



LOCAL POLICY:

Complaint & Grievance Procedures

Date:	November 1, 2025
To:	<i>UPward Talent Council / Upper Peninsula Michigan Works! program participants, sub-grantees, subcontractors, service providers, employees, partners, providers of training services and other interested parties</i>
From:	<i>Chief Executive Officer</i>
Subject:	<i>Complaint and Grievance Procedures</i>
Programs Affected:	<i>All</i>
References:	<i>PI 22-05 C2 and subsequent changes PI 18-09 C1 and subsequent changes 29 CFR Part 38.9 WIOA Sections 106(b)(5) and 181(c) WIOA Regulations, 20 CFR Part 683 PRWORA of 1996 P.L. 104-193 TANF Regulation, 45 CFR 261.70 Food and Nutrition Act of 2008 Employment Service Manual and subsequent changes</i>

BACKGROUND

Upward Talent Council herein referred to as Upper Peninsula Michigan Works! (UPMW) is a publicly funded Equal Opportunity organization. This policy outlines the procedures for filing grievances or Equal Opportunity complaints. This policy must be made available to anyone upon request.

POLICY

The UPMW Grievance and Complaint Procedure provides a formal process for participants, sub-grantees, subcontractors, service providers, employees, One-Stop partners, training providers, employer-based training employers, and other interested parties to have the opportunity to resolve alleged violations of state or federal policies and regulations including discrimination or retaliation—through an administrative process. All UPMW employees must follow these procedures when addressing grievances or complaints.

Additionally, this policy establishes an appeals process for local grant recipients regarding issues such as non-designation of a local area, monitoring findings, incident reports, single audit resolutions, and other related matters.

These procedures govern the handling of grievances and complaints in line with the organization's approved programs.

I. Definitions

- **Appellant:** *the party that files the appeal to the LEO-WD and the U.S. Department of Labor (USDOL).*
- **Days:** *means consecutive calendar days, including weekends and holidays.*
- **ES:** *Employment Services*
- **FAE&T:** *Food Assistance Employment & Training*
- **Filed:** *or filing when used with respect to timelines, means the date of receipt by the intended party.*
- **GF/GP:** *General Fund/General Purpose*
- **Grievance:** *a written complaint filed in accordance with this policy.*
- **Interested Parties:** *includes sub-grantees, subcontractors, service providers, employees, One-Stop partners, providers of training services, and other relevant parties.*
- **LEO-WD:** *Department of Labor and Economic Opportunity-Workforce Development*
- **Local Grant Recipient:** *entity that expends awards directly from the LEO-WD to carry out a program or programs.*
- **MDHHS/DHHS:** *Michigan Department of Health and Human Services*
- **MOU:** *Memorandum of Understanding*
- **Participant:** *an individual who has been determined to be eligible to participate in, and who is receiving services under a program covered under this policy.*
- **PATH:** *Partnership. Accountability. Training. Hope*
- **Petitioner:** *the party that files the grievance.*
- **Respondent:** *the party who argues against the petitioner or appellant.*
- **Service Providers:** *sub-recipients or entities that expend awards received from LEO-WD grant recipients.*
- **TAA:** *Trade Adjustment Assistance*
- **TANF:** *Temporary Assistance for Needy Families*
- **USDOL:** *United State Department of Labor*
- **UPMW:** *Upper Peninsula Michigan Works!*
- **WIOA:** *Workforce Innovation and Opportunity Act*
- **WP:** *Wagner Peyser*

II. Documentation and Distribution

Local Grievance Policy: *UPMW officials shall develop, maintain and make available to participants, subcontractors, employees, service providers, providers of training services, and other interested parties. The procedures must also describe how the content of the policy is provided to interested parties affected by the local Workforce System, including One-Stop partners, service providers, Employer-Based Training employers and participants. For example:*

- **One-Stop Partners-** *UPMW's Complaint and Grievance policy is included in a Memorandum of Understanding or other signed agreement. Signature of the MOU or other agreement is acknowledgement of receipt.*
- **Service Providers-** *UPMW's Complaint and Grievance policy is included in the contract. Signature of the contract is acknowledgement of receipt.*

- **Employer-Based Training Employers-** *UPMW's Complaint and Grievance policy is reviewed with each employer. Signature is obtained on acknowledgement receipt.*
- **Other Interested Parties-** *UPMW's Complaint and Grievance policy is posted in all One-Stop and Service Center locations in areas that are accessible to the public and online. Hard or electronic copies are available to the public upon request.*
- **Participants-** *UPMW's Grievance and Complaint policy is discussed with each participant, and a copy is offered/provided to participants as part of the program intake. A signed acknowledgement form (Receipt of Grievance & Complaint Procedure) indicates the participant has been informed of their rights and offered a copy of the local policy and made aware they can request a copy at any time.*

UPMW Complaint and Grievance policy, signed acknowledgements, and related documentation shall be maintained and available for review by applicable parties.

- **Accessibility/Posting:** *The UPMW Complaint and Grievance Policy will be:*
 - *Available in print and posted online on the agency's website.*
 - *Accessible to individuals with disabilities and others facing barriers, as required by law.*
 - *Posted in administrative areas of service centers and locations where program services are provided.*
 - *Distributed electronically to all staff and available on UPMW's shared network.*
- **Language Barriers:** *Where a significant number or proportion of limited English-speaking individuals exist, the local grant recipients are responsible for making a reasonable effort to assure that the information in this policy will be provided to an understood by limited English-speaking individuals who seek information regarding the grievance procedure.*
- **Monitoring/Tracking:** *A monitoring/tracking system is maintained which documents the grievances received and their disposition. These records will be maintained for a period of three years. The retention period begins on the date of the LEO-WD's acceptance of the final closeout report for the grant or the contract. Records will be retained beyond three years if any litigation or audit is begun or if a claim is instituted involving the grant or agreement covered by the records. In these instances, the records shall be retained until litigation, audit, or claim has been resolved.*

III. Informal Resolution

Federal regulations allow the use of informal methods to resolve current or potential complaints. Complainants are encouraged to seek informal resolution whenever possible to achieve mutual satisfaction. Informal methods may include discussions with relevant parties or other suitable approaches. When complaints are resolved through the informal resolution process, a written decision will be issued to the petitioner(s) within 60 days of the filing of the grievance. If informal resolution is unsuccessful, then complaints will be filed following the Formal Complaint procedure below.

IV. Formal Grievance Procedures

UPMW Level Grievance Procedures

1. Petitioner Files Grievance:

- **Filing:** *All grievances related to WIOA, TANF, FAE&T, Trade Act (except requests for redeterminations), and State of Michigan programs funded by the LEO-WD are required to be filed within one year of the date of the event that gave rise to the grievance.*
- **Criteria:** *All grievances shall be in writing and contain, to the extent practicable, the following information:*
 - *The full name, address, and telephone number of the petitioner(s).*

- *The full name, address, and telephone number of the respondent(s).*
- *A clear and concise statement of the facts as alleged, including the pertinent dates, constituting the alleged violation.*
- *The provision of the act, regulations, grant, contract, or other agreements under the act believed to have been violated.*
- *The relief requested.*

2. UPMW Receives Grievance:

- *An attempt at informal resolution will be made if it has not already occurred.*
- *If an informal resolution and/or withdrawal is not made and the grievance is WIOA related, a hearing will be scheduled.*
- **Rejection:** *UPMW may reject a grievance for any of the following reasons:*
 - *It lacks merit.*
 - *The petitioner fails to state a grievable issue.*
 - *There is no relief that can be granted.*
 - *The petitioner fails to comply with the procedures outlined in this policy issuance.*

UPMW will inform the petitioner and respondent in writing of the reason(s) the grievance was rejected. The notification must be issued within 60 days from the date the grievance was filed and will include the opportunity to appeal the rejection to the LEO-WD.

3. Hearing:

- *An opportunity for a hearing will be scheduled for any **WIOA-related grievance** that is not resolved informally or withdrawn. The hearing must take place within 30 days of the grievance filing date, and a decision must be issued within 60 days of the grievance filing date.*
 - a. **Hearing Notice:** *If a hearing is scheduled, UPMW must provide written notice to the involved parties at least 10 days prior to the scheduled hearing date. The notice must specify the alleged violation(s), the hearing's date, time, and location, and the issues to be decided.*
 - b. **Hearing Process:** *At a minimum the hearing process will include:*
 - 1) *A hearing officer.*
 - 2) *An opportunity for each party to present witnesses and evidence.*
 - 3) *An opportunity for each party to ask questions of all witnesses providing testimony at the hearing.*
 - 4) *A record of the hearing; and*
 - 5) *A list of all evidentiary exhibits presented at the hearing.*
At the discretion of the discretion of the hearing officer, there may be an opportunity to exchange evidentiary information prior to the hearing.
 - c. **Hearing Decision:** *The written decision shall be issued by the hearing officer and will contain the following information:*
 - 1) *Date, time, and place of the hearing; if held*
 - 2) *Full names and addresses of all witnesses called by the parties.*
 - 3) *Full name and address of the petitioner and the respondent.*
 - 4) *Information sufficient to identify all evidence presented.*
 - 5) *A reiteration of the issues raised.*
 - 6) *A determination of the facts.*
 - 7) *An analysis of the issues as they relate to the facts.*
 - 8) *A decision addressing each issue, and*
 - 9) *Notification of opportunity for appeal to the Michigan Department of Labor and Economic Opportunity - WD if a response is not received within the time prescribed, or if either party is dissatisfied with a decision.*

State Level Review

1. **Appeal to LEO-WD:** *A local level formal grievance decision may be appealed. If the petitioner disagrees with a decision on their grievance at the local level or they do not receive a response within the time prescribed, they can appeal. Here's what to know:*
 - a) *Write the appeal and send it to the LEO-WD.*
 - b) *Deadline to file the appeal:*
 - *Within 10 days after receiving the local decision, OR*
 - *Within 10 days after the decision was due (60 days from when you first filed your grievance) if no decision was made.*

All appeals shall contain, to the extent practicable, the following information:

- 1) *The full name, telephone number, and address of the petitioner (s).*
- 2) *The full name, telephone number (if any), and address of the respondent (s), or other information sufficient to identify the party.*
- 3) *A clear and concise statement of the facts as alleged, including the pertinent dates constituting the alleged violation.*
- 4) *The provision of the act, regulations, grant, contract, or other agreement under the act believed to have been violated, and*
- 5) *The relief requested.*

All appeals of local level grievance decision shall be submitted by certified mail, return receipt requested to:

*Workforce Development
Executive Office
PO Box 30805
Lansing, MI 48909*

2. **Request for Evidentiary Documentation:** *Within 15 days of receiving the appeal, LEO-WD will contact the parties to submit all relevant information and documentation from the local hearing to the LEO-WD Executive Office.*
 - *Parties are responsible for ensuring that all necessary documentation is provided for LEO-WD to make a determination.*
 - *LEO-WD may, at its discretion, allow additional information to be submitted after the 15-day deadline if it is deemed necessary for a final decision.*
3. **LEO-WD Review of the Appeal:** *Following consideration of the appeal, the LEO-WD will take one of the following actions:*
 - **Schedule a hearing**
 - **Reject the Appeal:** *An appeal may be rejected, and a final determination issued, for any of the following reasons:*
 - *It lacks merit.*
 - *The appeal does not state a grievable issue*
 - *There is no relief that can be granted.*
 - *If the appellant fails to comply with the applicable procedures described in this policy (e.g. the 10-day filing requirement).*

4. Hearing: *A hearing must be offered for any WIOA-related appeal of a local decision unless:*

- *The appeal is rejected by LEO-WD,*
- *Both parties agree to waive the hearing, or*
- *The appellant withdraws the appeal.*

If the hearing is required, it must be held within 30 days of receiving the appeal. Hearings are not required for appeals of non-WIOA-related local decisions.

Hearing Process: *At a minimum the hearing process shall include:*

- 1) *A hearing officer.*
- 2) *An opportunity for each party to present witnesses (subpoenas are not authorized) and evidence.*
- 3) *An opportunity for each party to question all witnesses providing testimony.*
- 4) *A record of the hearing and a list of all evidentiary exhibits presented.*

At the hearing officer's discretion, parties may be allowed to exchange evidentiary information before the hearing.

Final Decision: *A written decision shall be issued no later than 60 calendar days after the receipt of the appeal. The decision shall include the following:*

- 1) *Date, time and place of hearing, if held.*
- 2) *Names and addresses of the petitioner and the respondent.*
- 3) *Names and addresses of all witnesses called by parties.*
- 4) *Information sufficient to identify all evidence presented.*
- 5) *A reiteration of the issues raised.*
- 6) *A determination of the facts.*
- 7) *An analysis of the issues as they relate to the facts, and*
- 8) *A decision addressing each issue.*

UPMW Appeal Process to the State Level

Local grant recipients may appeal non-designation of local areas, monitoring findings, incident report findings, single audit resolution findings/issues, and other matters related to State Workforce Investment programs by filing an appeal with the LEO-WD within 30 days of the adverse decision.

Other interested parties may not appeal directly to LEO-WD. To the extent that interested parties are affected by a LEO-WD decision, the interested parties must first file a grievance at the local level.

Appeals related to USDOL monitoring findings shall only be reviewed for compliance with USDOL requirements. A record shall be created to forward to USDOL, if required.

1. Appeals: *All appeals shall contain, to the extent practicable, the following information:*

- 1) *The full name, telephone number, and address of the appellant(s);*
- 2) *The full name, telephone number (if any), and address of the respondent(s);*
- 3) *A clear and concise statement of the facts as alleged, including the pertinent dates constituting the alleged violation;*
- 4) *The provision of the act, regulations, grant, contract, or other agreement under the act believed to have been violated; and*
- 5) *The relief requested.*

All appeals shall be submitted to:

Workforce Development

Executive Office
PO BOX 30805
Lansing, MI 48909

- 2. Rejection of Appeal:** *An appeal may be rejected for any of the following reasons:*
- a. *It lacks merit.*
 - b. *Does not state a grievable issue.*
 - c. *There is no relief that can be granted.*
 - d. *The appellant fails to comply with the applicable procedures outlined in this policy.*

- 3. Hearing:** *A hearing must be offered for any WIOA-related appeal unless:*
- *Both parties agree to waive the hearing, or*
 - *The appellant withdraws the appeal.*

*If a hearing is required, it must be held within 30 days of receiving the appeal.
A hearing is not required for an appeal of a non-WIOA related decision.*

Hearing Notice: *Written notice of the hearing must be provided to all parties at least 10 days before the scheduled date. The notice shall include:*

- 1) *The date, time, and location of the hearing;*
- 2) *The issues to be decided;*
- 3) *An opportunity for each party to present evidence and witnesses.*

Hearing Process: *At a minimum the hearing process shall include:*

- 1) *A hearing officer.*
- 2) *An opportunity for each party to present witnesses (subpoenas are not authorized) and evidence.*
- 3) *An opportunity for each party to question all witnesses providing testimony.*
- 4) *A record of the hearing and a list of all evidentiary exhibits presented.*

At the hearing officer's discretion, parties may be allowed to exchange evidentiary information before the hearing.

Decision: *A written decision shall include the following:*

- 1) *Date, time, and place of hearing, if held.*
- 2) *Names and addresses of the appellant.*
- 3) *Name and address of the party against whom the appeal is made.*
- 4) *Names and addresses of all witnesses called by the parties.*
- 5) *Information sufficient to identify all evidence presented.*
- 6) *A reiteration of the issues raised.*
- 7) *A determination of the facts.*
- 8) *An analysis of the issues as they relate to the facts, and*
- 9) *A decision addressing each issue.*

Federal Government Review

*In general, a state level decision is final. However, if a decision is not issued by the due date, a **WIOA related appeal** may be reviewed by the Secretary of the USDOL. A WIOA related decision may be appealed by the adversely affected party to the USDOL within 60 days of receipt of the LEO-WD decision. An appeal must be submitted to the Secretary of the USDOL by certified mail, return receipt requested, to:*

Secretary

U.S. Department of Labor
200 Constitution Ave., NW C-2318
Washington, DC 20210

A copy of the appeal must be simultaneously provided to:

Regional Administrator
Employment and Training Administration
U.S. Department of Labor
230 South Dearborn Street, 6th Floor
Chicago, IL 60604

And

Workforce Development
Executive Office
PO Box 30805
Lansing, MI 48909

V. Special Provisions

Equal Opportunity: *Complaints alleging violation of the nondiscrimination and Equal Opportunity (EO) provision of state/federal grant programs must be resolved in accordance with the nondiscrimination and EO policy guidelines issued by the LEO-WD and local policy.*

Criminal Conduct: *Report any known or suspected fraud, abuse, or criminal conduct under the WIOA program directly to the USDOL by completing the USDOL Incident Report Form. Send a copy of the completed form to the State awarding agency.*

TANF Displacement: *Under the PROWORA, 45 CFR 261.70, an individual adversely affected by displacement may file a grievance if:*

- *A TANF recipient is placed in a job while another employee with the same or substantially equivalent position is on layoff, or*
- *A regular employee is terminated or the workforce reduced involuntarily to create a vacancy that is subsequently filled by a TANF recipient.*
- *Either party—whether the TANF recipient or the displaced employee—may appeal a local grievance decision to the LEO-WD.*

WIOA Displacement: *Grievances may be filed under the following circumstances:*

A regular employee is displaced due to the placement of a WIOA participant in an employment activity funded by WIOA; or A WIOA participant is displaced from an employment activity.

Binding Arbitration/Collective Bargaining: *WIOA participants who believe a labor standards violation has occurred may submit a grievance to binding arbitration, provided a collective bargaining agreement between the parties includes this option.*

Jurisdiction: *Depending on the nature of the grievance, TANF and FAE&T program applicant and recipient grievances shall be handled in accordance with the local grant recipient or DHHS or other applicable procedures. For example, grievances regarding sanctioning or food stamp benefits will be handled by DHHS, while grievances regarding programs administered by UPMW will be handled by UPMW.*

Wagner-Peyser: *Grievance involving Wagner-Peyser Act activities must be resolved in accordance with the grievance procedures outlined in the Employment Service Manual, which is available on the Michigan Department of Labor and Economic Opportunity website. In addition, please refer to the Employment Service Manual for specific guidance regarding work-related complaints that are not*

program specific, such as: employer hour and wage violations, migrant and seasonal farm worker complaints, and other possible violations of general labor laws.

INQUIRIES

*Inquiries regarding this policy are to be directed to the
Director of Talent Services
2950 College Ave
Escanaba, MI 49829
(906) 789-0558*