



ETLWDA
WORKFORCE INNOVATION AND
OPPORTUNITY ACT
POLICY MANUAL

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Effective: Immediately

APPROVED: *Martha Afford*

SUBJECT: Grievance Procedures

POLICY STATEMENT: Any customer, who feels that s/he has been treated unfairly, or who disagrees with the application of a policy to him/her as a customer of the American Job Center, may file a grievance. Complaints and grievances shall be given prompt and fair consideration according to the procedures below. No adverse action will be taken against any individual for participating in the grievance procedure, either as a complainant, a representative, or a witness.

Purpose: Since the purpose of the procedure is to secure a mutually acceptable resolution of a grievance, meetings will be arranged for dates and times when all those involved can be available.

Eligible: All WIOA customers, ETHRA employees, and AJC partners

Process:

STEP 1: Any customer having a complaint or grievance shall first inform the staff person or the American Job Center Manager of the concern. The staff person or manager will meet with the client on an informal basis, review the complaint, and attempt to adjust the matter satisfactorily.

STEP 2: If the informal resolution in Step 1 fails, the customer may carry the grievance to Step 2 by filing a written complaint with the American Job Center Consortium. Customer Grievance Forms are available at the American Job Center. This statement, signed by the individual, details the complaint and sets out the corrective action desired. This written complaint will be referred to the Consortium Director who will conduct a brief investigation and will then meet with the individual and attempt to reach a satisfactory settlement. A complainant must file complaints and grievances within one year of occurrence.

STEP 3: If the complaint is not resolved in Step 2, the customer may request a hearing. The complainant will receive a written notice from the American Job Center Consortium, following the final conference with the Consortium Director in Step 2, stating how to file a request, which must be filed within fifteen (15) days from the date of the receipt of the written notice. The written notice from the Consortium will also describe the decision the Consortium proposes to adopt as its final decision in the matter if a hearing is not requested.

If a hearing is requested, the Consortium will schedule a hearing time and will notify the complainant(s) in writing of the time and of the location for the hearing. At the hearing the complainant(s) will be able to present his/her/their story, to present witnesses testifying upon his/her/their behalf, to cross-examine others, and to examine and copy all relevant documents. The Consortium will conduct the hearing and will issue a written decision within five (5) days after the hearing. This decision will be the final decision for the Consortium. It will be binding on the complainant(s) and on the Consortium. Exception to this would be complainants within certain programs with eligibility and service delivery requirements established by the Tennessee Department of Human Services or the Tennessee Department of Labor and Workforce Development. In those programs, there may be additional steps a dissatisfied customer may take regarding their complaint.

STEP 4: If you do not receive a decision within 60 days of filing the complaint, or if you receive an unsatisfactory decision at Step 3, you may submit a request for review within ten (10) days of the

adverse decision or ten (10) days from the date you should have received a decision to Commissioner, Tennessee Department of Labor and Workforce Development, Andrew Johnson Tower, 8th Floor, Nashville, TN 37243-0655, or the Commissioner, Tennessee Department of Human Services, 400 Deaderick Street, Nashville, TN 37219-1602.

Procedures:

The complaint should contain the full name, telephone number, and address of the person making the complaint; the full name, telephone number, and address of the individual and organization against whom the complaint is made; a clear and concise statement of the facts and pertinent dates, constituting the alleged violation; the provisions of the Act, regulations, grant or other agreements under the Act believed to have been violated; and a statement disclosing the status of any proceedings involving the complaint which have been undertaken before any Federal, State or local authority and the name and address of the authority.

Complaints of discrimination on the basis of the Civil Rights Act of 1964 shall be submitted within one hundred eighty (180) days of the alleged discrimination to Director of Civil Rights/U.S. Department of Labor/ 200 Constitution Avenue, N.W./Washington, D.C. 20210.

Complaints of discrimination on the basis of disability shall be filed in writing within one hundred eighty (180) days of the alleged discrimination. Procedures outline in Steps 1, 2, and 3 above will be followed. If you are not satisfied with the decision, you may file a complaint within thirty (30) days of the decision or ninety (90) days from the date of initially filing the complaint to Assistant Secretary/U.S. Department of Labor/Frances Perkins Building/200 Constitution Avenue, N.W./Washington, D.C. 20210.

Whenever it is believed that the State, sub-state grantee, or other sub-recipient has engaged in conduct which not only violates the Act but also violates a Federal statute other than WIOA or a State or local law then civil action or other remedies authorized under Federal, State, or local law can be pursued against the State, sub-state grantee, or other sub-recipient without first exhausting the remedies herein.