

SOUTHWEST LOCAL WORKFORCE DEVELOPMENT BOARD

**1527 White Avenue
Henderson, TN 38340
(731) 989-5111**

Effective Date: June 19, 2018

Duration: June 30, 2020

Workforce Services Policy – SCSEP Participant Grievance Southwest LWDB - WIOA (17-24)

Subject:

Senior Community Service Employment Program (SCSEP) – Grievance Policy

Purpose:

The purpose of this memorandum is to provide procedures to SCSEP sub-grantees and SCSEP participants for filing a grievance.

References: 641.910 SCSEP Final Rules; 29 CFR 37.70 thru 80; Workforce Services Policy – Grievance Policy TN-WIOA (16-6)

Background:

Any SCSEP termination must be consistent with Tennessee Department of Labor and Workforce Development SCSEP administrative guidelines. Any SCSEP participant receiving a termination notice must be informed of applicable grievance procedures as described in Section 641.910 and 29 CFR 37.70 through 80.

Policy:

Written notices of termination including the reason for the action and appeal procedures will be given to the participant when SCSEP Coordinator expects to terminate. Participants will have the right to appeal any termination decision. A participant may not be terminated until thirty (30) calendar days after he/she has been provided a written notice. SOUTHWEST Tennessee LWDB will ensure that the grievance procedure is provided uniformly and fairly.

Action:

The following steps will be followed regarding resolution of any grievance/complaint within SCSEP arising between grantee, sub-grantees, applicants, or participants:

A. Informal Discussion

1. An informed discussion between SCSEP participant and SCSEP Coordinator will be held (either verbally or written) within five (5) business days of occurrence.
2. SCSEP Coordinator will work with participant to try and provide a solution within ten (10) additional business days.
3. Should no resolution be derived, the participant will be informed of his/her right to file a formal complaint.

B. Formal Written Complaint

If participant is not satisfied with decision of informal resolution:

1. The sub-grantee Executive Director, or a designated representative, should be contacted in writing by the participant. The written complaint should contain the following information.
 - a. Clear and concise description of complaint or issue
 - b. Names of **ALL** persons involved
 - c. Location of where issue transpired
 - d. Any other pertinent information
2. Sub-Grantee Executive Director, or designated representative, will contact participant within five (5) business days after receiving written formal grievance.
3. Participant will be allowed opportunity for further discussion of problem either by telephone or in person.
4. Sub-Grantee Executive Director, or designated representative, may elect to investigate the grievance and will have ten (10) business days before providing a written response.
5. Decision will be mailed to complainant within twenty (20) calendar days after attempt to resolve grievance unless circumstances deem additional time is required.
6. If the participant is unsatisfied with the decision, he/she has the right to appeal in writing to the Tennessee Department of Labor and Workforce Development (TDLWD) office / Title V grantee within five (5) business days of receipt of decision from sub-grantee Executive Director or designee.

C. Appeals

Complaints not resolved at the local level can be appealed in writing to:

TN Department of Labor & Workforce Development
220 French Landing Drive
Nashville, TN 37243

This must be done within thirty (30) days after decision at local level has been rendered and not accepted by the participant.

1. Appeal should be clear and concise and state relevant facts, laws, procedures, etc.
2. Appeal should not exceed five (5) pages (excluding exhibits or attachments) if at all possible.
3. Appeal must be filed within thirty (30) calendar days of receipt of decision to act.
4. Request must include complainant's address so official notices can be mailed to complainant.
5. Appeal should be sent by certified mail to:

TN Department of Labor & Workforce Development
ATTENTION: Weldon Floyd
220 French Landing Drive
Suite 48
Nashville, TN 37243

6. Once the process is complete, grantee will keep the complaint/grievance along with the decision in file.

The U.S. Department of Labor and Workforce Development will not conduct a review except to determine whether proper grievance procedures were followed by all area levels involved. Should the complainant allege violations of federal law other than discrimination, and violations not resolved within sixty (60) days of receipt by TDLWD, the complainant may file a complaint with:

Chief Division of Adult Services
Employment and Training Administration
U.S. Department of Labor
200 Constitution Avenue N.W.
Washington, DC 202101

Allegations determined as substantial and credible will be investigated and addressed.

Complainants alleging a violation of the **Nondiscrimination Requirements of Title VI of Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1974, Section 188 of the WIOA Act of 2014**, may be directed to:

Director of Civil Rights Center
U.S. Department of Labor
Room N-4123
200 Constitution Avenue N.W. 580
Washington, DC 202101

Complainants alleging violation of **WIOA Section 188** may be initially filed at the grantee level. Non-Discrimination and Equal Opportunity policy provides uniform procedures for filing complaints alleging violations of Non-Discrimination and Equal Opportunity provision of **WIOA of 2014**.

Contact:

Questions regarding this policy should be addressed to Jimmy Bell, Southwest LWDB Director, at SWHRA, 1527 White Avenue, P.O. Box 264, Henderson, TN 38340. Phone: (731) 983-3688. Email: jbelle@swhra.org.



Craig S. Butler, Board Chairman