

LOCAL OPERATING PROCEDURE

Subject: GRIEVANCE/COMPLAINT, HEARING/APEAL AND INCIDENT REPORTING PROCEDURES

Effective Date: November 1, 2012

Workforce Programs' Grievance/Complaint and Hearing/Appeal Procedures under the Workforce Innovation and Opportunity Act (WIOA), the Trade Adjustment Assistance (TAA), Temporary Assistance for Needy Families (TANF) and Welfare Transition Program (WT), Supplemental Nutrition Assistance Program (SNAP), and Wagner-Peyser (WP) Program.

A. WIOA, TAA, TANF/WT, AND SNAP GRIEVANCE/COMPLAINT AND HEARING/APEAL PROCEDURES

Background - Underlying State/Federal Policy

The WIOA, TANF/WT (Temporary Assistance for Needy Families and Welfare Transition Programs), and the SNAP programs require the State, the local areas, and direct recipient of program funds to establish and maintain grievance/complaint and hearing/appeal procedures for handling program related complaints. The grievance/complaint requirements may vary from program to program.

To simplify instructions and to have a unified format, the following grievance/complaint and hearing/appeal procedures will be essentially the same for WIOA, TAA, SNAP and TANF/WT workforce programs.

Regional Workforce System Original Grievance/Complaint and Hearing/Appeal Process

A. Filing grievance/complaint at the local level

1. Any participant or other interested party adversely affected by a decision or action by the local workforce system, including decisions by career center partners and service partners has the right to file a grievance/complaint with the Polk County Workforce Development Board, Inc. hereafter referred to as the Board, with the exception of complaints alleging unlawful discrimination. Discrimination complaints must be filed in accordance with the *Department of Economic Opportunity Discrimination-Complaint* Procedures. The discrimination complaint procedures are available on line at: <http://www.floridajobs.org/civilrights/moa/tabs/2-B.pdf>
2. TANF/WT work activity and support services grievances/complaints shall be filed with the Board (work activity is defined in Chapter 445, F.S.). Pursuant to 45 CFR 261.56 (c) (2) the Board will inform customers of and provide a fair hearing regarding non-compliance with work requirements. TANF cash assistance eligibility or benefit entitlement grievances/complaints shall be filed with the local Department of Children and Families (DCF) office, the cognizant agency responsible for administering this part of TANF (20 CFR 662.280) except for complaints alleging unlawful discrimination.



3. SNAP eligibility or benefit entitlement grievances/complaints shall be filed with the local DCF office (See 7 CFR 271.6 and 273.15) except for complaints alleging unlawful discrimination. The SNAP reimbursement shall be treated as a support service, and grievances/complaints shall be filed with the Board.
4. Grievance/complaints, except complaints alleging unlawful discrimination, shall be filed at the State level only when based upon actions or decisions made by the State recipient or administrative entity. Any grievance/complaint filed with an inappropriate entity will be forwarded to the proper entity/agency for action. The entity's/Agency's sixty (60) day timeframe to handle the grievance will start upon receipt of grievance/complaint.
5. A grievance may be filed by regular employees regarding displacement by a WIOA, TAA, TANF/WT, or SNAP program participants and by program participants regarding displacement. Displacement action prohibitions and available relief specifications are described in WIOA (20 CFR 667.600), TANF (45 CFR 261.270), and SNAP (7 CFR Parts 271 and 273).

The filing of all other grievances/complaints alleging, employment, and health and safety violations shall be filed as described in Section I. b., Process for Filing a Grievance/Complaint with the Board. As noted above, discrimination complaints must be filed in accordance with the Florida Department of Economic Opportunity-Complaint Procedures.

All local workforce grievances/complaints shall be filed with the Board using their established procedures. The exceptions are Job Corps grievances/complaints that are processed according to requirements of 20 CFR 670.990.

The chart below includes WIOA, TAA, SNAP and TANF/WT grievances/complaints (for reasons other than unlawful discrimination) or hearing/appeal actions that may be filed with the Board, DEO acting as the administrative entity for the State Board, or U. S. Department of Labor (USDOL).

WIOA, TAA, SNAP, and TANF/WT HEARING/APPEALS CHART

Hearing/Appeal Issue	Local Hearing/ Appeal	State Hearing/ Appeal	Federal Hearing/Appeal
Denial Or Termination Of Eligibility As A Training Provider (WIOA And TAA)	Yes	Yes	No
Denial Of Eligibility As An OJT Or Customized Training Provider By A One-Stop Operator (WIOA And TAA)	Yes	Yes	No
Board Substantial Violation (WIOA)	No	Yes	Yes
Board Performance Failure/ Sanctions (WIOA And TAA)	No	Yes	Yes
Hearing/Appeal Issue	Local Hearing/ Appeal	State Hearing/ Appeal	Federal Hearing/Appeal
Participant Sanctioned for Using Controlled Substances (WIOA and TAA)	Yes	Yes	No
Displacement of Regular Employee or Program Participant (WIOA, TAA, WT, and SNAP)	Yes	Yes	Yes
Sanction for Non-Compliance with Work Activities (TANF/WT, SNAP)	Yes	Yes	No

As specified in Rule 65A-4.205, the DCF has delegated to the Board the responsibility for TANF/WT work activity non-compliance determinations. This rule is incorporated herein by reference. A copy of any rule referenced in this paper may be obtained from Department of Economic Opportunity (DEO), Office of General Counsel, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399- 4128.

Additionally, in the TANF State Plan, DCF has assigned to WFI/DEO the responsibility for providing a grievance process for WT participants to use when filing grievances related to the following: service delivery of TANF-funded work activities, alternative Plan Requirements, support services, diversion programs, and other workforce functions provided in the Workforce Innovation Act of 2000, Chapter 445, Florida Statutes.

B. Process for filing a grievance/complaint with the Board

Under WIOA, TAA, TANF/WT and SNAP, career center partners, service providers, participants, and other interested parties affected by the local Workforce/One-Stop System have the right to file a grievance/complaint.

Grievances/complaints that do not allege unlawful discrimination shall be filed at the local level using the procedures established by the Board. The One-Stop Project Director will assure that the staff will provide all business partners and all applicants/participants a copy of the Grievance/Complaint Hearing & Appeal Procedures (CS#03). The CS#03 shall be handed out and fully explained during participant

orientation with emphasis given on accessing the full policy on the Board's website, www.careersourcepolk.com Staff members interacting with employers and/or the general public not attending participant orientation will also handout the CS#03 with explanation emphasizing the access of the full policy on the Board's website. *NOTE: For youth participants <18 years old, the applicable staff will have the participant's and parent/guardian sign their name(s) on the Parental Emergency and Consent Form (Form Y07), which also serves as certification that the youth has received a copy of the Grievance Form, CS#03.*

The Board shall receive, review, and attempt to informally resolve the initial WIOA, TAA, TANF/WT, and SNAP grievance/complaint. If the grievance/complaint cannot be resolved informally, then a hearing shall be held and a decision issued within the required sixty (60) calendar days from receipt of complaint/grievance by writing a letter about the grievance/complaint to Hearing Officer, Polk County Workforce Development Board, Inc., 600 N. Broadway Avenue, Suite B, Bartow, FL 33830. The letter must have 'Request For Hearing' at the top of the page, cannot exceed 5 pages (not including exhibits and attachments), must include the claimant's mailing address and be sent by certified mail, return receipt.

The Hearing Officer will receive, review and attempt to informally resolve the initial WIOA, TAA, TANF/WT, and/or SNAP grievance/complaint. If the grievance/complaint cannot be resolved informally, then a hearing shall be held and a decision issued to the claimant within the required sixty (60) calendar days from receipt of the complaint/grievance. (See c. Grievance/Complaint Review and hearing Process.)

Employment, and health and safety complaints/alleged violations for reasons other than unlawful discrimination may be forwarded to the Department of Economic Opportunity, Office of General Counsel, 107 East Madison Street, Tallahassee, Florida 32399-4128, or may be mailed directly to the appropriate federal agency as allowed by federal regulation. The last page of Section C has a list of addresses for federal agencies. A copy of the complaint/alleged violation report shall also be mailed to DEO at the above address.

C. Grievance/complaint review and hearing process at local level

After the Board has received and reviewed the complaint, they shall designate a Hearing Officer, schedule a hearing, and notify the grievant/complainant by certified mail, return receipt, at a minimum of fifteen (15) calendar days prior to the hearing. The hearing notice shall advise the following:

- The date, time, and place of the hearing;
- The pertinent sections of the WIOA, TAA, TANF/WT, and SNAP, or any other federal regulations involved;
- Affected parties may present witnesses or documentary evidence at the hearing;
- Affected parties may be represented at the hearing by an attorney or other representative; and
- The parties will receive the Board's decision within sixty (60) calendar days from receipt of the grievance or complaint.

The hearing should be conducted according to the procedures established by the individual Board. However, a complainant who alleges a labor standard violation may submit the complaint for binding arbitration if the collective bargaining agreement covers the parties involved.

General Procedures: If a hearing is conducted, the Board will ensure that the process, including the contents of the hearing dialogue, is transcribed or has the potential of being transcribed. For example, the hearing can be taped for transcription purposes. The recording/documentation of the hearing will allow for transcription if the grievance is appealed or escalated to a higher level.

If the Board has: 1) conducted a hearing but the grievant/complainant is dissatisfied with or has been adversely affected by the Hearing Officer's decision; 2) not conducted a hearing within the sixty (60) calendar days from receipt of the grievance/complaint; or 3) conducted the hearing but has not issued a decision within the mandated sixty (60) calendar day timeframe, then the grievant/complainant may file an appeal with DEO.

D. Process for filing an appeal of the Board's decision or lack of action

The appeal should be concise (if possible, not to exceed five pages not including exhibits and attachments) and shall be sent by certified mail (return receipt), to the Department of Economic Opportunity, Office for Civil Rights, 107 East Madison Street, Tallahassee, Florida 32399-4128.

The appeal request shall state the facts, laws, procedures, etc. that the grievant/complainant believes to be relevant for review. The appeal must be filed with DEO within thirty (30) calendar days of receipt of the Board Hearing Officer's decision or within thirty (30) calendar days after the required 60-calendar day timeframe for the Board to act has elapsed.

The request shall include the grievant/complainant's address where official notices will be mailed. The state can remand the grievance/complaint back to the Board to hold a hearing or impose other remedies to resolve the grievance/complaint.

CONTACT:

Vice President of Operations

EXPIRATION DATE:

Indefinite



**Customer Acknowledgement Form for
Complaint, Grievance and Whistle Blower Protection Procedures**

Complaint Procedures

If you as a customer feel that your rights are being violated due to an act of discrimination based on race, color, sex, national origin, religion, disability, age, citizenship, political affiliation or belief, genetic information or marital status, you may file a complaint of discrimination. Your complaint may be filed within 180 days of the alleged occurrence to: **The Office for Civil Rights / Department of Economic Opportunity (DEO)/Caldwell Building – MSC 150 / 107 East Madison Street / Tallahassee, Florida 32399-4129.**

Phone: 850-921-3201 / Fax: 850-921-3122 / E-mail: Civil.Rights@deo.myflorida.com / TTY – Florida Relay (FRS): 711

Grievance Procedures

If you as a customer have a problem that arises in connection to a program operated by the Polk County Workforce Development Board, Inc., dba CareerSource Polk, you should discuss the matter with your workforce representative. If the problem cannot be resolved, you may complete a formal grievance form or submit a letter of grievance including your official mailing address and be sent by certified mail to: **Hearing Officer / CareerSource Polk / 600 N. Broadway Ave., Suite B / Bartow, FL 33830.**

A decision shall be issued by the Hearing Officer within 60 calendar days of receipt of the request. If the Board has: 1) conducted a hearing but you are dissatisfied with or have been adversely affected by the Hearing Officer's decision; 2) not conducted a hearing within the sixty (60) calendar days from receipt of your grievance; or 3) conducted the hearing but has not issued a decision within the mandated sixty (60) calendar day timeframe, then you may file an appeal with the Department of Economic Opportunity (DEO) at: **Department of Economic Opportunity (DEO) / Office of the General Counsel / Caldwell Building – MSC 110 / 107 East Madison Street / Tallahassee, Florida 32399-4128**

The appeal request shall state the facts, laws, procedures, etc. that you believe to be relevant for review. The appeal must be filed with DEO within thirty (30) calendar days of receipt of the Board Hearing Officer's decision or within thirty (30) calendar days after the required 60 calendar day timeframe for the Board to act has elapsed. The request shall include your address where official notices will be mailed. The state can remand the grievance back to the Board to hold a hearing or impose other remedies to resolve the grievance.

If you are dissatisfied, you may file an appeal of the state's decision/final order. The appeal must be filed within 30 calendar days of receipt of the state's decision; or after the 60 calendar days has elapsed for the state to have issued a decision. WIOA & TAA appeals of state decisions may be filed with the USDOL and TANF appeals may be filed according with the Rules of Appellate Procedure.

Whistle Blower Protection Procedure

If you as a customer or program participant reasonably believe that some policy, practice, or activity of CareerSource Polk is in violation of law, a written complaint may be filed by that customer or program participant with the President & CEO. Any such complaint should be mailed or delivered to: **President & CEO / CareerSource Polk / 600 N. Broadway Ave., Suite B / Bartow, FL 33830**

It is the intent of CareerSource Polk to adhere to all laws and regulations that apply to the organization, and the underlying purpose of this Policy is to support the organization's goal of legal compliance. The support of all customers and program participants is necessary to achieving compliance with various laws and regulations. All customers and program participants are protected from retaliation only if the customer or program participant brings the alleged unlawful activity, policy, or practice to the attention of the President & CEO and provides her with a reasonable opportunity to investigate and correct the alleged unlawful activity. The protection described below is only available to customers and program participants that comply with this requirement.

CareerSource Polk will not retaliate against a customer or program participant who, in good faith, has made a protest or raised a complaint against some practice of CareerSource Polk, or of another individual or entity with whom the Board has a business relationship, on the basis of a reasonable belief that the practice is in violation of law or a clear mandate of public policy.

CareerSource Polk will not retaliate against a customer or program participant who discloses or threatens to disclose to a supervisor or a public body any activity, policy, or practice of the Board that the customer or program participant reasonably believes is in violation of a law, or a rule, or regulation mandated pursuant to law or is in violation of a clear mandate or public policy concerning health, safety, welfare, or protection of the environment.

As a customer, I certify that I have read and understand the Complaint, Grievance and Whistle Blower Protection Procedures explained above.

Customer's Signature: _____ **Date** _____

Parent's Signature _____ **Date** _____
(For youth 17 & younger)

CareerSource Polk Staff: _____ **Date** _____

<input type="checkbox"/> 309 N. Ingraham Ave. Lakeland, FL 33801 Tel: 863-508-1100	<input type="checkbox"/> 500 E Lake Howard Dr. Winter Haven, FL 33880 Tel: 863-508-1100	<input type="checkbox"/> 940 E. Lake Parker St. Lakeland, FL 33801 Tel: 863-508-1100	<input type="checkbox"/> 315 Dr. Martin Luther King Blvd. North Lake Wales, FL 33853 Tel: 863-508-1100	<input type="checkbox"/> 705 Ingraham Avenue, Suite 15 Haines City, FL 33844 Tel: 863-508-1100
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**Acuse de Recibo
Procedimiento para reportar incidentes, quejas/denuncias, audiencia o apelación**

Procedimiento para denunciar discrimen:

Si usted entiende que sus derechos han sido violados o ha sido discriminado por razón de raza, color, sexo, origen nacional, religión, incapacidad, edad, ciudadanía, afiliación política o creencia, información genética o estatus civil, deberá radicar su queja en un período de 180 días a partir del alegado discrimen a la siguiente dirección: **Oficina de Derechos Civiles, Departamento de Oportunidades Económicas (DEO por sus siglas en inglés) / Edificio Caldwell – MSC 150 / 107 East Madison Street / Tallahassee, Florida 32399-4129. Phone: 850-921-3201 / Fax: 850-921-3122 / E-mail: Civil.Rights@deo.myflorida.com / TTY – Florida Relay (FRS): 711**

Procedimiento para reportar quejas:

Si usted tiene un problema que surge relacionado con algún programa manejado por Polk County Workforce Development Board, Inc., dba CareerSource Polk, usted deberá discutir dicho asunto con su consejero. Si el problema no se resuelve a su satisfacción, usted puede radicar su queja formal mediante carta que incluya su dirección postal y enviarla por correo certificado a: **Oficial de Audiencias / CareerSource Polk / 600 N. Broadway Ave., Suite B / Bartow, FL 33830.**

El Oficial de Audiencias deberá emitir su decisión en un período de 60 días hábiles a partir del recibo de su denuncia. Si CareerSource Polk: 1) completó la audiencia pero usted no está satisfecho o ha sido adversamente afectado; o 2) no completó la audiencia en un período de 60 días hábiles a partir del recibo de su queja; o 3) completó la audiencia pero no ha emitido una decisión dentro del período requerido de 60 días hábiles, usted puede radicar una solicitud de apelación con el estado (DEO) a: **Departamento de Oportunidades Económicas (DEO) / Oficina del Consejo General / Edificio Caldwell – MSC 110 / 107 East Madison Street / Tallahassee, Florida 32399-4128**

Su solicitud de apelación debe establecer los hechos, leyes o procedimientos que usted considere relevantes para su evaluación. Su solicitud de apelación deberá ser radicada con DEO en un período de 30 días hábiles a partir del recibo de la decisión del Oficial de Audiencias o dentro de los 30 días después que el período de 60 días establecido para que el Oficial de Audiencias actúe haya transcurrido. Su solicitud debe incluir la dirección postal oficial en donde recibe correspondencia. El estado puede enviar su apelación de vuelta a CareerSource Polk para celebrar una audiencia o imponer otros remedios para resolver su queja.

Si usted no está satisfecho con la decisión final del estado, puede radicar su apelación dentro del período de 30 días a partir del recibo de la decisión del estado o después que el período de 60 días establecido para que el estado emita su decisión haya transcurrido. Cualquier apelación a decisiones del estado relacionadas con los programas WIOA & TAA debe ser radicada con el Departamento del Trabajo y las relacionadas al programa TANF deben ser radicadas de acuerdo a las reglas y procedimientos establecidos (Rules of Appellate Procedures).

Procedimiento para reclamar protección en caso de represalias

Si usted considera razonablemente que alguna práctica, política o actividad de CareerSource Polk está en violación de ley, puede enviar su queja por escrito dirigida al Presidente de CareerSource Polk a: **Presidente / CareerSource Polk / 600 N. Broadway Ave., Suite B / Bartow, FL 33830**

CareerSource Polk tiene como propósito cumplir con todas las leyes y reglamentos relacionados a la organización. El apoyo de los clientes y participantes de nuestros programas es esencial para lograr el cumplimiento con todas las leyes y reglamentos. Todos los clientes y participantes están protegidos contra represalias en caso que uno de éstos presente una queja al Presidente de CareerSource Polk por alegada violación, política o práctica y le provea una oportunidad razonable para investigar y corregir la alegada violación. La protección descrita a continuación está disponible únicamente para aquellos clientes y participantes de nuestros programas que cumplan con este requisito.

CareerSource Polk no tomará represalias en contra de cliente o participante de nuestros programas si éste de buena fe denunció o radicó alguna querrela en contra de CareerSource Polk o de algún otro individuo o entidad con la que tenemos relaciones de negocios, creyendo razonablemente era una violación de ley o mandato público.

CareerSource Polk no tomará represalias en contra de ningún cliente o participante de nuestros programas que denuncie o amenace con denunciar a un supervisor o entidad pública sobre alguna actividad, política o práctica de CareerSource Polk que el cliente considere es una violación de ley o reglamento de conformidad con la ley, o en violación de mandato o política pública con respecto a la salud, seguridad, bienestar o protección del ambiente.

Certifico haber leído y comprendido los procedimientos para reportar incidentes, quejas/denuncias, audiencia o apelación según se detallan en este documento.

Firma del cliente o participante: _____ **Date** _____

Firma del padre/madre o custodio: _____ **Date** _____
(Si el participante es menor de 17 años)

Firma del Consejero, CareerSource Polk: _____ **Date** _____

<input type="checkbox"/> 309 N. Ingraham Ave. Lakeland, FL 33801 Tel: 863-508-1100	<input type="checkbox"/> 500 E Lake Howard Dr. Winter Haven, FL 33880 Tel: 863-508-1100	<input type="checkbox"/> 940 E. Lake Parker St. Lakeland, FL 33801 Tel: 863-508-1100	<input type="checkbox"/> 315 Dr. Martin Luther King Blvd. North Lake Wales, FL 33853 Tel: 863-508-1100	<input type="checkbox"/> 705 Ingraham Avenue, Suite 15 Haines City, FL 33844 Tel: 863-508-1100
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