



# NEW MEXICO POLICIES & PROCEDURES

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## SECTION CONTENTS

### SCSEP GRIEVANCE AND APPEALS

THE DOCUMENT CONTAINED HEREIN IS SUBJECT TO CHANGE.

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# NEW MEXICO STATE UNIT ON AGING (SUA)

## NEW MEXICO STATE ALTSD—Grievance and Appeal Policy—SCSEP

### 1.0 PURPOSE

- . The purpose of this policy is to establish the Aging and Long-Term Services Department's (ALTSD) and Senior Community Service Employment Program's (SCSEP) Grievance and Appeal Procedures.

### 1. DEFINITIONS

Host Agency – A not-for-profit organization or public agency selected by the Aging & Long-Term Services Department (ALTSD) in which eligible trainee(s) are placed in training positions(s).

### 2. POLICY

All participants and applicants have the right to file a grievance if they believe they have been treated unfairly, discriminated against, harassed, or incorrectly deemed ineligible for participation. These procedures are designed to ensure that concerns are addressed promptly, fairly, and consistently. Participants receive a copy of this grievance policy as part of the SCSEP Participant Handbook and sign a receipt acknowledging they have received it.

### 3. PROCEDURE

- A. Applicant Ineligibility Grievance: An applicant who has been determined ineligible for enrollment or placement in the SCSEP may:

Request reconsideration from the ALTSD Employment Programs Bureau Chief (in person, by phone, or in writing to the address directly below) within five calendar days of receiving the notice of ineligibility.

Senior Employment Bureau Chief NM Aging and Long-Term Services Department, 8500 Menaul Blvd NE. STE B 590 Albuquerque, NM 87112 email [Natasha.Montoya@altsd.nm.gov](mailto:Natasha.Montoya@altsd.nm.gov)

The Bureau Chief will review the documentation and issue a second determination within ten calendar days of receiving the request.

If the applicant disagrees with the second determination, they may submit a written challenge to the ALTSD Aging Network Division Deputy Director at the address directly below within ten calendar days of receiving the Bureau Chief's decision. The challenge must include reasons and supporting documentation.

Aging Network Division Deputy Director, NM Aging and Long-Term Services Department, 8500 Menaul Blvd NE. STE B 590 Albuquerque, NM 87112 email [Aimee.Brown@altsd.nm.gov](mailto:Aimee.Brown@altsd.nm.gov)

If the applicant disagrees with the second determination, they may submit a written challenge to the ALTSD Aging Network Division Director at the address directly below within ten calendar days of receiving the Bureau Chief's decision. The challenge must include reasons and supporting documentation.

Aging Network Division Director, NM Aging and Long-Term Services Department, 8500 Menaul Blvd NE. STE B 590 Albuquerque, NM 87112 email [Denise.King@altsd.nm.gov](mailto:Denise.King@altsd.nm.gov)

The Division Director will review the challenge and issue a final determination within ten calendar days of receiving the appeal. This decision is final.

- B. **Participant Grievance Process:** Any participant who believes that he or she has been subject to unfair treatment, discrimination, or harassment by a supervisor, manager, co-worker, or a host agency may proceed as follows:

1 Supervisor Level

The participant may discuss the issue with their supervisor (in person, by phone, or in writing) within five calendar days of the incident. The supervisor will respond with a solution or explanation within ten calendar days. If more time is needed, the participant will be notified, but the response must be provided within 30 calendar days of the initial notice date, . If the participant finds it difficult to discuss the problem with the supervisor, the participant may proceed directly to number 2.

2. Host Agency Authority

If unresolved, or if the participant is uncomfortable speaking with the supervisor, they may escalate the grievance to the next level of authority at the host agency within five calendar days of the incident or supervisor's response. This authority will respond within ten calendar days. Participants will be provided with the name, title, and contact information of the host agency authority at the time of placement. If the issue remains unresolved, the participant may proceed to Step 3.

3. Bureau Chief Review

Suppose the participant is unable to receive a satisfactory answer or resolution to the problem from the host agency in step 2. In that case, the participant may submit a written grievance to the ALTSD Employment Programs Bureau Chief at the address directly below within five calendar days of receiving the host agency's response. The grievance must include: the nature of the issue, relevant facts, specific actions, and the requested resolution. The Bureau Chief will contact the participant within ten calendar days to gather additional information and will issue a written determination within 20 calendar days of receiving the grievance. If more time is needed, the participant will be notified, but the response must be provided within 30 calendar days of the initial notice.

Senior Employment Bureau Chief, NM Aging and Long-Term Services Department, 8500 Menaul Blvd NE. STE B 590 Albuquerque, NM 87112 email [Natasha.Montoya@altsd.nm.gov](mailto:Natasha.Montoya@altsd.nm.gov)

4. If the problem or grievance remains unresolved to the participant's satisfaction following Step 3, the participant may follow the appeal procedure outlined in 9.2.13.12 NMAC.<sup>1</sup>

## **RIGHT OF APPEAL OF PARTICIPANTS:**

- A. Participants in the SCSEP have a right of appeal in the following circumstances:

1. If participation has been involuntarily terminated by written notification from ALTSD;
2. If deemed ineligible for continued enrollment by written notification from ALTSD; or
3. If the grievance process outlined above has been followed and the issue remains unresolved.

- B. Appeal procedures for program participants who meet the criteria outlined in Subsection A above:

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<sup>1</sup> [9.2.13.11 New Mexico Administrative Code - N, 02/12/2010]  
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1. Appeals must be submitted in writing to the ALTSD Aging Network Division Director within five working days of receiving the notice of action to:

Aging Network Division Director, NM Aging and Long-Term Services Department, 8500 Menaul Blvd NE. STE B 590 Albuquerque, NM 87112 email [Denise.King@altsd.nm.gov](mailto:Denise.King@altsd.nm.gov)

2. The Division Director will contact the participant within ten calendar days to confirm receipt and gather additional information.
3. A written decision will be issued within 25 calendar days of contact. This decision is final and binding.

#### C. Federal Law and Discrimination Complaints

Discrimination is illegal. If you believe your civil rights were violated in relation to a DOL-funded program, you may file a complaint with supporting documentation to:

USDOL Civil Rights Center Room N-4123, 200 Constitution Avenue NW, Washington, D.C. 20210 Email: [CRCEXternalComplaints@dol.gov](mailto:CRCEXternalComplaints@dol.gov) Voice: (202) 693-6500 | Fax: (202) 693-6506 | TRS: 7-1-1

Once you receive a final determination, you may appeal to the U.S. Department of Labor. However, the Department's only authority is to determine whether the grantee's grievance procedures were followed or if allegations of violations of Federal law other than civil rights law are substantial and credible. If you wish to appeal this final determination, you should send a summary of your grievance and any supporting documentation to:

Chief, Division of National Programs, Tools, and Technical Assistance U.S. Department of Labor Room C-4518, 200 Constitution Avenue NW Washington, D.C. 20210 Email: [grants.scsepdocs@dol.gov](mailto:grants.scsepdocs@dol.gov)

Allegations of violations of federal law (other than civil rights) that are not resolved within 60 days under this grievance procedure may also be submitted to the same contact.

Allegations determined to be substantial and credible will be investigated and addressed.

## Revision History

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