

### I. Purpose

The purpose of this guidance is to provide instruction on the policy and procedures required under the Workforce Innovation and Opportunity Act (WIOA) regarding grievances and complaints from participants and other interested parties, including one-on-one assistance for individuals with disabilities when necessary.

### II. Background

WIOA mandates that each Local Workforce Development Area (LWDA) or a Local Workforce Development Board (LWDB) receiving an allotment under WIOA to establish and maintain a procedure for WIOA grievances or complaints. Complaints, other than discrimination complaints, will originate at the local level. If a resolution is not obtained at the local level within sixty (60) days of the filing of the complaint, or either party is dissatisfied with the local hearing decision, a state-level appeal may be filed. The state level decision may be appealed to the Secretary in the event that a decision has not been reached within sixty (60) days, or a decision has been reached and the party wishes to appeal to the Secretary. Job Corps is an exception to this policy. The grievance procedure requirements applicable to Job Corps are set forth in 20 CFR 685.960 and 20 CFR 685.965.

### Definitions

- A) Complainant: the party that files the grievance.
- B) Days: consecutive calendar days, including weekends and holidays.
- C) Grievance: a written complaint filed in accordance with this policy.
- D) Informal Resolution: an opportunity to resolve complaints informally before they become grievances.
- E) Interested Parties: includes participants, subgrantees, subcontractors, service providers, One-Stop Partners, providers of training services, and other relevant parties.
- F) Respondent: the party who argues against the complainant or appellant.
- G) The Secretary: the acting officer of the U.S. Department of Labor
- H) Service Providers: recipients or subrecipients of WIOA Federal financial assistance that are awarded contracts to provide WIOA services under the LWDA or WIOA subrecipients.
- I) Unit of General Local Government: for the purpose of this guidance shall include a combination of general local government units.
- J) Hearing Officer: an official who conducts an investigation or administrative hearing as a disinterested, neutral party.

### III. Instructions

#### Grievance Procedures

Locally developed grievance and complaint policies, procedures, signed acknowledgements, and related documentation shall be maintained and made available for review by TDLWD central office staff. All processes and procedures described in this policy are to be made available in hard copy and posted on the Southeast Tennessee Local Workforce Development Board website at [www.secareercenter.org](http://www.secareercenter.org), and must be available in accessible formats for persons with disabilities or other barriers, as required by law.

The following process outlines the steps a complainant will follow to address concerns within the Southeast Tennessee Local Workforce Development Area.

1. Staff should follow the guidelines outlined in State of Tennessee Department of Labor and Workforce Development Workforce Services Guidance – Grievance and Complaint Resolution Procedures, Attachment I for all complaints in the local area. For purposes of this guidance, all references to AJC Site Lead shall be the One Stop Operator for the respective location.
2. Once the Complaint Form has been compiled and logged, the One Stop Operator will notify the Workforce Development Director and Regional Director that a complaint has been filed. The One Stop Operator in conjunction with the Team Leads at the respective AJC will meet to determine if an informal resolution can be reached within 15 days. If a resolution is reached, the One Stop Operator will notify the Workforce Development Director and Regional Director and indicate the finalized resolution to the complaint. If a resolution is not reached within 10 days of the complaint being filed, the One Stop Operator will notify the Workforce Development Director and Regional Director.
3. The Workforce Development Director, Regional Director, Quality Assurance Coordinator and Hearing Officer (Title VI Coordinator for STLWDA) will review the documentation and attempt to provide further resolution. If a resolution is not reached within 15 days, the complaint will be forwarded to the Operations Committee of the Southeast Tennessee Workforce Development Board for review and resolution within 30 days.
4. If the Complainant is not satisfied with the area's final resolution or no resolution was reached within sixty (60) days, the Complainant has the opportunity to appeal any such decision to the Director of Policy and Compliance Workforce Services Division, Tennessee Department of Labor and Workforce Development at [WIOA.complaints@tn.gov](mailto:WIOA.complaints@tn.gov). Such request should be made within ten (10) days of the adverse decision or within fifteen (15) days from the date on which the decision should have been made.
5. If your complaint alleges a violation of labor standards, you may submit the grievance, after required notification, to a binding arbitration procedure, if a collective bargaining agreement covering the parties to the agreement so provides.

### **Monitoring and Compliance**

The Quality Assurance Coordinator is responsible for monitoring and compliance. The Quality Assurance Coordinator will maintain a tracking system to document the grievances received and their disposition. The Board Staff/grant recipient is responsible for maintaining these records for not less than a period of three (3) years.

The retention period begins on the date of the Workforce Development Director/Grant Recipient has acknowledgement of the final closeout report for the grant or contract. Records shall be retained beyond five (5) years if any litigation or audit has begun, or if a claim is instituted involving the grant of agreement covered by the records. In these instances, the records shall be retained until the litigation, audit, or claim has been resolved.

**AUTHORIZED BY:**

  
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Michele Holt, Director, Workforce Development

9/12/18  
Date

**APPROVED BY:**

  
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Tony Cates, Chair, Workforce Development Board

9-12-18  
Date

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