

REGION 4 GRIEVANCE PROCEDURE PROCESS

Step 1: Acceptance of Complaint and Investigation by Complaint Officer

After a complaint is received by the Complaint Officer, he/she will conduct an investigation to gather relevant information and facts. The Complaint Officer will render a written decision or resolution within seven (7) calendar days of the date of the filing of the complaint. The complainant will also be notified of his/her right to appeal the Complaint Officer's decision. Complaint should be sent to: Mellisa Leaming, Director of Operations, 976 Mezzanine Drive, Suite C, Lafayette, IN 47905
Phone: 765-807-0888

Step 2: Informal Hearing

If a satisfactory decision or resolution is not reached in Step One, the Complaint Officer and the complainant will attend an informal hearing with the complainant's supervisor or other relevant party connected with the grievance. If in the judgment of the Complaint Officer, a representative of the R4WDB designee or a Service Provider should be involved in the informal hearing, the attendance of that representative will be requested by the complaint Officer. This decision rests with the Complaint Officer.

The Complaint Officer will conduct the informal hearing and a resolution will be written and given to the complainant within fifteen (15) calendar days of the initial filing of the complaint. Notification of the complainant's right to appeal the decision to a formal hearing officer will also be given in writing within this same 15-day period. If a complainant fails to appear at the informal hearing, he/she will be sent a letter explaining that another informal hearing will be held at an appointed time and place. The Complaint Officer will assume the responsibility of having the informal hearing completed and proper notification being sent to the complainant within 15 calendar days of the initial filing of the complaint.

Step 3: Formal Hearing

When informal resolution is unsuccessful or upon the request of the complainant, a formal hearing before an impartial hearing officer will be provided within 30 days of the complaint filing date. The following elements will be included in the hearing process:

- Written notice of the formal hearing will be sent to both the complainant and the respondent. The notice will include the following:
 - Date, time and place of the hearing
 - Purpose of the hearing
 - Name and address of the Hearing Officer
 - Issues to be decided
 - Manner in which the hearing will be conducted
- A written decision will be rendered by both the Hearing Officer and the R4WDB designee within 60 calendar days of the date of the initial filing of the complaint.
- The hearing will take place in the locale of the complainant and respondent.
- The R4WDB designee has the final decision superceding that of the Hearing Officer.
- Hearings shall be conducted by an impartial hearing officer who shall be named by the R4WDB designee. In order to meet the requirements of impartiality, individuals selected as hearing officers may have neither direct nor indirect involvement with the ordinary application or, operation, and/or administration of the recipient's WIOA program.

- Both parties will be informed of his/her right to be represented by an attorney or other representative designated by the complainant.
- Both parties may bring witnesses and/or evidence to the hearing and question witnesses and examine evidence.
- Both parties may have access to documents relevant to the issues produced by the Service Provider.
- Interested parties supporting the complainant's position and/or affected by the outcome of the hearing may attend and will be notified to attend by the service Provider.
- Sections of WIOA or Federal regulations that are relevant will be provided by the Service Provider.
- The complainant may amend the complaint or withdraw it in writing prior to the hearing.
- Both complainant and respondent will have the opportunity to request rescheduling of the hearing for a reasonable cause.

The formal hearing itself will:

- Have due process observed to ensure fairness.
- Allow the formal hearing officer to have complete independence in obtaining facts and making decisions.

The Hearing Officer will:

- Prepare and review a file of the case prior to the hearing
- Direct parties to appear at the hearing
- Conduct the hearing
- Receive evidence
- Dispose of procedural requests
- Question witnesses and parties
- Evaluate facts and evidence
- Render a decision
- Make a complete record including any material relevant to appeal or review. The formal hearing officer will tape (audio) the proceedings in order to have a verbatim record of the proceedings.
- Determine order of proof
- Present relevant facts if the complainant does not pursue relevant questions.
- Attempt to resolve issues before the hearing ends. The decision of the hearing officer will be given in writing to the respondent and to the complainant within 60 days of the initial filing of the complaint. The formal hearing officer's decision will include, at a minimum:
 - Synopsis of the facts
 - Statement of the reason for the decision
 - Statement of applicable remedies
 - Names of people attending the hearing
 - Statement that the R4WDB designee will review the hearing officer's decision and render a written administrative decision within 60 days of the initial filing of the complaint. The R4WDB designee's decision may concur, approve or disapprove with the hearing officer's decision. The R4WDB designee's decision is binding unless appealed to the State EO Officer. The R4WDB designee's written decision will include:
 - Summary of facts

- Statement of the decision(s) and reason(s)
- State of remedy(ies)
- Statement indicating that this decision constitutes the final action of the R4WDB designee
- Instructions on how to file an appeal with the State EO Officer, including time frame

A transcript of the hearing will be kept by the hearing officer and copy of the tape will be provided the complainant and subrecipient/Service Provider upon request.

APPEAL

For local complaints, grievances may be appealed to the Indiana Department of Workforce Development when no decision is reached within 60 days or either party is dissatisfied with the local hearing decision.

- Such appeals should be made within ten (10) days of receipt of the adverse decision or within ten (10) days after expiration of the 60-day period with no decision. The appeal should be sent to the Indiana Department of Workforce Development; ATTN: **Jennifer Long, State EO Office; 10N. Senate Avenue; Indianapolis, IN 46204.**
- For all complaints, the Indiana Department of Workforce Development will issue a determination within 60 days of the filing of the grievance.
- Appeals of state-level decisions must be filed within 60 days of the receipt of the decision being appealed. Appeals must be submitted by certified mail, return receipt required, to the Secretary; U. S. Department of Labor; Washington, DC 20210; Attention: ASET. A copy of the appeal must be simultaneously provided to the Region V Administrator; U. S. Department of Labor; Employment and Training Administration; 230 S. Dearborn, 6th Floor; Chicago, IL 60604-1505; and the opposing party.
- A final decision on the appeal will be made no later than 120 days after receiving the appeal.