

**NORTHWEST GEORGIA REGIONAL COMMISSION
GRIEVANCE PROCEDURE**

Pursuant to Section 122 and 181 of the Workforce Investment Act (WIA) and in keeping with the Department of Labor Implementation Regulations 20 CFR - Part 645 implementing Welfare-to-Work (WtW) grant provision of Title IV, Part A of the Social Security Act as amended, the Northwest Georgia Workforce Investment Board (WIB) shall adhere to an established grievance procedure and 20 CFR - Part 667 implementing the Workforce Investment Act.

The following grievance procedure shall be implemented for grievances arising at the Workforce Investment Area 1 (WIA-1) level:

1. Applicants, participants, One Stop partners, service providers, bidders, WtW or WIA funded staff or others alleging violations of the Acts, regulations, sub-grants, or other contracts under WtW or WIA (other than discrimination complaints) shall utilize the Grievance System in filing a complaint. Unsuccessful bidder's may also file grievances based upon violations of local procurement requirements or procedures. Individuals shall be informed of this right by either Northwest Georgia Regional Commission or the subcontractor as appropriate.
2. Except for complaints regarding discrimination, grievances arising at the grant sub-recipient level (including WIB, administrative entity, and service providers) must first exhaust available remedies and procedures at that level prior to their being brought for State review.
3. Complaints, unless otherwise specified, (except for those alleging fraud or criminal activity or discrimination) shall be filed within one year of the alleged occurrence.
4. Discrimination: Equal Opportunity is the Law

The grant sub-recipient is prohibited from discriminating on the ground of race, color, religion, sex, national origin, age, disability, political affiliation or belief and, for beneficiaries only, citizenship or participation in programs funded under the Welfare-to-Work Grant or Workforce Investment Act in admission or access to, opportunity or treatment in, or employment in the administration of or in connection with, any WtW or WIA funded program or activity. If you think that you have been subjected to discrimination under a WtW funded program or activity, you may file a complaint within 180 days from the date of the alleged violation with Phyllis S. Walker, Equal Opportunity Officer, P.O. Box 1798, Rome, Georgia 30162-1798, or you may file a complaint directly with the Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210. Only the Director of CRC, for good cause shown, may extend the filing time. [37.72 & 37.81]

If you elect to file your complaint with the grant sub-recipient, you must wait until the grant sub-recipient issues a decision or until 90 days have passed, whichever is sooner, before filing with CRC (see address above). If the grant sub-recipient has not provided you with a written decision within 90 days of the filing of the complaint, you need not wait for a decision to be issued, but may file a complaint with CRC within 30 days of the expiration of the 90-day period. If you are dissatisfied with the grant subrecipient's resolution of your complaint, you may file a complaint with CRC. Such complaint must be filed within 30 days of the date you received notice of the grant sub-recipient's proposed resolution.

5. Delegation of Process
 - a. Complaints arising from contracts or vendor agreements with Georgia public schools, such as

those which pertain to disciplinary actions of teachers or students, grading policy or teacher employment contracts will be handled by the grievance procedure outlined in OCGA 20-2-1160, 20-2-109, 20-2-50. Grievance hearings held by public school service providers should be consistent with State policy/procedures and must be initiated within 30 days of filing of the grievance and a decision rendered within 60 days of the filing date of the grievance. Where grievances arise in the areas outlined above, the service provider will submit to Northwest Georgia Regional Commission (CVRDC) within five (5) days, summaries or checklists of complaints filed. Hearings held, decisions rendered and appeals filed shall be provided to CVRDC within 10 days of the decision being finalized.

If a complainant does not receive a decision within 60 days of filing the complaint or receives an unsatisfactory decision, the complainant then has the right to request a review by the Governor. The request for review should be submitted to the State Superintendent of Schools, Georgia Department of Education, 2066 Twin Towers East, Atlanta, Georgia 30334. [NOTE: For the purpose of this section, the State Superintendent of Schools, or his/her designee, acts as the Governor's authorized representative.]

Complaints which pertain to terms of the contract between the school and CVRDC, which may include curriculum and course content, provision of teaching materials and equipment, eligibility, participant selection, or other terms made part of the contract, should be handled by the grievance procedure as presented in this section.

- b. Complaints arising at the employer level in On-the-Job Training (OJT) contracts regarding terms and conditions of participant(s)' employment shall first be handled through the employer's grievance procedure. However, in the event the grievance cannot be resolved following the employer's procedures, the complainant shall be advised that they may follow the WtW or WIA grievance procedure. Grievances pertaining to OJT contract terms should be handled through following the process described in the Northwest Georgia Regional Commission procedures.
- c. Complaints arising against the Career Centers of the Georgia Department of Labor should be filed with the complaint specialist located within the Career Center Office.
- d. Complaints of WtW or WIA funded personnel involving the terms and conditions of employment should follow the employing agency's procedures. The procedures must be exhausted before submitting a complaint according to WtW or WIA procedures.
- e. Labor Standards Violations: Whenever participants have complaints alleging a labor standards violation, they may use the established local and State Grievance Procedures or choose to submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties to the grievance so provides.

All other grievances of applicants, participants, One Stop partners, service providers, bidders, WtW or WIA funded staff, and other interested persons not applicable to the above categories shall follow the procedures listed below:

1. Complaints arising at the WIA-1 level must be made within one year of the alleged occurrence and must be in writing, signed by the complainant and include the following information:
 - a. the full name, telephone number (if any) and address of the person making the complaint;
 - b. the full name and address of the respondent against whom the complaint is made;
 - c. a clear and concise statement of the facts, including pertinent dates, constituting the alleged violation; and
 - d. the type of relief requested.

A request will be considered to have been filed when the reviewing authority receives from the complainant a written statement, including information specified above which contains sufficient facts and arguments to evaluate the complaint.

2. Offerors/bidders should submit complaints regarding the awarding of contracts within 30 days of receipt of notification in order to informally resolve their concerns in a timely manner. Offerors/bidders may appeal only if it is based on violations of specific section(s) of the pertinent Acts, Federal Regulations, or State or local procurement requirements or procedures. If informal resolution is not possible, the bidder should follow the procedures contained herein. Appeals will be reviewed strictly on the basis of adherence to established procedures, and determination of fact made during a local level review will be accepted as such.
3. Complaints must be submitted to the Executive Director, Northwest Georgia Regional Commission, P.O. Box 1798, Rome, Georgia 30162-1798.
4. The Northwest Georgia Regional Commission shall investigate the complaints and attempt to resolve the matter informally during the 30 day period between filing and hearing of a grievance and prior to the rendering of a decision.
5. If the complaint cannot be resolved informally, a hearing shall be conducted within 30 days of receipt of the complaint. When a hearing is necessary, the complainant and the respondent will be given reasonable notification by registered, or certified mail, or by hand written signature indicating receipt. This notice must include:
 - a. a statement of the date, time and place of hearing;
 - b. a statement of the authority and jurisdiction under which the hearing is to be held;
 - c. a reference to the particular section of the Act, regulations, sub-grant or other contract under the Act involved;
 - d. notice to the parties of the specific charges involved;
 - e. a statement of the right of both parties to be represented by legal counsel;
 - f. an indication of the right of each party to present evidence, both written and through witnesses; and
 - g. a statement of the right of each party to cross examination.
6. A hearing can be rescheduled at the request of either party for just cause.
7. The Executive Committee of the Northwest Georgia WIB shall select, by majority vote, the individual to serve as the hearing officer. The hearing officer should have complete independence in obtaining facts and making decisions. The hearing officer must be in a position to render decisions that are both fair and impartial. Staff and/or other parties may serve as the hearing officer. However, no WIB or staff member who has been directly involved in the events from which the complaint arose shall serve as a decision-maker in such complaints. Additionally, the individual must not be a subordinate of the grant sub-recipient staff involved in administering the program, and should not be involved in any way in the issue causing the complaint. If the complaint is against the WIB, an impartial person will be secured to serve as the hearing officer by the Chairman of the Council of Chief Elected Officials (CCEO). Impartial hearing officers shall be chosen from qualified individuals with expertise in the area from which the complaint arises. The right to an impartial decision-maker shall not be abrogated by the Northwest Georgia WIB, Coosa Valley/North Georgia CCEO, or by the CVRDC. If either party to the complaint is aware of facts or circumstances that put the designated hearing officer's independence or impartiality in question, the appointing body should be notified immediately. As appropriate, an alternate should be appointed/selected. In all cases, documentation regarding the allegation and how it was handled should be included in the file.

8. The hearing officer, shall have the authority to direct preparation of and review a complete file on the case prior to the hearing, to regulate the course of the hearing, set the date, time and place for continued hearings; direct parties to appear at the hearing; hold hearings; receive evidence; dispose of procedural requests; consider and evaluate facts, evidence, and arguments, to determine credibility; render decisions and issue it in writing to all parties involved; and provide the complete record.
9. The hearing officer shall conduct the hearing as specified by the Georgia Department of Labor policies and procedures. Responsibilities of the hearing officer are also specified in these policies and procedures.
10. A complete record of the hearing shall be made and maintained for three (3) years and include the following:
 - a. all pleadings, motions and intermediate rulings;
 - b. detailed minutes or mechanical recording of the oral testimony plus all other evidence received or considered;
 - c. a statement of matters officially noted;
 - d. all staff memoranda or data submitted to the decision-maker in connection with their consideration of the case;
 - e. findings of fact based on the evidence submitted at the hearing;
 - f. notification of further appeal procedures, if applicable; and
 - g. final decision of the hearing officer.
11. The hearing procedure should be conducted informally consistent with the Georgia Workforce Investment Act (WIA) Workforce System Guidelines and may be terminated at any point if the parties to the hearing negotiate a written agreement that resolves the issue(s) which gave rise to the hearing as long as such agreement does not violate State or Federal law.
12. Decisions regarding the complaint shall be made not later than 60 days after filing of a grievance. The decision shall be provided to the parties by certified mail.
13. A written report of all complaints received within the Workforce Investment Act region will be filed with DOL by the 10th of the month following the report month. The report will include the name of the complainant, the name and/or organization of the respondent, the date the complaint was filed, nature of the complaint, and the resolution of the complaint (if rendered). This report will not be filed when no complaints are received during the prior month. If there are complaints or status updates on previous complaints, a report must be sent to the State by the 10th day of the month.
14. Within 30 days , the local workforce area shall offer mediation for resolution of the complaint to the complainant and notify the complainant of their right to file a complaint with the Department or with the Director of CRC and inform the complainant that this right must be exercised within 30 days after the date on which the complainant receives the notice. [37.79]

If, by the end of 30 days, the local area has not completed its processing of the complaint or has failed to notify the complainant of the resolution, the complainant or his representative may, within 30 day, file with GDOL's EO Administrator, prior to filing with the Director of CRC. Within 30 days of the 90-day period or within 120 days of the date on which the complaint was filed with the local workforce area or State, the complainant shall file with the Director of CRC.

The Director of CRC may extend the 30-day time limit for good cause show. [37.78]

The local workforce area and/or State shall notify the complainant immediately in writing upon determining that it does not have jurisdiction over the complaint. The notice shall be in writing, include reasons for determination, and state the complainant's right to file with the Director of CRC within 30 days

of the notice. [37.78]

15. Local workforce area partners shall offer mediation immediately upon receipt of a formal complaint, and shall, within seven days, forward to GDOL; the name and address of the complainant, nature and basis for complaint, and the date the complaint was filed. Available information shall be entered into the Discrimination Complaint Lob and the local workforce area's EO officer shall begin to investigate and gather information regarding the complaint. The hearing date, the date the investigation was completed, the date the informal decision was issued, or the date of formal resolution and the nature of the final disposition shall be forwarded to the State EO Administrator as soon as known.

The local workforce area EO officer shall determine whether the local area has jurisdiction over the complaint, the timeliness of the complaint and the apparent merit of the complaint, and whether the allegation, if true, would violate any of the nondiscrimination and equal opportunity provisions. If not, the local workforce area is required to notify the complainant in writing. This notice of Lack of Jurisdiction must include the following:

- A statement of the reasons for that determination
- Notice that the complainant has a right to file a complaint with CRC within 60 days of the date on which the complainant receives the notice.

The local workforce area is required to conduct an investigation and issue a written Notice of Final Action no later than 90 days from the date the complaint was received. [37.30]

The grantee must make certain the complainant is aware of all processing time frames as outlined below and in the EO notice.

GOVERNOR'S REVIEW OF THE COMPLAINT

The complainant shall be informed of the right to request a review of his/her complaint by the Governor if:

- 1) the complainant does not receive a decision at the Coosa Valley WIA-1 level within 60 days of filing the complaint, or
- 2) the complainant receives a decision unsatisfactory to him/her.

The request for review should be submitted to the Commissioner, Georgia Department of Labor, 148 Andrew Young International Blvd., N.E., Suite 600, Atlanta, Georgia 30303-1751. [NOTE: For the purpose of this section, the Commissioner of the Georgia Department of Labor, or his designee, acts as the Governor's authorized representative.] The request for review of the complaint by the Governor must be filed within 10 days of receipt of the adverse decision or within 10 days from the date on which the complainant should have received a decision. The Governor will conduct a review of the complaint and issue a decision within 30 days from the date of receipt of the review request. The decision rendered by the Governor will be final. [Refer to 2(c) above for appeal procedure for disability discrimination complaints.]

U.S. DEPARTMENT OF LABOR REVIEW

The U.S. Department of Labor (USDOL) may review allegations arising through the grievance procedures when:

1. A decision on a grievance or complaint under §667.600(d) has not been reached within 60 days of receipt of the grievance or complaint or within 60 days of receipt of the request for appeal of a local level grievance and either party appeals to the Secretary of USDOL; or
2. A decision on a grievance or complaint under §667.600(d) has been reached and the party to which such decision is adverse appeals to the Secretary.

A decision on an appeal filed with USDOL must be made no later than 120 days after USDOL received the appeal.

Appeals made under (2) of this section must be filed within 60 days of the receipt of the decision being appealed. Appeals made under (1) of this section must be filed within 120 days of the filing of the grievance with the State, or the filing of the appeal of a local grievance with the State. All appeals must be submitted by certified mail, return receipt requested, to the:

Secretary of Labor
U.S. Department of Labor; ATTN: ASET
Frances Perkins Building Room N 5309
200 Constitution Avenue, NW
Washington, DC 20210.

A copy of the appeal must be simultaneously provided to the opposing party and to USDOL Region III ETA Regional Administrator.

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 USDOL notifies the parties that it will investigate the grievance under the procedures at §667.505. Discrimination complaints brought under WIA section 188 or 29 CFR part 37 will be referred to the Director of the Civil Rights Center.

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