



POLICY

SECTION: CSTB	POLICY# 019-C0036	PAGE: 1 of 10
TITLE: Grievance Policy and Procedures		EFFECTIVE DATE: 11.21.19
REPLACES: 4/1/2013 and 6/2016		DATED:

DISTRIBUTION: CAREERSOURCE TAMPA BAY STAFF

PURPOSE: To establish a formal policy on handling a grievance and/or complaint by a CSTB customer. Grievances are defined as non-discrimination complaints alleging violation(s) of any administrative process, activity, service or program funded by the Workforce Innovation and Opportunity Act (WIOA).

BACKGROUND: CareerSource Tampa Bay is committed to operating all programs and activities in accordance with Federal, State or local laws, rules, and policies. This document is designed to inform all interested parties about the procedures used by CareerSource Tampa Bay to resolve grievances. Complaints alleging discrimination are found in a separate document called "Complaint Policy and Procedures." Grievances concerning violation of policy or complaints alleging discrimination involving Wagner-Peyser services are addressed in a separate Department of Economic Opportunity policy called "Wagner-Peyser Complaint-Resolution System Handbook" and the accompanying policy of the Local Workforce Development Board.

The WIOA, TAA, TANF and the SNAP programs require the state, local area workforce boards, and direct recipients of program funds to establish and maintain grievance procedures for handling program-related concerns. The grievance requirements may vary from program to program.

POLICY: CareerSource Tampa Bay will maintain effective and timely grievance resolution procedures to be utilized when filing, investigating and resolving a grievance alleging unfair treatment or a violation(s) of a WIOA, TAA, TANF and/or SNAP policy related to any administrative or programmatic action or inaction.

APPLICABILITY: This policy on grievance resolution procedures applies to all CareerSource Tampa Bay customers, CareerSource Tampa Bay staff, DEO staff located in any CareerSource Tampa Bay Office, Volunteers, Interns, Program Contractors and Training Vendors.

RESULTS OF FAILURE TO COMPLY WITH POLICY: Failure of any individual listed under "Applicability" above, other than customers, to follow this policy may result in disciplinary action in

accordance with CareerSource Tampa Bay's Personnel Handbook. Failure of a program contractor or training vendor to follow this policy may result in contract or agreement termination.

DEFINITIONS AND DETAILS:

To simplify instructions and to have a unified format, this Local Workforce Development Board's grievance policy and procedures will be the same for WIOA, TAA, TANF, and SNAP workforce programs. Wagner-Peyser procedures, as mentioned above, will be addressed separately.

The designated Equal Employment Opportunity (EEO) Officer investigates all written program-related grievances filed that fall within CSTB scope of authority or jurisdiction. Authority is limited within this policy to WIOA, TAA, TANF and SNAP program-related grievances which are filed by:

- Applicants or persons receiving services provided under WIOA, TAA, TANF and/or SNAP programs administered by the Local Workforce Development Board; or
- Any party adversely impacted by any WIOA, TAA, TANF and/or SNAP administrative or programmatic decision or indecision made by CareerSource Tampa Bay, including decisions made by subcontractors and service providers.

The CareerSource Tampa Bay EEO Officer does not have the authority or jurisdiction to accept and investigate grievances that do not meet the above criteria. For example: TANF cash assistance and/or Food Stamp eligibility and benefit entitlement concerns must be filed with the local Department of Children and Families (DCF) office, the cognizant agency responsible for administering this part of the TANF program.

Nothing included in these procedures precludes a grievant from pursuing a remedy authorized under another federal, state, or local law.

A. REPORTING CRIMINAL FRAUD AND ABUSE:

Allegations of criminal fraud and abuse must be reported immediately to the following agency.

USDOL Office of Inspector General
Office of Investigations, Room S5514
200 Constitution Avenue NW
Washington, D.C. 20210.

Reports of criminal fraud and abuse can also be mailed to the following agency.

USDOL Southeast Regional Inspector General for Investigations
Office of Investigations, Sam Nunn Atlanta Federal Center
61 Forsythe Street
Atlanta, Georgia 30303.

In addition, reports alleging criminal fraud and abuse may be reported through USDOL's Hotline at 1-800-347-3756.

B. NEUTRALITY:

When the CareerSource Tampa Bay EEO Officer conducts an investigation, he/she acts as a neutral, unbiased fact-finder and is not an advocate for either the grievant or any external respondent.

A conflict of interest exists for the EEO Officer when any responsibility, expectation or interest exists that could interfere with the EEO Officer's ability, motivation, or authority to perform his or her responsibilities under this policy. CareerSource Tampa Bay has established procedures to ensure, to the extent practical, the neutrality and impartiality of the EEO Officer. This includes, requiring the EEO Officer to report directly to the President and CEO on equal opportunity matters and referring matters to the corporate attorney when an appearance of or a real conflict of interest exists.

C. HOW TO FILE A GRIEVANCE:

Who May File: A formal written grievance may be filed by the following individuals:

- a) Applicants or persons receiving services provided under WIOA, TAA, TANF and/or SNAP programs administered by CareerSource Tampa Bay; or
- b) Any party adversely impacted by any WIOA, TAA, TANF and/or SNAP administrative or programmatic decision or indecision made by CareerSource Tampa Bay, including decisions made by subcontractors and service providers.

Steps to File:

1. An individual, employer or agency will be encouraged to resolve any grievance informally prior to putting his/her concerns or allegations in writing. The grievant should be directed to discuss their concern with the case manager. If the case manager is unable to resolve the concern it should be escalated up via the chain of command.
 - a. Program Lead
 - b. Program Coordinator
 - c. Program Director
2. **Where to File:** A grievance alleging unfair treatment or a violation(s) of a WIOA, TAA, TANF and/or SNAP policy or procedure related to any administrative or programmatic action or inaction may be filed with the CareerSource Tampa Bay EEO Officer. The EEO Officer will answer any questions a potential grievant has about grievance filing and investigation.

Contact information for the CareerSource Tampa Bay EEO Officer follows:

Doug Tobin, EEO Officer
tobind@careersourcetb.com
4902 Eisenhower Blvd., Suite 250
Tampa, Florida 33632
813 397-2054
TDD/TTY: 800-955-8771

3. **How to File a Grievance with the Local Workforce Area's EEO Officer:** When informal resolution cannot be reached, an individual wishing to file a formal written grievance with the CareerSource Tampa Bay EEO Officer should do so using the CareerSource Tampa Bay

Grievance Complaint Procedures Form, available by contacting the CareerSource Tampa Bay EEO Officer by telephone, in writing, or electronic mail.

Grievances filed with the CareerSource Tampa Bay EEO Officer that do not use the CareerSource Tampa Bay *Grievance Complaint Procedures Form* will be accepted so long as the information provided complies with the requirements in the Content of the Grievance section below. With the exception of situations posing an immediate, recognizable threat to the grievant's safety and well-being; the CareerSource Tampa Bay EEO Officer will not begin investigating the grievance until all required information is received.

4. **When to File:** A grievance filed with the CareerSource Tampa Bay EEO Officer must be filed within 45 days of the alleged violation. "Filing" means the written grievance must be received by the CareerSource Tampa Bay EEO Officer before the expiration of the 45-day period for filing. Grievances received after the filing deadline will be returned to the individual.
5. **Content of the Grievance:** A grievance filed with the CareerSource Tampa Bay EEO Officer must be in writing and include the following (use of the CareerSource Tampa Bay Grievance Complaint Procedures Form covers all of these items):
 - a) The grievant name.
 - b) The grievant's contact information, including mailing and residential addresses (if different), phone or cell phone number, email address or other means of contacting the grievant.
 - c) The identity of the agency or individual allegedly responsible for the violation, referred to as the respondent throughout these procedures.
 - d) A description of the alleged grievance.
 - 1) A description of the alleged violation or unfair treatment;
 - 2) A description of how the grievant was negatively impacted;
 - 3) The names and contact information of any witnesses to the alleged violation or unfair treatment;
 - 4) The program, activity or service that was involved in this alleged violation;
 - 5) The date the violation occurred; and
 - 6) The status of the grievant; (is the individual an applicant or a participant.)
 - e) The grievant's desired resolution of the matter.
 - f) The signature of the grievant and the date signed.
6. **Incomplete Grievance:** If a grievance filed with the CareerSource Tampa Bay EEO Officer does not contain enough information to permit the EEO Officer to determine that the Local Workforce Development Board has jurisdiction, the EEO Officer will contact the grievant and request additional information. When the grievant is unreachable or does not provide the needed information within the time specified, the CareerSource Tampa Bay EEO Officer may close the grievant's file.
7. **Time Periods:** The date used by the CareerSource Tampa Bay EEO Officer to determine whether a grievance has been timely filed is the date the CareerSource Tampa Bay EEO Officer actually receives a written grievance alleging a violation of any activity, service or program financially assisted by the Local Workforce Development Board that contains all of the required information mentioned above.

The time period for determining jurisdiction, initial notification letter, etc. will not commence until the grievant has submitted all required information in a manner that complies with the Content of the Grievance section, above.

Wherever a deadline or time period is mentioned throughout these procedures, it is referring to calendar days. Where the last day of any time period in these procedures falls on a weekend or official holiday of the Local Workforce Development Board, the next regularly scheduled workday will be the deadline for completing the action.

D. DETERMINING JURISDICTION:

When the CareerSource Tampa Bay EEO Officer receives a grievance, it shall be reviewed to determine whether the grievance contains the required information and whether the CareerSource Tampa Bay EEO Officer has the legal authority to investigate.

The CareerSource Tampa Bay EEO Officer has authority only for complaints that meet all of the following requirements:

- The grievance was received by the CareerSource Tampa Bay EEO Officer by the deadline for filing, as discussed above under “When to File;”
- The grievance is filed against either the Local Workforce Development Board or an entity that receives federal financial assistance through the Local Workforce Development Board; and
- The grievant is an applicant or person receiving services provided under WIOA, TAA, TANF and/or SNAP programs administered by the Local Workforce Area; or
- Any party adversely impacted by any WIOA, TAA, TANF and/or SNAP administrative or programmatic decision or indecision made by the Local Workforce Development Board, including decisions made by subcontractors and service providers.

Notice of Lack of Jurisdiction: When the CareerSource Tampa Bay EEO Officer determines it does not have jurisdiction over a grievance, the CareerSource Tampa Bay EEO Officer will, within 10 days after receiving the grievance, notify the grievant in writing that the Local Workforce Development Board will not accept the grievance. The notice will give a statement of the reason(s) underlying that determination and also inform the grievant of his or her options for filing a grievance with agencies other than the Local Workforce Development Board.

When the respondent has been given notice of the grievance, the CareerSource Tampa Bay EEO Officer will also notify them in writing that the CareerSource Tampa Bay EEO Officer case file has been closed for administrative reasons unrelated to the merit of the allegations made in the grievance.

E. ISSUING THE INITIAL NOTIFICATION LETTER:

The CareerSource Tampa Bay EEO Officer will provide written notice to the grievant within ten days after they receive the grievance.

This notice shall contain the following:

1. A statement as to whether the Local Workforce Development Board has jurisdiction over the grievance. If the Local Workforce Development Board does not have jurisdiction, the grievance must be rejected;

2. A statement as to whether the grievance was filed in a timely manner. If the grievance was received more than 45 days after the alleged violation occurred the grievance will be returned to the grievant by the CareerSource Tampa Bay EEO Officer;
3. A statement as to whether the information provided in the grievance was complete. If incomplete, the CareerSource Tampa Bay EEO Officer will close the grievant's file; and
4. A statement as to whether the CareerSource Tampa Bay EEO Officer, or a designee, will begin an investigation of the grievance and the date that investigation will begin.

At the same time the Initial Notification letter is sent to the grievant, the CareerSource Tampa Bay EEO Officer will send the respondent an initial notification letter if an investigation will commence. This notice informs the respondent that the Local Workforce Development Board has received a grievance, the Local Workforce Development Board has determined it has jurisdiction, the grievance was received in the required time frame, the grievance was complete, and the CareerSource Tampa Bay EEO Officer or a designee will be investigating the grievance.

The letter to the Respondent may also contain a request for a position statement and, where deemed necessary, a request for documents and/or response to written questions designed to elicit information needed to resolve the grievance.

F. PROCESS FOR HANDLING THE GRIEVANCE:

The CareerSource Tampa Bay EEO Officer will first determine if informal resolution was attempted and failed or if it was not attempted. If informal resolution was not attempted, the EEO Officer will work with the grievant to attempt to resolve his/her allegations informally.

If unable to resolve the grievance informally, the CareerSource Tampa Bay EEO Officer may begin to examine evidence from all available sources. Witnesses may be interviewed by telephone or in person where necessary. The CareerSource Tampa Bay EEO Officer will interview the respondent and the persons named in the grievance. The CareerSource Tampa Bay EEO Officer shall strive to determine the respondent's account of the facts, additional people the respondent suggests be interviewed, the matters on which each witness is knowledgeable of, and the documentation the respondent wishes reviewed.

Once the fact-finding stage of the investigation has been completed, the CareerSource Tampa Bay EEO Officer will review and analyze the information to determine whether there is reasonable cause to believe the respondent treated the grievant unfairly or violated a policy or procedure of any WIOA, TAA, TANF and/or SNAP activity, service or program.

Frequently in a grievance investigation there are allegations raised by a grievant that cannot be supported by written documentation or corroborated by witnesses' testimony. If the respondent denies the allegation(s), in the absence of supporting written documentation or witnesses' testimony, the CareerSource Tampa Bay EEO Officer cannot draw a conclusion regarding the alleged unfair treatment or violation of policy: the evidence is inconclusive.

G. THE REPORT OF INVESTIGATION:

The CareerSource Tampa Bay EEO Officer issues a written report, called a *Report of Investigation*, upon completion of a grievance investigation. The report shall be in clear, simple, non-technical language and shall be furnished to the President and CEO of the Local Workforce Development

Board, the respondent, if different from the Local Workforce Development Board, and to the grievant. The report must be issued within 30 calendar days of the date on which the grievance is filed.

H. APPEAL – HEARING:

If the grievant or respondent is not satisfied with the Report of Investigation, either party may submit a written appeal/request for a hearing to the CareerSource Tampa Bay EEO Officer. This appeal must be received by the CareerSource Tampa Bay EEO Officer within five days of the issuance of the Report of Investigation.

The President and CEO of the Local Workforce Development Board shall sit as the Board's Hearing Officer unless the grievance is against the President and CEO then the Chairman of the Board shall appoint a Board member to serve as the Hearing Officer.

Within five days after the written appeal/request for a hearing is delivered to the CareerSource Tampa Bay EEO Officer, a hearing date and time shall be scheduled at a time mutually agreed upon by the grievant, the respondent, if different from the Local Workforce Development Board, and the Local Workforce Development Board.

The Hearing Officer will ensure that the hearing proceeds in an equitable, orderly and expeditious manner. The Hearing Officer may elicit testimony and information from the grievant, the respondent, or staff without acting as an advocate for any party. The Hearing Officer will ensure that the process, including the contents of the hearing dialogue, is transcribed or has the potential of being transcribed. The Hearing Officer may attempt to negotiate a settlement between the parties any time prior to the conclusion of the hearing.

Within 10 days after the hearing, the Hearing Officer shall issue a written decision. The decision shall be in clear, simple, non-technical language and will include the following information:

1. Date, time and place of the hearing;
2. The names of those in attendance at the hearing;
3. A statement that the involved parties, their representatives and witnesses were given an opportunity to present oral or written evidence in support of their position;
4. A clear and concise statement of the issues;
5. Findings of fact, based exclusively on the evidence of record; and
6. The decision of the Hearing Officer based on the findings of fact and evidence introduced at the hearing.

The Hearing Officer will furnish to all parties a copy of the decision by certified, return receipt requested mail. Failure to accept the certified mail will constitute a waiver of the right to notice by such means. The Hearing Officer shall thereafter serve the copy by regular mail. Complete records of the hearing and findings shall be archived.

The Hearing Officer's decision in all grievance matters will be final.

I. MISCELLANEOUS PROVISIONS:

1. **Negotiated Settlement:** The parties may settle the grievance on mutually agreeable terms at any time during the CareerSource Tampa Bay EEO Officer's investigation or the appeal/hearing procedure, and the Local Workforce Area encourages parties to do so. If settlement is achieved, its terms shall be reduced to writing and signed by the grievant and the

respondent. A copy of the settlement agreement shall be filed with the CareerSource Tampa Bay EEO Officer along with a letter from the grievant withdrawing the grievance.

2. **Right to Representation:** Both the grievant and the respondent have the right to be represented at all stages of the grievance process by an attorney or other individual of their choice. Before a grievant or respondent's representative will be recognized by the CareerSource Tampa Bay EEO Officer, a written notice from the grievant or the respondent appointing such a representative should be received by the EEO Officer.
3. **Retaliation:** No person or agency may discharge, or in any other manner discriminate or retaliate against any person, or deny to any person a benefit to which that person is entitled because such person has filed any grievance, has testified or is about to testify in any such proceedings or investigation or has provided information or assisted in an investigation.
4. **Respondent's Duty to Maintain Records:** Once the respondent becomes aware that a grievance has been filed with the CareerSource Tampa Bay EEO Officer or with another such agency (see list below,) the respondent shall preserve all original personnel or participant records and other evidence relevant to the grievance until 3 years after the final Report of Investigation or Hearing decision is issued, whichever is later. Where the respondent fails to preserve such records, an inference of wrong doing may arise where there is a lack of documentation to refute the grievant's allegations.
5. **Respondent's Duty to Provide Information:** A respondent has a duty to provide the CareerSource Tampa Bay EEO Officer with relevant information necessary to the investigation. Where a respondent fails to provide requested information in the custody and control of the respondent in a timely manner, after notice and an opportunity to correct have been given, the failure may give rise to an inference of wrong doing where there is a lack of information to refute the grievant's allegations.
6. **Grievant's Duty to Provide Information:** A grievant has a duty to provide the CareerSource Tampa Bay EEO Officer with relevant information necessary to the investigation. The CareerSource Tampa Bay EEO Officer may dismiss a grievance where a grievant, after notice and an opportunity to correct has been given, fails to provide requested information, refuses to submit to an interview or attend meetings, or otherwise refuses to cooperate to such an extent that the CareerSource Tampa Bay EEO Officer is unable to resolve the grievance. Under such circumstances, the grievance may be dismissed without a final determination.
7. **Grievant's Right to Amend the Grievance:** The grievant has the right to amend the grievance at any time prior to the issuance of the initial notification letter. A grievant's "amendment" may not add additional issues (other than retaliation) not covered in the original grievance.
8. **Grievant's Right to Withdraw the Grievance:** The grievant has the right to withdraw his or her grievance at any time prior to the issuance of the Report of Investigation, or, if appealed, prior to the issuance of the Hearing Officer's decision. Such a withdrawal must be in writing.
9. **Confidentiality:** All records that relate to a grievance are not public record until the investigation is completed and a report or a hearing decision has been delivered. Once the CareerSource Tampa Bay EEO Officer issues a Report of Investigation or the Hearing Officer issues a decision, whichever is later, the grievance file becomes a public record and, unless

exempted by another part of the public-records law, the file is open for public inspection. To assure due process, confirmation of delivery by the United States Postal Service return receipt or by another recognized delivery company that provides documentation of delivery, will document that the report has been delivered.

Neither the grievant nor the respondent has a right to see information gathered as part of the investigation until the Report of Investigation has been issued, or, if appealed, the Hearing Officer's decision has been issued. Nonetheless, the investigator may disclose information submitted by the grievant and respondent where it is necessary to further the investigation.

ACTION STEPS REQUIRED:

Following are the action steps that must be taken by each CareerSource Tampa Bay staff, DEO staff located in CareerSource Tampa Bay offices, volunteers and interns.

- A. Each staff must review this policy directive. If the staff has a question about anything contained herein, it is his/her responsibility to immediately bring the question to the attention of his/her supervisor. If not resolved, the supervisor will contact the individual named under "Inquiries" below.
- B. It is the responsibility of each individual to immediately report any breach of this policy to the attention of the person named below.
- C. CareerSource Tampa Bay contract managers and appropriate Directors shall provide this policy to all partner agencies located in a CareerSource Tampa Bay facility, Program Contractors and Training vendors and require that each submit a letter stating that this policy was provided to all appropriate staff and that the partner or program contractor shall abide by this policy or submit their own to HR for review.
- D. Each supervisor, manager, and director is responsible for informing employees of this policy.
- E. Each individual must replace previous grievance policies with this policy reissuance.

POLICY AMENDMENTS OR REVOCATION:

Notwithstanding any of the foregoing, CareerSource Tampa Bay reserves the right to revise or revoke this Policy at any time.

This policy is written to establish local procedures and is not intended to supersede any applicable laws or regulations. Nothing in this policy shall be construed as creating any legal rights for any individual beyond the rights such persons may have under the Workforce Innovation and Opportunity Act. Failure of CareerSource Tampa Bay to adhere strictly to the steps outlined within this policy shall not be construed as a violation of rights or administrative procedures.

INQUIRIES

Anyone with a question about filing a grievance may contact the CareerSource Tampa Bay EEO Officer or any of the agencies listed in Table 1 which is attached:

Doug Tobin, EEO Officer

tobind@careersourcetb.com

4902 Eisenhower Blvd., Suite 250
Tampa, Florida 33632
813 397-2054

TDD/TTY: 800-955-8771

Table 1
Contact Information

Department of Economic Opportunity
Office for Civil Rights
107 East Madison Street MSC 150
Tallahassee, Florida 32399-4129
(850) 921-3205
TTY (via the Florida Relay Service): 711
in English, Spanish, French and Haitian Creole
FAX: (850) 921-3122

U.S. Department of Health & Human Services
Office for Civil Rights
61 Forsyth Street, SW
Atlanta, Georgia 30323
(404) 562-7886
TTY: (404) 331-2867
FAX: (404) 562-7881

U.S. Department of Labor
Civil Rights Center
200 Constitution Avenue, NW
Room N-4123
Washington, DC 20210
(202) 693-6500
TTY: (202) 693-6515
FAX: (202) 693-6505

U.S. Department of Agriculture
Office of Civil Rights
300 7th Street , SW; Suite 400
Stop Code 9430
Washington, DC 20250-9410
(202) 401-1014
TTY: (202) 401-0216
FAX: (202) 690-5686

INQUIRIES: Any questions about this procedure should be directed to the CEO or their designee.