

Oklahoma Employment Security Commission



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Representing Employers

George Ollie, Jr., Commissioner

Ted Weber, Commissioner

Representing the Public

Rev. W. B. Parker, Chairman

Representing Employees

David Hill, Commissioner

DeWayne Goodman, Commissioner

Oklahoma Employment and Training Issuance #9-2002

Date: May 16, 2002

To: WIA Grant Recipients

From: Terry Watson

Subject: Grievance Processing Procedures

Background: The Workforce Investment Act of 1998 (WIA) requires that all recipients of WIA funds have a grievance process in place. Legal Authority: WIA § 181(c); 20 CFR §667.600; 2001 Rules of the Oklahoma Employment Security Act – 240:21-11-1 to 240:21-11-34.

Purpose: To provide guidance and policy direction to local Workforce Boards and Workforce Areas for establishing grievance procedures for complaints alleging violations, other than discrimination complaints which are governed by 29 CFR Part 37.

Message: State and local areas receiving a WIA allotment shall establish and maintain procedures for grievances or complaints filed by participants and other interested or affected parties in which violations of the WIA are alleged. Nothing in this OETI precludes a grievant or complainant from pursuing any other remedy authorized under another Federal, State, or local law. Please ensure that your organization is in compliance with the requirements of the WIA.

WIA Requirements

A. Each local area, state, and direct recipient of funds under Title I of WIA must establish and maintain a procedure for grievances and complaints.

B. Required Notice of Grievance Procedures to Participants and Other Interested Parties– Each local area, State and direct recipient must:

1. Provide information about the content of the grievance and complaint procedures to participants and other interested parties affected by the local Workforce Investment System, including One Stop partners and service providers;
2. Require every entity to which it awards Title I funds to provide the information referenced in (B)(1) of this OETI to participants receiving Title-I funded services from such entities.

3. Make reasonable efforts to assure that the information referred to in this OETI is written and understood by affected participants and other individuals, including, but not limited to, youth, persons with disabilities, and those who are limited-English speaking individuals.

C. Grievance Procedures – Local area procedures must provide the following:

1. A process for dealing with grievances and complaints from participants and other interested parties affected by the local Workforce Investment System, including One Stop partners and service providers;
2. An established time limit for filing the grievance;
3. An opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint;
4. A process which allows an individual alleging a labor standards violation to submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties to the grievance so provides;
5. A written response to the grievant, notifying him/her of the determination, as well as information on filing an appeal with the State.
6. An opportunity for a local level appeal to the Oklahoma Employment Security Commission (OESC) when:
 - a. No decision is reached within 60 days; or
 - b. Either party is dissatisfied with local hearing decision.

D. OESC recommends that the following information be obtained from the individual who is filing the grievance in order to ensure that the grievance is correctly handled.

- Full name, mailing address and phone number of the party or parties filing the grievance;
- Full name, mailing address and phone number of the party or parties alleged to have committed the act;
- A clear, concise statement of the facts of the case, and the nature of the violation(s);
Provide the following information to participants receiving Title I-funded services:
- The date of the alleged act and factual information supporting the complaint;
- The remedy that is sought.

E. OESC's procedures for Grievances filed directly with OESC and appeals of Grievance decisions issued by Local Workforce Investment Areas.

1. Grievances filed directly with OESC and an appeal to OESC from a grievance decision issued by a local workforce investment area are governed by Rules 240:21-11-1 through 240:21-11-34 of the Rules for the Administration of the Oklahoma Employment Security Act. (Attached hereto).
2. The grievance or appeal must be sent to:

Oklahoma Employment Security Commission
Attn: Director of Employment and Training
Will Rogers Memorial Building
P.O. Box 52003
Oklahoma City, OK 73152-2003

F. Appeal to Secretary of Labor or Investigation by Secretary

The Secretary will investigate an allegation of a violation as set forth above if:

- A decision relating to such violation has not been reached within sixty (60) days after the date of filing of the grievance and either party appeals to the Secretary; or
- A decision relating to such violation has been reached within sixty (60) days and the party to which such decision is adverse appeals such decision to the Secretary.

Decision of the Secretary

The Secretary will make a final determination relating to an appeal no later than 120 days after receiving such appeal.

Action: This issuance is official policy and *must* be retained in local policy files. Please ensure that all interested parties are aware of this issuance.

Contact Person: Terry Watson, Director, Employment and Training Division

OKLAHOMA EMPLOYMENT SECURITY COMMISSION GRIEVANCE FORM

<p align="center">INSTRUCTIONS FOR COMPLETION</p> <p>You must complete both sides of this form</p> <p>! Please print or type and submit the original and attach any relevant documents to: Director, Employment & Training Division P.O. Box 52003 Oklahoma City, OK 73152-2003</p> <p>! Do not submit documents which you want returned</p> <p>! For further information on the internal agency grievance resolution procedure see Title 74 O.S. § 840-6-2 (841.9), Subchapter 19 of the Oklahoma Merit Rules for Employment, and the OESC Grievance Resolution Policy.</p>	<p align="center">FOR AGENCY USE ONLY</p> <p>AGENCY GRIEVANCE NUMBER:</p>
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NAME (Last, First, Middle Initial):	
SOCIAL SECURITY NUMBER:	
ADDRESS (Street Number, P.O. Box, State, Zip Code):	
WORK TELEPHONE: ()	HOME TELEPHONE: ()
JOB FAMILY DESCRIPTOR CODE:	JOB FAMILY DESCRIPTOR TITLE:
PAY BAND:	CLASSIFIED: [] YES [] NO
WORK LOCATION, DEPARTMENT, DIVISION OR SECTION:	
REPRESENTATIVE (Name, Address and Telephone Number):	
SPOKESPERSON - FOR GROUP GRIEVANCES ONLY (Name, Address and Telephone Number):	
I believe the following provisions of the Oklahoma Personnel Act, merit rules or other agency policy, procedure or rules were violated: _____	
BRIEFLY DESCRIBE ACTIONS TAKEN WITH YOUR SUPERVISOR TO RESOLVE THIS DISPUTE INFORMALLY - INCLUDE THE NAME OF THE SUPERVISOR AND THE DATE OF THE DISCUSSION.	
Name of Supervisor _____	Date _____

YOU MUST COMPLETE BOTH SIDES OF THIS FORM

REASON FOR GRIEVANCE (*Be specific as to the reason you are filing this grievance* and include specific facts, names, dates, places, etc.).

REMEDY (Briefly state the remedy or relief you are seeking from this grievance):

Misrepresentation or falsification of this document is a violation of the Oklahoma Personnel Act.

I declare that I have read this grievance and the statements contained herein are true to the best of my knowledge and belief.

Signature of Employee _____

Date _____