

Protecting Current Workers from Displacement

TTSM conforms to Section 261.70 of the 45 CFR which requires that a job provided to a TANF participant cannot be as a result of: (i) a employer layoff from the same or a substantially equivalent job; or (ii) the employer has terminated the employment of any regular employee or caused involuntary reduction in its workforce.

In addition TTSM ensures that no participant, including but not limited to those placed in either a WIP, OJT placement, or a community work experience program, will displace regular paid employees of any of the organizations providing either the placement or the community work experience. This assurance also complies with Section 286.110 of Tribal TANF, which requires safeguards to ensure that Tribal TANF Participants will not displace other workers.

In addition, TTSM has established a grievance procedure for resolving complaints for any alleged violation of non-displacement requirements. Employees or their representatives who believe that their jobs are being displaced or infringed upon shall present their complaint to the employment contractor with authority over the placement. If the contractor is unable to resolve the problem within 15 days, the employee or representative may file a formal grievance in writing to the TTSM Director's Office, who will hear a formal grievance.

Grievance hearings will be scheduled within 30 calendar days of receipt of the formal grievance, and a written decision will be issued within 30 days of the hearing. If either party is dissatisfied with TTSM's written decision, they may appeal the decision to the U.S. Department of Labor within 20 days of receipt of the written decision. The procedures for appeal, which must be sent to the Office of Administrative Law Judges, in the U.S. Department of Labor, will be provided in writing with the decision.