

<b>RURAL DEVELOPMENT PROJECT POLICIES AND PROCEDURES</b>	<b>Issued by:</b> RDP Statewide Program Officer, Maile Lu'uwai	<b>Policy No.:</b> <b>OPR 002</b>
		<b>Effective Date:</b> 11/20/2004
<i>Complaint Resolution Process</i>	<b>Approved by:</b> RDP Statewide Director John Dunicliffe	<b>Revision No.: 1</b> N/A
		<b>Supersedes Policy:</b> N/A

I. **PURPOSE:** To guide RDP staff in the resolution of RDP complaints and to provide a process for the resolution of complaints for all contractors, subcontractors, individuals, and organizations that are seeking or have received funding or services from RDP.

II. **POLICY**

A. **RDP Requirements**

RDP staff is required to comply with the provisions of this policy and shall work cooperatively to process all complaints filed with their project.

Notification of these procedures shall be given to all contractors or subcontractors, entities, and individuals who are applicants for RDP program funding and all individuals participating in or receiving services from RDP funded programs.

Exception: If an RDP contract or agreement provides an informal and formal process to resolve complaints than the process in the contract or agreement shall take precedence over the process herein and notification is not required.

B. **Complaint Procedure**

1. Background. These procedures will guide the receipt, hearing, and resolution of grievance complaints regarding the violation of laws, federal or state regulations, contracts and agreements relating to RDP programs and services.
2. Complainant. Complaints may be brought by any individual or organization including, but not limited to: RDP applicants/participants, contractors, subcontractors, vendors, contractors, labor unions, and community based organizations.
3. Retaliation Prohibited. No person, organization or agency may discharge, or in any manner discriminate or retaliate against any person, or deny any person a benefit to which that person is entitled under the Department of Labor regulations because such person has filed any complaint, instituted

or caused to be instituted, any such proceeding or investigation, or has provided information or assisted in an investigation.

4. Timeframes. All time frames specified in these procedures refer to consecutive calendar days including weekends and holidays.

### **C. Filing of a Complaint**

1. Every complaint **must be in writing** and must comply with the following provisions before the official complaint resolution process will commence. The complaint must contain the following information:
  - a. The full name, mailing address and telephone number of the complainant;
  - b. The full name, telephone number and address of the respondent;
  - c. The laws, federal or state regulations, contracts or other agreements believed to have been violated;
  - d. The remedy to the complaint that would satisfy the Complainant. If the Complainant fails to cooperate or is unavailable, the complaint may be dismissed upon reasonable notice to the last known address of the Complainant.
  - e. The complaint must be signed and dated by the Complainant.
2. Any complaint that does not contain the foregoing information shall be considered incomplete. RDP shall notify the complainant **in writing** that the complaint is incomplete and that the complaint will not be processed without the required information.
3. Complaints may be amended to correct technical amendments. Complaints may be withdrawn at any time prior to the issuance of the hearing officer's decision.
4. Complaints may not be amended to add new issues. The one year time period in which a complaint may be filed is not extended for complaints that are refiled with statement of the facts and dates describing the alleged violation(s);

### **D. Resolution Process**

1. Level-One: Informal Resolution
  - a. The complaint must be sent by mail or fax to:

Rural Development Project  
Maui Community College  
310 Ka'ahumanu Avenue  
Kahului, HI 96732  
Attn: RDP Statewide Coordinator

Telephone Number: 808-984-3664  
FAX Number: 808-249-2591

- b. It is the complainant's responsibility to ensure that RDP receives the complaint.
- c. The date the complaint is received by the Rural Development Project triggers the 60-day timeframe for the resolution and/or final determination of the complaint. The date stamp on the complaint shall verify the date the complaint is received by RDP.
- d. The Rural Development Project has **ten (10 days)** from the receipt of the written complaint to schedule and conduct an informal complaint resolution meeting at the Rural Development Project level.
- e. After the complaint is accepted, the Complainant will be notified by the Rural Development Project, in writing, of the date, time and place of the informal resolution meeting. At that meeting an attempt to resolve the complaint informally will take place. Respondents must make good faith efforts to resolve all grievance complaints prior to the scheduled hearing.
- f. Failure on the part of the complainant to exert good faith efforts shall constitute a basis for dismissing a grievance complaint and/or shall be included in the facts to consider in resolving the complaint.
- g. Every grievance complaint not resolved informally will be given a formal hearing, if requested, regardless of the complaint's apparent merit or lack of merit.
- h. In the event of an informal resolution of the complaint at the Rural Development Project level, **RDP will provide a written settlement agreement to the Complainant** which describes the issues, provides the date of the informal resolution meeting, the attendees, and the terms of the resolution which has been reached by the parties as a full and complete settlement of the complaint. The written settlement agreement will be signed by the Complainant's executive management or their authorized representative and the Complainant. A copy of the signed statement will be maintained in the Complainant's file for audit purposes and will be sent certified mail to the complainant.
- i. In the event that an informal resolution cannot be reached, **RDP will provide a written statement to the Complainant, which** describes the issues, provides the date of the informal resolution meeting, the attendees, and the issues that could not be resolved by the parties. A copy of the statement will be maintained in the Complainant's file for audit purposes and will be sent certified mail to the complainant.

## 2. Level Two: Administrative Hearing

- a. Request for administrative hearing before an impartial Hearing Officer.

If an informal resolution cannot be reached at RDP level, the Complainant may request that an administrative hearing be scheduled before an impartial hearing officer. Request for an

administrative hearing should be made within **five (5) days** of the Complainant's receipt of the written statement by RDP that an impasse has been reached in settling the complaint matter.

- b. The request must be sent by mail or fax to:

Financial Services Department  
Research Corporation of the University of Hawai'i  
2530 Dole Street, Sakamaki Hall D-200  
Honolulu, HI 96822  
Attn: Financial Services Manager

Telephone Number: 808-956-7702

FAX Number: 808-956-3822

- c. The administrative hearing will be scheduled within **30 days** of the official filing date of the complaint.
- d. Prior to the hearing, the Complainant may amend his/her complaint to correct technical deficiencies but not to add issues. The amendment must be submitted in writing to the impartial hearings officer at the above address.
- e. The recommendation(s) of the hearing officer will be considered the Final Determination of the complaint.
- f. Conduct of Hearings
- i. The RCUH Financial Services Manager or his/her designee will serve as the hearings officer for the administrative hearing.
  - ii. Written notice of the date, time and place of the hearing, the manner in which it will be conducted, the issues to be decided and the rights of the parties will be sent to the Complainant and Respondent(s) by Certified Mail/Return Receipt Requested.
  - iii. Any request to withdraw complaint must be in writing and received prior to the scheduled hearing.
  - iv. **Requests to reschedule a hearing must also be made in writing and for good cause.** The RCUH Financial Services Manager will make the final decision on such requests subject to acceptance of all parties of an extension of the 30-day requirement on scheduling a hearing and the 60-day requirement to have a final decision. Requests must be made at least **72 hours** prior to the scheduled hearing.
  - v. Both parties have the right to present written and/or oral testimony and arguments and the right to present records and documents relevant to the issues.
- g. Decision
- i. Not later than **60 calendar days** after the filing of the complaint, the RCUH Hearings Officer will notify the Complainant and RDP in writing of the recommendation(s) and Final Determination of the hearing officer. The written decision will contain the following information:

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

**3. Final Determination. The recommendation(s) of the hearings officer will be considered the Final Determination of the complaint.**

**III. COMPLAINTS ALLEGING CRIMINAL FRAUD, WASTE OR ABUSE**

Information and complaints involving criminal fraud, waste, abuse or other criminal activity must be reported immediately to:

DOL Office of the Inspector General  
 Office of Investigations  
 Room S-5506  
 200 Constitution Avenue NW.  
 Washington, DC 20210  
 The Hotline number is 1-800-347-3756.

**IV. COMPLAINTS ALLEGING DISCRIMINATION**

Questions or complaints alleging a violation of the nondiscrimination provisions outlined RDP's Equal Opportunity Notice may be directed or mailed to:

Director  
 Civil Rights Center  
 U.S. Department of Labor  
 Room N-4123  
 200 Constitution Avenue NW.  
 Washington, DC 20210

**V. OTHER REMEDIES**

These procedures do not preclude the complainant from pursuing a remedy authorized under another Federal, State or local law.

**VI. REFERENCES**

WIA Sections 188 and 18 (c); 20 CFR Sections 667.600-667.630; 29 CFR Part 37.