mails the decision to the party by certified mail.

B. Informal and Formal Resolutions of Grievances

1. Informal Resolution — The Executive Director or his or her designee will attempt to resolve any grievance or appeal informally by meeting with the parties in person or discussing the grievance with the parties by telephone. If the grievance is not resolved informally within fifteen (15) days from the receipt of the grievance or appeal, a hearing date will be scheduled that is convenient to the parties to the appeal.
2. Hearing — The Executive Director will conduct the hearing pursuant to its rules. The hearing process will be completed within sixty (60) days from the date the grievance was received by the Office of General Counsel. The parties to the hearing may agree to extend this time period with the consent of the Executive Director. In the event the Executive Director believes there may exist a possible conflict of interest between the Oklahoma Office of Workforce Development and one or more parties to the appeal, the Executive Director reserves the right to retain an independent hearing officer to preside over the hearing. The parties to the appeal will be notified if the Executive Director selects an independent hearing officer.
3. Remedies — Remedies that may be imposed under this grievance procedure will be enumerated in the WIOA and its final regulations.
4. Appeal to the U.S. Secretary of Labor (Secretary) or investigation by the Secretary — The Secretary will investigate an allegation of a violation as set forth above if:
 - i. A decision relating to such violation has not been reached within sixty (60) days after the date of filing of the grievance and either party appeals to the Secretary; or
 - ii. A decision relating to such violation has been reached within sixty (60) days and the party to which such decision is adverse appeals such decision to the Secretary.

- C. Decision of the Secretary** — The Secretary will make a final determination relating to an appeal no later than 120 days after receiving such appeal.

The grievance or appeal must be sent to:

Oklahoma Office of Workforce Development, Executive Director
 c/o Office of the General Counsel
 900 N. Portland Ave.
 Oklahoma City, OK 73107