

**LOWER CHATTAHOOCHEE WORKFORCE INVESTMENT BOARD
WORKFORCE INVESTMENT AREA 14**

**LOCAL GRIEVANCE PROCEDURES
UNDER
WORKFORCE INVESTMENT ACT**

Scope of Review: All applicants, clients, WIA funded employees or recipients of WIA funds, One-Stop partners, and other interested parties affected by the local Workforce Investment System, who allege violations of the Workforce Investment Act, regulations, grants, or other agreements/contracts (other than complaints of discrimination) will use these procedures.

All applicants, customers, WIA-funded employees or recipients of WIA funds, One-Stop partners, and other interested parties affected by the local Workforce Investment System, will be advised of their rights to file complaints or grievances under these procedures. In cases of WIA-funded work-related activities, procedures established by the employing agency will be used, if so designated.

Types of Complaints/Grievances:

Terms and Conditions of Employment: Complaints involving terms and conditions of employment as alleged by WIA-funded staff will be processed and exhausted under the employing agency=s established procedures prior to submitting a complaint in accordance with these procedures.

Bidders: Bidders wishing to file a complaint must have their complaint addressed under the administrative dispute procedures established by the Lower Chattahoochee Workforce Investment System prior to submitting such complaints in accordance with these procedures. (Such complaints may be filed only if the complaint is based on a violation of the Workforce Investment Act, federal and State regulations, and local procurement requirements and/or procedures).

Labor Standards Violations: Complaints alleging violations under Subpart F, Section 667.600, Workforce Investment Act; Final Rules, shall use these procedures, or choose to submit grievances to a binding arbitration procedure, if a collective bargaining agreement covering the parties to the grievance so provides.

Public Schools: Grievances which pertain to disciplinary actions of teachers or students, grading policy, or teacher employment contracts, will be handled by the grievance procedures outlined in 20-2-1160, Official Code of the State of Georgia. Grievances which pertain to the terms of contracts between the school and the Workforce Investment System shall be handled by these procedures.

When to File: All complaints, except those alleging fraud, criminal activity, discrimination on the basis of race, color, religion, sex, handicap, national origin, political affiliation, or belief, must be filed within one (1) year of the occurrence of the action upon which such complaints are based.

What to File: All complaints must be in writing, and shall contain the following: (1) the full name, telephone number [if any], and address of the person making the complaint; (2) the full name and address of the respondent against whom such complaint is made; (3) a clear and concise statement of the facts, including pertinent dates, constituting the alleged violation; (4) the provision of the Act, regulations, grant, or other agreements under the Act believed to have been violated, if known; and (5) relief requested.

Where to File: All complaints shall be delivered to the Columbus Consolidated Government Annex, Job Training Division, Post Office Box 1340, 420 Tenth Street (1st floor), Columbus, Georgia 31902-1340. Attention: Director, Job Training Division.

Local Resolution: Reasonable effort shall be made to resolve all complaints and grievances filed at the local level. A request for resolution of a complaint or grievance will be considered to have been filed when the reviewing authority, or his/her designee, has received the written statement from the complainant. Written statement must contain sufficient facts and arguments necessary to evaluate the complaint. Written acknowledgment shall be made by the reviewing authority within ten (10) days of receipt of the complaint/grievance.

Grievance Hearing: Should such complaint/grievance necessitate a hearing, reasonable notice will be given to both parties by registered or certified mail, or hand delivered with means of documenting verification of receipt by affected parties. Such notice will contain: 1) time, date, and place of hearing; 2) specific charges involved; 3) right of both parties to be represented by legal counsel; 4) right to present evidence (both written and thru witnesses); 5) reference to the particular sections of the Act, regulations, subgrant, or other contract under the Act involved; 6) statement of the authority and jurisdiction under which the hearing is to be held; 7) statement of the right of each party to cross examination; and, 8) the right to an impartial decision maker who has not been directly involved in the events from which the complaint arose.

If either party to the complaint is aware of facts or circumstances that put the hearing officer=s independence or impartiality in question, the appointing body will be notified immediately.

Selection of Hearing Officer: The hearing officer shall:

- § have complete independence in obtaining facts and making decisions, and must be in a position to render decisions that are both fair and impartial; and,
- § not be a subordinate of the Grant Administrator involved in administering the program and is not involved in the matter that gives rise to the grievance.

The hearing officer may be a member of the Workforce Investment System who has no direct or indirect involvement in the matter which gives rise the grievance.

Decisions: Final decisions will be rendered by the Director, Job Training Division, or his/her designee, except in cases that result in a hearing. Final decisions of such hearings shall be rendered by the appointing hearing officer.

A request for review by the State level may be made if a decision is not received by the complainant within sixty (60) days of filing, or if the decision rendered is unsatisfactory.

Appeal to State Level:

If a complainant does not receive a decision within sixty (60) days of the date of filing of his/her complaint, or receives a decision that is unsatisfactory to the complainant, he/she has a right to request review of the complaint by the Governor. The request for review shall be filed within ten (10) days of receipt of the adverse decision(s) or ten (10) days from the date on which the complainant should have received a decision. Such a request shall be submitted to the Commissioner, Georgia Department of Labor, 148 International Blvd, NE, Suite 600, Atlanta, Georgia 30303. The Government, or designee, shall conduct a review of the complaint and issue a decision within sixty (60) days from the date of receipt of the review request. The decision rendered by the Governor, or his designee, will be final.

Federal Review: Should the Governor, or his designee, fail to provide a decision within the established time frame, the complainant may request a determination as to whether reasonable cause exist to believe the Act, or its regulations, have been violated. Such request shall be submitted to the Secretary, U.S. Department of Labor, Washington DC 20210, Attn: ASET. within ten (10) days of the date the Governor=s decision should have been issued. The Secretary shall act within 120 days. Except for complaints arising under WIA Section 184(f) or Section 188, grievances or complaints made directly to the Secretary will be referred to the appropriate State or local area for resolution in accordance with this section, unless the parties are notified that the Department of Labor will investigate the grievance under the procedures at 667.505.

Discrimination: Complaints involving any type of discrimination must be filed directly with the U.S. Department of Labor within 120 days of the occurrence. Questions about or complaints alleging a violation of the nondiscrimination provisions of WIA Section 188, may be directed or mailed to the Director, Civil Rights Center, U.S. Department of Labor, Room N4123, 200 Constitution Avenue, NW, Washington, DC 20210, for processing.

Nothing precludes a grievant or complainant from pursuing a remedy authorized under another Federal, State, or local law.

§ **Special Procedure for Complaints of Discrimination on Basis of Disability**

Complaints pertaining to discrimination on the basis of handicap must be filed within 180 days of the occurrence, and must be processed by the State within sixty (60) days of filing a grievance. If a complaint in such case does not receive a decision, or receives an adverse decision from the State, an appeal may be filed with the U.S. Department of Labor, Directorate of Civil Rights. Such an appeal must be filed within thirty (30) days of receipt of the adverse decision, or within ninety (90) days of the original filing.

Forms necessary to file the complaint may be picked up from the Office of the Job Training Division, Columbus Consolidated Government Annex, Post Office Box 1340, 420 Tenth Street (1st floor), Columbus, Georgia 31902.

Certification:

I certify that I have read and understand the Grievance Procedure established for Workforce Investment Area 14, and that a copy of same has been provided to me on the date identified below.

Signature

Date