



## Policy

<b>SECTION: HUMAN RESOURCES</b>	<b>POLICY #019-A11</b>	<b>PAGE 1 OF 9</b>
<b>TITLE: Grievance Policy and Procedures</b>	<b>EFFECTIVE DATE: 11/20/2019</b>	
<b>APPROVED BY: LWDB#14</b>	<b>REPLACES: N/A</b>	

**PURPOSE:** The purpose of this policy is to maximize the understanding of the policy and procedures on handling a grievance. Grievances are defined as non-discrimination complaints alleging violation(s) of any administrative process or any activity, service or program financially assisted by the Workforce Innovation and Opportunity Act (WIOA).

**BACKGROUND:** CareerSource is committed to operating all of our programs and activities in accordance with all Federal, State or local laws, rules, and policies. This document is designed to inform all interested parties about the procedures used by CareerSource to resolve grievances. Complaints alleging discrimination are found in a separate document called "Complaint Policy and Procedures." Grievances concerning violation of policy or complaints alleging discrimination involving Wagner-Peyser services are addressed in a separate Department of Economic Opportunity policy called "Wagner-Peyser Complaint-Resolution System Handbook" and the accompanying policy of the Local Workforce Area.

The WIOA, TAA, TANF and the SNAP programs require the State, the local area workforce boards, and direct recipients of program funds to establish and maintain grievance procedures for handling program-related concerns. The grievance requirements may vary from program to program.

**POLICY:** CareerSource will maintain effective and timely grievance resolution procedures to be utilized when filing, investigating and resolving a grievance alleging unfair treatment or a violation(s) of a WIOA, TAA, TANF and/or SNAP policy or procedure related to any administrative or programmatic action or inaction.

**APPLICABILITY:** This policy on grievance resolution procedures applies to all CareerSource Pinellas customers, CareerSource Pinellas staff, DEO staff located in any CareerSource Pinellas Office, Volunteers, Interns, Program Contractors and Training Vendors.

**RESULTS OF FAILURE TO COMPLY WITH POLICY:** Failure of any individual listed under "Applicability" above, other than customers, to follow this policy may result in disciplinary action in accordance with CareerSource Pinellas' Personnel Handbook. Failure of a program contractor or training vendor to follow this policy may result in contract or agreement termination.

**DEFINITIONS AND DETAILS:** To simplify instructions and to have a unified format, this Local Workforce Area's grievance policy and procedures will be the same for WIOA, TAA, TANF, and SNAP workforce programs. Wagner-Peyser procedures, as mentioned above, will be addressed separately.

The designated Equal Employment Opportunity (EEO) Officer investigates all written program-related grievances against CareerSource which are filed timely with CareerSource and are within CareerSource Pinellas' scope of authority or jurisdiction. Authority is limited within this policy to WIOA, TAA, TANF and SNAP program-related grievances which are filed by:

- Applicants or persons receiving services provided under WIOA, TAA, TANF and/or SNAP programs administered by the Local Workforce Area; or
- Any party adversely impacted by any WIOA, TAA, TANF and/or SNAP administrative or programmatic decision or indecision made by CareerSource Pinellas, including decisions made by subcontractors and service providers.

The local workforce area's EEO Officer does not have the authority or jurisdiction to accept and investigate complaints of alleged discrimination that do not meet the above criteria. For example, TANF cash assistance and/or Food Stamp eligibility and benefit entitlement concerns must be filed with the local Department of Children and Families office, the cognizant agency responsible for administering this part of the TANF program.

Nothing included in these procedures precludes a grievant from pursuing a remedy authorized under another federal, State, or local law.

#### **A. REPORTING CRIMINAL FRAUD AND ABUSE:**

Allegations of criminal fraud and abuse must be reported immediately to the USDOL Office of Inspector General, Office of Investigations, Room S5514, 200 Constitution Avenue NW, Washington, D.C. 20210. In addition, reports alleging criminal fraud and abuse may be reported through USDOL's Hotline at 1-800-347-3756 or TTY 1-877-889-5627

Reports of criminal fraud and abuse can also be mailed to the USDOL Southeast Regional Inspector General for Investigations, Office of Investigations, Sam Nunn Atlanta Federal Center, 61 Forsythe Street, Atlanta, Georgia 30303.

#### **B. NEUTRALITY:**

When the CareerSource Pinellas EEO Officer conducts an investigation, he/she acts as a neutral, unbiased fact-finder and is not an advocate for either the grievant or any external respondent.

A conflict of interest exists for the EEO Officer when any responsibility, expectation or interest exists that could interfere with the EEO Officer's ability, motivation, or authority to perform his or her responsibilities under this policy. CareerSource Pinellas has established procedures to ensure, to the extent practical, the neutrality and impartiality of the EEO Officer including requiring the EEO Officer to report directly to the President and CEO on equal opportunity matters and referring matters to the corporate attorney when an appearance of or a real conflict of interest exists.

#### **A. HOW TO FILE A GRIEVANCE:**

1. **First Step:** An individual employer or agency will be encouraged to resolve any grievance informally prior to putting his/her concerns or allegations in writing. The individual, employer or agency with a grievance should be directed to discuss it with a case manager, supervisor, manager, or director as appropriate.
2. **Who May File:** A formal written grievance may be filed by the following individuals:
  - a) Applicants or persons receiving services provided under WIOA, TAA, TANF and/or SNAP programs administered by CareerSource; or
  - b) Any party adversely impacted by any WIOA, TAA, TANF and/or SNAP administrative or programmatic decision or indecision made by CareerSource Pinellas, including decisions made by subcontractors and service providers.

3. **Where to File:** A grievance alleging unfair treatment or a violation(s) of a WIOA, TAA, TANF and/or SNAP policy or procedure related to any administrative or programmatic action or inaction may be filed with the CareerSource EEO Officer. The CareerSource Pinellas EEO Officer will answer any questions a potential grievant has about grievance filing and investigation. Contact information for the CareerSource Pinellas EEO Officer follows

**Steven Meier, EEO Officer**  
smeier@careersourcepinellas.com  
13805 58<sup>th</sup> St North Suite 2-140  
Clearwater, FL 33760  
727-608-1709  
TDD/TTY: 727-524-4344

4. **Filing a Complaint with the local workforce area's EEO Officer:** Where informal resolution cannot be reached or obtained, an individual wishing to file a complaint alleging discrimination with the local workforce area's EEO Officer should do so using the CareerSource Pinellas *Discrimination Complaint Information Form*, available by contacting the CareerSource Pinellas EEO Officer by telephone, in writing, or electronic mail.

Complaints filed with CareerSource Pinellas EEO Officer that do not use the CareerSource Pinellas *Discrimination Complaint Information Form* will be accepted so long as the information provided complies with the requirements in the Content of the Grievance section below.

With the exception of situations posing an immediate, recognizable threat to the grievant's safety and well-being; the CareerSource Pinellas EEO Officer will not begin investigating the grievance until all required information is received.

5. **When to File:** A grievance filed with the CareerSource Pinellas EEO Officer must be filed within 45 days of the alleged violation. "Filing" means the written grievance must be received by the CareerSource EEO Officer before the expiration of the 45-day period for filing. Grievances received after the filing deadline will be returned to the individual.
6. **Content of the Grievance:** A grievance filed with the CareerSource Pinellas EEO Officer must be in writing and include the following (use of the CareerSource Pinellas Grievance Information Form covers all of these items):
- a) The grievant's name
  - b) The grievant's contact information, including mailing and residential addresses (if different), phone or cell phone number, email address or other means of contacting the grievant;
  - c) The identity of the agency or individual allegedly responsible for the violation, referred to as the respondent throughout these procedures;
  - d) A description of the alleged grievance, including:
    - 1) A description of the alleged violation, or unfair treatment;
    - 2) A description of how the grievant was negatively impacted;
    - 3) The names and contact information of any witnesses to the alleged violation or unfair treatment;
    - 4) The program, activity or service that was involved in this alleged violation;
    - 5) The date the violation occurred; and
    - 6) The status of the grievant and the date signed.
7. **Incomplete Grievance:** If a complaint filed with the CareerSource Pinellas EEO Officer does not contain enough information to permit the EEO Officer to determine that the local workforce area has jurisdiction, the EEO Officer will contact the grievant and request additional information. Where the grievant is unreachable or does not

provide the needed information within the time specified, the CareerSource Pinellas EEO Officer may close the grievant's file.

8. **Time Periods:** The date used by the CareerSource Pinellas EEO Officer to determine whether a grievance has been timely filed is the date the CareerSource Pinellas EEO Officer actually receives a written grievance alleging a violation of any activity, service or program financially assisted by the Local Workforce Area that contains all of the required information mentioned above.

The time period for determining jurisdiction, initial notification letter, etc., will not commence until the grievant has submitted all required information in a manner that complies with the Content of the Grievance section, above.

Wherever a deadline or time period is mentioned throughout these procedures, it is referring to calendar days. Where the last day of any time period in these procedures falls on a weekend or official holiday of the local workforce area, the next regularly scheduled workday will be the deadline for completing the action.

#### **B. DETERMINING JURISDICTION:**

When the CareerSource Pinellas EEO Officer receives a grievance, it shall be reviewed to determine whether the grievance contains the required information and whether the CareerSource Pinellas EEO Officer has the legal authority to investigate.

The CareerSource Pinellas EEO Officer has authority only for complaints that meet all of the following requirements:

1. The grievance was received by the CareerSource Pinellas EEO Officer by the deadline for filing, as discussed above under "When to File;"
2. The grievance is filed against either the Local Workforce Area or an entity that receives federal financial assistance through the Local Workforce Area; and
3. The grievant is
  - a. An applicant or person receiving services provided under WIOA, TAA, TANF and/or SNAP programs administered by the Local Workforce Area; or
  - b. Any party adversely impacted by any WIOA, TAA, TANF and/or SNAP administrative or programmatic decision or indecision made by the Local Workforce Area, including decisions made by subcontractors and service providers.

**Notice of Lack of Jurisdiction:** Where the CareerSource Pinellas EEO Officer determines it does not have jurisdiction over a complaint, the CareerSource Pinellas EEO Officer will, within 10 days after receiving the grievance, notify the grievant in writing that the local workforce area will not accept the grievance. The notice will give a statement of the reason(s) underlying that determination and also inform the grievant of his or her options for filing a grievance with agencies other than the local workforce area.

Where the respondent has been given notice of the grievance, the CareerSource EEO Officer will also notify the respondent in writing that the CareerSource EEO Officer case file has been closed for administrative reasons unrelated to the merit of the allegations made in the grievance.

#### **C. ISSUING THE INITIAL NOTIFICATION LETTER:**

The CareerSource Pinellas EEO Officer will provide written notice to the grievant within ten days after it receives the grievance. This notice shall contain the following:

1. A statement as to whether the local workforce area has jurisdiction over the grievance. If the local workforce area does not have jurisdiction, the grievance must be rejected;
2. A statement as to whether the grievance was filed in a timely manner. If the grievance was received more than 180 days after the alleged violation occurred the grievance will be returned to the grievant by the CareerSource Pinellas EEO Officer;
3. A statement as to whether the information provided in the grievance was complete. If incomplete, the CareerSource Pinellas EEO Officer will close the grievant's file; and
4. A statement as to whether the CareerSource Pinellas EEO Officer, or a designee, will begin an investigation of the grievance and the date that investigation will begin.

At the same time the Initial Notification letter is sent to the grievant, the CareerSource EEO Officer will send the respondent an initial notification letter if an investigation will commence. This notice informs the respondent that the Local Workforce Area has received a grievance, the Local Workforce Area has determined it has jurisdiction, the grievance was received in the required time frame, the grievance was complete, and the CareerSource EEO Officer or a designee will be investigating the grievance.

The letter to the Respondent may also contain a request for a position statement and, where deemed necessary, a request for documents and/or response to written questions designed to elicit information needed to resolve the grievance.

**D. PROCESS FOR HANDLING THE GRIEVANCE:**

The CareerSource EEO Officer will first determine if informal resolution was attempted and failed or if it was not attempted. If informal resolution was not attempted, the EEO Officer will work with the grievant to attempt to resolve his/her allegations informally.

If unable to resolve the grievance informally, the CareerSource EEO Officer may begin to examine evidence from all available sources. Witnesses may be interviewed by telephone or in person where necessary. The CareerSource EEO Officer will interview the respondent and the persons named in the grievance. The CareerSource EEO Officer shall strive to determine the respondent's account of the facts, additional people the respondent suggests be interviewed, the matters on which each witness is knowledgeable, and the documentation the respondent wishes reviewed.

Once the fact-finding stage of the investigation has been completed, the CareerSource EEO Officer will review and analyze the information and determine whether there is reasonable cause to believe the respondent treated the grievant unfairly or violated a policy or procedure of any WIOA, TAA, TANF and/or SNAP activity, service or program.

Frequently in a grievance investigation there are allegations raised by a grievant that cannot be supported by written documentation or corroborated by witnesses' testimony. If the respondent denies the allegation(s), in the absence of supporting written documentation or witnesses' testimony, the CareerSource EEO Officer cannot draw a conclusion regarding the alleged unfair treatment or violation of policy: the evidence is inconclusive.

**E. REPORT OF THE INVESTIGATION:**

The CareerSource EEO Officer issues a written report, called a Report of Investigation, upon completion of a grievance investigation. The report shall be in clear, simple, non-technical language and shall be furnished to the President and CEO of the Local Workforce Area, the respondent, if different from the Local Workforce Area, and to the grievant. The report must be issued within 30 calendar days of the date on which the grievance is filed.

**F. THE REPORT OF INVESTIGATION:**

The local workforce area's EEO Officer issues a written determination, called a *Report of Investigation*, upon completion of an investigation of discrimination. The report shall be in clear, simple, non-technical language and shall

be furnished to the President and CEO of the local workforce area, the respondent, if different from the local workforce area, and to the complainant. The final determination will be furnished to the respondent, and a copy will be given to the complainant within 90 calendar days of the date on which the complaint is filed.

#### **G. APPEAL - HEARING:**

If the grievant or respondent is not satisfied with the Report of Investigation, either party may submit a written appeal/request for a hearing to the CareerSource Pinellas EEO Officer. This appeal must be received by the CareerSource Pinellas EEO Officer within five days of the issuance of the Report of Investigation.

The CEO of the Local Workforce Area shall sit as the Area's Hearing Officer unless the grievance is against the President and CEO then the Chairman of the Board shall appoint a Board member to serve as the Hearing Officer.

Within five days after the written appeal/request for a hearing is delivered to the CareerSource Pinellas EEO Officer, a hearing date and time shall be scheduled at a time mutually agreed upon by the grievant, the respondent if different from the Local Workforce Area, and the Local Workforce Area.

The Hearing Officer will ensure that the hearing proceeds in an equitable, orderly and expeditious manner. The Hearing Officer may elicit testimony and information from the grievant, the respondent, or staff without acting as an advocate for any party. The Hearing Officer will ensure that the process, including the contents of the hearing dialogue, is transcribed or has the potential of being transcribed. The Hearing Officer may attempt to negotiate a settlement between the parties any time prior to the conclusion of the hearing.

Within 10 days after the hearing, the Hearing Officer shall issue a written decision. The decision shall be in clear, simple, non-technical language and will include the following information:

1. Date, time and place of the hearing;
2. The names of those in attendance at the hearing;
3. A statement that the involved parties, their representatives and witnesses were given an opportunity to present oral or written evidence in support of their position;
4. A clear and concise statement of the issues;
5. Findings of fact, based exclusively on the evidence of record; and
6. The decision of the Hearing Officer based on the findings of fact and evidence introduced at the hearing.

The Hearing Officer will furnish to all parties a copy of the decision by certified return receipt requested mail. Failure to accept the certified mailing will constitute a waiver of the right to notice by such means. The Hearing Officer shall thereafter serve the copy by regular mail. Complete records of the hearing and findings shall be archived.

The Hearing Officer's decision in all grievance matters will be final.

#### **H. MISCELLANEOUS PROVISIONS:**

1. **Negotiated Settlement:** The parties may settle the grievance on mutually agreeable terms at any time during the CareerSource Pinellas EEO Officer's investigation or the appeal/hearing procedure, and the Local Workforce Area encourages parties to do so. If settlement is achieved, its terms shall be reduced to writing and signed by the grievant and the respondent. A copy of the settlement agreement shall be filed with the CareerSource Pinellas EEO Officer along with a letter from the grievant withdrawing the grievance.
2. **Right to Representation:** Both the grievant and the respondent have the right to be represented at all stages of the grievance process by an attorney or other individual of their choice. Before a grievant or respondent's representative will be recognized by the CareerSource EEO Officer, a written notice from the grievant or the respondent appointing such a representative should be received by the EEO Officer.

3. **Retaliation:** No person or agency may discharge, or in any other manner discriminate or retaliate against any person, or deny to any person a benefit to which that person is entitled because such person has filed any grievance, has testified or is about to testify in any such proceedings or investigation or has provided information or assisted in an investigation.
4. **Respondent's Duty to Maintain Records:** Once the respondent becomes aware that a grievance has been filed with the CareerSource EEO Officer or with another such agency (see list below,) the respondent shall preserve all original personnel or participant records and other evidence relevant to the grievance until 3 years after the final Report of Investigation or Hearing decision is issued, whichever is later. Where the respondent fails to preserve such records, an inference of wrong doing may arise where there is a lack of documentation to refute the grievant's allegations.
5. **Respondent's Duty to Provide Information:** A respondent has a duty to provide the CareerSource EEO Officer with relevant information necessary to the investigation. Where a respondent fails to provide requested information in the custody and control of the respondent in a timely manner, after notice and an opportunity to correct have been given, the failure may give rise to an inference of wrong doing where there is a lack of information to refute the grievant's allegations.
6. **Grievant's Duty to Provide Information:** A grievant has a duty to provide the CareerSource EEO Officer with relevant information necessary to the investigation. The CareerSource EEO Officer may dismiss a grievance where a grievant, after notice and an opportunity to correct has been given, fails to provide requested information, refuses to submit to an interview or attend meetings, or otherwise refuses to cooperate to such an extent that the CareerSource EEO Officer is unable to resolve the grievance. Under such circumstances, the grievance may be dismissed without a final determination.
7. **Grievant's Right to Amend the Complaint:** The grievant has the right to amend the grievance at any time prior to the issuance of the initial notification letter. A grievant's "amendment" may not add additional issues (other than retaliation) not covered in the original grievance.
8. **Grievant's Right to Withdraw the Complaint:** The grievant has the right to withdraw his or her grievance at any time prior to the issuance of the Report of Investigation, or, if appealed, prior to the issuance of the Hearing Officer's decision. Such a withdrawal must be in writing.
9. **Confidentiality:** All records that relate to a grievance are not public record until the investigation is completed and a report or a hearing decision has been delivered. Once the CareerSource EEO Officer issues a Report of Investigation or the Hearing Officer issues a decision, whichever is later, the grievance file becomes a public record and, unless exempted by another part of the public-records law, the file is open for public inspection. To assure due process, confirmation of delivery by the United States Postal Service return receipt or by another recognized delivery company that provides documentation of delivery, will document that the report has been delivered.

Neither the grievant nor the respondent has a right to see information gathered as part of the investigation until the Report of Investigation has been issued, or, if appealed, the Hearing Officer's decision has been issued. Nonetheless, the investigator may disclose information submitted by the grievant and respondent where it is necessary to further the investigation.

#### **ACTION STEPS REQUIRED:**

Following are the action steps that must be taken by each CareerSource Pinellas staff, DEO staff located in CareerSource Pinellas offices, volunteers and interns.

- A. Each staff must review this policy directive. If the staff has a question about anything contained herein, it is his/her responsibility to immediately bring the question to the attention of his/her supervisor. If not resolved, the supervisor will contact the individual named under "Inquiries" below.
- B. It is the responsibility of each individual to immediately report any breach of this policy to the attention of the person named below.
- C. CareerSource Pinellas contract managers and appropriate Directors shall provide this policy to all partner agencies located in a CareerSource Pinellas facility, Program Contractors and Training vendors and require that each submit a letter stating that this policy was provided to all appropriate staff and that the partner or program contractor shall abide by this policy or submit their own to HR for review.
- D. Each supervisor, manager, and director is responsible for informing employees of this policy.
- E. Each individual must replace previous grievance policies with this policy reissuance.

#### **POLICY AMENDMENTS OR REVOCATION:**

Notwithstanding any of the foregoing, CareerSource Pinellas reserves the right to revise or revoke this policy at any time.

This policy is written to establish local procedures and is not intended to supersede any applicable laws or regulations. Nothing in this policy shall be construed as creating any legal rights for any individual beyond the rights such persons may have under the Workforce Innovation and Opportunity Act. Failure of CareerSource Pinellas to adhere strictly to the steps outlined within this policy shall not be construed as a violation of rights or administrative procedures.

#### **INQUIRIES**

Anyone with a question about filing a grievance may contact the CareerSource Pinellas EEO Officer or any of the agencies listed in Table 1 which is attached:

**Steven Meier, EEO Officer**  
**smeier@careersourcepinellas.com**  
13805 58<sup>th</sup> St North, Suite 2-140  
Clearwater, Florida 33760  
727-608-1709  
TDD/TTY: 727-524-4344

**Table 1**  
**Contact Information**  
**For Filing a Discrimination Complaint**

**Department of Economic Opportunity  
Office for Civil Rights**

107 East Madison Street MSC 150  
Tallahassee, Florida 32399-4129  
(850) 921-3205  
TTY (via the Florida Relay Service): 711  
*in English, Spanish, French and Haitian Creole*  
FAX: (850) 921-3122

**U.S. Department of Health & Human Services  
Office for Civil Rights**

61 Forsyth Street, SW - Suite 3B70  
Atlanta, Georgia 30323  
(404) 562-7886  
TTY: (404) 331-2867  
FAX: (404) 562-7881

**U.S. Department of Labor  
Civil Rights Center**

200 Constitution Avenue, NW  
Room N-4123  
Washington, DC 20210  
(202) 693-6500  
TTY: (202) 693-6515  
FAX: (202) 693-6505

**U.S. Department of Agriculture  
Office of Civil Rights**

300 7th Street, SW; Suite 400  
Stop Code 9430  
Washington, DC 20250-9410  
(202) 401-1014  
TTY: (202) 401-0216  
FAX: (202) 690-5686