**GRIEVANCE AND COMPLAINT PROCEDURE**

Complaints and grievances arising in connection with Workforce Innovation and Opportunity Act (WIOA) programs operated by the Pocono Counties Workforce Investment Area, heretofore referred to as “PCWIA,” and other subrecipients alleging a violation of the Act, regulations promulgated thereunder, grants, complaints arising from actions taken by the State with respect to investigations or monitoring reports of subgrantees, or other agreements under the Act, shall seek resolution of such allegation(s) through this procedure as provided.

All complaints must be filed within one hundred eighty (180) days of the alleged occurrence, and processed according to locally established procedures.

When filed, allegations must be in writing and include the complainant(s) and respondent(s) names, a description of the allegation(s), date(s) on which the occurrence(s) took place and attempted resolution.

**Criminal Complaints** - All information and complaints involving fraud, waste, abuse or criminal activity, shall be reported directly and immediately to the Department of Labor (DOL), Office of Inspector General.

**Step 1**

Upon notification of a discrimination complaint, the PCWIA Equal Opportunity (EO) Officer must inform the complainant of their right to file a complaint and have it investigated at the local, state or federal level. All complaints filed with the PCWIA EO Officer must be immediately reported to the EO Officer in the Department of Labor & Industry. If the complainant elects to attempt resolution at the local level, the PCWIA EO Officer, based on consultation with the State Office of Equal Opportunity (OEO), will conduct fact-finding/ investigation at the local level in consonance with procedures outlined in the Workforce Innovation and Opportunity Act.

**Step 2**

The PCWIA EO Officer shall meet with the complainant or his/her authorized representative within ten (10) business days from the date of receipt of the written allegations, to conduct a fact finding or investigation of the circumstances underlying the allegations and attempt to informally resolve the issue(s). The PCWIA EO Officer’s findings will be submitted in writing to the complainant not later than ten (10) business days following the fact-finding/investigation. The written notification shall include notice of the complainant’s right to request a formal investigation by the EO Officer at the State level if a satisfactory resolution is not accomplished at the local level.

**Step 3**

If the Complainant is dissatisfied with the attempted informal resolution, he/she must inform the PCWIA EO Officer and the EO Officer at the State level within five (5) business days of receipt of the unsatisfactory decision and request a formal investigation by the State Equal Opportunity Office.

**Procedures for Complaint Processing at the Local Workforce Investment Area State Equal Opportunity Office Level**

**Acceptance of Complaint**

If it is determined that the OEO has jurisdiction over the complaint/allegation filed, within ten (10) days of receipt, the Equal Opportunity Officer will send an acknowledgment of receipt of the letter to the complainant and advise him/her of the following:

1. Their right to be represented in the complaint process;
2. A list of the issues raised in the complaint;
3. A statement of whether the issue will be accepted for investigation or rejected by the OEO; if rejected, the reason for the rejection; and
4. The right to seek resolution through the Mediation/Alternate Dispute Resolution (ADR) process. NOTE: If the complainant elects resolution through ADR, the complaint will be forwarded to a Mediator.

The Respondent will be notified that a complaint alleging discrimination has been filed and is being processed. He/she will also be advised if the complainant elects mediation as the means of resolution.

Otherwise the Equal Opportunity Officer will meet with the complainant and/or his/her authorized representative and the respondent, within 15 days from the date of receipt of the written allegations, to initiate a fact finding or investigation of the circumstances underlying the allegations, and attempt to informally resolve the issue(s). If the complaint is resolved informally, the resolution will be documented and maintained in the OEO files.

If the Complainant is dissatisfied with the attempted informal resolution or prefers to have a formal investigation, an investigator will be assigned to the case. The investigator will interview the complainant, respondent and witnesses for both parties as identified by the parties. At the conclusion of the investigation, a Notice of Final Determination will be issued. The Notice of Final Determination will be strictly based on the evidence obtained during the investigation. The notice will be issued within 90 days of filing the complaint.

The written notice will include, for each issue raised, a decision on the issue(s), an explanation of the reasons underlying the decision, or a description of the way the parties resolved the issue(s) and notification of recourse. If by the end of the 90 days, the OEO has not completed processing the complaint or fails to issue a notice of Final Determination, the complainant or his/her representative may, within 30 days of the expiration of the 90-day period, file a complaint with the Director, Civil Rights Center (CRC) who may extend the 30 day time period for good cause shown.

If the Notice of Final Determination is issued during the 90-day period and the Complainant is dissatisfied with the decision, the complainant is advised of his/her right to file a complaint with the CRC within 30 days of the date on which the complainant received the Notice of Final Determination

**Contact information for local and State Equal Opportunity staff:**

|  |  |
| --- | --- |
|  |  |
| Mr. Benjamin Winn  EO Officer  Pocono Counties WIA  811 Blakeslee Boulevard Drive East  Suite 85  Lehighton, PA 18235  (484) 464-2494 | Office of Equal Opportunity  Department of Labor & Industry  Room 514, Labor & Industry Building  651 Boas Street  Harrisburg, PA 17120  1-800-622-5422  TDD/TTY 1-800-654-5984 or PA Relay 711 |
| Ms. Lisa Price  PA CareerLink® Carbon County  50 E. Locust Street  Nesquehoning, PA 18240  (570) 325-2701 Extension 112  TDD/TTY (570) 325-7850 | Director, Civil Rights Center  U.S. Department of Labor  200 Constitution Avenue, NW  Room N-4123  Washington, DC 20210  (202) 219-7026  TDD (202) 219-7003 |
| Ms. Pamela Joseph  PA CareerLink® Monroe County  2937 Route 611  Merchants Plaza  Tannersville, PA 18372  (570) 620-2850 Extension 323  TDD/TTY (570) 620-2854 | (Rev.4/21/22) |