

## **WORKFORCE DEVELOPMENT BOARD AMENDED AGENDA**

**THURSDAY, MAY 19, 2022 from 9:00 – 10:30 A.M.**

### **In-Person Meeting**

WMed Innovation Center, 4717 Campus Drive, Kalamazoo MI 49008

**Note:** Members must attend in-person to participate in voting.

Public Access is available at:

<https://us02web.zoom.us/j/81970571812?pwd=OG9sR1VLVfd4eGJSbkxZdThiTjA1Zz09>

**Meeting ID:** 819 7057 1812    **Passcode:** 322932    **Or Dial US Toll Free:**  
833 548 0276 US                      833 548 0282 US                      877 853 5257 US                      888 475 4499 US

- I. CALL TO ORDER / INTRODUCTIONS** Frank Tecumseh, Chair
- II. SHINING STAR AWARD** Jakki Bungart-Bibb
- III. PROGRAM – WMed innovation Center**  
Sandra Cochrane, Assistant Dean of the WMed Innovation Center  
Bob Kennedy, Chief Scientific Officer for Vestaron
- IV. TRANSPARENCY & INTEGRITY OF WDB DECISIONS** Kathy Olsen  
A. Annual Conflict of Interest Form (*Exhibit A*)
- V. CITIZENS TIME**
- VI. APPROVAL OF MINUTES** (*Vote Required*)  
A. WDB Executive Committee March 17, 2022 Meeting Minutes (*Exhibit B*)
- VII. COMMITTEE REPORTS**  
A. CEAC Meeting Report Kris Jenkins
- VIII. NEW BUSINESS**  
A. WDB Announcements Amy Meyers
  - 1. Posting of Local and Regional Plans for 30-day Review and Comment Period
  - 2. United Way Grant Award
- B. CEAC Appointments (*Vote Required*) (*Exhibit C*) Kathy Olsen
- C. WDB Policies (*Vote Required*) (*Exhibit D*) Kathy Olsen
  - 1. WDB Policy 24 Rev 07 - Grievance and Complaint (*Exhibit D1*)
  - 2. WDB Policy 25 Rev 04 – Nondiscrimination and EO (*Exhibit D2*)
- D. Wagner Peyser Notice of Proposed Rule Making Ben Damerow  
(*Vote Required-Resolution*) (*Exhibits G, H*)

**IX. STAFF REPORTS**

- A. Business Services Update & Labor Market Info Update (*Exhibit E*) Ashley Iovieno
- B. Operations Update Jakki Bungart-Bibb
- C. Directors Report (*Exhibit F*) Jakki Bungart-Bibb

**X. SERVICE PROVIDERS – SPECIAL PROJECTS**

**XI. OLD BUSINESS**

**XII. CITIZENS' TIME**

**XIII. MEMBERS' TIME**

**XIV. UPCOMING MEETINGS**

- A. Executive Committee – Thurs, June 15, 2022, from 9:00-10:30 am  
at Upjohn Institute, 300 S Westnedge Ave, Kalamazoo, MI
- B. Full Workforce Development Board – Thurs, September 15, 2022, from 9:00-10:30 am  
tentatively scheduled at Upjohn Institute, 300 S. Westnedge Ave, Kalamazoo, MI
- C. Monitoring & Evaluation Committee – Tues, May 24, 2022, from 3:30-5:00 pm (Note Time).  
at Michigan Works! Service Center, 1601 S Burdick Street, Kalamazoo, MI
- D. Career Educational Advisory Council (CEAC) – Mon, May 16, 2022, from 1:00-3:00 pm  
and Monday, September 19, 2022, from 1:00 – 3:00 p.m.
- E. Disability Awareness Resource Team (DART) Committee – Tues, June 14, 2022, from 2:00-4:00 pm

**XV. ADJOURNMENT**

Frank Tecumseh, Chair

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## Nepotism and Conflict of Interest Disclosure Statement

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In accordance with the provisions of federal policy and State and local policies issued through the State of Michigan Department of Labor and Economic Opportunity and Michigan Works! Southwest, Workforce Development Board (WDB) members must complete a disclosure statement that identifies any situation of Nepotism, as defined in federal, State and local policy, as well as any apparent Conflict of Interest, as defined in federal, State and local policy, that may exist between the WDB member and any Michigan Works! Southwest Agency subrecipient and their staff, the Michigan Works! Agency administrative staff, and/or the W.E. Upjohn Institute for Employment Research staff.

**NEPOTISM** - No WDB member shall use their position of administrative capacity for a purpose that is, or gives the appearance of, being motivated by favoritism for themselves or others with whom they have a family relationship.

For the purpose of this policy, a person in administrative capacity is someone who has overall responsibility for a program, as defined in federal, State and local policies; and includes individuals who have the responsibility for the obtaining of and/or approval of any Workforce Development Board administered grant or contract, as well as other officials who have influence or control over the administration of a program.

No individual may serve on the Workforce Development Board if a member of that person's immediate family is employed by a Michigan Works! Southwest subrecipient, the Michigan Works! Southwest administrative unit and/or the W.E. Upjohn Institute for Employment Research. To the extent that an applicable State or local requirement regarding nepotism is more restrictive than this provision, such State or local requirement must be followed.

**CONFLICT OF INTEREST** - A conflict of interest is a circumstance where the WDB member's conduct or the personal or financial interests of a WDB member or a member of the WDB member's family may tend to impair the WDB member's independence or judgment or action in the performance of official duties.

If a WDB member's circumstances, personal or professional, change during the year and place them in a situation where there is a nepotism relationship or a conflict of interest or the appearance of a conflict of interest, it shall be the WDB member's responsibility to request and complete a new Nepotism and Conflict of Interest Disclosure Statement prior to attending the next meeting of the Workforce Development Board for Michigan Works! Southwest.

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**DISCLOSURE** – The undersigned discloses that

☐ As a member of the Workforce Development Board for Michigan Works! Southwest, there is no existence or appearance of nepotism between myself and others with whom I have a family relationship.

**AND** (check one),

☐ As a member of the Workforce Development Board for Michigan Works! Southwest, I am in a position where my job responsibilities, or my position as a member of a community board, or my personal interests, either create a conflict of interest or may give the appearance of a conflict of interest with the following named individual(s) and/or organization(s) that is (are) sub-recipients of the Michigan Works! Southwest Agency:

\_\_\_\_\_

☐ To my knowledge, no conflict of interest exists between myself and any employee of the Upjohn Institute, Michigan Works! Southwest Agency administration, and any individual and/or organization(s) that is (are) a subrecipient of the Michigan Works! Southwest Agency.

**PRINT NAME** \_\_\_\_\_

**SIGNATURE** \_\_\_\_\_

**DATE** \_\_\_\_\_

**Workforce Development Board  
Executive Committee Meeting Minutes  
March 17, 2022**

**CALL TO ORDER:** Workforce Development Board Chair, Frank Tecumseh, called the meeting to order at 9:00 a.m. at the Upjohn Institute, 300 S. Westnedge Ave, Kalamazoo, Michigan.

Members attending in-person introduced themselves.

**WDB Executive Committee Members Present:**

Dan Dunn (PS)* <sup>∨</sup>	Kris Jenkins (Educ)*	Frank Tecumseh (PS)*
Lisa Godfrey (PS)*	Dave Maurer (PS)*	* Exec Committee
Randall Hazelbaker (PS)*	Jackie Murray (PS)*	<sup>∨</sup> attended virtually

**Other WDB Members Present:**

Dr Adrien Bennings <sup>∨</sup>	Charles Rose (CBO) <sup>∨</sup>
Jose Orozco (CBO) <sup>∨</sup>	Mike Quinn (PS)

**Michigan Works! / Upjohn Institute Staff Present:**

Jakki Bungart- Bibb	Aseel Hussein <sup>∨</sup>	Kathy Olsen
Ashley Iovieno	Amy Meyers	Amanda Rosenberg <sup>∨</sup>

**Michigan Works! Services / Program Staff Present:**

Paige Daniels (YOU/KRESA) <sup>∨</sup>	Amanda Sutherland (YOU/KRESA) <sup>∨</sup>
Sam Dougherty (WDI) <sup>∨</sup>	Mark Waurio (Upjohn/PATH) <sup>∨</sup>
Sarah Mansberger (KRESA) <sup>∨</sup>	

**Guests Present:**

Emma Frick, for Rep. Julie Rogers <sup>∨</sup>	Don Reid (USA Today Network) <sup>∨</sup>
Samantha Powell (Upjohn/Special Initiatives)	

**SHINING STAR AWARD**

Jakki Bungart-Bibb reported the Shining Star Award is a new standing Board meeting agenda item that was implemented last month. The Shining Star Award celebrates dedicated and outstanding front-line staff. Employees can submit nominations monthly and the operations team then selects a winner. The winner is recognized at the following month's Workforce Development Board meeting. Along with that acknowledgement, the winner receives a certificate signed by the Board chair as well as a traveling plaque and trophy. This is just one of the many ways we are looking to celebrate our frontline staff who work tirelessly to serve our communities.

Ms. Bibb announced that Samantha Powell was selected for the February Shining Star Award. Ms. Powell has been critical to the growth of new career coaches and is responsible for the success of many LEAP projects. She has taken the special initiatives staff under her wing and teaches them what she has learned over the years. She is a reliable and trustworthy employee who goes above and beyond for her co-workers, partners, and participants. Whether advocating for the removal of participants' barriers or promoting in-house trainings that can help bring meaningful employment opportunities to the participants, Ms. Powell is always passionate about her work. She was presented with the award at the meeting along with expressions of congratulations and thanks.

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## TRANSPARENCY & INTEGRITY OF WDB DECISIONS

Kathy Olsen asked members present if there were any items on the agenda requiring a vote for which a conflict of interest or a potential conflict of interest exists; and if so, the conflict should be declared at this time. There were none.

## CITIZENS TIME

None.

## APPROVAL OF MINUTES (*Exhibit A*)

**Motion made by Dave Maurer and supported by Lisa Godfrey to approve the WDB Full Board Meeting Notes of February 17, 2022; and the WDB Executive Committee meeting minutes of February 23, 2022.**

**Motion carried.**

## COMMITTEE REPORTS

***Monitoring and Evaluation Committee*** – Jackie Murray reported the Monitoring Committee recently met. Two participants were interviewed, and both spoke very highly of staff. The first participant originally enrolled in the Trade program, struggled finding new employment, and eventually enrolled in school. School became difficult with online learning and multiple losses of family and friends during the COVID pandemic. The participant then enrolled in WIOA Dislocated Worker services after being contacted by staff. The second participant was laid off in early 2021, had multiple interviews but no job offers, and recently enrolled in WIOA Adult services. After researching options, the individual started the process to enroll in truck driver training and while waiting for classes to start, is studying with the program-provided book and practicing test modules. Workforce Development Institute (WDI) staff, the service provide for WIOA Adult and Dislocated Worker services, provided a presentation summarizing the information pertaining to Adult and Dislocated Worker program services. They also provided information on their connections to businesses and training providers that included a project where they worked with the IBEW to fill jobs with contractors working on the Graphic Packaging project in Kalamazoo.

MW! administrative staff completed mid-term monitoring to assess progress made towards corrective action issues identified last year. Overall, progress was made in addressing the identified corrective actions. For the annual review, sixteen files were reviewed of which the majority included documentation of barriers that aligned with entries within the OSMIS Individual Service Strategy (ISS) Action Plan. However, some files still failed to document barriers within the Action Plan that were detailed in the participant's Individual Employment Plan (IEP) and/or case notes. WDI staff acknowledged they were aware of these issues and have been addressing them with additional training. Dual enrollment with the Trade Program continues to be a focus. Data validation of the sixteen (16) files resulted in a 0% error rate. MW! admin staff also interviewed two participants, and both described staff as knowledgeable and welcoming. Mileage reimbursement and the welcoming attitude of staff were identified as the most helpful aspects of the program. Services provided continue to be a blend of virtual and in-person, based on each participant's preference & availability. Program enrollments were low due to COVID-19 and outreach and recruitment are a current focus. Most of the WIOA performance measures were well above goal for the Dislocated Worker Program. For the Adult Program, a couple of the performance measures were above goals and others were slightly below goals. *Administrative recommendations* are for the service provider to continue to develop and enhance the processes and procedures to ensure the Individual Employment Plan / Individual Service Strategy aligns with the barriers identified by, and services provided to participants; and to strengthen strategies to ensure the opening of activities is properly supported thorough documentation, such as in case notes. *Continuous improvement* includes consistency in the determination of activity usage in OSMIS; the development of procedures to ensure customer satisfaction surveys are completed appropriately; and the continued development and enhancement of strategies to support dual enrollments and the coordination of services and case management between the Dislocated Worker and Trade programs.



## **NEW BUSINESS**

### **WDB Plans**

#### ***PY2022 Young Professionals Initiative*** (Exhibit B1)

Amy Meyers reported Michigan Works! Southwest received an allocation of \$450,000 for the period March 1, 2022, through February 28, 2023, which is a significant increase from last year's award of \$150,000. Michigan Works! Southwest applied for this funding and this year there was an opportunity to request an amount up to \$500,000. The goal of this funding is to increase career awareness and preparation while reducing youth unemployment. This will be accomplished by introducing under-represented young adults, ages 14 to 24, to the world of work while providing income. Although not an exhaustive list, examples of allowable services and expenditures listed on the plan document (Exhibit B1) include: wages/stipends paid for participation in a work experience; classroom training or the required academic education component directly related to the work experience; incentive payments directly tied to the completion of work experience or classroom training for those enrolled as WIOA Youth; employability skills/job readiness training to prepare youth for a work experience; and supportive services. As in the past, MW! Southwest will be partnering with KRESA/YOU to provide this programming.

#### ***FY2022 Going PRO Talent Fund*** (Exhibit B2)

Amy Meyers reported the Going PRO Talent Fund (GPTF) provides opportunities through competitive awards to employers to assist in training, developing, and retaining new and current employees. The allocation for this plan (Exhibit B2) for MW! Southwest totals just over \$3 million. MW! areas receive an award of Talent Fund funding based on the total number of company applications that were approved for funding. This funding allocation represents individual company awards; however, companies may also apply later for funding as part of an Industry Led Collaborative (ILC). This award reflects training 1,886 residents at 58 companies. Training funded by the Talent Fund must fill a demonstrated talent need experienced by an eligible participating employer. Training must lead to a credential for a skill that is transferable and recognized by the industry. Allowable training includes classroom or customized training for new and current employees; on-the-job training (OJT) for new employees; and apprenticeships for first-year United States Department of Labor (USDOL) Registered Apprentices for new and current employees.

**Motion made by Mike Quinn and supported by Dave Maurer to approve the PY2022 Young Professionals Initiative and the FY2022 Going PRO Talent Fund Plans. Motion carried.**

#### ***CEAC and WDB Appointments*** (Exhibits C1 & C2)

Kathy Olsen requested Board consideration and approval of the appointment of Dustin Scharer, Assistant Superintendent of CTE for Branch County to the WDB, representing education as an alternate representative for Kris Jenkins, for the balance of a term that began October 1, 2020, and which ends September 30, 2022; and to appoint Mr. Scharer to the Career Educational Advisory Council, representing Branch County Career Technical Education for the balance of a term that began July 1, 2021 and which ends June 30, 2023. Both appointments would be effective July 1, 2022 and are to replace Randy Sowles who is retiring.

Ms. Olsen also requested Board consideration and approval of the appointment of Dr. Mark Dunneback, Dean for Business and Technical Careers at KVCC, replacing Dr. Tracy Labadie, as the alternate representative for Dr. Deb Coates, representing a post-secondary institution for the balance of a term that began July 1, 2020, and which ends June 30, 2022.

**Motion made by Lisa Godfrey and supported by Dave Maurer to approve the appointment of Dustin Scharer, Assistant Superintendent of CTE for Branch County to the WDB representing education as an alternate representative for Kris Jenkins, for the balance of a term that began October 1, 2020, and which ends September 30, 2022; and to appoint Mr. Scharer to the Career Educational Advisory Council, representing Branch County Career Technical Education for the balance of a term that began July 1, 2021 and which ends June 30, 2023. Both appointments would be effective July 1, 2022 and are to replace Randy Sowles who is retiring; and to approve the appointment of Dr. Mark Dunneback, Dean for Business and**

**Technical Careers at KVCC, replacing Dr. Tracy Labadie, as the alternate representative for Dr. Deb Coates, representing a post-secondary institution for the balance of a term that began July 1, 2020 and which ends June 30, 2022. Motion carried.**

## **WDB Policies**

### **WDB Policy 06 Rev 07 - Procurement and Property Management (Exhibit E)**

Kathy Olsen requested Board consideration and approval of WDB Policy 06 Rev 07 - Procurement and Property Management (Exhibit E). She reported edits made to the policy align with State policy updates. References were updated and minor punctuation edits were made. Additionally, under section III.E. ‘an administrative system’ was changed to ‘an administrative monitoring system;’ and under Section V., item B. was added, and item C. (formerly item B) was edited.

**Motion made by Lisa Godfrey and supported by Kris Jenkins to approve WDB Policy 06 Rev 07 Procurement and Property Management. Motion carried.**

## **STAFF REPORTS**

### **Business Services Update**

Ashley Iovieno provided an update on the Going PRO Talent Fund (GPTF) and reported on upcoming events.

**Going PRO Talent Fund** – Ms. Iovieno reported one additional local company was awarded a Going PRO Talent Fund grant since the initial announcement was made at the previous Board meeting. Cosma Casting in Battle Creek will join the list of awardees bringing the total for Michigan Works! Southwest to fifty-eight (58) companies. Their award is for \$123,052 which brings the MW! Southwest total to approximately \$2.8 million in training funds. The official State policy has been released and staff are now working on writing contracts with the awardees.

**Upcoming Events** – Ms. Iovieno reported multiple in-person events are being planned.

- **MiCareerQuest™ Southwest** – Planning is underway for the MiCareerQuest™ Southwest. At this stage staff are moving forward with an in-person event scheduled for May 17-18, 2022 at the Kalamazoo Expo Center; however, staff are prepared to move to a virtual platform if that becomes necessary. Partners for this event include Kalamazoo RESA, Calhoun County Career Center, Southwest Michigan First and area champion employers such as Bronson and Stryker. Staff are currently recruiting employers for the event and if interested in participating, please contact Ms. Iovieno. Staff are also in discussions with partners in St. Joseph County for an in-person MiCareerQuest™ event to be held in St. Joseph County; however, no date has been set.
- **Recipe for Success Job Fair** - Plans are underway for a Recipe for Success event to be held in Albion on May 11, 2022. Staff are working with area partners that include Marshall Opportunity High School, Albion Economic Development Corporation, Kellogg Community College, and Albion College. The plan is to incorporate students into the event as well as adult job seekers.
- **Spring Hiring Blitz** – The next Spring Hiring Blitz for Branch County is scheduled for May 11, 2022. This event creates opportunities for not only adult job seekers but also for local students that attend the Branch Area Career Center. Staff are working closely with the Branch Area Career Center, Kellogg Community College, and the Coldwater Area Chamber to pull together the event that has not taken place since 2019 because of the pandemic.
- **Career Exploratory Event** – Staff have partnered with Sturgis High School to sponsor a Career Exploratory event for area high schoolers that will take place on March 25, 2022, from 8:30 a.m. to 2:30 p.m. Area employers will be able to highlight what their company does through hands-on activities.
- **Glen Oaks Community College Hiring Event** - Staff are collaborating with partners at Glen Oaks Community College for an area Hiring Event scheduled for the afternoon of April 20, 2022.

## Labor Market Information Update

**Michigan's Labor Market News** - Jakki Bungart-Bibb reported the March edition of Michigan's Labor Market News was not available at the time of the meeting. It will be emailed to members as soon as it becomes available. She reported the Michigan unemployment rate is currently at 4.2%, and the unemployment rate in the four counties in the Michigan Works! Southwest service area ranges from 3.9% – 5.4%.

**Job Demand Dashboard** – Ms. Bibb reported the Job Demand Dashboard link for Region 8 will also be emailed to members following the meeting. She noted that the ad volume increased by almost 14% during the month of February. The top occupations showing up on the list remain the same as previous months: Registered Nurses, retail sales workers, and frontline supervisors of retail sales workers. For more labor market information, the February edition of Regional Economic Trends is available on the Upjohn Institute website. This is a monthly report that summarizes the latest county-level data on employment, job growth, and job postings.

**Burning Glass Analytics and Real Time Jobs Data** (Exhibit D) - In addition to the verbal report, the website link to the labor market reports generated from Burning Glass Analytics and Real Time Jobs Data that identified top detailed occupations, skills greatest in demand, and employers with the most job openings in Prosperity Region 8, Michigan Works! Southwest, and each of the four counties in the MW! Southwest Area for the period January 1, 2022, through February 28, 2022, were included in the meeting notice.

## Operations Update

Jakki Bungart-Bibb reported Service Centers continue to be open to the public offering both virtual and in-person services. Staff are seeing a slight increase of individuals visiting the centers each month; however, numbers are still well below pre-pandemic levels. Most traffic in the service centers is for unemployment insurance assistance. The State of Michigan Department of Labor and Economic Opportunity (LEO) and the Michigan Works! statewide network are exploring a marketing campaign to promote awareness of MW! services that will hopefully drive more job seekers into the centers. A successful Expungement event was held on February 23, 2022, in Calhoun County at the Kellogg Arena. She thanked the Special Initiatives Team, the Neighborhood Employment Hubs staff, and the community partners for their challenging work for this event. Key partners were Calhoun County Circuit and District Court, Goodwill Industries, Community Action, Calhoun County Public Defender, Michigan Advocacy Program, Legal Services of Southcentral Michigan, Voces, Safe and Just, and Michigan Works! Southwest. This event went particularly well due to the overwhelming response of volunteers and attorney support in Calhoun County. An option for fingerprinting was provided on-site or by voucher prior to the clinic, which helped speed up the process. One hundred fifty (150) customers had their records screened and seventy (70) were registered with Michigan Works! Southwest and will receive assistance with the cost of expungement and the fees.

## Director's Report (Exhibit F)

Jakki Bungart-Bibb provided State and Federal legislative updates.

**State Update** – The annual *Michigan Works! Association Legislative Day* was held on March 9, 2022. The MW! Southwest Board chair and vice chair both participated along with Ben Damerow and Ms. Bibb. It was a busy day of activities that included the MW! Board of Directors meeting, a workforce development panel discussion, and several legislative visits. Staff and Board members from MW! Southwest visited with six local representatives and shared legislative priorities as well as some successes and challenges related to workforce development. A list of the legislative priorities was included on the Director's Report (Exhibit F) that was sent to members prior to the meeting. She reported the group also used the opportunity to plug for a change to the Open Meetings Act as they were meeting with the State representatives.

The annual *Impact Awards hosted by the Michigan Works! Association* is scheduled to take place next week in Lansing. This event recognizes workforce development successes across Michigan and local lawmakers will present tributes to honorees from across the state. The successes of YWCA, Southwest Childcare Resources and



customer Jazmine Carpenter, a participant in the WIOA Youth Services Program, will be the recipients recognized from the MW! Southwest area. Through working with her career coach at YOU, Ms. Carpenter was able to overcome significant barriers, begin training and gain employment in the childcare industry. She transitioned quickly to a lead teacher position and upon the completion of her early childhood apprenticeship, she will hold a nationally recognized certification and nine college credits. Ms. Bibb acknowledged YOU/KRESA staff, the partners, and Jazmine Carpenter for their efforts towards this success.

**Federal update** - Congress passed omnibus legislation to fund the government for the remainder of Fiscal Year 2022 and the passage of this legislation will result in small increases in spending for many workforce development programs. This will affect several programs operated by MW! Southwest. The increase is marginal for almost all programs and will not have a huge impact. One area that did have a significant increase was funding for apprenticeships, which increased by 27%; staff will continue to watch and report on how the MW! Southwest area will be impacted.

## **OLD BUSINESS**

None.

## **CITIZENS' TIME**

None.

## **MEMBERS' TIME**

None.

## **UPCOMING MEETINGS**

Upcoming meetings include:

- The next WDB Executive Committee meeting is scheduled for Thursday, April 21, 2022, from 9:00 – 10:30 a.m. (Note: This meeting was cancelled.)
- The next quarterly meeting of the full Workforce Development Board is scheduled for Thursday, May 19, 2022, from 9:00 – 10:30 a.m.
- The next Monitoring and Evaluation Committee meeting is scheduled for Tuesday, March 22, 2022, from 3:00 – 5:30 p.m.
- The next Career Educational Advisory Council (CEAC) meeting is scheduled for Monday, March 21, 2022, from 1:00-3:00 p.m.
- The next Disability Awareness Resource Team (DART) Committee is scheduled for Tuesday, April 12, 2022, from 2:00-4:00 p.m.

## **ADJOURNMENT**

There being no other reports or business for the Board, the meeting adjourned at 9:43 a.m.

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Kathy Olsen

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Date

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Frank Tecumseh

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Date

**DATE:** May 12, 2022  
**TO:** Workforce Development Board  
**FROM:** Nominating Committee  
**SUBJECT:** Career Educational Advisory Council Membership

We are requesting WDB consideration and approval of a membership changes to the WDB Career and Educational Advisory Council (CEAC) for Michigan Works! Southwest. The service area for the Michigan Works! Southwest WDB and CEAC includes Branch, Calhoun, Kalamazoo, and St. Joseph Counties.

Membership changes are as follows:

- Dr. Mark Dunneback, Dean for Business & Technical Careers at Kalamazoo Valley Community College (KVCC), representing post-secondary education, replacing Dr. Tracy Labadie as the alternate member for Dr. Deb Coates. This appointment is for the balance of a term that began October 1, 2020 and which ends September 30, 2022.
- Dr. Madonna Jackson, Dean of Academics at Glen Oaks Community College (GOCC), representing post-secondary education, replacing Michael Goldin. Mr. Goldin transitioned to another post-secondary institution in December 2021. This appointment is for the balance of a term that began October 1, 2020 and which ends September 30, 2022.
- James Berry, Director of Career Technical Education (CTE) at St. Joseph Intermediate School District, representing CTE, replacing Tommy Cameron who retired at the end of March 2022. This appointment is for the balance of a term that began October 1, 2021 and which ends September 30, 2023.

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## Workforce Development Board Policy Revision Summary May 19, 2022

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### **WDB Policy 24 Rev 07 – Grievance and Complaint Handling**

- Under Background- Added language to include participants and employer-based training employers.
- Under References - Updated References in this section and throughout the policy.
- Under Policy
  - Added language to address an opportunity to resolve complaints informally.
  - Added language regarding distribution of the EO Notice and Grievance and Complaint Procedures to employees and the maintenance of the signed acknowledgement of receipt of EO & Grievance and Complaint documents.
  - Added language to address Accessibility, Language Barriers, and the posting of Complaint and Grievance procedures.
  - The outline was reformatted to adjust to the above changes.

### **WDB Policy 25 Rev 03 – Nondiscrimination and Equal Opportunity**

- Under References - Updated the State policy references.
- Under Policy
  - The name and phone number for the designated EO Officer for Michigan Works! Southwest was changed to Amy Meyers, 269-385-0414.

### **Grievance and Complaint Procedures**

- Updated the Grievance and Complaint procedures to align with changes in the above policies.

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## Workforce Development Board

## WDB Policy 24 R07

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**AUTHORITY:** The Michigan Works! Southwest Workforce Development Board is established under the Workforce Innovation and Opportunity Act of 2014, and subsequent changes. The Board is assigned the responsibility to set policy for the workforce investment system within the local area.

**ORDER OF PRECEDENCE:** Where any part of this policy shall be determined to conflict with any federal, state, or local policy, the federal, state, and then local policy shall take precedence without affecting any other part or parts of this policy.

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## Grievance and Complaint Handling

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### BACKGROUND

All persons who are applicants for, or recipients of, services funded by Workforce Development, State of Michigan, and all sub-grantees, subcontractors/subrecipients, service providers, One Stop partners, employees, participants, providers of training services, employer-based training employers, and other interested parties shall be afforded the opportunity to resolve, by means of administrative process, any alleged violation of state and federal policy and/or regulations, including those of discrimination and retaliation, related to the programs assigned to the Michigan Works! Southwest Area.

To ensure compliance it is critical that local Workforce Development Boards (WDB), Michigan Works Agencies and service providers/subrecipients establish written policies and procedures that implement the state and federal policies, procedures and regulations for handling grievances and complaints.

### SCOPE

All workforce development programs, services and activities under the auspices of the Michigan Works! Southwest Workforce Development Board.

### REFERENCES

Workforce Development, State of Michigan Complaint and Grievance Policy Issuance 22-05 and subsequent changes

Workforce Development Agency, State of Michigan, Policy Issuance 18-09  
Nondiscrimination and Equal Opportunity Requirements and subsequent changes

Title VII of the Civil Rights Act of 1964, as amended and the Michigan Civil Rights Act

Workforce Development, State of Michigan, Policy Issuance 18-01, the U.S. Department of Labor's (USDOL's) Training and Employment Guidance Letter (TEGL) No.2-12 regarding Employment and Training Administration (ETA) Grant Recipient Responsibilities for Reporting Instances of Suspected Fraud, Program Abuse and Criminal Conduct.

Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 P.L. 104-193

Workforce Innovation and Opportunity Act (WIOA) of 2014, sections 106(b) (5) and 181(c)

29 Code of Federal Regulations (CFR) Part 38 Implementation of the Nondiscrimination and Equal Opportunity Provisions of the WIOA and subsequent changes

Temporary Assistance to Needy Families (TANF) Regulation, 45 Code of Federal Regulations (CFR) 261.70

Food and Nutrition Act of 2008

Workforce Development, State of Michigan Trade Adjustment Assistance (TAA) Comprehensive Manual, May 10, 2019 and subsequent revisions

Workforce Development, State of Michigan Employment Service Manual, September 8, 2020 and subsequent revisions

## POLICY

- I. Definitions
  - A. Complaint

A complaint is an informal, verbal or written, allegation of discriminatory or unequal treatment, as well as retaliation.

    1. Discrimination - For cases of alleged discrimination and cases of retaliation for filing a complaint of alleged discrimination, those complaints should be directed to the Michigan Works! Southwest EO Officer.
    2. General Complaint - To investigate and resolve a general complaint, the complaint procedures for the affected organization(s) shall be followed and the full appeal process exhausted in an attempt to reach a satisfactory informal resolution.
    3. If an informal solution cannot be reached with the person or organization against whom the complaint is made, an official grievance may be filed.
  - B. Grievance

For purposes of this policy, and consistency with state policy, a grievance is defined as a written complaint that has not been resolved through informal processes, filed in accordance with the established policy and procedures.
- II. Implementation
  - A. Michigan Works! Southwest shall develop, maintain, and make available to participants, sub-grantees, subcontractors/subrecipients, service providers, employees, One Stop partners, providers of training services, and other interested parties, a procedure, consistent with state policies and federal regulations, for the notification of Equal Opportunity (EO) is the Law and the handling of complaints and grievances, including complaints of discrimination and retaliation, that involve programs, activities and/or services administered by Michigan Works! Southwest, funded by Workforce Development (WD), State of Michigan, and other state and federal agencies, and under the auspices of the Michigan Works! Southwest Workforce Development Board.
    1. An opportunity to resolve complaints informally before they become grievances shall be made available to participants and interested parties.
    2. The content of this policy and the related procedures shall be provided to the affected parties in the following manner:
      - a. **Participants:** shall receive copies of the current EO is the Law Notice and the local Grievance and Complaint Procedures as part of the enrollment process. Participants shall sign and date a document acknowledging receipt of the Notice and Procedures and agreement to follow the procedures as outlined.



- b. **Subcontractors:** information shall be included in the contract language and copies of the current EO is the Law Notice and the local Grievance and Complaint Procedures shall be attached. A signed acknowledgement of receipt of the Notice and Procedures and agreement to follow the procedures shall be included in the signed contract.
  - c. **Subgrantees:** same procedure as item b above.
  - d. **Service Providers:** same procedure as item b above.
  - e. **Employees:** shall receive copies of the current EO is the Law Notice and the local Grievance and Complaint Procedures at the time of hire. Employees shall sign and date a document acknowledging receipt of the Notice and Procedures and agreement to follow the procedures as outlined at the time of hire and annually thereafter during the first quarter of a program year.
  - f. **One-Stop Partners:** the information shall be included in the Memorandum of Understanding (MOU) or other signed agreements with Michigan Works! Southwest. Copies of the current EO is the Law Notice and Grievance and Complaint Procedures shall be attached.
  - g. **Providers of Training Services:** shall be made aware of Michigan Works! Southwest's current EO is the Law Notice and Grievance and Complaint Procedures and direct Michigan Works! Southwest participants with related concerns to the Michigan Works! Southwest Agency. All Requests for Proposals for training services and the resulting contracts shall include the current EO Notice and the local policies and procedures, as well as the location where the documents can be reviewed.
  - h. **Employer-Based Training Employers:** information regarding the current EO is the Law Notice and the local policies and procedures shall be included in the contract language and copies of the current EO is the Law Notice and Grievance and Complaint Procedures shall be attached. The location where the documents can be reviewed shall also be included in the contract.
  - i. **Other Interested Parties:** The current EO is the Law Notice and Grievance and Complaint Procedures will be posted in the One Stop Service Centers in areas accessible to the public, in areas where services are provided, and in administrative areas. Hard and/or electronic copies shall be made available upon request.
- B. Grievance and complaint handling procedures, including procedures for addressing discrimination and retaliation complaints, shall include a clear progression of actions to be taken in the resolution of a complaint or grievance that includes an opportunity to resolve complaints informally at the lowest level before they become an official grievance.
- C. Michigan Works! Southwest and its subrecipients shall ensure participants and other interested parties, sign and date documentation acknowledging receipt of the Michigan Works! Southwest EO is the Law Notice and the Grievance and Complaint Procedures. (See Section II.A.1. of this policy for list.) The documentation shall be maintained for review by WD and other applicable entities according to state and federal policy requirements. (See item G of this subsection.)
- D. Persons enrolled in the Trade Adjustment Assistance (TAA) Program shall also receive a written copy of the Request for Redetermination Procedures. These are the procedures that shall be followed when requesting a redetermination of a TAA training, job search, and/or a relocation service decision.

- E. The EO is the Law Notice, the Grievance and Complaint Procedures and the TAA Request for Redetermination Procedures shall be accessible to individuals with disabilities.
  - F. Where a significant number or proportion of individuals with limited English proficiency (LEP) exist, a reasonable effort shall be made to assure that the EO is the Law Notice, the Grievance and Complaint Procedures and the TAA Request for Redetermination Procedures is provided to and understood by individuals with limited English proficiency (LEP).
  - G. All locally developed grievance and complaint policies, procedures, signed acknowledgements, and related documentation shall be maintained and available for review by the WD.
- III. Accessibility  
All processes required by this policy are to be made available in hard copy and/or posted on the Michigan Works! Southwest website and must be accessible to persons with disabilities or other barriers as required by law.
- IV. Language Barriers  
Where a significant number or proportions 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 and understood by limited English speaking individuals who seek information regarding the grievance procedure.
- V. Posting  
Complaint and Grievance procedures must be posted and accessible in areas where administration and program services are provided.
- VI. Monitoring/Tracking of Complaints and Grievances  
Michigan Works! Southwest and its subrecipients shall maintain a monitoring and tracking system to document grievances received and their disposition.
- A. Records of grievances shall be reported and maintained according to state policy and federal regulations.
  - B. Records of grievances shall be maintained for a period of three years and the retention period shall begin on the date of the WD acceptance of the final closeout report for the applicable grant or contract.
  - C. Records shall be retained beyond three years if any litigation or audit is begun, or if a claim is instituted involving the grant or contract covered by the records prior to the end of the retention period. In these instances, the records shall be retained until the litigation, audit or claim has been resolved.
- VII. Appeal of Funding Determinations
- A. Individuals, agencies, and/or organizations responding to a solicitation for the delivery of administrative and/or workforce development programs, services and/or activities may appeal the funding decision using the Michigan Works! Southwest Request for Proposal (RFP) Appeal Procedure.
  - B. These appeal procedures, or summary thereof, shall be included in the solicitation documents.
- VIII. Appeal of State Level Monitoring Findings  
Michigan Works! Southwest 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

WD within 30 days of the adverse decision using the procedures established by the WD.

Other interested parties may not appeal WD findings directly with WD. To the extent that interested parties are affected by a WD decision, the interested parties shall first file a grievance using the local level procedures outlined in the Michigan Works! Southwest Grievance and Complaint Procedures.

IX. Special Provisions

- A. Equal Opportunity: Complaints alleging violation of the nondiscrimination and equal opportunity (EO) provision of state/federal grant programs shall be resolved in accordance with the WDB Nondiscrimination and Equal Opportunity (EO) Policy 25 Revision 03 and subsequent revisions.
- B. Jurisdiction: Temporary Assistance to Needy Families (TANF) and Food Assistance program applicant and recipient grievances shall be handled in accordance with Michigan Works! Southwest or the Michigan Department of Health and Human Services (MDHHS) procedures, as appropriate, given the nature of the grievance.
- C. Wagner-Peyser and Employment related complaints: grievances involving activities funded by the Wagner-Peyser Act shall be resolved in accordance with the procedures outlined in the Employment Service (ES) Manual. Employment related complaints, including but not limited to, employer wage and hour concerns, migrant farm worker or veteran complaints, and other general labor laws, shall also be handled in accordance with the grievance procedures outlined in the State of Michigan Employment Services (ES) Manual. The ES Manual and assistance with this type of complaint is available at the Michigan Works! Southwest Service Centers.
- D. Criminal Conduct: known or suspected fraud, abuse, or criminal conduct under the Workforce Innovation and Opportunity Act (WIOA) shall be reported in accordance with the incident reporting guidelines issued by WD.
- E. Dual Enrollments: For grievances that involve participants who are dually enrolled in any of the Michigan Works! Southwest workforce development programs funded by the WD, the Michigan Works! Southwest Agency shall:
  - 1. Determine the funding source supporting the activity or program being grieved, and
  - 2. Resolve the grievance using the appropriate program grievance procedure.
- F. TANF Displacement: A grievance may be filed by an affected individual if (1) a recipient of TANF is placed in a position when any other individual is on layoff from the same or any substantially equivalent job; or (2) if the employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy created with a TANF recipient.
- G. WIOA Displacement: A grievance may be filed by a regular employee displaced by a WIOA participant who is placed in an employment activity operated with WIOA funds. A grievance may also be filed by a WIOA participant in an employment activity if the participant is displaced.
- H. Binding Arbitration/Collective Bargaining: WIOA participants alleging a labor standards violation shall have the opportunity to submit the grievance to a binding arbitration procedure if the applicable collective bargaining agreement provides that opportunity.

**INITIAL EFFECTIVE**

**DATE** 7/1/2007

**APPROVED**

<b>Initial Policy:</b>	WDB Executive Committee	10/4/2007
<b>Revision 01</b>	WDB Executive Committee	12/3/2009
Updated Name of RFP Appeal Procedures		9/10/2010
<b>Revision 02</b>	WDB Executive Committee	10/6/2011
<b>Revision 03</b>	WDB Executive Committee	8/2/2012
<b>Revision 04</b>	WDB Executive Committee	1/9/2014
<b>Revision 04:</b>	WDB Executive Committee	10/15/2014 <i>(All WDB policies accepted to apply to all four counties)</i>
<b>Revision 05</b>	WDB Executive Committee	6/17/2015
<b>Revision 06</b>	WDB Executive Committee	4/12/2019
<b>Revision 07</b>	WDB Executive Committee	xx/xx/2022

**EXPIRATION** Ongoing

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## Workforce Development Board

WDB Policy 24 ~~R06~~R07

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**AUTHORITY:** The Michigan Works! Southwest Workforce Development Board is established under the Workforce Innovation and Opportunity Act of 2014, and subsequent changes. The Board is assigned the responsibility to set policy for the workforce investment system within the local area.

**ORDER OF PRECEDENCE:** Where any part of this policy shall be determined to conflict with any federal, state, or local policy, the federal, state, and then local policy shall take precedence without affecting any other part or parts of this policy.

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## Grievance and Complaint Handling

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### BACKGROUND

All persons who are applicants for, or recipients of, services funded by ~~the Michigan~~ Workforce Development, ~~State of Michigan Agency~~, and all sub-grantees, subcontractors/subrecipients, service providers, One Stop partners, employees, participants, providers of training services, employer-based training employers, and other interested parties shall be afforded the opportunity to resolve, by means of administrative process, any alleged violation of state and federal policy and/or regulations, including those of discrimination and retaliation, related to the programs assigned to the Michigan Works! Southwest Area.

To ensure compliance it is critical that local Workforce Development Boards (WDB), Michigan Works Agencies and service providers/subrecipients establish written policies and procedures that implement the state and federal policies, procedures and regulations for handling grievances and complaints.

### SCOPE

All workforce development programs, services and activities under the auspices of the Michigan Works! Southwest Workforce Development Board.

### REFERENCES

Workforce Development, State of Michigan Complaint and Grievance Policy Issuance 22-~~XX~~05 and subsequent changes

Workforce Development Agency, State of Michigan, Policy Issuance 18-09  
Nondiscrimination and Equal Opportunity Requirements and subsequent changes

Title VII of the Civil Rights Act of 1964, as amended and the Michigan Civil Rights Act

Workforce Development ~~Agency~~, State of Michigan, Policy Issuance 18-01, the U.S. Department of Labor's (USDOL's) Training and Employment Guidance Letter (TEGL) No.2-12 regarding Employment and Training Administration (ETA) Grant Recipient Responsibilities for Reporting Instances of Suspected Fraud, Program Abuse and Criminal Conduct.

Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 P.L. 104-193

Workforce Innovation and Opportunity Act (WIOA) of 2014, sections 106(b) (5) and 181(c)

29 Code of Federal Regulations (CFR) Part 38 Implementation of the Nondiscrimination and Equal Opportunity Provisions of the WIOA and subsequent changes



Temporary Assistance to Needy Families (TANF) Regulation, 45 Code of Federal Regulations (CFR) 261.70

Food and Nutrition Act of 2008 ~~Stamp Act of 1977~~

Workforce Development ~~Agency~~, State of Michigan Trade Adjustment Assistance (TAA) Comprehensive Manual, ~~Dec. 29, 2016~~ May 10, 2019 and subsequent revisions

Workforce Development ~~Agency~~, State of Michigan Employment Service Manual, ~~March 6, 2018~~ September 8, 2020 and subsequent revisions

## POLICY

### I. Definitions

#### A. Complaint

A complaint is an informal, verbal or written, allegation of discriminatory or unequal treatment, as well as retaliation.

1. **Discrimination** - For cases of alleged discrimination and cases of retaliation for filing a complaint of alleged discrimination, those complaints should be directed to the Michigan Works! Southwest EO Officer.
2. **General Complaint** - To investigate and resolve a general complaint, the complaint procedures for the affected organization(s) shall be followed and the full appeal process exhausted in an attempt to reach a satisfactory informal resolution.
3. If an informal solution cannot be reached with the person or organization against whom the complaint is made, an official grievance may be filed.

#### B. Grievance

For purposes of this policy, and consistency with state policy, a grievance is defined as a written complaint that has not been resolved through informal processes, filed in accordance with the established policy and procedures.

### II. Implementation

- #### A. Michigan Works! Southwest shall develop, maintain, and make available to participants, sub-grantees, subcontractors/subrecipients, service providers, employees, One Stop partners, providers of training services, and other interested parties, a procedure, consistent with state policies and federal regulations, for the notification of Equal Opportunity (EO) is the Law and the handling of complaints and grievances, including complaints of discrimination and retaliation, that involve programs, activities and/or services administered by Michigan Works! Southwest, funded by Workforce Development (WD), State of Michigan, WDA and other state and federal agencies, and under the auspices of the Michigan Works! Southwest Workforce Development Board.

1. An opportunity to resolve complaints informally before they become grievances shall be made available to participants and interested parties.

2. The content of this policy and the related procedures shall be provided to the affected parties in the following manner:

- a. **Participants:** shall receive copies of the current EO is the Law Notice and the local Grievance and Complaint Procedures as part of the enrollment process. Participants shall sign and date a document acknowledging receipt of the Notice and Procedures and agreement to follow the procedures as outlined.
- b. **Subcontractors:** information shall be included in the contract language and copies of the current EO is the Law Notice and the local Grievance and Complaint Procedures shall be attached. A signed acknowledgement of receipt of the Notice and Procedures and agreement to follow the procedures shall be included in the signed contract.
- c. **Subgrantees:** same procedure as item b above.

- d. **Service Providers:** same procedure as item b above.
  - e. **Employees:** shall receive copies of the current EO is the Law Notice and the local Grievance and Complaint Procedures at the time of hire. Employees shall sign and date a document acknowledging receipt of the Notice and Procedures and agreement to follow the procedures as outlined at the time of hire and annually thereafter during the first quarter of a program year.
  - f. **One-Stop Partners:** the information shall be included in the Memorandum of Understanding (MOU) or other signed agreements with Michigan Works! Southwest. Copies of the current EO is the Law Notice and Grievance and Complaint Procedures shall be attached.
  - g. **Providers of Training Services:** shall be made aware of Michigan Works! Southwest's current EO is the Law Notice and Grievance and Complaint Procedures and direct Michigan Works! Southwest participants with related concerns to the Michigan Works! Southwest Agency. All Requests for Proposals for training services and the resulting contracts shall include the current EO Notice and the local policies and procedures, as well as the location where the documents can be reviewed.
  - h. **Employer-Based Training Employers:** information regarding the current EO is the Law Notice and the local policies and procedures shall be included in the contract language and copies of the current EO is the Law Notice and Grievance and Complaint Procedures shall be attached. The location where the documents can be reviewed shall also be included in the contract.
  - i. **Other Interested Parties:** The current EO is the Law Notice and Grievance and Complaint Procedures will be posted in the One Stop Service Centers in areas accessible to the public, in areas where services are provided, and in administrative areas. Hard and/or electronic copies shall be made available upon request.
- B. Grievance and complaint handling procedures, including procedures for addressing discrimination and retaliation complaints, shall include a clear progression of actions to be taken in the resolution of a complaint or grievance that includes an opportunity to resolve complaints informally at the lowest level, before they become an official grievance.
- C. Michigan Works! Southwest and its subrecipients shall ensure participants and other interested parties, sign and date documentation acknowledging receipt of the Michigan Works! Southwest EO is the Law Notice and the Grievance and Complaint Procedures. (See Section II.A.1. of this policy for list.) The documentation shall be maintained for review by WDA and other applicable entities according to state and federal policy requirements. (See item G of this subsection.)
- D. Persons enrolled in the Trade Adjustment Assistance (TAA) Program shall also receive a written copy of the Request for Redetermination Procedures. These are the procedures that shall be followed when requesting a redetermination of a TAA training, job search, and/or a relocation service decision.
- E. The EO is the Law Notice, the Grievance and Complaint Procedures and the TAA Request for Redetermination Procedures shall be accessible to individuals with disabilities.
- F. Where a significant number or proportion of individuals with limited English proficiency (LEP) exist, a reasonable effort shall be made to assure that the EO is the Law Notice, the Grievance and Complaint Procedures and the TAA Request

for Redetermination Procedures is provided to and understood by individuals with limited English proficiency (LEP).

- G. All locally developed grievance and complaint policies, procedures, signed acknowledgements, and related documentation shall be maintained and available for review by the WD.

III. Accessibility

All processes required by this policy are to be made available in hard copy and/or posted on the Michigan Works! Southwest WSW website and must be accessible to persons with disabilities or other barriers as required by law.

IV. Language Barriers

Where a significant number of ~~proportion~~ proportions 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 and understood by limited English speaking individuals who seek information regarding the grievance procedure.

V. Posting

Complaint and Grievance procedures must be posted and accessible in areas where administration and program services are provided.

~~III-VI.~~ Monitoring/Tracking of Complaints and Grievances

Michigan Works! Southwest and its subrecipients shall maintain a monitoring and tracking system to document grievances received and their disposition.

- A. Records of grievances shall be reported and maintained according to state policy and federal regulations.
- B. Records of grievances shall be maintained for a period of three years and the retention period shall begin on the date of the WDA acceptance of the final closeout report for the applicable grant or contract.
- C. Records shall be retained beyond three years if any litigation or audit is begun, or if a claim is instituted involving the grant or contract covered by the records prior to the end of the retention period. In these instances, the records shall be retained until the litigation, audit or claim has been resolved.

~~IV-VII.~~ Appeal of Funding Determinations

- A. Individuals, agencies, and/or organizations responding to a solicitation for the delivery of administrative and/or workforce development programs, services and/or activities may appeal the funding decision using the Michigan Works! Southwest Request for Proposal (RFP) Appeal Procedure.
- B. These appeal procedures, or summary thereof, shall be included in the solicitation documents.

~~V-VIII.~~ Appeal of State Level Monitoring Findings

Michigan Works! Southwest 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 WDA within 30 days of the adverse decision using the procedures established by the WDA.

Other interested parties may not appeal WDA findings directly with WDA. -To the extent that interested parties are affected by a WDA decision, the interested parties

shall first file a grievance using the local level procedures outlined in the Michigan Works! Southwest Grievance and Complaint Procedures.

~~VI~~IX. Special Provisions

- A. Equal Opportunity: Complaints alleging violation of the nondiscrimination and equal opportunity (EO) provision of state/federal grant programs shall be resolved in accordance with the WDB Nondiscrimination and Equal Opportunity (EO) Policy 25 Revision 03 and subsequent revisions.
- B. Jurisdiction: Temporary Assistance to Needy Families (TANF) and Food Assistance program applicant and recipient grievances shall be handled in accordance with Michigan Works! Southwest or the Michigan Department of Health and Human Services (MDHHS) procedures, as appropriate, given the nature of the grievance.
- C. Wagner-Peyser and Employment related complaints: grievances involving activities funded by the Wagner-Peyser Act shall be resolved in accordance with the procedures outlined in the Employment Service (ES) Manual. Employment related complaints, including but not limited to, employer wage and hour concerns, migrant farm worker or veteran complaints, and other general labor laws, shall also be handled in accordance with the grievance procedures outlined in the State of Michigan Employment Services (ES) Manual. The ES Manual and assistance with this type of complaint is available at the Michigan Works! Southwest Service Centers.
- D. Criminal Conduct: known or suspected fraud, abuse, or criminal conduct under the Workforce Innovation and Opportunity Act (WIOA) shall be reported in accordance with the incident reporting guidelines issued by WDA.
- E. Dual Enrollments: For grievances that involve participants who are dually enrolled in any of the Michigan Works! Southwest workforce development programs funded by the WDA, the Michigan Works! Southwest Agency shall:
  - 1. Determine the funding source supporting the activity or program being grieved, and
  - 2. Resolve the grievance using the appropriate program grievance procedure.
- F. TANF Displacement: A grievance may be filed by an affected individual if (1) a recipient of TANF is placed in a position when any other individual is on layoff from the same or any substantially equivalent job; or (2) if the employer has terminated the employment of any regular employer or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy created with a TANF recipient.
- G. WIOA Displacement: A grievance may be filed by a regular employee displaced by a WIOA participant who is placed in an employment activity operated with WIOA funds. A grievance may also be filed by a WIOA participant in an employment activity if the participant is displaced.
- H. Binding Arbitration/Collective Bargaining: WIOA participants alleging a labor standards violation shall have the opportunity to submit the grievance to a binding arbitration procedure if the applicable collective bargaining agreement provides that opportunity.

INITIAL EFFECTIVE  
DATE

7/1/2007

APPROVED

Initial Policy:

WDB Executive Committee

10/4/2007



Revision 01	WDB Executive Committee	12/3/2009
Updated Name of RFP Appeal Procedures		9/10/2010
Revision 02	WDB Executive Committee	10/6/2011
Revision 03	WDB Executive Committee	8/2/2012
Revision 04	WDB Executive Committee	1/9/2014
Revision 04:	WDB Executive Committee	10/15/2014 (All WDB policies accepted to apply to all four counties)
Revision 05	WDB Executive Committee	6/17/2015
Revision 06	WDB Executive Committee	4/12/2019
Revision 07	WDB Executive Committee	<u>xx/xx/2022</u>

EXPIRATION            Ongoing

**Step 1: Discrimination Complaint Procedure**

All discrimination complaints must be **filed within 180 days of the alleged discrimination** and shall be in writing and contain, to the extent practicable, the following information:

- The full name, address, and telephone number of the party/parties filing the discrimination complaint.
- The full name, address, and telephone number of the party/parties against whom the discrimination complaint is made.
- 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.
- Signature of the party/parties filing the discrimination complaint or the complainant’s representative.

The completed discrimination complaint should be mailed to either the Local Equal Opportunity Officer:

Amy Meyers Equal Opportunity Office Michigan Works! Southwest 222 S. Westnedge Ave Kalamazoo, MI 49007	Or  Ms. Naomi M. Barry Pèrez, Director Civil Rights Center (CRC) U.S. Department of Labor 200 Constitution Avenue NW, Room N-4123 Washington, DC 20210 Or electronically as directed on the CRC website at <a href="http://www.dol.gov/crc">www.dol.gov/crc</a> (29 CFR Part 38.35)
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1. The Local EO officer will review the alleged discrimination complaint to determine Jurisdiction.
  - a. If the complaint does not meet one or more of the bases of discrimination: there is no jurisdiction and a *Notice of Non-Jurisdiction* will be sent to the complainant within 5 working days, with the findings and their right to appeal or file directly with the Civil Rights Center (CRC).
  - b. EO Officer will refer the complaint appropriately.
2. If it is found the Local EO officer has jurisdiction based on one or more of the bases of discrimination, the following steps will take place:
  - a. Notice of Acceptance and Mediation Election form will be sent to complainant within 5 working days.
  - b. EO Officer will wait for the complainant to respond; if no response in 10 working days, will issue a Notice of Final Action based on information available.
  - c. If Alternative Dispute Resolution (ADR) is requested, the EO officer will arrange for mediation to help resolve issues.
  - d. If investigation is chosen, the EO officer will begin gathering facts from the complainant and other parties involved.
  - e. Once investigation and/or ADR is concluded, including resolution(s), the EO Officer will submit Notice of Final Action to all parties, within 90 days of the complaint having been filed.
3. The EO Officer will track the complaint using the EO Complaint Tracking Form and will submit the form to Workforce Development, State of Michigan.

NOTE: If you file your complaint with the Local EO Officer, you must wait either until the Local EO Officer issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the Local EO Officer does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint **within 30 days of the expiration** of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

**Step 2: Dissatisfied with Local Level Decision for Discrimination Complaint**

If the Local EO Officer does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

All complaints filed with the CRC shall contain, to the extent practicable, the following information:

- The full name, address, and telephone number of the party/parties filing the CRC complaint.
- The full name, address(es), and telephone number of the party/parties against whom the complaint is made.
- 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.
- Signature of the party/parties filing the complaint or the complainant’s representative.

The CRC evaluates all incoming complaints for CRC jurisdiction (authority) and timeliness. Further details regarding the CRC complaint Processing are posted on the CRC website at <https://www.dol.gov/oasam/programs/crc/external-enforc-complaints.htm>.



Exhibit D1c

**EQUAL OPPORTUNITY STATEMENT**

All applicants and participants of Michigan Works! Southwest Workforce Development Programs will be provided equal opportunity to participate in and benefit from all programs, activities, and services without regard to race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual’s citizenship status or participation in any WIOA Title I–financially assisted program or activity.

**GRIEVANCE AND COMPLAINT PROCEDURES**

This Grievance and Complaint Procedure is established and maintained for resolving any complaint or grievance alleging a violation of any program that is administered by the Michigan Works! Southwest Agency. All program participants shall be provided a written description of the procedures. The procedures will be included in Subrecipient agreements as well as Partner agreements. The procedures will also be posted in areas where administration and program services are provided and are accessible to the public.

The Michigan Works! Southwest Agency (MWA) insures that all participants, subgrantees, subrecipients, One Stop Partners, Service Providers, employees, providers of training services, and other interested parties in programs operated under the MWA shall receive fair and expeditious handling of all grievances and complaints related to programs operated with the Workforce Innovation and Opportunity Act (WIOA), Temporary Assistance for Needy Families (TANF), Food Assistance Employment and Training (FAE&T), Trade Act (except requests for redeterminations), and State of Michigan GF/GP funds from the Workforce Development (WD), State of Michigan, and other State funding sources.

**NOTE:** For cases of alleged discrimination and cases of retaliation for filing a complaint of alleged discrimination, follow the procedures on pages 3 & 4 of this document. The general grievance process described below should be used for all other grievance matters including other retaliation and harassment grievances.

**Informal Complaint Resolution**

Participants, subgrantees, subrecipients, one stop partners, service providers, employees, providers of training services and other interested parties in programs operated by the MWA shall first attempt to seek a resolution with the person or organization the complaint is against. The complaint procedures for that organization shall be followed and the full appeal process exhausted in an attempt to resolve the complaint satisfactorily. If the complaint cannot be resolved at this level, the complainant (person filing the complaint) shall be directed to the following grievance procedures.

**Step 1: Local Level Grievance Procedure**

All grievances related to WIOA, TANF, FAE&T, Trade Act (except request for redeterminations), and State of Michigan GF/GP programs funded by WD are required to be filed within one year of the date of the event that gave rise to the grievance.

All grievances shall be in writing and contain, to the extent practicable, the following information:

- The full name, address, and telephone number of the party/parties filing the grievance.
- The full name, address, and telephone number of the party/parties against whom the grievance is made.
- 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.
- Signature of the party/parties filing the grievance or the complainant’s representative.

The completed grievance should be mailed to:	Amy Meyers, MWA EO Officer Michigan Works! Southwest 222 S. Westnedge Ave. Kalamazoo, MI 49007
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A written acknowledgement of the receipt of the complaint will be issued within 5 working days.

A grievance may be rejected by the MWA if it lacks merit, if the petitioner (person filing the grievance) fails to state a grievable issue, there is no relief that can be granted, or if the petitioner fails to comply with these procedures.

The MWA will inform the petitioner and the party against whom the grievance is made in writing of the reason(s) the grievance was rejected. The notification will be issued as soon as possible but no later than 60 calendar days from the date the grievance was filed and will include the opportunity to appeal to WD.

An opportunity for informal resolution of grievances shall be available. If a grievance is settled through the informal resolution process, a written decision shall be issued to the petitioner within 60 days of filing the grievance.



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## Workforce Development Board

## WDB Policy 25 R04

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**AUTHORITY:** The Michigan Works! Southwest Workforce Development Board is established under the Workforce Innovation and Opportunity Act of 2014, and subsequent changes. The Board is assigned the responsibility to set policy for the workforce investment system within the local area.

**ORDER OF PRECEDENCE:** Where any part of this policy shall be determined to conflict with any federal, state or local policy, the federal, state, and then local policy shall take precedence without affecting any other part or parts of this policy.

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## Nondiscrimination and Equal Opportunity

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**BACKGROUND** Workforce Development Boards (WDB), Michigan Works! Agencies (MWA), and their service providers are required to have local, written policies and procedures that assure compliance with state and federal policies and regulations related to Nondiscrimination and Equal Opportunity (EO).

In compliance with state and federal policies, local policies and procedures must be established by Workforce Development Boards, Michigan Works! Agencies and their subrecipients that prohibit exclusion, provide universal access to all customers, including the availability of language assistance, so they may participate fully in the available workforce development services and program activities.

This includes promoting access, equity and respect for the differing customs, languages, abilities, and beliefs of people who seek workforce services and individuals who may have limited English proficiency (LEP).

**SCOPE** All workforce development programs, services and activities under the auspices of the Michigan Works! Southwest Workforce Development Board.

**REFERENCES** Workforce Innovation and Opportunity Act (WIOA) of 2014, Section 188

29 CFR Part 38 Implementation of the Nondiscrimination and Equal Opportunity Provisions of the WIOA and subsequent changes

Workforce Development Agency, State of Michigan, Policy Issuance 18-09  
Nondiscrimination and Equal Opportunity Requirements and subsequent changes

Title VII of the Civil Rights Act of 1964, as amended and Michigan Civil Rights Act

WDB Policy 26 Revision 03 Reasonable Accommodations and Language Assistance

**DEFINITIONS** Integrated Settings: environments that maximize inclusiveness and enable individuals with Limited English Proficiency to interact and participate with others in programs and services.

Limited English Proficiency (LEP): An individual whose primary language for communication is not English and who has a limited ability to read, speak, write, and/or understand English. LEP individuals may be competent in English for certain types of communication (e.g. speaking or understanding) but may still be considered as LEP for other purposes (e.g. reading or writing).

**POLICY**

**I. Principles of Nondiscrimination and Equal Opportunity**

- A. The Michigan Works! Southwest Workforce Development Board (WDB), the Michigan Works! Agency (MWA) and its subrecipients, as recipients of state and federal funds, shall provide equal opportunity and shall not discriminate against any individual in the United States on the basis of race, color, religion, sex (including but not limited to, pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency [LEP]), age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in any WIOA Title I financially assisted program or activity, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any WIOA Title I financially assisted program or activity. [29 CFR Part 38.5]
- B. Principles of nondiscrimination and equal opportunity shall apply to all entities (“recipients”) receiving financial assistance under Title I of the WIOA, One Stop partners, programs, and activities that are part of the One Stop delivery system, and the employment practices of recipients and/or One Stop partners in connection with programs and activities that are being conducted as part of the WIOA Title I or the One Stop delivery system. This includes, but is not limited to, agencies and programs listed in 29 CFR Part 38.2; and includes, but is not limited to, activities such as hiring, promotion, employment practices, program eligibility, training, placement, procurement decisions and the composition of committees, boards, or advisory groups formed to carry out workforce development initiatives.
- C. The Michigan Works! Southwest Agency (MWA) shall designate an individual to serve as the MWA Equal Opportunity Officer to coordinate management of the MWA’s nondiscrimination and equal opportunity responsibilities and to serve as a technical resource.

The EO Officer and contact information for Michigan Works! Southwest is identified to be Amy Meyers, 222 S. Westnedge Ave, Kalamazoo, Michigan 49007. Telephone 269-385-0414 or 711 for Relay Center and TTY.

**II. Nondiscrimination and Equal Opportunity Policies**

- A. To meet nondiscrimination and equal opportunity responsibilities, the Michigan Works! Southwest Agency and its subrecipients shall establish policies and procedures to ensure that the following is achieved and in compliance with WIOA Section 188 and with 29 CFR Part 38:
1. provide initial and on-going notice of compliance with state and federal nondiscrimination and equal opportunity policies and regulations;
  2. comply with requirements for posting nondiscrimination and equal opportunity notices;
  3. include nondiscrimination and equal opportunity policy statements on program documents and materials distributed to the public;
    - a. indicate that programs and activities are an “equal opportunity employer/program” and that “auxiliary aids and services are available upon request” in all materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or on paper, to staff, clients, or to the public at large;
    - b. prominently provide the telephone number of the text telephone or equally effective telecommunications system, such as a relay service, videophone, or



- captioned telephone used by the recipient. e.g. "Dial 711 for Relay Center and TTY" where such materials indicate that the recipient may be reached by voice telephone;
- c. ensure that each orientation with new participants, new employees, and/or the general public include the discussion of rights and responsibilities under the nondiscrimination and equal opportunity provision of the WIOA, including the right to file complaints of discrimination and retaliation;
  - d. ensure that every participant and employee receive the Equal Opportunity Notice and Grievance and Complaint procedures and that each sign an acknowledgement of receipt which is kept in their files;
4. ensure that communications with individuals with Limited English Proficiency (LEP) are as effective as communications with others;
  5. ensure that communications with individuals with disabilities are as effective as communications with others;
  6. operate workforce programs, services and activities in a manner that is both programmatically and physically accessible for individuals with disabilities;
  7. collect data, maintain records, and provide information and reports as needed to determine compliance with the nondiscrimination and equal opportunity requirements of workforce development programs;
  8. comply with all notification, complaint handling and file documentation requirements established by the state and follow the state's uniform procedures for handling discrimination complaints;
  9. develop and publish local procedures for processing complaints under 29 CFR Part 38 and the WIOA Section 188;
  10. participate in periodic compliance, performance and specialized reviews to assure the maintenance and effectiveness of local nondiscriminatory and equal opportunity systems and practices including procedures for implementing corrective and remedial action for non-compliance.
  11. Participate in specialized Equal Opportunity training.

III. Assurance of Nondiscrimination and Equal Opportunity in Contracts

- A. All contracts and other funding instruments awarding funds through Michigan Works! Southwest shall contain an assurance of nondiscrimination and equal opportunity in the provision of services, activities, employment practices, and in all terms, conditions and privileges of employment to ensure compliance with Section 188 of the WIOA and 29 CFR Part 38.
  1. This requirement includes contracts/agreements established for On-the-Job Training (OJT), Work Experience (WE) and other Wage Reimbursement positions.
  2. This requirement includes Memorandums of Understanding (MOUs).
- B. Service levels shall be representative of the demographic characteristics and the geographic distribution of the eligible population within the Michigan Works! Southwest area or general population census data, whichever is most reflective of the population being served.
- C. For applicable workforce development programs, the MWA shall track and review service levels for characteristics to include, but not limited to:
  1. Sex;
  2. Race/Ethnicity;
  3. Individuals with Limited English Proficiency (LEP);
  4. Preferred language;
  5. Age; and
  6. Disability status.

- D. To address variances in service levels, service providers may be asked to provide affirmative outreach plans to the Michigan Works! Southwest's EO Officer.
- IV. Limited English Proficiency and/or Requests for Language Assistance in Service Delivery and Operations.
- A. The Michigan Works! Southwest Agency and its subrecipients shall administer programs and services in integrated settings.
    - 1. Separate programs for individuals with Limited English Proficiency (LEP) are permitted, where necessary, to ensure that the training, benefits and services provided to qualified individuals in need of language assistance are as effective as those provided to others.
    - 2. Separate programs cannot be used to restrict the participation of persons with LEP in general integrated programs.
    - 3. Individuals with LEP shall retain the right to participate in other available training if they elect to, and if they meet the selection criteria established for program participation.
    - 4. Where separate programming is offered, written documentation outlining the rationale used for establishing each separate program, activity or service shall be provided to the Michigan Works! Southwest's Equal Opportunity (EO) Officer for prior approval. All related documentation shall be retained on file by the EO Officer.
  - B. All eligible persons who apply for programs, services or employment funded under sources from the Workforce Development Agency, State of Michigan and its successor organizations, shall be afforded accurate language assistance services, whether oral interpretation or written translation, in a timely manner and free of charge.
    - 1. Language assistance will be considered timely when it is provided at a place and time that ensures equal access and avoids the delay or denial of any aid, benefit, service, or training at issue.
    - 2. The Michigan Works! Southwest Agency and its subrecipients shall take reasonable steps to ensure meaningful access to each LEP individual served or encountered so that the individuals are effectively informed about and/or able to participate in the program or activity.
      - a. Reasonable steps generally include, but are not limited to:
        - i. An assessment of a LEP individual to determine language assistance needs;
        - ii. Providing oral interpretation or written translation of both hard copy and electronic materials, in the appropriate non-English languages, to LEP individuals; and
        - iii. Outreach to LEP communities to improve service delivery in needed languages.
      - b. Reasonable steps to provide meaningful access to training programs may include, but are not limited to, providing:
        - i. Written training materials in appropriate non-English languages by written translation or by oral interpretation or summarization; and
        - ii. Oral training content in appropriate non-English languages through in-person interpretation or telephone interpretation.
      - c. Language assistance services shall comply with 29 CFR Part 38.9 (Discrimination prohibited based on national origin, including limited English proficiency).
      - d. Vital Information – For languages spoken by a significant number or portion of the population eligible to be served, or likely to be encountered, the Michigan Works! Southwest Agency and its subrecipients must translate

- vital information in written materials into these languages and make them readily available. Examples include, but are not limited to: applications, consent forms and complaint forms, notices of rights and responsibilities (EO is the Law Notice), notice of availability of free language assistance, letters or notices that require a response from the individual.
- e. Training Materials – Written training materials are excluded from translation requirements; however, recipients must take reasonable steps to ensure meaningful access. Some steps include but are not limited to: translation of materials upon request; and convey information orally through a certified interpreter.
  - C. The Michigan Works! Southwest Agency and its subrecipients shall develop and maintain written policies and/or procedures describing the process for participants, employees, applicants for employment and the general public to request language assistance for accessing programs, services and locations.
  - D. Local policies and procedures related to language translation services shall also reference the subrecipient's willingness to make reasonable modifications to organizational policies, procedures and practices when requested unless the subrecipient can demonstrate that such modifications would result in a fundamental alteration in the nature of their program, activity or service.
  - E. Policies and/or procedures already in place in the Michigan Works! Southwest Agency or its subrecipients parent organizations may be used to satisfy the requirements of this policy provided those policies and procedures address the full range of language assistance as required by federal regulations including:
    - 1. Restructuring a job or training programs,
    - 2. Developing modified work or training schedules,
    - 3. Altering assessment/testing techniques which prevent the fair evaluation of skills,
    - 4. Providing for language translation services, and
    - 5. Making necessary alterations to the work or training site to ensure that the facilities are accessible to individuals requesting language assistance.
  - F. The Michigan Works! Southwest Agency and its subrecipients will ensure the dissemination of both public and internal notice of the language assistance process for individuals with LEP, including forms and/or instructions needed to initiate language assistance requests.
- V. Appealing Decisions for a Request for Language Assistance
- A. Individuals wishing to appeal a denial of a request for language assistance should use the Michigan Works! Southwest's procedures as required in this policy.

**INITIAL EFFECTIVE  
DATE**

7/1/2007

**APPROVED**

Initial Policy	WDB Executive Committee	10/4/2007
Revision 01	WDB Executive Committee	12/3/2009
Revision 01:	WDB Executive Committee	10/15/2014 ( <i>All WDB policies accepted to apply to all four counties</i> )
Revision 02	Workforce Development Board	5/20/2015
Revision 03	WDB Executive Committee	4/12/2019
Revision 04	Workforce Development Board	x/xx/2022

**EXPIRATION**

Ongoing

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## Workforce Development Board

## WDB Policy 25 ~~R03~~R04

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**AUTHORITY:** The Michigan Works! Southwest Workforce Development Board is established under the Workforce Innovation and Opportunity Act of 2014, and subsequent changes. The Board is assigned the responsibility to set policy for the workforce investment system within the local area.

**ORDER OF PRECEDENCE:** Where any part of this policy shall be determined to conflict with any federal, state or local policy, the federal, state, and then local policy shall take precedence without affecting any other part or parts of this policy.

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### BACKGROUND

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### SCOPE

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### DEFINITIONS

Integrated Settings: environments that maximize inclusiveness and enable individuals with Limited English Proficiency to interact and participate with others in programs and services.

Limited English Proficiency (LEP): An individual whose primary language for communication is not English and who has a limited ability to read, speak, write, and/or understand English. LEP individuals may be competent in English for certain types of communication (e.g. speaking or understanding) but may still be considered as LEP for other purposes (e.g. reading or writing).

**POLICY**

- I. Principles of Nondiscrimination and Equal Opportunity
  - A. The Michigan Works! Southwest Workforce Development Board (WDB), the Michigan Works! Agency (MWA) and its subrecipients, as recipients of state and federal funds, shall provide equal opportunity and shall not discriminate against any individual in the United States on the basis of race, color, religion, sex (including but not limited to, pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency [LEP]), age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in any WIOA Title I financially assisted program or activity, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any WIOA Title I financially assisted program or activity. [29 CFR Part 38.5]
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    3. include nondiscrimination and equal opportunity policy statements on program documents and materials distributed to the public;
      - a. indicate that programs and activities are an “equal opportunity employer/program” and that “auxiliary aids and services are available upon request” in all materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or on paper, to staff, clients, or to the public at large;

- b. prominently provide the telephone number of the text telephone or equally effective telecommunications system, such as a relay service, videophone, or captioned telephone used by the recipient. e.g. "Dial 711 for Relay Center and TTY" where such materials indicate that the recipient may be reached by voice telephone;
  - c. ensure that each orientation with new participants, new employees, and/or the general public include the discussion of rights and responsibilities under the nondiscrimination and equal opportunity provision of the WIOA, including the right to file complaints of discrimination and retaliation;
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  - B. All eligible persons who apply for programs, services or employment funded under sources from the Workforce Development Agency, State of Michigan and its successor organizations, shall be afforded accurate language assistance services, whether oral interpretation or written translation, in a timely manner and free of charge.
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  - E. Policies and/or procedures already in place in the Michigan Works! Southwest Agency or its subrecipients parent organizations may be used to satisfy the requirements of this policy provided those policies and procedures address the full range of language assistance as required by federal regulations including:
    - 1. Restructuring a job or training programs,
    - 2. Developing modified work or training schedules,
    - 3. Altering assessment/testing techniques which prevent the fair evaluation of skills,
    - 4. Providing for language translation services, and
    - 5. Making necessary alterations to the work or training site to ensure that the facilities are accessible to individuals requesting language assistance.
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- A. Individuals wishing to appeal a denial of a request for language assistance should use the Michigan Works! Southwest's procedures as required in this policy.

**INITIAL EFFECTIVE  
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**APPROVED**

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<b>Revision 04</b>	<b>Workforce Development Board</b>	<b>x/xx/2022</b>

**EXPIRATION**

Ongoing