

ST. LAWRENCE COUNTY
WORKFORCE DEVELOPMENT BOARD

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**WORKFORCE INNOVATION AND
OPPORTUNITY ACT**

**NON-CRIMINAL COMPLAINTS AND
GRIEVANCES PROCEDURE**

Adopted by the St. Lawrence County Workforce Development Board: September 9, 2015

September 9, 2015
ST. LAWRENCE COUNTY WORKFORCE DEVELOPMENT BOARD
Resolution No. 15-109-15

AUTHORIZING THE ACCEPTANCE AND ADOPTION OF BYLAWS, POLICIES AND PROCEDURES, CONTRACTS AND LEASES/SUBLEASES, ADOPTED BUDGETS AND OTHER FINANCIAL RESPONSIBILITIES, TOGETHER WITH ALL OTHER CONTINUING RESPONSIBILITIES AND POWERS, FROM THE ST. LAWRENCE COUNTY WORKFORCE INVESTMENT BOARD

WHEREAS, coming into compliance with the Workforce Innovation and Opportunity Act of 2014 (WIOA) requires that Workforce Investment Boards become Workforce Development Boards; and

WHEREAS, WIOA has mandated several other changes in the organization of Workforce Investment Boards; and

WHEREAS, the St. Lawrence County Workforce Investment Board took actions at its June 10, 2015 meeting to initiate all these changes and to transfer its WIOA-compliant operations to the St. Lawrence County Workforce Development Board (WDB) ; and

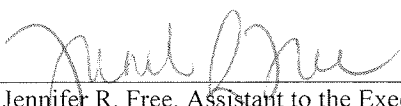
WHEREAS, at its August 3, 2015 meeting the St. Lawrence County Board of Legislators (BOL) took official action to replace the temporary WDB it had appointed at its July 7, 2015 meeting with membership that was fully compliant with WIOA requirements; and

WHEREAS, both the County BOL and the WDB recognize that the WDB is and should be the successor in due course to the WIB;

WHEREAS, now that a WIOA-compliant WDB is in place, it is appropriate and prudent for the WDB to officially accept and adopt the bylaws and all the policies and procedures, contracts and leases/subleases, and adopted budgets and other financial responsibilities, together with all other continuing responsibilities and powers, from the WIB ; and

NOW, THEREFORE, BE IT RESOLVED that the St. Lawrence County Workforce Development Board does hereby officially accept and adopt the bylaws and all the policies and procedures, contracts and leases/subleases, and adopted budgets and other financial responsibilities, together with all other continuing responsibilities and powers, from the St. Lawrence County Workforce Investment Board effective on July 1, 2015 and authorizes, empowers, and directs its staff to continue to operate the workforce development system in St. Lawrence County according to the precedents established prior to July 1, 2015 when and as appropriate and consistent with WIOA.

I, Jennifer R. Free, Assistant to the Executive Director of the St. Lawrence County Workforce Development Board, DO HEREBY CERTIFY, that I have compared this copy of this Resolution, adopted September 9, 2015; with the original record in this office and that the same is a correct transcript thereof and of the whole of said original record.



Jennifer R. Free, Assistant to the Executive Director
St. Lawrence County Workforce Development Board
September 9, 2015

ST. LAWRENCE COUNTY WORKFORCE INVESTMENT BOARD
RESOLUTION NO. 13-03-03

**AMENDING AND RESTATING POLICY NO. 5:
NON-CRIMINAL COMPLAINTS AND GRIEVANCES PROCEDURE POLICY**

March 13, 2013

WHEREAS, the Workforce Investment Act (WIA) and the Rules and Regulations (667.600) require the establishment of a complaint/grievance procedure by each Local Area, State and direct recipient of funds under Title I, and

WHEREAS, Workforce Development System Technical Advisory Nos. 00-40 and 00-40.1 provides an outline of the procedure to ensure that a complaint is resolved promptly at the lowest level possible and that the complainant is advised of all steps taken to resolve the complaint, and

WHEREAS, under this procedure the local Workforce Investment Board shall designate a staff member to act as the Local Area Complaint Resolution Officer and a staff member to act as the Hearing Officer to ensure the availability, coordination and timeliness of all elements of the complaint resolution procedure, and

WHEREAS, under this procedure each Partner Agency shall designate a Program Complaint Resolution Officer,

NOW, THEREFORE, BE IT RESOLVED that the St. Lawrence County Workforce Investment Board does hereby adopt the attached policy to address and resolve these issues as they apply to WIA Rules and Regulations 667.600, and

BE IT FURTHER RESOLVED that the St. Lawrence County Workforce Investment Board does hereby appoint the One-Stop Career Manager as the Local Area Complaint Resolution Officer, and the Senior Counselor/Coordinator as the Hearing Officer, and

BE IT FURTHER RESOLVED that the St. Lawrence County Workforce Investment Board Adopts the amended policy to reflect these changes.

[WIB Action: Approved 03/13/2013; Sutton/Blevins; 13 ayes/0 nays/0 abstention]

I, Lori A. Barr, Secretary I of the St. Lawrence County Workforce investment Board, DO HEREBY CERTIFY, that I have compared this copy of this Resolution, adopted March 13, 2013; with the original record in this office and that the same is a correct transcript thereof and of the whole of said original record.

Lori A. Barr, Secretary I
St. Lawrence County Workforce Investment Board
March 13, 2013

St. Lawrence County One-Stop System
Non-Criminal Complaints and Grievances Procedure
Approved by the St. Lawrence County Workforce Investment Board: May 19, 2004
Reaffirmed by the St. Lawrence County Workforce Development Board: September
9, 2015

INTRODUCTION

The Workforce Innovation and Opportunity Act (WIOA) and the Rules and Regulations 667.600 require the establishment of a complaint/grievance procedure by each Local Area, State and direct recipient of funds under Title I.

As a participant, service provider, or interested party, this document serves to inform you of the procedure whereby you may settle any difference or non-criminal complaint that may arise, free from coercion, restraint, interference, discrimination or reprisal.

PROCEDURE

This is a multi-stage procedure, whose goal shall be to settle complaints on as low an administrative level as possible.

Time extensions beyond those noted below may be arrived by mutual agreement of the parties concerned. Should either party not adhere to the following timetable, choose not to elevate a request to the next level, fail to respond to a written request by the Program Complaint Resolution Officer within ten calendar days, or agree to satisfaction with the outcome of a complaint, the complaint will be considered resolved.

You will have up to one (1) year from the date of the incident to file the complaint. Your identity and anyone who furnishes information or assists in the investigation of the complaint will be kept confidential to the maximum extent possible, consistent with applicable law and fairness in handling the complaint. Once a complaint has been filed, the timeframes outlined in this procedure are as follows.

STEP 1: When you file your written complaint, the Program Complaint Resolution Officer (PCRO) will help you to ensure that all documents are properly filed, will gather facts, and will attempt to resolve your complaint. If your complaint can be resolved in a way that is mutually acceptable to all parties involved, the PCRO will notify each party in writing of the agreed upon resolution

The PCRO's name, address, and telephone number are as follows: **Supervisor, St. Lawrence County One-Stop Career Center, 80 State Highway 310 Suite 8, Canton NY 13617; Telephone: (315) 386-3276,**

STEP 2: If your complaint alleges a violation by the Local Area, then the Local Area Complaint Resolution Officer (LACRO) performs the actions as outlined for the Program Complaint Resolution Officer. The Local Area Complaint Resolution Officer's name, address, and telephone number are as follows: **Supervisor, St. Lawrence County One-Stop Career Center, 80 State Highway 310 Suite 8, Canton NY 13617; Telephone: (315) 386-3276,**

STEP 3: If you are unable to resolve your complaint, you may request a formal hearing. This hearing must be scheduled on or before the thirtieth (30) day of your initial complaint.

a. You will receive by Certified Mail, notification of the date, time, and place of the hearing and will be advised that:

- The hearing may be rescheduled if you so request and the PCRO agrees.
- You have the right to be represented by an attorney, as may the PCRO.
- You may produce witnesses and/or documentary evidence, as may the PCRO.
- You and/or your attorney/representative, as may the PCRO, will be allowed to cross-examine opposing witnesses or parties in accordance with the procedurally equitable agenda explained before the hearing by the Hearing Officer.
- You may withdraw your complaint prior to the hearing. This would constitute an admission of no contest.
- You will receive a final written decision within sixty (60) days of the filing of your complaint. The decision will include a synopsis of facts, a statement of reason for the decision, a statement of remedies to be applied, a statement that all applicable procedures have been followed, and an explanation of the appeal procedure noted below.

STEP 4: If by the 60th day of the initial filing of your complaint, you have not received your written final decision, you may file a request for review by the Governor. The request must be filed within fifteen (15) days from the date on which you should have received the written decision. If you do not agree with your written final decision, you may file a request for review by the Governor. The request must be filed within ten (10) days from the date on which you receive the adverse decision. The Governor will have 30 days to issue a decision.

Your appeal should contain the same basic elements as your local complaint. These are: Your name, address and phone number; Respondent's name, address and phone number; Nature of the complaint; Your signature; Date signed; Information regarding the decision rendered at the formal hearing. You should send the information to:

NYS Workforce Development Act Hearing Officer
New York State Dept. of Labor
State Office Building Campus, Bldg. 12, Room 446
Albany, New York 12240

NOTE TO EMPLOYERS

If you are an employer, you may operate your own grievance system, or you may utilize the grievance system established by the St. Lawrence County One-Stop System. You must inform all participants early of the grievance procedures they are to follow, should they need them. If you opt to use your own grievance system, you must provide copies of the grievance procedure for review and comment by the PCRO to ensure that WIOA guidelines and requirements are not compromised. Your system must provide for, upon request by the complainant, a review of an employer's decision by the Local Area and the Governor, if necessary. The procedure must also have a process that allows an individual alleging a labor standard violation to submit the grievance to a binding arbitration process if a collective bargaining agreement covering the parties to the grievance provides for it.

CERTIFICATION

I certify that I have read and understand the Complaint Procedure as described above. I also certify that I am aware this document contains the name, address, and telephone number of the Program Complaint Resolution Officer.

St. Lawrence County One-Stop System
Non-Criminal Complaints and Grievances Procedure

Hearing Notice

(E X A M P L E)

Date

Complainant Name
Complainant Address
City, State Zip Code

In compliance with Rules and Regulations (Section 667.600) of the Workforce Innovation and Opportunity Act (WIOA) “Subpart F – Grievance Procedures, Complaints, and State Appeals Processes” you are hereby notified that a hearing has been scheduled for the following:

DATE OF HEARING:

TIME OF HEARING:

LOCATION OF HEARING:

The purpose of this hearing is to provide you and/or your attorney, and/or your designated representative with the opportunity to address your grievance/complaint with the St. Lawrence County One-Stop System, as outlined in the “Non-Criminal Complaints and Grievances Procedure”. If you have any questions regarding the hearing, I have attached for your information the hearing guidelines that will be followed.

(Short and plain statement of the matters asserted)

Sincerely,

John Doe
Complaint Resolution Officer

XC: Party(ies) involved
WDB Chairperson
Hearing Committee members

St. Lawrence County One-Stop System
Non-Criminal Complaints and Grievances Procedure

Hearing Guidelines

1. The hearing shall be recorded.
2. The complainant may be represented by an attorney or other designated representatives.
3. To the extent possible, consistent with a fair determination of the issues, the identity of any person who has furnished information related to an investigation to a WIOA related problem, shall be kept confidential.
4. Within the limitations of the Freedom of Information Act, the complainant has a right of access to relevant records and documents that the program and/or Local Area maintains.
5. The complainant and respondent have the right to an opportunity to present evidence relevant to the complaint, to call witnesses, and cross-examine other parties and their witnesses.

Program Complaint Resolution Officers*

06/18/08

Program	Officer Name	Address/Telephone
BOCES	Lisa McKeel	BOCES Adult Education 7227 State Highway 56 Norwood NY 13668 Phone: (315) 353-6693
NYS Department of Labor	Linda Manchester	New York State Department of Labor 158 Finney Blvd. Malone NY 12953 Phone: (518) 481-5755 ext 3040
St. Lawrence County Office for the Aging	Barbara McBurnie	St. Lawrence Co. Office for the Aging 80 State Highway 310, Suite 7 Canton NY 13617 Phone: (315) 386-4730
St. Lawrence County Youth Bureau	Joanne Sevick	St. Lawrence Co. Youth Bureau 80 State Highway 310, Suite 4 Canton NY 13617 Phone: (315) 379-9464
St. Lawrence County Office of Economic Development	Raymond Fountain	St. Lawrence Co. Office of Economic Development 80 State Highway 310, Suite 6 Canton NY 13617 Phone: (315) 379-9806
St. Lawrence County Department of Social Services	Karen Dupree	St. Lawrence Co. Department of Social Services 2 Judson Street Canton NY 13617 Phone: (315) 379-2111
St. Lawrence County Veterans' Services	Patrick Rourk	St. Lawrence Co. Veterans' Services 80 State Highway 310, Suite 5 Canton NY 13617 Phone: (315) 386-4754
VESID	Steve Novacich	Vocational Educational Services for Individuals with Disabilities (VESID) 231 West Main St., Suite 2 Malone NY 12953 Phone: (800) 882-2803

* Designated Program Complaint Resolution Officers may be modified upon notification of the Program Administrator

Grievance Procedure Timeline

