

MASSHIRE MERRIMACK VALLEY WORKFORCE BOARD	Section:	Agency Policies & Procedures
	Eff Date: 7/1/17	Revision Date: 4/11/22
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The MassHire Merrimack Valley Workforce Board (MMVWB) sets or reasserts the following:

FORMAL GRIEVANCE / COMPLAINT POLICY

Who May File:

Equal Opportunity Is the Law

Any person who believes he or she or any specific class of individuals has been or is being subjected to discrimination on the basis of race, color, religion, sex (including sexual harassment, gender identity, pregnancy and gender based wage discrimination), national original, age, disability (physical or mental including failure to accommodate), genetic information, sexual orientation, familial status, citizenship, military service/veteran's status, or retaliation for prior EEO protected activity, political affiliation or belief, and for beneficiaries only, citizenship, in admission or access to opportunities or treatment in, or employment in the administration of or in connection with, any Workforce Innovation and Opportunity Act funded program or activity. On all complaints that include discrimination, and all complaints alleging disability discrimination, the following procedure shall be used:

Complaints Lodged and Time Frames:

- **A customer may lodge a complaint related to services provided under the Wagner-Peyser Act within two years of the alleged violation.**
- **There is no time limit for filing a complaint related to services provided under Title I of the Workforce Innovation and Opportunity Act (WIOA).**
- **Complaints alleging discrimination must be filed within 180 days of the alleged violation. The 180 day filing deadline is extended to 300 days if the charge also is covered by a state or local anti-discrimination law. For ADEA charges, only state laws extend the filing limit to 300 days.**
- **All complaints must be filed in written form:**
 - **Submission of a written letter signed by the complainant or authorized representative or;**
 - **Through an email account as this will be deemed an electronic signature.**
 - **Submission of the official Unified Workforce System Complaint Referral Record Form (available at front desk).**

A written complaint must include the complainant's full name, telephone number and address and the date of filing. Written complaints must also provide a clear, brief statement of the facts and alleged violation, relevant dates, and other information to assist the investigation and resolution of the complaint. If the complainant needs assistance one of the MassHire Merrimack Valley Workforce Board staff will assist the customer seeking to file the complaint including assistance with completing all associated forms.

Procedure to File:

Type of Complaint:

Violation of the Wagner-Peyser Act, rules, regulations, grants or other agreements made under the Act by the Commonwealth.

OR

Violation of the Title I of the Workforce Innovation and Opportunity Act, rules, regulations, grants, or other agreements made under the Act by the Commonwealth.

Where to file the complaint/grievance:

Complaints against the MassHire Merrimack Valley Workforce Board, subrecipient, or contractor:

Primary Contact:

Local Complaint Officer

Lynda Buote*
Grievance Officer
MassHire Merrimack Valley Workforce Board
One Union Street, Suite 202
Lawrence, MA 01840
978-551-7286
Email: lbuate@MassHireMVWB.org

Back-up Contact

Corina Ossers*
Deputy Director
MassHire Merrimack Valley Workforce Board
One Union Street, Suite 202
Lawrence, MA 01840
978-701-8176
Email: cossers@MassHireMVWB.org

* Names Subject to Change

When to file the complaint:

For violations of the Wagner-Peyser Act, rules regulations, grants or other agreements made under the Act by the Commonwealth: Within two (2) years of the alleged occurrence. For violations of the Title I the Workforce Innovation and Opportunity Act, rules, regulations, grants or other agreements made under the Act by the Commonwealth: There is no time limit.

Resolution of the complaint:

The local Complaint Officer has 15 days from the date a written complaint is received to resolve the complaint.

If the complaint was initiated by a Migrant and Seasonal Farm Worker (MSFW) – the local Complaint Officer has within 5 days from the date a written complaint is received.

The 15-day period (or in the case of an MSFW initiated complaint, the 5-day period) does not begin until the requested information is received.

If the MassHire Merrimack Valley Workforce Board has made a written request to the complainant (or the complainant's authorized representative) for additional information, the 15-day period (or in the case of an MSFW initiated complaint, the 5-day period) does not begin until the requested information has been received by the local MassHire Merrimack Valley Workforce Board.

If the local MassHire Merrimack Valley Workforce Board has requested additional information from the complainant or the complainant's authorized representative and does not receive a response within 20 days from the date the request was made (or, in the case of an MSFW initiated complaint, within 40 days), the complaint is considered resolved.

Appeal of the complaint if resolution is not reached at the local MassHire Merrimack Valley Workforce Board:

If the MassHire Merrimack Valley Workforce Board does not resolve the complaint to the satisfaction of the complainant within 15 days period (or in the case of an MSFW initiated complaint, the 5-day period), the complainant may request a hearing at the Local and/or State level for resolution or further action.

Local Hearings:

If a complainant requests or the local Complaint Officer deems that a formal hearing is necessary, the local Complaint Officer will notify the parties (in writing) that the matter has been scheduled for a formal hearing. The notice must inform the parties of the following elements of the hearing process:

- The date, time, and location of the hearing.
- That the Local Complaint/Hearings Officer, will rule on the introduction of evidence* and afford the parties the opportunity to present, examine, and cross-examine witnesses.

*For clarity it must be noted that an administrative hearing is not the same as a Court of Law. Technical rules of evidence *do not apply*. It is up to the Local Complaint/Hearings Officer to follow principles and procedures that are designed to assure credible evidence that can be tested through cross-examination.

- That a copy of the case record and related documents will be made available to all interested parties before the hearing, upon request.

In conjunction with the hearing process the Hearing Official:

- May decide to make a determination based on the information included in the case file or investigate further prior to the formal hearing.
- May permit (at his/her discretion) the participation of interested parties with respect to specific legal or factual issues relevant to the complaint/appeal.
- May choose to conduct the hearing at a single location convenient to all parties or, if that would represent a hardship for one or more parties, the Hearing Official may elect to conduct the hearing by a telephone conference call.
- Must ensure that hearings be recorded or transcribed. All records are to be preserved and/or made available upon completion of the hearing to the complainant or interested parties.
- Must conduct the hearing *and* issue a written determination to the complainant, the respondent, and any other participating interested parties within the **20 (twenty) days** from the date the hearing was requested.

If complainant disagrees with the local MassHire Merrimack Valley Workforce Board determination, the complainant may bi-pass the local hearings process and may appeal the local determination to the State Level (State Complaint Officer) within 20 days of the receipt of the determination.

After 30 days (or in the case of an MSFW initiated complaint, within 20 days), if resolution has not been accomplished at the State level, the State Complaint Officer will issue to the complainant and respondent, by certified mail, a written determination regarding the complaint.

Where to file the appeal:

To State Complaint Officer:

State Complaint Officer

Jose V. Ocasio, Complaint Officer
Department of Career Services
Leverett Saltonstall Building
100 Cambridge Street, 5th Floor,
Boston, MA 02114

Email: dscsunifiedcomplaint@mass.gov

Telephone: 617-626-5587

NOTE: *If the State Complaint Officer has made a written request for information to the complainant or the complainant's authorized representative, the 30- or 20-day time frame (whichever is appropriate) will not commence until the requested information has been received.*

Hearings shall be held by State hearings officials. A State hearings official may be any State official authorized to hold hearings under State law.

Appeals to the Secretary can be made (1) if a decision of a grievance or complaint has not been reached within 60 days of the receipt of the grievance or complaint or within 60 days of receipt of the request for appeal of a local level grievance or (2) for a decision on a grievance or complaint that has been reached and the party to which such decision is adverse appeals to the Secretary. Appeals for situation (2) must be filed within 60 days of the receipt of the decision being appealed. Appeals for situation (1) must be filed within 120 days of the filing of the grievance with the State, or the filing of the appeal of a local grievance with the State. All appeals must be submitted by certified mail, return receipt requested, to the Secretary, U.S. Department of Labor, Washington, DC 20210, Attention: ASET. A copy of the appeal must be simultaneously provided to the appropriate ETA Regional Administrator and the opposing party.

Type of Complaint:

All information and complaints alleging criminal fraud, waste, abuse, or other criminal activity under WIOA must be reported immediately to the Department of Labor's Office of Inspector General (20 CFR § 667.630)

Office of Inspector General
200 Constitution Ave. NW Room S-5506
Washington, DC 20210
Toll Free: 1-800-347-3756
FAX: 202-693-5210