

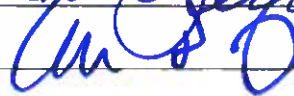


LOUISIANA WORKFORCE COMMISSION		
Policy Number	Policy Name	Original Effective Date
OWD 1-7	Workforce Innovation and Opportunity Act (WIOA) Grievance and Complaint Policy & Procedures	June 17, 2021
Issuing Department Office of Workforce Development		Revision Dates
Owner Quanda Charles, M.P.A.	Signature 	
Assistant Secretary Tavares A. Walker, Esq.	Signature 	
Secretary Ava Cates	Signature 	

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PHILOSOPHY

The Louisiana Workforce Commission (LWC) is an aggressive advocate for a trained, viable workforce and is committed to employment strategies for Louisiana residents that respond to business and industry’s workforce demands. LWC is dedicated to working closely with employers, employees, and job seekers to meet their employment and training needs.

- *Mission:* The Louisiana Workforce Commission is committed to “Putting People to Work” in fulfilling, family-sustaining careers through unlocking their potential with our extensive resources.
- *Vision:* Connect great employees with great companies by equipping Louisiana residents with all the tools they need to succeed.
- *Goals:* Ensure that all unemployment insurance and workers compensation processes are efficient and customer-friendly. Increase public awareness of the agency’s robust resources. Lessen the training gap of a skilled workforce. Connect residents with existing employers by providing excellent customer service. Engage the agency employee in the mission.
- *Values:* Respect; Integrity; Accountability; Commitment; Adaptability.

PURPOSE

The purpose of this document is to establish the policy of the State of Louisiana on the development, maintenance and implementation of administrative and programmatic grievance and complaint procedures. This policy provides guidance and direction at the local and state level under the Workforce Innovation and Opportunity Act (WIOA), Section 181(c), which mandates that each state and local area receiving an allotment under Title I establish and maintain a procedure for receiving and responding to grievances or complaints alleging violations of the requirements of Title I. This policy only applies to participant or applicants’ complaints alleging violations of Title I requirements in the operation and administration of WIOA programs and activities. This policy does not apply to discrimination complaints brought under WIOA Section 188 and 29 CFR part 38. For information on complaints alleging discrimination under WIOA Section 188 and 29 CFR part 38, contact:

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Equal Opportunity and Compliance Division (EOCD)
Louisiana Workforce Commission
1001 N. 23rd Street, Admin. Bldg., Rm 262
Baton Rouge, Louisiana 94094
(225) 342-3075 – Phone
(225) 342-7961 – Fax

Complaints involving allegations of fraud, abuse, waste or other criminal activity, must be reported immediately to the U.S. Department of Labor's (USDOL), Office of Inspector General, Office of Investigations, Room S5514, 200 Constitution Avenue NW, Washington, DC 20210, or to the corresponding Regional Inspector General for Investigations, with a copy simultaneously provided to the Employment and Training Administration. The Hotline number is 1-800-347-3756. The Website is <http://www.oij.dol.gov/contact.htm>.

REFERENCES/CITATIONS

- Workforce Innovation and Opportunity Act (WIOA), Public Law 113 – 128, Section 181.

Sections 181(a) and (b) of WIOA provide the following requirements and restrictions:

1. Individuals in on-the-job training or individuals employed in activities under this title shall be compensated at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills.
2. Allowances, earnings, and payments to individuals participating in programs under this title shall not be considered as income for the purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any federal or federally assisted program based on need.
3. No funds provided under this title shall be used to pay wages of incumbent employees during their participation in economic development activities provided through a statewide workforce development system.
4. A participant in a program or activity authorized under this title shall not displace (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) any currently employed employee (as of the date of the participation).
5. A specified activity shall not impair an existing contract for services or collective bargaining agreement, and no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization or employer concerns.
6. A participant in a specified activity shall not be employed in a job if (a) any other individual is on layoff from the same or any substantially equivalent job; (b) the employer has terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling the vacancy so created with the participant; or (c) the job is created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals (as of the date of the participation).
7. Health and safety standards established under federal and state law otherwise applicable to working conditions of employees shall be equally applicable to working conditions of participants engaged in specified activities. To the extent that a State workers' compensation law applies, workers' compensation shall be provided to participants on the same basis as the compensation provided to other individuals in the State in similar employment.

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8. Individuals in on-the-job training or individuals employed in programs and activities under this title shall be provided benefits and working conditions at the same level and to the same extent as other trainees or employees working a similar length of time and doing the same type of work.

- Title 20, Code of Federal Regulations (CFR), Sections 683.600 and 683.610.

20 CFR §683.270. What safeguards are there to ensure that participants in Workforce Innovation and Opportunity Act employment and training activities do not displace other employees?

(a) A participant in a program or activity authorized under title I of WIOA must not displace (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any currently employed employee (as of the date of the participation).

(b) A program or activity authorized under title I of WIOA must not impair existing contracts for services or collective bargaining agreements. When a program or activity authorized under title I of WIOA would be inconsistent with a collective bargaining agreement, the appropriate labor organization and employer must provide written concurrence before the program or activity begins.

(c) A participant in a program or activity under title I of WIOA may not be employed in or assigned to a job if:

- (1) Any other individual is on layoff from the same or any substantially equivalent job;
- (2) The employer has terminated the employment of any regular, unsubsidized employee or otherwise caused an involuntary reduction in its workforce with the intention of filling the vacancy so created with the WIOA participant; or
- (3) The job is created in a promotional line that infringes in any way on the promotional opportunities of currently employed workers as of the date of the participation.
- (d) Regular employees and program participants alleging displacement may file a complaint under the applicable grievance procedures found at §683.600.

20 CFR §683.275. What wage and labor standards apply to participants in activities under title I of the Workforce Innovation and Opportunity Act?

(a) Individuals in on-the-job training or individuals employed in activities under title I of WIOA must be compensated at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills. Such rates must be in accordance with applicable law, but may not be less than the higher of the rate specified in sec. 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage law.

(b) The reference in paragraph (a) of this section to sec. 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is not applicable for individuals in territorial jurisdictions in which sec. 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) does not apply.

(c) Individuals in on-the-job training or individuals employed in programs and activities under title I of WIOA must be provided benefits and working conditions at the same level and to the same extent as other trainees or employees working a similar length of time and doing the same type of work.

(d) Allowances, earnings, and payments to individuals participating in programs under title I of WIOA are not considered as income for purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any federal or federally-assisted program based on need, other than as provided under the Social Security Act(42 U.S.C. 301 *et seq.*).

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20 CFR §683.280. What health and safety standards apply to the working conditions of participants in activities under title I of the Workforce Innovation and Opportunity Act?

(a) Health and safety standards established under Federal and State law otherwise applicable to working conditions of employees are equally applicable to working conditions of participants engaged in programs and activities under title I of WIOA.

(b)(1) To the extent that a state workers' compensation law applies, workers' compensation must be provided to participants in programs and activities under title I of WIOA on the same basis as the compensation is provided to other individuals in the state in similar employment.

(2) If a state workers' compensation law applies to a participant in work experience, workers' compensation benefits must be available for injuries suffered by the participant in such work experience. If a state workers' compensation law does not apply to a participant in work experience, insurance coverage must be secured for injuries suffered by the participant in the course of such work experience.

20 CFR §683.620. How are complaints and reports of criminal fraud and abuse addressed under the Workforce Innovation and Opportunity Act?

(a) Information and complaints involving criminal fraud, waste, abuse or other criminal activity must be reported immediately through the Department's Incident Reporting System to the Department of Labor Office of Inspector General, Office of Investigations, Room S5514, 200 Constitution Avenue NW., Washington, DC 20210, or to the corresponding Regional Inspector General for Investigations, with a copy simultaneously provided to the Employment and Training Administration. The Hotline number is 1-800-347-3756. The Web site is <http://www.oig.dol.gov/contact.htm>.

(b) Complaints of a non-criminal nature may be handled under the procedures set forth in §683.600 or through the Department's Incident Reporting System.

POLICY REVISIONS

None.

APPLICABILITY

Section 181(c) of WIOA requires that each local area, state, outlying area, and direct recipient of funds under Title I of WIOA, except for Job Corps, establish and maintain a procedure for participants and other interested parties to file grievances and complaints alleging violations of the requirements of Title I of WIOA.

Nothing in this policy precludes a grievant or complainant from pursuing a remedy authorized under other federal, state, or local law.

DEFINITIONS

Complainant means any participant or other personally interested or personally affected party alleging a non-criminal violation of the requirements of WIOA.

Complaint file is a file that is maintained in a central location within each office which includes a hard copy of each complaint filed along with pertinent documentation.

Days means consecutive calendar days, including weekends and holidays.

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Grantee means the direct recipient of grant funds from the Department of Labor under a grant or grant agreement. A grantee also may be referred to as a recipient.

Grievance or complaint means a written expression by a party alleging a violation of WIOA, regulations promulgated under WIOA, recipient grants, sub-agreements, or other specific agreements under WIOA. All complaints, amendments and withdrawals shall be in writing. This policy is intended to resolve matters which concern actions arising in connection with the WIOA Title I grant program.

Hearing Officer means an impartial party who shall preside at a hearing on a grievance or complaint.

Local Workforce Development Board includes the Local Workforce Development Area (or Region) administrative entity and any sub-recipients to which the administrative entity has delegated the complaint and grievance resolution process.

Participant case file means a file containing information on a participant, whether as a hard copy or an electronic file.

Recipient means a non-federal entity that receives a Federal award directly from a Federal awarding agency to carry out an activity under a Federal program. For purposes of this policy, recipient means an entity to which a WIOA grant is awarded directly from USDOL to carry out a program under Title I of WIOA. The state of Louisiana is the recipient of funds awarded under WIOA Sections (b)(1)(C), 132 (b)(1)(B), and 132 (b)(2)(B).

Sub-recipient means an entity to which a sub-grant is awarded and which is accountable to the recipient (or higher tier sub-recipient) for the use of the funds provided.

POLICY

Local Areas must establish policy and procedures for receiving and resolving grievances and complaints alleging violations of WIOA Title I. These local policies and procedures are intended to resolve issues related to WIOA Title I grant programs operated by the Local Area's administrative entity or its subrecipients.

All Local Boards must:

1. Provide information about the content of the grievance and complaint procedures to participants and other interested parties affected by the local workforce development system, to include one-stop partners and service providers;
2. Require that every entity to which the Local Area awards Title I funds provide information about the content of the Local Area's grievance and complaint procedures to participants receiving Title I-funded services from such entities; and,
3. Make reasonable efforts to assure that the information will be understood by affected participants and other individuals, including youth and those who are limited-English speaking individuals, that comply with the language requirements of 29 CFR 38.35 regarding the provision of services and information in languages other than English.

Local Areas procedures must provide:

- a. A process for dealing with grievances and complaints from participants and other interested parties affected by the local workforce development system, including one-stop partners and services providers;

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- b. An opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint;
- c. A process which allows an individual alleging a labor standards violation to submit a grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties so provides; and
- d. An opportunity for a local level appeal to a state entity when:
 - i. No decision is reached within 60 days; or
 - ii. Either party is dissatisfied with the local hearing decision.

LOCAL LEVEL GRIEVANCE AND COMPLAINT RESOLUTION REQUIREMENTS

- **Notice to Affected Parties**

Local Areas must provide a copy of the local grievance and complaint procedures to each participant. These procedures must include the following:

1. Notification that the participant has the right to file a grievance or complaint at any time within one year of the alleged violation.
2. Instructions and timelines for filing a grievance or complaint.
3. Notification that the participant has the right to receive technical assistance from the Local Area in filling the grievance or complaint.
4. Notification that the participant may file an appeal or request a separate review if they experience an incident of restraining, coercion, or reprisal as a result of filing a complaint.

The local grievance and complaint procedures must be posted in a location that is easily viewed by the public and made available to any interested parties or members of the public. Where a hard copy case file is maintained, staff must include a signed copy of an acknowledgment of receipt of the local grievance and complaint procedures in each participant's case file. Where an electronic case file is maintained, staff must either: (1) enter a case note documenting that the notification did occur, the date of the notification, and the name of the staff person who provided it, or (2) scan a signed copy of an acknowledgement of receipt of the local grievance and complaint procedures and attach it to the participant's case file.

It is the responsibility of the Local Areas to provide technical assistance to complainants, including those filing grievances or complaints against the Local Area. Technical Assistance includes, but is not limited to, providing instructions on how to file a complaint, and providing copies of relevant documents such as the WIOA federal regulations, state laws and regulations, local procedures and/or contracts. This does not require Local Areas to violate any rule of confidentiality or provide legal advice.

- **Filing a Grievance or Complaint**

The official filing date of a grievance or complaint is the date it is received by the Local Area, American Job Center partner, service provider, or subrecipient.

The grievance or complaint must be in writing, signed, and dated by the complainant. The Local Area should obtain the following information for all complaints. The absence of any of the requested information shall not be used as basis for dismissing the grievance or complaint.

1. Full name, telephone number, and mailing address of the complainant.
2. A clear and concise statement of the facts and dates describing the alleged violation.
3. The provision (s) of WIOA, federal regulations, grant, or other agreements under WIOA believed to have been violated.

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4. Grievances or complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with WIOA law, regulation or contract.
5. The remedy that is being sought by the complainant.

A grievance or complaint may be amended to correct technical deficiencies at any time up to the start of the hearing. Grievances or complaints may not be amended to add new issues unless the complainant withdraws and resubmits the complaint.

▪ Informal Resolution

The Local Area shall notify the complainant of the opportunity for an informal resolution. The Local Area must make a good faith effort to resolve all grievances or complaints. Failure on the part of the complainant to exert a good faith effort shall not constitute a basis for dismissing a grievance or complaint, nor shall this be considered a part of the facts to be judged during the resolution process. The Local Area must assure that all grievances or complaints not resolved informally or not withdrawn are given a hearing, regardless of any perceptions of merit or lack of merit.

▪ Local Hearing

Hearings on any grievance or complaint shall be conducted within 90 days of the filing date of the grievance or complaint:

I. Notice of Hearing

The Local Area must notify the complainant in writing of the hearing at least 10 days prior to the date of the hearing via electronic mail or U.S. Mail. The written notice shall contain the following information:

1. The date of the notice, name of complainant, and the name of the party against whom the grievance is filed.
2. The date, time and location of the hearing.
3. A statement of the alleged violation(s). The statement must accurately reflect the content of the grievance or complaint as submitted by the complainant. However, clarifying notes may be added to accurately state the alleged violation(s) and issues to be addressed.
4. The name, address, and telephone number of the contact person issuing the notice.

II. Conduct of Hearing

An impartial hearing officer shall conduct the hearing. All members of the Local Workforce Development Board and the local Chief Elected Official are considered interested parties and cannot conduct an impartial hearing. Louisiana Workforce Commission suggests the Local Area seek an impartial hearing officer from among the staff of legal offices or personnel departments of local municipalities or parishes that will not be directly affected by the implementation of the final resolution or disposition of the specific grievance or complaint.

The hearing must be conducted in an informal manner and not be bound by strict rules of evidence. All hearings must follow any applicable procedures established by the Local Area. Both parties have the right to be represented at their own cost, present written and oral testimony, call and question witnesses, and request and examine records and documents relevant to the issues. The hearing must be recorded electronically or by a court reporter.

III. Decision of Impartial Hearing Officer

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The hearing officer shall provide a written decision to the Local Area. The Local Area shall mail the written decision to both parties by U.S. Mail no later than 60 days after the filing date of the grievance or complaint. The written decision shall contain the following information:

- The names of all parties involved
- A statement of the alleged violation(s) and related issues
- A statement of the facts
- The hearing officer's decision and reasoning
- A statement of the corrective action or remedies for violations, if any, to be implemented
- A notice of the right of either party to request an appeal of the decision by the Louisiana Workforce Commission Review Panel within 15 days of the mailing date of the decision.

STATE LEVEL GRIEVANCE AND COMPLAINT RESOLUTION PROCEDURES

As required under 20 CFR §683.600(d), the state must establish procedures for resolving appeals of decisions issued at the local level, grievances or complaints regarding statewide workforce programs, and grievances or complaints alleging state violations of WIOA Title I requirements.

Appeals of Local Level Decisions

If the Local Area has issued an adverse decision or failed to follow the procedures in this policy, the complainant may file an appeal with the state. Additionally, if the Local Area has not issued a decision within the 60 day time limit, or if there has been any incident(s) of restraint, coercion, or reprisal at that local level as a result of filing a grievance or complaint, the complainant may file a request for review with the Assistant Secretary, Louisiana Workforce Commission, Office of Workforce Development.

The appeal or request for review must be in writing, signed, and dated by the complainant. The state will attempt to obtain the following information; however, the absence of any of the requested information will not be used as a basis for dismissing the appeal or request for review:

- The full name, telephone number, and mailing address of the complainant and the Local Area's administrative entity.
- A statement of the basis of the appeal or request for review.
- Copies of all relevant documents, such as the complaint filed with the Local Area and their decision, if any was received.

Appeals and requests for review must be filed or postmarked within 15 days from the date on which the complainant received an adverse decision from the Local Area. Request for review must be filed or postmarked within 15 days from either of the following:

- The date on which a complainant received a decision regarding a locally-filed complaint.
- The date on which an instance of restraint, coercion, or reprisal was alleged to have occurred as a result of filing the complaint.

Complainants must submit appeals or requests for review to the following address:

Assistant Secretary
Office of Workforce Development
Louisiana Workforce Commission
P. O. Box 94094
Baton Rouge, LA 70804-9094

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If an evidentiary hearing was held at the local level, the Assistant Secretary, or his/her designee, shall review the record of the hearing from the Local Area without scheduling an additional hearing. The Local Area is to provide written transcripts of any audio or visual recordings of the hearings via overnight mail. Within 10 days of receipt of the grievance or complaint, the Assistant Secretary, or his/her designee, shall notify the complainant and respondent of the opportunity for an informal resolution and proceed with the informal resolution process.

If an evidentiary hearing was not held at the local level, the Assistant Secretary, or his/her designee, shall instruct the Local Area to hold a hearing within 30 days of receipt of the appeal or request for review. If the Local Area refuses to hold a hearing within the required timeframe, the Assistant Secretary, or his/her designee, shall schedule an evidentiary hearing before an impartial hearing officer within the 30 day timeframe.

• ***Remanded Local Grievances and Complaints***

Grievances and complaints filed directly with the state related to Local Area programs will be remanded to the Local Area.

State Level Grievances and Complaints

All grievances or complaints alleging noncriminal, state violations of WIOA Title I requirements, or grievances or complaints by individuals or interested parties affected by statewide workforce programs shall be filed in writing with the Assistant Secretary, Office of Workforce Development. The official filing date of the grievance or complaint is the date it is received by the Assistant Secretary. The filing shall be considered a request for a hearing. Such hearing shall be scheduled by an impartial hearing officer, who shall issue a written decision within 60 days of the official filing date. The Assistant Secretary, or his/her designee, shall send a copy of the grievance or complaint to the respondent.

The grievance or complaint must be in writing, dated, and signed by the complainant. The state will attempt to obtain the following information for all complaints; however, the absence of any of the requested information will not be used as a basis for dismissing the grievance or complaint:

- Full name, telephone number, and mailing address of the complainant and respondent.
- A clear and concise statement of the facts and dates describing the alleged violation.
- The provision(s) of WIOA, federal regulations, state laws or regulations, grant, or other agreements under WIOA believed to have been violated.
- Grievances or complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with WIOA law, regulation, or contract.
- The remedy sought by the complainant.

The Assistant Secretary, or his/her designee, shall review the grievance or complaint and notify the complainant and respondent of the opportunity for an informal resolution within 10 days of receipt. If the state is unable to resolve the grievance or complaint informally, a hearing shall be held.

Hearings on any grievance or complaint shall be conducted within 60 days of the filing of the grievance or complaint. The complainant, respondent, and Local Area (in cases of local level appeals and requests for review) shall be notified in writing of the hearing at least 10 days prior to the hearing. The hearing shall be conducted by an impartial hearing officer. The hearing notice shall contain the following information:

- The date of the notice, name of complainant, and the name of the party against whom the grievance or complaint is filed.
- The date, time, and location of the hearing.

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- A statement of the alleged violation(s). These statements must accurately reflect the content of the grievance or complaint as submitted by the complainant; however, clarifying notes may be added to assure that the underlying issue(s) of the grievance or complaint is addressed accurately.
- The name, address, and telephone number of the contact person issuing the notice.

The hearing shall be conducted in an informal manner without the application of strict rules of evidence. Both parties shall have the right to be represented, present written and/or oral testimony and/or arguments under oath, call and question witnesses, and request and examine records and documents relative to the issue(s). The hearing shall be recorded either electronically or by a court reporter.

Title 49 of the Louisiana Administrative Procedure Act (APA) regulates the responsibilities and processes of impartial hearing officers/administrative law judges, and the conduct of hearings. Therefore, Title 49 applies to the hearings and hearing officers described in this policy. All references to impartial hearing officers in this policy hold the same meaning as administrative law judge in regard to these regulations.

Following completion of the hearing, the impartial hearing officer shall make a written recommendation to the Assistant Secretary, or his/her designee. The hearing officer's recommendation shall contain the following information:

- The names of the parties involved.
- A statement of the alleged violation(s) and related issues.
- A statement of the facts.
- The hearing officer's decision and reasoning.
- A statement of the corrective action or remedies for violations, if any, to be implemented.

The Assistant Secretary, or his/her designee, shall review the record established by the hearing officer, and shall issue a decision on the basis of the information contained therein. The Assistant Secretary, or his/her designee, may accept, reject, or modify the hearing officer's recommendation, and shall issue a written decision to the parties within 60 days of the Assistant Secretary's receipt of the local level appeal, request for review, or grievance or complaint.

The Assistant Secretary, or his/her designee, shall send a written decision to both the complainant and the respondent by certified mail. The decision shall contain the following information:

- The names of the parties involved.
- A statement of the alleged violation(s) and related issues.
- A statement of the facts.
- The Assistant Secretary, or his/her designee's decision and reasoning.
- A statement of the corrective action or remedies for violations, if any, to be implemented.
- A notice of the right of either party to file an appeal with the U.S. Secretary of Labor (Secretary).

Federal Level Appeals Process

If the Assistant Secretary, or his/her designee, has issued an adverse decision regarding a grievance or complaint, or has not issued a decision within 60 days of receipt of a local level appeal, request for review, or grievance or complaint, the complainant may file an appeal with the Secretary. This appeal process applies to grievances and complaints that originated at the local or state level.

Appeals of an adverse decision must be filed within 60 days of receipt of the adverse decision from the Assistant Secretary, or his/her designee. In cases where the Assistant Secretary, or his/her designee did not issue a decision, the complainant must file and appeal within 120 of either:

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1. The date on which the complainant filed the appeal of a local level decision or request for review with the state.
2. The date on which the complainant filed the grievance or complaint with the state.

All appeals to the Secretary must be sent to the USDOL National Office via certified mail with return receipt requested. Copies of the appeal must simultaneously be provided to the USDOL Employment and Training Administration (ETA) Regional Administrator and the respondent. Mailing addresses for the USDOL National Office and ETA Regional Administrator are shown below:

USDOL National Office:
Secretary, United States Department of Labor
200 Constitution Ave NW
Attention: ASET
Washington, D.C. 20211

USDOL Regional Administrator: Regional Administrator, U.S. Dept. of Labor
Employment & Training Administration
525 S. Griffin Street
Suite 317
Dallas, Texas 75202

Grievances or complaints filed directly with the Secretary that were not previously filed with the Local Area and/or state will be remanded to the Local Area or state, as appropriate.

The Secretary shall issue a final determination no later than 120 days after receiving the appeal.

ROLES & RESPONSIBILITIES

Secretary shall ensure that this policy is successfully implemented by giving full support through active participation.

Assistant Secretary shall ensure that the procedures, limitations, and discretion outlined in this policy are adopted and administered within the agency.

Managers shall ensure the Assistant Secretary receives reports and status updates on this program as necessary to maintain funding, operations, partnerships with other programs, and federal reporting requirements. They must also provide managerial metrics on a timely basis.

Employees shall understand the policy, read and adhere to all aspects of this policy and applicable Standard Operating Procedures, and maintain the ability to educate, communicate and facilitate as necessary the certification process with Employers and Agents.

Maintain records in accordance with standard WIOA compliance and current state policy.

Local Workforce Development Boards shall be responsible for ensuring that a WIOA Grievance and Complaint Process for applicants, participants, One-Stop partners and services providers is established to resolve programmatic grievances and complaints alleging violations of WIOA Title I. All Local Areas are

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expected to create or revise local policies and procedures to incorporate the requirements of this policy. A draft of the local policy must be submitted to the Louisiana Workforce Commission Office of Workforce Development for review and comment prior to approval by the local workforce development board.

The LWDA staff is responsible for monitoring compliance with this policy. The Local Area will maintain a tracking system to document the grievances received and their disposition. All records should be maintained for not less than a period of three (3) years.

EXCEPTIONS

Any exceptions to this policy must not violate USDOL, federal or state laws, statutes, regulations, and must have the written approval of the Secretary after being coordinated with USDOL and/or Civil Service. A copy of the approved exception shall be maintained by the Assistant Secretary of OWD. Requests for exceptions to this policy must include documented specific and compelling justification.

VIOLATIONS

Sanctions and corrective action will be imposed for substantial violations of this policy.

CONTACTS

Inquiries on this policy should be directed to:
Office of Workforce Development
Director of Title I programs
1001 North 23rd Street
Baton Rouge, LA 70802-3338
(225) 342-2936

ATTACHMENTS

None.