TENCO WORKFORCE DEVELOPMENT AREA

**PARTICIPANT GRIEVANCE PROCEDURES**

The following grievance procedures are established for individuals participating in activities sponsored by the TENCO Workforce Development Board.

Participants shall follow Grievance Procedures for any alleged violation of program activity sponsored by TENCO Workforce Development Area. The Grievance Procedures shall apply to alleged violations of Title I of the Workforce Innovation and Opportunity Act, Regulations and any other programs under which the individual is participating. Participants have one (1) year from the date of the alleged occurrence to file a grievance. Exceptions include complaints alleging fraud, criminal activity, or Equal Opportunity (EO) discrimination, which should be filed within 180 days.

Rules and policies governing selection, participation, attendance, or employment procedures of the employer or agency, applicable to regular (non-funded) employees, shall apply to any participant who is to be terminated by an employer or agency from a training or employment position subsidized by Workforce Innovation and Opportunity Act, Title I, funds or other funds approved by the local Board. Participant recourse shall be the same as that available to other employees/trainees with the same employer or agency.

**GRIEVANCE PROCEDURE:**

1.      The participant may request a hearing with the employer/training agency to attempt to resolve the complaint. This request must be made in writing to the employer/training agency by completing and signing the WDA-13 (Request for Grievance Hearing).

2.      After a hearing with the employer/training agency and any other appropriate individuals, a written decision will be provided by certified mail from the employer/training agency within seven (7) calendar days (WDA-14A, Summary of Hearing).

3.      If, within seven (7) calendar days, a decision has not been provided, or an appeal to the decision is requested, a written request for a formal hearing must be filed with the WDA Director within 10 calendar days, by completing the WDA-14B (Request for Formal Hearing) and submitting to:

Director, TENCO Workforce Development Area

Buffalo Trace Area Development District

201 Government Street, Suite 300; P.O. Box 460

Maysville, Kentucky 41056

4.      If after submitting the WDA 14-B, Request for a Formal Hearing, an unsatisfactory decision is received from the local WDA Director or a decision was not made in writing within 60 days, the participant has the right to a final appeal review by the Equal Opportunity Officer for the Department of Workforce Investment at 600W. Cedar Street, Louisville, KY 40202.

5.     The request for the review by the Appeals Agency shall be filed within 10 days of receipt of the unsatisfactory decision or 15 calendar days from the date on which the complainant should have received a decision.

6.     The Education Cabinet will render a final decision within 30 days of the date of receipt of the request for review.

7.      Failure to follow these steps and time frames may result in your complaint being dismissed.

Any person wishing to file a complaint regarding equal opportunity discrimination may do so by following the Office of Civil Rights Complaint Processing Procedures. Forms for filing a discrimination complaint or other types of complaints may be obtained from the TENCO Workforce Development Area Equal Opportunity Officer (1-800-998-4347).

# Additional Facts

1. The Directorate of Civil Rights (DCR) encourages informal resolution of complaints whenever possible. However, attempts at informal resolution must be considered as concurrent with, and an addendum to, filing a formal complaint with DCR.
2. Discrimination on the basis of pregnancy against participants of any program sponsored by the WIB is prohibited under the 1978 Pregnancy Disability Amendment to Title VII of the Civil Rights Act of 1964.
3. The Immigration Reform and Control Act of 1986 prohibit staff from discriminating in the verification of employment status on the basis of national origin and citizenship. Complaints alleging discrimination in the verification process on the basis of national origin or citizenship shall be filed with the Office of the Special Counsel (OSC) for Immigration Related Unfair Employment Practices, U.S. Department of Justice, P. O. Box 65490, Washington, D.C., 20035-5490.
4. The United States Department of Labor regulations, implementing Title VI of the Civil Rights Act of 1964, as amended at 29 CFR Part 34 and Part 31, and Section 504 of the Rehabilitation Act of 1973, as amended, at 29 CFR Part 32, mandates that prescribed procedures for processing complaints of discrimination be established.

5.     Complaints alleging age discrimination (Age Discrimination Act of 1975) will be processed in accordance with the provisions at 29 CFR Part 34.

***By signing below, I attest that I have been instructed as to my rights and responsibilities for services I am seeking and do hereby acknowledge understanding of the same. I further acknowledge that I have received a copy of OTR-513 (Equal Opportunity is the Law).***

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Applicant Signature Date

**WITNESSED BY:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_  
TENCO Representative Date

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Title**

NOTE: Three (3) copies will be completed. One (1) original will be given to the applicant; one (1) will be retained by the certifying agency; and the original will be mailed to the TENCO Workforce Development Area with the application.

**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, national origin, age, disability, political affiliation or belief; and
* Against any beneficiary of programs financially assisted under Title I of the Workforce Innovation and Opportunity Act of 2014 (WIOA), on the basis of the beneficiary’s citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her 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.

**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 written complaint within 180 days from the date of the alleged violation with either:

• Justin Suttles, Equal Opportunity Officer, 1225 US HWY 60W, Suite 106, Morehead, KY 40351; Emai [justin@fivco.org](mailto:justin@fivco.org); phone # 606-783-8525 or

• The Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.

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 do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. 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.

**CERTIFICATE OF NOTICE**

**I certify** **that I have been furnished a copy of this Equal Opportunity Is The Law Notice, and that the Notice has been discussed with me.**

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**Applicant/Participant/Employee Date**

Original - to file

Copy - to customer