



# Montgomery County Workforce Investment Board

Policy: **Procedures for Processing Grievance**

Effective Date: July 1, 2012

Policy Number: 2012-02

## **SUBJECT: Nondiscrimination and Equal Opportunity (Grievance Policy)**

**PURPOSE:** To provide guidance for addressing allegations of internal discriminatory practices and unlawful activities occurring in the administration of Youth and Adult Workforce Investment Act (WIA) Title I-funded programs or activities, Wagner-Peyser, Trade Act, and all service providers and program partners providing services through the local MontgomeryWorks System.

**REFERENCES:** DLLR Workforce Investment Field Instruction (WIFI) # 16-99 and all references incorporated therein.

**EFFECTIVE DATE:** July 1, 2012

**ACTION REQUIRED:** Within 15 days of the receipt of this policy it is the recipients' responsibility to ensure all staff are informed of the policy and to create an internal process to ensure accountability.

### **POLICY:**

- a. After receipt of a formal grievance, the Director of the Montgomery County Division of Workforce Services (Director) shall designate an appropriate deciding official, to whom the grievance shall be referred. When feasible, the deciding official shall be at a higher administrative level than the official who considered the grievance under the informal procedure. When this is not possible, the deciding official shall be at an equal organizational level to the official handling the informal procedure.
- b. The deciding official shall consider and attempt to resolve the grievance, to the extent resolution is, in the deciding official's judgment, warranted. If, within 14 days of receipt of the formal grievance, the grievance cannot be resolved in a manner acceptable to the aggrieved, the deciding official shall refer the grievance back to the Director for his/her consideration and final decision.
- c. The deciding official, or the Director in the event of referral to him/her for final decision, shall conduct a hearing of the nature and scope appropriate to the issues involved in the grievance, within 30 calendar days of the filing of the formal grievance. The appellant will receive written notice of the time, date, and place of the hearing. The appellant will also be given a copy of any hearing procedure.
- d. When a hearing is held, the deciding official, or the Director, shall conduct it in conformity with the following:
  - 1) Attendance shall be limited to persons determined by either the Director or the deciding official to have direct connection with grievance.
  - 2) The hearing shall be conducted so as to bring out pertinent facts, including the

production of pertinent records. All parties will be given an opportunity to present evidence. Rules of evidence shall not be applied strictly, but the deciding official shall exclude irrelevant or unduly repetitious testimony. Decisions on the admissibility of evidence or testimony shall be made by the deciding official.

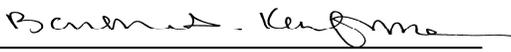
- 3) Both parties are entitled to procure and to cross-examine witnesses. All witnesses shall be assured freedom from restraint, interference, coercion, discrimination or reprisal in presenting their testimony.
  - 4) The record of the proceedings shall include, at a minimum, a tape recording of the proceedings and may include a written summary, in addition to all pertinent documents submitted to and accepted by the deciding official. The deciding official shall determine whether the hearing is to be reported by a written summary. When a written summary is made, the deciding official and the parties are to agree in writing that it is a correct record of the hearing; a party who disagrees is entitled to submit written exceptions to any part of the summary, and such exceptions together with the summary shall constitute the record of the hearing.
- e. The decision of the deciding official, or the Director, shall be made in writing to the aggrieved and shall contain findings on all issues covered by the deciding official's inquiry. Such notification of the decision shall be issued within ten (10) calendar days from the date of the hearing and not more than 60 days from the date of the initial submission of the formal written grievance.
- f. The deciding official or the Director, at the conclusion of a formal grievance, shall send all records pertaining to said formal grievance to the Division of Workforce Services office for storage in a separate grievance file.

#### 1. Appeals

- a. For programs funded through DLLR, if the grieving party does not receive a decision within 60 days of filing the formal grievance, or receives an unsatisfactory decision, the aggrieved then has a right to request a review by the Maryland Department of Labor Licensing and Regulation.
- b. For programs other than those funded by DLLR, the grievance procedures and appeal process shall be those specific to the funding source. If there are no specific grievance procedures or appeal process required by a funding source, then the procedures to be followed shall be the same as those listed in this policy, items a. through f. The grievance procedure shall be considered as exhausted at the time that the Director has issued a written decision as noted in item e. above. There shall be no appeal in these cases.

**Approved:**

**March 28, 2012**  
Date of Board Approval

  
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Barbara Kaufmann, WIB Director

**GRIEVANCE PROCEDURE  
PARTICIPANT COPY**

I have received a copy of the Grievance Procedure. I understand that as a participant in a Montgomery County MontgomeryWorks program, I must first attempt to resolve any complaints through procedures established by the agency to which I have been assigned. If I am unable to resolve the complaint at this level, or if I am not satisfied with the decision resulting from the complaint, I understand that I may file a complaint with the Montgomery County Division of Workforce Services following the steps outlined in the Grievance Procedures.

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Signed \_\_\_\_\_ Date \_\_\_\_\_

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Witness \_\_\_\_\_ Date \_\_\_\_\_