



# Guide To Resolution Of Grievances and Complaints

## ***Core Values***

Southwest Wisconsin Workforce Development Board ([www.swwdb.org](http://www.swwdb.org)) believes that our core values are the cornerstones in providing a collaborative talent development system within our region. The core values include:

- **Efficient:** we practice prudence and precision.
- **Inclusive:** there is no wrong door to the solutions we provide.
- **Responsive:** we provide timely and relevant solutions.
- **Proactive:** we aggressively search for new opportunities.
- **Adaptive:** we are flexible in action and thought.
- **Accountable:** we are results-oriented and seek success in every interaction.
- **Stewards:** we respect the authority behind our resources and protect the integrity of our organization, our team members, our customers and our partners.
- **Collaborate:** we forge positive relationships with all workforce stakeholders.

## ***Local Equal Opportunity Officer (EEO)***

The SWWDB Equal Opportunity Officer (EEO) can assist anyone in contacting the appropriate person to work with in filing a grievance or addressing a complaint. The SWWDB EEO is:

Ron Coppernoll, Internal Services Manager  
Southwest Wisconsin Workforce Development Board  
1370 N. Water Street  
Platteville, WI 53818  
Phone: (608) 342-4220 ext. 231  
TDD/TTY Dial 7-1-1 toll free  
[r.coppernoll@swwdb.org](mailto:r.coppernoll@swwdb.org)

Other information about employment law and employee rights can be found at the website of the Wisconsin Department of Workforce Development, Equal Rights Division: <https://dwd.wisconsin.gov/er/> and at the United States Equal Opportunity Commission: <http://www.eeoc.gov/>

## ***Types of Grievances***

Sometimes individuals who are applying for or participating in public programs are unhappy with the treatment they receive or the decisions that are made by program staff. There are different kinds of problems that can come up and each might be handled differently.

One kind of problem might be about the **rules and regulations** of a particular program and whether the program workers have followed those rules and regulations.

A second kind of problem might be with a **decision** about program eligibility or benefits. Problems related to a particular program (W-2, FoodShare, Veterans, and others), whether about regulations or decisions, should be sent to the Supervisor of the specific program. That information may

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be obtained from the people at the Reception Desk in the job center or from the EOO. Most programs have a written Grievance Policy that describes how grievances and complaints are handled.

Southwest Wisconsin Workforce Development Board administers the Workforce Innovation and Opportunity Act (WIOA) programs and will address any grievances or complaints about WIOA services and programs. In addition to program applicants and participants, **contracting agencies and proposers** may also file a grievance or complaint if they believe that a procurement process has not been conducted fairly or that a contract provision has been violated.

A special kind of problem involves potential **discrimination**. Discrimination means that an individual did not receive program services because of age, ancestry, national origin, skin color, religion, creed, gender, gender preference, disability, health condition, marital status, genetic testing, arrest and conviction record, or other protected status under the Civil Rights Act of 1964 and other civil rights laws.

Discrimination complaints are very serious. Such complaints must be filed within 180 days of when an incident happens. Discrimination complaints may be filed at the local, state or federal level.

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[r.coppernoll@swwdb.org](mailto:r.coppernoll@swwdb.org)

OR

David Duran, Equal Opportunity Officer  
Wisconsin Department of Workforce Development  
Equal Rights Division  
201 East Washington Avenue, Rm G100  
PO Box 7972  
Madison WI 54307-7972  
Phone: (608) 266-6889 / TTY (866) 275-1165  
Fax: (608) 261-8506  
[david.duran@dwd.wisconsin.gov](mailto:david.duran@dwd.wisconsin.gov)

OR

Director, Civil Rights Center (CRC)  
ATTENTION: Office of External Enforcement  
United States Department of Labor  
200 Constitution Avenue NW, Room N-4123  
Washington DC 20210  
Fax: (202) 693-6505  
[CRCEXternalComplaints@dol.gov](mailto:CRCEXternalComplaints@dol.gov)

Sometimes there are problems or grievances against an **employer**. These might involve discrimination, but also concerns about wages, hours worked, and things related to employment laws.

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Complaints about an employer for things such as wages, work hours, being fired, and workplace injuries should also be directed to the state Equal Rights Division:

Wisconsin Department of Workforce Development  
Equal Rights Division  
201 East Washington Avenue, Room A100  
PO Box 8928  
Madison WI 54308  
Phone: (609) 266-6860 / TTY (608) 264-8752  
[www.dwd.wisconsin.gov/er](http://www.dwd.wisconsin.gov/er)

OR

U.S. Equal Employment Opportunity Commission  
Reuss Federal Plaza  
310 West Wisconsin Avenue, Suite 500  
Milwaukee, WI 53203-2292  
Phone: 1 (800) 669-4000  
Fax: (414) 297-4133  
TTY: 1 (800) 669-6820  
ASL Video: 844-234-5122  
[Info@eeoc.gov](mailto:Info@eeoc.gov)

Lastly, although it is rare, there are times when someone has reason to believe that program staff and administrators are doing something illegal. This is usually called **fraud and malfeasance**. Such cases may be brought to the attention of the Local EOO. Complainants who fear that their positions will be compromised by submitting information at the local level may file at the state or federal level:

Wisconsin Department of Workforce Development  
Administrator, Division of Employment and Training  
PO Box 7972  
Madison WI 53707-7972  
<https://dwd.wisconsin.gov>

OR

Office of Inspector General  
7171 4<sup>th</sup> Street NW, 5<sup>th</sup> Floor  
Washington DC 20005  
Phone: 1 (800) 521-1629  
[Hotline.oig@dc.gov](mailto:Hotline.oig@dc.gov) (email)  
<http://oig.dc.gov>

### ***Grievance Process***

If the grievance or complaint involves the WIOA program or any other program administered by SWWDB, the Local Equal Opportunity Officer (EOO) will usually attempt to reach a mutually satisfactory resolution to the complaint through negotiation, problem-solving, and other available resources. If the

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complaint cannot be resolved through such means, a formal hearing may be scheduled **if requested in writing by the complainant** with the EOO serving as Hearing Officer. If a conflict of interest exists for the EOO, he has the responsibility to select an independent Hearing Officer for the case. If the grievance or complaint is directed toward another workforce program, the EOO can assist in contacting the appropriate person or agency.

If the EOO is unable to negotiate a satisfactory resolution to a grievance or complaint regarding WIOA or another program administered by Southwest Wisconsin Workforce Development Board, the complainant may request a formal or “fair” hearing in writing to resolve the matter. A fair hearing involves the following things:

1. **Notice** to all parties of the specific allegations of the complaint, and the responses of those involved;
2. **Timely resolution** of the complaint;
3. An **impartial decision maker**;
4. The right of the parties to **representation**;
5. The right of each part to present **evidence**, both in writing and through witnesses;
6. The right of each party to **question evidence and witnesses**;
7. A **decision** made solely on the recorded evidence.

### ***Preparing a Grievance/Complaint***

1. Complaints and grievances may be initiated with the Local Equal Opportunity Officer by telephone, personal contact, or written correspondence. Complaints and grievances not involving a discrimination claim should be made within one year of the alleged violation. Discrimination claims must be made within 180 days of the date of the alleged violation. After initial contact, the Local EOO may require a written statement. Generally, grievances beyond the local level will require written statements.
2. Complaints should be addressed to the appropriate level of authority.
3. A complaint/grievance must be factual and sufficiently accurate to be evaluated on its own merits by an objective reviewer.
4. The “Filing Date” of a complaint/grievance is established when a complainant submits the following information:
  - a. The full name, address, and phone number of the complainant;
  - b. The name and address of the respondent against whom the complaint is being made;
  - c. A clear, concise statement of the facts of the case, including pertinent dates regarding the alleged violation;
  - d. The provisions of a particular program, its regulations, processes, or administrative rules that have allegedly been violated;

- e. A statement disclosing whether the complaint/grievance has been cross-filed with any other jurisdiction, and whether such proceedings have commenced or been concluded, including dates, authorities, and other pertinent information.
5. Once a Filing Date is established, the EOO will acknowledge receipt of the complaint within five working days unless there is a specific reason for a delay. After accepting the complaint/grievance, the EOO will conduct a hearing within 30 calendar days of the Filing Date and issue a decision to the complainant within 60 days of the Filing Date. Complainants receiving an adverse decision or no decision on a complaint/grievance within 60 calendar days may file an appeal requesting a state level independent review. The appeal must be filed within 10 calendar days after the complainant received the decision or within 15 calendar days after the decision was due, to the Wisconsin Department of Workforce Development:

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Wisconsin Department of Workforce Development  
Equal Rights Division  
201 East Washington Avenue, Room G100  
PO Box 7972  
Madison WI 54307-7972  
Phone: (608) 266-6889  
Fax: (608) 261-8506 (fax)  
TTY: (866) 275-1165  
[david.duran@dwd.wisconsin.gov](mailto:david.duran@dwd.wisconsin.gov)

6. The Local EOO will provide all necessary information to assist an individual in filing a grievance, complaint or appeal with the appropriate authority.

### ***Grievance Authorities***

There are several levels at which complaints and grievance may be heard. It is important to submit the grievance to the appropriate individual or agency in order to insure a prompt response. In most cases, a higher level authority will not hear a grievance until it has been handled by a lower level process. The following are individuals and agencies that deal with complaints and grievances:

#### **Local Employment Opportunity Officer**

This is the person that most grievances and complaints should be addressed to in Southwest Wisconsin Workforce Development Area unless there is good reason go around him. The Local EOO will assist anyone in developing a grievance or complaint and in directing that grievance or complaint to the appropriate authority.

#### **Southwest Wisconsin Workforce Development Board**

If there is a serious concern about SWWDB staff, including the Local EOO, a complainant may contact the Chair of the Southwest Wisconsin Workforce Development Board or another member directly by using the information about board membership at [www.swwdb.org](http://www.swwdb.org).

#### **DWD Division of Employment and Training**

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The state office is the second level for submitting a grievance or complaint and will usually hear appeals of decisions. Such appeals must be filed within ten days of a decision being made or 15 calendar days if no decision was received with 60 days of the Filing Date. The state office will not take the place of the local process and usually will not set up a new hearing, but only review the documentation submitted in the local hearing after it is complete.

Grievances and complaints involving **employment discrimination** and **employer issues** are best directed to the DWD Equal Rights Division as above or to the federal Equal Opportunity Commission as indicated above as those offices are best trained to deal with issues of employment law.

**United States Department of Labor Employment and Training Administration**

The ultimate authority for many federal employment and training programs, including the Workforce Innovation and Opportunity Act (WIOA) programs, is the U.S. Department of Labor Employment and Training Administration (DOLETA). It is possible for a complainant to contact the U.S. Department of Labor as a matter of last resort. Information is available at <https://www.doleta.gov/>. Complaints alleging **discrimination** may also be filed with the U.S. Department of Labor Civil Rights Center at <http://www.dol.gov/oasam/programs/crc/index.htm>.

Incidents of alleged fraud, malfeasance, a misapplication of funds, gross mismanagement, or other possibly illegal use of public funds may be reported to the U.S. Department of Labor Office of the Inspector General at 1-800-347-3756 with additional information available at: <http://www.oig.dol.gov/hotlinecontact.htm>.

Any questions about this guide or request for additional information about filing a grievance can be addressed to the Local Employment Opportunity Officer as above.

This guide is supported by SWWDB Policy E.110, *Complaints, Grievances and Appeals*