

**NORTHEAST GEORGIA REGIONAL COMMISSION
OFFICE OF WORKFORCE DEVELOPMENT (WIOA)**

Effective: November 2017

GRIEVANCE PROCEDURES AND EQUAL OPPORTUNITY POLICY

Types of complaints:

1. A Complaint that involves suspected fraud, waste, abuse, misconduct, or other wrongdoing, in a WIOA-funded program.
2. A General Complaint alleging a programmatic violation of WIOA.
3. A Complaint which alleges discrimination.

A General Complaint (#2) must first be filed at the local level using local Complaint procedures. However, Complaints alleging fraud, waste, abuse, misconduct, other wrongdoing (#1) or discrimination (#3), MAY BE, but are not required to be, immediately filed with the appropriate Federal Agencies.

If you believe you have been harmed by a violation of any policies or regulations surrounding the Workforce Innovation and Opportunity Act Program, you have the right to file a complaint and request a hearing. Complaints should be filed in accordance with the following procedures established by the Northeast Georgia Regional Commission Workforce Development Area (Local Area).

1. **A Complaint that involves suspected fraud, waste, abuse, misconduct, or other wrongdoing, in a WIOA-funded program may be filed first locally or by immediately contacting one of the following agencies:**

TCSG-WFD	Georgia OIG	USDOL OIG
Technical College System of Georgia, Office of Workforce Development Attn: Compliance Team 1800 Century Place N.E., Suite 150 Atlanta, GA 30345-4304 Phone: 404-679-1371 wioacompliance@tcsge.edu	Georgia Office of Inspector General 2 MLK Jr. Drive, SW 1102 West Tower Atlanta, GA 30334 Phone: 866-435-7644 Form: http://oig.georgia.gov/file-Complaint	United States Department of Labor, Office of Inspector General Attn: Hotline, Office of Inspector General US Department of Labor 200 Constitution Ave, NW Room S-5506 Washington, DC 20210 Phone: 202-693-6999 Form: http://www.oig.dol.gov/hotlinecontact.htm

2. **A General Complaint alleging a programmatic violation of WIOA.**

Any entity within the Georgia Workforce System, including but not limited to, customers, participants, recipients, subrecipients, contactors and service providers may file a complaint. Any complainant has the right to receive technical assistance in filing such complaint. General Complaints must be filed within one hundred twenty (120) days from the date of the action which gave rise to the complaint. The complainant may file a complaint using the Local Area's complaint form, available upon request. The complainant also has the right to make a written request for a hearing with such hearing occurring within sixty (60) days of the filing of the Complaint. The Local Area shall issue a written resolution for each Complaint received no later than sixty (60) days from the date the complaint is filed. As to General Complaints, the complainant must first file at the Local Area Level. If the Local Area does not respond within the 60 days, the Complainant may file a complaint with WFD. If the Complainant is not satisfied with the Local Area resolution an appeal may be filed with WFD within sixty (60) days of the Local Area's resolution. WFD shall not have jurisdiction over General Complaints until the Local Area has issued a written resolution on the Complaint or the Local Area has not responded within the sixty (60) day timeframe. Any resolution reached by WFD may be appealed to the United States Department of Labor (USDOL) Employment and Training Administration within sixty (60) from the receipt of the written resolution from WFD. A Complainant may withdraw the Complaint at any time prior to resolution.

If a written request of a hearing is submitted as indicated above, the complainant(s) will be given a written notice of the hearing within ten (10) business days of receipt of the Complainant's written request. The notice will include:

- a) The date of the notice.
- b) The name of the Complainant and the name of the Respondent.
- c) A statement that the Complainant may be represented by legal counsel.
- d) The date, time, and place of the hearing along with the name of the hearing officer.
- e) A statement of the alleged violation.
- f) A copy of any policies or procedures for the hearing or the identification of where such policies can be found.
- g) The name, address, and phone number of the contact person issuing the notice.

Local Area	TCSG-WFD	USDOL
Northeast Georgia Regional Commission Workforce Division (WIOA) EO Officer: Rhonda Keeter 305 Research Drive Athens, GA 30606 Phone: 706-369-5703	Technical College System of Georgia, Office of Workforce Development Attn: Compliance Team 1800 Century Place N.E., Suite 150 Atlanta, GA 30345-4304 Phone: 404-679-1371	United States Department of Labor, 200 Constitution Ave, NW Room N-4123 Washington, DC 20210 Phone: 866-487-2365

3) A Complaint alleging discrimination

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 the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.

Equal Opportunity Is the 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 the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity. The recipient must not discriminate in any of the following areas: Deciding who will be admitted, or have access, to any WIOA Title I-financially assisted program or activity; providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity. Recipients of federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

What To Do If You Believe You Have Experienced Discrimination

If you think that you have been subjected to discrimination under a WIOA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

- a) The recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or
- b) The Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW., Room N-4123, Washington, DC 20210 or electronically as directed on the CRC Web site at www.dol.gov/crc.
- c) If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

In providing any aid, benefit, service, or training under a WIOA Title I-financially assisted program or activity, a recipient must not directly or through contractual, licensing, or other arrangements, discriminate on the basis of citizenship status. Individuals protected under this section include citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Secretary of Homeland Security or the Secretary's designee to work in the United States. Citizenship discrimination occurs when a recipient maintains and enforces policies and procedures that have the purpose or effect of discriminating against individual beneficiaries, applicants, and participants, on the basis of their status as citizens or nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, or other immigrants authorized by the Secretary of Homeland Security or the Secretary's designee to work in the United States.

Any customer, applicant, employee or interested party has the right to file a Complaint of discrimination. All discrimination based Complaints and ADR must be filed within one hundred and eighty days (180) of the alleged discrimination. The Complainant may submit their discrimination Complaint to either the Local Area, WFD or the U.S. DOL, Civil Rights Center (CRC). If the Complainant chooses to file their complaint with the Local Area or WFD, a Notice of Final action response shall be issued within ninety (90) days of the Complaint's filing. Options for filing the Complaint shall include alternative dispute resolution. The Complainant has the right to be represented in the Complaint by an attorney or other representative.

Alternative Dispute Resolution (ADR):

- a) The procedures that a recipient adopts and publishes for processing complaints permitted under this part and WIOA Section 188 must state that the recipient will issue a written Notice of Final Action on complaints within 90 days of the date on which the complaint is filed.
- b) At a minimum, the procedures must include the following elements:

1. Initial, written notice to the complainant that contains the following information:
 - i. An acknowledgment that the recipient has received the complaint; and
 - ii. Notice that the complainant has the right to be represented in the complaint process;
 - iii. Notice of rights contained in §38.35; and
 - iv. Notice that the complainant has the right to request and receive, at no cost, auxiliary aids and services, language assistance services, and that this notice will be translated into the non-English languages as required in §§38.4(h) and (i), 38.34, and 38.36.
 2. A written statement of the issue(s), provided to the complainant, that includes the following information:
 - i. A list of the issues raised in the complaint; and
 - ii. For each such issue, a statement whether the recipient will accept the issue for investigation or reject the issue, and the reasons for each rejection.
 3. A period for fact-finding or investigation of the circumstances underlying the complaint.
 4. A period during which the recipient attempts to resolve the complaint. The methods available to resolve the complaint must include alternative dispute resolution (ADR), as described in paragraph (c) of this section.
 5. A written Notice of Final Action, provided to the complainant within 90 days of the date on which the complaint was filed, that contains the following information:
 - i. For each issue raised in the complaint, a statement of either:
 - The recipient's decision on the issue and an explanation of the reasons underlying the decision; or
 - A description of the way the parties resolved the issue; and
 - ii. Notice that the complainant has a right to file a complaint with CRC within 30 days of the date on which the Notice of Final Action is received if the complainant is dissatisfied with the recipient's final action on the complaint.
- c) The procedures the recipient adopts must provide for alternative dispute resolution (ADR). The recipient's ADR procedures must provide that:
- 1) The complainant may attempt ADR at any time after the complainant has filed a written complaint with the recipient, but before a Notice of Final Action has been issued.
 - 2) The choice whether to use ADR or the customary process rests with the complainant.
 - 3) A party to any agreement reached under ADR may notify the Director in the event the agreement is breached. In such circumstances, the following rules will apply:
 - i. The non-breaching party may notify with the Director within 30 days of the date on which the non-breaching party learns of the alleged breach; and
 - ii. The Director must evaluate the circumstances to determine whether the agreement has been breached. If the Director determines that the agreement has been breached, the complaint will be reinstated and processed in accordance with the recipient's procedures.
 - 4) If the parties do not reach an agreement under ADR, the complainant may file a complaint with the Director as described in §§38.69 through 38.71.

If the Complainant is dissatisfied with the resolution of his/her Complaint by the Local Area or WFD, the Complainant may file a new Complaint with the CRC within thirty (30) days of the date on which the Complainant receive the Notice of Final Action. If the Local Area or WFD does not respond within the 90 days, the Complainant may file a new Complaint with the CRC within thirty (30) days from receiving the Notice of Final Action or one hundred and twenty days (120) from the date on which the original Complaint was filed.

Local Area	TSCG-WFD	USDOL OIG
Northeast Georgia Regional Commission Workforce Division (WIOA) EO Officer: Rhonda Keeter 305 Research Drive Athens, GA 30606 Phone: 706-369-5703 rkeeter@negrc.org	Technical College System of Georgia, Office of Workforce Development Attn: Compliance Team 1800 Century Place N.E., Suite 150 Atlanta, GA 30345-4304 Phone: 404-679-1371 wioacompliance@tcsq.edu	United States Department of Labor, Director, Civil Rights Center (CRC) 200 Constitution Ave, NW Room N-4123 Washington, DC 20210 Form: http://www.dol.gov/oasam/programs/crc

All complaints filed with the Local Area must contain the following:

- a) The full name, telephone number (if any), address of the person making the complaint.
- b) The full name and address of the person or organization against whom the complaint is made.
- c) A brief, clear statement of the facts including the date(s) that the alleged violation occurred.
- d) May include attached documents.
- e) The relief requested including whether or not a formal hearing is requested (or the complainant's representative)
- f) A SIGNED written statement that the information included in the Complaint is true and correct.

A Complaint Form will be provided to the Complainant upon request

A Complaint may be amended to correct any technical deficiency at any time up until the date of the resolution OR the date of a hearing, if a hearing is requested. In the event the Complaint does not contain enough information to enable a resolution, the Local Area shall make reasonable efforts to contact the Complainant to gather additional, necessary information. In the event the Local Area lacks jurisdiction; the Local Area shall issue a written notice within 5 business days to the Complainant informing him/her of the lack of jurisdiction.

The Complaint Processing Procedures are as follows:

- 1) Initial, written notice to the complainant;
- 2) A written statement of the issue(s), provided by the complainant;
- 3) A period of fact-finding or investigation of the circumstances underlying the complaint;
- 4) A period during which recipient attempts to resolve the complaint, with an option of ADR; and
- 5) A written Notice of Final Action, provided to the complainant within ninety (90) days of the date on which the complaint was filed.

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 both WIOA and OCGA 20-2-1160.

.....

By signing below, I acknowledge that I have been made aware of Northeast Georgia Regional Commission's WIOA Grievance Procedures.

Print Name

Customer Signature

Date