

Chautauqua Works

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To: All WIOA applicants and enrollees

From: Executive Director

Re: Notice of Rights for Complaint-Grievance/Discrimination Complaint/Participant Reasonable Accommodations

You are protected by many rules and regulations, including the right to express problems, complaints, and/or grievances. As you meet with Chautauqua Works staff, talk with them about problems you may be having. Your Chautauqua Works counselor or staff representative's job is to assist you in obtaining the best possible outcomes and program experiences. This includes helping you solve problems or complaints you may have in relation to your participation in WIOA SERVICES. When problems are discussed with your WIOA representative, an assessment will be made and a recommendation for a solution offered. You will be kept informed of actions taken.

If you feel that your rights have been violated by any persons or entities operating within the Workforce Innovation and Opportunity Act (WIOA) (including employees, vendors, or other actors located within Chautauqua Works), or in connection with a WIOA Title I financially assisted program or activity, you may file a written grievance or discrimination complaint.

The two procedures are distinct and address different issues. A grievance is typically programmatic in nature. Examples of grievances include but are not limited to: complaints about the program; the provision of services; and a disagreement with a staff member or an employee(s). In comparison, a complaint involves discrimination against someone based on one of the federally protected classifications (e.g. race, color, sex, age, and national origin).

In both instances, you must file in a timely manner. You have **one year** to file a grievance and **180 days** to file a discrimination complaint.

If you have any questions on how to file a grievance or discrimination complaint, you may contact the WIOA Equal Opportunity Officer or the WIOA Grievance Officer for further assistance.

WIOA PARTICIPANT RIGHTS AND ASSURANCES

You are a participant in an employment and/or training program sponsored under the Workforce Innovation and Opportunity Act. The activities, employment and/or services that you receive in this program are being subsidized by the Federal Government. This means you are subject to some State and Federal regulations. Please read and be certain you understand your rights, assurances and the grievance procedure.

1. Neither your employer, nor any other agency or person connected with your employment and/or training in the program can discriminate against you. No person shall on the grounds of race, creed, color, handicap, national origin, sex, age, or political affiliation be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or part under the act.
2. In work experience programs, you will be paid minimum wage with no fringe benefits, other than FICA.
3. No participant will be required or permitted to work, be trained or receive services in buildings or surroundings or under work conditions which are unsanitary, hazardous or dangerous to his/her health or safety. If a participant is employed in an inherently dangerous occupation (policeman, fireman, etc.) he/she will be assigned to work in accordance with reasonable safety practices.
4. Your participation in WIOA programming is, to the extent feasible, designed to maximize your potential for employment in the world of work and to help you move from his program into an unsubsidized full-time job. If you have any questions about anything you have read in the above, you can ask your WIOA staff representative to explain.
5. If you feel that you have been treated unfairly and would like to file a complaint, the formal grievance procedure should be utilized.

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6. State Level Review shall only proceed to the extent that a Local level hearing has been held, findings of fact made, and a decision rendered. If not, the State Level Grievance Officer shall return the complaint/grievance to the Local Level Grievance Officer with instructions on how to complete the review and hearing process.
7. To the extent that Local Level Hearing is complete, requests to review the Local Level Hearing decision shall be limited to any allegations of procedural errors or errors in interpreting or applying the law. Findings of Fact must occur at the Local Level. Any finding at the State Level indicating that errors were made at the Local Level in making Findings of Fact will be returned to the Local Level for further review.
8. If a State Level Review is requested, the State Level Grievance Officer shall investigate the complaint/grievance, seek resolution, and issue a written decision within sixty (60) calendar days of receipt of a request for a review by a Complainant.
9. A hearing will be scheduled at least thirty (30) calendar days, but no more than forty-five (45) calendar days, from the filing of the complaint/grievance.
 - a. Note that if the State Level Grievance Officer is successful in reaching an informal resolution with the Complainant prior to the date of the scheduled hearing, the scheduled hearing will be adjourned.
10. Complainants either not given a hearing or who did not receive a hearing decision within sixty (60) calendar days of requesting State Level Review, and which were not remanded back to the Local Level, have the right to request a Federal Level Review. Such a request must be filed within fifteen (15) calendar days from the date on which the Complainant should have received a written decision.
11. Complainants in receipt of a written State Level hearing decision, have the right to request a Federal Level Review. Such a request must be filed within ten (10) calendar days from the date on which Complainant received the written hearing decision. Such requests must allege either procedural violations or errors in interpreting or applying the law at the lower level hearing. Federal Level Appeals must be submitted by certified mail, return receipt requested, to the Secretary, U.S. Department of Labor, Washington, DC 20210, Attention: ASET. A copy of the appeal must be simultaneously provided to the appropriate ETA Regional Administrator (address below) and the opposing party.

U.S. Department of Labor
Employment and Training Administration
25 New Sudbury St
John F. Kennedy Federal Building, Room E-350
Boston, MA 02203