

# **GRIEVANCE PROCEDURE**

## **Purpose**

To provide a just procedure for the presentation, adjustment and disposition of current employee grievances. To implement this policy and to assure all employees that their complaints and grievances will be answered and determined or decided fairly, quickly, equitably, and without refusal or threat.

**This policy does not apply to those persons whose employment has been terminated.**

## **Procedure**

Whenever any current employee considers himself aggrieved, he shall have the right to discuss the matter with the appropriate official or officials. A grievance is any cause for dissatisfaction outside an employee's control which grows out of employment with High Country Council of Governments.

1. All grievances shall first come to the attention of the immediate Supervisor, who shall make every effort to solve the problem or correct any misunderstanding at this initial level.
2. If the Supervisor cannot solve the problem, the employee may ask to meet with the Executive Director.
3. If informal discussion with the Executive Director is unsuccessful in resolving the grievance, the employee may then appeal to the Board of Directors of High Country Council of Governments, upon written notice to the Chairman, with a copy to the Executive Director. When meeting with the Board, the employee has the right to be accompanied and assisted by any representative of the employee's own choice and expense.

*The following grievance procedure applies to all WIOA customers and is included on the Local Area's Participant Rights Form, which is available to all WIOA customers. This process could potentially apply to all WIOA funded staff.*

## **Your Grievance Rights**

If you feel it is necessary to file a complaint about the program, you should contact the agency Equal Opportunity (EO) Officer no more than 180 days after the incident occurred, and (1) Make every effort to resolve the problem informally. If this is not possible, you should then (2) File the complaint in writing, with full details, to the agency EO Officer. The agency must send you a written decision within thirty (30) days. If you are not satisfied with this decision you have five (5) days to (3) Appeal in writing to: Rebecca Bloomquist, High Country Council of Governments, 468 New Market Blvd., Boone, NC 28607. Include your full name and address, a copy of the agency's written response to your complaint, and a statement of areas of disagreement. Ms. Bloomquist will send you and your agency a written response. Additional appeal rights should be addressed to NC Division of Workforce Solutions, 313 Chapanoke Road, 4316 Mail Service Center, Raleigh, NC 27699-4316, Attention: Mose Dorsey.

**Note:** The complaint processing procedures shall provide for alternative dispute resolution (ADR). The complainant shall have the choice of pursuing the customary investigation process or using the ADR process. If the parties do not reach an agreement under ADR at the sub-recipient or state level, a complaint may be filed with the Director of the Center for Civil Rights to US Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC, 20210.

**Note:** Complaints on the basis of handicap follow the procedure explained above, but have different time requirements. If you have a complaint on the basis of handicap, contact the agency's EO Officer, who will give you the information you need. Complaints on the basis of any other forms of discrimination are to be filed directly to: Naomi M. Barry-Perez, Director, Center for Civil Rights, US Department of Labor, 200 Constitution Ave., Room N-4123, Washington, DC 20210.

High Country Local Area expects its WIOA service providers to update their organizational Equal Opportunity policies as changes occur within their organization that impacts their EO policy and procedures. Local Area staff monitors this information as part of our annual WIOA monitoring process to ensure that updates are made as necessary. High Country Council of Governments updates its EO policy and procedures as needed. In turn, the Local Area is dependent upon the Division of Workforce Solutions to keep the Local Area apprised of changes at the state and federal levels that impact our EO policy and procedures, so we can make the necessary changes to keep these documents up to date.

### **EO Language Included in WIOA Title I Adult, Dislocated Worker, and Youth Service Provider Contracts:**

#### 3.8. Personnel: Equal Employment Opportunity.

- 3.8.1. The Contractor assures that its personnel policy will apply to all persons employed or funded in whole or in part under this Contract, and that merit-based personnel policies are followed.
- 3.8.2. The Contractor agrees not to discriminate on any basis prescribed in the Act or prohibited under state law. The Contractor shall designate a person other than its chief executive as its equal employment opportunity officer, who shall be responsible for the Contractor's nondiscrimination policy and for developing a procedure of investigation of and hearings on equal employment opportunity grievances.

### **EO Language Included in WIOA Incumbent Worker Contracts:**

- 5.9 Non-discrimination. (Company Name) will not discriminate against any employee employed in the performance of this Agreement, or against any applicant for employment because of race, color, religion, sex, marital status, national origin, age, disability, political affiliation, or belief.

### **EO Language Included in WIOA On-the-Job Training Contracts:**

#### 2.8. Equal Employment Opportunity and Affirmative Action.

Subcontractor shall take affirmative action and shall not discriminate against any employee, eligible applicant, or training participant, because of sex, race, color, religion, national origin, disability, or political affiliation. Affirmative action shall include, but not be limited to, upgrading employment, demotion and transfer, recruitment and advertisements, layoffs and termination, rates of pay, and selection for training.

**Addendum to WIOA Contracts:** The following language has been added to all WIOA Service Provider Contracts, Incumbent Worker Contracts, and On-the-Job Training Contracts.

*As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA, the grant applicant/subcontractor assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:*

*Section 188 of the Workforce Innovation and Opportunity Act of 2014 (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I-financially assisted program or activity;*

*Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color and national origin*

*Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;*

*The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age;*

*and Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.*

*The grant applicant also assures that it will comply with 29 CFR Part 37 and all other regulations implementing the laws listed above.*