RIGHTS STATEMENT

GEORGIA MOUNTAINS WORKFORCE INVESTMENT BOARD
2481 HILTON DRIVE, SUITE 8, GAINESVILLE, GEORGIA 30501
(770) 538-2727 PHONE • (770) 538-2730 FAX

EQUAL OPPORTUNITY IS THE LAW

It is against the law for the Georgia Mountains Regional Commission/Georgia Mountains Workforce Investment Board to discriminate 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 Investment Act of 1998 (WIA), 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 WIA Title I-financially assisted program or activity.

Appropriate steps must be made to ensure that communications with individuals with disabilities are as effective as communications with others.

COMPLAINTS OF DISCRIMINATION

If you think you have been subjected to discrimination under a WIA funded program or activity, you may file a complaint within 180 days of the alleged violation with:

Georgia Mountains Regional Commission/Workforce Development
Georgia Mountains Workforce Investment Board (GMWIB)
Equal Opportunity Officer:
Andrea Disharoon
Human Resources Specialist
P.O. Box 1720
Gainesville, GA 30503
770-538-2626 – Phone
adisharoon@gmrc.ga.gov - email

Director of Civil Rights Center:
U.S. Department of Labor
200 Constitution Ave., NW
Room N4123
Washington, DC 20210

Application for a Workforce Investment Act (WIA) funded program **does not create an entitlement** to services, and nothing in the Act shall be construed to establish a right of action for an individual to obtain services under WIA.

If you elect to file your complaint with the GMWIB, you must wait either until the GMWIB issues a written decision, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above). If the GMWIB does not give you a written decision within 90 days of the day on which you filed your complaint, you do not have to wait for the GMWIB to issue that decision before filing a complaint with the CRC. However, you must file your complaint with CRC 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 GMWIB). If the GMWIB does give you a written decision on your complaint, but you are not satisfied with the decision or resolution, you may file a complaint with CRC. You must file your complaint within 30 days of the date on which you received a written decision.

The Civil Rights Act of 1964, as amended, and the Workforce Investment Act of 1998, as amended, guarantee you the right to file a complaint or alleged action in any area concerning discrimination as stated above.

COMPLAINTS OF FRAUD OR ABUSE

In cases of suspected fraud, abuse, or other alleged criminal activity, you should contact the Office of the Inspector General, U.S. Department of Labor, at 1-800-347-3756. There is no charge for this call.

GMWD GRIEVANCE PROCEDURE

1. Complaints arising at the Workforce Development Area 2 level must be in writing, signed by the complainant, dated within one-year of the alleged incident, and must include the following information:

   a. the full name, telephone number (if any) and address of the person making the complaint;
   b. the full name and address of the respondent against whom the complaint is made;
   c. a clear and concise statement of facts, including pertinent dates, and witnesses (if any) constituting the alleged violation, and,
   d. the type of relief requested.

   A complaint will be considered to have been filed when the reviewing authority receives from the complainant a written statement, including information specified above, which contains sufficient facts and arguments to evaluate the complaint.

2. Complaints must be submitted to the Director, Georgia Mountains Workforce Development, 2481 Hilton Drive, Suite 8, Gainesville, GA 30501.

3. The Director shall investigate the complaints and attempt to resolve the matter through mediation within ten days of receipt of the complaint.

4. If the complaint cannot be resolved within ten days, a hearing shall be conducted within sixty days of receipt of the initial complaint. When a hearing is necessary, the complainant and the respondent will be given reasonable notification by registered or certified mail of the following information:

   - A statement of the date, time and place of hearing;
   - A statement of the authority and jurisdiction under which the hearing is to be held;
   - A reference to the particular section of the Act, regulations, grant or other agreements under the Act involved;
   - A notice to the parties of the specific charges involved;
   - The right of both parties to be represented by legal counsel;
   - The right of each party to present evidence, both written and through witnesses; and
   - The right of each party to cross-examine.

5. A hearing can be rescheduled at the request of either party for just cause.

6. The hearing shall be conducted by the Executive Committee of the Georgia Mountains Workforce Development. This committee may designate staff and/or other parties to serve as the hearing officer. However, no GMWIB or staff member who has been directly involved in the events from which the complaint arose shall serve as a decision-maker in such complaint. If the complaint is against the GMWD itself, an impartial person will be secured by the GMWD to serve as the hearing officer. Impartial hearing officers shall be chosen from qualified individuals with expertise in the area from which the complaint arises. When an impartial hearing officer is necessary, the GMWD Director will be notified to provide a qualified person. The right to an impartial decision-maker shall not be abrogated by the Georgia Mountains Workforce Investment Board or Workforce Development Area 2. In an age of advanced communication options and to encourage timely responses to all complaints, the GMWIB may utilize e-mail, internet-based meeting facilities, in-person or any other mutually acceptable formats to conduct a hearing.

7. The Executive Committee of the Georgia Mountains Workforce Investment Board, or, its designee acting as a hearing officer, shall have the authority to regulate the course of the hearing, set the time and place for continued hearings, fix the time for filing briefs, and dispose of motions. A final decision must be rendered by the GMWIB Executive Committee or its designee within ninety days of the completed hearing unless all parties are notified by certified mail of the need for additional time.

8. A complete record of the hearing shall be made and maintained for three years and include the following:

   a. all pleadings, motions, and intermediate ruling;
   b. detailed minutes or mechanical recording of the oral testimony and all other evidence presented;
   c. a statement of matters officially noted;
   d. all staff memoranda or data submitted to the Georgia Mountains Workforce Investment Board Executive Committee or its designee in connection with their consideration of the case;
   e. findings of fact based on the evidence submitted at the hearing;
   f. notification of both parties of further appeal procedures, if applicable; and
   g. final decision of the hearing officer.

A written report of all complaints received within the Georgia Mountains Workforce Development office will be filed on-site by the tenth day of the month following the report month. The report will include the name of the complainant, the name and/or organization of the respondent, the date the complaint was filed, nature of the complaint, and the resolution of the complaint (if rendered). If no complaints are received during a given month, no report is due. If there are status updates to previous complaints, a report must be sent to the State by the tenth day of the following month.

GOVERNOR'S REVIEW OF THE GRIEVANCE

The complainant shall be informed of the right to request a review of his or her complaint by the Governor if: **1)** the complainant does not receive a decision at the Georgia Mountains Workforce Investment Board level within (30) thirty days of filing the complaint, or **2)** the complainant receives a decision unsatisfactory to him or her.

The request for review should be submitted to: Governor's Office of Workforce Development, Attn: Compliance Manager, Two Martin Luther King, Jr. Drive, Atlanta, GA 30334; Phone number 404-656-9485; Fax number 404-463-5043; or Electronic submissions should be sent to: wdcompliance@georgia.gov. The request for review of the complaint by the Governor must be filed within ten days of receipt of the adverse decision or within fifteen days from the date on which the complainant should have received a decision. The Governor will conduct a review of the complaint and issue a decision within thirty days from the date of receipt of the review request. The decision rendered by the Governor will be final.

OTHER GRIEVANCES

1. Complaints arising from contracts or vendor agreements with Georgia public schools such as those which pertain to disciplinary actions of teachers or students, grading policy or teacher employment contracts will be handled by the grievance procedure outlined in OCGA 20-2-1160, 20-2-109, 20-2-50. Grievance hearings held by public school service providers should be consistent with State policy/procedures and must be initiated within 30 days of filing of the grievance and a decision rendered within 60 days of the filing date of the grievance. Where grievances arise in the area's outlined above, the service provider will submit to the Georgia Mountains Workforce Investment Board (GMWIB) within five (5) days, summaries or checklists of Georgia Mountains Workforce Development Area 2 complaints filed. Hearings held, decisions rendered and appeals filed shall be provided to GMWIB within 10 days of the decision being finalized.

   If a complainant does not receive a decision within 60 days of filing the complaint or receives an unsatisfactory decision, the complainant then has the right to request a review by the Governor. The request for review should be submitted to the State Superintendent of Schools, Georgia Department of Education, 2066 Twin Towers East, Atlanta, Georgia 30334. [NOTE: For the purpose of this section, the State Superintendent of Schools or his/her designee acts as the Governor's authorized representative.]

   Complaints which pertain to terms of the contract between the school and the GMWIB, which may include curriculum and course content, provision of teaching materials and equipment, eligibility, customer selection, or other terms made part of the contract, should be handled by the grievance procedure as presented in the GMWD Grievance Procedure section.

2. Complaints against the Georgia Department of Labor Career Centers should be filed with the complaint specialist or Career Center Manager in accordance with their policies and procedures.

3. Complaints alleging labor standards violations may be filed using the established local and State Grievance Procedures or submitted to a binding arbitration procedure, if a collective bargaining agreement covering the parties to the grievance so provides.

4. Applicants, customers, service providers, bidders, WIA funded staff or other interested parties alleging violations of the Acts, regulations, sub grants, or other contracts under WIA (other than discrimination complaints) shall utilize the GMWD Grievance Procedures in filing a complaint. Individuals shall be informed of this right by the Georgia Mountains Regional Commission/Georgia Mountains Workforce Development Area 2 staff.

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I have *read* and *understand* the Rights Statement and acknowledge so with my signature.

_____ _____

Customer's Signature **Date**

_____ _____

Parent's/Guardian's Signature (if applicable) **Date**

***A copy of this document should be given to the <u>customer</u> and one copy should be retained in his/her <u>file</u> (if applicable).**