



REQUEST FOR PROPOSAL (RFP)

ONE-STOP OPERATOR FOR ALPENA MICHIGAN WORKS! ONE-STOP

DATES TO REMEMBER

DATE	SCHEDULED ACTIVITY
April 14, 2017	RFP Release
April 19, 2017 8:30-9:30 a.m.	Bidders Conference Northeast Michigan Consortium Michigan Works! 20709 State Street Onaway, Michigan 49765
April 27, 2017	RFP Questions Due to Northeast Michigan Consortium Must be submitted by 12:00 noon
May 17, 2017	Proposals Due at the Northeast Michigan Consortium Office by 12:00 noon
June 6, 2017	Review Committee Recommendation/Approval
July 17, 2017	Administrative and Workforce Development Board Final Approval
July 1, 2017	Contract Begin Date

Table of Contents

DATES TO REMEMBER	1
PART I: General Information	3
Purpose	3
A Demand-Driven Workforce Development System	3
PART II: RFP PARAMETERS	4
Proposal Stipulations and Submission	4
Other Specifications	5
Small, Minority, and Women Owned Businesses	5
Disclaimer	5
Funding Source & Funding Levels	6
Accounting Records	6
Allowable Costs	6
Equal Employment Opportunities	6
Supplemental Nepotism Clause	7
Prevention of Fraud and Program Abuse	7
Marketing Activities	7
Reporting	7
Monitoring	8
RFP Appeal Process	8
Grievance Policy	8
ONE-STOP OPERATOR	9
Background	9
Proposed Scope of Work	9
Eligible Bidders	10
Instructions to Bidders	10
Proposal Narrative	11
Disclosure & Assurances	11
Budget & Budget Format	12
REQUIRED FORMS FOR ALL PROPOSERS	13
CONFLICT OF INTEREST DISCLOSURE	14
PROPOSAL COVER SHEET	15
CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION LOWER TIER COVERED TRANSACTIONS	16
INSTRUCTIONS FOR CERTIFICATION	17-18
CERTIFICATION REGARDING LOBBYING	19
RFP EVALUATION CRITERIA	20
NORTHEAST MICHIGAN CONSORTIUM GRIEVANCE PROCEDURE	21-22
SPECIAL PROVISIONS	23

PART I: General Information

Purpose

In July 2014, the Workforce Innovation and Opportunity Act (WIOA) was signed into law. WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy.

The establishment of a One-Stop delivery system is a cornerstone of the reforms contained in Title I of WIOA. The One-Stop system is designed to enhance access to services and improve long-term employment outcomes for individuals seeking assistance. The regulations define the system as consisting of one or more comprehensive, physical American Job Center(s) (currently our One-Stop American Job Centers) in a local area that provide the core services specified in WIOA.

A Demand-Driven Workforce Development System

The purpose of a demand-driven workforce development system is to contribute to the state's economic vitality through the provision of workforce training and services that meet the needs of targeted business sectors and employers. While the scope and type of services are limited by the funding that supports them, the overriding imperative remains to foster talent development and connections between employers and employees that meet demand.

A demand-driven workforce development system identifies the employer as the primary customer. It recognizes that ultimately the employer is the "end user" of our system and the extent to which we meet employers' needs is the extent to which we provide the best help to job seekers.

PART II: RFP PARAMETERS

Proposal Stipulations and Submission

The RFP will be made available in alternative format (audio tape or large print) upon request. Requests for alternative formats shall be made in writing within three (3) business days of release of the RFPs and shall be faxed to the attention of Edie Kerr at (989) 733-8548, emailed to general@nemcworks.org or hand-delivered/mailed to the address listed below.

In order to be considered for funding, proposals must be in the administrative office of Northeast Michigan Consortium no later than **12:00 noon on Wednesday, May 17, 2017** to:

Edie Kerr
Northeast Michigan
Consortium Michigan Works!
PO Box 711
20709 State Street
Onaway, MI 49765

Proposals must be submitted in the format of this package and all parts as applicable. Failure to complete all required sections will disqualify the proposal. Failure to adhere to all technical requirements will result in a reduction of points and may disqualify the proposal. Proposals received after the date and time specified will not be considered for funding. **Faxed proposals will not be accepted.**

The bidder may be contacted by NEMC to request clarification of information included in the proposal. The bidder will be expected to have at least one responsible staff person available to respond to questions. The evaluation process may include a presentation by the bidder to a review committee.

Proposals must be:

- Complete, computer-generated, and technically accurate.
- Limited to no more than 8 pages, with a font size of 12 or larger.
- Signed by an official authorized to bind the agency. The proposal will be considered a firm offer for a 90-day period from the submittal date.

Bidders must submit one (1) original, two (2) copies, and one (1) electronic version of the completed proposal and attachments. Any differences between the original, copies, or the electronic version are at the liability of the bidder. All proposals will be considered firm bids. No changes will be made after submission.

Other Specifications

It is suggested that prospective bidders bring copies of the RFP document to the bidders' conference and that you read the RFP documents prior to attending the bidders' conference in order to come prepared with questions.

Small, Minority, and Women Owned Businesses

Female-owned, minority-owned, and small businesses are encouraged to apply. Northeast Michigan Consortium Michigan Works will make an effort to utilize small, minority and/or women owned businesses. Entities selected and serving as one-stop operators are sub-recipients of a Federal award and thus are required to follow the Office of Management and Budget Uniform Guidance, 2 CFR Part 200 and the WIOA.

An Offeror qualifies as a small business firm if it meets the definition of "small business" as established by the Small Business Administration (13 CFR 121.201), by having average annual receipts for the last three fiscal years of less than six million dollars.

Disclaimer

This request for proposals does not commit Northeast Michigan Consortium Michigan Works! or its boards to award a contract, to pay any costs incurred in the preparation of an application to this request, or to procure or contract for services or supplies. NEMC and the boards reserve the right to accept or reject any or all applications received as a result of this request, or negotiate with all qualified sources to waive any informalities or minor irregularities in applications/proposals, or to cancel in part or in its entirety the RFP if it is in the best interest of NEMC or the boards to do so. NEMC is not required to award bids to the lowest bidder or to the best score, but must make award decisions based on the best overall proposals considering all relevant factors, including price, technical qualifications, demonstrated experience, etc. The boards may require the agencies selected to participate in negotiations and to submit price, technical, or other revisions of their applications that may result from negotiations. NEMC and the boards reserve the right to negotiate a renewal of contract award for up to three additional years, or to negate the renewal and re-release all or selected RFPs due to funding reductions, reallocations

Funding Source

Bidders must be aware that funding will be dependent upon the continuing availability of funds, contractor performance, and determinations of needs, services, activities, and delivery methods. All sub-recipients funded under these proposals will be funded under the authority granted by the respective legislation, regulation and federal/state policy.

Funding Levels

The funding amount available is **up to a maximum of \$6,000.00.**

Accounting Records

Each sub-recipient must maintain acceptable accounting records. An adequate system of managing funds and for keeping back-up data to support expenditures for later audit purposes is the full responsibility of each sub-recipient.

Allowable Costs

Only costs directly related to the operation of the program and properly supported with back-up data and records will be allowable charges to the program. For shared time or facilities arrangements where staff wages, utilities, supplies, etc., are to be funded by more than one source, a cost allocation plan must be maintained. All cost allocations of personnel must be justifiable to the degree that they will withstand an audit. (Reference OMB Circular 2 CFR Part 200)

Equal Employment Opportunities

The Equal Employment Opportunity Policy of Northeast Michigan Consortium Michigan Works! is committed to ensuring against discrimination or denial of employment and/or training based on race, color, religion, sex, national origin, age, height, weight, marital status, disability, political affiliation or belief of a participant, administrator or staff person in connection with any program administered through TIA. This policy applies to all phases of employment including, but not limited to, recruitment, hiring, placement, upgrading, demotion, transfer, lay-off, recall, termination, compensation, and participation in all NEMC sponsored activities.

In addition to the above, NEMC requires all sub-recipients and vendors to operate within an acceptable Affirmative Action Policy, no less stringent than that of NEMC, to ensure against discrimination of administrators, staff and participants.

Supplemental Nepotism Clause

For the WIOA programs, the sub-recipient must ensure that during the time period of the proposed program no individuals who are members of the immediate family of any NEMC contract-funded staff positions or governing board of the organization will be enrolled as program participants in the offered programs. Immediate family is defined as spouse, father, mother, sister, brother, child, aunt, uncle, nephew, niece, grandmother, or grandfather. This nepotism clause also holds for any individual related to persons in an administrative capacity for NEMC, its Administrative Board and Workforce Development Board.

Prevention of Fraud and Program Abuse

To ensure the integrity of the programs, special efforts are necessary to prevent fraud and other program abuses. Fraud includes deceitful practices and intentional misconduct, such as willful misrepresentation in accounting for the use of program funds. "Abuse" is a general term that encompasses improper conduct that may or may not be fraudulent in nature. While federal legislation is specific, possible problem areas could include the following: conflict of interest, kickbacks, co-mingling of funds, charging fees to participants or employers, nepotism, child labor, political patronage, political activities, sectarian activities, unionization, and anti-unionization activities/work stoppages, and maintenance of effort. Proposals that are found to violate the abuse standards will not be funded. Bidders who receive contracts will be required to report immediately any violations in these areas or in problem areas that may later be defined.

Marketing Activities

All programs funded by Northeast Michigan Consortium will be part of a unified marketing system. All marketing activities including, but not limited to, newsletters, advertisements, the media, direct mailers, brochures, business cards, letterhead, signs, and promotional materials must be coordinated through and approved by the Marketing staff at Northeast Michigan Consortium Michigan Works! In addition, sub-recipient receiving NEMC funding should have no contact with the media, (i.e. marketing events, press conferences, interviews etc.) without the approval of the Marketing staff of Northeast Michigan Consortium Michigan Works!

Reporting

Upon approval of any program or activity for funding under the contract, the agency administering that program will be subject to reporting requirements as developed by NEMC.

Monitoring

Northeast Michigan Consortium Michigan Works! will be monitoring and evaluating activities throughout the grant period. Sub-recipients must allow NEMC staff or its agent full access to all files and records relating directly to funding, accounting files and records, and to any related files and records associated with proper accounting of such funds and clients.

Denying access to records, files and related information shall be sufficient reason to terminate a contract immediately.

RFP Appeal Process

A bidder wishing to appeal the final funding decisions of the Workforce Development Board and/or the Administrative Board must adhere to the following procedure:

A bidder can request a copy of the proposal rankings. The rankings will be mailed to the bidder if requested in writing within five (5) working days after funding decisions are reached.

A bidder may appeal action taken on the proposal by requesting a review. The appeal for the review shall state the basis of the appeal founded on violation of the law and regulations and/or existing contracts. The basis shall be explicitly stated and make specific reference to appropriate sections of law, regulations and/or contracts.

Grievance Policy

A Grievance Procedure is established and maintained for resolving any complaint or grievance alleging a violation of any program that is administered by NEMC. All recipients (sub-recipient, clients, and staff) of funding awarded by Northeast Michigan Consortium are subject to NEMC grievance procedures. All program participants shall receive a copy of these procedures. These procedures are included in this packet.

ONE-STOP OPERATOR

Background

Workforce Innovation and Opportunity Act (WIOA) requires each local Workforce Development Board (WDB) to solicit a One-Stop Operator (OSO) through a competitive bid process. The role of the OSO, per WIOA, is to coordinate service delivery of participating one-stop partners and service providers in alignment with WIOA sec.121 and per the United States Department of Labor (USDOL) Training and Guidance Letter 15-16, the One-Stop Operator must at a minimum:

- Disclose any potential conflicts of interest arising from the relationships of the One-Stop Operator with particular training service providers or other service providers, including but not limited to, career service providers;
- In coordinating services and serving as a One-Stop Operator, refrain from establishing practices that create disincentives to providing services to individuals with barriers to employment who may require longer-term services, such as intensive employment, training and education services; and
- Comply with Federal regulations and procure policies relating to the calculations and use of funds.

Proposed Scope of Work

At a minimum, NEMC has identified the following roles and activities for the selected Alpena Michigan Works! One-Stop Operator:

- Provide an annual assessment of the effectiveness of inter-program referral and feedback processes, as well as recommendations for continuous quality improvement, among programs such as:
 - Adult Education and Career Services;
 - Veterans' Services and Career Services;
 - Michigan Rehabilitation Services and Career Services.
- Provide an annual assessment of the effectiveness of partnerships among Northeast Michigan Consortium Michigan Works! with recommendations for continuous improvement and potential increased collaboration.
- Provide a spot-check functional analysis of the Alpena One Stop Center, to assess and make recommendations relative to potential issues with public relations, wait times, crowding in the Center, process flow, or other issues that inconsistent with the Northeast Michigan Consortium Michigan Works! customer service standards.

¹ Career Services are the basic services available to any job seeker who walks into a Michigan Works! Center. They include but are not limited to job search assistance, resume writing, basic career research, job leads and applications, referrals to programs that help special populations such as veterans or those with disabilities. Career Services are sometimes referred to as "staff-assisted but largely self-directed core services."

Eligible Bidders

The following types of organizations are allowed to bid to become a One-Stop Operator:

- Government agencies or governmental units, such as local or county governments, school districts, state agencies, and federal WIOA partners;
- Employment Service State agency established under the Wagner-Peyser Act, as amended by Title III of WIOA;
- Indian Tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations (collectively referred to herein as “Indian Tribes”);
- Educational institutions, such as institutions of higher education, nontraditional public secondary schools such as night school, and area career and technical education schools (however, elementary and other secondary schools are not eligible to become a one- stop operator);
- Community-based organizations, nonprofit entities, or workforce intermediaries;
- Other interested organizations that are capable of carrying out the duties of the one-top operator, such as a local chamber of commerce, other business organization, or labor organization;
- Private for-profit entities.

Female-owned, minority-owned, and small business are encouraged to apply. Entities selected and serving as one-stop operators are sub-recipients of a federal award and thus are required to follow the Uniform Guidance, 2 CFR 200 and the WIOA.

Instructions to Bidders

1. Proposals in response to the RFP must be received by 12:00 noon on May 17, 2017.
2. Bidders must submit one (1) original, two (2) copies, and one electronic version of the completed proposal and attachments. Electronic version must be sent to the following email address: general@nemcworks.org
3. Electronic notification of receipt to the bidder will be provided to the bidder upon receipt.
4. Proposals must be limited to no more than 8 pages, 12 point font.
5. The Proposal Cover Sheet must be included as Page 1.
6. Proposals must follow the prescribed Proposal Format shown below.
7. Late proposals and/or proposals that do not meet submission requirements will not be considered or scored.
8. Proposals are for a one-year period, renewable for up to three additional years based upon performance. The budget is to be prepared for a one-year period commencing on July 1, 2017.

9. Bidders will be notified of the selected OSO within 15 business days of the proposal submission deadline.

Northeast Michigan Consortium reserves the right to negotiate OSO activities and cost based on proposals received.

PROPOSAL NARRATIVE

A. Description of Services

1. Describe how you would propose to deliver activities of the one-stop operator as outlined under the proposed scope of work.
2. Describe your knowledge and experience regarding the specifics of WIOA law, regulations and programming, as well as other programs operated at Northeast Michigan Consortium Michigan Works!
3. Describe your knowledge and experience with coordinating multiple programs and partners for a unified delivery system of programming.
4. Describe any related experience you have with the operation of workforce development services, addressing at a minimum:
 - Types, quantity, duration, and locations of service;
 - Population group(s) served;
5. Describe your relationships with other public and private organizations in the region, addressing at a minimum:
 - Formal and informal linkages with other organizations;
 - Results of collaborative relationships with other organizations;
 - Nature and extent of relationships with the business community.

B. Disclosures and Assurances

1. Disclose any potential conflicts of interest arising from the relationship of the bidding organization that would be the one-stop operator with particular workforce training providers or other service providers, and/or with the Workforce Development Board.
2. Provide a statement committing to refrain from establishing practices that create disincentives to providing services to individuals with barriers to employment who may require longer-term services, such as employment, training, and/or education.

3. Provide a statement of commitment to comply with federal regulations, and procurement policies, relating to the calculation and use of profits from this one-stop activity.

BUDGET

C. Budget Format

The budget template involves no direct client contact. Staffing costs should be identified by name and position title. If any anticipated position is not filled, list separately as "Vacant" with position title and salary rate. There should be no grouping of staff costs. Provide us with a separate excel spreadsheet to be included with your proposal. Only a one-year detailed budget is required to be submitted with the proposal.

The Proposer(s) must present an estimated line item budget for the total project utilizing the budget format. All contracted costs are considered Program. There will be **no** additional administrative dollars awarded. Costs should be allocated to the following categories:

SALARIES AND WAGES

- 1) FRINGE BENEFITS
- 2) INDIRECT COSTS, IF APPLICABLE
- 3) PROGRAM COSTS

REQUIRED FORMS FOR ALL PROPOSERS

The documents below are part of the complete proposal document and should be submitted in the order specified below.

Required Forms:

1. Conflict of Interest Disclosure
2. Signed Cover Sheet
3. Proposal Narrative
4. Proposal Budget
5. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions
6. Certification Regarding Lobbying/Certification for Contracts, Grants, Loans, and Cooperative Agreements

CONFLICT OF INTEREST DISCLOSURE

List the name(s) and title(s) of all the owners, members of the board of directors, and other officers of the agency, corporation or business. Indicate owners, or members, or officers who are present members of the Workforce Development Board (WDB) or Administrative Board. Individuals who are known to be directly related to members of the WDB or the Administrative Board should also be noted.

PROPOSAL COVER SHEET

PROPOSING BIDDER: _____

ADDRESS: _____

PROPOSAL CONTACT PERSON: _____

PHONE: _____ EMAIL: _____

NAME OF CHIEF EXECUTIVE OFFICER: _____

TYPE OF ORGANIZATION: _____

EMPLOYER TAX ID: _____ DUNS# _____

ACCEPTANCE OF THE CONDITIONS OF THE REQUEST FOR PROPOSAL

By signing this request for proposal application, I acknowledge that all the terms and conditions set forth in this entire document are hereby accepted. I also certify that the information in this application is correct to the best of my knowledge and belief and that the completion of this application has been fully authorized.

SIGNATURE OF AUTHORIZED OFFICIAL: _____

TYPED NAME AND TITLE: _____

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY
AND VOLUNTARY EXCLUSION LOWER TIER COVERED TRANSACTIONS**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 29 Code of Federal Regulation (CFR) Part 98.510, Participants' Responsibilities. The regulations were published as Part VII of the May 26, 1988, Federal Register (pages 19160-19211). 2 CFR 180 is also applicable.

This certification is also required by the regulations implementing Executive Order 12689, Debarment and Suspension, 3 CFR 1989 Compiled, p. 235.

(1) The prospective recipient of federal assistance funds certifies, by submission of this proposal, that neither it, nor its principals, are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

(2) Where the prospective recipient of federal assistance funds is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Signature

Date

Name and Title of Authorized Representative

INSTRUCTIONS FOR CERTIFICATION

1. By signing and submitting this proposal, the prospective recipient of Federal assistance funds is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective recipient of Federal assistance funds knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the US Department of Labor (USDOL) may pursue available remedies including suspension and/or debarment.
3. The prospective recipient of Federal assistance funds shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective recipient of Federal assistance funds learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Orders 12549 and 12689. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective recipient of Federal assistance funds agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the DOL.
6. The prospective recipient of Federal assistance funds further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals.

Each participant may, but is not required to, check the List of Parties Excluded From Procurement or Nonprocurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 7 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the DOL may pursue available remedies, including suspension and/or debarment.

**CERTIFICATION REGARDING LOBBYING
CERTIFICATION FOR CONTRACTS, GRANTS, LOANS, AND
COOPERATIVE AGREEMENTS**

The undersigned certifies to the best of his or her knowledge and belief that:

(1) No federal appropriated funds have been paid or will be paid by, or on behalf of the undersigned, to any person for influencing, or attempting to influence, an officer or employee of an agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants and contracts under grants, loans, and cooperative agreements), that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000, and not more than \$100,000, for each such failure.

Signature (Must Be Authorized to Bind the Bidder/Agency)

Date

Name and Title of Authorized Representative

Name of Bidder/Agency

RFP EVALUATION CRITERIA

Evaluation Criteria	Number of Points
Proposal Narrative	50
Disclosures and Assurances	20
Budget	30
Total	100

Proposals will be recommended for funding based upon the following evaluation criteria:

Proposal Narrative will be evaluated based upon completeness and the ability to provide required information.

Disclosures and Assurances will be evaluated upon completeness and the ability to provide required information.

Budget will be evaluated based upon completeness, mechanical soundness, and ability to provide required information.

*Note, NEMC reserves the right to request that bidders take part in proposal presentations should this be deemed necessary due to the responses received.

NORTHEAST MICHIGAN CONSORTIUM GRIEVANCE PROCEDURE

The procedure set forth below should be used by persons who are program participants under funding sources received from the Workforce Development Agency (WDA) subgrantees, subcontractors, employees, one-stop partners, service providers, providers of training services or other interested person to resolve, by administrative process, grievances or complaints that may arise in relation to alleged violations of the funding source, regulations and any grant, contract, or other agreement funded from grants received from WDA. Complaints alleging discrimination by race, creed, color, religion, sex, disability, age, national origin, or political affiliation, as given in Title VI of the Civil Rights Act of 1964 may be filed directly with the U.S. Department of Labor office. Complaints involving discrimination must be filed within 180 days of alleged discrimination, nothing contained in this grievance procedure prohibits the pursuit or resolution by civil action or other remedies authorized under other federal, state, or local law.

All grievances, including those alleging fraud or criminal activity funded by the WDA, shall be filed within one year of the date of the alleged occurrence. (Known or suspected fraud, abuse, or criminal conduct under WIA/WIOA shall be reported in accordance with the incident report guidelines issued by the WDA).

STEP 1: As applicable, complainants are encouraged to first discuss and attempt to resolve the issue informally with the grant recipient, contractors, subcontractors, one-stop partners, service providers, providers of training services, and other parties. If informal means, as noted above, does not resolve the issue, the complainant is afforded the following steps:

STEP 2: This complaint may be dismissed by the Administrative Entity (AE) of the Workforce Development Board (WDB) if it lacks merit, if it is determined that the grievant fails to state a grievable issue or there is no relief that can be granted, or if the grievant fails to comply with this procedure. The MWA will inform the complainant in writing of the reason(s) the complaint was dismissed. The notification will be issued within 60 days from the date the grievance was filed and will include the opportunity to appeal to the WDA.

STEP 3: Complainants shall submit their grievance in writing to the Northeast Michigan Consortium, P.O. Box 711, Onaway, MI 49765, on the Grievance Complaint form (NEMC 403). For WIA/WIOA-related grievances, a local level hearing shall be conducted unless the grievance can be resolved without one or the grievant withdraws the grievance. If a hearing is to be conducted, the petitioner and respondent will be provided written notice of the date, time, and place of the hearing on the matter and of the opportunity to present evidence, including witnesses. The notice of the hearing shall indicate the issues to be decided. Notice shall be given not less than 10 calendar days prior to the scheduled hearing date. At a minimum, the hearing process shall include: a hearing officer; an opportunity for each party to present witnesses and evidence; an opportunity for each party to ask questions of all witnesses providing testimony at the hearing and a record of the hearing and a list of all evidentiary exhibits presented at the hearing. At the discretion of the hearing officer, there may be an opportunity to exchange evidentiary information prior to the hearing. A hearing on any grievance shall be conducted within 30 days of filing a grievance, and a decision must be rendered no later than 60 days from the date the grievance was filed.

A written decision shall be issued utilizing NEMC form (NEMC 406), which will include all required information.

STEP 4: If the complainant is not satisfied with or has not received a response within the time frame in step (3) above, the complainant may appeal, in writing, to the WDA. The appeal must be filed no later than (10) calendar days from receipt of an adverse decision at Step (3), or (10) calendar days from the date of a decision was **due** but not issued at Step (3). All appeals of a local level grievance shall utilize (NEMC 407) and be submitted by certified mail, return receipt to:

**Workforce Development Agency
Executive Office
Victor Office Building
201 N. Washington Square, 5th Floor
Lansing, MI 48913**

Both parties must send relevant information and documentation generated at the local hearing and related to this appeal to the aforementioned address within 15 calendar days of the filing of the appeal. WDA will consider the appeal and may:

- a. Reject the appeal and make a final determination,
- b. Allow waiver of the hearing and make a final determination,
- c. Schedule a hearing and make a final determination.

A grievance may be rejected, and a final determination issued, if it is determined that it lacks merit; it fails to state a grievable issue; there is no relief that can be granted; or if the appellant fails to comply with the applicable procedures prescribed. The appellant will be informed, in writing as soon as possible or within 60 days from the date the appeal was filed, of the reason the appeal was rejected.

In lieu of a hearing for an appeal of a WIA/WIOA related local level decision, the parties to the appeal may mutually consent to the WDA deciding the matter based on the record created at the local level. If both parties and WDA are in agreement the hearing is waived. Both parties must provide the WDA written confirmation consenting to waive the hearing. WDA will issue a final decision within 60 days of receipt of the appeal taking into consideration the evidentiary documentation previously submitted.

For an appeal of a WIA/WIOA-related local level decision, an opportunity for a hearing must be provided. A hearing is not required at this step if; (1) the appeal is rejected by WDA, (2) the parties agree to waive a hearing, or (3) the appellant withdraws the appeal. If a hearing on an appeal is to be held, it shall be conducted within 30 days of the filing. At a minimum, the hearing process shall include: a hearing officer; an opportunity for each party to present witnesses (subpoenas are not authorized under this policy issuance) and evidence; an opportunity for each party to ask questions of all witnesses providing testimony at the hearing; a record of the hearing and a list of all evidentiary exhibits presented at the hearing. At the discretion of the hearing officer, there may be an opportunity to exchange evidentiary information prior to the hearing. Notice shall be given not less than 10 calendar days prior to the scheduled hearing date. A written decision shall be issued not later than 60 calendar days after the filing of the appeal.

In general, a decision of the WDA is final.

Special Provisions

Parties involved in a grievance procedure should take note of the following:

- A. **Equal Opportunity:** Complaints alleging violation of the nondiscrimination and equal opportunity (EO) provision of state/federal grant programs must be resolved in accordance with the nondiscrimination and EO policy guidelines issued by the NEMC.
- B. **Criminal Conduct:** Known or suspected fraud, abuse, or criminal conduct under the WIA/WIOA shall be reported in accordance with the incident report guidelines issued in USDOL Incident Report procedure & MWA responsibilities.
- C. **TANF Displacement:** Pursuant to the PRWORA Regulation 45 CFR 261.70, a grievance may be filed by an affected individual if a recipient of TANF is placed in a position (1) when any other individual is on layoff from the same or any substantially equivalent job or (2) if the employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with an adult receiving TANF assistance. In this situation, either party to the grievance, the TANF recipient, or the displaced employee, may appeal the decision rendered by the AE of the WDB to the WDA.
- D. **WIA/WIOA Displacement:** A grievance may be filed by a regular employee displaced by a WIA/WIOA participant who is placed in an employment activity operated with WIA/WIOA funds. Also, a grievance may be filed by a WIA/WIOA participant in an employment activity if the participant is displaced.
- E. **Binding Arbitration/Collective Bargaining:** Local grant recipient grievance procedures must provide WIA/WIOA participants a process, which allows an individual alleging a labor standards violation to submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties to the grievance so provides.
- F. **Jurisdiction:** Depending on the nature of the grievance, TANF and FAE&T program applicant and recipient grievances shall be handled in accordance with the local grant recipient or the Michigan Department of Health and Human Services (DHHS) or other applicable procedures. For example, grievances regarding sanctioning or food stamp benefits will be handled by DHHS, while grievances regarding programs administered by the local grant recipient will be handled by the local grant recipient.
- G. **Wagner-Peyser:** Grievances involving Wagner-Peyser Act activities must be resolved in accordance with the grievance procedures outlined in the Employment Service Manual, which is available on the One-Stop Management Information System. In addition, please refer to the Employment Service Manual for specific guidance regarding work-related complaints that are not program specific, such as: employer hour and wage violations, migrant and seasonal farm worker complaints, and other possible violations of general labor laws.

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