



Administered locally by the Macomb/St. Clair Workforce Development Board

**VerKuilen Building
21885 Dunham Road
Suite 11
Clinton TWP, MI 48036-1030**

GRIEVANCE PROCEDURE

The Macomb/St. Clair Workforce Development Board maintains a formal grievance procedure to receive, investigate and resolve grievances and to conduct hearings in order to settle disputes arising out of programs with funding sources received from the Michigan Department of Career Development/Office of Workforce Development (MDCD/OWD).

Grievances can be brought by any individual or organization including, but not limited to, program participants, contractors, one-stop partners, applicants seeking participation or financial assistance, labor unions and community-based organizations; or from administrative staff of the Macomb/St. Clair Workforce Development Board.

Where the alleged violation of the funding source or regulation is also an alleged violation of another law, regulation or agreement, nothing in this grievance procedure shall preclude an individual or an organization from filing a grievance under such other law or agreement with respect to the cause of action; as well as filing a grievance under the provisions herein.

In the case of participants who are receiving services under funding sources received from the Michigan Department of Career Development/Office of Workforce Development, every individual prior to entering employment or training is informed of his/her rights and benefits in connection with same. Each participant receives a written grievance procedure including a notification of their right to file a grievance and how to do so. Every employer of training participants will notify their participants of the scope and availability of procedures for grievances relating to terms and conditions of employment. An employer grievance system shall provide for, upon request by the grievant, a review of an employer's decision by the Macomb/St. Clair Workforce Development Board.

The identity of any person who has furnished information relating to, or assisting in, an investigation of a possible violation of the funding source shall be kept confidential to the extent possible, consistent with the fair determination of the issues.

INFORMAL

Step 1: Any individual having a grievance alleging a violation of Macomb/St. Clair Workforce Development Board funded programs, regulations, grants or other agreements, should first attempt to resolve the issue with his/her immediate supervisor. Training participants should discuss the matter at their training facility if the training site is the involved party. Participants involved in on-the-job training programs should first seek resolve with his/her employer.

Step 2: If resolution of the grievance is not accomplished at Step 1, the grievant should next attempt a resolution with the appropriate Coordinator for the Macomb/St. Clair Workforce Development Board. Contact (586) 469-5220 for the name of this person.

FORMAL

Step 3: If satisfactory disposition cannot be agreed upon at Step 2, a formal, written grievance can be filed with the Executive Director of the Macomb/St. Clair Workforce Development Board. The formal grievance procedure is as follows:

- A. Any interested person can file a grievance within one year of the alleged occurrence.
- B. The grievance must be submitted in writing to the attention of the Executive Director of the Macomb/St.

Clair Workforce Development Board. The grievance must contain to the extent feasible the following information:

1. The full name, telephone number and address of the party/parties making the grievance;
 2. The full name and address of the party against whom the grievance is made, or other information sufficient to identify the party against whom the grievance is made;
 3. A clear and concise statement of the facts, as alleged, including the pertinent dates, constituting the alleged violation;
 4. The provision of the Act, regulations, grant, contract, or other agreements under the Act believed to have been violated; and
 5. The relief requested.
- C. An informal conference with all parties shall subsequently be convened. The grievant shall attend. Steps in the informal conference are:
1. Presentation of the grievance.
 2. Review of the findings.
 3. Informal resolution.
 4. Amendment of the grievance.
- D. If informal resolution is not mutually agreed upon, the grievant may request a hearing.
1. The hearing is to be conducted within thirty (30) calendar days after a grievance is filed. All parties must receive written notice of not less than ten (10) calendar days prior to the hearing on the matter. The hearing notice includes date, time and place of the hearing and the opportunity to present evidence including witnesses.
- Written notice will also indicate the nature of the violations which the hearing covers.
2. The hearing officer will issue a written decision within sixty (60) days from the date of the grievance or thirty (30) days of the hearing (if held). The written decision shall include:
 - a. Date, time and place of hearing (if held);
 - b. Name(s) and address(es) of the grievant(s) and the respondent(s);
 - c. Name(s) and address(es) of all witnesses called by the parties;
 - d. Information sufficient to identify all evidence presented;
 - e. A reiteration of the issues raised;
 - f. A determination of the facts;
 - g. An analysis of the issues as they relate to the facts;
 - h. A decision addressing each issue.
 3. If a response to the grievance is not received within the time prescribed or should either party be dissatisfied with a decision, there is a right to appeal to the Michigan Department of Career Development/Office of Workforce Development.
 4. The hearing officer will be an impartial third party to the grievance and will have no involvement in programs administered by the Macomb/St. Clair Workforce Development Board. The Macomb/St. Clair Workforce Development Board shall appoint the hearing officer from a pool of qualified and previously selected hearing officers.
- E. The grievance may be dismissed if it is judged by the Macomb/St. Clair Workforce Development Board that the grievant fails to state a cause of action for which relief can be granted; or if the grievant requests dismissal of the grievance. The Macomb/St. Clair Workforce Development Board will inform the grievant in writing of the reason(s) the grievance was dismissed. Such notification will include the right of appeal to the Michigan Department of Career Development/Office of Workforce Development.

- A. A grievance may be appealed, in writing, to the Michigan Department of Career Development/Office of Workforce Development no later than ten (10) calendar days from receipt of an adverse decision in Step 3, D.2, or ten (10) calendar days from the date a decision was required but not received in Step 3, D.3. A decision is required to be rendered not later than sixty (60) calendar days after the date the grievance was filed.
- B. The Macomb/St. Clair Workforce Development Board will utilize this grievance procedure to appeal monitoring findings and audit resolution by filing at Step 4 with the Michigan Department of Career Development/Office of Workforce Development.

All appeals of a grievance shall be submitted to:

Ms. Vicki Enright, Director
Office of Workforce Development
Michigan Department of Career Development
201 North Washington Square, 5th Floor
Lansing MI 48913

- C. All appeals shall contain, to the extent practicable:
 - 1. The full name, telephone number, and address of the party/parties filing the appeal;
 - 2. The full name, telephone number (if any), and address of the party/parties against whom the grievance is made;
 - 3. A clear and concise statement of the facts, as alleged, including the pertinent dates, constituting the alleged violation;
 - 4. The provision of the Act, regulations, grant, contract, or other agreements under the Act believed to have been violated;
 - 5. The relief requested.
- D. The Michigan Department of Career Development/Office of Workforce Development may conduct a hearing. If a hearing is to be conducted, the grievant and respondent will be provided written notice of the date, time, and place of the hearing on the matter and of the opportunity to present evidence including witnesses. The notice of the hearing shall indicate the nature of the violations which the hearing covers. Notice shall be given not less than ten (10) calendar days prior to the hearing on the matter.

For an appeal of a WIA-related grievance decision, a hearing shall be held.
For a federal WtW-related grievance referred directly from the Macomb/St. Clair Workforce Development Board pursuant to Section 9 of the "Special Provisions" section of this document concerning regular employee displacement, health and safety standards, or the displacement of a federal WtW participant, a hearing shall be held.
- E. If a hearing is not to be held, both parties to the appeal will be notified within 10 days of receipt of the grievance. Both parties to the appeal will be given the opportunity to submit additional relevant information and/or documentation pertaining to the appeal.
- F. If a hearing on an appeal is to be held, it shall be conducted within thirty (30) calendar days of filing the appeal and a written decision shall be issued not later than sixty (60) calendar days after the filing of the appeal.
- G. A written decision shall include:
 - 1) Date, time and place of hearing (if held);
 - 2) Name(s) and address(es) of the grievant and the respondent;
 - 3) Name(s) and address(es) of all witnesses called by the parties;
 - 4) Information sufficient to identify all evidence presented;
 - 5) A reiteration of the issues raised;
 - 6) A determination of the facts;
 - 7) An analysis of the issues as they relate to the facts;

8) A decision addressing each issue.

H. In general, a decision by the Michigan Department of Career Development/Office of Workforce Development is final. However, if a decision is not issued by the due date, a Workforce Investment Act (WIA)-related appeal may be reviewed by the Secretary of the U.S. Department of Labor (USDOL). A WIA-related decision may be appealed by the adversely affected party to the USDOL within 60 calendar days of receipt of the Michigan Department of Career Development/Office of Workforce Development decision.

A federal WtW-related grievance regarding the displacement of a regular employee, the displacement of a federal WtW participant, or violations of health and safety standards, may be appealed, in writing, to the Michigan Department of Career Development/Office of Workforce Development no later than thirty (30) calendar days from receipt of the decision at Step 2 by any dissatisfied party to the grievance. For an appeal of a federal WtW-related grievance decision, regarding the above-mentioned circumstances, a hearing will be conducted and a written decision issued within 120 calendar days of the receipt of the original grievance.

Under WIA:

- (1) Appeals of denial of automatic or temporary and subsequent designation as a local workforce investment area may be filed with the Governor's Workforce Commission.
- (2) If the appeal to the Governor's Workforce Commission does not result in designation as a local workforce investment area, the appellant may request review by the Secretary of the USDOL.

Special Provisions

- 1) For grievances that involve dual enrollments of participants in (1) the Trade Adjustment Assistance Program and the WIA or (2) the North American Free Trade Agreement and the WIA the following actions must be undertaken:
 - a. The Macomb/St. Clair Workforce Development Board must determine the funding source supporting the activity or program being grieved.
 - b. If there is only one funding source for the grieved activity or program involved, the Macomb/St. Clair Workforce Development Board shall resolve the grievance under the appropriate grievance procedure.
 - c. If the grievance involves two funding sources, a letter describing the issues and requesting instructions on how to handle the grievance shall be written to both the Michigan Department of Career Development/Office of Workforce Development and the Michigan Department of Career Development/Employment Service Agency at the following addresses:

Ms. Vicki Enright, Director Office of Workforce Development Michigan Dept of Career Development 201 N Washington Square 5 th Floor Lansing MI 48913	Ms. Linda Woods, Director Employment Service Agency Michigan Dept of Career Development Landmark Building, 3 rd Floor 105 West Allegan Lansing MI 48913
---	---
- 2) Pursuant to the PRWORA, a grievance may be filed by an affected individual if a recipient of Temporary Assistance for Needy Families (TANF) is placed in a position (1) when any other individual is on layoff from the same or any substantially equivalent job or (2) if the employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with an adult receiving TANF assistance. In this situation, either party to the grievance, the TANF recipient or the displaced employee, may appeal the decision rendered by the Macomb/St. Clair Workforce Development Board, outlined in preceding pages, to the Michigan Department of Career Development/Office of Workforce Development.
- 3) Depending on the nature of the grievance, TANF and Food Stamp program applicant and recipient grievances shall be handled in accordance with Macomb/St. Clair Workforce Development Board or Family Independence

Agency (FIA) procedures. For example, grievances regarding sanctioning or food stamp benefits will be handled by FIA, while grievances regarding programs administered by the Macomb/St. Clair Workforce Development Board will be handled by the Macomb/St. Clair Workforce Development Board.

- 4) Known or suspected fraud, abuse, or criminal conduct under the WIA or WtW shall be reported in accordance with the incident report guidelines issued by the Michigan Department of Career Development/Office of Workforce Development.
- 5) Employers who provide on-the-job training, including private-for-profit employers, must have a grievance procedure relating to the terms and conditions of employment available to their participants. Employers must use a grievance procedure under a covered bargaining agreement, if required to do so; may operate their own grievance system; or may utilize the grievance system established by the Macomb/St. Clair Workforce Development Board. Employers shall inform participants of the grievance procedure they are to follow when the participant begins employment.

An employer grievance system shall provide for, upon request by the participant, a review of an employer's decision by the Macomb/St. Clair Workforce Development Board and the Michigan Department of Career Development/Office of Workforce Development, if necessary.

- 6) Pursuant to WIA Regulation, a grievance may be filed by a regular employee displaced by a WIA participant who is placed in an employment activity operated with WIA funds. Also, a grievance may be filed by a WIA participant in an employment activity if the participant is displaced.
- 7) The Macomb/St. Clair Workforce Development Board will provide WIA participants a process which allows an individual alleging a labor standards violation to submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties to the grievance so provides in accordance with Section 667.600(b)(3) of the WIA Regulations.
- 8) A grievance may be filed by a regular employee displaced by a federal WtW program participant who is placed in an employment activity operated with federal WtW funds. Also, a grievance may be filed by a federal WtW participant in an employment activity where violations of health and safety standards exist or the federal WtW participant is displaced. The Macomb/St. Clair Workforce Development Board shall determine if a federal WtW-related grievance meets the above-cited criteria. If the federal WtW -related grievance meets the above-cited criteria, the Macomb/St. Clair Workforce Development Board shall refer the grievance immediately to the Michigan Department of Career Development/Office of Workforce Development for handling. All other Macomb/St. Clair Workforce Development Board federal WtW related grievances shall be handled in accordance with the procedures set forth in the "Informal" and "Formal" grievance procedures outlined in this document.
- 9) Limited English-speaking individuals, who seek information regarding this grievance procedure, will be provided such information in the appropriate language necessary. Contact the Macomb/St. Clair Workforce Development Board at (586) 469-5220 to obtain the name of the person who will render assistance.

Grievances Alleging Discrimination

The Macomb/St. Clair workforce Development Board and its subcontractors will not discriminate against any employee, applicant for employment, or applicant for services provided by any Michigan Department of Career Development funds because of race, religion, color, national origin, sex, age, height, weight, marital status, disability, arrest without conviction, or other categories of groups protected by the law.

Grievances alleging violation of the nondiscrimination and equal opportunity (EO) provision of state/federal grant programs must be resolved in accordance with the nondiscrimination and EO policy guidelines issued by the Michigan Department of Career Development/Office of Workforce Development.

Any individual feeling that they have been subjected to discrimination under a Michigan Department of Career Development funded program may file a complaint within 180 days from the date of the alleged violation with either the EO

officer of the Macomb/St. Clair Workforce Development Board at (586) 469-5220 or:

Grievance Procedure
Page 6 of 7

Mildred E. Williams, Equal Opportunity Officer
Michigan Department of Career Development
201 North Washington Square, 5th Floor
Lansing, MI 48913
(517) 373-7675 (voice) or 1-888-605-6722 (TTY)

or

Annabelle T. Lockhart, Director
Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue NW, Room N 4123
Washington, D.C. 20210

Macomb/St. Clair Workforce Development Board Sexual Harassment Policy

The Macomb/ St. Clair Workforce Development Board affirms a personal and official commitment to an Equal Employment Opportunity Program which prohibits discrimination on the basis of sex. This policy applies to all programs administered by the Macomb/ St. Clair Workforce Development Board and its subcontractors.

Note: The Macomb/St. Clair Workforce Development Board has adopted the Macomb County Board of Commissioners policy on Sexual Harassment as approved on March 23, 1989. The policy is as follows:

Whereas, the Macomb/St. Clair Workforce Development Board has in the past and continues to advocate the rights of all persons and in particular, its employees, to be free from discrimination because of race, color, religion, sex, national origin, marital status, age, political affiliation, handicapped condition or any other legally protected status, and

Whereas employees of the Macomb/St. Clair Workforce Development Board and its service providers must be free of discrimination and harassment and must have a viable means by which to have claims of discrimination and harassment heard,

Now therefore, the Macomb/St. Clair Workforce Development Board adopts the following policy:

- A. No employee, supervisor of the Macomb/St. Clair Workforce Development Board or its service providers shall discriminate or harass any employee, or customer, because of said employee's, or customer's, race, color, religion, sex, national origin, marital status, age, political affiliation, handicapped condition, or other legally protected status.
- B. That any form of discrimination and/or sexual harassment will be deemed to be a violation of this policy.
- C. Discrimination because of sex includes sexual harassment which includes but is not limited to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:
 1. Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain or continue employment.
 2. Submission to or rejection of such conduct or communication is used as a factor in decisions affecting employment.
 3. Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, or creating an intimidating, hostile or offensive working environment.
- D. Any employee, or customer, who believes he/she has been discriminated against in violation of this policy, and in particular, believes he/she has been subjected to sexual harassment, shall report said incident either in

writing or in person to their immediate supervisor or department head or the Executive Director of the Macomb/St. Clair Workforce Development Board.

Grievance Procedure

Page 7 of 7

- E. The person to whom the complaint is initially reported shall immediately conduct a preliminary investigation and report the findings to the Executive Director of the Macomb/St. Clair Workforce Development Board forthwith.
- F. The Executive Director of the Workforce Development Board shall immediately investigate the complaint fully and completely.
- G. If the Executive Director of the Macomb/St. Clair Workforce Development Board shall conclude that improper conduct occurred, proper discipline will be imposed in accordance with appropriate Macomb/St. Clair Workforce Development Board practices and shall include all forms of discipline up to and including discharge of employee or removal of the service provider.
- H. A person against whom a complaint of discrimination or sexual harassment has been made shall be entitled to exercise any and all rights as may be provided by an applicable grievance procedure, the U.S. and State Constitution and Federal and State law.
- I. A copy of this policy will be distributed to each employee and customer. All new employees or customers shall be provided a written copy of this policy when hired or registered for services.
- J. Any persons having questions regarding the meaning, implementation or effect of this policy may direct inquiries regarding same to the Executive Director of the Macomb/St. Clair Workforce Development Board.