STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF WORKFORCE SERVICES
220 French Landing Drive
Nashville, TN 37243-1002
(615) 741-1031

Workforce Services Policy – Workforce Services (Grievance Policy) - WIOA

Effective Date: November 2016
Duration: Until Rescinded

Subject:
Grievance Policy

Purpose:
To inform subgrantees and SCSEP participants of the State of Tennessee's Senior Community Service Employment Program's Grievance Policy and procedures and documentation

Scope:
Office of the Governor, Tennessee Department of Labor and Workforce Development (TDLWD), Tennessee Department of Economic and Community Development (TDECD), Tennessee Department of Education (TDOE), Tennessee Eligible Training Providers (TTPLs), Department of Human Services (TDHS), Adult Education (AE), Rehabilitation Services (RS), Office of Registered Apprenticeship (RA), State Workforce Development Board (SWDB), Division of Workforce Services (WFS), Regional Council (RC), American Job Center (AJC), American Job Center Operator (AJC Operator), American Job Center Access Point (AJC Access Point), Workforce Innovation and Opportunity Act (WIOA), Local Workforce Development Boards (LWDBs), Chief Local Elected Official (CLEO), Local Workforce Development Areas (LWDAs), other Workforce System Subrecipients (Subrecipients), Workforce System Partners (Partners)

References:
SCSEP Final Regulations Sections 641.910 and 29 CFR 37.70 through 80

Background:
Any Termination, as described in ***Section 641.580, paragraph (a) through (e)*** must be consistent with administrative guidelines issued by TDLWD's SESCP. The termination notice must inform the participant of the grantee's grievance procedure and the termination notice must be subject to the applicable grievance procedures described in ***Section 641.910 and 29 CFR 37.70 through 80.***

Policy and Procedures:
All complaints pertaining to the Tennessee Department of Labor and Workforce Development's (TDLWD) SCSEP will be reviewed and addressed as required. All Participants will be provided a copy of the grievance procedures during orientation. The participant's termination notice will also inform the participant of the grievance procedure. For resolving grievance procedure complaints arising between the grantee, subgrantees, applicants or participants, follow the steps provided below.

Instructions:

A. Step I – Discuss the Issue (Informal)

Participants should informally discuss with the sub-grantee project director the problem or grievance. This may be done either by verbal communication or in writing within 5 business days of the occurrence of the problem. The project director will work with the participant to provide a solution within 10 additional business days. If a resolution is not reached, the participant is informed of his/her right to file a formal complaint.

B. Step II – No resolution (Addressing the formal Grievance Procedure)

If the participant feels that the informal resolution is not satisfactory, the participant should then contact the subgrantee executive director or the designated representative in writing describing the complaints or issues and naming all persons involved and any pertinent data and/or location. The subgrantee executive director or designated personnel will contact the participant within 5 business days after receiving the complaint in writing as a formal grievance. After the participant receives this contact, the participant will be given an opportunity to further discuss the problem either by telephone or in person. The executive director or personnel representative may decide to investigate/resolve the grievance within 10 business days before providing a written response. The decision will be mailed to the complainant within 20 calendar days after the attempt to resolve the grievance unless additional time is required under the circumstances. Complainants that are not satisfied with the decision have the right to appeal in writing to the TDLWD office/Title V grantee within 5 business days after receiving a decision from the executive director or designated representative of executive director.

C. Step III – Appeals

Complaints that are not resolved at the subgrantee level can be appealed in writing to the TDLWD EEO Officer at 220 French Landing Drive, Nashville, TN 37243. This must be done within 30 days after a decision has been rendered at the local level and is not accepted by

the complainant.

Process for Filing an Appeal of the Decision or Lack of (Action):

The appeal should be concise (if possible it should not exceed five pages, not including exhibits and attachments). The appeal should also be sent by certified mail (return receipt) to:

Tennessee Department of Labor and Workforce Development
Attention: Weldon Floyd
220 French Landing Drive,
Suite 4B
Nashville, TN 37243

The appeal request shall state the facts, laws, procedures, etc. that the grievant/ complainant believes to be relevant for review. The appeal must be filed within 30 calendar days of receipt of the decision to act.

The request shall include the grievant s/complainant's address where official notices will be mailed. When the process is complete, the grantee will keep the complaint and decision in its files.

The United States Department of Labor and Workforce Development will not review final determinations made by the TDLWD except to determine whether the grievance procedure was followed. If, however, the complaint alleges violations of federal law other than discrimination and the violations are not resolved within 60 days of the TDLWD's receiving it, the complainant may file a complaint with the Chief, Division of Adult Services, Employment and Training Administration, U.S Department of Labor, 200 Constitution Avenue N.W. Washington DC 202101. Allegations determined to be substantial and credible will be investigated and addressed.

Complaints alleging a violation of the ***Nondiscrimination Requirements of Title VI of Civil Rights Acts of 1964, Section 504 of the Rehabilitation Act of 1974, Section 188 of the WIOA Act of 2014***, may be directed to the Director of Civil Rights Center, U.S Department of Labor, Rom N-4123, 200 Constitution Avenue N.W. Washington, 580 D.C. 20210.

Complaints alleging violation of ***WIOA Section 188*** may be filed initially at the grantee level. Non-Discrimination and Equal Opportunity policy provides uniform procedures for filing complaints alleging violations of the non-discrimination and equal opportunity provisions of ***WIOA of 2014.***

Contact:
For any questions related to this policy, please contact Nicholas Bishop - Director of Compliance and Policy for Workforce Services at Nicholas.Bishop@tn.gov

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Sterling van der Spuy, Administrator