

**LWIA-13**  
**A GUIDE TO WIA GRIEVANCE PROCEDURES**

**GRIEVANCE PROCEDURES**

**Purpose**

To resolve complaints against recipients of WIA funds who have allegedly violated its regulations, or other laws.

**Who Can File A Complaint:**

Any applicant, participant, customer, subcontractor, sub-grantee or other interested party regarding any workforce development program overseen by the Workforce Investment Network/WIN.

**Complaint May Be Against:**

A Local Workforce Investment Area (LWIA, its sub-grantees, contractors or other recipients of WIA funds.

**Non-WIA Remedies**

When WIA funds are allegedly used in violation of another law or collective bargaining agreement, the grievance procedure of that law or agreement may be used instead of, or in addition to, the WIA complaint procedure.

**Flow Chart of the Grievance Process**

- Problem
- Local Agency
- LWIA Review
- Administrative Hearing
- National Level
- Non-WIA Remedies

**LOCAL ADMINISTRATIVE REMEDIES**

**WIA Appeal Procedures**

If the complaint is against the Local Workforce Investment Area (LWIA) or other recipient or sub-recipient of WIA funds:

1. The Complainant must first exhaust remedies at the agency's level before appealing to the WIA Administrative Office.

If not satisfied with the recommendation of #1, he/she may:

2. Appeal the recommendations to the LWIA, by filing the complaint in writing. After an informal resolution is attempted, a written response will be provided within approximately five (5) business days. A complaint must be filed within thirty (30) calendar days of the alleged violation, except for complaints alleging fraud or criminal activities.

**Direct such complaint to:**

Performance & Quality Assurance Manager  
Workforce Investment Network  
480 Beale Street  
Memphis, Tennessee 38103  
Phone: (901) 636-6817 Fax: (901) 636-6844

**Special Situations**

If a WIA participant files a complaint against his/her WIA funded employer:

Procedure 1 - 2 will apply, or the complainant must use employer's complaint procedures under a collective bargaining agreement. If the employer is not satisfied with the decision, #2 will apply.

If the LWIA has delegated authority of the complaint procedure to a sub-recipient, procedures 1 - 2 will apply.

The procedure must specify whether the sub-recipient's decision is final, or whether it can be appealed to the LWIA. A final decision is required in writing within sixty (60) days of #2.

*The Workforce Investment Network is a partner of the Tennessee Career Centers. This agency is a recipient of taxpayer funding, and serves the City of Memphis, Shelby County, and Fayette County. The Career Center System is an Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities. TTY: 1-800-848-0299*

**State Review**

Appeal the decision within ten (10) days to Affirmative Action/EEO:

**Tennessee Department of Labor  
State E.O. Officer for WIA  
220 French Landing Drive, 4<sup>th</sup> Floor  
Nashville, Tennessee 37243-1002  
Phone: (615) 253-1331  
TDD: (615) 532-2879**

If a complainant does not receive a decision at the LWIA level within sixty (60) days of filing the complaint or received a decision unsatisfactory to the complainant, the complainant has a right to request a review. The Administrative Agent of the Governor (the commissioner of the Tennessee Department of Labor/TDLWD) will review each complaint. The options of resolution resulting from this review will be as follows:

*An Informal Resolution* - Any complaint received at the LWIA level will be subject to an informal resolution between the parties concerned. In all cases where the complainant is not satisfied with the informal resolution, the complainant will be advised of his/her right to request a formal hearing.

*Referrals* – Referrals will be made back to the LWIA level as appropriate;

*A Formal Review Hearing* - Shall be conducted by a person designated by the Commissioner of the Tennessee Department of Labor/TDLWD at a place and time reasonably convenient with the complainant. The complainant will have the right to submit any facts pertinent to the complaint. The determination made by the person designated by the Commissioner of the TDLWD will not be final. A final decision will be rendered by the Commissioner.

The Commissioner may nullify, change, or set aside any determination made by the person designated, as appropriate.

The request for the review shall be filed within ten (10) calendar days of receipt of the adverse decision or ten (10) days from the date upon which the complainant should have received a decision. The written complaint shall contain the following:  
*The full name, address, phone number, and any other means of contacting the complainant.*

*The full name and address of the respondent against who the complaint is made, and names of any witnesses;*

*A clear and concise statement of the facts including the pertinent dates, constituting the alleged violation;*

*The provisions of the Act, Regulations, policy, grant or other agreements under the Act believed to have been violated;*

*Settlement or corrective action desired by the complainant;*

*The signature of the complainant or his/her authorized representative.*

*A statement disclosing whether the proceedings involving the subject of the request have been commenced or concluded before any Federal, State or Local authority, and if so, the date of such commencement or conclusion, the name and address of the authority and the status of the case.*

The Commissioner of the Tennessee Department of Labor/TDLWD shall issue a decision in writing within thirty (30) days. This decision is final.

The Commissioner of the TDLWD shall also provide for an independent state review of a complaint initially filed at the state level on which a decision was not issued within sixty (60) days or on which complainant has received an adverse decision. A decision shall be made within thirty (30) days. This is the final decision.

**Administrative Hearing-National Level**  
Federal Review of Local Level Complaints Without a Decision

Should the Commissioner of the TDLWD fail to provide the Decision as required in #2, the complainant may request from the Secretary of Labor a determination whether reasonable cause exists to believe that the Workforce Investment Act or its Regulations have been violated. (U.S. Dept. of Labor, Employment & Training Administration, France Perkins Building, 200 Constitution Avenue, Suite 200, Washington, DC 20210)

The Secretary of the U.S. Department of Labor shall act within ninety (90) days of receipt of the request and where there is a reasonable cause to believe that the Act or Regulations have been violated, shall direct the Commissioner of the Tennessee Department of Labor to issue a decision adjudicating the dispute pursuant to State and local procedures.

**NON-WIA REMEDIES**

Whenever any person, organization or agency believes that the State LWIA or any other sub recipient has engaged in conduct that violates a Federal Statute other than WIA, or a state or local law, that person, organization or agency may, with respect to the non-WIA cause of action, institute a civil action or pursue other remedies authorized under Federal, State, or Local law against the State, LWIA recipient or other sub-recipient without first exhausting the remedies in subpart E and F of the Federal Register/Volume 59, Number 170/Rules and Regulations.

Any complaint alleging discrimination because of race, color, disability, religion, sex, national origin, age, political affiliation or belief, participation in any WIA Title I financially-assisted program or activity, or on the basis of citizenship or status as a lawfully admitted immigrant authorized to work in the United States may be filed directly with:

**Director, Civil Rights Center (CRC)**  
**United States Department of Labor**  
**200 Constitution Avenue, NW, Room N-4123**  
**Washington, DC 20210**



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**MEMPHIS CAREER CENTER SYSTEM**

**SERVING CITY OF MEMPHIS,  
SHELBY AND FAYETTE COUNTIES**

**480 Beale Street**  
**Memphis, Tennessee 38103**

**Phone: (901) 636-6817**  
**Fax: (901) 636-6844**  
**TTY: (800) 848-0299**