

WORKSOURCE COASTAL Policies and Procedures Manual

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WSC 22-029 Grievance/Complaint Procedures and Equal Opportunity Policy

I. Purpose

To establish guidelines for filing a grievance/complaint if any individual, group or organization feels excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any such program or activity funded by the Workforce Innovation and Opportunity Act (WIOA) of 2014, paid for by WorkSource Coastal (WSC), because of race, color, religion, sex, national origin, age, disability, or political affiliation, 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 financially assisted program or activity.

II. Definitions

A complaint is an allegation of discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, or participation in the program, and is covered by the nondiscrimination and equal opportunity provisions at 29 CFR 38.35. An allegation of retaliation, intimidation or reprisal for taking action or participating in any action to secure rights protected under WIOA will be processed as a complaint.

A grievance is a complaint about services, working conditions, wages, work assignment, etc., arising in connection with WIOA programs operated by WIOA recipients including service providers, eligible training providers, and other contractors.

III. General Qualifications and Restrictions

In compliance with **29 CFR 38.35**, Individuals applying for or receiving services, contractors, and employees of Workforce Innovation and Opportunity Act (WIOA) of 2014 funded programs or activities paid for by WorkSource Coastal will be treated fairly. If any individual, group, or organization has a complaint, the problem should first be discussed informally between those involved before a grievance is filed. If a registrant alleges to have been harmed by a violation of the Workforce Innovation and Opportunity Act (WIOA) of 2014 or regulations of this program, the registrant has the right to file a grievance/complaint.

29 C.F.R. §38.35- Equal opportunity notice/poster.

The notice must contain the following specific wording:

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:

The recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or

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.

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.

29 C.F.R. §38.69 Complaint filing.

(a) Any person or the person's representative who believes that any of the following circumstances exist may file a written complaint:

(1) A person, or any specific class of individuals, has been or is being discriminated against on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, citizenship status, or participation in any WIOA Title I-financially assisted program or activity as prohibited by WIOA or this part.

(2) Either the person, or any specific class of individuals, has been or is being retaliated against as described in §38.19.

(b) A person or the person's representative may file a complaint with either the recipient's EO Officer (or the person the recipient has designated for this purpose) or the Director. Complaints filed with the Director should be sent to the address listed in the notice or filed electronically as described in the notice in §38.35.

(c) Generally, a complaint must be filed within 180 days of the alleged discrimination or retaliation. However, for good cause shown, the Director may extend the filing time. The time period for filing is for the administrative convenience of CRC, and does not create a defense for the respondent.

29 C.F.R. §38.72 Required elements of a recipient's complaint processing procedures.

(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:

(A) The recipient's decision on the issue and an explanation of the reasons underlying the decision; or

(B) 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.

29 C.F.R. §38.74 Recipient's obligations when it determines that it has no jurisdiction over a complaint.

If a recipient determines that it does not have jurisdiction over a complaint, it must notify the complainant, in writing within five business days of making such determination. This Notice of Lack of Jurisdiction must include:

(a) A statement of the reasons for that determination; and

(b) Notice that the complainant has a right to file a complaint with CRC within 30 days of the date on which the complainant receives the Notice.

IV. Local Policy

Individuals applying for or receiving services through the Workforce Innovation and Opportunity Act Title I (WIOA) paid for by the Coastal Workforce Development Board (CWDB) will be treated fairly. If any individual, group or organization has a complaint, the problem should first be discussed informally between those involved before a grievance is filed. Grievances should be filed in accordance with the written procedures established by the CWDB. If you believe you have been harmed by the violation of the Workforce Innovation and Opportunity Act or regulations of the program, you have the right to file a grievance.

1) Equal Opportunity Policy

The Coastal Workforce Development Board (CWDB) adheres to the following United States law: "No individual shall be excluded from participation in, 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, national origin, age, disability, or political affiliation, 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 financially assisted program or activity

Complaint Process

1. All complaints/grievances related to Workforce Innovation and Opportunity Act (WIOA) and Supplemental Nutritional Assistance Program (SNAP) programs are required to be filed within one year of the date of the event that gave rise to the grievance.
2. Every attempt will be made to resolve the issue/complaint without escalating to a written grievance/complaint. If the issue is unable to be resolved to the individual's satisfaction continue with the process.

3. All grievances shall be in writing and contain, to the extent practicable, the following information:
 - The full name, address, and telephone number of the petitioner;
 - The full name and address of the party against whom the respondent(s);
 - A clear and concise statement of the facts, as alleged, including the pertinent dates, constituting the alleged violation;
 - The provision of the act, regulations, grant, contract, or other agreements under the act believed to have been violated; and
 - The relief requested.
 - The complainant to sign and date the document.
 - Staff will provide a copy of the complaint to the WIOA Equal Opportunity Officer within 48 hours of the filing.
 - Telephoned complaints cannot be accepted, but should be documented.
 - A request will be considered to have been filed when the reviewing authority receives from the complainant a written statement, including the information specified above which contains sufficient facts and arguments to evaluate the complaint.
 - Provider staff should assist the complainant in completing and referring the CWDB Complaint form to the EO Officer. **See Attachment A: CWDB Complaint Form.**
4. The grievance may be rejected by CWDB if:
 1. It lacks merit,
 2. It is determined that the petitioner fails to state a grievable issue,
 3. There is no relief that can be granted,
 4. If the petitioner fails to comply with the procedures prescribed in this policy.
5. CWDB will inform the petitioner and respondent in writing of the reason(s) the grievance was rejected. The notification will be issued as soon as possible or within 60 days from the date the grievance was filed and will include the opportunity to appeal to the Technical College System of Georgia—Office of Workforce Development.
6. A hearing on a local grievance shall be conducted within 30 days from the date the grievance was filed, and a decision must be rendered no later than 60 days from the date the grievance was filed. For WIOA-related grievances, a local level hearing shall be conducted. A local level hearing is not required if the grievance can be resolved without one or the petitioner withdraws the grievance.
7. If a hearing is to be conducted, CWDB will provide written notice to the petitioner and respondent. The notice shall include the date, time, and place of the hearing and a description of the hearing process (i.e. opportunity for the parties to present evidence, ask questions, etc.). The notice of the hearing shall indicate the issues to be decided. Notice shall be given not less than 10 days prior to the scheduled hearing date.
8. If complainant finds the local hearing decision unsatisfactory or if CWDB does not respond to complainant in the allotted 60 days, complainant will have the opportunity to file a request for review by the State using the WIOA Complaint Information Form in available on <https://tcsge.edu/worksource/resources-for-practitioners/eo-and-grievance-procedure-information/>. **See Attachment B: TCSG-OWD WIOA Grievance Information Form.**
9. At the state level, 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 to the USDOL.

10. 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.

PROCEDURE FOR FILING DISCRIMINATION-RELATED COMPLAINTS

CWDB is prohibited from discriminating on the grounds of race, color, religion, national origin, age, sex, disability, political affiliation, or belief and for beneficiaries only, citizenship or participation in programs funded under the Workforce Innovation and Opportunity Act (WIOA), in admission or access to, opportunity or treatment in, or employment in the administration of or in connection with, any WIOA funded 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:

**Executive Director
WorkSource Coastal
7216 Skidaway Road, Suite A
Savannah, GA 31406
(912) 351-8829**

**EO Officer/Angela Jenkins
WorkSource Coastal
7216 Skidaway Road, Suite A
Savannah, GA 31406
(912) 351-6381**

If you elect to file your complaint with the Technical College System of Georgia, Office of Workforce Development, you must wait until the CWDB issues a decision or until 30 days have passed, whichever is sooner, before filing with TCSG, OWD.

TECHNICAL COLLEGE SYSTEM OF GEORGIA-OFFICE OF WORKFORCE DEVELOPMENT (TCSG-OWD) DISCRIMINATION COMPLAINT PROCESS:

- A. Every WIOA grantee, subrecipient, contractor, or other WIA/WIOA conduit or recipient entity must notify customers, applicants, employees, and members of the public of their rights under the laws enforced by the USDOL, CRC, including where and when to file discrimination complaints under the State or local process where applicable.
- B. All discrimination-based complaints must be filed within 180 days of the alleged discrimination.
- C. The complainant has the right to be represented in the complaint process by an attorney or other representative.
- D. If the complainant chooses to file the discrimination complaint with the CWDB or OWD, then OWD or CWDB has 90 days to resolve the complaint and issue a written Notice of Final Action. Options for resolving the complaint must include alternative dispute resolution (ADR), at the complainant's choice.
- E. If the complainant is dissatisfied with the resolution of his/her complaint at the state or local level, the complainant may file a new complaint with CRC within 30 days of the date on which the complainant receives the Notice of Final Action.

- F. If OWD, or CWDB 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).
- G. Further, OWD will offer full cooperation with any local, state, or federal investigation in accordance with the aforementioned proceedings, or with any criminal investigation.

Relevant Contact Information:

CONTACT STATE COMPLIANCE REPRESENTATIVES AT THE OFFICE OF WORKFORCE DEVELOPMENT:

Attention: Compliance Director
Technical College System of Georgia- Office of Workforce Development
1800 Century Place NE
Atlanta, GA 30345
Phone: 404-679-1371
Submissions should be sent to: WIOAcompliance@tcsq.edu

Attention: Assistant Commissioner for Workforce Development
Technical College System of Georgia – Office of Workforce Development
1800 Century Place NE
Atlanta, GA 30345
Phone: (404) 679-4970

CONTACT COMPLIANCE REPRESENTATIVES AT THE US DEPARTMENT OF LABOR:

Director, Civil Rights Center (CRC),
U.S. Department of Labor
200 Constitution Ave, NW Suite N-4123
Washington, DC 20210

Use form at: <http://www.dol.gov/oasam/programs/crc/DL1-2014A-Rev-April-2011.pdf>. People with Hearing Impairments may contact the Georgia Relay Center at 1-800-255-0056 or by dialing 711.

SUSPECTED FRAUD, ABUSE OR OTHER ALLEGED CRIMINAL ACTIVITY

In case of suspected fraud, abuse, or other alleged criminal activity, you should direct your concerns to the Georgia Office of Inspector General, 1-866-435-7644 or email at inspector.general@oig.ga.gov.