

**NORTEC
POLICY STATEMENT
COMPLAINT RESOLUTION PROCEDURE**

*Adopted: December 7, 1995
Last Updated: July 1, 2016*

I. GENERAL POLICY

A. Purpose and Authority

These Complaint Resolution Procedures establish a method for filing and for promptly and fairly resolving each "Complaint," defined as a written grievance or complaint which contains the elements listed in paragraph II.A. below and relates to a program funded by the Northern Rural Training and Employment Consortium and Workforce Development Board ("NoRTEC"). The "Complainant" is the person or entity who submits a Complaint. Unless otherwise expressly stated, time limits contained in these procedures refer to calendar days.

NoRTEC has adopted these procedures under the authority of relevant Federal and State laws and local ordinances which govern NoRTEC activities. Despite having adopted these procedures, NoRTEC encourages informal resolution of Complaints without resorting to these procedures whenever possible.

B. Subordinate Procedures

Except as provided in paragraph I.B.6. below, each entity which receives funding directly or indirectly from NoRTEC ("Contractor") must have and fairly apply its own written Complaint resolution procedure, including at least these elements:

1. Notice – All of the Contractor's NoRTEC funded employees and all persons who apply for or receive NoRTEC funded services from the Contractor must be given written notice of the resolution procedure which applies to them, including their right of appeal to NoRTEC.
2. Assistance with Complaint Preparation – The Contractor must offer to the Complainant such help in preparing the Complaint as may reasonably be necessary to clarify the issues, the underlying facts, the contractual or legal violation and the Complainant's desired remedy.
3. Decision by Uninvolved Person – The Complaint must be reviewed and a final written decision issued for the Contractor by a person or persons not directly involved in the matters described in the Complaint, with or without a proceeding similar to an "Informal Hearing" (see paragraph II.E. below) at the Contractor's sole option. The decision must (a) identify the parties, the issues and each person who attended any informal hearing of the matter; (b) summarize the facts determined to be true; (c) state the decision and the Contractor's reasons therefor; and (d) notify the Complainant of her/his right to appeal the decision to NoRTEC within five (5) business days after receipt of the decision.

4. Resolution Within Twenty-Five (25) Days – The Contractor’s final written decision must be given to the Complainant within twenty-five (25) days after the Complaint is received by the Contractor.
5. Records Maintenance – The Contractor must keep and make available for NORTEC review a summary log of all Complaints which are filed with it and a copy of each Complaint filed with it together with all related documents. These records must be maintained for three (3) years after a Complaint is filed.
6. Exceptions – The employer of a NoRTEC funded trainee need not comply with Items 2-5 above if, after receiving authorization from NoRTEC it gives to the trainee written notice that NORTEC’s procedures apply in the first instance to resolve any Complaint. Also, NoRTEC’s suppliers of good or services which do not also provide employment training or related services to NoRTEC funded trainees shall not be considered Contractors. Finally, a Contractor may be specially exempted from these procedures under its contract with NoRTEC.

C. Non-Exclusivity

If a Complaint asserts a violation of a law, regulation, agreement or other legally-enforceable right which applies to the situation due to NoRTEC funding of the activity at issue, these procedures (including when relevant, a Contractor's complaint procedure) must be exhausted before a Complainant takes any other enforcement action. But these procedures do not prevent a Complainant from otherwise enforcing laws, regulations or agreements which apply to a situation independently of NoRTEC-provided funds.

D. Complainant Rights

Potential Complainants must receive written notice of these procedures when they apply for enrollment into a NoRTEC-funded program or upon qualification as a Contractor. There will occur no restraint, coercion, reprisal or discrimination because of the filing of a Complaint. Complainants may at their own expense be represented by a person of their choosing at any stage of these procedures. Subject to appeal deadlines herein, a Complainant may appeal to NoRTEC with regard to a Contractor's final decision or its failure to issue a decision within the required time; and, if permitted by the source of NoRTEC's funding for the program under which the Complaint arose, may appeal to that funding source with regard to a NoRTEC decision or NoRTEC's failure to issue a decision within the required time. An appeal which is not timely filed may be rejected without consideration of its substance.

E. Time Limit on Final Decision

Whether NoRTEC's final decision about a Complaint is the result of an agreement with the Complainant (see paragraph II.D.2. below), NoRTEC's unilateral resolution without a hearing (see paragraph II.D.3 below) or an Informal Hearing (see paragraph II.E.1. below), that decision must be issued in writing and sent by certified mail to the Complainant and each respondent within sixty (60) days after the Complaint was first filed with a Contractor or NoRTEC.

II. NORTEC COMPLIANT PROCEDURES

A. Form of Complaint

Each Complaint must be written, dated, and signed by the Complainant, and should contain each of the following elements:

1. Complainant Identity – The full name, mailing address, and telephone number of the Complainant.
2. Statement of Facts – A clear and concise summary of the Complainant's claims and the underlying facts, including dates on which relevant events occurred.
3. Respondent Identity – The name, mailing address, and business telephone number of each agency and/or person responsible for the events described in the Complaint ("Respondent").
4. Violation and Losses – Identification of (a) the specific law, regulation, agreement or other legal right violated; (b) the Respondent responsible for each claimed violation; and (c) the loss suffered by the Complainant as a result of each claimed violation.
5. Desired Remedy – The remedy which the Complainant is seeking for each claimed violation.

B. Complaint Filing

A Complaint will be considered filed as follows:

1. Filing Date – The Complaint's filing date will be the date it is first received by the Contractor or NoRTEC, as appropriate, which must occur within one (1) year of the violation(s) described in the Complaint. The filing date of an appeal to NoRTEC of a Contractor's adverse decision must occur by the earlier of: (a) five (5) business days after the Complaint receives the Contractor's decision, or (b) thirty (30) days after the Complaint was first filed with the Contractor, if the Complainant has not by then received the Contractor's decision
2. Copies – A copy of the Complaint filed with a Contractor must at the same time also be sent to NoRTEC, and a copy of a Complaint filed with NoRTEC must at the same time also be sent to each Respondent.

C. Preliminary Review

A Complaint filed with NoRTEC will initially be evaluated as follows:

1. Timeliness – Whether a Complaint is filed for the first time with NoRTEC or constitutes an appeal to NoRTEC from a Contractor's decision, the Complaint must be received before the deadline described in paragraph II.B.1. above. A Complaint received after the deadline may be rejected for that reason alone, without regard to its substance.
2. Form – A Complaint should address each item described in paragraph II.A. above, although it will not be rejected because it does not follow a specified format. Of

particular importance to NoRTEC in its initial evaluation of the Complaint is the Complainant's factual support for claimed violations and losses (see paragraph II.A.4. above; see also paragraph II.E.2. below)

D. Administrative Evaluation

Once a Complaint is timely filed with NoRTEC, NoRTEC will evaluate the matter to determine if resolution is possible without additional proceedings; and, if not, whether the Complainant is entitled to an Informal Hearing (see paragraph II.E. below). This evaluation may involve contacting the Complainant, Contractor and/or Respondents to gather information and determine their desired and acceptable outcomes. The result of this evaluation will be communicated in writing to all parties, and may be one of the following:

1. Hearing Notice – A notice of an Informal Hearing to resolve the matter, which notice must (a) identify the Complainant and each Respondent; (b) establish the date, time and location of the Informal Hearing; and (c) summarize the Complaint;
2. Resolution Agreement – A summary of the terms of a final resolution agreed upon by the Complainant and NoRTEC without an Informal Hearing, which summary must be issued as provided in paragraph I.E. above and include information regarding any appeal rights of a Respondent
3. Unilateral Resolution - A notice that the Complaint is determined to be resolved because it does not fulfill the prerequisite for an Informal Hearing (see paragraph II.E.2. below) and was not resolved by agreement with the Complainant. The notice must (a) be issued as provided in paragraph I.E. above; (b) specify the reason(s) for the denial of an Informal Hearing; and (c) contain information regarding any appeal rights of the Complainant, including the identity of the agency with which an appeal should be filed and the time limit for such an appeal.

E. "Informal Hearing"

1. Definition – An "Informal Hearing" is a meeting to which the Complainant and Respondent(s) are invited, supervised by one of more persons designated by the NoRTEC Workforce Development Board Chair and having no involvement in the events leading to the Complaint ("Hearing Officer(s)"), for the purpose of determining the true facts underlying the Complaint and the proper remedy. An Informal Hearing may be conducted by telephone at NoRTEC's option if the Complainant agrees.
2. Prerequisites – A Complaint must be timely filed and not resolved by agreement with Complainant before an Informal Hearing will be considered. Also, an Informal Hearing may be scheduled only if the Complaint describes facts which, if presumed to be true, would convince a reasonable person that (a) a Respondent violated a law, regulation, ordinance, agreement or other legally enforceable obligation or right of the Complainant, and (b) the violation caused damage to the Complainant, and (c) the violation or the damage can reasonably be remedied by NoRTEC action or order.

Unless all of these conditions are met, NoRTEC may unilaterally resolve the Complaint (see paragraph II.D.3. above) and need not convene an Informal Hearing.

3. Hearing Procedure – One or more Hearing Officer(s) will preside over an Informal Hearing, to provide the Complainant and each Respondent a reasonable opportunity to (a) present written and/or oral testimony and arguments; (b) call and question witnesses in support of or opposition to the Complaint; and (c) examine documents submitted to support or oppose the Complaint. Strict rules of evidence will not apply. The Informal Hearing will be recorded mechanically or verbatim by court reporter.
4. Final Hearing Officer Decision – A final decision by the Hearing Officer(s) must be issued as provided in paragraph I.E. above, following approval by the NoRTEC Workforce Development Board Chair or her/his designee(s). The decision must (a) identify by name and status the Complaint, each Respondent, the Hearing Officer(s) and each other person who attended the Informal Hearing; (b) summarize the facts determined by the Hearing Officer(s) to be true; (c) state NoRTEC's decision and the reasons therefor; and (d) notify the Complainant and each affected Respondent of any right to appeal NoRTEC's final decision, including the time limit for appeal and the identity of the agency to which the appeal must be submitted.

F. NoRTEC Documentation Requirements

NoRTEC will maintain a summary log of all Complaints filed with it either initially or on appeal from a Contractor, with content including that listed in [Attachment I](#) hereto. In addition, NoRTEC will maintain for review by its sources of funding a copy of each Complaint with related documentation. These records will be maintained for the period required by the respective funding source.

III. SUMMARY OF COMPLAINT AND APPEAL RIGHTS

Each person who has access to these procedures for purposes of filing Complaints will be so notified by NoRTEC directly or by a Contractor as required by its contract with NoRTEC. The method of notification will be a written summary of these procedures which also identifies the specific entity to which that person may appeal an adverse NoRTEC decision, depending on the source of NoRTEC's funding for the activity in which the person participates. The written summary will also include a NoRTEC telephone number which the person may call for more detailed information.