

Serving Eastern Jackson County Mo. including:
Independence, Blue Springs, Lee's Summit, Grandview, Raytown,
Sugar Creek, Buckner, Grain Valley, Oak Grove, Lone Jack, and other municipalities.

The Full Employment Council, Inc. (FEC) is the fiscal
agent and workforce support organization for the
Eastern Jackson County Workforce Development Board.

Workforce Innovation and Opportunity Act (WIOA) Policy

PROGRAM COMPLAINT AND DISCRIMINATION PROCEDURES POLICY

POLICY NUMBER: 2023-06

EFFECTIVE DATE: 6-17-2024

APPROVED BY

Clyde McQueen, President/CEO
Full Employment Council, Inc.,
Managing Entity/Fiscal Agent
Eastern Jackson County Workforce Development Board

INQUIRIES

Questions about this Issuance should be addressed by email Andrea Robins, Director of Planning, Compliance Partnership Coordination, at arobins@feckc.org, who shall disseminate the agency response after consulting with Full Employment Council Officers.

PURPOSE

This issuance is to address the process by which all discrimination and all program complaints will be processed in accordance with the requirements outlined in the Workforce Innovation Opportunity ACT (WIOA) and Implementation Regulations for Programs under the Act (Section 188). The Workforce Development Board complies with OWD Issuance 06-201 regarding complaints and grievance.

BACKGROUND

The FEC Workforce Development Board implements a formal complaint and grievance policy in compliance with Section 188 of WIOA. In accordance with CFR 29 Part 38.35 it is against the law for a recipient of Federal financial assistance to discriminate on the following basis: Any individual on the basis of race, color, religion, sex, (including pregnancy, childbirth and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief; or, Title I of the Workforce Innovation and Opportunity Act, on the basis of the individuals citizenship status or participation in any WIOA Title I-financially assisted program or activity.

WIOA recipients must not discriminate in any of the following areas.

Deciding who will be admitted, or have access, to any WIOA Title I-financially assisted program;
Providing opportunities in, or treating any person with regard to, such a program or activity; or
making employment decisions in the administration of, or in connection with, such program or activity.

This Issuance replaces OWD Issuance 09-2012 “WIA Complaint Resolution Policy” which was rescinded, and this new policy is based upon Missouri Office of Workforce Development Issuance 06-2021.

DISSEMINATION OF EQUAL OPPORTUNITY NOTICES:

FEC requires the Equal Opportunity notices found in CFR Parts 38.34 and 38.35 to be:

1. Posted prominently, in reasonable numbers and places, in available and conspicuous physical locations and on the recipient’s Web site pages.
2. Disseminated in internal memoranda and other written or electronic communications with staff.
3. Included in employee and participant handbooks or manuals regardless of form, including electronic and paper form if both are available, and
4. Provided to each participant and employee; the notice is made part of each employee’s and participant’s file. It is a part of both paper and electronic files if both are maintained.

These notices must be provided in appropriate formats and languages to registrants, applicants, eligible applicants/registrants, applicants for employment, and employees and participants with visual impairments. Where notice has been given in an alternate format to registrants, applicants, eligible, participants, applicants for employment, and employees with a visual impairment, a record that such notice has been given must be made a part of the employee’s or participant’s file.

Mandatory training is required for all staff concerning nondiscrimination of FEC/Missouri Career Center employees and participants by implementing sound Equal Opportunity program and workplace practices and to provide all staff with the information they need to avoid discrimination and provide information to comply with Federal EEO laws.

*To view Equal Opportunity poster: English/Spanish and other languages at:
<https://labor.mo.gov/media/pdf/equal-opportunity-law-poster>

POLICY

I. PROGRAM COMPLAINT PROCEDURES

Every recipient of funds under Title I of the Workforce Innovation and Opportunity Act (WIOA) must maintain a written procedure for grievances and complaints in accordance with 20 CFR 667.600, *et seq.* As such, this policy will govern the Division of Workforce Development’s (DWD) processing of WIOA complaints and grievances.

General Program Complaints may be made up to one (1) year from the date of the event or condition alleged to be a violation of WIOA. The appropriate resolution process to be followed depends on the nature of the complaint. General WIOA complaints fall into the following two categories:

1. Complaints involving local WIOA programs, agreements, or local Workforce Development Board policies and activities; or
2. Complaints involving State WIOA policies, programs, activities, or agreements.

If FEC does not have the jurisdiction of a program complaint then the complainant will be referred to the appropriate entity (e.g. Family Services Division (Food Stamps), Office of Workforce Development (Unemployment Insurance) etc.

A complaint may be amended or withdrawn at any time prior to a scheduled hearing.

The Local WIOA Equal Opportunity (EO) Manager who processes a WIOA Program Complaint will keep information that could lead to the identification of the person filing the complaint confidential, to the extent practical. The identity of any person who furnishes information related to, or assisting in, and investigation will also be kept confidential to the extent possible.

FEC and its One-Stop partners will not discharge, intimidate, retaliate, threaten, coerce, or discriminate against any person because such person files a complaint, opposes a prohibited practice, furnishes information, assists, or participates in any manner in an investigation or hearing.

A. General Program Complaints

Included in the body of this Issuance is the General Program Complaint Form that will be used as a complaint intake tool. Any complaint received in writing will be accepted and handled in the same manner as if it were made on the General WIOA Complaint Form. The log shall include: the name and address of the complainant; the basis for the complaint; a description of the complaint; the disposition and date of disposition of the complaint; and any other pertinent information.

The procedures are as follows:

Who may file a complaint concerning programming with WIOA Title I?

Any applicant, employee, participant, service provider, program recipient, or other interested party may file a complaint alleging a violation of local WIOA programs, agreements or Workforce Development Board policies and activities.

B. Complainants with Disabilities

Complainants by persons with disabilities will be accommodated as needed so that they may file complaints. Alternate formats will be used on request to notify the complainant of hearings, results, and any other written communication. Auxiliary aides and services, such as deaf interpreters or assistive listening devices, on request for negotiations, hearings and any other meetings where aural communication occurs. An accessible location will be used for hearings and other meetings on request.

Time and Place for Filing?

Complaints may be filed with the local administrative entity or the service provider within one (1) year from the date of the event or condition alleged to be a violation of WIOA (365 days).

C. Resolution Process

Initial Review: Step One - If the complaint alleges a violation of any statute, regulation, policy, or program that is not governed by WIOA, the WIOA EO Manager or service provider may refer the complaint to the appropriate organization for resolution. In such cases, the local administrative entity or service provider will notify the complainant of the referral.

Once the local WIOA EO Manager or the service provider receives the complaint from the complainant or the complainant's designated representative, the FEC will log the complaint. The local WIOA EO Manager/EO Compliance Specialist or service provider will then establish a complaint file containing the following:

1. Application and enrollment forms;
2. Completed General WIOA Complaint Form (or complainant's written statement);
3. Chronological log of events or conditions alleged to be a violation of WIOA;
4. Any relevant correspondence; and
5. Record of the attempted informal resolution

Informal Resolution: Step Two - The local WIOA EO Manager or service provider will attempt to informally resolve the complaint to the satisfaction of all parties. The informal resolution process must be completed within ten (10) business days from the date the complaint is filed. If all parties are satisfied, the complaint is considered resolved, and the terms and conditions of the resolution must be documented in the complainant's file. The local administrative entity will review the complaint file and investigate it further if necessary.

Formal Resolution: Step Three - When an informal resolution is not possible, the local WIOA EO Manager will issue a determination within twenty (20) calendar days from the date the complaint was filed. If the complainant does not request an appeal of the determination, the complaint is considered resolved, and the local administrative entity or service provider will document this in the complaint file. Any party dissatisfied with the determination may request a hearing within seven (7) calendar days of the date of the determination.

Hearing: Step Four - A complainant may amend or withdraw his or her complaint at any time period prior to a scheduled hearing. If the complaint is not withdrawn, the local WIOA EO Manager will designate a hearing officer to ensure the complaint receives fair and impartial treatment. The hearing must be conducted within forty-five (45) calendar days from the date the complaint was filed. The hearing officer will schedule a formal hearing and mail a written notice to the complainant, the respondent, and any other interested party at least seven (7) business days prior to the hearing.

The notice will include the date, time, and place of the hearing. Parties may present witnesses and documentary evidence, and question others who present evidence and witnesses. The complainant may request that records and documents be produced. Attorneys or any other designated representative(s) may represent each party. All testimony will be taken under oath or affirmation. The hearing will be recorded either in writing or by audiotape.

The hearing officer's recommended resolution will include a summary of factual evidence presented during the hearing and the conclusions upon which the recommendation is based. The hearing officer will also concur with the chief local elected official (CLEO) toward reaching consensus on the recommended resolution to the complaint. If consensus cannot be reached, the hearing office will initiate a request to the state for resolution.

Final Decision: Step Five - The local administrative entity will review the recommendation of the hearing officer and issue a final decision within sixty (60) calendar days from the date the complaint was filed.

Dot Coleman, Equal Opportunity Compliance Specialist
Full Employment Council, Inc.
15301 E. 23rd St.
Independence, MO 64055
Phone: (816) 471-2330
Email: dcoleman@feckc.org

Appeal: Step Six - Any party dissatisfied with the local administrative entity's final decision, or any party who has not received either a final decision or a resolution within sixty (60) calendar days from the date the complaint was filed, may request an appeal. The appeal must be received by the OWD within ninety (90) calendar days from the date the complaint was filed at the following address:

Danielle Smith, State Equal Opportunity Officer
Director of Diversity Equity & Inclusion
Department of Higher Education & Workforce Development – Office of Workforce
Development
PO Box 1087
Jefferson City, MO 65102
Phone: (573) 751-2428, Fax (573) 751-4088
Missouri Relay Services at 711

OWD will review the complaint file, the hearing record, and all applicable documents and issue a final decision on the appeal within thirty (30) calendar days from the date the appeal was received.

Full Employment Council (FEC) / Workforce Innovation Opportunity Act (WIOA)

Program Complaint Form

General WIOA complaints fall into the following two categories:

1. Complaints involving local WIOA programs, agreements, or local Workforce Development Board policies and activities; or
2. Complaints involving State WIOA policies, programs, activities, or agreements.

Complaint (person filing the complaint)

Name:			
Address:	City:	State:	Zip Code:
Telephone:	Email:		

Complainants with disabilities will be accommodated during the complaint process. If an accommodation is required in communication or accessibility of location, please indicate the kind of accommodation required, e.g. accessible location, deaf interpreter (please indicate type of sign language), notification of results and/or hearing dates in alternative format such as Braille, large print or cassette.

Name:			
Address:	City:	State:	Zip Code:
Telephone:	Email:		

Location of office where the complaint occurred.

Respondent (person/entity complaint filed against)

Provide a clear and brief statement of the facts. Include relevant dates that will assist in the investigation and resolution of the complaint. If additional space is needed, use reverse side of this form or attach additional sheets.

The above information is true and correct to the best of my knowledge.

Signature of Complainant

Date

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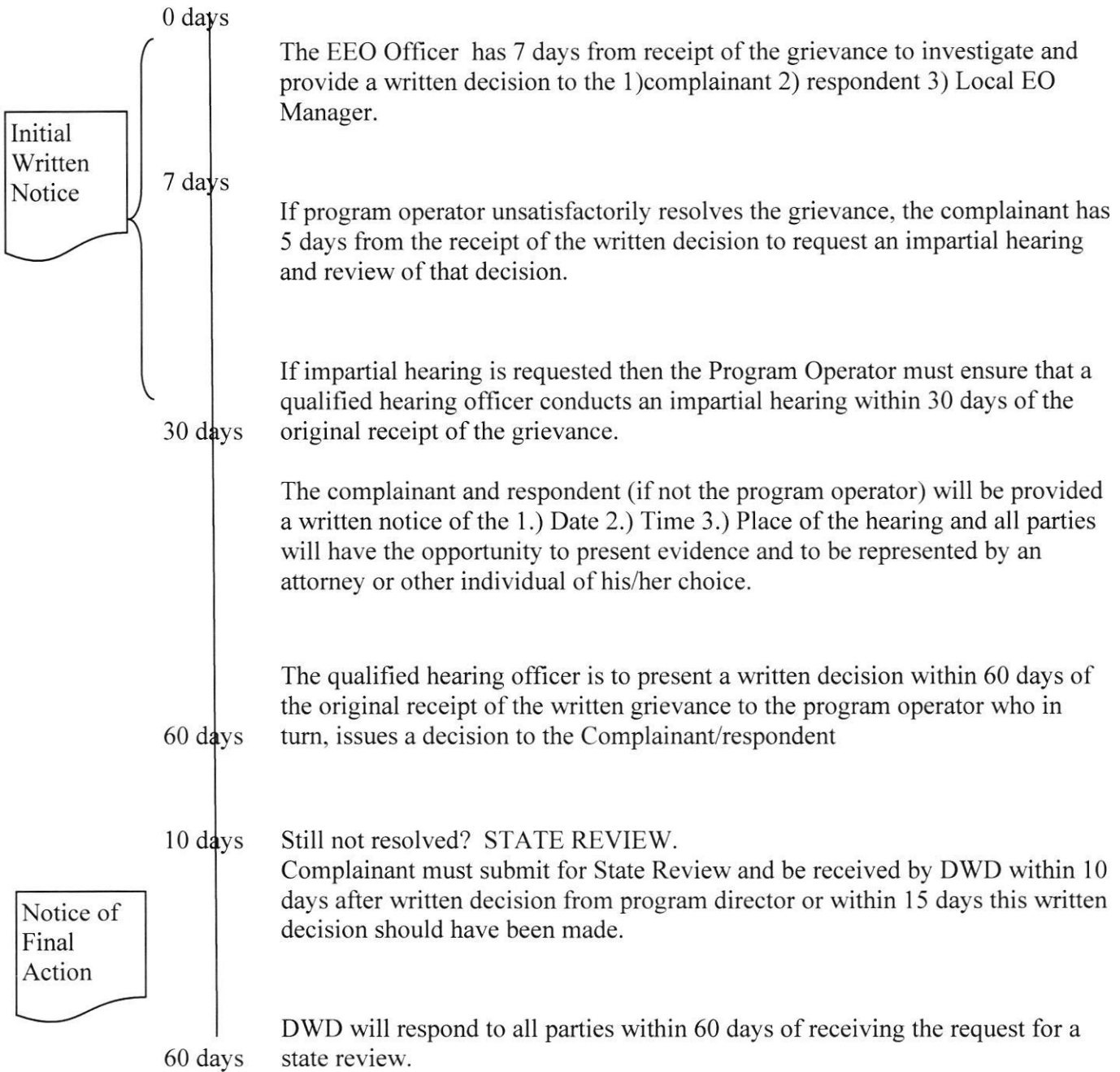
Program Complaint Form

FOR OFFICIAL USE ONLY		
Person Receiving Complaint:	Title:	
Address:	City:	State:
Telephone:	E-Mail:	

The Full Employment Council is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

Diagram of FEC Program Complaint Process

Program Complaint Received
by Program Operator



For more information on the references for this reference sheet please refer to the following: 29 CFR 37.25(d); and 37.70-37.80. See also 37.7(e)] or follow the link provided below <http://www.dol.gov/oasam/programs/crc/citations.html#29cfr37-25-d>

II. COMPLIANCE WITH EQUAL OPPORTUNITY AND DISCRIMINATION LAWS

The Workforce Development Board will fully comply with the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act, including the Nontraditional Employment for Women Act of 1991; Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended, Title IX of the Education Amendments of 1972, as amended, and the Americans with Disabilities Act, as amended, and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR part 34, and incorporate this language into all service contracts and agreements.

III. DISCRIMINATION COMPLAINT PROCEDURES

The Workforce Development Board will follow the Missouri Division of Workforce Development Issuance 16-2017, *Disseminating Notices for Equal Opportunity Complaints and WIOA Complaints and Grievances*, and Missouri Division of Workforce Development Issuance 06-2021, *Workforce Investment Act Complaint Resolution Policies*, which outline the dissemination of notices and complaint resolution practices. Forms provided in the body of this Issuance shall be utilized for receiving complaints.