

GOVERNING BOARD MEETING
Monday - August 28, 2017 - 8:30 AM

Westside Service Center ▪ 215 Straight Avenue NW, Grand Rapids, MI 49504

AGENDA

1. Call to Order, Chairperson Larry Tiejema
2. Public Comment – Agenda Items
3. Approval of July 24, 2017 Minutes **Action Required**
4. Report on Financial Activities: *Brenda Isenhardt, ACSET Chief Financial Officer*
 - a. ACSET Financial Report- Notes to July 2017 Board Financials **Information Item**
5. Revisions to Grievance Procedure for the Workforce Innovation and Opportunity Act (WIOA), Partnership. Accountability. Training. Hope (PATH) and Food Assistance & Employment Training (FAE&T) programs **Action Required**
Melanie White, ACSET Staff Attorney
6. Workforce Development Board (WDB) Appointments (*75% affirmative vote of members present*) **Action Required**
Angie Barksdale, WMW Chief Operating Officer
7. WMW Policy Approvals: *Angie Barksdale*
 - a. WMW 15-01c1: Individual Training Account (ITA) Policy **Action Required**
 - b. WMW 16-06c1: Priority of Service **Action Required**
8. Report on Administrative Activities: *Laura Krist, ACSET Human Resource Director*
 - a. ACSET Operations Staffing **Information Item**
 - b. ACSET Personnel Actions Report **Information Item**
9. Request for Closed Session: Union Negotiations SEIU Local 517 M **Action Required**
Jacob Maas, ACSET Chief Executive Officer
10. Approval of Closed Session Minutes, August 28, 2017 **Action Required**
11. Other Business: *Jacob Maas*
 - a. Cancellation of September 25, 2017 and November 27, 2017 Governing Board Meeting
12. Public Comment
13. Adjournment

Next Scheduled ACSET Governing Board Meeting:
Monday, October 23, 2017



GOVERNING BOARD MEETING
Monday • July 24, 2017 • 8:30 AM

Westside Service Center • 215 Straight Avenue NW, Grand Rapids, MI 49504

MINUTES

GB Members Present: Commissioners Tiejema, Allen, De Young, DeJong, Geiger, Kapenga, Leneer, Mahoney, Retzloff, Stek

GB Members Absent: Commissioners Mast, Bergman, Cross, Womack

ACSET Staff Present: Jacob Maas, Angie Barksdale, Susan Cervantes, Brenda Isenhardt, Laura Krist, Deb Lyzenga, Brittany Lenertz, Janette Monroe, Melanie White, Nancy Wiest

Guests Present: Lisa Cooper (HR Collaborative)

1. Call to Order, Chairperson Larry Tiejema at 8:30 a.m.
2. Public Comment – Agenda Items- None
3. Approval of the May 22, 2017 Minutes

Action Required

Motion- Com. Allen

Supported- Com. Mahoney

Item approved by vote- Motion carried

4. Report on Financial Activities

- a. ACSET Financial Report- June 2017 Board Financials

Information Item

Brenda Isenhardt reviewed ACSET's 2017 Board Financials, Statement of Revenue and Expenditures for the year ending June 30, 2017. Brenda answered board members' questions. Brenda noted that Abraham & Gaffney, P.C. has decided to split but the auditors will still be the same partners, just under the name of SK&T. Brenda stated that the preliminary audit will be conducted on Community Action Agency's food programs and the Trade Adjustment Act for West Michigan Works! (WMW) programs.

5. Funding Recommendations for Workforce Innovation and Opportunity Act (WIOA) In-School Youth (ISY) Providers

Action Required

Angie Barksdale, WMW Chief Operating Officer, reported that a Proposal Review Committee was created which consisted of WMW Board Members and ACSET staff. The funding for these programs is authorized under Title I of the WIOA Act of 2014 and is obligated through the Michigan Talent Investment Agency. Eligible youth must be 14 to 21 years of age, attending school and must meet at least one of seven barriers to education and employment. Proposers were asked to submit proposals reflecting a clear approach to delivering a comprehensive system to ISY in Allegan, Barry, Ionia, Kent, Montcalm and Ottawa Counties. The Proposal Review Committee read, reviewed and rated the ISY Provider proposals. Angie reported that the review committee is recommending that for Program Year 2017, Allegan Area Educational Service Agency (AAESA) and Kent Intermediate School District (KISD) be awarded at the recommended funding levels, pending allocations from the State of Michigan. The Workforce Development Board (WDB) is seeking approval of these proposals and funding levels from the ACSET Governing Board. Brief discussion took place, and Angie answered board members' questions.

Motion- Com. Allen

Supported- Com. De Young

Item approved by vote- Motion carried

6. Funding Recommendations for Workforce Innovation and Opportunity Act (WIOA) Out-of-School (OSY) Providers **Action Required**
- Angie Barksdale reported that a Proposal Review Committee was created which consisted of Board members, an ACSET Governing Board member and ACSET staff. The funding for these projects is authorized under Title I of the WIOA Act of 2014 and is obligated through the Michigan Talent Investment Agency. Eligible youth must be 16-24 years of age, not attending school, and meet at least one of eight barriers to education and employment. Proposers were asked to submit proposals reflecting a clear approach to delivering a comprehensive system in Kent County. The Proposal Review committee read, reviewed and rated the proposals which the committee agrees satisfies the regulations. The Proposal Review Committee is recommending that for Program Year 2017, Steepletown Neighborhood Services and Kent ISD be funded at their requested funding levels and that Bethany Christian Services be funded less than proposed to meet current budget planning numbers. The proposal from Arbor Circle is not being recommended for funding. Brief discussion took place, and staff answered board members' questions. Board members requested information on the differences in the two proposed programs from Kent ISD and Steepletown to be presented at the next meeting. Commissioner Allen commended Steepletown which received the highest rating in terms of having the smallest "operating" organization. The WDB is seeking approval of these proposals and funding levels from the ACSET Governing Board.

Motion- Com. Lenear

Supported- Com. Kapenga

Item approved by vote- Motion carried

7. Report on Administrative Activities
- a. ACSET Operations Staffing **Information Item**
- Laura Krist, ACSET Human Resource Director, reported that ACSET WMW currently has 175 positions out of 185 filled, 10 vacancies and 1 temporary staff person who has filled the accounting position. Laura noted that out of the 10 vacancies, ACSET may only be looking to fill 2-3 of those open positions.
- b. ACSET Personnel Actions Report **Information Item**
- Laura reported that there have been twenty-one (21) appointments, five (5) separations, and one (1) promotion. Laura noted that of the 21 positions, Allegan and Barry Service centers are fully staffed and only 1 position to be filled for Ionia-Montcalm.
- c. Request to Update Staffing Chart **Action Required**
- Laura reported that due to programmatic changes and restructuring of responsibilities, ACSET would like to remove the Procurement Specialist position and add three (3) Career Coach positions and one (1) Policy Coordinator position.
- Motion- Com. Allen**
Supported- Com. Mahoney
Item approved by vote- Motion carried
- d. ACSET Chief Executive Officer (CEO) Performance Evaluation **Information Item**
- Laura presented the ACSET Governing Board with a projected timeline of the CEO's annual performance evaluation. Laura introduced Lisa Cooper with HR Collaborative who reviewed the documents with board members. Lisa stated that the CEO Performance Evaluation will be a 360° review of Mr. Maas' performance which will contain a lot of qualitative and quantitative information. The evaluation consists of Core Values, Leadership competencies, key objectives and open-ended questions. Mr. Maas will be evaluated by the following groups: 1). Self-evaluation, 2). Direct reports from staff members who directly report to the CEO (plus some additional staff), 3). Community stakeholders, 3). Workforce Development Board members and CAA Advisory

Governing Board members, 4). Governing Board members and 5). The ACSET Board Chairs. Brief discussion took place, and Lisa answered board members' questions.

8. Other Business:

- a. Cancellation of September 25, 2017 Governing Board Meeting **Information Item**
Jacob Maas, ACSET Chief Executive Officer asked if any members were opposed to cancelling the September 25, 2017 Governing Board meeting. Jacob continued discussion of Item #8b.

- b. Remaining 2017 Meeting Calendar **Information Item**
Jacob requested to review the 2017 meeting calendar with the board. Jacob stated he would like to cancel both the September 25th meeting due to County Commissioners attending an annual conference and the November 27th meeting because of the proximity of time to the December 11th meeting. Jacob further requested that the Governing Board meet at 11:00 a.m. on December 11th before the annual meeting with the WDB and go into closed session to discuss his performance evaluation. The annual meeting will take place at 11:30 a.m. as planned. No members present opposed the changes.

9. Public Comment- None

10. Adjournment at 9:27 a.m. by Chairperson Larry Tiejema

Motion- Com. Allen

Supported- Com. Lenear

Item approved by vote- Motion carried

Recorded by: _____ Received by: _____

ACSET Memorandum

TO: ACSET Governing Board
FROM: Brenda Isenhart, ACSET Chief Financial Officer
DATE: August 21, 2017
RE: July 2017 Michigan Works! Board Financials

Revenue

Year to date earned revenues total \$2,208,607 for the first month of our fiscal year, July 31, 2017. This amount is 8.07% over the proposed budgeted revenues. This compares to \$1,929,430 from the previous year. Revenues are recognized when grant funds are expended.

Expenditures

Operating expenses are under the proposed budget by 13%. Wages and Fringe are under budget as we continued to have some staff positions that needed to be filled as well as the budgeted anticipated additional wages that will be allocated to Michigan Works! programs once the Community Action Programs are no longer served by ACSET. Consumable Supplies - during July Microsoft Office Licenses were purchased to bring our licensing in line with our computer usage. These licenses totaled about \$45,000 for July and are allocated across all ACSET programs. Space and communication – Our annual Voice over IP occurred in July which amounts to several thousand dollars. The Other Expenses Category included our \$22,000 Michigan Works! Association Membership. Subcontractors expense is underspent by 83.18%. At the time the reports were created not all of our subcontractor July invoices had been received. Keep in mind that other than for the youth program, ACSET is providing direct services this year for the Counties of Barry, Ionia, and Montcalm. Subcontractors were used for these Counties in the previous year. The large training expense for the month of July is from the Skilled Trades Training Fund which recongnized \$834,000 in training costs for the month of July.

Balance Sheet

A combined balance sheet is presented for your review. ACSET continues to maintain healthy cash flow with our current grants.



Area Community Services Employment and Training Council
Michigan Works! Agency Programs
Statement of Revenue & Expenses
For the One Month Ending July 31, 2017

	YTD Thru July 2017 Actual	YTD Thru July 2016 Actual	YTD 2017/2018 Budget	Budget Variance	Budget Variance %
Total Revenue	\$ 2,208,607	\$ 1,929,430	\$ 2,043,750	\$ 164,857	8.07%
Expenses					
Operating Expenses					
Wages	\$ 617,644	\$ 544,347	\$ 691,667	\$ 74,023	10.70%
Fringe Benefits	222,150	222,461	272,917	50,767	18.60%
Consumable supplies	59,325	18,825	56,833	(2,492)	-4.38%
Transportation	11,297	14,754	16,667	5,370	32.22%
Outside services	13,347	19,385	25,000	11,653	46.61%
Space and communications	114,385	86,730	114,583	198	0.17%
Equipment rent and maint	1,658	7,048	8,333	6,675	80.10%
Equipment purchases	-	-	22,917	22,917	100.00%
Other expense	42,878	24,657	37,500	(5,378)	-14.34%
Total operating expense	<u>1,082,684</u>	<u>938,207</u>	<u>1,246,417</u>	<u>163,733</u>	<u>13.14%</u>
Subcontractors	\$ 15,212	\$ 237,560	\$ 90,417	\$ 75,205	83.18%
Training	\$ 967,013	\$ 477,632	\$ 576,667	\$ (390,346)	-67.69%
Direct Client Expenses	<u>\$ 143,698</u>	<u>\$ 276,031</u>	<u>\$ 130,250</u>	<u>\$ (13,448)</u>	<u>-10.32%</u>
	<u>\$ 1,125,923</u>	<u>\$ 991,223</u>	<u>\$ 797,333</u>	<u>\$ (328,590)</u>	<u>-41.21%</u>
Total Expenses	<u>2,208,607</u>	<u>1,929,430</u>	<u>2,043,750</u>	<u>(164,857)</u>	<u>-8.07%</u>
Excess of Revenue over Expense	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>0.00%</u>

Unaudited

Area Community Services Employment Training
Michigan Works! Agency Programs
Actual expenses by cost category
For the One Month Ending July 31, 2017

Item #4a

	Administration Expenses	Program Expenses	Total YTD June 2017 Expenses
Expenses			
Salaries and wages	\$ 56,205	\$ 561,439	\$ 617,644
Fringe Benefits	20,450	201,700	222,150
Consumables	11,446	47,879	59,325
Transportation	1,982	9,316	11,297
Outside services	6,804	6,543	13,347
Space and communications	12,979	101,406	114,385
Equipment rent and maintenance	813	846	1,658
Equipment purchases	-	-	-
Other expense	<u>1,610</u>	<u>41,267</u>	<u>42,878</u>
Total operating expense	<u>\$ 112,289</u>	<u>\$ 970,395</u>	<u>\$ 1,082,684</u>
	<u>10.4%</u>	<u>89.6%</u>	

UNAUDITED

Area Community Services Employment and Training Council
Balance Sheet
Governmental Activities

	Audited 7/31/17	Unaudited 6/30/17	Audited 6/30/16
Assets			
Current Assets			
Cash & Cash Equivalents	\$1,054,782	\$1,011,202	\$617,357
Accounts Receivable	2,803,025	1,746,042	2,923,954
Inventory (at Cost)	636,277	552,658	415,323
Prepaid Expenses	325,098	310,302	265,690
Total Current Assets	<u>4,819,182</u>	<u>3,620,204</u>	<u>4,222,324</u>
Long-term Assets			
Property & Equipment	791,716	706,840	490,048
Total Assets	<u><u>\$5,610,898</u></u>	<u><u>\$4,327,044</u></u>	<u><u>\$4,712,372</u></u>
Liabilities			
Short-term Liabilities			
Accounts Payable	\$2,471,384	\$1,555,630	\$1,914,424
Unearned Revenue	1,140,152	694,388	912,308
C/P Compensated Absences	475,000	475,000	475,000
Total Short Term Liabilities	<u>4,086,536</u>	<u>2,725,018</u>	<u>3,301,732</u>
LT Compensated Absences	262,012	259,051	184,131
Total Liabilities	<u>4,348,548</u>	<u>2,984,069</u>	<u>3,485,863</u>
Net Assets			
Total Net Assets	<u>1,262,350</u>	<u>1,342,975</u>	<u>1,226,509</u>
Total Liabilities and Net Assets	<u><u>\$5,610,898</u></u>	<u><u>\$4,327,044</u></u>	<u><u>\$4,712,372</u></u>

**Area Community Services
Employment & Training Council (ACSET)**

SERVICES • JOBS • TALENT

1550 Leonard NE
Grand Rapids, MI 49505
ph: (616) 336-4100 | **fax:** (616) 336-4118
online: westmiworks.org|communityactionkent.org

ACSET Memorandum

TO: ACSET Governing Board

FROM: ACSET Staff

DATE: August 21, 2017

RE: Revisions to Grievance Procedure for Workforce Innovation and Opportunity Act (WIOA), Partnership. Accountability. Training. Hope. (PATH), and Food Assistance Employment and Training (FAE&T) programs

The Grievance Procedure for the WIOA, PATH, and FAE&T programs has been revised after reviewing WIOA regulations, State Policy Issuance (PI) 11-37, Change 2, and various grievance procedures in the WMW region. The primary changes are as follows (see highlighted proposed procedure):

1. ACSET presently has two separate complaint procedures: one for WIOA and another for the PATH/FAE&T programs. The revised procedure has combined the two procedures into one in an effort to be less confusing to participants and employees.
2. Elimination of the appeal to the ACSET Governing Board.
3. Added language that a summary of the procedure may be provided to participants rather than the entire procedure and that a log of grievances must be maintained for monitoring purposes.
4. Deleted language that a receipt is required when a One-Stop Partner is provided a copy of the procedure and that a participant must agree to follow the procedure.
5. Added language regarding available relief that may be granted to resolve the grievance.
6. Changes in certain language (e.g., "complaint" is now "grievance").

ACSET staff is requesting your approval of the combined Grievance Procedure as revised.





AREA COMMUNITY SERVICES EMPLOYMENT AND TRAINING COUNCIL
(ACSET)

GRIEVANCE PROCEDURE
for
WIOA, PATH, and FAE&T Programs

Grievances must be filed within one year of the alleged occurrence.

Discrimination Complaints must be filed within 180 days of the alleged discrimination.

ACSET Complaint Officer: Melanie White
1550 Leonard NE
Grand Rapids, MI 49505
mwhite@acset.org
(616) 336-4115 (Voice)
~~Michigan Relay Center (800)649-3777~~

West Michigan Works! is a division of ACSET, an equal opportunity employer/program.
Auxiliary aids and services are available upon request to individuals with disabilities. **TTY 711.**
Supported by the State of Michigan.

ACSET GRIEVANCE PROCEDURE

A. Purpose of the ACSET Grievance Procedure

The purpose of the ACSET Grievance Procedure is to assure a system with adequate due process, for resolution of Grievances which concern the One-Stop Services System in Allegan, Barry, Ionia, Kent, Montcalm, Muskegon and Ottawa Counties. This procedure affects Workforce Innovation and Opportunity Act (WIOA), Partnership. Accountability. Training. Hope. (PATH), and Food Assistance Employment and Training (FAE&T) programs.

B. Definitions

For the purpose of this procedure, the following definitions apply:

1. **Grievance** – A Grievance is defined as a written allegation of a violation of a statute or regulation governing one of the programs listed in Section B.5. or a grant, a contract, or other agreement funded pursuant to a program listed in Section B.5.
2. **Petitioner**– A person or organization making a Grievance. Grievances may be brought by program participants, applicants for programs, Service providers, employees, providers of training services, One-Stop Partners, or other interested parties.
3. **ACSET** – Area Community Services Employment and Training Council, a consortium of local governments which includes Allegan, Barry, Ionia, Kent, Montcalm, Muskegon, and Ottawa Counties, and the City of Grand Rapids; all in the State of Michigan.
4. **Party** – A Petitioner or a Respondent.
5. **Program** – Unless otherwise indicated, the term “program” shall refer to
 - a. the WIOA program (Workforce Innovation and Opportunity Act of 2014);
 - b. the Food Assistance Employment and Training (FAE&T) program; or
 - c. the Partnership. Accountability. Training. Hope. (PATH) program.
6. **Respondent** – The person or organization against whom the Grievance is made.
7. **Service provider** – Any governmental unit, nonprofit agency, or private for-profit employer, which receives money through a written agreement between that unit or agency and ACSET, to operate any program listed in Section B.5. The term Service provider shall also include any subcontractor which receives financial assistance under a program listed in Section B.5. through ACSET, and is an employer of program participants or a respondent to a Grievance filed hereunder.

8. Hearing Officer – An impartial party contracted by ACSET for the purpose of hearing **Grievances**.
9. Time Limits – In computing time limits described in this procedure, the term “day” shall mean a calendar day, while the term “business day” shall mean a calendar day other than a Saturday, Sunday or legal holiday.

C. General **Grievance** Procedure Information

1. Notification of the Procedure. A copy of this **Grievance** Procedure will be retained in the office of the ACSET Administrative Unit and available for review by any interested party.
 - a. In addition, at the time of enrollment, each participant in any element of a program described in Section B.5. shall be given a copy of this Procedure **or a summary thereof**. A summary of this **Grievance Procedure shall indicate how to access the entire procedure on the West Michigan Works! (WMW) website and how to obtain a hard copy thereof**. Each participant shall also sign and date documentation acknowledging receipt of the Procedure ~~and acknowledging agreement to following the Complaint Procedure~~. This documentation shall be retained by ACSET or the Service provider.
 - b. ACSET or a Service provider shall also provide a copy of this **Grievance** Procedure to any interested party who requests a copy and shall obtain a signed a dated receipt therefor.
 - c. ACSET shall include a copy of this **Grievance** Procedure in the contract of all service providers.
 - d. ACSET and its service providers shall attach a copy of this **Grievance** Procedure to the contract or training agreement with any employer-based training employer, such as an employer of On-the-Job Training (OJT) participants or Subsidized Employment participants.
 - e. ACSET shall provide a copy of this **Grievance** Procedure to all of its One-Stop Partners ~~and obtain a written receipt from that partner~~.
 - f. A copy of this **Grievance** Procedure shall also be posted in areas where any program described in Section B.5. is administered and services are provided, **as well as on the WMW website at www.westmiworks.org**. The **Grievance** Procedure shall be accessible to all persons with disabilities or other barriers, as required by law.
2. Complaint Officer.
 - a. The Chief Executive Officer of ACSET shall designate a Complaint Officer who shall be available to answer questions concerning the **Grievance** Procedure and who shall, to the extent feasible, provide assistance to **Petitioners** in the processing of Grievances if such assistance is requested by the **Petitioner**. Identification of the Complaint Officer shall be included in the notification

described in Section C.1. The Complaint Officer shall not be a respondent to or in a supervisory authority over a respondent to the **Grievance**.

- b. The Complaint Officer shall maintain a log of grievances received and their disposition. The grievance log and records of grievances must be maintained for review by the Michigan Talent Investment Agency (TIA) and federal funding agencies for a period of three years after the TIA's acceptance of the final closeout of the grant or contract involved in the grievance; provided that, if an audit or litigation is begun, or a claim is instituted involving the grant or agreement involved, the log and records of grievances must be retained until the litigation, claim or audit is resolved.
3. Where a significant number or proportion of limited English-speaking individuals exist, ACSET will make 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.

4. Selection of Procedure (WIOA complaints – see Attachment A; Welfare Reform complaints – see Attachment B)

- a. ACSET has no jurisdiction under this **Grievance** Procedure over **Grievances** involving the programs of One-Stop Partners. Such **Grievances** should be filed under the **Grievance** Procedure applicable to that program.
- b. Known or suspected cases of fraud, abuse, or criminal conduct shall be handled pursuant to incident report guidelines established by the appropriate funding agency for the program involved.
- c. A person, agency, or other entity that wishes to appeal ACSET's failure to select a proposal that it submitted in response to a Request For Proposals (RFP) issued by ACSET shall utilize the appeal process included in the RFP, unless the appeal alleges illegal discrimination.

D. Steps in the ACSET **Grievance** Procedure

1. Step 1: Informal Process.

- a. An **individual or entity** who feels that a violation of a statute or regulation governing a program listed in Section B.5., or a grant, contract or other agreement funded pursuant to a program listed in Section B.5. has occurred may contact the ACSET Complaint Officer, by e-mail, by telephone or in person, and describe the facts which constitute the alleged violation. The name, address and telephone number of the ACSET Complaint Officer are indicated on the cover page of this Procedure.
- b. If the Complaint Officer feels that the allegations, **if written**, would not constitute a **Grievance**, as defined in section B.1., he or she shall advise the **person**

or entity of this opinion in writing. If the person **or entity** making the allegation disagrees, he or she may file a formal **Grievance** pursuant to Step 2.

- c. If the allegations would constitute a **Grievance**, the ACSET Complaint Officer shall send a written notice to the Respondent indicating that the person **or entity** has alleged that a violation of a statute or regulation governing a program listed in Section B.5., or a grant, contract or other agreement funded pursuant to a program listed in Section B.5. has occurred, and briefly describing the alleged violation. The notice shall indicate the name and address of the complaining person **or entity**. If the allegation has been made in writing, it shall be treated as a formal **Grievance**. If ACSET is the Respondent, the ACSET Complaint Officer shall send the written notice to the Chief Executive Officer of ACSET.
- d. The Respondent shall provide a written response to the **informal complaint** both to the complaining person **or entity** and to the ACSET Complaint Officer within 5 business days of its receipt of the notice.
- e. If the complaining person **or entity** is dissatisfied with the response of the Respondent, or if no response is provided, he or she may file a formal **Grievance** under Step 2.

2. Step 2. Formal Grievances.

- a. Parties shall have the following rights and privileges with respect to formal **Grievances** filed under this procedure:
 - i. The opportunity to withdraw the **Grievance** prior to the hearing. Such request shall be sent in writing to the ACSET Complaint Officer and each respondent, at any time prior to the time scheduled for hearing.
 - ii. The opportunity to be represented by an attorney or representative of a party's choice at the party's expense.
 - iii. The opportunity to present evidence, including witnesses, and to question any witness or party.
- b. **Filing of a Formal Grievance.** A formal **Grievance** shall be in writing, signed by the Petitioner and shall be addressed to the ACSET Complaint Officer and to the Administrative Head of the Respondent, and may be filed by mail or in person. A formal grievance may not be filed by e-mail. **Grievances** shall be deemed filed when received by both the ACSET Complaint Officer and the Administrative Head of the Respondent. Both the Administrative Head of the Respondent and the ACSET Complaint Officer shall notify the other immediately when a **Grievance** has been filed with them.

- c. Contents of a Formal Grievance. A formal Grievance shall contain, to the best extent practicable, the following information:
- i. The full name, telephone number (if any), and address of the petitioner.
 - ii. The full name, address, and telephone number of each Respondent, or other information sufficient to identify such Respondent(s).
 - iii. A clear and concise statement of the facts as alleged, including pertinent dates, constituting the alleged violations.
 - iv. The provisions of any statute, regulation, grant, contract, or other agreements alleged to have been violated.
 - v. The relief requested.

The Petitioner may use the attached ACSET Grievance Procedure Formal Grievance form.

- d. Cooperation of Petitioner.
- i. If a Grievance does not contain all of the above information, the ACSET Complaint Officer shall immediately send a notice to the Petitioner by Certified Mail, return receipt requested, indicating what additional information is required, and indicating the time and manner in which such information is to be supplied. The notice shall also indicate that failure to supply such information in the time provided may result in the dismissal of the Grievance. ACSET shall send the respondent a copy of any additional information received pursuant to the notice within 3 business days after such information has been received by ACSET. ACSET's receipt of such additional information constitutes the filing date of the Grievance for the purposes of computation of time limits in this Grievance Procedure.
 - ii. If a Petitioner fails to provide the information requested by the Complaint Officer within the time provided, the Complaint Officer may dismiss the complaint for failure to comply with this Grievance Procedure, as provided in subsection f.
- e. Timeliness of Grievance. With the exception of Grievances alleging fraud or criminal activity, and except as provided in Section C.4., and Attachment A, Section E, a formal Grievance must be filed within one (1) year of the alleged occurrence. A formal Grievance which is not filed within the time limit herein shall automatically be dismissed by ACSET, and the ACSET Complaint Officer shall notify the Petitioner in writing, by certified mail, return receipt requested, if a Grievance is dismissed as untimely.

- f. **Summary Dismissal.** Upon receipt of a **Grievance**, the ACSET Complaint Officer may dismiss a **Grievance**, if in his or her judgment:
- i. The **Grievance** fails to state a claim for which relief can be granted;
 - ii. The **Grievance** lacks merit; i.e., even if all the allegations therein are true, they would not constitute a violation of a statute or regulation governing a program described in Section B.5., or a grant, contract or other agreement funded pursuant to a program described in Section B.5.;
 - iii. The **Grievance** fails to state a grievable issue; i.e., it fails to state an issue over which ACSET has jurisdiction to make a decision; or
 - iv. The **Petitioner** fails to comply with this procedure.

Such a dismissal shall be made in writing to all parties, by certified mail, return receipt requested, within 10 days after the filing of the formal **Grievance**, except that a dismissal for a **petitioner's** failure to comply with the procedure must be made no later than 60 days after the filing of the **Grievance**, and shall describe the reasons for the dismissal. A Petitioner who disagrees with a summary dismissal shall be advised of the procedures for appealing the dismissal to **the Michigan Talent Investment Agency** ~~the ACSET Governing Board.~~

- ~~a. A request for review of a recommendation for summary dismissal must be in writing and must be sent to the Chief Executive Officer of ACSET, the Chairperson of the ACSET Governing Board and the opposite party (or parties) by certified mail, return receipt requested within three days after receipt of the recommendation for summary dismissal. If no request for review is filed in a timely fashion, the recommendation for dismissal shall become final. All parties shall be notified in writing, by certified mail, return receipt requested, if a request is rejected as untimely.~~
- ~~b. Upon timely request, the ACSET Governing Board, or a committee designated thereby, shall review the Grievance and the recommendation for dismissal, to determine whether the Grievance states a claim for which relief can be granted. The ACSET Governing Board, or committee designated thereby, shall meet to consider such a request for review and shall issue a written decision to all parties, by certified mail, return receipt requested, within 10 business days of its receipt of the request for review. If the Board finds for the Petitioner, it shall remand the Grievance to the ACSET Chief Executive Officer for further proceedings under this procedure. If the Board agrees with the recommendation for dismissal, it shall provide sufficient information to describe why the Grievance is being dismissed and shall advise the Petitioner of the opportunity and procedure for review by the Workforce Development Agency, including the name and address of the person to whom the appeal must be sent.~~

- g. Prehearing Meeting. If the ACSET Complaint Officer does not dismiss the **Grievance** pursuant to subsection f, he or she shall send all parties a written notice that indicates the issues presented in the Grievance that will be the subject of the hearing, if the **Grievance** is not settled at the Prehearing Meeting. The Complaint Officer shall send this notice to the parties within 10 days after the filing of the Grievance. ACSET shall also include in the above Notice to the Parties notice of an opportunity for a meeting of the parties with the ACSET Complaint Officer, for the purpose of accomplishing an agreeable resolution of the **Grievance**. The meeting shall be held no later than five days after the mailing of the notice. The notice shall state the time and place of the meeting. ACSET shall make a written record of the meeting, which record shall consist of a statement of the issues considered and the disposition of each issue, and a copy of the record shall be provided to both parties. A party who fails to appear at a pre-hearing meeting without good cause may be defaulted by the ACSET Complaint Officer. If the **Grievance** is not resolved, the parties shall receive a description of the ACSET Hearing Procedure. In addition, if the Grievance is not resolved at such meeting, and if ordered by the Hearing Officer, the parties shall provide the ACSET Complaint Officer and each other with a list of the witnesses which each party, respectively, plans to call at the hearing, together with copies of any documents which such party plans to introduce into evidence at such hearing. This information may be provided at the conclusion of the pre-hearing meeting but such information must be received by the hearing officer and the opposite party(ies) no later than three business days prior to the hearing.
- h. Settlement. If the Grievance is settled at the Prehearing Meeting, or at any time prior to the hearing, the ACSET Complaint Officer shall reduce the settlement to writing, which shall be signed by all parties, or their representatives, and a copy shall be provided to each party. Any such settlement shall be reduced to writing and signed by the parties, or their representatives, within 60 days after the filing of the Grievance.
- i. Notice of Hearing. ACSET shall provide all parties with a notice of the date, time and place of the hearing, the manner in which it will be conducted, including notice of the opportunity to present evidence, including witnesses, and a statement of the issues to be decided. If indicated by the Hearing Officer, the notice will describe the rules of evidence that will be utilized by the Hearing Officer at the hearing. The Notice shall be sent not less than 10 days prior to the hearing, which shall be held not later than thirty days after the filing of the formal **Grievance**. The ACSET Complaint Officer shall provide the Hearing Officer with a copy of the Notice of Hearing as described in this section, together with a copy of the formal grievance, at least ten (10) days prior to the hearing.
- j. Position Statement. Each Respondent may file a position statement that describes its position concerning the issues presented in the **Grievance**. Any such position statement must be received by the Hearing Officer, the ACSET Complaint Officer

and the Petitioner no later than 3 business days prior to the date scheduled for the hearing.

- k. Information Report. Unless ACSET is a Respondent, the ACSET Complaint Officer may prepare a written report that describes the program activity involved in the **Grievance**, the statutes and regulations governing the program, and any other background information about the program activity that he or she feels would assist the Hearing Officer to understand the issues involved in the **Grievance**. Such a report shall not take a position on any issue presented in the **Grievance** or present evidence on any disputed question of fact to be decided at the hearing. If ACSET is a Respondent, the Complaint Officer may not send such a report to the Hearing Officer, but may include such background information in its position statement. Any information report must be received by the Hearing Officer, the **Petitioner**, and each Respondent at least 3 business days prior to the date scheduled for the hearing.
3. Step 3. Hearing
- a. Hearing and Report. All parties shall have the rights at the hearing as indicated in Section a. of Step 2. The Hearing Officer may enter a default against absent parties and enter judgment accordingly. ACSET shall maintain a record of the hearing and a list of all evidentiary exhibits presented at the hearing. The Hearing Officer shall have the authority to receive the Information Report in evidence at the hearing, except when ACSET is a Respondent; review position statements; review and make rulings on the admission of evidence; rule on procedural matters; and question parties and other witnesses. The Hearing Officer shall provide a written decision in the matter to the ACSET Complaint Officer, the Petitioner, and each Respondent.

Such written decision shall contain the following:

- i. The date, time, and place of hearing;
- ii. The names and addresses of the parties;
- iii. The names and addresses of all the witnesses called by the parties;
- iv. Information sufficient to identify all evidence presented;
- v. A reiteration of the issues raised;
- vi. A determination of facts;
- vii. An analysis of the issues as they relate to the facts;
- viii. A decision addressing each issue;
- ix. The relief granted. **Available relief is limited:**
 - To the suspension or termination of payment to a service provider;
 - To prohibition of placement of a participant with an employer that has violated any requirement under a statute or regulation governing the program involved in the complaint;

- Where applicable, to reinstatement of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions and privileges of employment; and
 - Where appropriate, to other equitable relief.
- and
- ix. Notification to the parties of the right and procedure for ~~review by the ACSET Governing Board~~ filing an appeal with the Talent Investment Agency, including the name and address of the person to whom the appeal must be sent.
- b. Timeliness of Decision. The decision of the Hearing Officer shall be mailed, by certified mail, return receipt requested, no later than 60 days after the filing of the formal grievance. If the Hearing Officer fails to issue a report within the time provided herein, the Petitioner may appeal to the Talent Investment Agency as hereinafter provided.

~~Step 4. Review by ACSET Governing Board~~

- a. ~~Request for Review. A party who disagrees with the report of the Hearing Officer may request a review thereof by the ACSET Governing Board. Such request shall be sent to the Chairperson of the ACSET Governing Board with a copy thereof to the opposite party (or parties) and the Chief Executive Officer of ACSET by certified mail, return receipt requested. The request shall be in writing, shall be signed by the moving party, shall specify specific portion(s) of the report to be reviewed and the reasons for the request.~~
- b. ~~Timeliness of the Appeal. The moving party shall have three days after receipt of the Hearing Officer's report in which to request a review of the ACSET Governing Board. Requests filed after such time shall be automatically rejected by the ACSET Governing Board Chairperson. All parties shall be notified in writing, by certified mail, return receipt requested, if a request is dismissed as untimely. The Hearing Officer's Report shall become the final decision of ACSET if no request for review is filed and accepted by the Board.~~
- ~~c. Governing Board Review. Upon timely request, the ACSET Governing Board, or a committee designated thereby, shall review the report of the Hearing Officer. Appeals to the ACSET Governing Board shall be decided at a meeting of the Board, or the committee designated thereby.~~
- ~~d. Determination by the Governing Board. The decision by the Governing Board or committee shall be in writing, and shall be provided to the Petitioner and Respondent within 60 days after the formal Grievance was filed. Such decision shall contain the elements required by sections a.(i.) — (ix.) of Step 3, and, in addition, shall indicate that any aggrieved party may file an appeal with the Workforce Development Agency and the procedure therefor, including the name and address of the person to whom the appeal must be sent.~~

4. **Step 4.** Appeal to the Talent Investment Agency (TIA).
 - a. Right to Appeal. An aggrieved party has the right to appeal the decision of the ~~ACSET Governing Board~~ **Hearing Officer** to the Michigan Talent Investment Agency.
 - b. Filing the Appeal. Such appeals are to be filed in writing, by certified mail, return receipt requested, within 10 days after receipt of the decision of the Hearing Officer or 10 days after the date that the decision was due (60 days after the formal **Grievance** was filed), if the ~~Governing Board~~ Hearing Officer fails to provide a written decision within that time. The appeal must include the same information as is required for a formal **Grievance** indicated in Section c. of Step 2.

ACSET GRIEVANCE PROCEDURE

Formal Grievance

Petitioner	Respondent <u>(The Person or Organization you are complaining against)</u>
<u>Your Name</u>	<u>Their Name</u>
<u>Your Address</u>	<u>Their Address</u>
<u>Your Telephone Number</u>	<u>Their Telephone Number</u>

State Your Grievance: Including the facts and relevant dates (use additional sheets if necessary)

If you know, indicate the statute, regulation, or contract or grant you feel has been violated by the Respondent:

Date: _____

Signature

ACSET GRIEVANCE PROCEDURE

Formal Grievance
(additional page)

Date: _____

Signature

ACKNOWLEDGEMENT OF RECEIPT OF ~~& AGREEMENT TO FOLLOW~~ GRIEVANCE PROCEDURE

******Career Coach: Please detach this sheet and place in the Participant's Master File.******

I have received a copy of the ACSET Grievance Procedure, ~~and I agree to follow the ACSET Grievance Procedure with respect to Grievances.~~

Participant's Printed Name: _____

Participant's SIGNATURE: _____ Date: _____

Career Coach's Signature: _____ Date: _____

ATTACHMENT A

These two pages are applicable to complaints filed about the WIOA program.

Selection of Procedure.

A. **Grievances** of discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and, as appropriate, citizenship or participation in WIOA shall be handled under 29 CFR Part 38. Upon receipt of such a **Grievance** or information of such a **Grievance**, the ACSET Complaint Officer shall:

1. Advise the **Petitioner** that such a **Grievance** may be filed with ACSET, under its Equal Opportunity Complaint Procedure or **with** the Director of the Civil Rights Center (**CRC**) of the U.S. Department of Labor.

A **Grievance** filed with the U.S. Department of Labor must be filed at the following address:

Director, Civil Rights Center
United States Department of Labor
200 Constitution Avenue, N.W., Room N-4123
Washington D.C. 20210

or may be filed electronically, as directed on the CRC Website at www.dol.gov/crc.

2. Advise the **Petitioner** that if the **Grievance** alleges discrimination on the basis of race, color, or national origin, the Petitioner may also allege in the Grievance a violation of Title VI of the Civil Rights Act of 1964, 42 USC 2000d.

4. Advise the **Petitioner** that such a **Grievance** must be filed within **180 days** of the alleged discrimination.

B. A person alleging a violation of labor standards may submit the grievance to a binding arbitration procedure if a collective bargaining agreement covering the parties so provides, or may file the **Grievance** pursuant to this procedure. A person electing binding arbitration shall do so in lieu of and prior to filing a **Grievance** under this **Grievance** Procedure and may not elect binding arbitration for a **Grievance** that has been previously filed under the ACSET WIOA **Grievance** Procedure or any other WIOA **Grievance** Procedure.

C. A **Petitioner** who believes that a violation of WIOA has occurred and such conduct also violates another federal statute or state or local law may pursue remedies for the alleged non WIOA-related violation without first exhausting remedies under WIOA.

D. A party may file a **Grievance** under this **Grievance** Procedure alleging that a participant has displaced (including partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) a currently employed employee

(including another participant), or has been employed in a position when (1) any other individual is on layoff from the same or any substantially equivalent job; (2) the employer has terminated the employment of any regular employee or otherwise reduced its workforce with the intention of filling such vacancy with a participant; or (3) the job is created in a promotional line that will infringe upon the promotional opportunities of currently employed persons. (See 20 CFR 683.270)

- E. A training provider whose application to include a training program on the Michigan Training Connect (MiTC) was denied by ACSET, or whose program was determined to be ineligible to remain on the MiTC by ACSET may use this Grievance Procedure to appeal that action by ACSET. **Such an appeal must be filed with ACSET within thirty (30) working days from the date of the adverse action by ACSET.**

ATTACHMENT B

**These two pages are applicable to complaints filed about a Welfare Reform program.
(FAE&T or PATH)**

Selection of Procedure

A. **Grievances** of discrimination on the basis of race, color, religion, sex, national origin, or age, shall be handled under 45 CFR Parts **80**, 84, 86, and 90 (PATH); and 7 CFR Parts 15, 15b and 15c (FAE&T). Upon receipt of such a **Grievance** or information of such a **Grievance**, the ACSET Complaint Officer shall:

1. Advise the **Petitioner** that such a **Grievance** may be filed with ACSET, under its Equal Opportunity Complaint Procedure, or with the following federal enforcement agencies at the addresses indicated below.

A **Grievance** filed at the federal level must be filed at either of the following addresses:

<u>PATH</u>	<u>Food Assistance Employment and Training</u>
<p style="text-align: center;">Regional Manager Office for Civil Rights U.S. Dept. of Health and Human Services 233 N. Michigan Ave., Suite 240 Chicago, IL, 60601</p>	<p style="text-align: center;">USDA Director – Office of Civil Rights Adjudication Whitten Bldg, Room 326 W 1400 Independence Ave. SW Washington, D.C. 20250-9410</p>

2. Advise the **Petitioner** that if the **Grievance** alleges discrimination on the basis of race, color, or national origin, the **Petitioner** may also allege in the **Grievance** a violation of Title VI of the Civil Rights Act of 1964, 42 USC 2000(d).
3. Advise the **Petitioner** that such a **Grievance** must be filed within **180 days** of the alleged discrimination.

B. ACSET has no jurisdiction, through this procedure, over **Grievances** with respect to the PATH or FAE&T programs involving program eligibility, exemptions, deferments, questions of whether a **Petitioner** had good cause for non-compliance, or sanctions. The Complaint Officer will direct persons with such **Grievances** to file them with the Michigan Department of Health and Human Services (DHHS) or, with respect to issues concerning good cause for noncompliance in the PATH program, the PATH reengagement and triage process.

- C. An interested party may file a **Grievance** under this **Grievance** Procedure alleging that a recipient of Temporary Assistance for Needy Families (TANF) has been placed in a position (1) when any other individual is on layoff from the same or any substantially equivalent job or (2) if an employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with an adult receiving TANF assistance. See 45 CFR 261.70.



AREA COMMUNITY SERVICES EMPLOYMENT AND TRAINING COUNCIL

(ACSET)

**GRIEVANCE PROCEDURE
for
WIOA, PATH, and FAE&T Programs**

Grievances must be filed within one year of the alleged occurrence.

Discrimination Complaints must be filed within 180 days of the alleged discrimination.

ACSET Complaint Officer: Melanie White
1550 Leonard NE
Grand Rapids, MI 49505
mwhite@acset.org
(616) 336-4115 (Voice)

West Michigan Works! is a division of ACSET, an equal opportunity employer/program.
Auxiliary aids and services are available upon request to individuals with disabilities. TTY 711.
Supported by the State of Michigan.

ACSET GRIEVANCE PROCEDURE

A. Purpose of the ACSET Grievance Procedure

The purpose of the ACSET Grievance Procedure is to assure a system with adequate due process, for resolution of Grievances which concern the One-Stop Services System in Allegan, Barry, Ionia, Kent, Montcalm, Muskegon and Ottawa Counties. This procedure affects Workforce Innovation and Opportunity Act (WIOA), Partnership. Accountability. Training. Hope. (PATH), and Food Assistance Employment and Training (FAE&T) programs.

B. Definitions

For the purpose of this procedure, the following definitions apply:

1. Grievance – A Grievance is defined as a written allegation of a violation of a statute or regulation governing one of the programs listed in Section B.5. or a grant, a contract, or other agreement funded pursuant to a program listed in Section B.5.
2. Petitioner – A person or organization making a Grievance. Grievances may be brought by program participants, applicants for programs, Service providers, employees, providers of training services, One-Stop Partners, or other interested parties.
3. ACSET – Area Community Services Employment and Training Council, a consortium of local governments which includes Allegan, Barry, Ionia, Kent, Montcalm, Muskegon, and Ottawa Counties, and the City of Grand Rapids; all in the State of Michigan.
4. Party – A Petitioner or a Respondent.
5. Program – Unless otherwise indicated, the term “program” shall refer to
 - a. the WIOA program (Workforce Innovation and Opportunity Act of 2014);
 - b. the Food Assistance Employment and Training (FAE&T) program; or
 - c. the Partnership. Accountability. Training. Hope. (PATH) program.
6. Respondent – The person or organization against whom the Grievance is made.
7. Service provider – Any governmental unit, nonprofit agency, or private for-profit employer, which receives money through a written agreement between that unit or agency and ACSET, to operate any program listed in Section B.5. The term Service provider shall also include any subcontractor which receives financial assistance under a program listed in Section B.5. through ACSET, and is an employer of program participants or a respondent to a Grievance filed hereunder.

8. Hearing Officer – An impartial party contracted by ACSET for the purpose of hearing Grievances.
9. Time Limits – In computing time limits described in this procedure, the term “day” shall mean a calendar day, while the term “business day” shall mean a calendar day other than a Saturday, Sunday or legal holiday.

C. General Grievance Procedure Information

1. Notification of the Procedure. A copy of this Grievance Procedure will be retained in the office of the ACSET Administrative Unit and available for review by any interested party.
 - a. In addition, at the time of enrollment, each participant in any element of a program described in Section B.5. shall be given a copy of this Procedure or a summary thereof. A summary of this Grievance Procedure shall indicate how to access the entire procedure on the West Michigan Works! (WMW) website and how to obtain a hard copy thereof. Each participant shall also sign and date documentation acknowledging receipt of the Procedure. This documentation shall be retained by ACSET or the Service provider.
 - b. ACSET or a Service provider shall also provide a copy of this Grievance Procedure to any interested party who requests a copy and shall obtain a signed a dated receipt therefor.
 - c. ACSET shall include a copy of this Grievance Procedure in the contract of all service providers.
 - d. ACSET and its service providers shall attach a copy of this Grievance Procedure to the contract or training agreement with any employer-based training employer, such as an employer of On-the-Job Training (OJT) participants or Subsidized Employment participants.
 - e. ACSET shall provide a copy of this Grievance Procedure to all of its One-Stop Partners.
 - f. A copy of this Grievance Procedure shall also be posted in areas where any program described in Section B.5. is administered and services are provided, as well as on the WMW website at www.westmiworks.org. The Grievance Procedure shall be accessible to all persons with disabilities or other barriers, as required by law.
2. Complaint Officer.
 - a. The Chief Executive Officer of ACSET shall designate a Complaint Officer who shall be available to answer questions concerning the Grievance Procedure and who shall, to the extent feasible, provide assistance to Petitioners in the processing of Grievances if such assistance is requested by the Petitioner. Identification of the Complaint Officer shall be included in the notification described in Section C.I. The Complaint Officer shall not be a respondent to or in a supervisory authority over a respondent to the Grievance.

- b. The Complaint Officer shall maintain a log of grievances received and their disposition. The grievance log and records of grievances must be maintained for review by the Michigan Talent Investment Agency (TIA) and federal funding agencies for a period of three years after the TIA's acceptance of the final closeout of the grant or contract involved in the grievance; provided that, if an audit or litigation is begun, or a claim is instituted involving the grant or agreement involved, the log and records of grievances must be retained until the litigation, claim or audit is resolved.
3. Where a significant number or proportion of limited English-speaking individuals exist, ACSET will make 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.
4. **Selection of Procedure (WIOA complaints – see Attachment A; Welfare Reform complaints – see Attachment B)**
 - a. ACSET has no jurisdiction under this Grievance Procedure over Grievances involving the programs of One-Stop Partners. Such Grievances should be filed under the Grievance Procedure applicable to that program.
 - b. Known or suspected cases of fraud, abuse, or criminal conduct shall be handled pursuant to incident report guidelines established by the appropriate funding agency for the program involved.
 - c. A person, agency, or other entity that wishes to appeal ACSET's failure to select a proposal that it submitted in response to a Request For Proposals (RFP) issued by ACSET shall utilize the appeal process included in the RFP, unless the appeal alleges illegal discrimination.

D. **Steps in the ACSET Grievance Procedure**

1. **Step 1: Informal Process.**
 - a. An individual or entity who feels that a violation of a statute or regulation governing a program listed in Section B.5., or a grant, contract or other agreement funded pursuant to a program listed in Section B.5. has occurred may contact the ACSET Complaint Officer, by e-mail, by telephone or in person, and describe the facts which constitute the alleged violation. The name, address and telephone number of the ACSET Complaint Officer are indicated on the cover page of this Procedure.
 - b. If the Complaint Officer feels that the allegations, if written, would not constitute a Grievance, as defined in Section B.1., he or she shall advise the person or entity of this opinion in writing. If the person or entity making the allegation disagrees, he or she may file a formal Grievance pursuant to Step 2.

- c. If the allegations would constitute a Grievance, the ACSET Complaint Officer shall send a written notice to the Respondent indicating that the person or entity has alleged that a violation of a statute or regulation governing a program listed in Section B.5., or a grant, contract or other agreement funded pursuant to a program listed in section B.5. has occurred, and briefly describing the alleged violation. The notice shall indicate the name and address of the complaining person or entity. If the allegation has been made in writing, it shall be treated as a formal Grievance. If ACSET is the Respondent, the ACSET Complaint Officer shall send the written notice to the Chief Executive Officer of ACSET.
 - d. The Respondent shall provide a written response to the informal complaint both to the complaining person or entity and to the ACSET Complaint Officer within 5 business days of its receipt of the notice.
 - e. If the complaining person or entity is dissatisfied with the response of the Respondent, or if no response is provided, he or she may file a formal Grievance under Step 2.
2. Step 2. Formal Grievances.
- a. Parties shall have the following rights and privileges with respect to formal Grievances filed under this procedure:
 - i. The opportunity to withdraw the Grievance prior to the hearing. Such request shall be sent in writing to the ACSET Complaint Officer and each respondent, at any time prior to the time scheduled for hearing.
 - ii. The opportunity to be represented by an attorney or representative of a party's choice at the party's expense.
 - iii. The opportunity to present evidence, including witnesses, and to question any witness or party.
 - b. Filing of a Formal Grievance. A formal Grievance shall be in writing, signed by the Petitioner and shall be addressed to the ACSET Complaint Officer and to the Administrative Head of the Respondent, and may be filed by mail or in person. A formal grievance may not be filed by e-mail. Grievances shall be deemed filed when received by both the ACSET Complaint Officer and the Administrative Head of the Respondent. Both the Administrative Head of the Respondent and the ACSET Complaint Officer shall notify the other immediately when a Grievance has been filed with them.
 - c. Contents of a Formal Grievance. A formal Grievance shall contain, to the best extent practicable, the following information:
 - i. The full name, telephone number (if any), and address of the petitioner.

- ii. The full name, address, and telephone number of each Respondent, or other information sufficient to identify such Respondent(s).
- iii. A clear and concise statement of the facts as alleged, including pertinent dates, constituting the alleged violations.
- iv. The provisions of any statute, regulation, grant, contract, or other agreements alleged to have been violated.
- v. The relief requested.

The Petitioner may use the attached ACSET Grievance Procedure Formal Grievance form.

d. Cooperation of Petitioner.

- i. If a Grievance does not contain all of the above information, the ACSET Complaint Officer shall immediately send a notice to the Petitioner by Certified Mail, return receipt requested, indicating what additional information is required, and indicating the time and manner in which such information is to be supplied. The notice shall also indicate that failure to supply such information in the time provided may result in the dismissal of the Grievance. ACSET shall send the respondent a copy of any additional information received pursuant to the notice within 3 business days after such information has been received by ACSET. ACSET's receipt of such additional information constitutes the filing date of the Grievance for the purposes of computation of time limits in this Grievance Procedure.
- ii. If a Petitioner fails to provide the information requested by the Complaint Officer within the time provided, the Complaint Officer may dismiss the complaint for failure to comply with this Grievance Procedure, as provided in subsection f.

- e. Timeliness of Grievance. With the exception of Grievances alleging fraud or criminal activity, and except as provided in Section C.4., and Attachment A, Section E, a formal Grievance must be filed within **one (1) year** of the alleged occurrence. **A formal Grievance which is not filed within the time limit herein shall automatically be dismissed by ACSET**, and the ACSET Complaint Officer shall notify the Petitioner in writing, by certified mail, return receipt requested, if a Grievance is dismissed as untimely.

- f. Summary Dismissal. Upon receipt of a Grievance, the ACSET Complaint Officer may dismiss a Grievance, if in his or her judgment:

- i. The Grievance fails to state a claim for which relief can be granted;
- ii. The Grievance lacks merit; i.e., even if all the allegations therein are true, they would not constitute a violation of a statute or regulation governing a program described in Section B.5., or a grant, contract or other agreement funded pursuant to a program described in Section B.5.;
- iii. The Grievance fails to state a grievable issue; i.e., it fails to state an issue over which ACSET has jurisdiction to make a decision; or
- iv. The Petitioner fails to comply with this procedure.

Such a dismissal shall be made in writing to all parties, by certified mail, return receipt requested, within 10 days after the filing of the formal Grievance, except that a dismissal for a petitioner's failure to comply with the procedure must be made no later than 60 days after the filing of the Grievance, and shall describe the reasons for the dismissal. A Petitioner who disagrees with a summary dismissal shall be advised of the procedures for appealing the dismissal to the Michigan Talent Investment Agency.

- g. Prehearing Meeting. If the ACSET Complaint Officer does not dismiss the Grievance pursuant to subsection f, he or she shall send all parties a written notice that indicates the issues presented in the Grievance that will be the subject of the hearing, if the Grievance is not settled at the Prehearing Meeting. The Complaint Officer shall send this notice to the parties within 10 days after the filing of the Grievance. ACSET shall also include in the above Notice to the Parties notice of an opportunity for a meeting of the parties with the ACSET Complaint Officer, for the purpose of accomplishing an agreeable resolution of the Grievance. The meeting shall be held no later than five days after the mailing of the notice. The notice shall state the time and place of the meeting. ACSET shall make a written record of the meeting, which record shall consist of a statement of the issues considered and the disposition of each issue, and a copy of the record shall be provided to both parties. A party who fails to appear at a pre-hearing meeting without good cause may be defaulted by the ACSET Complaint Officer. If the Grievance is not resolved, the parties shall receive a description of the ACSET Hearing Procedure. In addition, if the Grievance is not resolved at such meeting, and if ordered by the Hearing Officer, the parties shall provide the ACSET Complaint Officer and each other with a list of the witnesses which each party, respectively, plans to call at the hearing, together with copies of any documents which such party plans to introduce into evidence at such hearing. This information may be provided at the conclusion of the pre-hearing meeting but such information must be received by the hearing officer and the opposite party(ies) no later than three business days prior to the hearing.
- h. Settlement. If the Grievance is settled at the Prehearing Meeting, or at any time prior to the hearing, the ACSET Complaint Officer shall reduce the settlement to writing, which shall be signed by all parties, or their representatives, and a copy shall be provided to each party. Any such settlement shall be reduced to writing and signed by the parties, or their representatives, within 60 days after the filing of the Grievance.

- i. Notice of Hearing. ACSET shall provide all parties with a notice of the date, time and place of the hearing, the manner in which it will be conducted, including notice of the opportunity to present evidence, including witnesses, and a statement of the issues to be decided. If indicated by the Hearing Officer, the notice will describe the rules of evidence that will be utilized by the Hearing Officer at the hearing. The Notice shall be sent not less than 10 days prior to the hearing, which shall be held not later than thirty days after the filing of the formal Grievance. The ACSET Complaint Officer shall provide the Hearing Officer with a copy of the Notice of Hearing as described in this section, together with a copy of the formal grievance, at least ten (10) days prior to the hearing.
 - j. Position Statement. Each Respondent may file a position statement that describes its position concerning the issues presented in the Grievance. Any such position statement must be received by the Hearing Officer, the ACSET Complaint Officer and the Petitioner no later than 3 business days prior to the date scheduled for the hearing.
 - k. Information Report. Unless ACSET is a Respondent, the ACSET Complaint Officer may prepare a written report that describes the program activity involved in the Grievance, the statutes and regulations governing the program, and any other background information about the program activity that he or she feels would assist the Hearing Officer to understand the issues involved in the Grievance. Such a report shall not take a position on any issue presented in the Grievance or present evidence on any disputed question of fact to be decided at the hearing. If ACSET is a Respondent, the Complaint Officer may not send such a report to the Hearing Officer, but may include such background information in its position statement. Any information report must be received by the Hearing Officer, the Petitioner, and each Respondent at least 3 business days prior to the date scheduled for the hearing.
3. Step 3. Hearing
- a. Hearing and Report. All parties shall have the rights at the hearing as indicated in Section a. of Step 2. The Hearing Officer may enter a default against absent parties and enter judgment accordingly. ACSET shall maintain a record of the hearing and a list of all evidentiary exhibits presented at the hearing. The Hearing Officer shall have the authority to receive the Information Report in evidence at the hearing, except when ACSET is a Respondent; review position statements; review and make rulings on the admission of evidence; rule on procedural matters; and question parties and other witnesses. The Hearing Officer shall provide a written decision in the matter to the ACSET Complaint Officer, the Petitioner, and each Respondent.

Such written decision shall contain the following:

- i. The date, time, and place of hearing;
 - ii. The names and addresses of the parties;
 - iii. The names and addresses of all the witnesses called by the parties;
 - iv. Information sufficient to identify all evidence presented;
 - v. A reiteration of the issues raised;
 - vi. A determination of facts;
 - vii. An analysis of the issues as they relate to the facts;
 - viii. A decision addressing each issue;
 - ix. The relief granted. Available relief is limited:
 - To the suspension or termination of payment to a service provider;
 - To prohibition of placement of a participant with an employer that has violated any requirement under a statute or regulation governing the program involved in the complaint;
 - Where applicable, to reinstatement of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions and privileges of employment; and
 - Where appropriate, to other equitable relief.
 and
 - ix. Notification to the parties of the right and procedure for filing an appeal with the Talent Investment Agency, including the name and address of the person to whom the appeal must be sent.
- b. Timeliness of Decision. The decision of the Hearing Officer shall be mailed, by certified mail, return receipt requested, no later than 60 days after the filing of the formal grievance. If the Hearing Officer fails to issue a report within the time provided herein, the Petitioner may appeal to the Talent Investment Agency as hereinafter provided.

4. Step 4. Appeal to the Talent Investment Agency (TIA).

- a. Right to Appeal. An aggrieved party has the right to appeal the decision of the Hearing Officer to the Michigan Talent Investment Agency.
- b. Filing the Appeal. Such appeals are to be filed in writing, by certified mail, return receipt requested, within 10 days after receipt of the decision of the Hearing Officer or 10 days after the date that the decision was due (60 days after the formal Grievance was filed), if the Hearing Officer fails to provide a written decision within that time. The appeal must include the same information as is required for a formal Grievance indicated in Section c. of Step 2.

ACSET GRIEVANCE PROCEDURE

Formal Grievance

<u>Petitioner</u>	<u>Respondent</u> <u>(The Person or Organization you are complaining against)</u>
<u>Your Name</u>	<u>Their Name</u>
<u>Your Address</u>	<u>Their Address</u>
<u>Your Telephone Number</u>	<u>Their Telephone Number</u>

State Your Grievance: Including the facts and relevant dates (use additional sheets if necessary)

If you know, indicate the statute, regulation, or contract or grant you feel has been violated by the Respondent:

Date: _____

Signature

ACSET GRIEVANCE PROCEDURE

Formal Grievance
(additional page)

Date: _____

Signature

**ACKNOWLEDGEMENT OF RECEIPT OF
GRIEVANCE PROCEDURE**

******Career Coach: Please detach this sheet and place in the Participant's Master File.******

I have received a copy of the ACSET Grievance Procedure.

Participant's Printed Name: _____

Participant's SIGNATURE: _____ Date: _____

Career Coach's Signature: _____ Date: _____

ATTACHMENT A

These two pages are applicable to complaints filed about the WIOA program.

Selection of Procedure.

A. Grievances of discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and, as appropriate, citizenship or participation in WIOA shall be handled under 29 CFR Part 38. Upon receipt of such a Grievance or information of such a Grievance, the ACSET Complaint Officer shall:

1. Advise the Petitioner that such a Grievance may be filed with ACSET, under its Equal Opportunity Complaint Procedure or with the Director of the Civil Rights Center (CRC) of the U.S. Department of Labor.

A Grievance filed with the U.S. Department of Labor must be filed at the following address:

Director, Civil Rights Center
United States Department of Labor
200 Constitution Avenue, N.W., Room N-4123
Washington D.C. 20210

or may be filed electronically, as directed on the CRC Website at www.dol.gov/crc.

2. Advise the Petitioner that if the Grievance alleges discrimination on the basis of race, color, or national origin, the Petitioner may also allege in the Grievance a violation of Title VI of the Civil Rights Act of 1964, 42 USC 2000d.
 3. Advise the Petitioner that such a Grievance must be filed within **180 days** of the alleged discrimination.
- B. A person alleging a violation of labor standards may submit the grievance to a binding arbitration procedure if a collective bargaining agreement covering the parties so provides, or may file the Grievance pursuant to this procedure. A person electing binding arbitration shall do so in lieu of and prior to filing a Grievance under this Grievance Procedure and may not elect binding arbitration for a Grievance that has been previously filed under the ACSET WIOA Grievance Procedure or any other WIOA Grievance Procedure.
- C. A Petitioner who believes that a violation of WIOA has occurred and such conduct also violates another federal statute or state or local law may pursue remedies for the alleged non WIOA-related violation without first exhausting remedies under WIOA.
- D. A party may file a Grievance under this Grievance Procedure alleging that a participant has displaced (including partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) a currently employed employee

(including another participant), or has been employed in a position when (1) any other individual is on layoff from the same or any substantially equivalent job; (2) the employer has terminated the employment of any regular employee or otherwise reduced its workforce with the intention of filling such vacancy with a participant; or (3) the job is created in a promotional line that will infringe upon the promotional opportunities of currently employed persons. (See 20 CFR 683.270)

- E. A training provider whose application to include a training program on the Michigan Training Connect (MiTC) was denied by ACSET, or whose program was determined to be ineligible to remain on the MiTC by ACSET may use this Grievance Procedure to appeal that action by ACSET. **Such an appeal must be filed with ACSET within thirty (30) working days from the date of the adverse action by ACSET.**

ATTACHMENT B

**These two pages are applicable to complaints filed about a Welfare Reform program.
(FAE&T or PATH)**

Selection of Procedure

A. Grievances of discrimination on the basis of race, color, religion, sex, national origin, or age, shall be handled under 45 CFR Parts 80, 84, 86, and 90 (PATH); and 7 CFR Parts 15, 15b and 15c (FAE&T). Upon receipt of such a Grievance or information of such a Grievance, the ACSET Complaint Officer shall:

1. Advise the Petitioner that such a Grievance may be filed with ACSET, under its Equal Opportunity Complaint Procedure, or with the following federal enforcement agencies at the addresses indicated below.

A Grievance filed at the federal level must be filed at either of the following addresses:

<u>PATH</u>	<u>Food Assistance Employment and Training</u>
Regional Manager Office for Civil Rights U.S. Dept. of Health and Human Services 233 N. Michigan Ave., Suite 240 Chicago, IL, 60601	USDA Director – Office of Adjudication 1400 Independence Ave. SW Washington, D.C. 20250-9410

2. Advise the Petitioner that if the Grievance alleges discrimination on the basis of race, color, or national origin, the Petitioner may also allege in the Grievance a violation of Title VI of the Civil Rights Act of 1964, 42 USC 2000(d).
 3. Advise the Petitioner that such a Grievance must be filed within **180 days** of the alleged discrimination.
- B. ACSET has no jurisdiction, through this procedure, over Grievances with respect to the PATH or FAE&T programs involving program eligibility, exemptions, deferments, questions of whether a Petitioner had good cause for non-compliance, or sanctions. The Complaint Officer will direct persons with such Grievances to file them with the Michigan Department of Health and Human Services (DHHS) or, with respect to issues concerning good cause for noncompliance in the PATH program, the PATH reengagement and triage process.

- C. An interested party may file a Grievance under this Grievance Procedure alleging that a recipient of Temporary Assistance for Needy Families (TANF) has been placed in a position (1) when any other individual is on layoff from the same or any substantially equivalent job or (2) if an employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with an adult receiving TANF assistance. See 45 CFR 261.70.

**Area Community Services
Employment & Training Council (ACSET)**

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online: westmiworks.org | communityactionkent.org

ACSET Memorandum

TO: ACSET Governing Board

FROM: West Michigan Works! (WMW) Nominating Committee

DATE: August 21, 2017

RE: WMW WDB Member Appointments

According to the West Michigan Works! Workforce Development Board bylaws, seventeen (17) of our current board members' term limits will expire effective October 31, 2017. Applications were reviewed by the designated Nomination Committee which consisted of Executive Committee members Dave Smith, Mark Bergsma and Heather Gluszewski. WMW received sixteen (16) out of seventeen (17) applications. WMW will need to fill the Community-Based Organization representative preferably from Ottawa County.

The WMW WDB Executive Committee voted and approved the slate of sixteen (16) applicants (attached) and is requesting approval from the ACSET Governing Board for those listed to serve on the WMW WDB with term dates of November 1, 2017 through October 31, 2019.

This item requires a 75% affirmative vote of members present.



West Michigan Works! Workforce Development Board Members: Term Dates 11/1/2017 through 10/31/2019

Sector	First Name	Last Name	Company	Title
Economic Development	Nora	Balgoyen-Williams	Allegan Area Educational Service Agency	Director of Economic Development
Business	John	Buchan	Autocam Corporation	Chief Operating Officer
Business	Jay	Dunwell	Wolverine Coil Spring Co	President
Business	Jim	Fisher	Jim Fisher Consulting, LLC	President
Business	Thomas	Freeland	Meijer	HR Director, Supply Chain & Manufacturing
Business	Rebecca	Herrington	Perrigo	Director of Global Talent Acquisition
Business	Jon (Jonathan)	Hofman	Holland Board of Public Works (HBPW)	Human Resources Manager
Labor	David	Kitchen	West Michigan Electrical JATC	Training Director
Business	Scott	McLean	Spectrum Health Ventures, LLC	Managing Director
Higher Education	Bill	Pink	Grand Rapids Community College	Vice-President/Dean
Adult Education	Valorie	Putnam	Ottawa Area Intermediate School District	Assistant Superintendent of Career/Technical Education & Adult Learning
Public Assistance Agencies (PA 491 req)	Michelle	Seigo	MI Department of Health and Human Services, Ionia & Montcalm Counties	Director
Business	Samantha	Semrau	Hastings Manufacturing Co	Director of Human Resources
Organized Labor/Employee Rep	Jonas	Talbott	International Brotherhood of Electrical Workers (IBEW) West Michigan No. 275	Assistant Business Manager
Business	Shana	Welch	Mercy Health	Regional Director of Talent Requisition (West MI)
Business	Sherry (Margaret)	White	Hines Corp	HR Consultant
Community Based	need to fill			

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ACSET Memorandum

TO: ACSET Governing Board

FROM: West Michigan Works! (WMW) Workforce Development Board (WDB)

DATE: August 21, 2017

RE: Policy Approval: WMW 15-01c1: Individual Training Account (ITA) Policy

Background

For over a year WMW has been operating under a broad training policy, wanting to provide job seekers with the greatest opportunities possible, unsure of how training funds would be utilized across the seven-county region. We have spent that time monitoring our training funds and outcomes very closely. In this time, we have begun to understand both the limits of our resources and where we can have the highest impact on our regional employers and workforce. As we looked at restructuring the training process and policy, we worked from three key points:

1. Mission-driven, data-directed: How do we increase our talent pool for regional employers, and what does the data tell us about the trainings we approve?
2. Resource-limited, highest impact: Understanding that resources are finite, where can we have the biggest impact and affect our region in the greatest way?
3. Employer-validated: Do our regional employers agree with our assessment of the region's training needs?

Keeping these three points in mind, we make the following recommendations:



Recommendations

1. Change ITA limits to \$5000 per year across two years. (\$10,000 total, but not \$10,000 in a single PY)
Justification: Would like to continue to offer mid-level trainings that employers are needing, such as RN, across two years but do not want to take \$10,000 from the training budget for a single person in a single year.
Areas Affected: <ul style="list-style-type: none"> • CDL Truck driving training programs typically cost around \$6000. We feel like we can determine a solution to the cost difference by working with employers, training providers, and students. • Some certification programs where they are ineligible for PELL. (low number of individuals)
2. Narrow training list to <i>the most</i> in-demand careers
Justification: While all careers on the 100 Hot Jobs list are good choices, we have limited resources and need to concentrate those resources on the greatest needs. Trainings will be selected based on number of openings, average wages, and required training. Exception: when an employer group has guaranteed hires we will organize and approve cohort-style trainings
Areas Affected: Some trainings will not be approved that have been in the past, but this should not affect employer demand, due to lackluster outcomes of those trainings.

3. Focus on Priority Individuals
Justification: We must provide greater training and empowerment for Career Coaches to provide genuine career coaching, not necessarily leading to training. Given this economy many employers will hire without formal training and provide the training either formally or informally. BSU and Service Centers will work more closely together to determine avenues of direct hiring versus direct training.
Areas Affected: There may be some individuals who are eligible but not low income who may not receive training.

Requested Action

The WMW WDB is requesting ACSET Governing Board approval of WMW 15-01c1 to reflect these recommendations.



- Title:** WMW 15-01c1 DRAFT
Individual Training Account (ITA) Policy & Guidelines
- Effective Date:** August 1, 2017
- Approved by:** West Michigan Works! Workforce Development Board on XXXXXX
- Programs Affected:** Workforce Innovation and Opportunity Act (WIOA) Adult, Dislocated Worker & Out of School Youth Programs within Region 4B
- Scope:** Adults, Dislocated Workers and Out of School Youth as defined by The Workforce Innovation and Opportunity Act of 2014, including eligible participants as defined by Workforce Development Agency State of Michigan Policy Issuances who are served with WIOA scholarships, who are eligible to receive training services from the list of State approved eligible training providers registered on the MiTraining Connect.
- Supersedes:** WMW 15-01
- Reference:** Jobs for Veterans' Act P.L. 107-288, 20 CFR Part 1010 and Policy Issuance #04-26 Change #3 Implementation of the Veterans' Priority Provision of the Jobs for Veterans Act, The Workforce Innovation and Opportunity Act (WIOA) Public Law 113-128 Section 134 (c)(3), 20 CFR 680.300 et. seq., Policy Issuance No. 13-05 Certification Process for Eligible Training Providers, WIOA Manual
- Policy:** Training services are provided to equip individuals to enter the workforce and retain employment. Under the Workforce Innovation and Opportunity Act (WIOA), a program of training services includes a structured regimen that leads to specific outcomes. A program of training services is one or more courses or classes, or a structured regimen that leads to:
- (a) An industry-recognized certificate; a certificate of completion of a registered apprenticeship, a license recognized by the state involved or the federal government,
 - (b) A post-secondary credential (an associate or baccalaureate degree),
 - (c) Consistent with 20 Code of Federal Regulation (CFR) 680.350, a secondary school diploma, or its equivalent,
 - (d) Employment, or
 - (e) Measurable skill gains toward such a credential or employment as described in (a) or (b).

Eligibility Requirements

Training services are available to eligible registered WIOA participants who, after an interview, evaluation or assessment and career planning, are determined to be unlikely or unable to obtain or retain employment that leads to self-sufficiency or wages comparable to or higher than wages from previous employment through career services alone. Registered participants must also meet the following additional requirements:

A. WMW Staff must determine if, after an interview, evaluation or assessment, and career planning the participant:

(a) Is unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher wages than wages from previous employment through career services;

(b) Is in need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and

(c) Has the skills and qualifications to participate successfully in training services.

B. The participant has selected a program of training services that is **directly linked to the employment opportunities** in Region 4b.

(a) The participant is unable to obtain grant assistance from other sources to pay the cost of such training, including such sources as state-funded training funds, Trade Adjustment Assistance, and Federal Pell Grants established under Title IV of the Higher Education Act of 1965, or requires the WIOA assistance in addition to other sources of grant assistance, including Federal Pell Grants.

i. Veterans Affairs (VA) benefits for education and training services do not constitute "other grant assistance" under the WIOA's eligibility requirements. Therefore, eligibility for VA benefits for education or training services do not preclude a veteran or the veteran's eligible

spouse from receiving the WIOA funded services, including training funds. Similarly, the WIOA program operators may not require veterans or spouses to exhaust their entitlement to the VA funded training benefits prior to allowing them to enroll in the WIOA funded training.

The case file must contain a determination of the need for training services as determined through the interview, evaluation or assessment, and career planning or any other career service received.

Value of ITA Scholarship

The level of ITA scholarship awards to Job Seekers shall be based upon both the demand for training and the total amount of funding allocated annually for training services. Scholarships shall be managed in such a manner that ITA dollars be available throughout the program year. Federal and state financial aid grant resources, such as Pell Grants, Veteran's Education Benefits, federal Supplemental Educational Opportunity Grants, and work-study will be leveraged prior to utilizing ITA scholarships for training. The awarding of ITA scholarships will be suspended, however, when the annual funding allocations for ITA programs are fully obligated.

An ITA shall not exceed \$5,000 per year (12 calendar months) for a maximum of 2 years (24 calendar months). No ITA shall exceed \$10,000 in total.

ITA Scholarship Coverage

The West Michigan Works! ITA scholarship program is not intended to facilitate the acquisition of degrees, diplomas, or certificates in and of themselves strictly for the sake of education. Approved Training Service activity must have a direct connection in preparing the Job Seeker for an in demand occupation identified as eligible for training on the high demand occupations list at: www.westmiworks.org

Costs covered by an ITA include tuition for any program of training approved on the West Michigan Works! high demand list and described on the Michigan Talent Connect, tuition-related fees and other approved items as stated on the original training plan.

Duration of ITA Scholarships

Total length of enrollment in the training service activity shall not exceed 24 calendar months from the date of starting the program for training.

Participants must complete training within 24 calendar months of receiving an ITA from West Michigan Works!

All ITA scholarships shall have an effective date and an expiration date.

Scholarships are valid for a period of one semester, one quarter, or equivalent division of training from the date of issuance with renewal of the scholarship each subsequent training period, contingent upon successful completion of the previous training period and funding availability.

Considerations for the use of ITA Scholarships

Exceptions to this policy to accommodate a Job Seeker or the specific needs of an employer will be reviewed on a case-by-case basis and approved by the Service Center Manager and/or the Regional Service Center Director.

Cohort style trainings and apprenticeships that have been identified through an employer consortium and are directly linked to employment opportunities, but are not currently reflected on the West Michigan Works! high demand list, will be reviewed on a case-by-case basis and approved by the Service Center Manager and/or the Regional Service Center Director.

Priority of Service

Priority of Service for awarding of ITA's will be determined according to the West Michigan Works! Priority of Service Policy.

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ACSET Memorandum

TO: ACSET Governing Board

FROM: West Michigan Works! (WMW) Workforce Development Board (WDB)

DATE: August 21, 2017

RE: Policy Approval: WMW 16-06c1 Priority of Service

Background

The Workforce Innovation and Opportunity Act (WIOA) and the Trade Adjustment Act (TAA) both require that priority be given to specific targeted populations for services. In February of 2017, the WDB approved a WIOA Priority of Service policy. New requirements have since made it necessary for a local TAA Priority of Service Policy, as well. Rather than creating an entirely new policy, the TAA Priority requirements are included in this change to WMW 16-06, to include priority requirements for Veterans for TAA training.

Additionally, this policy reflects a change in income calculated when determining if a Veteran qualifies as “low income.”

Requested Action

The WMW WDB is requesting ACSET Governing Board approval of WMW 16-06c1 Priority of Service.





- Title:** WMW 16-06c1 **DRAFT** Priority of Service
- Effective Date:** July XX, 2017
- Applicability:** Workforce Innovation and Opportunity Act (WIOA) Programs
Trade Adjustment Assistance (TAA) Programs
- Scope:** Veterans' priority of service means that veterans and eligible spouses are given priority over non-covered persons for the receipt of employment, training, and placement services provided under a qualified job training program. Veterans' preference applies to all USDOL-funded employment and training programs, including programs funded under WIOA and the Trade Act of 1974, as amended, not just when a local area is in limited funds status. Federal law requires that the individual receiving priority must first meet the program's existing eligibility requirements. In addition, the Workforce Innovation and Opportunity Act of 2014 (WIOA) Sec. 134(c)(3)(E) requires priority be given to "public benefits recipients, other low-income individuals, and individuals who are basic skills deficient" when providing individualized career and training services using WIOA Title I Adult funds.
- Supersedes:** WMW X16-06 Priority of Service February 1, 2017
- Reference:** Jobs for Veterans' Act P.L. 107-288, 20 CFR Part 1010 and Policy Issuance #04-26 Change #3 Implementation of the Veterans' Priority Provision of the Jobs for Veterans Act, The Workforce Innovation and Opportunity Act (WIOA) Public Law 113-128 Section 134 (c) (3) (E), Draft WIOA Manual July 2015. 20 CFR 680.600; 20 CFR 680.640; 20 CFR 680.650; 20 CFR 683.230; 38 U.S. Code Part 4213, TEGL 18-11, TEGL 26-13. **Trade Adjustment Assistance (TAA) Manual sec. 1-9, TEGL 10-09 and TEGL 22-04.**
- Policy:** Priority of service for individualized career and training services funded through **Title I WIOA Adult funds** will be applied to **all WIOA eligible** public benefits recipients, other low-income individuals, and individuals who are basic skills deficient, and veterans' priority for covered persons, **as defined by the Jobs for Veterans Act**, will be applied for those services as well. **Veteran's priority of service for covered persons will also be given for TAA services offered under the Trade Act, and basic career services and services to Dislocated Workers under WIOA.** This policy defines both the applicable eligibility requirements for priority of service as well as the order in which priority will be applied.

Priority for Service under WIOA Title I Adult funds:

Priority for individualized career services and training services under WIOA Title I Adult funds must be applied to adult recipients of public assistance and other low income individuals, and/or individuals who are basic skills deficient.

Individuals who are interested in receiving career and training services under the local priority of service system must first be determined eligible for the service requested.

Individuals who are not in a priority of service category but are actively enrolled in a career or training service will be allowed to complete the activity. It is not expected that non-priority service participants must give up their place to an individual who is in a priority of service category and may be just starting a career and/or training service.

Basic Skills Deficient: West Michigan Works! (WMW) has defined basic skills deficient as the same for adult and youth participants, namely, an individual that has English reading, writing, or computing skills at or below the 8th grade (8.9 or lower) level. It also includes a youth or adult, that is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society. Basic skills deficiency will be determined using an objective, valid and reliable assessment, such as the Test for Adult Basic Education (TABE). Refer to TEGL 18-11, Youth Literacy and Numeracy Gains, for further information on testing.

If the priority of service determination is based on the basic skills deficient criteria, the job seeker file must contain academic tests (including the job seeker's name, date of test, and results).

Low-Income Individual: An individual who meets any one of the following criteria satisfies the low-income standard for priority for WIOA adult individualized career services and training services:

1. Receives, or in the past six months has received, or is a member of a family that is receiving or in the past six months has received, assistance through the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), or the Supplemental Security Income (SSI) program or state or local income based public assistance;
2. Receives an income or is a member of a family receiving an income that, in relation to family size, is not in excess of the higher of the current U.S. Department of Labor 70 percent Lower Living Standard (LLS) Income Level or the U.S. Department of Health and Human Services (HHS) Poverty Guidelines;
3. Is a homeless individual as defined in §41403(6) of the Violence Against Women Act of 1994, or a homeless child or youth as defined in §725(2) of the McKinney-Vento Homeless Assistance Act;
4. Receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act;
5. Is a foster youth on behalf of whom state or local government payments are made; or
6. Is an individual with a disability whose own income meets: WIOA's income requirements, even if the individual's family income does not meet the income requirements; or The income eligibility criteria for payments under any federal, state, or local public assistance program.

Military Pay and Benefits:

All pay and/or financial allowances earned while a veteran was on active duty must be disregarded when determining whether the veteran is a “low income individual” for the purpose of applying the rule of priority for low – income persons under Title I of WIOA in this policy. Title 38 U.S.C. 4213 also exempts from inclusion in “low income” calculations any financial benefits received by a covered person under the following Chapters of Title 38 of the U. S. Code:

- 11. Compensation for service-connected disability or death;
- 13. Dependency and indemnity compensation for service-connected deaths;
- 30. All-volunteer force educational assistance program;
- 31. Training and rehabilitation for veterans with service-connected disabilities;
- 34. Veterans Educational Assistance
- 35. Survivors’ and dependents’ educational assistance; and
- 36. Administration of educational benefits.

Also excluded from “low income calculations” are benefits received under Chapter 106 of Title 10 of the U. S. Code, Educational assistance for members of the selected reserve.

However, pension payments authorized by Title 10 of the U. S. Code, such as those received by military retirees, whether or not their retirement was based on disability, and pension benefits paid under Chapter 15 of Title 38 of the U. S. Code, are **not** exempt from being included in the calculation of low income.

Also, veterans and eligible spouses are not required to coordinate their entitlement to VA benefits for education and training benefits with any concurrent eligibility they may have for WIOA funded training. West Michigan Works will not require veterans or eligible spouses to exhaust their entitlement to VA funded training benefits prior to allowing them to enroll in WIOA funded training.

Veterans Priority:

The regulations specify that the definition for veteran specified at 38 U.S.C. 101(2) applies across all qualified job training programs for the purpose of priority of service. That definition includes two key criteria:

1. Service in the active army, marines, naval including coast guard, or air service; and,
2. Discharge under conditions other than dishonorable.

Veteran: Under this definition, the term “veteran” means a person who served at least one day in active military, naval or air service, and who was discharged or released under conditions other than dishonorable, as specified in 38 U.S.C. 101(2). Active service includes full-time Federal service in the National Guard or a Reserve component. This definition of “active service” does not include full-time duty performed strictly for training purposes, nor does it include full-time active duty performed by National Guard personnel who are mobilized by State rather than Federal authorities (i.e. in response to natural disasters).

Priority of service: Priority of service means the right of eligible covered persons to take precedence over eligible non-covered persons in obtaining services.

- The covered person receives access to the service or resource earlier in time than the non-covered person; or

- If the service or resource is limited, the covered person receives access to the service or resource instead of or before the non-covered person.
- The regulations specify how priority of service is to be applied across three different types of qualified job training programs:
 - Universal access programs that do not target specific groups;
 - Discretionary targeting programs that focus on certain groups but are not mandated to serve target group members before other eligible individuals; and,
 - Statutory targeting programs that are mandated by federal law to provide priority or preference to certain groups.

Covered Person: The term “covered person” means a veteran or an eligible spouse, as defined herein.

Eligible Spouses: The regulation specifies spouses of any of the following veterans:

1. Any veteran who died of a service-connected disability;
2. Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
 - a. Missing in action
 - b. Captured in line of duty by a hostile force; or
 - c. Forcibly detained or interned in line of duty by a foreign government or power;
3. Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs; or
4. Any veteran who died while a disability was in existence. A spouse whose eligibility is derived from a living veteran or service member (i.e., categories 2 or 3 above) would lose his or her eligibility if the veteran or service member were to lose the status that is the basis for the eligibility (e.g. if a veteran with a total service-connected disability were to receive a revised disability rating at a lower level). Similarly, for a spouse whose eligibility is derived from a living veteran or service member, that eligibility would be lost upon divorce from the veteran or service member.

Consistent with TEGL 26-13, the definition of “eligible spouse” includes same-sex spouses. Eligibility for WIOA Title I services incorporates the definition of family where low-income priority of service is a consideration. Consistent with ETA’s policy, same sex spouses are included within the definition of family. Interpreting “husband” and “wife” as gender neutral in the definition of “family” could impact an individual’s family income calculation.

Implementing Priority of Service:

West Michigan Works! will remain intentional in conducting outreach to priority populations to ensure that covered persons, low income and basic skill deficient individuals receive the employment and training services they need.

Outreach will include but is not limited to; informing areas of the community that are likely to have priority populations of the services available; collaborating with social service agencies and other community partners that serve a similar population, creating opportunities to present information on-site at neighborhood events and when permitted, scheduling individual appointments alongside of WIOA required partners to reduce transportation needs and associated barriers.

The individual seeking career or training services under priority of service must be identified and categorized prior to enrollment. Priority of service is initiated on the local level and must follow the standard procedure outlined below:

- A. Priority for individualized career services and training services funded through Adult funds under Title I of WIOA will be applied in the following order:
 1. Covered Individuals (Veterans and eligible spouses) who are low-income, recipients of public assistance or are basic skills deficient.
 2. Individuals (non-covered) who are low-income, recipients of public assistance, or are basic skills deficient.
 3. Covered Individuals (Veterans and eligible spouses) who are NOT low-income and are NOT recipients of public assistance or basic skills deficient.
 4. All other eligible individuals.

- B. Priority for basic career services and services for Dislocated Workers under WIOA; and TAA services for adversely affected workers under the Trade Act of 1974, as amended, will be applied in the following order:
 1. Covered persons (veterans and eligible spouses).
 2. All other eligible individuals.

Current

August 2017

CLASSIFICATION	Approved	Filled (Permanent)	Filled (Other)	Vacant
Accountant	4	1	0	3
Accounting Assistant	4	2	0	2
Accounting Manager	1	1	0	0
Accounting Supervisor	1	1	0	0
Administrative Receptionist	1	1	0	0
Assessment Specialist	4	3	0	1
Assistant Manager	13	13	0	0
Attorney	2	2	0	0
Business Solutions Coordinator	3	3	0	0
Business Solutions Manager	1	1	0	0
Business Solutions Representative	17	17	0	0
Career Coach	42	38	0	4
Career Navigator	22	22	0	0
Chief Executive Officer	1	1	0	0
Chief Financial Officer	1	1	0	0
Chief Operating Officer	1	1	0	0
Computer Support Specialist	2	2	0	0
Contract Administrator	1	1	0	0
Custodian	1	1	0	0
Executive Assistant	1	1	0	0
Facilities Manager	1	1	0	0
Fiscal Monitor	1	1	0	0
Human Resource Assistant	2	2	0	0
Human Resource Director	1	1	0	0
Information Technology Manager	1	1	0	0
JMG Specialist	2	1	0	1
Marketing & Communications Coordinator	2	2	0	0
Marketing & Communications Director	1	1	0	0
Performance Analyst	7	6	0	1
Policy Coordinator	1	0	0	1
Policy Manager	4	3	0	1
Procurement Manager	1	1	0	0
Quality Assurance Specialist	5	5	0	0
Records Service Specialist	8	7	0	1
Regional Business Solutions Director	1	1	0	0
Regional Service Center Director	1	1	0	0
Service Center Manager	6	6	0	0

Talent Development Instructor	9	9	0	0
Talent Development Specialist	10	8	0	2
Training Consultant	1	1	0	0
TOTALS	188	171	0	17

CLASSIFICATION	Filled
Participant/Temporary	1

ACSET Personnel Actions – August 17, 2017

CLASS	EMPLOYEE	APPOINTMENT	DATE	LOCATION
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Appointments

<u>Class</u>	<u>Employee</u>	<u>Appointment</u>	<u>Date</u>	<u>Location</u>
Career Coach	Oman Khanal	Permanent	8/7/17	Franklin, GR
Community Services Assistant II	Mayra Diaz-Rodriguez	Permanent	8/10/17	CAA-Franklin, GR

Separations

<u>Class</u>	<u>Employee</u>	<u>Appointment</u>	<u>Separation Date</u>	<u>Location</u>
Accounting Assistant	Valerie Jones	Permanent	7/28/17	Admin, GR
Policy Manager	Maureen Downer	Permanent	8/1/17	Westside, GR
Career Coach	Zsanara Hoskins	Permanent	8/11/17	Westside, GR
JMG Specialist	Desiree Medina-Vaca	Permanent	8/11/17	Muskegon
Accountant	Benjamin Sunuwar	Permanent	8/15/17	Admin, GR

Promotion

<u>From</u>	<u>To</u>	<u>Employee</u>	<u>Appointment</u>	<u>Date</u>	<u>Location</u>
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Transfer

<u>From</u>	<u>To</u>	<u>Employee</u>	<u>Appointment</u>	<u>Date</u>	<u>Location</u>
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Demotion

<u>From</u>	<u>To</u>	<u>Employee</u>	<u>Appointment</u>	<u>Date</u>	<u>Location</u>
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Participants/Temporary

<i>Appointments/Participants</i>	<u>Employee</u>	<u>Appointment</u>	<u>Date</u>	<u>Location</u>
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