



STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF WORKFORCE DEVELOPMENT

220 French Landing Drive
Nashville, TN 37243-1002
(615) 741-1031

June 24, 2010

Workforce Investment Act Memorandum Number 10-45

Topic: Workforce Investment Act (WIA) Complaint or Grievance

Subject: Process for WIA Grievance Procedures, Complaints, and State Appeals, with the exception of complaints alleging unlawful discrimination

Purpose: To define local procedures to be used when a customer desires to file a complaint or grievance, and to show the procedures to be used for the hearing and appeal process if required (with the exception of complaints alleging unlawful discrimination). Discrimination complaints will follow guidance in accordance to policies: E&T 00-05 and E&T 00-06, Change 1.

Background: Under the Workforce Investment Act, career center partners, service providers, participants, and other interested parties, affected by the local workforce system, and by a local workforce investment area (LWIA), have the right to file a grievance/complaint. (29 CFR §667.600)

Process: Process for Filing a Grievance/Complaint with an LWIA

Grievances/complaints not alleging unlawful discrimination shall be filed, at the local level, by using the procedures established by the particular LWIA involved. Any grievance/complaint filed with an inappropriate entity will be forwarded to the proper entity/agency for action. The entity's/agency's 60-day time frame to handle the grievance will start upon receipt, by the proper entity/agency, of the grievance/complaint.

The LWIA shall receive, review, and attempt to informally resolve the initial WIA grievance/complaint. If the grievance/complaint cannot be resolved informally, then a hearing shall be held and a decision issued within the required 60-calendar days from receipt of the grievance/complaint.

**Review and
Hearing: Grievance/Complaint Review and Hearing Process at the Local Level**

After the LWIA has received and reviewed the complaint, it shall designate a Hearing Officer(s), schedule a hearing, and notify the grievant/complainant by certified mail (with a return receipt), at a minimum of 15-calendar days prior to the hearing. The hearing notice shall state the following:

1. The date, time, and place of the hearing
2. The pertinent sections of the WIA or any other federal regulations involved
3. That affected parties may present witnesses and/or documentary evidence at the hearing
4. That parties will receive the LWIA decision within 60-calendar days from receipt of the grievance or complaint.

The hearing should be conducted according to the procedures established by the LWIA involved.

General procedures: if a hearing is conducted, the LWIA should ensure that the process, including the contents of the hearing dialogue, is transcribed or has the potential of being transcribed. For example, the hearing may be taped for transcription purposes. The recording/documentation of the hearing will allow for transcription if the grievance is approved by a higher level.

**Appeal Filing
Process: Process for Filing an Appeal of the LWIA Decision or Lack of Action**

The appeal should be concise (if possible, it should not exceed five pages, not including exhibits and attachments). The appeal should also be sent by certified mail (return receipt) to:

Tyrone Parker, Grants Program Manager
Tennessee Department of Labor and Workforce Development
220 French Landing Dr, 4th Floor
Nashville, TN 37243

The appeal request shall state the facts, laws, procedures, etc. that the grievant/complainant believes to be relevant for review. The appeal must be filed with the Tennessee Department of Labor and Workforce Development within 30-calendar days of receipt of the LWIA Hearing Officer's decision or within 30-calendar days after the required 60-calendar day time frame for the LWIA to act.

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The request shall include the grievant's/complainant's address where official notices will be mailed.

The state can remand the grievance/complaint to the LWIA to hold a hearing or to impose remedies to resolve the grievance/complaint.

Contact: For questions regarding this policy, please contact Susie Bourque, Assistant Administrator Division of Workforce Development.

Effective Date: **Immediately**

Expiration Date: **Indefinite**



Susan K. Cowden, Administrator
Division of Workforce Development

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