

I. Local Administrative Remedies:

As a WIOA participant, you have the right to file a grievance. In order to file a grievance/complaint, you must do the following:

1. Discuss the grievance with your current training representative. If the grievance is not resolved, submit a written statement of the grievance/complaint to the LWSM, WIOA Title I Affirmative Action Officer. You have up to one (1) year from the date of the alleged occurrence to file a complaint, except for fraud or criminal activity.
2. An informal resolution will be attempted; if you are not satisfied, you must submit a request in writing for a formal hearing.
3. A hearing will then be scheduled with an impartial body (Grievance Board). You will be notified in writing of the date, time, and place of the hearing. At the hearing, you may have representation, and you will be afforded the opportunity to present evidence, have witnesses, and to question opposing witnesses. The hearing must be conducted within thirty (30) days of the filing of the grievance.

II. State Review:

If you do not receive a decision from LWSM/WIOA Title I within sixty (60) days of filing the complaint, or if you receive an unsatisfactory decision, you have the right to request a review. You may submit a written request for review to the Commissioner, Tennessee Department of Labor, 220 French Landing Drive, Nashville, Tennessee 37243, within ten (10) days of your receipt of the adverse decision or ten (10) days from the date on which you should have received a decision. The complaint should contain:

1. The full name, telephone number, and address of the person making the complaint;
2. The full name, telephone number, and address of the respondent against whom the complaint is made;
3. A clear and concise statement of the facts and pertinent dates, constituting the alleged violation;
4. The provisions of the Workforce Investment Act, grant, or other agreements under the Act believed to have been violated;

5. A statement disclosing whether proceedings involving the subject of the request have been commenced or concluded before any Federal, State, or local authority, and if so, the date of such commencement or conclusion, the name and address of the authority, and the style of the case

The Commissioner will review each complaint. The options of resolution resulting from this review will be as follows:

1. An informal resolution between the parties concerned may occur at LWSM/ WIOA Title I when any complaint is received. In all cases where you are not satisfied with the informal resolution, you will be advised of your right to a formal hearing.
2. Referrals will be made back to LWSM/WIOA Title I as appropriate.
3. A formal review/hearing shall be conducted by a person designated by the Commissioner at a place and time reasonably convenient for you. You will have the right to submit any facts and evidence pertinent to the complaint. The determination made by the person designated by the Commissioner will not be final. The Commissioner may approve, modify, or set aside any determination made by the person designated, as appropriate. The Commissioner shall issue a decision within {30} days. This decision is final.

The Commissioner shall also provide for an independent State review of a complaint initially filed at the State level on which a decision was not issued within (60) days or on which you have received an adverse decision. A decision shall be made within thirty (30) days. This decision is final.

III. FEDERAL REVIEW OF LOCAL LEVEL COMPLAINTS WITHOUT DECISION

Should the Commissioner fail to provide a decision as required, you may then request from the Secretary of Labor, U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, a determination whether reasonable cause exists to believe that the Act or its regulations have been violated.

The Secretary shall act within ninety (90) days of receipt of the request, and where there is reasonable cause to believe the Act or regulations have been violated, shall direct the Commissioner to issue a decision adjudicating the dispute pursuant to State and local procedures.

The request should be filed no later than ten (10) days from the date on which you should have received a decision. See Section (A)(l) - (S) under State Review for information to be contained in your complaint. In addition, include a statement of the

date the complaint was filed with the Commissioner, the date on which the decision should have been issued, and an attestation that no decision was issued.

IV. NON-CRIMINAL GRIEVANCE PROCEDURE AT EMPLOYER LEVEL:

Non-Criminal complaints must be made within one year of the alleged occurrence.

The Commissioner of the TDOL & WFD, LWSM/WIOA Title I, and other sub-recipients shall assure that other employers of participants under the Act, also have a grievance procedure relating to the terms and conditions of employment available to their participants. They may operate their own grievance system or utilize the grievance system established by the Commissioner.

An employer system shall provide for, upon request by you, a review of an employer's decision by LWSM/WIOA Title I and the Commissioner, if necessary.

V. COMPLAINTS OF DISCRIMINATION ON THE BASIS OF THE CIVIL RIGHTS ACT OF 1964 (29 CFR, Part 31)

Any individual or any specific class of individuals who believe himself/herself to be subjected to discrimination on the basis of race, color, religion, sex, national origin, age, political affiliation, or belief may by himself/herself or by a representative file a written complaint. You may submit a written complaint to the Directorate of Civil Rights, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, not later than one hundred eighty (180) days from the date of the alleged discrimination, unless the time for filing is extended by the Directorate of Civil Rights. Upon such filing, efforts will be made to resolve the matter by informal or formal means.

VI. COMPLAINT OF DISCRIMINATION ON THE BASIS OF HANDICAP (29 CFR, Part 32)

Any individual or their representative may file a written complaint regarding discrimination on the basis of handicap. To file a complaint you must:

1. Submit a written complaint to LWSM/WIOA Title I within one hundred eighty (180) days of the alleged discrimination, unless the time for filing is

extended by the Assistant Secretary for good cause shown. The date that LWSM receives the complaint is the date the complaint is officially filed.

2. The LWSM/WIOA Title I EEO officer will contact you and try to resolve the complaint informally.
3. If you are not satisfied with the informal response, you may request a formal hearing in writing with an impartial hearing officer. You will be notified in writing of the date, time, and place of the hearing. At the hearing, you may have representation and you will be afforded the opportunity to present evidence, have witnesses, and to question opposing witnesses. The hearing will be conducted within thirty {30} days of the filing of the complaint.
4. You will receive a final written decision from the LWSM/WIDA Title I EEO Officer within sixty {60} days.
5. If you are not satisfied with the decision, you may file a complaint with the Assistant Secretary, U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, within thirty (30) days of the decision or ninety {90} days from the date of filing the complaint, whichever is earlier. Upon such filing, efforts will be made to resolve the matter by informal or formal means.

VII. EFFECTIVE DATE:

This policy is effective as of January 1, 2018 and will remain in effect until amended, modified, or set aside by the Local Workforce Southern Middle.

VIII. Contact:

For any questions related to this policy please contact LWSM's EEO Officer at

101 Sam Watkins Boulevard Mount Pleasant, TN 38474 or call (931) 379-2929

Title: LWSM Policy

Effective Date:

Duration: Indefinite

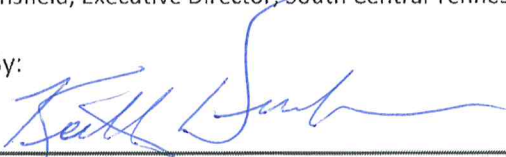
Authorized By:



Jerry Mansfield, Executive Director, South Central Tennessee Development District

Date

Approved By:



12/21/2018

Keith Durham, Board Chair, Southern Middle Tennessee Local Workforce Board

Date