

GUILFORD COUNTY LOCAL AREA

NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY STANDARDS

The Guilford County Local Area (LA) is committed to a policy of non-discrimination and equal opportunity. The LA and its subrecipients shall not discriminate against applicants, eligible applicants, participants, applicants for employment, employees and members of the public because of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in WIOA. This applies to all programs, projects or activities funded in whole or in part with federal employment and training funds received directly or indirectly through the NC Department of Commerce - NC Division of Workforce Solutions.

The LA and its subrecipients shall not, directly or through contractual, licensing or other arrangements, on a prohibited ground:

1. Deny an individual any service, financial aid or benefit provide under the WIOA-funded program or activity;
2. Provide any service, financial aid or benefit to an individual which is different or is provided in a different manner from that provided to others under the WIOA-funded program or activity;
3. Subject an individual to segregation or separate treatment in any matter related to his/her receipt of any service, financial aid or benefit under the WIOA-funded program or activity;
4. Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid or benefit under the WIOA-funded program or activity;
5. Treat an individual differently from others in determining whether he/she satisfies any admission, enrollment, eligibility, membership or other requirement or condition for any service, financial aid, function or benefit provided under the WIOA-funded program or activity;
6. Deny or limit an individual with respect to any opportunity to participate in the WIOA-funded program or activity, or afford him/her an opportunity t do so which is different from that afforded others under the WIOA-funded program or activity;
7. Deny an individual the opportunity to participate as a member of a planning or advisory body which is an integral part of the WIOA-funded program or activity;
8. Aid or perpetuate discrimination by providing significant assistance to an agency, organization or person that discriminates on a prohibited ground in providing any service, financial aid or benefit to applicants or participants in the WIOA-funded program or activity;
9. Refuse to accommodate a person's religious practices or beliefs, unless to do so would result in undue hardship;
10. Otherwise limit on a prohibited ground an individual in enjoyment of any right, privilege, advantage or opportunity enjoyed by others receiving any aid, benefit, service or training.

In providing any aid, benefit, service or training under a WIOA-funded program or activity, the LA and its subrecipients shall not, directly or through contractual, licensing or other arrangements, on the ground of disability:

1. Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, service or training;
2. Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, service or training that is not equal to that afforded others;
3. Provide a qualified individual with a disability with an aid, benefit, service or training that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit or to reach the same level of achievement as that provided to others;
4. Provide different or separate aid, benefits or services to individuals with disabilities or to any class of individuals with disabilities unless such action is necessary to provide qualified individuals with disabilities with aid, benefits, services or training that are as effective as those provided to others;
5. Aid or perpetuate discrimination against a qualified individual with a disability by providing significant assistance to an agency, organization or person that discriminates on the basis of disability in providing any aid, benefit, service or training to participants;
6. Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards;
7. Otherwise limit a qualified individual with a disability in enjoyment of any right privilege, advantage or opportunity enjoyed by others receiving any aid, benefit, service or training.

The LA and its subrecipients will comply with applicable provisions of federal law and regulations regarding equal opportunity, will make such reports as may be required by the United States Department of Labor or the State, and shall make periodic assurances of compliance in applications, plans, and on request of the State.

The LA and its subrecipients are responsible for designating an equal opportunity officer, who shall be responsible for assuring that discrimination does not occur in its programs or projects. All staff and participants shall be notified of this designation. The equal opportunity officer for subrecipients is also responsible for the development of a complaint procedure.

The LA and its subrecipients shall provide the Division with the name, position, title, telephone number, supervisor and job duties of their equal opportunity officer(s). The LA and its subrecipients shall describe the means by which the equal opportunity officer(s), name, position, title and telephone number is made public. The LA and its subrecipients shall also describe any staff and resources available to the equal opportunity officer(s). The Division, upon request, shall provide group and individual training to subrecipient equal opportunity officer(s) and staff.

The LA and its subrecipients shall provide initial and continuing notice that it does not discriminate on any prohibited ground to applicants, eligible applicants, participants, applicants for employment, employees and members of the public including those with impaired vision or hearing and unions or professional organizations holding collective bargaining or professional agreements with the LA and its subrecipients. The LA and its subrecipients shall describe the methods and frequency of dissemination of the notice including initial dissemination. The LA and its subrecipients shall describe means by which notice is made available to individuals with hearing or visual impairments, as well as for persons of limited on non-English speaking ability. The LA and its service providers shall, in regards to the notice, a) post prominently, in reasonable numbers and places; b) disseminate in internal memoranda and other written communications; c) include in handbooks or manuals; and d) make available to each participant and make a part of the

participant's file. In regards to participants, the notice shall be signed by the participant and the individual providing the notice. Publications including recruitment brochures, broadcasts and other materials routinely made available to the public shall include the statement "equal opportunity employer/program" and "auxiliary aids and services are available upon request to individuals with disabilities" and where a telephone number is included on these materials, they shall indicate a TDD number or provide for an equally effective means of communication. North Carolina's current relay numbers are 1-800-735-2962 (TT) and 1-800-735- 2862 (Voice). Orientation to participant and new employees shall include opportunity rights under WIOA.

**GUILFORD COUNTY
LOCAL AREA**

**EQUAL OPPORTUNITY/NON-DISCRIMINATION/NON-CRIMINAL
COMPLAINT PROCEDURES**

1. Grievances or complaints arising at the local level must first exhaust available remedies established in local procedures before being subject to state review. When such grievances stem from an alleged act that also violates (1) a federal statute other than WIOA or (2) a state or local law, the individual or agency may, with respect to the non-WIOA cause of action, institute a civil action or pursue other remedies authorized under other federal, state or local law against the subrecipient or its agency without first exhausting the remedies under WIOA.
2. The LA Grievance Procedure shall be used to file complaints in the following areas:
 - a. violations of the Act, regulations, grant or other agreements sponsored under the Act;
 - b. classification, assignment, separation or performance rating in activities covered under WIOA; and/or
 - c. any other grievances related to conduct of activities covered under the Regulations.
3. Any person who believes that he/she or any specific class of individuals has been or is being:
 - a. excluded from participation in,
 - b. denied the benefits of,
 - c. subjected to discrimination under, or
 - d. denied employment in the administration of or in connection with any WIOA-funded program or activity, on the ground of race, color, religion, sex, national origin, age, disability, political affiliation or belief and for beneficiaries only, citizenship or participation in the Workforce Investment Act (WIOA) may file a written complaint. The complaint may be filed by the person or a representative. The complaint may be filed whether with the sub recipient or with the Director of the Directorate of Civil Rights (DCR). Any person who elects to file his/her complaint with the LA and its sub recipient must allow 15 days to process the complaint and allow 10 days to appeal to the LA and its subrecipients and allow 35 days for the Division to receive and review the complaint, if applicable. A complaint filed based on the above grounds must be filed within 180 days of the alleged discrimination, unless extended by the Director of DCR for good cause shown. Each complainant and respondent has the right to be represented by an attorney or other individual of his/her own choice.

Individuals are to feel free to use this Grievance Procedure. Therefore, no individual or official shall discriminate against, coerce or interfere with any individual involved in any way in the presentation or resolution of any grievance. Nor shall anyone take any reprisal action against any individual for presenting or participating in the presentation of a grievance. Violation of this prohibition is grounds for appropriate disciplinary action, including discharge, and will not be tolerated. Allegation of reprisals may be processed as a grievance under this Grievance Procedure. Except for complaints alleging fraud, criminal activity or discrimination, complaints shall be made within one year of the alleged occurrence.

4. Every effort will be made to resolve the complaint through an informal local process.
 - a. The grievant may seek informal resolution by bringing the complaint to the attention of the individual's Case Manager or the LA EEO Officer.
 - b. The representative will have ten (10) days to seek informal resolution of the complaint. The representative may discuss the complaint with other parties in an effort to reach resolution. The representative must keep the grievant name confidential, if so requested.

- c. If the issue is resolved within the ten (10) day period, the representative shall prepare a written report summarizing the nature of the complaint and the agreed upon resolution. The written summary shall be signed by the grievant and the representative, indicating concurrence. If the complaint is not resolved, the grievant will be informed of his/her right to file a formal grievance.
5. Should a formal grievance be filed against a sub recipient, the sub recipient may elect to hold a hearing internally. The following timetable will apply:
 - a. The sub recipient must notify the LA EEO Officer of intent to hear the grievance within three (3) days from receipt of the grievance.
 - b. Hearings on any program complaint filed must be conducted within fifteen (15) days of filing.
 - c. The sub recipient must render a decision within five (5) days from the date of the hearing.
 - d. The grievant may file an appeal of the sub recipient decision within five (5) days of receipt of the decision.
 - e. The LA Grievance Committee shall review the grievance within five (5) days from the date of appeal. The LA review of the process does not require an additional hearing, but will include a review of the records and supporting documents related to the informal hearing. The Grievance Committee may collect additional information or testimony as determined appropriate. The Grievance committee shall issue the results of the review within five (5) days from the date of the review.
 - f. The decision of the Grievance Committee shall constitute a final decision at the local level.
6. If the grievance is filed directly against the LA or if so requested by the sub recipient, the LA EEO Officer shall handle the Grievance in the following manner:
 - a. The EEO Officer shall schedule a formal hearing before the LA Grievance Committee. The Grievance Committee shall be composed of an impartial panel designated by the Private Industry Council Chairperson. The hearing shall be set within thirty (30) days from the date of receipt of the grievance.
 - b. The Grievance Committee shall render a decision within fifteen (15) days from the date of the hearing.
7. The EEO Officer shall monitor the grievance hearing process to ensure compliance with the timeframes and/or process. Complete records and documentation should be kept in each contested case, including minutes of testimony, data submitted, findings, appeals and final decisions.
8. Decisions involving non-criminal program complaints and/or discrimination or other criminal complaints must be made within sixty (60) days of filing the complaint. If a complainant receives an unsatisfactory decision or does not receive a decision at the local level within sixty (60) days of the filing of the complaint, the complainant has a right to request a review of the complaint by the NC Department of Commerce - NC Division of Workforce Solutions. Requests for such review should be submitted to:

NC Division of Workforce Solutions
4316 Mail Service Center
Raleigh, NC 27699-4316
Attention: DWS Assistant Secretary

9. Such requests must be filed within five (5) days of receipt of the adverse decision or five (5) days from the date on which the complainant should have received a decision, whichever is earlier. The NC Department of Commerce - NC Division of Workforce Solutions will conduct a review of the complaint and issue a decision within thirty (30) days from the date of receiving the review request.

10. With the exception of complaints alleging violations of the labor standards at section 143 of the Act or other criminal complaints, the NC Department of Commerce - NC Division of Workforce Solutions' decision is final unless the Secretary exercises the authority for Federal-level review in accordance with provisions at 627.601 of the regulations.
11. Should the NC Department of Commerce - NC Division of Workforce Solutions fail to provide a decision as required, the complainant may request from the Secretary a determination as to whether reasonable cause exists to believe that the Act or its regulations have been violated. The request for a determination must be submitted in writing within fifteen (15) days of the date the NC Department of Commerce - NC Division of Workforce Solutions' decision should have been issued.

The complaint should contain the following:

- a. The full name, address and telephone number of the complainant;
- b. The full name and address of the person against whom the complaint is made, if applicable;
- c. A clear and concise statement of the acts considered to be a violation including the date filed with NC Department of Commerce - NC Division of Workforce Solutions and the date on which the decision should have been issued and an attestation that no decision was issued.
- d. The provisions of the Act, regulations, grant or other agreement under the Act believed to have been violated; and
- e. Other information that will help explain and resolve the complaint such as information concerning remedies and sanctions sought outside the Act.

The Secretary shall act within 90 days (120 days for section 143 violations) of receipt of a request and, where appropriate, direct the NC Department of Commerce - NC Division of Workforce Solutions to take further action pursuant to State and local procedures. The NC Department of Commerce - NC Division of Workforce Solutions has 60 days to comply.

12. For discrimination or other criminal complaints, the following occurs: If the Division should provide a decision unsatisfactory to the complainant or fails to provide one, the complainant may file a complaint with the Directorate of Civil Rights of the U. S. Department of Labor. Such requests must be submitted within 30 days of the Division's decision or 90 days from the date the complaint was initially filed at the local level, whichever is earlier.

Complaints filed with the Director, Directorate of Civil Rights shall be mailed to:

Director of Civil Rights
U. S. Department of Labor
200 Constitution Avenue, N.W.
Room North 4123
Washington, DC 20210

13. Each recipient shall maintain a log of complaints filed. The log shall include:
 - a) the name and address of the complainant;
 - b) the ground of the complaint;
 - c) a description of the complaint;
 - d) the date the complaint was filed;
 - e) the disposition and date of disposition of the complaint; and
 - f) other pertinent information.

Records regarding complaints and actions taken there under shall be maintained for a period of not less than three years from the date of resolution of the complaint and made available to the Directorate of Civil Rights (DCR) or the State upon request. Information concerning all complaints shall be kept confidential.

14. Subrecipients shall assure that other employers, including private-for-profit employers of participants under the Act, have a grievance procedure relating to the terms and conditions of employment available to their participants. Employers may operate their own grievance system or may utilize the grievance system established by the sub recipient. Employers shall inform participants of the grievance procedures they are to follow when the participant begins employment.

An employer grievance system shall provide for, upon request by the complainant, a review of an employer's decision by the sub recipient and the NC Department of Commerce - NC Division of Workforce Solutions if necessary.

Complaints alleging violations of section 143 of the Act shall follow the same procedures as other non-criminal program complaints except that they may be submitted to the Secretary by either party to the complaint when the complainant has exhausted the grievance procedures established at the State and local level.

A person alleging a violation of section 143 of the Act, as an alternative to processing the grievance under procedures established in this issuance, may submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties to the grievance so provides. A person electing to have his/her section 143 labor standard violations processed under binding arbitration provisions:

- a) shall choose binding arbitration before, and in lieu of, initiating a complaint under other grievance procedures established under this issuance, and
- b) may not elect binding arbitration for a complaint that previously has been or is subject to any other grievance procedures established under the Act.

Binding arbitration decisions under the provisions of section 144(e) of the Act are not reviewable by the Secretary.

Grievance Procedure Format

All complaints must be filed in writing, signed by the complainant or authorized representative and include the following information.

1. The full name, address and telephone number of the complainant;
2. The full name and address of the person against whom the complaint is made, if applicable;
3. A clear and concise statement of the acts considered to be a violation;
4. The provisions of the Act, regulations, grant or other agreement under the Act believed to have been violated; and
5. Other information that will help explain and resolve the complaint.

Grievance hearing procedures should include the following provisions:

1. Reasonable notice to all parties by registered or certified mail;
2. A statement of the date, time and place of hearing;
3. A statement of the authority and jurisdiction under which the hearing is to be held;
4. A reference to the particular section of the Act, regulations, grant or other agreements under the Act involved;
5. Notice to the parties of the specific charges involved;
6. The right of both parties to be represented by legal counsel;

7. The right of each party to present evidence, both written and through witnesses;
8. The right of each party to cross examination;
9. The right of an impartial decision maker who has not been directly involved in the events from which the complaint arose; and
10. A written decision must be rendered within the prescribed time frame.

**GUILFORD COUNTY
LOCAL AREA**

**EQUAL OPPORTUNITY/NON-DISCRIMINATION/NON-CRIMINAL
PROGRAM COMPLAINT PROCEDURES**

A. EQUAL OPPORTUNITY/NON-DISCRIMINATION COMPLAINT PROCEDURES

Any person who believes that he/she or any specific class of individuals has been or is being:

- a. excluded from participation in,
- b. denied the benefits of,
- c. subjected to discrimination under, or
- d. denied employment in the administration of or in connection with any WIOA-funded program or activity on the ground of race, color, religion, sex, national origin, age, disability, political affiliation or belief and for beneficiaries only, citizenship or participation in the Workforce Investment Act (WIOA) may file a written complaint. The complaint may be filed by the person or a representative.

The complaint may be filed either with the LA (Guilford County Job Training Consortium) or with the Director of the Directorate of Civil Rights (DCR). A complaint filed based on the above grounds must be filed within 180 days of the alleged discrimination, unless extended by the Director of DCR for good cause shown. Each complaint and respondent has the right to be represented by an attorney or other individual of their choice.

Local Redress

Grievances or complaints arising at the local level must first exhaust available remedies established in local procedures before being subject to State review.

1. Every effort will be made to resolve the complaint through an informal local process. Any person who elects to file his/her complaint with the sub-recipient must allow the sub-recipient 10 days to process the complaint and allow 15 days to appeal to the LA and allow 35 days for the Division (State NC Department of Commerce - NC Division of Workforce Solutions) to receive and review the complaint, if applicable.

The following timetable applies:

- a. The sub-recipient must notify the LA EEO Officer of intent to hear the grievance within three (3) days from receipt of the grievance.
- b. Hearings on any program complaint filed must be conducted by the sub-recipient within 10 days of filing.
- c. If a complainant does not receive a decision at the sub-recipient level within 10 days of the filing or receives an unsatisfactory decision, the complainant may request a review of the complaint by the LA. Such request must be filed within 5 days of receipt of the sub-recipient decision or within 5 days of the date a decision should have been received, whichever is earlier.
- d. The LA Grievance Committee shall review the grievance within five (5) days from the date of appeal. The Grievance Committee shall be composed of an impartial panel designated by the Private Industry Council Chairperson. The LA review of the process does not require an additional hearing, but will include a review of the records and supporting documents related to the informal hearing. The Grievance Committee may collect additional information or testimony as determined appropriate. The Grievance Committee shall issue the results of the review within five (5) days from the date of the review.
- e. The decision of the Grievance Committee shall constitute a final decision at the local level.

2. If the grievance is filed directly against the LA, the LA EEO Officer shall handle the grievance in the following manner:
 - a. The EEO officer shall schedule and monitor a formal hearing before the LA Grievance Committee. The hearing shall be set within 10 days from the date of receipt of the grievance.
 - b. The Grievance Committee shall render a written decision within 15 days from the date of the hearing.
3. All complaints must be filed in writing, signed by the complainant or authorized representative and include the following information.
 - a. The full name, address and telephone number of the complainant;
 - b. The full name and address of the person against whom the complaint is made, if applicable;
 - c. A clear and concise statement of the acts considered to be a violation;
 - d. In regards to disability, a statement or supporting evidence that the complainant is disabled; and
 - e. Other information that will help explain and resolve the complaint.

Complaints filed with the LA should be mailed to:

GuilfordWorks Workforce Development Board
301 S. Greene St
Greensboro, NC 27401
Attn: Danielle A. Harrison, Ed.D., Executive Director

4. Complaint hearing procedures should include the following provisions:
 - a. Reasonable notice to all parties by registered or certified mail;
 - b. A statement of the date, time and place of hearing;
 - c. A statement of the authority and jurisdiction under which the hearing is to be held;
 - d. A reference to the particular section of the Act, regulations, grant or other agreements under the Act involved;
 - e. Notice to the parties of the specific charges involved;
 - f. The right of both parties to be represented by legal counsel;
 - g. The right of each party to present evidence, both written and through witnesses;
 - h. The right of each party to cross examination;
 - i. The right of an impartial decision maker who has not been directly involved in the events from which the complaint arose; and
 - j. A written decision must be rendered within the prescribed time frame.
5. Complete records and documentation will be kept in each contested case, including minutes of testimony, data submitted, appeals, and final decisions.
6. Decisions will be made no later than 25 days from the filing of the complaint at the sub-recipient level.

State Level Redress

7. If a complainant does not receive a decision at the local level within 25 days of the filing of the complaint or receives an unsatisfactory decision, the complainant has the right to request a review of the complaint by the Division. Request for such reviews must be submitted to:

North Carolina Department of Commerce
Division of Workforce Solutions
313 Chapanoke Rd., Suite 210
Raleigh, N. C. 27603
Attn: Mose Dorsey

A copy of this request should also be sent to:

GuilfordWorks Workforce Development Board
301 S Greene St
Greensboro, NC 27401
Attn: Danielle A. Harrison, Ed.D, Executive Director

8. Such requests must be filed within 5 days of receipt of the adverse decision or 5 days from the date on which the complainant should have received a decision, whichever is earlier. The NC Department of Commerce - NC Division of Workforce Solutions will conduct a review of the complaint and issue a decision within 30 days from the date of receiving the review request.

Federal Level Redress

9. Should the Division provide a decision unsatisfactory to the complainant or fails to provide one, the complainant may file a complaint with the Directorate of Civil Rights of the U. S. Department of Labor. Such requests must be submitted within 30 days of the Division's decision or 90 days from the date the complaint was initially filed at the local level, whichever is earlier.

Complaints filed with the Director, Directorate of Civil Rights shall be mailed to:

Directorate of Civil Rights
U. S. Department of Labor
200 Constitution Avenue, N.W.
Room North 4123
Washington, DC 20210

10. The sub-recipient and the LA shall maintain a log of complaints filed. The log shall include:
 - a. the name and address of the complainant;
 - b. the ground of the complaint;
 - c. a description of the complaint;
 - d. the date the complaint was filed;
 - e. the disposition and date of disposition of the complaint; and

- f. other pertinent information.

Records regarding complaints and actions taken there under shall be maintained for a period of not less than three years from the date of resolution of the complaint and made available to the Directorate of Civil Rights (DCR) or the State upon request. Information concerning all complaints shall be kept confidential.

B. NON-CRIMINAL PROGRAM COMPLAINT PROCEDURES

Grievances or complaints arising at the local level must first exhaust available remedies established in local procedures before being subject to state review. When such grievances stem from an alleged act that also violates (1) a federal statute other than WIOA or (2) a state or local law, the individual or agency may, with respect to the non-WIOA cause of action, institute a civil action or pursue other remedies authorized under other federal, state or local law against the sub-recipient or its agency without first exhausting the remedies under WIOA. Except for complaints alleging fraud or criminal activity, complaints shall be made within one year of the alleged occurrence.

Local Redress

1. Every effort will be made to resolve the complaint through an informal local process. Any person who elects to file his/her complaint with the sub-recipient must allow the sub-recipient 15 days to process the complaint.
 - a. The sub-recipient must notify the LA EEO Officer of the intent to hear the grievance within three (3) days from receipt of the grievance.
 - b. Hearings on any program complaint filed must be conducted by the sub-recipient within 15 days of filing.
 - c. If a complainant does not receive a decision at the sub-recipient level within 15 days of the filing or receives an unsatisfactory decision, the complainant may request a review of the complaint by the LA. Such request must be filed within 5 days of receipt of the sub-recipient decision or within 5 days of the date a decision should have been received, whichever is earlier.
 - d. The LA Grievance Committee shall review the grievance within 25 days from the date of appeal. The Grievance Committee shall be composed of an impartial panel designated by the Private Industry Council Chairperson. The LA review of the process does not require an additional hearing, but will include a review of the records and supporting documents related to the informal hearing. The Grievance Committee may collect additional information or testimony as determined appropriate. The Grievance Committee shall issue the results of the review within 15 days from the date of the review.
 - e. The decision of the Grievance Committee shall constitute a final decision at the local level.
2. If the grievance is filed directly against the LA, the LA EEO Officer shall handle the grievance in the following manner:
 - a. The EEO Officer shall schedule and monitor a formal hearing before the LA Grievance Committee. The hearing shall be set within 30 days from the date of receipt of the grievance.
 - b. The Grievance Committee shall render a written decision within 30 days from the date of the hearing.
3. Except for complaints alleging fraud or criminal activity, complaints shall be made within one year of the alleged occurrence. All complaints must be filed in writing, signed by the complainant or authorized representative, and include the following information:
 - a. The full name, address and telephone number of the complainant;
 - b. The full name and address of the person against whom the complaint is made, if applicable;
 - c. A clear and concise statement of the acts considered to be a violation;
 - d. The provisions of the Act, regulations, grant or other agreement under the Act believed to have been violated; and

- e. Other information that will help explain and resolve the complaint such as information concerning remedies and sanctions sought outside the Act.

Requests for review at the LA level should be submitted to:

Guilford County Workforce Development Board
301 S. Greene St.
Greensboro, NC 27401
Attn: Danielle A. Harrison, Ed.D, Executive Director

- 4. Grievance hearing procedures at the LA and sub-recipient level should include the following provisions:
 - a. Reasonable notice to all parties by registered or certified mail;
 - b. A statement of the date, time and place of hearing;
 - c. A statement of the authority and jurisdiction under which the hearing is to be held;
 - d. A reference to the particular section of the Act, regulations, grant or other agreements under the Act involved;
 - e. Notice to the parties of the specific charges involved;
 - f. The right of both parties to be represented by legal counsel;
 - g. The right of each party to present evidence, both written and through witnesses;
 - h. The right of each party to cross examination;
 - i. The right of an impartial decision maker who has not been directly involved in the events from which the complaint arose; and
 - j. A written decision must be rendered within the prescribed time frame.
- 5. Decisions by the LA or the sub-recipient must be made within sixty (60) days of filing the complaint. If a complainant receives an unsatisfactory decision or does not receive a decision within sixty (60) days of the filing of the complaint, the complainant has a right to request a review of the complaint by the NC Department of Commerce - NC Division of Workforce Solutions. Requests for such review should be submitted to:

North Carolina Department of Commerce
Division of Workforce Solutions
313 Chapanoke Rd., Suite 210
Raleigh, N. C. 27603
Attn: Mose Dorsey

- 6. Such requests must be filed within 10 days of receipt of the adverse decision or 15 days from the date on which the complainant should have received a decision, whichever is earlier. The NC Department of Commerce - NC Division of Workforce Solutions will conduct a review of the complaint and issue a decision within thirty (30) days from the date of receiving the review request.

With the exception of complaints alleging violations of the labor standards at section 143 of the Act or other criminal complaints, the NC Department of Commerce - NC Division of Workforce Solutions' decision is final unless the Secretary exercises the authority for Federal-level review in accordance with provisions at 627.601 of the regulations.

- 7. Should the NC Department of Commerce - NC Division of Workforce Solutions fail to provide a decision as required, the complainant may request from the Secretary a determination as to whether reasonable cause exists to believe that the Act or its regulations have been violated. The request for a

determination must be submitted in writing within fifteen (15) days of the date the NC Department of Commerce - NC Division of Workforce Solutions' decision should have been issued.

The complaint should contain the following:

- a. The full name, address and telephone number of the complainant;
- b. The full name and address of the person against whom the complaint is made, if applicable;
- c. A clear and concise statement of the acts considered to be a violation including the date filed with NC Department of Commerce - NC Division of Workforce Solutions and the date on which the decision should have been issued and at attestation that no decision was issued.
- d. The provisions of the Act, regulations, grant or other agreement under the Act believed to have been violated; and
- e. Other information that will help explain and resolve the complaint such as information concerning remedies and sanctions sought outside the Act.

The Secretary shall act within 90 days (120 days for section 143 violations) of receipt of a request and, where appropriate, direct the NC Department of Commerce - NC Division of Workforce Solutions to take further action pursuant to State and local procedures. The NC Department of Commerce - NC Division of Workforce Solutions has 60 days to comply.

8. The LA and its sub-recipient shall assure that other employers, including private-for-profit employers of participants under the Act, have a grievance procedure relating to the terms and conditions of employment available to their participants. Employers may operate their own grievance system or may utilize the grievance system established by the sub-recipient. Employers shall inform participants of the grievance procedures they are to follow when the participant begins employment.

An employer grievance system shall provide for, upon request by the complainant, a review of an employer's decision by the sub-recipient, LA and the NC Department of Commerce - NC Division of Workforce Solutions if necessary.

9. Complaints alleging violations of section 143 of the Act, as an alternative to processing the grievance under procedures established in this issuance, may submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties to the grievance so provides. A person electing to have his/her section 143 labor standard violations processed under binding arbitration provisions:
 - a. shall choose binding arbitration before, and in lieu of, initiating a complaint under other grievance procedures established under this issuance, and
 - b. may not elect binding arbitration for a complaint that previously has been or is subject to any other grievance procedures, established under the Act.

Binding arbitration decisions under the provisions of section 144(e) of the Act are not reviewable by the Secretary.