



NORTHWEST GEORGIA REGIONAL COMMISSION
Workforce Innovation and Opportunity Act Program Services
Complaint/Grievance Policy and Procedures

Pursuant to section 181 and 188 of the Workforce Innovation and Opportunity Act (WIOA) and in compliance with 29 U.S.C. 3241 and 29 U.S.C 3248, the Northwest Georgia Workforce Development Board (WDB) shall adhere to an established complaint and grievance procedure.

The following complaint and grievance procedure shall be implemented for any complaints and/or grievances that arise at the Workforce Development Area – Region 1 (WIOA-1) level:

GENERAL POLICY

If any individual, group, or organization has a complaint, the problem should first be discussed informally between those involved before a grievance is filed. Applicants and Participants for services through WIOA Title I paid for by the Northwest Georgia Regional Commission (NWGRC) and/or the Northwest Georgia Regional Workforce Development Board (NWGWDB) will be treated fairly. Complaints/grievances should be filed in accordance with the written procedures established by Northwest Georgia Regional Commission. Signed and dated grievance forms with accurate contact information are 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 this program, you have the right to file a complaint/grievance.**

EQUAL OPPORTUNITY POLICY

NWGRC adheres to the following United States law: "No individual shall be excluded from participation, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any such program or activity because of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status), national origin (including Limited English Proficiency (LEP)), age, gender identity, disability, or political affiliation, belief, or against any beneficiary of being considered for any WIOA Title I financially assisted aid, benefit, service, or training, or an individual who has been determined eligible to participate in and who is receiving any aid, benefit, service or training under a program or activity financially assisted in whole or in part under Title I of WIOA, or citizenship/status as a lawfully admitted immigrant authorized to work in the United States." References include: The Workforce Innovation and Opportunity Act of 2014 P. L. 113-128 USDOL Regulations Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act of 2014 29 C.F.R.§ 38.1 effective January 3, 2017.

COMPLAINTS OF DISCRIMINATION

The NWGRC is prohibited from, and does not engage in, discriminating against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, gender identity, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I financially assisted 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 Northwest Georgia Regional Commission, WIOA Equal Opportunity Officer, Phyllis Walker, P.O. Box 1798, Rome, GA 30162-1798, 706.295.6485, TDD 800.255.0056, pwalker@nwgrc.org, or with the Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room 4123, Washington, DC 20210.

OR

Complaints may also be filed with the TCSG OWD Compliance Director, State-Level WIOA, Title I, Equal Opportunity Officer, Technical College System of Georgia, Office of Workforce Development, 1800 Century Place NE, Suite 150, Atlanta, GA 30345-4304, 404.679.1371, TTY/TDD 800.255.0056, WIOAcompliance@tcsge.edu.

Furthermore, the USDOL Civil Rights Center provides a complaint form which should be utilized, if sending a discrimination-based complaint, and can be found at <http://www.dol.gov/oasam/programs/crc/external-enforc-complaints.htm>

If the complainant chooses to file the discrimination complaint with the Northwest Georgia Regional Commission or with the TCSG OWD Compliance Director, State-Level WIOA, Title I, Equal Opportunity Officer, then the TCSG OWD Compliance Director, State-Level WIOA, Title I, Equal Opportunity Officer or the NWGRC has 90 days to resolve the complaint and issue a written Notice of Final Action. The Notice of Final Action for each issue raised in the complaint will contain a statement from either NWGRC or the TCSG OWD Compliance Director, State-Level WIOA, Title I, Equal Opportunity Officer, a decision on the issue and an explanation of the reason underlying the decision or a description of the way the parties resolved the issue.

If the complainant is dissatisfied with the resolution of his/her complaint at NWGRC or the TCSG OWD Compliance Director, State-Level WIOA, Title I, Equal Opportunity Officer, the complainant may file a new complaint with the Civil Rights Center (CRC) within 30 days of the date on which the complainant receives the Notice of Final Action. Options for resolving the complaint must include alternative dispute resolution (ADR) at the complainant's choice. The complainant may attempt ADR at any time after the complainant has filed a written complaint with NWGRC or the TCSG OWD Compliance Director, State-Level WIOA, Title I, Equal Opportunity Officer, but before a Notice of Final Action has been issued. The choice whether to use ADR or the customary process rests with the complainant. A party to any agreement reached under ADR may notify the Director in the event the agreement is breached. In such circumstances, the non-breaching party may notify the Director within 30 days of the date on which the non-breaching party learns of the alleged breach and 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 NWGRC's procedures. If the parties do not reach an agreement under ADR, the complainant may file a complaint with the EO Officer (or the person who has been designated for this purpose) or Director. Complaints filed with the Director should be sent to: The Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210, or electronically at www.dol.gov/crc.

If the TCSG OWD Compliance Director, State-Level WIOA, Title I, Equal Opportunity Officer, or NWGRC fails to issue the Notice within 90 days of the date on which the complaint was filed, the complainant may file a new complaint with CRC within 30 days of the expiration of the 90-day period (in other words, within 120 days of the date on which the original complaint was filed).

NWGRC will offer full cooperation with any local, state, or federal investigation in accordance with the aforementioned proceedings, or with any criminal investigation.

PROCEDURES FOR PROCESSING A COMPLAINT

At a minimum, the procedures will include the following elements:

1. Initial, written notice to the complainant that contains the following information:
 - a. An acknowledgment that the complaint has been received; and
 - b. Notice that the complainant and respondent have the right to be represented in the complaint process by an attorney or other representative;
 - c. Notice of rights contained in the Equal Opportunity poster; and
 - d. 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 non-English languages.
2. NWGRC will issue a written statement of the issue(s), provided to the complainant, that includes the following information:
 - a. A list of the issues raised in the complaint; and
 - b. For each such issue, a statement whether NWGRC will accept the issue for investigation or reject the issue, and the reasons for each rejection.
3. A 30 day period for fact finding or investigation of the circumstances underlying the complaint.

4. A 60 day period during which NWGRC attempts to resolve the complaint

Procedures for filing a complaint are listed at www.careerdepot.org.

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 one of the following:

1. TCSG OWD Compliance Director, State-Level WIOA, Title I, Equal Opportunity Officer
Tel: 404.679.1371, TTY/TDD 800.255.0056
Email: WIOAcompliance@tcsgeu
Mailing Address: Technical College System of Georgia, Office of Workforce Development
Attn: OWD Compliance Team
1800 Century Place, NE, Suite 150
Atlanta, GA 30345-4304
2. Georgia Office of Inspector General
Tel: 866.435.7644 (866.HELPOIG)
Mailing Address: 2 M.L.K. Jr. Drive, SW
1102 West Tower
Atlanta, Georgia 30334
Complaint Form: <http://oig.georgia.gov/file-Complaint>
3. United States Department of Labor, Office of Inspector General
Tel: 202.693.6999 or 800.347.3756
Mailing Address: Attn: Hotline, Office of Inspector General
U.S. Department of Labor
200 Constitution Avenue, NW
Room S-5506 Washington, D.C. 20210
Complaint Form: <https://www.oig.dol.gov/hotlinecontact.htm>

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 20-2-989.5.

ALL OTHER COMPLAINTS (VIOLATIONS OF THE ACT OR REGULATIONS)

All other complaints must be filed within 180 days after the act in question by first submitting a **written** request for resolution to:

Phyllis Walker
WIOA Equal Opportunity Officer
Northwest Georgia Regional Commission
P.O. Box 1798
Rome, Georgia 30162-1798
709.295.6485
pwalker@nwgrc.org

Boyd Austin
Executive Director
Northwest Georgia Regional Commission
P.O. Box 1798
Rome, GA 30165
706.295.6485
baustin@nwgrc.org

Complaints filed with NWGRC must contain the following:

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

For the grievance/complaint submission form, see pages six and seven of these procedures. The staff of the NWGRC shall provide assistance with the filing of the grievance/complaint submission form upon request of the person making the complaint. Such assistance may include, but shall not be limited to, providing instructions on how to file a complaint; providing reasonable accommodations to complainants with disabilities in accordance with Federal law; providing relevant copies of documents such as WIOA, regulations, local rules, contracts, etc.; and providing clarifications on the relevant provisions. This requirement shall not be interpreted as requiring the release of identifiable information.

A complaint will be considered to have been filed when NWGRC 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, the NWGRC WIOA Equal Opportunity Officer will initiate efforts with the complainant and others involved bringing 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 during the informal resolution effort, the NWGRC WIOA Equal Opportunity Officer will arrange appointment of a hearing officer to conduct a hearing for settlement of the complaint to be held within 60 days of grievance filing, if the complainant wishes. Complainant may request a hearing provided that such request must be written and addressed to the NWGRC WIOA Equal Opportunity Officer.

A complaint may be amended to correct a technical deficiency at any time up until the date of resolution or the date of a hearing, if a hearing is requested in writing prior to the issuance of a resolution. Complaints may be withdrawn by the complainant at any time prior to the issuance of a resolution. In the event a Complaint is received which does not contain enough information to enable the NWGRC to resolve the issue, the NWGRC shall make reasonable efforts to contact the complainant and gather additional, necessary information.

In the event that a complaint is filed and NWGRC lacks jurisdiction to resolve the complaint, NWGRC shall notify the complainant in writing within 5 business days of making such determination, informing him/her of their lack of jurisdiction.

NWGRC shall record all complaints in a complaint log. At a minimum, the following information shall be collected: complainant's name and contact information; the date the complaint was filed; the date the NWGRC issued a formal or informal resolution; and a brief description of the complaint. As the complaint log may contain personally identifiable information, the NWGRC shall take every step necessary to ensure the information is protected and only made available to staff or management authorized to view it. In compliance with 29 C.F.R. § 38.39, all alleged discrimination records will be kept at a minimum of three (3) years at a second facility. If the file is in litigation, the file will be kept until the issue has been resolved.

NWGRC shall issue a written resolution for each complaint received no later than 60 days from the date the complaint is filed. The written resolution shall contain the following, at a minimum:

- A recitation of the issues alleged in the complaint;
- A summary of any evidence and witnesses presented by the complainant and the respondent;
- An analysis of the issues as they relate to the facts; and
- A decision addressing each issue alleged in the complaint.

Every complainant shall have the opportunity for a hearing for any complaint that is filed. A request for a hearing must be made in writing by the complainant, preferably at the time the complaint is initially filed. However, a complainant may file a written request for a hearing within 60 days of the date the complaint was filed. If a request for a hearing is made, then the hearing shall be held as soon as reasonably possible to enable a resolution of the complaint no later than 60 days from the day the complaint is filed. The NWGRC shall use the following procedures if a hearing is requested:

Upon receiving written notice of the complainant's request for a hearing, the NWGRC shall respond in writing acknowledging the complainant's request and notifying the complainant and the respondent of the date of the hearing. Such acknowledgment and notice shall be transmitted to the complainant and the respondent within 10 business days of receipt of the complainant's request. The notice shall include, at a minimum:

1. The date of issuance;
2. The name of the complainant;
3. The name of the respondent against whom the complaint has been filed;
4. A statement reiterating that the complainant and respondent may be represented by legal counsel at the hearing;
5. The date, time, and place of the hearing, including the name of the hearing officer serving as an impartial party;
6. A statement of the alleged violations of WIOA (This may include clarification of the original complaint, but must accurately reflect the content of the submitted documentation of the complainant);
7. A copy of any policies or procedures for the hearing or identification of where such policies may be found; and
8. The name, address, and telephone number of the contact person issuing the notice.

The hearing must include an impartial hearing officer selected by the NWGRC; an opportunity for both the complainant and respondent to present an opening statement, witnesses and evidence; an opportunity for each party to cross-examine the other party's witnesses; and a record of the hearing which the NWGRC shall create and retain.

The hearing officer, considering the evidence presented by the complainant and respondent, shall issue a written decision which shall serve as the official resolution of the complaint. The decision shall include the following information, at a minimum: the date, time, and place of hearing; A recitation of the issues alleged in the complaint; a summary of any evidence and witnesses presented by the complainant and the respondent; an analysis of the issues as they relate to the facts; and a decision addressing each issue alleged in the complaint.

Hearings on any complaint/grievance filed shall be conducted within 30 days of any failed informal resolution. Written decisions shall be rendered not later than 60 days after the hearing. Attempts at informal resolution may proceed during the 30-day period between the filing and hearing of the complaint/grievance and prior to the rendering of a decision on the complaint/grievance.

If the complainant(s) does not receive a written decision from the Hearing Officer within 60 days of the hearing of the complaint/grievance, 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

<https://tcsgeorgia.edu/workforce/worksource-georgia/eo-and-grievance-procedure-information/>.

TCSG OWD Compliance Director, State-Level WIOA, Title I, Equal Opportunity Officer
Technical College System of Georgia, Office of Workforce Development
1800 Century Place NE, Suite 150
Atlanta, GA 30345-4304
Telephone: 404.679.1371, TTY/TDD 800.255.0056
Email: WIOAcompliance@tcsgeorgia.edu

Such appeal shall be filed within 60 days of the date of the written decision issued by the NWGRC.

The TCSG OWD Compliance Director, State-Level WIOA, Title I, Equal Opportunity Officer, 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. If the State does not respond within the 60 days, or either party wants to appeal the decision, WIOA allows for a formal appeal by certified mail, return receipt requested to Secretary, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210, Attention: ASET 202.693.3015. A copy of the appeal must be simultaneously provided to the appropriate ETA Regional Administrator and the opposing party.

Federal appeals must be made within 30 calendar days of the receipt of the local or State decision. USDOL will make a final decision no later than 120 days after receiving a formal appeal. USDOL will only investigate grievances and complaints arising through the established procedures. WIOA does not allow for federal intervention until and unless the proper, formal procedure has been followed.

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