



# Montana Department of LABOR & INDUSTRY

## Senior Community Service Employment Program (SCSEP) Grievance Policy

### 1 **Background:**

2 Under Title V of the Older Americans Act (OAA), an applicant, participant, or subgrantee's employee  
3 may file a grievance if they believe they've been the subject of discrimination based on race, color,  
4 sex, political or religious affiliation or ideas, culture, creed, social origin or condition, genetic  
5 information, sexual orientation, gender identity or expression, national origin, ancestry, age,  
6 disability, pregnancy or childbirth, military service or veteran status, or marital status. A grievance  
7 can also be filed if the applicant, participant, or employee believes they are the subject of differential  
8 or irregular treatment.

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10 The U.S. Department of Labor (USDOL) requires that Montana Department of Labor & Industry  
11 (MDLI) include assurances in its grant application that written grievance procedures are in place to  
12 resolve complaints of discrimination. In addition, MDLI must provide guidance for subgrantees to  
13 develop written grievance procedures. The SCSEP subgrantee should inform applicants and  
14 participants of their grievance policy during orientation as part of "participant rights and  
15 responsibilities." An example of the Acknowledgement of Receipt of Grievance policies is attached to  
16 this policy.

### 17 **Scope:**

18 This policy is applicable to state SCSEP subgrantee which contracts with MDLI to deliver Senior  
19 Community Service Employment Program (SCSEP) services, under Title V of the Older Americans Act  
20 (OAA), in designated counties within Montana.

### 21 **Policy:**

#### 22 Grievance and Complaint Resolution

23 MDLI allows its SCSEP subgrantee to use its existing agency grievance and complaint resolution  
24 procedures provided they meet the following guidelines:

- 25 • Procedures are consistently and fairly applied;
- 26 • Complaints are dealt with in a timely manner and within the dates as outlined in this policy;
- 27 • Procedures include an appeals process;
- 28 • Documentation is available to verify that applicants receive a copy of the grievance  
29 procedures during the initial intake interview;
- 30 • Any termination is subject to the grievance policy; and all termination notices must inform  
31 the participants of the grievance policy.

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35 Examples of a grievance from applicants or participants include but are not limited to:

- 36 • Denial of eligibility at application or recertification;
- 37 • Denial of paid training or supportive services;

- 38 • Disputes over wages, hours, assignments, IEPs, working conditions, approved breaks;  
39 compensation for necessary sick leave/federal holidays;
- 40 • Any discipline; and/or
- 41 • All terminations, including for individual durational limits.

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43 Where to File a Grievance or Complaint Alleging Discrimination

44 Grievances may be filed with the SCSEP state grantee and/or with the SCSEP state-funded  
45 subgrantee. Grievances filed at the state SCSEP grantee level will be documented and referred to  
46 the SCSEP state-funded subgrantee for resolution.

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48 In order to determine how to process the grievance, ask the following question: Does the complaint  
49 allege discrimination in violation of civil rights law?

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51 **If yes**, complaints alleging a violation of, the nondiscrimination requirements of Title VI of the Civil  
52 Rights Act of 1964; Sec. 504 of the Rehabilitation Act of 1973; Sec. 188 of the Workforce Innovation  
53 and Opportunity Act of 2014; or their regulations, must be filed within 180 days with the Director of  
54 the Civil Rights Center at:

55 U.S. Department of Labor  
56 Room N-4123  
57 200 Constitution Avenue, NW  
58 Washington, D.C. 20210

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60 **If no**, complainant will go through the grievance process with the SCSEP state-funded subgrantee.

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62 The Grievance Procedure

63 The complainant shall first be given an opportunity to meet with the subgrantee to present the  
64 grievance informally within five (5) business days of the occurrence. Subgrantee staff should attempt  
65 an informal resolution by giving the complainant the opportunity to discuss their issue.

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67 Subgrantee staff responding to a written grievance should:

- 68 • Document the grievance;
- 69 • Attempt to resolve the grievance within thirty (30) business days;
- 70 • Provide a written decision to the complainant within five (5) business days.

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72 If the complainant is satisfied with the decision the subgrantee should file a copy of the grievance  
73 and decision and provide a copy of both to the SCSEP state grantee.

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75 If the complainant is not satisfied and does not accept this decision, the complainant must be  
76 informed of his/her right to appeal this decision and request a formal hearing with the subgrantee  
77 within ten (10) business days after receipt of decision. The request for formal hearing must be in  
78 writing and sent to the SCSEP state program manager.

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80 The formal hearing must occur within ten (10) business days after the receipt of the complainants  
81 written appeal. The hearing can be in person or over the phone. The time limit may only be extended  
82 by mutual agreements.

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84 Procedures must include the following steps:

- 85 • The grievance shall be presented in writing by each party to the executive director;

- 86 • The executive director will confer with the affected parties within five (5) business days of  
87 receiving the appeal;  
88 • Copies of written statements relevant to the grievance shall be made available to both  
89 parties;  
90 • The executive director or a panel designated by the executive director shall hear from  
91 representatives of each party. The grievance panel may be the board of directors.  
92 • Minutes shall be made of the hearing;  
93 • The executive director or grievance panel shall provide a written decision to all parties  
94 involved. The written decision must be issued within ten (10) business days;  
95 • Inform the complainant of their right to appeal the decision to the state SCSEP grantee within  
96 thirty (30) calendar days by contacting:  
97

98 Equal Opportunity Office  
99 Montana Department of Labor & Industry  
100 [JRangitsch@mt.gov](mailto:JRangitsch@mt.gov)  
101 (406) 444-4093  
102

103 The decision of the state SCSEP grantee is final unless the complainant alleges that the grievance  
104 procedure was not followed or alleges a violation of federal law (other than civil rights laws) which  
105 are not resolved within 60 days under the grantee's procedures.  
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107 Allegations that the grievance procedures were not followed; allegations of violations of Federal law,  
108 which are not resolved within the established timeline under the grievance procedures; or  
109 participants who are not satisfied with the final determination of their grievance can file an appeal  
110 with USDOL within thirty (30) calendar days of the determination. Please send the appeal to:  
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112 Division Chief, Division of National Programs, Tools, and Technical Assistance  
113 Employment and Training Administration  
114 Office of Workforce Investment  
115 United State Department of Labor  
116 200 Constitution Ave, NW, Room C4510  
117 Washington DC 20210  
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119 Minutes, along with written statements and other documentation presented at the hearing, shall be  
120 maintained in the subgrantee's files for at least five years after the final disposition of the grievance.

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**EXAMPLE**

**ACKNOWLEDGEMENT OF RECEIPT OF GRIEVANCE POLICY/PROCEDURES**

I acknowledge, by signing below, that I have received a copy of the state subgrantee's SCSEP participant grievance policy/procedures.

Applicant/Participant's Signature: \_\_\_\_\_

Date : \_\_\_\_\_