

I hereby acknowledge that I have received and read this copy of the WIA Youth Grievance Procedure Brochure.

Signature

Date

If the youth is under the age of 18, a parent, or guardian, a signature is required.

Signature

Date

WIA Youth

(Workforce Investment Act Youth Program)

GRIEVANCE PROCEDURE BROCHURE



ALASKA DEPARTMENT OF LABOR
& WORKFORCE DEVELOPMENT

We are an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

Participants under the Workforce Investment Act, Employment Security Division (ESD) youth programs may file a grievance if they feel that their assessment and/or eligibility for services has been determined in error, or if they have been unlawfully discriminated against.

Confidentiality. Program staff must protect the confidentiality of grievants to the maximum extent possible. When consent has been provided for the release of the grievant's identity, program staff must ensure that such disclosure is made under conditions that promote the continued receipt of confidential information.

Types of grievances. Grievants may seek redress for either youth program or discrimination grievance.

- **Youth Program grievances** pertain to whether ESD staff applied the law, regulations, and professional protocol appropriately while making program decisions. A grievant may appeal a program decision if they feel they have a valid grievance and/or feel that their assessment and/or eligibility for services has been determined in error.
- **Discrimination grievances** concern whether ESD staff made decisions on a prohibitive basis. Any person who believes that he or she, or any specific class of individuals, has been, or is being, subjected to discrimination prohibited under law and/or through participation in a Division of Business Partnerships (DBP) financially assisted program has the option of using the procedure outlined further below.

Program grievances may be filed through ESD and DBP staff, whereas discrimination grievances may also be filed with state and federal agencies.

Statute of Limitation. The following time limitations apply to the appeal process:

- Grievances must be filed within one year of the occurrence of the problem.

- If the grievance concerns discrimination under WIA, it must be filed within 180 days of the occurrence. Only the director of the Civil Rights Center, U.S. Department of Labor (USDOL), may extend the filing time.

Equal Opportunity. Accommodation shall be made for individuals with limited English speaking, writing or reading ability, hearing impairment or other disability that restricts the normal processing of an alleged program or discrimination grievance.

Protocol. The grievant may initiate informal or formal resolution with the Division of Business Partnerships (DBP) director, however:

- The DBP director may refer the grievance to the ESD Youth Program grievance officer for informal resolution prior to processing.
- Grievants initially filed with the DBP director may not later be filed with ESD.
- If a formal grievance is submitted initially to the DBP director the state may extend the period in which the division or commissioner issues a decision by a total of 10 days.
- ESD must copy the DBP director on formal grievances filed.

Withdrawal of grievance. The grievant has the right to withdraw the grievance, in writing, at any time.

PROCEDURE

Informal Resolution. Grievants may pursue informal resolution of program grievance(s) at any time. Program staff should:

- Attempt to resolve grievance(s) informally;
- Arrange to meet with the grievant and other interested parties;
- Ascertain facts with all service providers prior to meeting;
- Retain a file and brief report regarding facts, issues discussed and outcome; and
- Close the case if the grievant, program staff and other interested parties reach a mutually satisfactory resolution.

Formal resolution. Grievants may file formal grievance(s) with the ESD Youth Program grievance officer or the Division of Business Partnerships director and may request a hearing as a final resolution.

Formal program grievance must be in writing and include:

- The grievant's full name, address, phone number, and/or other means of contacting grievant;
- The full name and address of the individual or entity that the grievant alleges is responsible for his or her grievance;
- The grievant's job title (if applicable) and the program of registration;
- If an applicant, the name of the DBP program;
- A clean and concise statement of the facts, including pertinent dates constituting the alleged violation;
- Copies of pertinent correspondence, if any;
- The remedy the grievant seeks;
- Signature and date of grievant or authorized representative and submission via certified mail, return receipt requested to:

**Alaska Department of Labor
and Workforce Development
Commissioners Office
PO Box 111149
Juneau, AK 99811-1149
(907) 465-2712**

Local resolution – ESD Youth Program grievance officer. The grievant or authorized representative may submit a formal grievance to the Employment Security Division, Youth Program grievance officer, who must conduct an investigation and render a written decision within 10 days of the receipt of the grievance. The ESD Youth Program grievance officer must advise the grievant of further appeal rights.

State resolution-division director. The Division of Business Partnerships must receive the appeal within 10 days of the receipt of the decision from the ESD Youth Program grievance officer, or within 10 days of the date on which

the grievant should have received a decision. Grievants must submit requests via certified mail, return receipt requested to:

**Alaska Department of Labor
and Workforce Development
Division of Business Partnerships
PO Box 115509
Juneau, AK 99811-5509
(907) 465-4890**

The DBP director will issue a decision within 10 days of the receipt of request for review and advise the grievant of further appeal rights.

State resolution – commissioner. The grievant has the right to appeal to the Alaska Department of Labor and Workforce Development commissioner if the DBP director fails to render a decision within the allotted time or if the grievance is not resolved to the grievant's satisfaction.

The state must receive the appeal within 10 days of the receipt of the decision from the DBP director, or within 10 days of the date on which the grievant should have received a decision.

Grievant must submit requests via certified mail, return receipt requested to:

**Alaska Department of Labor
and Workforce Development
Commissioners Office
PO Box 111149
Juneau, AK 99811-1149
(907) 465-2712**

The Commissioner will issue a decision within five days of the receipt of request for review and advise the grievant of further appeal rights.

Hearing. The grievant has the right to appeal the state's decision by requesting a hearing. The grievant must contact the DBP director and schedule a hearing within 10 days of the commissioner's decision. The DBP director will provide notice of the hearing date via certified express mail, return receipt requested. The

grievant has the following rights with respect to the hearing process:

- Representation at the hearing by counsel or other authorized agent(s);
- Presentation and questioning of witnesses and other parties;
- Waiver or postponement of a scheduled hearing to pursue informal resolution;
- A request, with good cause, to reschedule the hearing;
- Use of telephone or teleconference to conduct the hearing if it is impractical for all parties to appear at the same place;
- The hearing will be held within 55 days of the receipt of the grievance, and
- A hearing officer will be appointed to conduct the hearing.
- The grievant is responsible for the cost of his representation. A written decision will be rendered within five days of the date of the hearing, the decision will be final.

GRIEVANCES OF ALLEGED DISCRIMINATION

Grievants alleging discrimination may appeal through the DBP equal opportunity officer prior to filing through federal agencies.

Departmental. Grievants may submit requests to the DBP equal opportunity officer via certified mail, return receipt requested to:

**Alaska Workforce Investment Board
Louise Dean, State EO Officer
1016 W. Sixth Ave., Suite 105
Anchorage, AK 99501-1963
(907) 269-7487**

If this option is elected the grievant must wait until a decision is issued or 60 days, whichever is sooner, before filing with the Civil Rights Center (CRC).

Notice of Final Action: A written Notice of Final Action will be provided to the grievant within 90 calendar days of the date the grievance was filed. It will contain:

- A statement regarding the disposition of each

issue raised in the grievance and the reason for the determination.

- Description of the way the parties resolved the issue(s). If the grievance was resolved by mediation, a copy of the agreement will be attached to the Notice of Final Action.
- Notice that the grievant has the right to file a grievance with CRC within 30 calendar days after the date the Notice of Final Action is issued, if she or he is dissatisfied with the final action on the grievance.
- If the grievant is dissatisfied with the state's resolution of the grievance, or if the grievant does not receive the Notice of Final Action within 90 days of the receipt of the grievance, a grievance may be filed with the CRC.

Federal: If the grievance concerns alleged discrimination in a U.S. Department of Labor (USDOL) funded program on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, or discrimination on the basis of either citizenship or status as a lawfully admitted immigrant authorized to work in the United States, it may be processed directly through the USDOL Civil Rights Center (CRC). Discrimination grievances may be filed with the Director of CRC at:

**U.S. Department of Labor
Director, Civil Rights Center
200 Constitution Ave. NW, Room N4123
Washington, DC 20210
(866) 4-USA-DOL**

