

## Complaint Policy

### PURPOSE

The purpose of this Complaint Policy (hereafter this “**Complaint Policy**”) is to provide instructions on how to file a formal grievance or complaint (other than grievances or complaints alleging discrimination) within the West Piedmont Workforce Development Board’s (hereafter referred to as “**WPWDB**”) service region.

### REFERENCES

- ❖ P.L. 105-220, Workforce Investment Act of 1998 (hereafter referred to as the “**WIOA**”), Section 181(c), 29 U.S.C. § 2931(c)
- ❖ 20 C.F.R. Part 667, Employees’ Benefits, Employment and Training Administration, Department of Labor, Administrative Provisions Under Title I of the Workforce Investment Act

### PROCEDURES

- ❖ **For what types of grievances or complaints does this Complaint Policy apply?**
  - This Complaint Policy applies to violations or alleged violations of the WIOA, the associated regulations, and/or provisions of agreements related to the WIOA, other than violations or alleged violations of the Nondiscrimination and Equal Opportunity provisions of the WIOA. Grievances or complaints alleging discrimination should be filed according to the procedures in the Equal Opportunity and Nondiscrimination Policy. Other types of grievances are not subject to this Complaint Policy.
- ❖ **Who may bring a complaint under this policy?**
  - Any individual or organization may file a grievance or complaint under this Complaint Policy, including:
    - Applicants and/or registrants for aid, benefits, services, or training;
    - Eligible applicants/registrants;
    - Participants;
    - Employers
    - Applicants for employment under the WIOA;
    - Approved Service providers; and
    - Eligible service providers
- ❖ **Timeframes:**
  - Except for grievances or complaints alleging fraud or criminal activity, any grievance or complaint must be filed within one (1) year of the date of the alleged violation.

- WPWDB will hold a hearing within thirty (30) days of the receipt of a grievance or complaint.
- WPWDB will render a decision within thirty (30) days of the receipt of a grievance or complaint.

❖ **Requirements for a Filing a Complaint:**

- The complaint must be filed in writing within one (1) year of the alleged violation.
- The written complaint must include the following information:
  - The name, address, and phone number of the person filing the complaint;
  - The date of the alleged violation and the date of the complaint was filed;
  - The identity of the respondent (i.e., the individual or entity against whom the complaint is alleged);
  - A description of the allegations, including enough detail to allow the reviewer to decide whether the allegations, if true, would violate any of the provisions of the WIOA; and
  - The signature of the person filing the complaint

❖ **Where to file the complaint:**

- The written grievance or complaint must be delivered to the Chairman of the WPWDB, either by mail or hand delivery, as follows:
  - By mail: West Piedmont Workforce Investment Board  
Attn: Chairman  
P. O. Box 4043  
Martinsville, VA 24114
  - By hand delivery: West Piedmont Workforce Investment Board  
Attn: Chairman  
730 East Church, Suite 24  
Martinsville, VA 24112

❖ **Methods of Resolution/Disposition of Complaints**

- Within five (5) business days of receipt of a grievance or complaint, the reviewer will provide the grievant or complainant with written notice that the grievance or complaint has been received. The written notice will include:
  1. A summary of the allegations submitted;
  2. The date, time, and place of the meeting or hearing with the reviewer, which shall be within thirty (30) days of the receipt of the grievance or complaint;
  3. A notice that the reviewer may arrange for an informal resolution of the grievance or complaint prior to the scheduled hearing date;
  4. A notice that if the grievant or complainant is alleging a labor standards violation, he or she may submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties to the grievance or complaint so provides;
  5. A notice that the grievant or complainant may be represented by an attorney; and
  6. A notice that the grievant or complainant may present witnesses and documentary evidence.

- WPWDB has a maximum of thirty (30) calendar days to conduct an investigation of the allegations and offer a resolution.

#### ❖ **Notices of Final Action**

- Once the investigation is complete and a decision has been reached, a Notice of Final Action will be sent to the grievant or complainant. If an informal resolution was provided, the Notice of Final Action will summarize the resolution agreed upon. If no informal resolution was provided, the Notice of Final Action will contain the following information:
  1. The reviewer's decision and the reasons supporting the decision;
  2. A brief description of the investigation process employed to reach the decision;
  3. A notice that, if no decision is reached within thirty (30) days or if dissatisfied with the decision, the grievant or complainant may appeal to the Commonwealth of Virginia within ten (10) business days of receipt of the Notice of Final Action; and
  4. A notice that the grievant or complainant may seek a remedy authorized under another Federal, State, or local law.

#### ❖ **Where to File an Appeal to the Commonwealth of Virginia**

- Appeals to the Commonwealth of Virginia may be filed by mail to the Vice Chancellor of Workforce Development Services, as follows:
  - Vice Chancellor, Workforce Development Services  
Virginia Community College System  
101 North 14th  
Street 15th Floor  
Richmond, VA 23219

#### ❖ **Record Keeping Requirements**

- Records regarding grievances and complaints must be maintained for at least three (3) years from the date of resolution of the grievance or complaint. All records must include the following:
  1. The name and address of the grievant or complainant;
  2. A description of the grievance or complaint;
  3. The date the grievance or complaint was filed;
  4. The disposition (final action);
  5. The date of disposition of the grievance or complaint; and
  6. Any other pertinent information.
- To the maximum extent possible, the identity of any person who has furnished information relating to, or assisting in, an investigation of a possible violation of the WIOA shall be kept confidential. The information may only be used for purposes of:
  1. Record-keeping and reporting;
  2. Determining the extent to which an entity is operating its WIOA-funded programs or activities in a nondiscriminatory manner; or
  3. Other use authorized by the nondiscrimination and equal opportunity provisions of the WIOA.