



## South Florida Workforce Grievance Procedures and Statewide Discrimination-Complaint Processing Information

### Introduction to Complaints and Grievances

In accordance with 20 CFR 667.600, each local area, state and direct recipient of funds under Title I of WIA must establish and maintain a procedure for grievances and complaints. The Agency for Workforce Innovation (AWI) is responsible for implementing policy in the areas of workforce development, welfare transition, unemployment compensation, labor market information, early learning and school readiness. The Florida Administrative Code, Chapter 60BB-1, mandates that grievance and hearing procedures be in place for grievances under the Welfare Transition (WT), Workforce Investment Act (WIA), the Trade Adjustment Assistance (TAA) Program, Food Stamp Employment and Training (FSET) Program and/or Wagner-Peyser (WP), which allege a violation of participants' rights.

As a customer/applicant/participant/interested party you have the right to file a grievance or discrimination complaint if you feel you have been treated unfairly in connection with any workforce program overseen by SFW. You are being given a copy of these Grievance Procedures and informed how to obtain a copy of the Statewide Discrimination Complaint Processing Procedures. You are also asked to sign an **Acknowledgement of Receipt of the Grievance Procedures (Attachment 2)**

**Please note that the term "grievance" and these procedures do not apply in cases involving possible discrimination. For a description of the procedures that apply to discrimination complaints, see Section VI, below.**

### PROCEDURES

The South Florida Workforce's Grievance Procedures shall be made readily and visibly available at the front desk of each Career Center for all customers visiting the Center.

SFW serves as the administrative and fiscal entity for the WIA, TAA, FSET and WT programs. If you have a grievance arising out of a program provided by a SFW service partner, SFW will try to resolve the matter informally. If the matter cannot be resolved, the following procedures have been adopted to provide you with a mechanism to address your grievance. The **FIRST** step is to try to settle your grievance with your Career Advisor, Counselor or their immediate supervisor(s). If you are not satisfied with the results, you may contact the Customer Service Unit at (305) 594-7615 (voice) or (305) 470-5529 TTY/TDD.

This section provides standard procedures for the filing and processing of grievances against an employee, policy, WT, FSET, TAA or the WIA Title I program administered by the SFW. It is the responsibility of all WT, TAA and/or WIA Title I Program Partners and Service Partners to establish a climate in which an employee's, job seeker's, customers, applicants or interested party's problem may be promptly presented, discussed and given fair and timely consideration. These procedures provide for prompt and equitable resolution of such grievances. The confidentiality of the grievance and any actions resulting from it are to be safeguarded.

*An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. All voice telephone numbers in this document may be reached by persons using TTY/TDD equipment via the Florida Relay Service at 711, or as otherwise indicated.*

## **I. Grievances Covered by These Procedures**

**A.** These procedures cover the SFW applicants/customers/participants/interested parties listed below:

1. Job Seekers who have been denied access to a WIA intensive or training service for reasons other than unlawful discrimination.
2. WT Program participants who have been denied an education, training or support service, or whose request for same has been delayed, or whose education, training or support service has been changed, reduced, or terminated, for reasons other than unlawful discrimination. WT Program participants whose request for an extension or deferral or hardship exemption from the time limits prescribed by law has been denied for reasons other than unlawful discrimination.
3. Refugee Employment & Training Program (RETP) participants who have been denied an education, support training or employment opportunity for reasons other than unlawful discrimination.
4. FSET support service recipients who have been denied their reimbursement for support services for reasons other than unlawful discrimination.
5. Any interested party adversely affected by a decision or action by the SFW System, including decisions by Service Partners, in connection with the WT, TAA or the WIA Title I program administered by SFW, for reasons other than unlawful discrimination.

SFW provides job seekers with access to programs and services operated and administered by other State, local agencies and organizations. If you have a grievance about the programs or services of one of the co-located partners (such as AWI, Department of Children & Families, Job Corps, Unemployment Compensation, Veterans, etc.), you may need to process your grievance in accordance with the rules and procedures in place for that organization or entity. You should approach the manager for the partner program against which you would like to lodge a grievance or ask your Career Advisor to identify the correct program partner.

**B.** You may file a grievance if:

1. You have a grievance regarding the programs operated by SFW if you feel your rights have been violated or you believe you have been adversely affected with regard to a program operated by SFW for reasons other than unlawful discrimination.
2. You are registered or enrolled in a program under the WIA or WT and have asked for a program service or benefit and have been denied the service or benefit in whole or in part, whether by written denial notice or not, for reasons other than unlawful discrimination.
3. You are an On the Job Training, Customized Training, or other Training Partner (pursuant to WIA Title I or the TAA) customer whose eligibility has been wrongfully denied or terminated by a Career Center Operator for reasons other than unlawful discrimination.

4. You are a participant (pursuant to WIA Title I or the TAA) and have been sanctioned for use of a controlled substance for reasons other than unlawful discrimination.
5. You are a regular employee or a WIA, TAA, WT or FSET program participant who has been displaced by a WIA, TAA, WT or FSET program participant for reasons other than unlawful discrimination.
6. You are a Career Center partner or service partner under WIA, TAA, WT and you have been adversely affected by the SFW Career Center system for reasons other than unlawful discrimination.
7. You are a WT or FSET participant who has been wrongfully sanctioned for non-compliance with work activities for reasons other than unlawful discrimination.
8. Whenever SFW, or a service partner SFW oversees, makes a decision that affects your support services, education, training, or work activity assignment, a written notice - the Status of Request for Support Services, Status of Request for Transitional Services - will be provided to you within three (3) working days. This notice of decision will tell you about your right to grieve the decision by the informal and/or formal processes and will tell you where you can get a copy of these grievance procedures, as well as the Statewide Discrimination Complaint Processing Procedures. The notice will also tell you the applicable deadlines, if any, for the grievance process. If you do not receive a written notice of decision within three (3) days of the decision affecting your support services, education, training, or work activity assignment, you may still grieve the decision through the informal and/or formal processes outlined below.

## **II. Grievances Not Covered by These Procedures**

- A.** The WIA, TAA, FSET and WT programs are not entitlement programs. This means that even if you fit the description of individuals who may be eligible to receive services under those programs you still may be denied access to the program or denied a specific service allowable under the program rules. This is not considered a violation of the law. This may happen because:
  1. The Region may not have sufficient funds to enroll you or any other participant into a program or provide you or any other participant with a service at the time that you apply or need the service. If a freeze in funding for the program or service at issue is imposed by the Regional Board, the State of Florida or the Federal government, there would be no grounds upon which to file a formal grievance. You may obtain a copy of the applicable local, state or federal action freezing such funds upon request.
  2. Local areas have the flexibility to decide the types and mix of services to offer in their localities. These decisions are made locally by the governing boards for SFW. The governing boards for the SFW may have decided not to offer a particular benefit or service. In such instances there would be no grounds upon which to file a formal grievance. You may obtain a copy of the applicable policy upon request.
  3. Under the WIA there are eligibility requirements and prioritization criteria. Individuals who are seeking services, but who do not meet the eligibility or prioritization criteria, cannot be served with these funds. The priority criteria can be provided to you upon request. If you do not dispute the fact that you do not meet the eligibility or

prioritization criteria, you do not have grounds for a formal grievance. If you wish to show that you do meet the applicable criteria, you may file a formal grievance.

4. Local Workforce Boards have the flexibility to impose requirements or to develop policies and procedures applicable to the programs and services. A policy that has been adopted may restrict access to a program or service or may limit the availability of the program or service. In such instances, there would be no grounds upon which to file a formal grievance. You may obtain a copy of the applicable policy upon request.

*Note: If you are denied services for one of these enumerated reasons, you may still follow the informal grievance procedures prescribed, but may not be entitled to a hearing before a Hearing Officer.*

- B. 20 CFR 667.630 describes the process for reporting complaints and/or reports of criminal fraud and abuse. Complaints/reports must be reported immediately to the USDOL (U.S. Department of Labor) Office of Inspector General, Office of Investigations, Room S5514, 200 Constitution Avenue NW, Washington, D. C. 20210.

The complaints or report may also be mailed to:

USDOL South East Regional Inspector General for Investigations, Office of Investigations, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW, Suite 6T1, Atlanta, Georgia 30303 with a copy simultaneously provided to the Employment and Training Administration.

Reports or complaints alleging criminal fraud and abuse may also be reported through USDOL's Hotline at 1-800-347-3756 (voice) or 800-877-8339 (Federal Relay Service -- for TTY/TDD).

- C. If you are a Welfare Transition participant and your TANF cash assistance eligibility or cash benefit of food stamps or Medicaid has been reduced or terminated, and you disagree with the action taken against you, but do not believe the action was taken for reasons of unlawful discrimination, you must file a grievance with the local Department of Children and Families Office. Your Case Manager can help to direct you to the right agency and can supply you with the address and phone number.
- D. If you are an FSET participant and your food stamp eligibility or benefit entitlement has been reduced or terminated, and you disagree with the action taken against you, but do not believe the action was taken for reasons of unlawful discrimination, you may file a grievance with the local Department of Children and Family Services. Your Case Manager can help to direct you to the right agency and can supply you with the address and phone number.
- E. If you have been adversely affected by a decision or action made by the AWI or a State administrative entity as a result of your participation in WT Program, or the WIA Title I program administered by the SFW, but do not believe the decision or action was taken for reasons of unlawful discrimination, you must file your grievance at the State level. If you file your grievance with SFW, the agency will forward your grievance to the appropriate entity for action. The entity shall have sixty (60) days to handle the grievance. The sixty (60) day time period will begin to run upon receipt of the grievance.

- F.** If you are a WT Program participant and you have a grievance related to service delivery of TANF-funded work activities, Alternate Plan Requirements, support services, diversion programs and other workforce functions provided under WIA, but do not believe the action was taken for reasons of unlawful discrimination, you must file your grievance with AWI.
- G.** SFW does not hear complaints related to discrimination, and health and safety. For information on what to do if you believe you have a complaint in relation to discrimination, and/or health and safety, please refer Article VII below.

### III. Informal Resolution Procedures

- A.** This is generally the most expedient way to obtain a remedy. It is recommended that you attempt to resolve your grievance informally, first. The informal process is composed of four (4) steps. However, if at any time during this process, you believe that you have not attained a satisfactory remedy, then you may request a formal hearing.
- B.** If you are a participant and want to pursue the informal grievance process, then proceed as follows:
  - 1. Address the issue with your Case/Career Manager.
  - 2. If the problem is not resolved, you may request a meeting with the Lead Case Manager. The Lead Case Manager must meet with you within twenty-four (24) hours or the next business day, if there is an intervening weekend or holiday.
  - 3. If the meeting with the Lead Case Manager does not result in a satisfactory remedy, you may request a meeting with the Career Center Manager. This meeting will be set or held within three (3) working days of the receipt of your request to meet with the Career Center Manager. The Lead Case Manager will schedule this meeting.
  - 4. If the issue is still not resolved, or if you wish to skip Steps 1, 2 and 3, then you may proceed to file a request to meet with a representative from the SFW's Customer Service Unit by completing the Written Grievance Form.
- C.** In order to file a written request for an Informal Resolution Meeting Form, please complete the **Written Grievance Form, Attachment 1**. Be sure to complete as much of the information requested, including the contact information so that you can be reached to set up the meeting. The form can also be obtained from the South Florida Workforce's Executive Offices at 7300 Corporate Center Drive, Suite 500, Miami, Florida 33126-1234 or at any of the Career Centers in Miami-Dade and Monroe counties listed at the South Florida Workforce website at [www.southfloridaworkforce.com](http://www.southfloridaworkforce.com) or you may use a plain sheet of 8 ½ x 11 letter size paper and include as much of the information listed below as you possibly can:
  - 1. All grievances must be put in writing.
  - 2. All grievances should be signed and dated.

3. All grievances should include your name, a contact address, and a contact telephone number.
4. The request submitted should be signed by the person filing the grievance or his/her representative and should be an original if possible. If you are faxing your grievance, make sure to mail the original within five (5) days of the fax.
5. All grievances should include a statement regarding the law you think was violated and/or the reason you think you are entitled to the service or benefit which has been denied, delayed, reduced, changed, or terminated.
6. Your grievance should state the remedy you are seeking.
7. Grievances should be no longer than five (5) pages, not including any exhibits or attachments you want the Hearing Officer to review.
8. If you have a disability which requires an accommodation, or if you are a non-English speaker and require an interpreter, include a statement in writing of the accommodation needed, along with the grievance. SFW will attempt to make the reasonable accommodations.

You may hand deliver the Written Grievance Form, fax or mail it to:

**South Florida Workforce**  
**Attn: Customer Service Unit**  
**7300 Corporate Center Drive, Suite 500**  
**Miami, FL 33126-1234**  
**Fax: (305) 470-5519**

*Note: Please do not phone-in your request. All Formal Grievances must be submitted in writing. A decision must be made within sixty (60) days of the filing of your Written Grievance.*

An informal meeting with the Customer Service Unit will be set or held three (3) business days from the time of receipt of the Written Grievance Form, or if the agency is unable to contact you, three (3) business days from the date you are located.

*If the issue(s) are resolved during any stage of the informal meeting with the Customer Service Unit, a written agreement will be generated and everyone will be asked to sign it. This will formally bring closure to your grievance.*

#### **IV. Formal Grievance Procedures**

If the problem is not resolved through the informal meetings with the Customer Service Unit and you still want to pursue your grievance, you will be asked to sign a request for a formal hearing by the Customer Service Unit.

**A.** When you sign a request for formal hearing:

1. The Customer Service Unit will immediately date stamp the signed formal hearing request form, and forward it to SFW's Equal Opportunity Officer (EEO). The EEO proceeds to select a Hearing Officer, schedule the date and time of the formal hearing proceedings, and notify all pertinent parties via a written notice.
2. You and your representative, if you have one, will be sent a written notification informing you of your hearing date, as well as the time and location of the hearing. The hearing will be held at the SFW Executive Offices unless you request, in writing, that the hearing be held at your Career Center.
3. A written decision will be issued within thirty-five (35) days of the date the request for hearing is received by the Hearings Officer.
4. The notice of hearing will be sent by certified mail, return receipt, at least fifteen (15) calendar days prior to the date of the hearing.
5. If you are participating in a program at the time of the filing of your grievance, your receipt of services will not be affected by the filing of a grievance.

**B.** Your notice will advise you of the following:

1. The date, time and place of the hearing and instructions as to how you may request needed accommodations, including an interpreter, at no cost to you;
2. The pertinent sections of the WIA, TAA, WT or FSET or any other federal regulations, program law, rule, or policies involved;
3. Your right to present witnesses and to ask that the staff, your counselor, case manager and/ or the supervisor or other SFW's contractor or staff whom you would like to question or whose testimony you would like the hearing officer to listen to appear at the hearing. SFW will do its best to assure that the contractor or staff whom you request be present at the hearing appear on the appointed date. However, witnesses, staff, your counselor, case manager and/or supervisor need not be present for the Hearing Officer to render a decision.
4. Your right to have someone else, an attorney or another representative which you designate, to represent you at the hearing or to speak for you at the hearing including the questioning of the staff involved in the adverse decision affecting you;
5. Your right to obtain, free of charge, a copy of your file or other related documents that you think might help your case. SFW will not provide copies of the law but will provide you with a copy of the SFW or contractor policy which is the subject of the dispute if you so request and have not already received a copy;

6. Your right to present documentary evidence, testimony, and arguments to support your position at the hearing as well as to cross examine witnesses;
7. The Hearing Officer's right to dismiss the grievance if you or your representative fail to appear for the hearing without good cause;
8. That the Hearing Officer will conduct the hearing informally, and will make a decision based on the facts and evidence as presented.
9. The Hearing Officer will decide on the admissibility of testimony or evidence ;
10. That a written decision will be rendered within sixty (60) calendar days of receipt of your written grievance;
11. Where and how you can appeal the decision if you do not agree with the outcome;
12. That the parties (you and SFW) can agree to an extension of the sixty (60) day time period if either party needs more time and the other party agrees;
13. That SFW will make arrangements in advance to record, transcribe, or otherwise preserve the hearing proceedings and that you will be provided with a copy of the recording (tape) at no charge upon a showing of indigence for a transcript of the hearing. Each party desiring a copy of the transcript must pay for the transcript. Indigent persons may follow the procedures set forth in F.A.C Section 60BB-1007 (4) and (5) to obtain a transcript at no cost; and
14. That if you allege a labor standard violation, you may submit your grievance for binding arbitration if the relevant collective bargaining agreement allows for the use of that procedure.

## **V. Hearing Appeals**

### **A.** You may file an appeal with AWI if:

1. A hearing has been conducted and either party is dissatisfied or has been adversely affected by the Hearing Officer's decision;
2. If a hearing was not conducted within sixty (60) calendar days from receipt of the grievance; or
3. If a hearing was conducted, but a decision was not issued within the mandated sixty (60) calendar days time period.

### **B.** The appeal should be concise (if possible, not to exceed five (5) pages which does not include exhibits and attachments) and shall be sent by certified mail, return receipt to the AWI Office of General Counsel, Caldwell Building, MSC 110, 107 East Madison Street, Tallahassee, FL 32399-4128.

### **C.** To the extent possible, the appeal request shall state the facts, laws, procedures, etc. that the grievant believes to be relevant for review. The appeal must be filed with AWI

within thirty (30) calendar days of receipt of the Hearing Officer decision or within thirty (30) calendar days after the required 60-calendar day timeframe for SFW to act has elapsed. The request shall include the grievant's address where official notices will be mailed.

- D.** The state can remand the grievance back to SFW to hold a hearing or impose other remedies to resolve the grievance.
- E.** Under WIA regulations, 20 CFR Section 667.610, if the RWB or the State has not issued a decision on a case that does not deal with allegations of unlawful discrimination within the required 60 calendar-day timeframe, the grievant can file an appeal to the USDOL. The appeal must be filed with the USDOL no later than 120 calendar days of the filing of the grievance with the State, or the filing of the appeal of a local grievance with the State. A copy of the appeal must be simultaneously provided to the appropriate Regional Administrator and the opposing party. The Request for Review/Appeal must be submitted by certified mail, return receipt to: Secretary, U.S. Department of Labor, Washington, D.C. 20210, Attention ASET.

## **VI. Complaints Related to Discrimination or Health and Safety**

### **A. Discrimination**

**The complaint procedures for charges of discrimination are separate and distinct from the grievance procedures outlined elsewhere in this document.** A complaint of alleged discrimination may be filed by any person, including (but not limited to) any employee, applicant for employment, or customer of a Career Center, Career Center operator, training provider, or other program or activity that is offered through the Career Center system, who feels he or she, or any specific "class of individuals" (group of people), has been subjected to unlawful discrimination by a program or activity offered through the Career Center system, or by the AWI or SFW. Discrimination on the basis of race, color, disability, religion, sex, national origin, age, marital status, political affiliation or belief, participation in any WIA Title I financially assisted program or activity, or on the basis of citizenship or status as a lawfully admitted immigrant authorized to work in the United States is prohibited under federal and/or state laws.

SFW does not hear complaints of discrimination at the local level. If you believe that you have, or someone you know has, been subjected to unlawful discrimination, please refer to the Statewide Discrimination Complaint Processing Procedures. Said procedures may be obtained at the AWI website at:

[http://www.floridajobs.org/civilrights/ocr\\_complaint.html](http://www.floridajobs.org/civilrights/ocr_complaint.html)

Further information regarding your rights and responsibilities related to nondiscrimination and equal opportunity can also be accessed through the AWI website listed above. Remember, your SFW Career Advisor can assist you in identifying the correct agency or department to direct your inquiries and complaints regarding discrimination matters.

### **B. Health and Safety Issues**

Health and safety standards which have been established under both Federal and/or State law which apply to the working conditions of employees are also applicable to

participants of programs and activities under WIA Title I and participants in employment activities. **SFW does not hear complaints related to health and safety.** If you have a complaint related to a health or safety matter, you may file the complaint with:

Agency for Workforce Innovation  
Office of General Counsel  
Caldwell Building, MSC 110  
107 East Madison Street  
Tallahassee, Florida 32399-4128  
(850) 245-7150  
Florida Relay Service: 711

You may also file a health and safety complaint with:

U.S. Department of Labor  
Occupational Safety and Health Administration  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210  
<http://www.osha.gov/as/opa/worker/index.html>  
1-800-321-OSHA (6742) (voice) or  
TTY 1-877-889-5627

**IMPORTANT:** If you file your health and safety complaint with the U.S. Department of Labor, you must also send a copy of the complaint to AWI at the above address.

For more information regarding health and safety issues you may go to the Occupational Safety and Health Administration's Website at <http://www.osha.gov> or the Florida Department of Health Website at <http://www.doh.state.fl.us>.

Forms attached



---

**Note:**

**Privacy Act Statement:** Disclosure of your social security number is voluntary. It is requested pursuant to section 119.071(5)(a)2, *Florida Statutes*. Your social security number will be used for customer identification only.



ATTACHMENT 2

**Acknowledgement of Receipt of the Grievance Procedures**

**Note to: South Florida Workforce (SFW) Service Partner Case Manager**

**Please complete this form together with your participant. Place the original in the participant's file. You may give a copy to the participant.**

I certify that I have received a copy of the South Florida Workforce's Grievance Procedures.

\_\_\_\_\_  
Participant's Name (Print)

\_\_\_\_\_  
Participant's Signature

\_\_\_\_\_  
Date