

**NEW RIVER / MOUNT ROGERS WORKFORCE INVESTMENT BOARD
ATTACHMENT B –
PROCESSING APPEALS OF AGENCY LEVEL GRIEVANCE AND COMPLAINT
DECISIONS**

The grievance and complaint review procedures for the agency level apply to alleged violations of their requirements of WIA and/or provisions of a related agreement. These grievances or complaints may be submitted by participants and other interested parties affected by the local workforce investment system, including One-Stop Centers, Center Partners, Service and Training Providers. The New River / Mount Rogers Workforce Investment Board (NR/MR WIB) will review:

1. Appeals of decisions made at the local agency level during the grievance and complaint process;
2. Grievances or complaints alleging a violation of the requirements of the WIA and/or provisions of a related agreement, filed by interested parties who have no recourse to the grievance and complaint procedure of a local agency, but who are affected by the WIA programs offered through the Virginia Workforce Network;
3. Grievances or complaints from eligible providers of training services who are denied equitable opportunities to provide training programs to WIA participants, by a one-stop center or program operator, or otherwise adversely affected by the one-stop center or program operator. *

*Grievances or complaints from providers of training services who are denied eligibility by the NR/MR WIB, or who's eligibility is terminated or otherwise adversely affected by the NR/MR WIB must file their complaints with the Commonwealth of Virginia.

Filing an Appeal

Each appeal must be filed, in writing, within 10 business days of the date of which the Notice of Final Action is received and must contain the following information:

1. The name, address and phone number of the person filing the appeal;
2. The identity of the respondent (i.e. the individual or entity against whom the grievance or complaint is alleged);
3. A description of the allegation(s). This description must include enough detail to allow the reviewer to decide whether the allegation(s), if true, would violate any of the provision of WIA;
4. Pertinent dates, including the date on which the grievance or complaint was filed at the local agency level, the date of the alleged occurrence for which the grievance or complaint was filed and the date a written decision was issued (or should have been issued);
5. If applicable, copies of the provisions of the WIA, the regulations, etc. which are believed to have been violated;

6. A statement disclosing other steps pursued at any level regarding the grievance or complaint in question;
7. A copy of the agency's Notice of Final Action, if such was rendered; and
8. The signature of the person filing the appeal.

NOTE: The appeal must be accompanied by all documentation submitted to the agency when filing the original complaint. Only information received by the agency during the initial investigation will be allowed as evidence in the appeal process.

Methods of Resolution/Disposition of Complaints

Upon receipt of the written request for appeal and all of the pertinent information outlined above, the reviewer for the NR/MR WIB will provide the grievant, or complainant, and the respondent with written acknowledgement of the appeal. This correspondence will be sent within five (5) business days and include both, a summary of the allegations submitted and an offer to resolve the issue informally prior to rendering a decision based on the written records. Finally, the acknowledgment will include a notice that upon review of the documentary evidence presented, the reviewer will make his/her decision.

The reviewer may offer the opportunity to resolve the issue informally prior to rendering a decision based on the written records. If the parties decline this opportunity, the reviewer will accept, reject or modify the decision for the local agency based on a review of the evidence. The reviewer may also remand the grievance or complaint to the local agency for further investigation. In any case, the reviewer has a maximum of 30 calendar days to review the allegation(s) and offer a resolution.

Notice of Final Action

Once a decision is reached, a Notice of Final Action must be sent to the grievant or complainant and respondent. 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 reason supporting the decision;
2. A notice that, if dissatisfied with the decision, the grievant or complainant may appeal to the Commonwealth of Virginia, within 10 days of the Notice of Final Action from the NR/MR WIB;
3. Notice that copies of appeals submitted to the Workforce Investment Act Consultant, Virginia Employment Commission, PO Box 40008, Roanoke VA 24022, must be sent to the reviewer at NR/MR WIB, 6580 Valley Circle Drive, Box 23, Radford VA 24141; and
4. A notice that the grievant or complainant may seek a remedy authorized under another Federal, State or local law.

Record Keeping Requirements

Records regarding grievances and complaints must be maintained for at least three years from the dated of final resolution. 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 WIA 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 WIA funded programs or activities in a nondiscriminatory manner; or
3. Other use authorized by the nondiscrimination and equal opportunity provisions of WIA.