I ______________________ have received a copy and read the information included in the Santa Monica College Nursing Initiative Grievance and Complaint Procedures Handout and will be responsible for its content.

___________________________________________  __________________
Signature         date

___________________________________________
Printed Name

* State of California’s Governor’s Nurse Education Initiative Workforce Investment Act 15% Discretionary Grant and the President’s Community-Based Job Training Grants, as implemented by the U.S. Department of Labor’s Employment and Training Administration.
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Students with complaints, grievances and personal concerns regarding the Fostering Student Success Initiative and project services provided through the State of California’s Governor’s Nurse Education Initiative WIA 15% Discretionary Grant should contact.

Step 1 Make every attempt to first approach the staff/instructor involved to discuss concerns. If you are not able to discuss concerns with the staff/instructor, or are not satisfied with the staff/instructor discussions, then go to Step 2.

Step 2 Discuss your concerns with the Assistant Dean of the Nursing Program who may involve the concerned parties (with student permission) in an attempt to resolve the situation.

Ida Danzey, Assistant Dean of the Nursing Program
Bundy Campus, Room 318A

Step 3 Discuss your concerns with the Campus Ombudsperson who will recommend options to consider in seeking resolution.

SMC Student Complaints (also appears in the Information and Policies section of each Session Schedule of Classes): Students with complaints, grievances and personal concerns about Santa Monica College or any of its policies are encouraged to discuss them with the College Ombudsperson. The Ombudsperson provides support and encouragement to students, and attempts to present options and solutions. Complaints are handled confidentially and on a case-by-case basis.

For more information, contact Tina Feiger or Lucy Kluckhohn Jones, who share the role of College Ombudsperson, or visit the Ombudsperson’s webpage (www.smc.edu/ombuds). The Ombudsperson’s office is located in Room 140 of the Letters and Science building. Office hours are posted on the door and on the Ombudsperson’s webpage. If the times are inconvenient, you may request a special appointment by sending email to Ombuds@smc.edu or leaving a voicemail message at (310) 434-3986.

Step 4 STATE-LEVEL GRIEVANCE AND COMPLAINT PROCEDURES

Title 20 CFR Section 667.600(d) requires the State to provide a process for dealing with grievances and complaints from participants or interested parties affected by the statewide workforce investment programs, resolving appeals of decisions issued at the LWIA level, remanding grievances and complaints related to the local WIA Title I programs to the LWIA grievance process, and affording an opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint.

In cases where the State has imposed either administrative or financial/monetary sanction(s) resulting from monitoring, investigations, or audits, the complainant may file an appeal with the State through the procedures as described in WIA Directive WIAD01-3, Audit Resolution.

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A. State-Level Informal Resolution and Hearing Procedures

All complaints of noncriminal violations of the requirements of WIA by the State, or complaints by individuals or interested parties affected by the statewide workforce investment program shall be filed in writing with the Chief of CRD. Chief, Compliance Review Division, MIC 22-M; Employment Development Department P.O. Box 826880; Sacramento, CA 94280-0001. All requests for State hearings shall include the same basic elements necessary for local-level hearings. These are:

- Full name, telephone number, and mailing address of the complainant;
- Full name, telephone number, and mailing address of the respondent;
- A clear and concise statement of the facts and dates describing the alleged violation;
- The provisions of the WIA, the WIA regulations, grant, or other agreements under the WIA, believed to have been violated;
- Grievances or complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with the WIA law, regulation, or contract; and
- The remedy sought by the complainant.

Upon receipt of the request for a State hearing, the Chief of CRD or his/her designee shall review the grievance or complaint and shall provide an opportunity for an informal resolution. The CRD shall notify the complainant and the respondent within 10 days of receipt of the grievance or complaint and proceed with the informal resolution process. If the State cannot resolve the grievance or complaint informally, then a hearing will be held.

Hearings on any grievance or complaint shall be conducted within 30 days of the filing of a grievance or complaint. The complainant and the respondent shall be notified in writing of the hearing 10 days prior to the date of hearing. The hearing notice shall advise the following:

- The date, time, and place of the hearing before an impartial hearing officer.
- The pertinent sections of the WIA or any other federal regulations involved.
- A statement of the alleged violations. These statements must accurately reflect the content of the grievance or complaint as submitted by the complainant. However, clarifying notes may be added to assure that the grievance or complaint is addressed accurately.
- The name, address, and telephone number of the contact person issuing the notice.

B. Appeals of LWIA Decisions or Requests for EDD Review

1. A complainant may file a request for review with EDD if no decision has been issued at the LWIA level within the 60-day time limit or if there has been an incident of restraint, coercion or reprisal as the result of filing a grievance or complaint. A complainant may file an appeal if the LWIA has issued an adverse decision. The request for an EDD

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review or appeal shall be filed or postmarked (if mailed) within 10 days from the date on which the complainant received an adverse decision from LWIA or 15 days from:

- The date on which a complainant should have received a decision regarding a locally filed complaint, which is defined as five days from the date the decision was due, or
- The date on which an instance of restraint, coercion or reprisal was alleged to have occurred as a result of filing the complaint.

2. All requests for review or appeals shall include the following:
   - The full name, telephone number, and mailing address of the complainant;
   - The full name, telephone number, and mailing address of the LWIA;
   - A statement of the basis of the request or appeal; and
   - Copies of relevant documents, such as the complaint filed at the LWIA and the local decision, if any.

3. If an evidentiary hearing was held at the LWIA level, the EDD shall request the record of the hearing from the LWIA and shall review the record without scheduling an additional hearing. If an evidentiary hearing was not held at the LWIA level, the EDD shall instruct the LWIA to hold a hearing within 30 days of receipt of the appeal or request for an EDD review. If the LWIA refuses to hold a hearing within the required timeframe, the EDD shall, within 30 days of receipt of the appeal or request for hearing, schedule an evidentiary hearing before a hearing officer. The Chief of CRD shall notify the concerned parties and the LWIA by first class mail, certified with a return receipt, of the following information at least 10 days before a scheduled hearing:
   - The date of the notice, name of the complainant, and the name of the party against whom the complaint is filed.
   - The date, time, and place of the hearing before a hearing officer.
   - A statement of the alleged violations. This statement shall accurately reflect the content of the complaint as submitted by the complainant.
   - The name, address, and telephone number of the contact person issuing the notice.

C. Hearing

1. The EDD hearing shall be conducted in an informal manner with strict rules of evidence not being applicable. Both parties shall have the right to present written and/or oral testimony under oath and arguments; the right to call and question witnesses; the right to request and examine records and documents relevant to the issues, and the right to be represented. The hearing shall be recorded electronically or by a court reporter.

2. The EDD hearing officer shall follow the procedures set forth in Title 22, California Code of Regulations Section 5050(a) and (b), 5053, 5054, 5055, 5056(a), (c), and (d), 5057, 5058, 5059, 5061, 5062, 5063, 5064, and 5070, except that references to the “administrative law judge” or “ALJ” shall mean “hearing officer.”

D. EDD State Review Panel

1. Following completion of the EDD hearing, the EDD hearing officer shall make a written recommendation to the State Review Panel. The hearing officer's recommendation shall contain the following information:

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- The names of the parties involved;
- A statement of the alleged violation(s) and issues related to the alleged violation;
- A statement of the facts;
- The EDD hearing officer's decision and the reasons for the decision; and
- A statement of the corrective action, if any, to be taken.

2. The State Review Panel shall not conduct a new evidentiary hearing, but shall review the record established by either the LWIA hearing or the EDD hearing. The State Review Panel shall issue a decision on the basis of the information contained in the record. The State Review Panel may accept, reject, or modify the EDD hearing officer's recommendation or the decision of the LWIA, and shall issue a written decision to the concerned parties within 60 days of receipt by the EDD of the request for hearing or review.

3. The State Review Panel shall mail a written decision to both the complainant and the respondent by certified mail. The decision shall contain the following information:
   - The names of the parties involved;
   - A statement of the alleged violation(s) and issues related to the alleged violation;
   - A statement of the facts;
   - The State Review Panel's decision and the reasons for the decision;
   - A statement of the corrective action, if any, to be taken; and
   - A notice of the right of either party to file an appeal to the Secretary of Labor.

E. Referral of Local Grievances or Complaints
Grievances or complaints filed directly with the State related to the local WIA programs will be remanded to the local area grievance process in accordance with LWIA Grievance and Complaint Procedures.

F. Remedies
1. Remedies that may be imposed for a violation of any requirement under WIA Title I shall be limited to:
   - Suspension or termination of payments under WIA Title I;
   - Prohibition of placement of a participant with an employer that has violated any requirement under WIA Title I;
   - Reinstatement, where applicable, of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment; and
   - Where appropriate, to other equitable relief.
2. Nothing in paragraph 1 shall be construed to prohibit a complainant from pursuing a remedy authorized under another federal, State, or local law for a violation of WIA Title I.

G. Federal-Level Appeal Process

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Under Title 20 CFR Section 667.610(a)(1), if the State has not issued a decision within the required 60-day time limit, the complainant can file an appeal to the Secretary of Labor. The appeal must be filed with the Secretary of Labor no later than 120 days of the filing of the grievance or complaint with the State, or the filing of the appeal of a local grievance or complaint with the State. In cases where a decision has been reached and the State issued an adverse decision, the complainant can file an appeal to the Secretary of Labor within 60 days of the receipt of the decision being appealed. The request for appeal must be submitted by certified mail, return receipt to:

Attention: ASET
Secretary
U. S. Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210

A copy of the appeal must be simultaneously provided to the ETA Regional Administrator-Region 6, U.S. Department of Labor
Office of Regional Administrator
P.O. Box 193767
San Francisco, CA 94119-3767

and the opposing party.

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