

GRIEVANCE AND COMPLAINT RESOLUTION PROCEDURE FOR PARTICIPANTS

I. **Policy**

It is the policy of this Agency to administer all programs which are funded by Philadelphia Works, Inc. in a fair, impartial, and non-discriminatory manner, in accordance with Philadelphia Works, Inc. directives, and in compliance with relevant Federal, State, and Local statutes. Furthermore, it is our policy to foster an environment that is positive and supportive of staff and participant rights and needs in our employment and training programs. All staff and participants are notified in writing about their rights and the grievance procedures.

II. **Procedure**

Program Complaints - Complaints that are program-related must be filed within one (1) year of the alleged occurrence and will be processed in accordance with the following procedure.

Criminal Complaints - All information and complaints involving fraud, waste, abuse or criminal activity, shall be reported directly and immediately to the Department of Labor (DOL), Office of Inspector General.

STEP I: The Opportunity to File A Complaint

Most disagreements can be resolved to the satisfaction of all parties involved when problems are approached in good faith and with mutual respect. Therefore, staff or participants with complaints must first consult the immediate supervisor, instructor, or Philadelphia Works, Inc. Monitor/Acct. Rep. The complainant should meet with one of these, explain the problem, and attempt to resolve the issue informally.

STEP II: The Opportunity for an Informal Conference

If the complainant is not satisfied with Step I, he/she must file a written complaint, within five (5) days, with Philadelphia Works, Inc., and request an informal conference. When filed, allegations must include the complainant(s) and respondents names, a description of the allegation(s), date(s) on which the occurrence(s) took place and attempted resolution. Grievances may be filed with Philadelphia Works, Inc. at the following address:

Name: Compliance Officer

Address: 1617 JFK Boulevard
Suite 1300
Philadelphia, PA 19103

Phone: (215) 963-2100

The informal conference will be held within ten (10) days from the date of the receipt of the request by Philadelphia Works, Inc.

At the informal conference, the complainant and Philadelphia Works, Inc. will discuss the allegation(s) informally. The findings of Philadelphia Works, Inc. will be submitted to the complainant no later than ten (10) days following the informal conference. Included with the findings will be a notification of the complainant's right to request a hearing if a satisfactory resolution is not accomplished.

STEP III: The Opportunity for a Hearing

If the complainant is not satisfied with the results of the informal conference, he/she must inform Philadelphia Works, Inc. within five (5) days of the receipt of the findings and request a hearing to seek resolution of the issue(s).

Philadelphia Works, Inc. will appoint an Impartial Hearing Officer, who will attempt to resolve the issue(s) and render an independent decision. The requested hearing will be held within 30 days from the date on which the complaint was received by Philadelphia Works, Inc.. The Hearing Officer will send out notification of the hearing to all parties concerned, stating the date, time and place of the hearing and the issues to be heard.

All parties have the right to be accompanied by an attorney (at their own expense), or other duly authorized representative. All parties have the right to present testimony and to bring witnesses and records.

A written decision will be issued by the Hearing Officer to the complainant and all parties who attended the hearing within 60 days of the filing of the complaint. The decision will include: 1) a synopsis of the facts, 2) a statement of reasons for the decision, and 3) notification of records. All correspondence will be mailed certified with a return receipt requested.

STEP IV: State Grievance and Hearing Procedures

If the complainant does not receive a decision from Philadelphia Works, Inc. within 60 days of filing the complaint, or receives a decision that is unsatisfactory to the complainant, the complainant has the right to request a review of the complaint by the Governor. The

request for review must be submitted to the Deputy Secretary for Employment Security and Job Training within ten (10) days of receipt of the adverse decision or, if no timely decision is rendered, within 15 days from the date on which the decision should have been received from the Hearing Officer.

A review will be conducted on behalf of the Governor and a decision issued within 30 days from the date of receipt of the review request. The decision rendered will be final.

Complainants who initially file complaints at the State level, on which a decision is not rendered within 60 days of receipt of the complaint or on which an adverse decision is rendered will be afforded the opportunity for an independent state review by the Governor. A decision based on the independent review will be issued within 30 days, and the decision issued on behalf of the Governor, will be final.

Complaint alleging violations of Section 143 of the Act shall be handled under the procedures set forth at Subsection 627.603, "Special handling of labor standards violations under Section 143 of the Act."

The decision rendered on behalf of the Governor in Step IV is final unless the Secretary of Labor exercises the authority for federal level review in accordance with the provisions at Subsection 627.601, complaints and grievances at the federal level.

III. PROCEDURE FOR COMPLAINTS ARISING FROM ACTIONS TAKEN WITH RESPECT TO INVESTIGATIONS OR MONITORING REPORTS.

Any program participant, subcontractor, or other persons participating in programs who have complaints arising from actions taken with respect to investigations or monitoring reports, may file a complaint in accordance with the following procedure:

- a. File a written complaint summarizing the violation and forward directly to:

Name: EEOC Officer

Address: 1617 JFK Boulevard
Suite 1300
Philadelphia, PA 19103

Phone: (215) 963-2100

- b. An informal conference will be held within 10 days of receipt of the complaint. At the informal conference, the complainant and Philadelphia Works, Inc. will discuss the allegation(s) informally. The findings of Philadelphia Works, Inc. will be submitted to the complainant no later than ten (10) days following the informal conference. Included with the findings will be a notification of the complainant's right to request a hearing if a satisfactory resolution is not accomplished.

Steps III and IV as outlined in the above procedure will be the process used if the grievance proceeds to this stage.

IV. PROCEDURE FOR COMPLAINTS ALLEGING DISCRIMINATION

Any person who believes that he or she or any specific class of individuals has been or is being subjected to discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation on belief and for beneficiaries only, citizenship or participation in , may file a complaint through this procedure as follows:

STEP I: The Opportunity to file a Complaint

Complaints filed by the complainant or an authorized representative, must be in writing and must include the complainants and respondents names, occurrence date and description of occurrence in sufficient detail to allow the Director of the Directorate of Civil Rights (DCR) or the Department of Labor and Industry (L & I) to determine the timeliness of filing, apparent merit and violations under the nondiscrimination and equal opportunity provisions of.

Complaints must be filed not later than 180 days from the date of the alleged discrimination. All written complaints should be forwarded to:

Department of Labor & Industry
Office of Affirmative Action, Room 1415
Labor & Industry Building
Seventh & Forster Streets
Harrisburg, PA 17120

or you may file directly with:

Director, Directorate of Civil Rights (DCR)
U.S. Department of Labor
200 Constitution Avenue, N.W., Room N-4123
Washington, D.C. 20210

If you elect to file your complaint with the Department of Labor & Industry, you must wait until L & I issues a decision or until 60 days have passed, whichever is sooner, before filing with DCR. Only the Director of DCR, for good cause shown, may extend the filing time beyond 180 days.

STEP II: The Opportunity for an Informal Resolution Conference

The Equal Opportunity Representative (EOR) will meet with the complainant, or designated representative, within 10 days from the date of receipt of the written allegation, and will attempt to informally resolve the issue. Findings of the Equal Opportunity Officer will be submitted in writing to the complainant not later than ten (10) days following the resolution conference. Included with the findings will be the notification of the right to request a formal conference with an impartial decision-maker if satisfactory resolution is not accomplished.

STEP III: The Opportunity for a Formal Resolution

If the complainant is dissatisfied with the attempted informal resolution, he/she must so inform the EO Officer in writing within five (5) days of receipt of the adverse or unsatisfactory decision and request a formal conference with an impartial decision-maker to seek resolution of the issue.

An impartial decision-maker will be appointed, who will attempt to resolve the issue and render an independent decision. The formal conference will be held within 30 days from the date on which the complaint was filed. Written notification of the formal conference will be sent out to parties involved by the impartial decision-maker stating the date, time and place of the formal conference, the specific issues to be heard, and responses of those involved. Each party has the right to representation by an attorney or other individual of his or her own choice, the right to question others who present evidence and must attend the conference.

A written decision, made strictly on the recorded evidence, will be issued by the impartial decision-maker within 60 days of the filing of the complaint. The written decision must include 1) a synopsis of facts, 2) a statement of reasons for the decision, and 3) notification of recourse.

STEP IV: Notice of Recourse

If the resolution offered to the complainant or his/her representative is not satisfactory, or his or her representative has not been notified of the resolution by the end of the 60 days, the complainant or his or her representative may, within 30 days of the expiration of the 60-day period, file a complaint with the Director of DCR. The Director of DCR may extend the 30-day time limit for good cause shown.

If it is determined that Labor & Industry does not have jurisdiction over a complaint, the complainant or his or her representative will be notified in writing immediately. The written notice will include reasons for the determination and the complainant's right to file with the Director of DCR within 30 days of receipt of the notice.

V. STATE AND GRIEVANCE HEARING PROCEDURES

Complainants alleging a violation of the Workforce Innovation and Opportunity Act (WIOA) or regulations promulgated thereunder, grants or other agreements under the Act, shall seek resolution of such allegation(s) through this procedure as provided. Complaints or allegations, and review request when filed, must include the complainant's and respondent's names, date(s) of occurrences, and a description of occurrences.

All program related complaints, initially filed at the state level, except complaints alleging fraud or criminal activity, must be filed within one (1) year of the alleged occurrence. Review request must be filed within then (10) days of receipt of an adverse decision or if no timely decision is rendered, within 15 days from the date on which the complainant should have received a timely decision.

STEP I: The Opportunity to File a Complaint

All complaints shall be in writing. The individual, organization, SDA, SSG or sub-recipient, hereafter referred to as the complainant, who has an alleged complaint shall submit the allegation in writing to the Deputy Secretary for Employment Security and Job Training.

STEP II: The Opportunity for an Informal Resolution

The Director of the Bureau of Employment Services and Training (BEST), or his/her designee, on behalf of the Deputy Secretary for Employment Security and Job Training, shall meet with the complainant or representative(s) of the organization involved and shall attempt informally to resolve the issue(s). The findings of the BEST Director must be submitted to the complainant, in writing, not later than ten (10) days following the informal conference. Notification of the right to request a hearing if a satisfactory resolution has not been accomplished must be included with the findings.

STEP III: The Opportunity for a Hearing

If the complainant is not satisfied with the results of the informal conference, the Director of the BEST must be so informed within five (5) days from the date of receipt of the informal findings, and a request for a hearing to seek resolution of the alleged violation made.

An impartial Hearing Officer will be appointed, who will attempt to resolve the issue(s) and render an independent decision. The requested hearing will be held within 30 days from the date on which the complaint was filed. Written notification of the hearing will be sent out by the hearing officer, stating the date, time and place of the hearing, the issue(s) to be heard and where appropriate the nature of the violations, which the hearing covers. All involved parties have the right to be accompanied by an attorney or other duly authorized representative, the right to bring witnesses and documentary evidence, and the right to present testimony. The complainant may withdraw the request for hearing in writing before the hearing is held and either the complainant or the respondent may request a continuance of the hearing for good cause before the hearing is held. Request for continuance must be made in writing.

A written decision will be issued by the Hearing Officer to the complainant and respondent(s) not later than 60 days from the date on which the complaint was filed. All decisions shall include: 1) a synopsis of facts, 2) a statement of reasons for the decision, and 3) notice of recourse. All correspondence must be mailed certified with a return receipt requested.

STEP IV: Notice of Recourse

If the complainant receives and adverse decision, or a decision is not received within 60 days of filing the complaint, a request for an independent State review of the complaint by the Governor shall then be made. The request for review should be submitted to the Secretary of Labor and Industry, the Governor's designee under the program, within ten (10) days of receipt of the unfavorable decision, or 15 days from the date on which the decision should have been received from the Hearing Officer. The Secretary of Labor and Industry, or his designee will conduct a review of the complaint and issue a decision within 30 days from the date of receipt of the review request. The decision rendered on behalf of the Governor will be final.

1. Designation of an Impartial Hearing Officer

An impartial person appointed by the SDA/SSG grant recipient is responsible for:

- a. Providing a hearing within 30 calendar days from the initial filing of a complaint.
- b. Reviewing the issues.
- c. Rendering a decision.
- d. Advising complainant of appeal rights.

2. Provisions for Conducting a Hearing

The provisions for conducting hearings will be as indicated below:

- a. The Hearing Officer will provide written notification to each party involved of the date, time and location of the hearing within 5 days from Appointment as Hearing Officer.
- b. The notification will inform all parties of the following rights:
 - (1) to be represented by an attorney or other duly authorized person of his/her own choosing at his/her own expense.
 - (2) the right to present evidence and question others who present evidence.
- c. Each party present at the hearing will be given an opportunity to state the issues to be heard.
- d. The proceedings of the hearing will be recorded either on a tape recorder or through the service of a hearing stenographer.
- e. The Hearing Officer will provide a written decision made strictly on the recorded evidence within 60 days from the filing of the complaint.

- f. The decision will include: 1) a synopsis of facts, 2) a statement of reason for the decision, and 3) notification of recourse. All correspondence will be mailed certified with a return receipt requested.

- g. In addition, the written decision will notify the grievant of their right to appeal to the Office listed below:

Deputy Secretary for Employment Security and Job Training
Room 1708, Labor & Industry Building
Seventh and Forster Streets
Harrisburg, PA 17120

Philadelphia Works, Inc. Client Grievance Form

The following is a statement of my grievance and I request immediate review.

Name: _____ Date: _____

Provider Name: _____ Case Manager: _____

Name of the person you are grieving against, if applicable: _____

The reason for my grievance is:

I discussed this grievance with (person and date):

The response was as follows:

My problem still exists because:

I believe the best way to handle this is to:

Client Signature

Direct Client Telephone Number

