



Administered locally by the Macomb/St. Clair Workforce Development Board
VerKuilen Building
21885 Dunham Road, Suite 11
Clinton Township, MI 48036-1030

GRIEVANCE PROCEDURE

The Macomb/St. Clair Workforce Development Board maintains a formal grievance procedure to receive, investigate and resolve grievances and to conduct hearings in order to settle disputes arising out of programs with funding sources received from the Michigan Department of Labor and Economic Opportunity (LEO)..

Grievances can be brought by any individual or organization including, but not limited to, program participants, contractors, One-Stop partners, applicants seeking participation or financial assistance, labor unions and community-based organizations; or from administrative staff of the Macomb/St. Clair Workforce Development Board.

A grievance may be filed by an affected individual if a recipient of Temporary Assistance for Needy Families (TANF) is placed in a position (1) when any other individual is on layoff from the same or any substantially equivalent job, or (2) if the employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with an adult receiving TANF assistance. In this situation, either party to the grievance, the TANF recipient, or the displaced employee, may appeal the decision rendered by the Administrative Entity of the Workforce Development Board to LEO.

A grievance may be filed by a regular employee displaced by a Workforce Innovation and Opportunity Act (WIOA) participant who is placed in an employment activity operated with WIOA funds. Also, a grievance may be filed by a WIOA participant in an employment activity if the participant is displaced.

Grievance procedures must provide WIOA participants a process, which allows an individual alleging a labor standards violation to submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties to grievance so provides.

Where the alleged violation of the funding source or regulation is also an alleged violation of another law, regulation or agreement, nothing in this grievance procedure shall preclude an individual or an organization from filing a grievance under such other law or agreement with respect to the cause of action; as well as filing a grievance under the provisions herein.

In the case of participants who are receiving services under funding sources received from LEO, every individual prior to entering employment or training is informed of his/her rights and benefits in connection with same. Each participant receives a written grievance procedure including a notification of their right to file a grievance and how to do so. Every employer of training participants will notify their participants of the scope and availability of procedures for grievances relating to terms and conditions of employment. An employer grievance system shall provide for, upon request by the grievant, a review of an employer's decision by the Macomb/St. Clair Workforce Development Board.

The grievance procedure is available to any and all interested parties for review on the Macomb/St. Clair Workforce Development Board's website (www.msc-mw.org). In addition, the Macomb/St. Clair Workforce Development Board will provide copies of this Grievance Procedure to all interested parties affected by the local Workforce System including local One-Stop partners, service providers, and to all Employer-based training employers and participants. The One-Stop partners, service providers and employers receive a copy of the grievance procedure as part of their contracts and/or Memorandums of Understanding. Staff and of the administrative body as well as the staff of the service providers are provided with a copy at the time of hire. Members of the Board of Directors receive a copy at the time of joining the Board as part of their orientation. Job seeking customers receive a copy upon registration in the system. Copies are also posted in all of the Macomb/St. Clair Career Centers. All parties sign a document verifying receipt of the Grievance Procedure.

The identity of any person who has furnished information relating to, or assisting in, an investigation of a possible violation of the funding source shall be kept confidential to the extent possible, consistent with the fair determination of the issues.

INFORMAL

Step 1: Any individual having a grievance alleging a violation of Macomb/St. Clair Workforce Development Board funded programs, regulations, grants or other agreements, should first attempt to resolve the issue with his/her immediate supervisor or appropriate program coordinator. Training participants should discuss the matter at their training facility if the training site is the involved party. Participants involved in on-the-job training programs should first seek resolve with his/her employer.

FORMAL

Step 2: If resolution of the grievance is not accomplished at Step 1, the grievant should next attempt a resolution with the Complaint Coordinator for the Macomb/St. Clair Workforce Development Board. Contact (586) 469-5220; TTY 711, for the name of this person.

Step 3: If satisfactory disposition cannot be agreed upon at Step 2, a formal, written grievance can be filed with the Executive Director of the Macomb/St. Clair Workforce Development Board.

- A. All grievances related to WIOA programs, Temporary Assistance for Needy Families (TANF), Food Assistance Employment & Training (FAE&T), Trade Act (except requests for redeterminations), and State of Michigan General Fund/ General Purpose (GF/GP) programs funded by WD are required to be filed within one year of the date of the event that gave rise to the grievance.
- B. All grievances shall be in writing and contain, to the extent practicable, the following information:
 - 1. The full name, address, and telephone number of the party/parties filing the grievance;
 - 2. The full name and address of the party against whom the grievance is made, or other information sufficient to identify the party against whom the grievance is made;
 - 3. A clear and concise statement of the facts, as alleged, including the pertinent dates, constituting the alleged violation;
 - 4. The provision of the act, regulations, grant, contract, or other agreements under the act believed to have been violated;
 - 5. The relief requested.

- C. The grievance may be rejected by the Executive Director of the Macomb/St. Clair Workforce Development Board if it lacks merit, if it is determined that the grievant fails to state a grievable issue or there is no relief that can be granted, or if the grievant fails to comply with this procedure. The Executive Director of the Macomb/St. Clair Workforce Development Board will inform the grievant in writing of the reason(s) the grievance was rejected. The notification will be issued as soon as possible or within 60 calendar days from the date the grievance was filed and will include the opportunity to appeal to LEO.
- D. An opportunity for an informal resolution of the grievance. If the grievance is settled through the informal resolution process, a written decision shall be issued to the petitioner(s) within 60 days of the filing of the grievance. (The timeline for a hearing decision is the same 60-day window from the date the grievance was filed.)
- E. A hearing on a local level grievance shall be conducted within 30 calendar days from the date the grievance was filed, and a decision must be rendered no later than 60 calendar days from the date the grievance was filed. A hearing is not required at this step if the grievance is resolved without one or the grievant withdraws the grievance.

For WIOA-related grievances, Section 18(c) of the WIOA indicates that an opportunity for a hearing shall be provided to participants and other interested or affected parties.

If a hearing is to be conducted, the Executive Director of the Macomb/St. Clair Workforce Development Board must provide written notice to the grievant and party against whom the grievance is made. The notice shall include the date, time, and place of the hearing and an opportunity for the parties to present evidence, including witnesses. The notice of the hearing shall indicate the issues to be decided. Notice shall be given not less than **ten** calendar days prior to the scheduled hearing date.

- F. At a minimum, the hearing process shall include:
1. A hearing officer,
 2. An opportunity for each party to present witnesses and evidence.
 3. An opportunity for each party to ask questions of all witnesses providing testimony at the hearing.
 4. A record of the hearing and a list of all evidentiary exhibits presented at the hearing.
 5. At the discretion of the hearing officer, there may be an opportunity to exchange evidentiary information prior to the hearing.
- G. A written decision shall be issued by the hearing officer and shall include the following information:
1. Date, time and place of hearing (if held);
 2. Name and address of the petitioner;
 3. Name and address of the respondent;
 4. Names and addresses of all witnesses called by the parties;
 5. Information sufficient to identify all evidence presented;
 6. A reiteration of the issues raised;
 7. A determination of the facts;
 8. An analysis of the issues as they relate to the facts; and
 9. A decision addressing each issue.
 10. A statement regarding the opportunity to appeal the decision to the WD.
- H. If a response to the grievance is not received within the time prescribed, or should either party be dissatisfied with a decision, there is opportunity to submit an appeal to WD.

Step 4: Appeal to WD

- A. A local level grievance decision may be appealed, in writing, to the Workforce Development. The appeal must be filed no later than ten (10) calendar days from receipt of an adverse local decision, or ten (10) calendar days from the date a decision was due but not issued.
- B. All appeals shall contain, to the extent practicable, the following information:
1. The full name, address and telephone number of the appellant(s);
 2. The full name, address and telephone number (if any) of the respondent(s);
 3. A clear and concise statement of the facts, as alleged, including the pertinent dates, constituting the alleged violation;
 4. The provision of the act, regulations, grant, contract, or other agreements under the act believed to have been violated; and
 5. The relief requested.
- C. All appeals of a local level grievance decision shall be submitted by certified mail, return receipt request to:

Workforce Development
Executive Office
P.O. Box 30805
Lansing, Michigan 48909

D. Special Provisions

1. **Equal Opportunity:** Complaints alleging violation of the Nondiscrimination and Equal Opportunity (EO) provision of state/federal grant programs must be resolved in accordance with the nondiscrimination and EO policy guidelines issued by the local grant recipient in accordance with the policy guidelines set forth by the WD.
2. **Criminal Conduct:** Known or suspected fraud, abuse, or criminal conduct under the WIOA shall be reported in accordance with the incident report guidelines issued by the WD (PI 18-01).
3. **TANF Displacement:** Pursuant to the 45 CFR Part 261.70, a grievance may be filed by an affected individual if (1) a recipient of TANF is placed in a position when any other individual is on layoff from the same or any substantially equivalent job or (2) if the employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with an adult receiving TANF assistance. In this situation, either party to the grievance, the TANF recipient, or the displaced employee, may appeal the local decision to the WD.
4. **WIOA Displacement:** A grievance may be filed by a regular employee displaced by a WIOA participant who is placed in an

employment activity operated with WIOA funds. Also, a grievance may be filed by a WIOA participant in an employment activity if the participant is displaced.

5. **Binding Arbitration/Collective Bargaining:** Local grant recipient grievance procedures must provide WIOA participants a process, which allows an individual alleging a labor standards violation to submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties to the grievance so provides.
6. **Jurisdiction:** Depending on the nature of the grievance, TANF and FAE&T program applicant and recipient grievances shall be handled in accordance with the local grant recipient or the Michigan Department of Health and Human Services (DHHS) or other applicable procedures. For example, grievances regarding sanctioning or food stamp benefits will be handled by DHHS while grievances regarding programs administered by the local grant recipient will be handled by the local grant recipient.
7. **Wagner-Peyser:** Grievances involving Wagner-Peyser Act activities must be resolved in accordance with the grievance procedures outlined in the Employment Service Manual. In addition, please refer to the Employment Service Manual for specific guidance regarding work-related complaints that are not program specific, such as: employer hour and wage violations, migrant and seasonal farm worker complaints, and other possible violations of general labor laws.

Step 5: State Level Review of a Local Level Decision

The process WD will follow to handle appeals include:

Both parties should send all relevant information and documentation generated at the local hearing and related to this appeal to the address provided above (i.e. where the appeal was sent). It is the responsibility of the parties to ensure WD Executive Office has all relevant documentation necessary to make a determination on the grievance.

The appeal should be sent to WD Executive Office within 15 days of the filing of the appeal. The WD has the discretion to provide parties with the opportunity to provide additional information after the 15-day deadline if the WD believes it is necessary to make a final determination.

Rejection of the Appeal

A grievance may be rejected, and a final determination issued, if it is determined that it lacks merit, it fails to state a grievable issue, there is no relief that can be granted, or if the appellant fails to comply with the applicable procedures prescribed in the policy (e.g. the ten-day filing requirement among other provisions.)

Hearing

An opportunity for a hearing must be provided for a WIOA related appeal of a local level decision unless the appeal is rejected by WD, the parties agree to waive a hearing, or the appellant withdraws the appeal. If a hearing is to be held, it shall be conducted within 30 days of the receipt of the appeal.

A hearing is not required for an appeal of a non-WIOA related local level decision.

Hearing Notice

When a hearing is conducted on an appeal, the appellant and the respondent will be provided written notice of the date, time, and place of the scheduled hearing and of the opportunity to present evidence, including witnesses. The notice of the hearing shall indicate the issues to be decided. Notice shall be given not less than ten (10) days prior to the scheduled hearing date.

Hearing Process

At a minimum, the hearing process shall include a hearing officer, an opportunity for each party to present witnesses (subpoenas are not authorized under this policy issuance) and evidence, an opportunity for each party to ask questions of all witnesses providing testimony at the hearing and a record of the hearing and a list of all evidentiary exhibits presented at the hearing.

At the discretion of the hearing officer, there may be an opportunity to exchange evidentiary information prior to the hearing.

Final Decision

A written decision shall be issued not later than 60 days after the filing of the appeal. The decision shall include the following: If a hearing is held, the date, time, and place of the hearing. Name and address of the petitioner and respondent. If a hearing is held, the names and addresses of all witnesses called by the parties and the information sufficient to identify all evidence presented. Reiteration of the issues, a determination of the facts, an analysis of the issues as they relate to the facts and a decision addressing each issue.

A. USDOL Review of a State Level Decision

In general, a state level decision is final. However, if a decision is not issued by the due date, a WIOA related appeal may be reviewed by the Secretary of the United States Department of Labor (USDOL) if appealed within 60 days after the date the decision was due. A WIOA related decision may be appealed by the adversely affected party to the USDOL within 60 days of receipt WD decision. Pursuant to 20 CFR Part 683, an appeal must be submitted to the Secretary of the USDOL by certified mail, return receipt requested, to:

Secretary of Labor
U.S. Department of Labor
200 Constitution Ave., NW
C-2318
Washington, DC 20210

A copy of the appeal must be simultaneously provided to:

Regional Administrator
Employment and Training Administration
U.S. Department of Labor
230 South Dearborn Street, Room 628
Chicago, IL 60604

and

Workforce Development
Executive Office
P.O. Box 30805
Lansing, Michigan 48909

B. Appeal Process for Local Grant Recipients

Local grant recipients may appeal non-designation of local areas, monitoring findings, incident report findings, single audit resolution findings/issues, and other matters related to State Workforce Investment programs by filing an appeal with WD within 30 days of the adverse decision. Other interested parties cannot appeal directly to WD. To the extent that interested parties are affected by a WD decision regarding monitoring findings, incident report findings, single audit resolution findings/issues, etc., the interested parties must first file a grievance at the local level.

Appeals related to USDOL monitoring findings shall only be reviewed for compliance with USDOL requirements. A record shall be created to forward to USDOL, if applicable.

Appeals

All appeals shall contain, to the extent practical, the following information:

- a. The full name, address, and telephone number of the appellant(s);
- b. The full name, address, and telephone number (if any) of the respondent(s);
- c. A clear and concise statement of the facts, as alleged including the pertinent dates, constituting the alleged violation;
- d. The provision of the act, regulations, grant, contractor other agreements under the act believed to have been violated; and
- e. The relief request.

Appeals shall be submitted to:

Workforce Development Executive Office
P.O. Box 30805
Lansing, MI 48909

Rejection of Appeal

An appeal may be rejected for any of the following reasons: It lacks merit, does not state a grievable issue, there is no relief that can be granted and/or the petitioner fails to comply with the procedures prescribed in this policy issuance.

Hearing

An opportunity for a hearing must be provided for a WIOA related appeal unless the appeal is rejected by WD, the parties agree to waive a hearing, or the appellant withdraws the appeal. If a hearing is to be held, it shall be conducted within 30 days of the receipt of the appeal.

A hearing is not required for an appeal of a non-WIOA related decision.

Hearing Notice

The parties will be provided written notice of the date, time, and place of the scheduled hearing date and of the opportunity to present evidence, including witnesses. The notice of the hearing shall indicate the issues to be decided. Notice shall be given not less than 10 days prior to the scheduled hearing date.

Hearing Process

The hearing process shall, at a minimum, include a hearing officer, an opportunity for each party to present witnesses (subpoenas are not authorized under this policy) and evidence, an opportunity for each party to ask questions of all witnesses providing testimony at the hearing, and a record of the hearing and a list of all evidentiary exhibits presented at the hearing.

At the discretion of the hearing officer, there may be an opportunity to exchange evidentiary information prior to the hearing.

Decision

A written decision shall be issued not later than sixty (60) days after the filing of the appeal. The decision shall include all of the following: If a hearing is held, the date, time, and place of the hearing. Name and address of the appellant and party against whom the appeal is made. If a hearing is held, the names and addresses of all witnesses called by the parties and information sufficient to identify all evidence presented. A reiteration of the issues, a determination of the facts, an analysis of the issues as they relate to the facts and a decision addressing each issue.

USDOL Appeal

The decision of WD is final. The local grant recipient may appeal noncompliant WIOA grievance procedures of WD to the Secretary of the U.S. Department of Labor (USDOL). An appeal must be submitted to the Secretary of the USDOL within sixty (60) days of receipt of the WD decision by certified mail, return receipt requested, to:

Secretary of Labor
U.S. Department of Labor
200 Constitution Ave., NW
C-2318
Washington, DC 20210

A copy of the appeal must be simultaneously provided to:

Regional Administrator
Employment and Training Administration
U.S. Department of Labor
230 South Dearborn Street, 6th Floor
Chicago, IL 60604

and

Workforce Development
Executive Office
P.O. Box 30805
Lansing, MI 48909

SPECIAL PROVISIONS

Grievances Alleging Discrimination

Macomb/St. Clair Workforce Development Board including all Macomb/St. Clair Workforce Development Board employees, all subcontractors and grantees, and sub-recipients thereof of funds administered by the Workforce Development Board will not discriminate against any employee, applicant for employment, or applicant for services provided by any LEO funds because of race, color, religion, sex (including but not limited to, pregnancy, childbirth and related medical conditions, transgender status and gender identity), national origin, (including limited English proficiency [LEP]) age, disability, or political affiliation or belief, or, height, weight, marital status, arrest without conviction, or other categories of groups protected by the law.

Grievances alleging violation of the nondiscrimination and equal opportunity (EO) provision of state/federal grant programs must be processed utilizing Macomb/St. Clair Michigan Works! "Discrimination Policy and Complaint Processing Procedures" which is in accordance with the CRC regulations.

Grievances Alleging Criminal Activity Related to the WIOA Program

Complaints of alleged fraud, abuse, or other criminal activity related to the WIOA program will be reported directly to the USDOL. The complaint will be filed using USDOL Form DL-156 (USDOL Incident Report.)

A copy of the DL-156 should also be submitted to both:

Regional Administrator
Employment and Training Administration
U.S. Department of Labor
230 South Dearborn Street, Room 628
Chicago, Illinois 60604

and

Office of Audit and Financial Compliance
Michigan Dept. of Labor & Economic Opportunity
Victor Office Building
201 N. Washington Square, 3rd Floor
Lansing, Michigan 48913

Macomb/St. Clair Workforce Development Board Anti-Harassment Policy

Macomb/St. Clair Workforce Development Board including all Macomb/St. Clair Workforce Development Board employees, all subcontractors and grantees, and sub-recipients thereof of funds administered by the Workforce Development Board, expressly prohibits and will take quick and decisive actions in response to any form of discrimination or harassment of any kind. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker or any person receiving Workforce Development Board funds.

The following examples are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

Verbal Harassment: This form of harassment includes comments that are offensive or unwelcome regarding a person's race, color, religion, sex (including but not limited to, pregnancy, childbirth and related medical conditions, transgender status and gender identity), national origin, (including limited English proficiency [LEP]) age, disability, or political affiliation or belief, or, height, weight, marital status, arrest without conviction, or other categories of groups protected by the law, including slurs, epithets and negative stereotyping.

Nonverbal Harassment: This form of harassment includes distribution, display or discussion of any written or graphic material, including the use of technology and social media, that ridicules, denigrates, insults, or shows hostility or disrespect toward an individual or group because of person's race, color, religion, sex (including but not limited to, pregnancy, childbirth and related medical conditions, transgender status and gender identity), national origin, (including limited English proficiency [LEP]) age, disability, or political affiliation or belief, or, height, weight, marital status, arrest without conviction, or other categories of groups protected by the law, including slurs, epithets and negative stereotyping.

Sexual Harassment: This form of harassment consists of unwelcome sexual advances, request for sexual favors, and other verbal requests of a sexual nature. These include persistent unwelcome requests for a date or lewd remarks or sounds, or physical conduct of a sexual nature including unwelcome touching or gesturing, or visual material including unwelcome exposure to sexual photos, cartoons or drawings.

Hostile Work Environment: This form of harassment is the use of unwelcome conduct of supervisors, co-workers, customers or anyone else the victim interacts with on the job, and the unwelcome conduct results in the workplace atmosphere as intimidating, hostile, or offensive.

Workplace Bullying: This form of harassment includes the use of inappropriately aggressive or insulting conduct or comments, which when viewed objectively, may cause a person against whom such conduct or comments are directed to be humiliated or intimidated.

Furthermore, Macomb/St. Clair Workforce Development Board is committed to protecting any individual who reports harassing conduct or otherwise participates in an investigation or review of such charges. An individual alleging retaliation can file a complaint with the EO officer utilizing the Macomb/St. Clair Michigan Works! "Discrimination Policy and Complaint Processing Procedures".

Interference with the ability of Macomb/St. Clair Workforce Development Board to carry out this policy will not be tolerated. All Macomb/St. Clair Workforce Development Board subcontractors and grantees, and sub-recipients thereof of funds administered by the Workforce Development Board are required to adopt and disseminate this anti-harassment policy.

Macomb/St. Clair Workforce Development Board Anti-Harassment Procedure

Any employee or customer, who believes he/she has been a victim of this policy, and, believes he/she has been subjected to harassment, shall report said incident either in writing or in person to their immediate supervisor or department head or the Executive Director of the Macomb/St. Clair Workforce Development Board.

- The person to whom the complaint is initially reported shall immediately conduct a preliminary investigation and report the findings to the Executive Director of the Macomb/St. Clair Workforce Development Board.
- The Executive Director of the Workforce Development Board shall immediately investigate the complaint fully and completely.
- If the Executive Director of the Macomb/St. Clair Workforce Development Board shall conclude that improper conduct occurred, proper discipline will be imposed in accordance with appropriate Macomb/St. Clair Workforce Development Board practices and shall include all forms of discipline up to and including discharge of employee or removal of the service provider.
- A person against whom a complaint of discrimination or sexual harassment has been made shall be entitled to exercise any and all rights as may be provided by an applicable grievance procedure, the U.S. and State Constitution and Federal and State law.
- A copy of this policy will be distributed to each employee of the Macomb/St. Clair Michigan Works! system, all subcontractors and grantees, and sub-recipients thereof of funds administered by Macomb/St. Clair Workforce Development Board. Customers registered for services shall be provided a written copy of this policy. This policy is posted in the Labor Laws and Rights section of the public area in the Career Centers and is available to self-service customers electronically on Michigan Works! Macomb/St. Clair website at: www.msc-mw.org.
- Any persons having questions regarding the meaning, implementation or effect of this policy may direct inquiries regarding same to the Executive Director of Macomb/St. Clair Workforce Development Board.

False allegations can have a serious effect on innocent individuals. Macomb/St. Clair Workforce Development Board expects that all employees, subcontractors and grantees, and sub-recipients thereof of Workforce Development Board funds will act responsibly to establish an appropriate work environment.

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