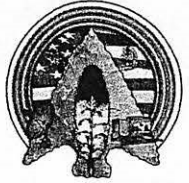




Navajo Department of Workforce Development

P.O. BOX 1889 WINDOW ROCK, ARIZONA 86515

Phone: (928) 871-7707 Fax (928) 871-7116



WIOA SECTION 166 PROGRAM GUIDANCE INSTRUCTIONS

GUIDANCE NO.: PGI 16-08

SUBJECT: Complaint, Grievance, and Non-Discrimination

EFFECTIVE DATE: November 1, 2016

BACKGROUND:

A formal complaint and grievance process is required to document and initiate action in response to program complaints of any type of suspected violation.

PURPOSE:

To establish and set forth a policy for participants and other interested parties of grievances and non-discrimination procedures and provisions required under the Workforce Innovation and Opportunity Act (WIOA) Section 166 programs.

GUIDANCE INSTRUCTIONS:

1. All NDWD program applicants, participants (who shall be referred to as "individual" in this policy) and service providers shall be orientated on these policies and procedures. Acknowledgement of the orientation shall be documented on WI-06 Customer Notification of Grievance and Non-Discrimination Process Form (Exhibit A). A copy of WIA-06 form shall be the official NDWD record and maintained as part of the applicant and participant records.
2. It is an individual's right to file a grievance/complaint for an alleged violation. No individual filing a complaint or grievance shall be subjected to harassment, reprisal, coercion or any form of discrimination or retaliation for filing a complaint.
3. A complaint may be filed on behalf of a minor child, disabled individuals, and those individuals who cannot represent themselves, by a guardian, parent, or other designated person(s).
4. Complaints, when filed, shall consist of pertinent information and must be as detailed as possible.
5. The NDWD Complaint/Grievance Form WI-06A (Exhibit B) shall be used to file all internal complaints.

6. The Workforce Center shall maintain a complete tracking system and records of all complaints filed for a period of 5 years for monitoring and audit purposes.
7. All complainants shall follow protocol and/or chain of command before seeking outside intervention.
8. Every attempt shall be made to resolve formal complaints internally within 5 work days after the initial complaint is filed at the Workforce Centers and/or NDWD Administration.
9. The established grievance policy of the Service Provider or sub-contractor shall supersede this grievance Policy. In cases of non-resolution at the service provider level, the complaint shall be filed under this Policy.
10. The "Grievance and Non-Discrimination Resolution Process" Policy does not apply to NDWD employees. The Navajo Nation Department of Personnel Policies Manual shall be used for employees.
11. Individuals shall file their formal written complaints with the Program Supervisor III within five (5) calendar days of the alleged occurrence.
12. A complainant shall have the right to withdraw his/her complaint in writing at any time prior to the appeal process.
13. A complainant shall exercise the right to be represented by a person of their own choosing at all levels of the complaint process, and at their own expense.
14. The official filing of a complaint shall be filed with the NDWD Supervisor.

Internal Resolution:

- A. The Program Supervisor III shall, within two (2) work days, serve the Respondent a copy of the written complaint. A copy shall be provided to the NDWD Department Manager.
- B. The immediate worksite supervisor shall initiate an in-depth investigation of the complaint and prepare a report with a proposed mutual resolution.
- C. The immediate worksite supervisor shall schedule a conference with the complainant and his/her EAO within two (2) days after receipt of written complaint.
- D. The Program Supervisor III, EAO and respondent shall make all attempts with the complainant to resolve the complaint(s) within 5 work days of the conference meeting (step C. above).

- E. If the complainant does not accept the resolution offered, the complaint/grievance shall be referred to the NDWD Department Manager by the Program Supervisor III and the Complainant.
- F. When a mutual agreement has been reached (at the Workforce Center level or NDWD Administration level) between the complainant, the Respondent, and the Program Supervisor III and/or Department Manager III, the terms of the agreement shall be committed in writing and signed by all three parties. The terms of the agreement shall include a closure of the complaint. Copies of the agreement shall be provided to all parties, with a copy to the NDWD Department Manager.

16. Appeal: In the event the complainant or the respondent does not receive a satisfactory decision an appeal shall be filed within 10 work days from the date of the initial decision. The Appeal shall be filed with the NDWD Department Manager and shall consist of the following:

- A. Name, telephone number, and address of the party filing the appeal.
- B. A detailed written statement of reasons for the appeal shall be filed prior to the appeal deadline.
- C. The NDWD Department Manager shall review the appeal and determine if the appeal warrants an appeal hearing. The Department Manager will select an appeal hearing committee to determine a final outcome, and schedule a hearing within three (3) days. All hearings will take place in Window Rock, AZ at the NDWD Conference Room.
- D. Notice of the decision(s) of the hearing committee will be provided to all parties within five (5) days after the appeal hearing.
- E. If the Complainant or Respondent are dissatisfied with the hearing committee's decision, they may contact the:

Director, Civil Rights Center
US Department of Labor, Room N4123
200 Constitution Ave., NW
Washington, DC 20210

17. Complaints that Require External Resolution:

- A. Sexual Harassment: A complaint that arises from various offensive behavior such as: 1). Unwanted sexual advances, 2). Offering employment benefits in exchange for sexual favors, 3). Making or threatening reprisals after a negative response to sexual advances, 4). Visual conduct: leering, making sexual gestures, displaying of suggestive

objects or pictures, cartoon or posters, 5). Verbal Conduct: making or using derogatory comments, epithets, slurs and jokes, 6). Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations, 7). Physical conduct: touching, assault, impeding or blocking movements.

- B. Equal Employment Opportunity, Disability, or Discrimination Complaints do not apply under these procedures or the provisions under Section 188 and/or 29 CFR Part 37. Such complaints must be handled in accordance with the procedures set forth in that regulatory part.

PREPARED BY:



Ron Curtis, Senior Management Analyst

10/31/16
Date

APPROVED BY:



Roselyn Shirley, Department Manager III

10-31-16
Date

Navajo Department of Workforce Development

COMPLAINT FORM

SUBMIT TO:

Program Manager III
NDWD Agency Workforce Center
Within Your Area

FOR NDWD USE:

Date Complaint Rec'd: _____

By: _____

Date Complaint Resolved: _____

Witness By: _____

1. PERSON MAKING COMPLAINT	2. PERSON, OFFICE, ORGANIZATION AGAINST WHOM COMPLAINT IS BEING FILED
Name: _____	Name: _____
Address: _____	Address: _____
Telephone No.: _____	Telephone No.: _____

3. NATURE OF COMPLAINT
a. Describe your complaint. Be specific; names, Dates, Time, Place, Contract No., Contract Provisions, etc.

b. Name of witness if any:

4. DOCUMENTATION: ATTACH ANY DOCUMENTATION THAT SUPPORTS YOUR COMPLAINT. IF NONE INDICATE "NONE".
--

5. CERTIFICATION: I CERTIFY THAT THE FOREGOING INFORMATION OF THE COMPLAINT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I FURTHER UNDERSTAND COMPLAINTS MUST BE FILED WITHIN 5 TO 10 WORKING DAYS OF THE ALLEGED INCIDENT AND/OR ACTION.		
_____	_____	_____
Printed Name of Complainant	Signature of Complainant	Date

6. RECEIPT OF COMPLAINANT ACKNOWLEDGED BY:		
_____	_____	_____
Printed Name of NDWD Employee	Signature of NDWD Employee	Date

7. For NDWD USE: Notation of Action taken (use extra paper if necessary)	

