

Complaint & Grievance Procedures & Equal Opportunity Policy

For Applicants and Participants

DEFINITIONS

A **complaint** is an allegation of discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, or participation in the program, and is covered by the nondiscrimination and equal opportunity provisions at 29 CFR 37.30. An allegation of retaliation, intimidation or reprisal for taking action or participating in any action to secure rights protected under Workforce Innovation and Opportunity Act (WIOA) will be processed as a **complaint**.

A **grievance** is a complaint about services, working conditions, wages, work assignment, etc., arising in connection with (WIOA) programs operated by WIOA recipients including service providers, eligible training providers, and other contractors.

GENERAL POLICY

Individuals applying for or receiving services through the WIOA Title I paid for by Three Rivers Regional Commission Workforce Development (TRRCWD) and/or the Three Rivers Regional Commission Board will be treated fairly. If any individual, group or organization has a complaint, the problem should first be discussed informally between those involved before a grievance is filed. Grievances should be filed in accordance with the written procedures established by TRRCWD. Signed and dated grievance forms will be included in all participant case files. **If you believe you have been harmed by the violation of the Workforce Innovation and Opportunity Act or regulations of the program, you have the right to file a grievance.**

EQUAL OPPORTUNITY POLICY

TRRCWD adheres to the following United States law: It is against the law for this recipient of Federal financial assistance to discriminate on the following bases: Against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of WIOA, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity. References include: USDOL Regulations Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act of 2014.

COMPLAINTS OF DISCRIMINATION

TRRCWD is prohibited from discriminating on the grounds of race, color, religion, national origin, age, sex, disability, political affiliation, or belief and for beneficiaries only, citizenship or participation in programs funded under WIOA, in admission or access to, opportunity or treatment in, or employment in the administration of or in connection with, any WIOA funded program or activity.



If you think that you have been subjected to discrimination under a WIOA funded program or activity, you may file a complaint within 180 days from the date of the alleged violation with the TRRCWD, Equal Opportunity Officer, Mandy Nicholson, 120 N Hill Street, Griffin, Ga. 30224, (678-692-0510), mnicholson@threeriversrc.com

If you elect to file your complaint with the Technical College Systems of Georgia, Office of Workforce Development, you must wait until the TRRCWD issues a decision or until 30 days have passed, whichever is sooner, before filing with TCSG, Office of Workforce Development
Attention: Compliance & Legal Affairs Director David Dietrichs
1800 Century Place N.E., Suite 150, Atlanta, GA 30345
Phone (404) 679-1371 Fax: (404) 679-5460 TTY/TDD 1-800-255-0056.
Submissions should be sent to wioacompliance@tcsge.edu
<http://www.dol.gov/oasam/programs/crc/Cife.pdf>.

If TRRCWD has not provided you with a written decision within 30 days of the filing of the complaint, you need not wait for a decision to be issued. You may file a complaint with TCSG, Office of Workforce Development within 30 days of the expiration of the 30-day period. If you are dissatisfied with TRRCWD resolution of your complaint, you may file a complaint with TCSG, Office of Workforce Development. Such complaint must be filed within 30 days of the date you received notice of TRRCWD's proposed resolution.

Complaints may also be filed with the Director, Civil Rights Center (CRC) U.S. Department of Labor, 200 Constitution Avenue, N.W. Room N-4123, Washington, DC 20210. Or at the website below
<http://www.dol.gov/oasam/programs/crc/external-enforc-complaints.htm>

COMPLAINTS OF FRAUD, ABUSE, OR OTHER ALLEGED CRIMINAL ACTIVITY

In cases of suspected fraud, abuse or other alleged criminal activity, you should direct your concerns to the Office of Inspector General, U.S. Department of Labor, at 1-866-435-7644 or inspector.general@oig.ga.gov. Complaint & Grievance Procedures & Equal Opportunity Policy Rev. 09/2015 Equal Opportunity Employer/Program Auxiliary Aides & Services Are Available Upon Request to Individuals with Disabilities

COMPLAINTS AGAINST PUBLIC SCHOOLS

If the complaint is not resolved informally and it involves public schools of the State of Georgia, the grievance procedure will comply with WIOA and OCGA 20-2-1160.

FILING A GRIEVANCE (VIOLATIONS OF THE ACT OR REGULATIONS)

A **grievance** is a complaint about customer service, working conditions, wages, work assignment, etc., arising in connection with WIOA Title I funded programs operated by WIOA recipients including service providers, eligible training providers, one-stop partners and other contractors.



FILING A GENERAL GRIEVANCE (violations of the act or regulations not alleging discrimination)

Who May File: Any person, including WIOA program participants, applicants, staff, employers, board members or any other interested parties who believes they have received unfair treatment in a WIOA Title I funded program.

Any person may attempt to resolve all issues of unfair treatment by working with the appropriate manager and/or supervisor and staff member, service provider, or one-stop partner involved informally prior to a written grievance being filed.

All complaints as described in the previous definition may be filed within one hundred twenty (120) days after the act in question by first completing and submitting a written statement or completing the General Grievance Form to:

WIOA Equal Opportunity Officer, Mandy Nicholson
Three Rivers Regional Commission
P.O. Box 818
120 North Hill Street
Griffin, GA. 30224

The written statement must include

Complaints filed with TRRCWD must contain the following:

- A. The full name, telephone number, email (if any), and address of the person making the complaint.
- B. The full name, address and email of the person or organization against whom the complaint is made.
- C. A clear but brief statement of the facts including the date(s) that the alleged violation occurred, including the identification of all relevant parties.
- D. Relief requested.
- E. Complainant's signature and date.

For the grievance submission form, see website: <http://www.threeriversrc.com>

A complaint will be considered to have been filed when TRRCWD receives from the complainant a written statement, including information specified above which contains sufficient facts and arguments to evaluate the complaint.

Upon receipt of the complaint, if the TRRCWD WIOA Equal Opportunity Officer determines that it does not have jurisdiction over a complaint, it must notify the complainant, in writing within five business days of making such determination.



This Notice of Lack of Jurisdiction must include:

- (a) A statement of the reasons for that determination; and
- (b) Notice that the complainant has a right to file a complaint with CRC within 30 days of the date on which the complainant receives the Notice.

Upon receipt of the complaint, the TRRCWD WIOA Equal Opportunity Officer will initiate efforts with the complainant and others involved to bring about a resolution as soon as possible. This will include a meeting of all parties with the hope of reaching a mutually satisfactory resolution. If the complaint has not been resolved to the satisfaction of the complainant within thirty (30) days, the TRRCWD WIOA Equal Opportunity Officer will arrange appointment of a hearing officer to conduct a hearing for settlement of the complaint to be held within sixty (60) days of grievance filing.

Hearing Process

A hearing on any complaint filed shall be conducted as soon as reasonably possible, but within sixty (60) days of the complaint's filing. Within ten (10) business days of the receipt of the request for a hearing, TRRCWD shall: (1) respond in writing acknowledging the request to the grievant; and (2) notify the grievant and respondent of a hearing date. The notice shall include, but not limited to: (1) date of issuance; (2) name of grievant; (3) name of respondent against whom the complaint has been filed; (4) a statement reiterating that both parties may be represented by legal counsel at the hearing; (5) the date, time, place of the hearing, and the name of the hearing officer; (6) a statement of the alleged violation(s) of WIOA ; (7) copy of any policies and procedures for the hearing or identification of where such policies may be found; and (8) name, address, and telephone number of the contact person issuing the notice.

The hearing shall be conducted in compliance with federal regulations. The hearing shall have, at a minimum, the following components: (1) an impartial hearing officer selected by TRRCWD; (2) an opportunity for both the grievant and respondent to present an opening statement, witnesses, and evidence; (3) an opportunity for each party to cross-examine the other party's witnesses; and (4) a record of the hearing which TRRCWD shall create and maintain.

The hearing officer, considering the evidence presented by the grievant and respondent, shall issue a written decision, which shall serve as TRRCWD's official resolution of the complaint. The decision shall include the following information: (1) the date, time, and place of hearing; (2) a recitation of the issues alleged in the complaint; (3) a summary of any evidence and witnesses presented by the grievant and respondent; (4) an analysis of the issues as related to the facts; and (5) a decision addressing each issue alleged in the complaint.

No applicant, participant, employee, service provider or training provider will be intimidated, threatened, coerced or discriminated against because he/she have made a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing.



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If the complainant(s) does not receive a written decision from the Hearing Officer within sixty (60) days of grievance/complaint filing, or receives a decision unsatisfactory to the complainant(s), the complainant(s) then has/have a right to request a review by the State using the WIOA Complaint Information Form found at:

<http://www.georgia.org/competitive-advantages/workforce-division/technical-assistance/>.

Karen Kirchler
Deputy Commissioner for Workforce Development
1800 Century Place N.E., Suite 150,
Atlanta, GA 30345
Phone: (404) 679-1371
FAX: (404) 679-5460

The Assistant Commissioner shall act as the Governor's authorized representative. Either an informal resolution or a hearing will take place within 60 calendar days of the filing.

Appeal Process

An appeal to Workforce Development (WFD) of a Local Workforce Development Area’s (LWDA) resolution must be filed within sixty (60) days of the date the LWDA issued its written resolution. However, a LWDA that fails to issue a written resolution of a locally filed Complaint within sixty (60) days shall give the Complainant the automatic right to file a Complaint with WFD. Once WFD has received the Complaint form and the local resolution, WFD shall issue its own resolution on the issue being appealed within sixty (60) days of receipt. Any resolution reached by WFD may be appealed to the United States Department of Labor’s Employment and Training Administration.

I CERTIFY THAT I HAVE RECEIVED A COPY OF THIS POLICY AND PROCEDURES.

PARTICIPANT NAME (PRINT)

DATE

PARTICIPANT NAME (SIGN)

DATE

**Parent/Legal Guardian
Signature (if under 18)**

DATE