I. What is a complaint? Please write your answer here.

_____________________________________________________________________

_____________________________________________________________________

Write some examples of what may constitute a complaint.

_____________________________________________________________________

_____________________________________________________________________

_____________________________________________________________________

Takes notes about what to do when you become aware of a complaint.
II. The Role of the Participant Assistant

- Participant Assistants should **never** handle a participant or applicant complaint.
- They should always report **all** complaints to their Employment and Training Coordinator.
- In the event, the participant assistant becomes aware of a complaint they should explain the complaint resolution procedure to the participant/applicant and provide them with the Employment and Training Coordinator's contact information, and immediately notify the Employment and Training Coordinator about the potential complaint.

**Scenario**

Participant Assistant Bob White makes a visit to Host Agency A with the intention of completing a reassessment for participant Daisy Green. While meeting, Mrs. Green complains about her supervisor. She states that Mr. Brown is being rude towards her. She further alleges that the supervisor made inappropriate statements. The Host Agency’s supervisor Mark Brown wants to have Daisy moved to another Host Agency.

1. What procedure must the Participant Assistant follow?

___________________________________________________________________

___________________________________________________________________

___________________________________________________________________

___________________________________________________________________

**TOPIC SUMMARY:**

___________________________________________________________________

___________________________________________________________________

___________________________________________________________________

___________________________________________________________________

___________________________________________________________________
III. The Role of the Employment and Training Coordinator

- The Employment and Training Coordinator represents the first step of the complaint resolution procedure established by Experience Works. (See Experience Works Grievance Resolution Policy)
- Program Applicants, Participants and/or Host Agencies should be informed as to how to follow the first step of the complaint process. They must first contact the Employment and Training Coordinator, either by telephone or in writing, within five (5) calendar days of the occurrence.
- Upon receipt or notification, the Employment and Training Coordinator must inform the State Program Manager and/or State Program Director and prepare to address the situation and conduct an appropriate impartial investigation.
- The Employment & Training Coordinator will be responsible for investigating the complaint. They must be adhering to the timeframe outlined in the resolution policy; they must remain impartial, treat the complainant with respect, and discuss the situation calmly and without judgment. The Employment & Training Coordinator must exercise the same approach when addressing a complaint from a host agency or applicant. Keep factual case notes, including the date the complaint was first reported.
- Conduct a thorough confidential investigation. Hear all sides of the story; gather all the facts before taking any action.
- The Employment and Training Coordinator will provide the participant a solution or explanation within ten (10) additional calendar days.
- If the participant is not satisfied with the outcome/resolution from the Employment and Training Coordinator, they should then contact the State Program Director.

Scenario

Daisy Green was contacted by the Participant Assistant was told that she would no longer working at ABC Training Site. She will be put on leave without pay until further notice. Daisy calls and left a message for the Participant Assistant to call because she wanted an explanation. One month later Daisy is still unable to reach anyone. She finally talks to someone who gave her the Employment & Training Coordinator's name and phone number. Daisy calls and leaves several messages. Another month goes by; Daisy is frustrated and finally calls the Arlington Office and complains that she was kicked off the program. She wants answers as to why and wants to be back at work immediately.

1. What went wrong with this situation?

____________________________________________________________________________________________________________________________________________________________________________
2. **How should this complaint be handled?**

- You should have ___________ in conducting investigations, specifically investigating the type of issues that the organization is currently confronted with, or at least have access to such experience.

- Your _________________ is very important.

- You must be ________________. You should not come predisposed with any bias or motives for or against either party.

- You must be able to maintain the _________________ of the information with which he/she is provided.

- You should have _________________. This includes thoroughness and the ability to ask incisive questions and listen to the answers so that appropriate follow-up questions can be asked.

- Be prepared with a ________________ you may want to ask during the interview.

- If you are unsure or not comfortable, contact your ________________ immediately.

- **Do not allow your Participant Assistants or Host Agency staffs conduct an investigation on behalf of Experience Works.**

**IV. Conducting an Investigation**

In order to be able to provide to the participant and the host agency with a solution, the Employment and Training Coordinator needs to conduct an investigation.

*Please fill in the blanks using the appropriate term.*

- You should have ________________ in conducting investigations, specifically investigating the type of issues that the organization is currently confronted with, or at least have access to such experience.

- Your _________________ is very important.

- You must be ________________. You should not come predisposed with any bias or motives for or against either party.

- You must be able to maintain the _________________ of the information with which he/she is provided.

- You should have _________________. This includes thoroughness and the ability to ask incisive questions and listen to the answers so that appropriate follow-up questions can be asked.

- Be prepared with a ________________ you may want to ask during the interview.

- If you are unsure or not comfortable, contact your ________________ immediately.

- **Do not allow your Participant Assistants or Host Agency staffs conduct an investigation on behalf of Experience Works.**
V. Documenting findings of investigations

1. **Who** – include the name of the person(s) involved and any other people that may have witnessed, or have first-hand knowledge of the case. Include Job titles (avoid abbreviations) and phone number. This should include who was present when the event occurred and who was present at the follow-up contact.

2. **What** – what was the event or situation? Provide only fact based observations. Avoid personal opinions and hearsay. Interview all involved getting a clear picture of what happened.

3. **When** – when did the event or situation occur? When did the Case Note contact take place? Include dates and time when the investigation occurred.

4. **Where** – where did the event or situation occur? Where did the follow-up Case Notes contact occur?

5. **Reference** – are there other documents to reference? Is this an on-going situation that has been previously documented with Case Notes?

6. **Resolution or Results** – what action or follow-up was identified as a result of the event or Situation? What results, commitments or outcomes where identified as a result of the contact? Who needs to respond by when? Be specific with actions, who needs to act, and by when.

7. Complete name of the staff capturing the information, title and date.

NOTES:

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________
### Exercise

Using the same scenario, write down the questions you may need to ask the participant and the host agency supervisor that will help you reach a proper resolution.

<table>
<thead>
<tr>
<th>Participant Daisy Green</th>
<th>Host Agency Supervisor</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Based on the information provided thru the examples, infer what might be the possible outcomes for your resolution.

### Possible Outcomes

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td></td>
</tr>
</tbody>
</table>
VI. The Role of the State Program Director/ State Program Manager

- The State Program Manager/ Director represents the second step of the complaint resolution procedure. They can elect to have their state manager handles the complaint when appropriate.

- If the complaint involves the Employment and Training Coordinator, then Managers/Directors must proceed with the investigation.

- Managers/Directors must keep the Director of Operation informed of all major complaints and keep them abreast to the progress.

- The State Program Manager/Director will contact the participant within ten (10) calendar days after receiving the written complaint and provide them with the opportunity to further discuss the problem, either by telephone or in person. Document the conversation if by telephone or in person.

- Do not attempt to defend your staff, host agency or Participant Assistant until the investigation is complete; must remain impartial.

- Keep in mind this is a fact finding process.

- Request from the Employment and Training Coordinator all relevant documentation regarding the investigation and resolution. This would include all case notes.

- Meet and speak with all parties involved – get all sides to the story.

- Make a determination and write a response letter to the complaining party within the timeframe outlined in the Resolution complaint policy. If you need additional time you must inform the complaining party as far in advance as possible.

- If the participant is not satisfied with the answer/resolution from the State Program Manager/Director, they should then address their complaint to the CEO in writing.

Scenario

The Employment and Training Coordinator met with Host Agency supervisor Mark Brown, who asked that Daisy Green be removed from the host agency. He felt that her computer skills were not up to par. The Participant Assistant has put Daisy on leave without pay pending a new host agency. In the meantime, a new participant was enrolled in the program and assign to the host agency and a week later another new participant was assigned to another host agency. However, Daisy remains on leave without pay.
Daisy stated the Arlington office that she was told at the time of enrollment that she was going to be able to learn how to use a computer during her training assignment. She stated she was never given that opportunity. And therefore the Host Agency didn’t want her any longer.

1. What procedure should the State Director/State Manager follow?

VII. The Role of the President & CEO

• The participant must submit a written appeal to the Experience Works President and CEO within five (5) calendar days after they receive the State Program Manager/Director's response.

• The President & CEO or a designated representative will provide them with a written response or decision within ten (10) calendar days after the appeal is received, unless additional time is required.

VIII. Department of Labor

• If the participant’s complaint alleges violations of Federal law or discrimination and is not resolved within sixty (60) days of Experience Works receiving it from the participant, they can file a complaint with the Department of Labor.

• And such complaints will require Experience Works to get the legal advisors involved.

IX. Special Issues – Illegal Conduct

• If at any time before or during the investigation, you become aware of potential or actual discrimination, harassment (workplace harassment and/or sexual harassment), American Disability Act (ADA) violations or other conduct that you suspect is illegal, contact your State Program Manager/Director as soon as possible.

• All Equal Employment Opportunity Commission (EEOC) complaints, even the ones at the local level require Experience Works legal counsel to be involved. Under no circumstances should Employment & Training Coordinators or State Program
Manager/Directors try to deal with the EEOC complaint without the legal advisory and consent from Human Resources.

- At no time should field staff contact the Experience Works legal counsel directly unless instructed otherwise.
- Any request for an American with Disability Act (ADA) reasonable accommodation must be forwarded to the State Director and Manager of Workplace Resolution and Diversity.

Scenario

Participant Johnny Doe has spent several years working as a checkout clerk in a grocery store. He enjoyed the work because it let him interact with a lot of people. Once he developed a bad back he had to quit and has mostly done temporary data entry work since then. He told the Employment and Training Coordinator during the initial orientation that he can still get around okay as long as most of the work can be done in a chair. He is interested in a clerical/administrative position.

The ETC suspects that Johnny Doe would not do well in a clerical/administrative assignment. Ignoring his request the ETC put him in a host agency as a custodian, a training assignment that is not conducive to his abilities or interest.

After a couple of months, the participant gets frustrated and filed a local Equal Employment Opportunity Commission complaint (EEOC complaint) for failing to provide accommodation due to a disability covered under the American with Disability Act or ADA law.

What procedure must be followed?

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________
X. **Tips: What can we do to minimize complaints?**

1. Ensure that assessments and IEPs are appropriate and accurate to the best of your ability
2. Ensure that their training assignments and employment goals are realistic and achievable
3. Try to assign participants to a host agency that will provide them the training needed to reach their employment goal.
4. A complete and thorough orientation is very important – make sure you cover everything of relevance A-Z
5. Never use a participant assistant position as an inducement
6. Never send an applicant to meet with potential host agencies, to do any program related activity(s)
7. Communicate expectations and do not waiver. Do not make promises you can’t fulfilled.
8. **Do not** have participants sign Medical/Health exit forms unless the participant requests to be exited due to medical / health reasons and it meets the definition outlined in the data collection handbook.
9. Do not determine suitability based on their disabilities
10. Avoid being reactive and judgmental
11. Get the full story before making a determination
12. Participant vs. Host Agency – Host Agencies are not always right
13. Staff vs. participant – Staff is not always right
14. And….Participants are not always right

**TOPIC SUMMARY:**

________________________________________
________________________________________
________________________________________
### Complaints & Resolution Procedure Check List for: ____________________________  Date: __________

<table>
<thead>
<tr>
<th>Purpose: to verify that the Employment and Training Coordinators understands Experience Works’ Grievance Resolution Policy and the appropriate process to handle a complaint.</th>
<th>SD/SM Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Have the ETC explain the different steps that a participant can follow to file a grievance.</td>
<td></td>
</tr>
<tr>
<td>☐ Have the ETC identify the difference between a regular complaint and a complaint involving allegations of illegal conduct.</td>
<td></td>
</tr>
<tr>
<td>☐ Have the ETC provide you with examples of illegal conduct.</td>
<td></td>
</tr>
<tr>
<td>☐ Have the ETC explain the proper procedure to conduct an investigation.</td>
<td></td>
</tr>
<tr>
<td>☐ Have the ETC provide you with examples of good practices that can minimize complaints.</td>
<td></td>
</tr>
<tr>
<td>☐ Have the ETC provide you with specific information about what practices he/she is going to implement in their areas to prevent participant and/or host agencies complaints</td>
<td></td>
</tr>
</tbody>
</table>

By signing this, I am attesting that I understand my role, responsibilities, and authority related to complaints and grievance procedures in accordance with Experience Works Policy guidelines.

**SD/SM Signature _______________________________**

By signing this, I am attesting that I have discussed with this Employment and Training Coordinator the Complaints and Grievance Procedures in accordance with Experience Works Policy guidelines.

**ETC Signature _______________________________**

*Forward to Human Resources when completed.*