



Policy Update

Policy: UCLWDB Grievance and Complaint Policy

Revision Date: December 15, 2020

What is the purpose of this policy?

This policy outlines the process, including required documentation, to address complaints at the local level.

Have there been any changes since the last policy?

This policy incorporates recent TDLWD guidance that differentiates complaints as they relate to four (4) separate categories:

- Complaints alleging discrimination or denial of equal opportunity;
- Complaints alleging unjust denial of WIOA services;
- Complaints alleging hostile work environment against employers that are not related to WIOA-funded programs or training; and
- Complaints made by staff within the LWDA against other LWDA staff or sub-recipient entity.

The previous version of this policy did not address complaints by staff within the AJC. Updated TDLWD guidance now allows the UCLWDB an effective and supportive pathway for handling such matters. It also better clarifies what types of complaints are WIOA involved and therefore, must be investigated and offered local resolution. Procedures for processing AJC Complaint Logs have also been added.

Action Required:

Within 15 days of the receipt of this policy it is the recipient's responsibility to ensure all staff are informed of the policy and create an internal process to ensure accountability.



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**Upper Cumberland
Local Workforce Development Board
POLICIES AND PROCEDURES**

Title: GRIEVANCE AND COMPLAINT RESOLUTION POLICY

Date of Adoption: September 25, 2018

Date of Revision: December 15, 2020

PURPOSE: To provide policy and procedures for the Upper Cumberland Local Workforce Development Board (UCLWDB) required under WIOA regarding grievances and complaints from participants, subgrantees, Local Workforce Development Boards, and other interested parties.

POLICY: This grievance and complaint policy, procedures, signed acknowledgements, and related documentation shall be maintained and made available for review by TDLWD. The processes described in this guidance shall be made available in hard copy and posted on the UCLWDB website and shall be made available in accessible formats for persons with disabilities or other barriers. Grievance procedures shall be posted and accessible in areas where program services are provided. All grievances received shall be documented and maintained for a period of three (3) years after the closeout of the grant or contract.

I. American Job Center Complaint Log:

Complaint Logs are the official recording method used to document individuals expressing interest in submitting a complaint. Each log entry must be updated to reflect if and how the claim was processed to resolution. The following list details requirements for American Job Centers (AJC) Complaint Log submissions:

- Complaint logs must be sent for all comprehensive and affiliate AJCs within the Upper Cumberland.
- Complaint logs must be submitted for each quarter, regardless of whether any complaints were filed. Logs that do not reflect a complaint for the quarter must clearly state 'No complaints filed',

or similar language, to indicate that the logs were not submitted with incomplete information. Blank logs will not be accepted.

- Complaint logs must identify the AJC city, reporting period, and reporting quarter. For example: “2019-2020 Q4 Cookeville Complaint Log”
- The complaint log must be cumulative for the fiscal year (October 1 to September 30). The same form must be used throughout the entire year, and updated as needed. For example, complaints that were indicated to be pending in previous quarters will be updated to reflect action steps or final resolution.
- The log must reflect the correct reporting period (listed below) and contain sufficient detail to identify:
 - Who filed the complaint, who received the complaint,
 - What the complaint alleges,
 - Where the complaint was filed, and
 - When the complaint was filed.
- All logs must be submitted to the UCLWDB EO Officer no later than ten (10) business days prior to the TDLWD deadline for submissions. AJC Team Leads are responsible for submitting Comprehensive Site logs to the UCLWDB EO Officer. The OSO is responsible for submitting Affiliate Site logs to the UCLWDB EO Officer. The UCLWDB EO Officer will review logs for completeness and accuracy, then send them to Workforce.Board@tn.gov. Logs sent directly from AJC Team Leads to the TDLWD Central Office will not be accepted.

Reporting periods and deadlines for complaint log submission are as follows:

Quarters	Fiscal Year Reporting Periods	Deadlines for Submissions
Quarter 1	October 1 to December 31	January 30
Quarter 2	January 1 to March 31	April 30
Quarter 3	April 1 to June 31	July 30
Quarter 4	July 1 to September 31	October 30

II. Procedures for Filing Customer Complaints:

The following process must be in place and adhered to in each UCLWDB American Job Center (AJC) when a customer files a complaint:

1. When the customer asks to file a complaint, the AJC site lead (or staff assisting customer in the absence of the site lead) must provide a copy of the Grievance and Complaint Resolution Procedures Guidance and this local policy (to include Attachment I) and a copy of the Complaint/Apparent Violation Form (ECA 8429). The site lead or staff assisting the customer must enter the information regarding the complaint on their AJC complaint log at this time.
2. The customer must file the complaint within one hundred eighty (180) calendar days of the alleged occurrence. The complaint is considered to be filed the date the customer returns the completed and signed paperwork to the AJC. If the complainant is a person with disabilities, staff should offer assistance in completing the form where necessary. If the customer does not return to file the complaint within 180 calendar days, the complaint log must reflect this.

3. The complainant's information can be left out allowing the complainant to remain anonymous if the form is being used to record an apparent violation. Further, the form does not require the signature of the complainant if it is an apparent violation (*Training and Employment Notice No. 01-17*).
4. A copy of the complaint form must be emailed by the site lead to the One-Stop Operator and UCLWDB EO Officer. The UCLWDB EO Officer is responsible for emailing a copy to WIOA.complaints@tn.gov.
5. The UCLWDB EO Officer will determine the type of complaint involved based upon the complainant's allegations. If it is determined to be a non-WIOA matter, the complaint will be referred to the appropriate organization as outlined in the UCLWDB Grievance and Complaint Policy. If it is determined to be a WIOA involved matter, this is the point where the UCLWDB will begin to investigate and work to resolve the issue. Only the UCLWDB EO Officer, Executive Director or their express designee are authorized to conduct investigations.
6. Efforts will be made by the local AJC management, Regional Director, and UCLWDB staff to resolve any issues at the local level which include the following:
 - a. UCLWDB, UCLWDB staff and service providers will adhere to TDLWD and UCLWDB Complaint and Grievance Resolution Policies. Steps I-III of this Attachment will be followed by AJC staff when a customer presents a complaint or grievance and one-on-one assistance will be provided for individuals with disabilities when necessary.
 - b. UCLWDB will present the individual with an opportunity for an informal resolution and a hearing, which must be completed within sixty (60) days of filing the complaint.
 - c. Individuals who are a party to a collective bargaining agreement and allege a labor standards violation will be given the opportunity to submit the grievance to a binding-arbitration procedure.
 - d. A local level appeal may be made to the TDLWD central office staff when no decision has been made within sixty (60) days or either party is dissatisfied with the local hearing decision.
7. In the event that a complaint or grievance cannot be resolved at the local level within 60 days or an appeal is requested, the dissatisfied party must appeal the decision by emailing the complaint form and any other pertinent information to WIOA.complaint@tn.gov.
8. The TDLWD WIOA Compliance Officer will have sixty (60) days to review the submitted documentation and will:
 - a. Issue a resolution based on the evidence provided, or
 - b. Hold a hearing to attempt to resolve the complaint or grievance

9. The Secretary (DOL) investigates allegations arising through the grievance procedures when:
 - a. A decision on a grievance or complaint has not been reached within sixty (60) days of receipt of the grievance or complaint or within sixty (60) days of receipt of the request for appeal of a local level grievance and either party appeals to the Secretary, or
 - b. A decision on a grievance or complaint has been reached and the party to which such decision are adverse appeals to the Secretary.
 - c. The Secretary must make a final decision on an appeal no later than one hundred twenty (120) days after receiving the appeal.

III. Procedures for Processing Customer Complaints:

Once the signed ETA Complaint/Apparent Violation form has been filed, the following procedures will be utilized in dealing with grievances and complaints, to include an opportunity for participants and other interested parties to allege: discrimination and denial of equal employment, unjust denial of WIOA services that are not discriminatory in nature, hostile work environment experienced during participation in a WIOA-funded program, other complaints against employers that relate a WIOA-funded program, and complaints made by staff within the UCLWDB against either other staff or against a sub-recipient entity. Individuals who are party to a collective bargaining agreement and allege labor standards violations will be given the opportunity to submit the grievance to a binding-arbitration procedure.

A. Complaints Regarding Discrimination and Equal Employment:

The UCLWDB Equal Opportunity Officer (Local EO Officer) must directly oversee, investigate, and document complaints alleging discrimination or denial of equal opportunity. An opportunity for informal resolution and a local level hearing will be completed within sixty (60) calendar days of filing the complaint. Documentation must include, but is not limited to:

- Employment and Training Administration (ETA) Complaint/Apparent Violation Form;
- Email correspondences related to the complaint; and
- Meeting minutes regarding any in-person adjudication between UCLWDB staff and the complainant, if applicable.
- An opportunity for a local-level appeal to TDLWD Central Office staff if no decision has been made within sixty (60) calendar days; or either party is dissatisfied with the local decision.

B. Complaints Regarding Denial of WIOA Services:

The UCLWDB Staff Executive Director, or their designee, must directly oversee the adjudication process for complaints alleging unjust denial of WIOA services that do not allege discrimination or denial of equal opportunity. An opportunity for informal resolution and a local level hearing will be completed within sixty (60) calendar days of filing the complaint. Documentation must include, but is not limited to:

- Employment and Training Administration (ETA) Complaint/Apparent Violation Form;
- Email correspondence related to the complaint; and
- Meeting minutes regarding any in-person adjudication between LWDA staff and the complainant, if applicable.

An opportunity for a local-level appeal to TDLWD Central Office staff when no decision has been made within sixty (60) calendar days; or either party is dissatisfied with the local decision.

C. Complaints Regarding Hostile Work Environment, Related to American Job Center Staff:

The UCLWDB Staff Executive Director, or their designee, must directly oversee the adjudication process for complaints made by LWDA staff against other LWDA staff or a sub-recipient entity. An opportunity for informal resolution and a local level hearing will be completed within sixty (60) calendar days of filing the complaint Documentation must include, but is not limited to:

- Employment and Training Administration (ETA) Complaint/Apparent Violation Form;
- Email correspondence related to the complaint; and
- Meeting minutes regarding any in-person adjudication between LWDA staff and the complainant, if applicable.

An opportunity for a local-level appeal to TDLWD Central office staff when no decision has been made within sixty (60) calendar days; or either party is dissatisfied with the local decision.

D. Complaints Regarding Hostile Work Environment, Unrelated to American Job Center Staff:

The One Stop Operator (OSO) Director must ensure complaints alleging a hostile work environment or other unfair treatment by an employer are appropriately forwarded to either the Labor Standards Unit or the Tennessee Occupational Safety and Health Administration (TOSHA).

Complaints to the Labor Standards Unit:

- Request inspections of child-labor and non-smoker protection
- Processes claims for unpaid wages
- Investigate if there are allegations of unlawful hiring practices related to illegal aliens and whether workers are lawfully authorized to work.

More information can be accessed through the following link:

<https://www.tn.gov/workforce/employees/safety-health/tosha-redirect/fice-a-safety-complaint.html>

Complaints to TOSHA:

- Request inspections if concerned with the possible existence of safety and health hazards.

More information can be accessed through the following link:

<https://www.tn.gov/workforce/employees/safety-health/tosha-redirect/file-a-safety-complaint.html>

The OSO Director must assist the complainant to file a complaint with the aforementioned organizations, to include follow up with the customer to confirm that transfer between organizations. This process must be reflected in AJC Complaint Log and documentation must be maintained at the AJC.

IV. Reporting Fraud, Waste, and Abuse:

Information and complaints involving criminal fraud, abuse, or other criminal activity must be reported immediately in one of three ways:

Tennessee Comptroller of Treasury:

Contact the Fraud, Waste and Abuse Hotline at 1 (800) 232-5454.

Office of Investigations, Region 3

Send an Incident Report to:

Atlanta Regional Office

Office of Investigations: United States Department of Labor

61 Forsyth Street Southwest

Room 6T1

Atlanta, GA 30303

Office of Investigations:

Send an Incident Report to:

Inspector General

Office of Investigations (OIG) Room S5514

U.S. Department of Labor

200 Constitution Avenue, Northwest

Washington, DC 20210

Employment and Training Administration:

Simultaneously provide a copy of the Office of Investigations Incident Report to:

<https://www.oig.dol.gov/contract.htm> or call 1 (800) 347-3756.

DEFINITIONS:

Complainant- the party that files the grievance.

Days- consecutive calendar days, including weekends and holidays.

Grievance- a written complaint filed in accordance with this policy.

Informal Resolution- an opportunity to resolve complaints informally before they become grievances

Interested Parties- includes participants, subgrantees, subcontractors, service providers, One-Stop Partners, providers of training services, and other relevant parties.

Service Providers- recipients or subrecipients of WIOA Federal financial assistance that are awarded contracts to provide WIOA services under the local area or WIOA subrecipient.

ATTACHMENTS:

Attachment I- Customer Process to File a Complaint and ETA Compliant/Apparent Violation Form

EFFECTIVE DATE: December 15, 2020

DURATION: Indefinite

CONTACT: For questions regarding this policy, contact Becky Hull, Executive Director, Upper Cumberland Local Workforce Development Board at bhull@ucworkforce.org



Board Chairperson, UCLWDB



Attachment I

Customer Process to File a Complaint and ETA 8429 Complaint Form

The following steps must be completed by the customer and staff when a customer requests to file a formal complaint:

- I. American Job Center (AJC) staff must provide the customer a copy of the TDLWD Grievance and Complaint Resolution Procedures Guidance, this local policy, and a copy of the Complaint/Apparent Violation Form (ETA 8429). AJC staff should provide contact information for the AJC site lead who will be receiving the completed form.
- II. The customer must file the complaint within one hundred eighty (180) calendar days of the alleged occurrence. The complaint is considered to be filed the date the customer returns the completed paperwork to the AJC.
- III. The customer must fill out Part I of the Complaint/Apparent Violation Form and submit the form to the site lead; this document formally identifies the program and provides an opportunity to describe the circumstances that lead to the grievance or provide a description of the apparent violation. The customer will submit this form to the AJC site lead. Individuals with disabilities will be provided assistance with this process when necessary. Information must be provided to the customer on whom the form should be returned to, as well as where and when to return the form.
- IV. The complainant's information can be left out allowing the complaint to remain anonymous if the form is being used to record an apparent violation. Further, the form does not require signature of the complainant if it is an apparent violation (*Training and Employment Notice 01-17*). The customer will be given a copy for their records.

- V. The customer will receive a response from the AJC, which will issue a local resolution determination on all WIOA-involved complaints, within sixty (60) days of filing the Complaint/Alleged Violation Form (ETA 8429).
- a. If a determination has not been made within sixty (60) days, or the customer is dissatisfied with the decision, then the complaint can be appealed to the TDLWD. Appeal requests should be directed to WIOA.complaints@tn.gov
 - b. The TDLWD will issue a determination within sixty (60) days of receiving the complaint.
 - c. If a decision has not been issued within sixty (60) days, or the customer was dissatisfied with the decision, a final appeal can be made to the Secretary of the US Department of Labor.

Complaints Based on Discrimination

Complaints based on discrimination in violation of WIOA Section 188 may be filed directly with the Federal government (information concerning complaint submission can be found within the UCLWDB Grievance Policy and TDLWD Grievance and Complaint Guidance) and submitted to the Director of the Civil Rights Center. These complaints shall not be handled directly by the AJC. No participant in a WIOA program shall be discriminated against on the grounds of - but not limited to – race, color, religion, sex, national origin, disability, political affiliation or belief. This nondiscrimination policy applies to any program or activity that receives financial assistance under Title I.

Complaints based on discrimination may be submitted using the three options below:

Sent by postal mail to:
Director
Civil Rights Center
U.S. Department of Labor
Room N4123
200 Constitution Avenue NW
Washington, DC 20210

Faxed to (202) 693-6505, Attention: Office of External Enforcement

Emailed to CRCEXternalcomplaints@dol.gov



For Official Use Only

Complaint/Apparent Violation Form¹

Complaint No.		Date Received	
Part I. Complainant's Information²		Respondent's Information³	
1. Name of Complainant (Last, First, Middle Initial)		4. Name of Person, Company, or Agency the Complaint is Made Against	
2a. Permanent Address (No., St., City, State, ZIP Code)		5. Name of Employer (if different from Part I #4 above) /One-Stop Office	
b. Temporary Address (if Appropriate)		6. Address of Employer/One-Stop Office	
3a. Permanent Telephone () -	b. Temporary Telephone () -	7. Telephone Number of Employer/One-Stop Office () -	
8. Description of Complaint or Apparent Violation (If additional space is needed, use separate sheet(s) of paper and attach to this form)			

Certification I CERTIFY that the information furnished is true and accurately stated to the best of my knowledge. I AUTHORIZE the disclosure of this information to other enforcement agencies for the proper investigation of my complaint. I UNDERSTAND that my identity will be kept confidential to the maximum extent possible, consistent with applicable law and a fair determination of my complaint.

9. Signature of Complainant ⁴	10. Date Signed / /
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¹ For information regarding complaints that are covered through the Employment Service and Employment-Related Law Complaint System see 20 CFR 658 Subpart E.

² If the Complaint/Apparent Violation Form is used to submit an Apparent Violation, the name of the Complainant is not necessary and may remain anonymous. Parts 2a and 2b also do not need to be filled out if the form is used for an Apparent Violation.

³ For definition of "Respondent" see 20 CFR 651.

⁴ No signature is required at Part 9 if this form is submitted as an Apparent Violation.

Part II. For Official Use Only

<p>1. Migrant or Seasonal Farmworker? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>2. Complaint or Apparent Violation? Complaint <input type="checkbox"/> Apparent Violation <input type="checkbox"/></p> <p>3. Type of Complaint or Apparent Violation ("X" Appropriate Box(es)):</p> <p><input type="checkbox"/> Employment Service Related <input type="checkbox"/> Job Order No. _____ <input type="checkbox"/> Against Local Employment Service Office <input type="checkbox"/> Against Employer <input type="checkbox"/> Alleged Violation of Employment Service Regulations <input type="checkbox"/> Employment-Related Law</p>	<p>4. Issue(s) involved in Complaint or Apparent Violation ("X" Appropriate Box(es)):</p> <table style="width:100%;"> <tr> <td><input type="checkbox"/> Wage Related</td> <td><input type="checkbox"/> Housing</td> </tr> <tr> <td><input type="checkbox"/> Child Labor</td> <td><input type="checkbox"/> Pesticides</td> </tr> <tr> <td><input type="checkbox"/> Working Conditions</td> <td><input type="checkbox"/> Health/Safety</td> </tr> <tr> <td><input type="checkbox"/> Migrant and Seasonal Agricultural Worker Protection Act (MSPA)</td> <td><input type="checkbox"/> Disability Discrimination</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Discrimination Other⁵ (Specify) _____</td> </tr> </table>	<input type="checkbox"/> Wage Related	<input type="checkbox"/> Housing	<input type="checkbox"/> Child Labor	<input type="checkbox"/> Pesticides	<input type="checkbox"/> Working Conditions	<input type="checkbox"/> Health/Safety	<input type="checkbox"/> Migrant and Seasonal Agricultural Worker Protection Act (MSPA)	<input type="checkbox"/> Disability Discrimination	<input type="checkbox"/> Discrimination Other ⁵ (Specify) _____		<p>5. H-2A/Criteria Employer ("X" Appropriate Box(es)):</p> <p><input type="checkbox"/> U.S./Domestic Worker <input type="checkbox"/> H-2A Worker <input type="checkbox"/> Wages <input type="checkbox"/> Transportation <input type="checkbox"/> Meals <input type="checkbox"/> Housing <input type="checkbox"/> Other _____</p>
<input type="checkbox"/> Wage Related	<input type="checkbox"/> Housing											
<input type="checkbox"/> Child Labor	<input type="checkbox"/> Pesticides											
<input type="checkbox"/> Working Conditions	<input type="checkbox"/> Health/Safety											
<input type="checkbox"/> Migrant and Seasonal Agricultural Worker Protection Act (MSPA)	<input type="checkbox"/> Disability Discrimination											
<input type="checkbox"/> Discrimination Other ⁵ (Specify) _____												

<p>6a. Referrals To Other Agencies ("X" Appropriate Box(es))</p> <p><input type="checkbox"/> WHD. U.S. DOL. <input type="checkbox"/> OSHA U.S. D.O.L. <input type="checkbox"/> EEOC <input type="checkbox"/> Other _____</p>	<p>7. Address of Referral Agency (No., St., City, State, ZIP Code and Telephone No.)</p> <p>_____</p> <p>_____</p> <p>() - _____</p>
<p>b. Follow-Up <input type="checkbox"/> Monthly c. Next Follow-up Date</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Quarterly / /</p>	

8. Explanation of Complaint/Apparent Violation (If additional space is needed, use separate sheet of paper)

9. Actions Taken on Complaint/Apparent Violation (If additional space is needed for multiple actions taken, use a separate paper):

Action Taken By: _____ On: _____
 (First and Last Name) (Date)

Action Taken: _____

10. Complaint /Apparent Violation resolved? Yes No If "No", explain.

11. Provided other One-Stop Services? Yes No If "No", explain.

12a. Name and Title of Person Receiving Complaint	12b. Office Address (No., St., City, State, ZIP Code)
12c. Phone No. () -	12d. Signature 12e. Date / /

Public Burden Statement

Persons are not required to respond to this collection of information unless it displays a currently valid OMB Control Number. Obligation to reply is required to obtain or retain benefits (44 USC 5301). Public reporting burden for this collection is estimated to average 8 minutes per response, including the time to review instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection of information. Send comments regarding this burden estimate or any other aspect of this collection, including suggestions for reducing this burden, to the U.S. Department of Labor, Employment and Training Administration, Office of Workforce Investment, Room C-4510, 200 Constitution Avenue, NW, Washington, DC 20210.

⁵ For DISCRIMINATION COMPLAINTS ONLY. Persons wishing to file complaints of discrimination may file either with the State Workforce Agency, or with the Directorate of Civil Rights (DCR), U. S. Department of Labor, 200 Constitution Avenue, NW, Room N-4123, Washington, D.C. 20210