

# SCSEP Grievance Policy

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## PURPOSE

The purpose of this policy is to provide employees, sub-grantees, participants and applicants with a formal procedure for resolving grievances related to Ohio Department of Aging's (ODA) Senior Community Services Employment Program (SCSEP) funded by the U.S. Department of Labor (DOL).

## POLICY

The Ohio Department of Aging ensures that all ODA SCSEP employees, sub-grantees, participants and applicants are informed of both their right to file a grievance, the grievance procedure, and any decisions made regarding their grievance, including the rationale behind such decision. Further, ODA ensures that all employees, sub-grantees, participants and applicants participating in the SCSEP program administered by ODA are treated fairly and that all decisions made regarding their grievances are made objectively and in accordance with programmatic requirements and expectations.

This policy does not apply to complaints and grievances related to SCSEP programs operated in Ohio by providers funded directly by DOL.

ODA and sub-grantee employees must follow their agency's respective employment, equal opportunity and grievance policies and procedures. Sub-grantees are required to follow procedures contained in the Request for Proposal and/or state law to resolve disputes with ODA.

SCSEP applicants or participants having a complaint pertaining to their participation in the Workforce Investment Act (WIA) and/or Workforce Innovation and Opportunity Act (WIOA) programs administered by the Ohio Department of Job and Family Services must address those concerns at the local Ohio Means Jobs (OMJ) center where the service was initiated. Contact information for the OMJ sites can be found at <http://jfs.ohio.gov/owd/wia/wiamap.stm>.

## PROCEDURE

- A. Any applicant or participant may file a grievance with ODA if he/she believes him/herself to be subject to different, irregular or illegal treatment. In addition, any applicant or participant

may file a grievance with ODA, DOL or other civil rights agencies if he/she believes him/herself to have been subject to discrimination on the grounds of race, creed, color, sex, age disability, national origin, religion, political affiliation, ethnicity, sexual orientation, HIV Infection, AIDS Related Complex or AIDS.

**The steps of the grievance procedure are as follows:**

1. Except as otherwise provided in Paragraph 5, a Participant/Applicant (here referred to as "Complainant") who has a grievance will VERBALLY discuss the grievance with the sub-grantee's Local Project Director within five working days after knowledge of the grievance or the reason for the grievance has occurred. The Project Director will attempt to act on or resolve the grievance within five working days after discussing the grievance with the participant or applicant. The Project Director will provide the participant or applicant with his/her decision in WRITING.
2. If the sub-grantee's Project Director fails to act upon or resolve the grievance to the satisfaction of the complaint within five working days of receiving and discussing the grievance, the Complainant may submit the grievance, IN WRITING, to the SCSEP Program Administrator, Ohio Department of Aging, 246 N. High Street, 1st Floor, Columbus, Ohio, 43215-2406, within ten working days of receiving the Local Projects Director's decision or time the five-day limit the Project Director had to act to resolve the grievance.
3. Upon receipt of the Written Grievance, the ODA SCSEP Program Administrator has five working days of receiving the grievance to act upon or resolve the grievance. The ODA SCSEP Administrator will provide the participant or applicant with his/her decision IN WRITING. If he/she fails to do so, or if the issue is not resolved to the satisfaction of the Complainant, the Complainant may submit the grievance IN WRITING to the Director of the Ohio Department of Aging, 246 N. High Street, 1<sup>st</sup> Floor, Columbus, Ohio, 43215-3363, within ten working days of receiving the SCSEP Program Administrator's decision or time limit the SCSEP Program Administrator had to act to resolve the grievance.
4. The Director of the Ohio Department of Aging or his/her designee shall have five working days of receiving the grievance to act upon or resolve the grievance. The ODA Director or his/her designee will provide the participant or applicant with his/her decision IN WRITING. If he/she fails to do so, or if the issue is not resolved to the satisfaction of the Complainant, the Complainant may file the grievance with the United States Department of Labor, Division of Older Worker Programs, Employment and Training Administration, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

U.S. Department of Labor regulations, which govern the SCSEP (20 CFR 641.910 (b)), provide that, except for complaints alleging violations of the law or complaints alleging discrimination, the U.S. Department of Labor shall limit its review to determine whether the appeals procedure of the Ohio Department of Aging and its

sub-grantees were followed.

5. A complaint alleging discrimination on the basis of race, creed, color, sex, age disability, national origin religion, political affiliation, ethnicity, sexual orientation, HIV Infection, AIDS Related Complex, or AIDS which is not resolved as a result of the combined complaint resolution procedure of the sub-grantee or Ohio Department of Aging, may be filed with the Civil Rights Center, U.S. Department of Labor, Room N- 4123, 200 Constitution Avenue, NW, Washington, D.C. 20210. However, the Complainant can file a complaint alleging discrimination to the U.S. Department of Labor, U.S. Equal Employment Opportunity Commission, John W. Peck Federal Office Building, 550 Main Street, 10th Floor, Cincinnati, Ohio 45202 and/or Ohio Civil Rights Commission, 30 East Broad Street, 5th Floor, Columbus, Ohio 43215 at any time within the respective agencies' statute of limitations.
- B. The sub-grantee will provide each participant a written copy of this grievance policy at the time of enrollment.
- a. The grievance policy and other pertinent policies and procedures will be verbally reviewed with each participant and the participant will sign an orientation form acknowledging receipt and understanding of the termination policies and procedures.
  - b. A copy of the signed orientation form will be maintained in the participants file.

Authority/Basis: 45 CFR 1321.11; 20 CFR 641.910

Date: 12-21-15