

## CSS Grievance Policies & Procedures

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**CHEMUNG SCHUYLER STEUBEN WORKFORCE NEW YORK (CSS WF NY)  
WORKFORCE INVESTMENT ACT  
GRIEVANCE PROCEDURE**

Anyone filing a discrimination complaint based on race, national origin, sex, age, color, political affiliation, religious belief or retaliation, may file his/her complaint with the Local EEO Officer or directly with the U.S.D.O.L. Office of Civil Rights at the following address: Office of Civil Rights, 201 Varick Street, New York, NY (212) 237-2218. Discriminatory complaints may be initiated by letter or by telephone and must be filed with the Civil Rights Office within 180 days of their occurrence.

### **STEPS ON RESOLVING WIA-RELATED COMPLAINTS/GRIEVANCE**

The purpose of this procedure is to ensure that a complaint is resolved promptly and that the complainant is advised of all the steps taken to resolve the complaint. A WIA related complaint is a written document signed by a WIA participant, WIA staff member, or any other interested person who alleges that the Governor, Local Area or other subcontractor has violated the Act and/or WIA Rules and Regulations and/or a WIA grant or agreement. Complaints must be filed within one year of the occurrence.

#### **I. Preliminary Discussion**

Complaints are to be resolved at the lowest possible level: i.e. the level closest to the reason for the complaint. The complaint will be processed at the agency's work site by a supervisor or a Local Area Complaint Resolution Officer. If the Local Area Complaint Resolution Officer cannot settle a particular complaint, the WIA participant may have the option of using the WIA grievance procedure by requesting a meeting with the designated Program Complaint Officer.

#### **II. Informal Conference – CSS WF NY WIA Complaint Officer**

If STEP I does not resolve the complaint satisfactorily, the complaint may be submitted in writing to the CSS WF NY Complaint Officer. A complaint should contain the following basic elements: complainant's name, address and telephone number; respondent's name and address; nature of the complaint including the basic who, what, where, when, and how information, as applicable; signature of complainant and date signed. The complaint must be made within one year of the incident or dispute. Notification acknowledging receipt of a complaint will be sent to the complainant within 30 days of the filing of the grievance. Prior to holding this information conference, the CSS WF NY Complaint Officer will conduct an impartial investigation of your complaint. This may include interviewing witnesses, taking statements, examining records, and receiving background information. Decisions of this informal conference shall be made no later than 29 days after the filing of the grievance. Complaints shall be sent via mail to:

CSS Workforce New York, Inc.  
WIA Complaint Officer  
20 Denison Parkway W.  
Corning, NY 14830

#### **III. Local Level WIA Hearing Officer Appeal**

If no decision is reached within 30 days or if either party disagrees with the decision of the CSS WF NY Complaint Officer, the complainants may submit a request for a local level hearing. Complainants must submit a second letter requesting a formal hearing within 15 days following receipt of the informal conference decision. The Hearing Officer will provide a written decision, based upon the entire record, including all evidence or oral testimony, presented at the hearing as recorded by an impartial Grievance Recorder. The written decision will be mailed to the complainant, the respondent, and the Local Area Complaint Resolution Officer within 60 days of the original filing of the grievance. Requests for a hearing shall be sent via certified mail to:

CSS Workforce New York, Inc.  
WIA Hearing Officer  
20 Denison Parkway W.  
Corning, NY 14830

#### **IV. State Level Appeal**

State level appeals must be submitted in writing to the State Hearing Officer within 10 days of receipt of the Local Area Level findings. In addition, if no decision is rendered at the Local Area level with the prescribed 60-day time period, the complainant may, within 15 days after such decision was due, appeal for a State Review.

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A State level appeal should contain the same basic elements necessary for the Local Area Level. These are:

1. Complainant name, address, and phone number
2. Respondent's name, address and phone number (may be any agency or officer)
3. The nature of the complaint (who, what, where, when, and how as applicable)
4. Signature of the complainant
5. Date signed
6. Information regarding decision rendered at Local Area level

This information should be sent to:

New York State Workforce Investment Act Hearing Officer  
New York State Department of Labor  
State Office Building Campus  
Building 12, Room 446  
Albany, NY 12240

V. **Complaint Review by the Governor – State Level**

The complainant has the right to request a review of the complaint by the Governor if: (1) a Hearing Decision is not received by the complainant within 90 days of filing the complaint: or (2) an unsatisfactory hearing decision is received and a request for the review is made within 10 days of the receipt of the decision. The Governor shall issue a decision within 30 calendar days. The Governor's decision is final. If the Governor does not issue a decision within 30 calendar days, the complainant may elevate the complaint to the Secretary of the United States Department of Labor.

VI. **Complaint Resolution - Federal**

Within 10 calendar days of the date that the Governor should have issued a decision, the complainant may request a determination from the Secretary of the U.S. DOL.

The secretary shall act within 120 calendar days of receipt of the complainant's request.

Section 629.55 of the March 15, 1983 Rules and Regulations stipulates that all information and complaints involving fraud or other criminal activity shall be reported directly and immediately to the Secretary of Labor.

The CSS WF NY participant grievance procedures will be provided to each participant at time of enrollment in WIA-funded activity.

CSS Workforce New York contractual agreements for services of training will include a statement to inform the contractor of this provision.

The CSS Workforce New York will include in its local complaint resolution and grievance system description, the method(s) to be used to assure that those interested in WIA activities within the CSS WF NY, including the general public, are to be made aware of the process to follow to report information and/or complaints involving fraud, abuse or other criminal activity related to WIA.

- A. An appeal, in writing, may be made to the U.S. DOL Secretary of Labor.
- B. An appeal may be filed at this level only after the above Local and State steps have been completed.
- C. The complaint should contain the following:
  1. Your name, address and telephone
  2. Name and address of respondent
  3. A clear statement of the facts (including dates) relating to the complaint.
  4. Where known, the provisions of the WIA law, rules and regulations or other WIA-related agreements believed to have been violated.

**CSS Workforce New York, Inc.**  
**WIA Complaint Officer**  
**Jessica Gotshall**  
**20 Denison Parkway West**  
**Corning, NY 14830**  
**(607) 937-8337**

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### **WIA STATE DISCRIMINATION COMPLAINT FILING PROCEDURE** **CHEMUNG SCHUYLER STEUBEN WORKFORCE NEW YORK (CSS WF NY)**

Chemung Schuyler Steuben Workforce New York (recipient) is prohibited from discriminating on the ground of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in programs funded under the Workforce Investment Act of 1998 (WIA), in admission or access to, opportunity or treatment in, or employment in the administration of or in connection with, any WIA funded program or activity.

If you think that you have been subjected to discrimination under a WIA funded program or activity, you may file a complaint within 180 days from the date of the alleged violation with recipient's Equal Opportunity Officer, Dan Porter, 20 Denison Parkway W., Corning, NY 14830, (607) 937-8337, by filling out the US Department of Labor's Complaint Information Form (CIF).

Recipient will issue a notice to the complainant of receipt of the complaint and a written Notice of Final Action will be issued within 90 days of the date on which the complaint was filed. If a complainant does not agree with the recipient's decision then he/she may file a complaint with the Civil Rights Center – US Department of Labor within 30 days of the date on which the Notice of Final Action was issued.

The complainant may choose to use the Alternative Dispute Resolution Through Mediation (ADR) process instead of the local grievance officers' services. CSS Workforce New York will provide assistance to enable a complainant to understand and participate in the complaint process. Confidentiality is guaranteed to the level necessary and required and on a need to know basis.

The non-breaching party to any agreement reached under ADR may file a complaint with the CRC in the event the agreement is breached within 30 days of the date on which the non-breaching party learned of the alleged breach.

All complaints will be attempted to be resolved at the local level however the complainant has the right to file a complaint of discrimination at the state or federal level using the information listed below:

#### State Level

**Andrew Adams, Director**  
**Division of Equal Opportunity Development**  
**NYS Department of Labor**  
**State Office Building Campus**  
**Albany, NY 12240**  
**Telephone: (518) 457-1984**  
**TDD: 1-800-662-1220**  
**Voice: 1-800-421-1220**

#### Federal Level

**Director**  
**Civil Rights Center**  
**US Department of Labor**  
**200 Constitution Avenue**  
**N.W. Room N-4123**  
**Washington, DC 20210**

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### NYS Department of Labor – Division of Equal Opportunity Development Handling of Allegations of Discrimination at the state level

1. When a written complaint is filed with Division of Equal Opportunity Development (DEOD), DEOD will determine if the complaint is within the DEOD's jurisdiction.
  2. DEOD will acknowledge receipt of the complaint to all appropriate parties. DEOD will also send a notice of non-jurisdiction, when necessary to the complainant and the LWIA.
  3. DEOD may take the following actions but not limited to the following:
    - On-site visit of recipient's program or activity
    - Desk-Audit of recipient's records
    - Request that complainant visit DEOD for an in-person interview
    - Review of vendor/provider services
    - Review and analysis of Equal Opportunity (EO) data collection and reports relevant to allegation of complain
    - Review of recipients demographics, employment referral, placement and training records
  4. DEOD will issue a Notice of Final Action within 90 days of the receipt of a written complaint. The time frame for the issuance of a resolution to the complainant includes the initial time the complainant filed in writing at the local level.
  5. DEOD will advise complainant of the right to use the Alternative Dispute Resolution Procedure and of the right to file a complaint with CRC if any agreement reached through ADR is perceived to be breached. The complainant will be advised of their right to use DEOD's customary procedure for discrimination complaints if the complainant and/or respondent to a complaint fail to reach an agreement through ADR or any party refuses to participate.
  6. DEOD will advise the complainant of the right to file a complaint with the Civil Rights Center – US Department of Labor (CRC) within 30 days of receipt of the DEOD's Notice of Final Action.
  7. DEOD will advise the complainant of their right to file a complaint in accordance with any applicable federal, state and local civil or human rights laws.
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