



# GRIEVANCE AND EQUAL OPPORTUNITY POLICY AND PROCEDURE



Operation ABLE, Inc.  
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## ABSTRACT

Operation ABLE is composed of many people and from time to time conflicts may occur. Practically stated, when a conflict occurs, both parties should first attempt to use a problem-solving process rather than sharing concerns with others.

Operation ABLE is committed to helpful communication during the process of resolving concerns, complaints or disputes within the community. Prompt effective resolution of grievances in a professional manner is central to this commitment.

## AUTHORS

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**SECTION 4 – GRIEVANCE AND EQUAL OPPORTUNITY POLICY AND PROCEDURE**

**4.1 Requirements**

SCSEP Representatives are required to give all SCSEP participants a written copy of Operation ABLE’s *SCSEP Grievance Procedures and Equal Opportunity is the Law Notice* during the initial enrollment, along with a verbal explanation of the policy. This procedure must be applied fairly, consistently and uniformly. Operation ABLE will not tolerate retaliation, discharge, intimidation, threat, or coercion of a participant and/or parties to or witnesses of the incident(s) being addressed by the grievance. In furtherance of this, the identity of the complainant or any individual who furnishes information, and all Operation ABLE/SCSEP grievances and rendered decisions including appeals, must be kept confidential and stored in a segregated locked file at Operation ABLE’s administrative office. These records must be secured and maintained for a minimum of three (3) years from the time that the resolution is final, inclusive of any appeals. On notifying the complainant of a final decision, Operation ABLE must advise the complainant of their right to further appeal as described in this procedure.

**4.2 Grievance & Appeal Procedures.**

Operation ABLE is committed to a safe training environment. Any SCSEP participant who believes that s/he has encountered differential, irregular, or illegal action at a Host Agency must be directed to take specific actions and follow the appropriate steps outlined below.

**Step 1:**

If a problem arises when you are an applicant for SCSEP or while enrolled in SCSEP you should immediately try to find a satisfactory solution with the SCSEP staff or with your Host Agency. If the problem is with your Host Agency, you should **also** inform Operation ABLE staff:

<b>MASSACHUSETTS – Operation ABLE Regional Managers</b>			
<b>Suffolk / Middlesex-MetroBoston..</b>	Keith Benton	<a href="mailto:Cbenton@operationable.net">Cbenton@operationable.net</a>	617-542-4180
<b>Norfolk / Middlesex-MetroWest ....</b>	Angel Miranda	<a href="mailto:Amiranda@operationable.net">Amiranda@operationable.net</a>	617-302-2731
<b>Essex / Middlesex North .....</b>	Dave Wilkins	<a href="mailto:Dwilkins@operationable.net">Dwilkins@operationable.net</a>	617-459-8262
<b>NEW HAMPSHIRE – Operation ABLE Regional Director</b>			
<b>All Counties .....</b>	SonSeri Kennedy	<a href="mailto:Skennedy@operationable.net">Skennedy@operationable.net</a>	603-206-4407

Grievances should be in writing. A grievance form is provided to you on enrollment and is also found on the Operation ABLÉ SCSEP timesheet web-page. The written grievance should include:

- Your name, address and contact information
- Date, time and location of the incident(s)
- Names and contact information of people involved in or witnesses of the incident(s)
- A clear explanation of the incident itself and circumstances that may pertain to it

If the grievance **can** be resolved, the SCSEP Regional Manager or Regional Director will send you a written copy of the resolution within seven (7) business days of receiving the complaint from you.

**Step 2:**

If that does not solve the problem, contact the SCSEP Director or the New Hampshire Office of Workforce Opportunity Equal Opportunity Officer within thirty (30) days of the initial incident. S/he will try to help you find a solution that meets your needs as well as those of the service or training provider or employer. If you are still not satisfied, you may file a formal grievance or written complaint.

<b>NEW HAMPSHIRE and MASSACHUSETTS: Operation ABLÉ SCSEP Director</b>
Deborah Delman ..... <a href="mailto:ddelman@operationable.net">ddelman@operationable.net</a> ..... 617-542-4180

The SCSEP Director will hear your concern and will interview individual(s) who witnessed or were involved in the incident(s). Within five (5) business days of completing the interviews, and not more than ten (10) days of receiving the complaint, the SCSEP Director will issue a decision in writing describing the grounds upon which the decision was made.

**Step 3:**

If you are dissatisfied with Operation ABLE’s decision then, within 10 days of receipt of the SCSEP Director’s decision or (if you do not receive a decision) within 15 days of when you were entitled to receive a decision (whichever is sooner) you may request a review and/or a hearing:

<b>GRIEVANCE RESOLUTION or REVIEW</b>	
<b>NEW HAMPSHIRE RESIDENTS</b> NH Department of Business and Economic Affairs, Office of Workforce Opportunity <b>Lisa Gerrard</b> <b>Equal Opportunity Officer</b>	100 North Main Street, Suite 1 Concord, NH 03301 Phone: 603-271-0355—Relay: 711
<b>MASSACHUSETTS and NEW HAMPSHIRE RESIDENTS</b> Operation ABLE <b>Paul Preston</b> <b>Equal Opportunity Officer</b>	98 North Washington St. Suite 200 Boston MA 02114 <a href="mailto:ppreston@operationable.net">ppreston@operationable.net</a> Phone: 617-542-4180—Relay: 711
<b>MASSACHUSETTS RESIDENTS</b> MassHire Department of Career Services <b>Office of the Director</b> <b>Staff Monitor Advocate</b>	19 Staniford Street - 1 <sup>st</sup> floor Boston, MA 02114 Phone: 617-626-5300—Relay: 711 DCSUnifiedComplaint@detma.org

A review or hearing of the process the provider used to resolve the grievance or the grievance itself will be conducted within 30 days after you file the grievance, and a decision will be made no later than 60 days after the grievance is filed.

**Step 4:** If you do not receive a decision within 60 days, then within 15 days of the date you were entitled to a decision you may appeal to or request a review by the U.S. Department of Labor:

**Send original to:** U.S. Department of Labor, Employment and Training Administration, 200 Constitution Ave., NW, Washington, D.C., 20210 Attention: ASET

**Send a copy to:** U.S. Department of Labor, Employment and Training Administration, John F. Kennedy Federal Building, 25 New Sudbury Street Room E-350, Boston, MA 02203

### **4.3 CRIMINAL COMPLAINTS**

All information and complaints involving fraud, waste, abuse or criminal activity shall be reported directly and immediately to:

**Original to: Office of the Inspector General, 200 Constitution Avenue, NW,  
Room S-5506, Washington, D.C., 20210 or call 1-800-347-3756**

**Copy to: Office of Internal Control and Security, Charles F. Hurley Building,  
19 Staniford Street, 4<sup>th</sup> floor, Boston, MA 02114**

### **4.4 EQUAL OPPORTUNITY POLICY AND PROCEDURE**

Operation ABLE is an equal opportunity provider and employer. It is against the law for this SCSEP provider to discriminate on the basis of race, color, religion, sex (including pregnancy and gender identity), sexual orientation or status as a parent, national origin (including limited English proficiency), age, disability, political affiliation or belief, citizenship/status as a lawfully admitted immigrant authorized to work in the United States and participation in a program or activity that receives financial assistance under WIOA Title I. Retaliation or intimidation against anyone who takes action related to nondiscrimination or equal opportunity is prohibited for actions such as: filing a discrimination complaint, opposing a practice that is made illegal by civil rights law, or giving information to, testifying at, or in any other way taking part in an investigation, a compliance review, a hearing, or any other type of civil rights-related activity.

The SCSEP provider must not discriminate in any of the following areas: deciding who will be admitted, or have access to any WIOA Title I–financially assisted program or activity; providing opportunities in or treating any person with regard to such a program or activity; or making employment decisions in the administration of or in connection with such a program or activity.

The SCSEP provider must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

**WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION**

If you think that you have been subjected to discrimination under a WIOA Title I—financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with the recipient’s Equal Opportunity Officer:

<p><b><u>MASSACHUSETTS Recipient</u></b></p> <p>Operation ABLE <a href="mailto:ppreston@operationable.net">ppreston@operationable.net</a> <b>Paul Preston</b> <b>Equal Opportunity Officer</b> 98 North Washington St. Suite 200 Boston MA 02114 Phone: 617-542-4180—Relay: 711</p>	<p><b><u>NEW HAMPSHIRE Recipient</u></b></p> <p>NH Department of Business and Economic Affairs, Office of Workforce Opportunity <b>Lisa Gerrard</b> <b>Equal Opportunity Officer</b> 100 North Main Street, Suite 1 Concord, NH 03301 Phone: 603-271-0355—Relay: 711</p>
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**OR**

<p><b>Director, Civil Rights Center (CRC)</b> <b>U.S. Department of Labor</b> 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210 or electronically as directed on the CRC website at <a href="http://www.dol.gov/crc">www.dol.gov/crc</a></p> <p>Verizon telephone relay service: TDD/TTY: 1-800-439-2370 Voice: 1-800-439-0183</p>
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If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient **does not** give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient **does** give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

