



**Title:** WMW 17-01 Grievance Procedure for WIOA, PATH, and FAE&T, and other applicable programs

**Effective Date:** August 28, 2017

**Approved by:** Area Community Services Employment and Training Council (ACSET) Governing Board on August 28, 2017

**Programs Affected:** Workforce Innovation and Opportunity Act (WIOA) Adult, Dislocated Worker, Out of School Youth Programs, In-School Youth Programs, Partnership. Accountability. Training. Hope. (PATH), Food Assistance Employment & Training (FAE&T), Other applicable programs

**Scope:** The purpose of the West Michigan Works! (WMW) Grievance Procedure is to assure a system with adequate due process, for resolution of Grievances which concern the One-Stop Services System in Allegan, Barry, Ionia, Kent, Montcalm, Muskegon and Ottawa Counties. This procedure affects Workforce Innovation and Opportunity Act (WIOA), Partnership. Accountability. Training. Hope. (PATH), Food Assistance Employment and Training (FAE&T), and other applicable programs.

The Area Community Services Employment and Training Council (ACSET) is a consortium of Allegan, Barry, Ionia, Kent, Montcalm, Muskegon and Ottawa Counties, and the City of Grand Rapids that is the Michigan Works! Agency that serves that area. West Michigan Works! (WMW) is a division of ACSET that administers employment and training programs.

**Grievances must be filed within one year of the alleged occurrence.**

**Discrimination Complaints must be filed within 180 days of the alleged discrimination.**

**ACSET WMW Complaint Officer:** Tawanna Wright  
215 Straight Ave. NW  
Grand Rapids, MI 49504  
[twright@westmiworks.org](mailto:twright@westmiworks.org)  
(616)336-4132 (voice); TTY 711

**Supersedes:** ACSET Welfare Reform Complaint Procedure; ACSET WIOA Complaint Procedure

**References:** State of Michigan Policy Issuance (PI) 22-05; Workforce Innovation and Opportunity Act of 2014 (WIOA Sections 106(b)(5) and 181(c)), P.L. 113-128; Part A of Title IV of the Social Security Act (42 U.S.C. 401 et seq.; Temporary Assistance for Needy Families (TANF) Regulation, 45 CFR 261.70; Food and Nutrition Act of 2008

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A. **Definitions:** For the purpose of this procedure, the following definitions apply:

1. Grievance – A Grievance is defined as a written allegation of a violation of a statute or regulation governing one of the programs listed in Section A.5 or a grant, a contract, or other agreement funded pursuant to a program listed in Section A.5.
2. Petitioner – A person or organization making a Grievance. Grievances may be brought by program participants, applicants for programs, Service providers, employees, providers of training services, One-Stop Partners, or other interested parties.
3. ACSET – Area Community Services Employment and Training Council, a consortium of local governments which includes Allegan, Barry, Ionia, Kent, Montcalm, Muskegon, and Ottawa Counties, and the City of Grand Rapids; all in the State of Michigan.
4. Party – A Petitioner or a Respondent.
5. Program – Unless otherwise indicated, the term “program” shall refer to
  - a. the WIOA program (Workforce Innovation and Opportunity Act of 2014);
  - b. the Food Assistance Employment and Training (FAE&T) program (including the FAE&T Plus program); or
  - c. the Partnership. Accountability. Training. Hope. (PATH) program.
6. Respondent – The person or organization against whom the Grievance is made.
7. Service provider – Any governmental unit, nonprofit agency, or private for-profit employer, which receives money through a written agreement between that unit or agency and ACSET, to operate any program listed in Section A.5. The term Service provider shall also include any subcontractor which receives financial assistance under a program listed in Section A.5 through ACSET, and is an employer of program participants or a respondent to a Grievance filed hereunder.
8. Hearing Officer – An impartial party contracted by ACSET for the purpose of hearing Grievances.
9. Time Limits – In computing time limits described in this procedure, the term “day” shall mean a calendar day, while the term “business day” shall mean a calendar day other than a Saturday, Sunday or legal holiday.

**Policy:**

B. General Grievance Procedure Information

1. Notification of the Procedure. A copy of this Grievance Procedure will be retained in the office of the WMW Administrative Unit and available for review by any interested party.
  - a. In addition, at the time of enrollment, each participant in any element of a program described in Section A.5 shall be given a copy or summary of this Procedure. A summary of this Grievance Procedure shall indicate how to access the entire procedure on the

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West Michigan Works! (WMW) website and how to obtain a hard copy. Each participant shall also sign and date documentation acknowledging receipt of the Procedure. This documentation shall be retained by WMW or the Service provider.

- b. WMW or a Service provider shall also provide a copy of this Grievance Procedure to any interested party who requests a copy and shall obtain a signed and dated receipt.
  - c. ACSET shall include a copy of this Grievance Procedure in the contract of all service providers.
  - d. ACSET and its service providers shall attach a copy of this Grievance Procedure to the contract or training agreement with any employer-based training employer, such as an employer of On-the-Job Training (OJT) participants or Subsidized Employment participants.
  - e. ACSET shall provide a copy of this Grievance Procedure to all of its One-Stop Partners.
  - f. A copy of this Grievance Procedure shall also be posted in areas where any program described in Section A.5. is administered and services are provided, as well as on the WMW website at [www.westmiworks.org](http://www.westmiworks.org). The Grievance Procedure shall be accessible to all persons with disabilities and other barriers, as required by law.
2. Complaint Officer.
- a. The Chief Executive Officer of ACSET shall designate a Complaint Officer who shall be available to answer questions concerning the Grievance Procedure and who shall, to the extent feasible, provide assistance to Petitioners in the processing of Grievances if such assistance is requested by the Petitioner. Identification of the Complaint Officer shall be included in the notification described in Section B.I. The Complaint Officer shall not be a respondent to or in a supervisory authority over a respondent to the Grievance.
  - b. The Complaint Officer shall maintain a log of grievances received and their disposition. The grievance log and records of grievances must be maintained for review by the State of Michigan and federal funding agencies for a period of three years after the State of Michigan's acceptance of the final closeout of the grant or contract involved in the grievance; provided that, if an audit or litigation is begun, or a claim is instituted involving the grant or agreement involved, the log and records of grievances must be retained until the litigation, claim or audit is resolved.
3. Where a significant number or proportion of limited English-speaking individuals exist, WMW will make a reasonable effort to assure that the information in this policy will be provided to and understood by limited English-speaking individuals who seek information regarding the Grievance Procedure.
4. Selection of Procedure (WIOA complaints – see Attachment A; Welfare Reform complaints – see Attachment B)
- a. ACSET has no jurisdiction under this Grievance Procedure over Grievances involving the programs of One-Stop Partners. Such Grievances should be filed under the Grievance Procedure applicable to that program.
  - b. Known or suspected cases of fraud, abuse, or criminal conduct shall be handled pursuant to incident report guidelines established by the appropriate funding agency for the program involved.

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- c. A person, agency, or other entity that wishes to appeal ACSET's failure to select a proposal that it submitted in response to a Request For Proposals (RFP) issued by ACSET shall utilize the appeal process included in the RFP, unless the appeal alleges illegal discrimination.

### C. Steps in the WMW Grievance Procedure

#### 1. Step 1: Informal Process.

- a. An individual or entity who feels that a violation of a statute or regulation governing a program listed in Section A.5., or a grant, contract or other agreement funded pursuant to a program listed in Section A.5. has occurred may contact the ACSET WMW Complaint Officer, by e-mail, by telephone or in person, and describe the facts which constitute the alleged violation. The name, address and telephone number of the ACSET WMW Complaint Officer are indicated on the cover page of this Procedure.
- b. If the Complaint Officer feels that the allegations, if written, would not constitute a Grievance, as defined in Section A.1., he or she shall advise the person or entity of this opinion in writing. If the person or entity making the allegation disagrees, he or she may file a formal Grievance pursuant to Step 2.
- c. If the allegations would constitute a Grievance, the ACSET WMW Complaint Officer shall send a written notice to the Respondent indicating that the person or entity has alleged that a violation of a statute or regulation governing a program listed in Section A.5., or a grant, contract or other agreement funded pursuant to a program listed in section A.5. has occurred, and briefly describing the alleged violation. The notice shall indicate the name and address of the complaining person or entity. If the allegation has been made in writing (except e-mail), it shall be treated as a formal Grievance. If ACSET or WMW is the Respondent, the ACSET WMW Complaint Officer shall send the written notice to the Chief Executive Officer of ACSET.
- d. The Respondent shall provide a written response to the informal complaint both to the complaining person or entity and to the ACSET WMW Complaint Officer within 5 business days of its receipt of the notice.
- e. If the complaining person or entity is dissatisfied with the response of the Respondent, or if no response is provided, he or she may file a formal Grievance under Step 2.

#### 2. Step 2. Formal Grievances.

- a. Parties shall have the following rights and privileges with respect to formal Grievances filed under this procedure:
  - i. The opportunity to withdraw the Grievance prior to the hearing. Such request shall be sent in writing to the ACSET WMW Complaint Officer and each respondent, at any time prior to the time scheduled for hearing.
  - ii. The opportunity to be represented by an attorney or representative of a party's choice at the party's expense.
  - iii. The opportunity to present evidence, including witnesses, and to question any witness or party.

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- b. Filing of a Formal Grievance. A formal Grievance shall be in writing, signed by the Petitioner and shall be addressed to the ACSET WMW Complaint Officer and to the Administrative Head of the Respondent, and may be filed by mail or in person. A formal grievance may not be filed by e-mail. Grievances shall be deemed filed when received by both the ACSET WMW Complaint Officer and the Administrative Head of the Respondent. Both the Administrative Head of the Respondent and the ACSET WMW Complaint Officer shall notify the other immediately when a Grievance has been filed with them.
- c. Contents of a Formal Grievance. A formal Grievance shall contain, to the best extent practicable, the following information:
- i. The full name, telephone number (if any), and address of the petitioner.
  - ii. The full name, address, and telephone number of each Respondent, or other information sufficient to identify such Respondent(s).
  - iii. A clear and concise statement of the facts as alleged, including pertinent dates, constituting the alleged violations.
  - iv. The provisions of any statute, regulation, grant, contract, or other agreements alleged to have been violated.
  - v. The relief requested.

The Petitioner may use the attached WMW Grievance Procedure Formal Grievance form.

- d. Cooperation of Petitioner.
- i. If a Grievance does not contain all of the above information, the ACSET WMW Complaint Officer shall immediately send a notice to the Petitioner by Certified Mail, return receipt requested, indicating what additional information is required, and indicating the time and manner in which such information is to be supplied. The notice shall also indicate that failure to supply such information in the time provided may result in the dismissal of the Grievance. WMW shall send the respondent a copy of any additional information received pursuant to the notice within 3 business days after such information has been received by WMW. Receipt by WMW of such additional information constitutes the filing date of the Grievance for the purposes of computation of time limits in this Grievance Procedure.
  - ii. If a Petitioner fails to provide the information requested by the Complaint Officer within the time provided, the Complaint Officer may dismiss the complaint for failure to comply with this Grievance Procedure, as provided in subsection f.
- e. Timeliness of Grievance. With the exception of Grievances alleging fraud or criminal activity, and except as provided in Section B.4., and Attachment A, Section E, a formal Grievance must be filed within **one (1) year** of the alleged occurrence. **A formal Grievance which is not filed within the time limit herein shall automatically be dismissed by WMW**, and the ACSET WMW Complaint Officer shall notify the Petitioner in writing, by certified mail, return receipt requested, if a Grievance is dismissed as untimely.

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- f. Summary Dismissal. Upon receipt of a Grievance, the ACSET WMW Complaint Officer may dismiss a Grievance, if in his or her judgment:
- i. The Grievance fails to state a claim for which relief can be granted;
  - ii. The Grievance lacks merit; i.e., even if all the allegations are true, they would not constitute a violation of a statute or regulation governing a program described in Section A.5., or a grant, contract or other agreement funded pursuant to a program described in Section A.5.;
  - iii. The Grievance fails to state a grievable issue; i.e., it fails to state an issue over which ACSET has jurisdiction to make a decision; or
  - iv. The Petitioner fails to comply with this procedure.

Such a dismissal shall be made in writing to all parties, by certified mail, return receipt requested, within 10 days after the filing of the formal Grievance, except that a dismissal for a petitioner's failure to comply with the procedure must be made no later than 60 days after the filing of the Grievance, and shall describe the reasons for the dismissal. A Petitioner who disagrees with a summary dismissal shall be advised of the procedures for appealing the dismissal to the State of Michigan.

- g. Prehearing Meeting. If the ACSET WMW Complaint Officer does not dismiss the Grievance pursuant to subsection f, he or she shall send all parties a written notice that indicates the issues presented in the Grievance that will be the subject of the hearing, if the Grievance is not settled at the Prehearing Meeting. The Complaint Officer shall send this notice to the parties within 10 days after the filing of the Grievance. WMW shall also include in the above Notice to the Parties notice of an opportunity for a meeting of the parties with the ACSET WMW Complaint Officer, for the purpose of accomplishing an agreeable resolution of the Grievance. The meeting shall be held no later than five days after the mailing of the notice. The notice shall state the time and place of the meeting. WMW shall make a written record of the meeting, which record shall consist of a statement of the issues considered and the disposition of each issue, and a copy of the record shall be provided to both parties. A party who fails to appear at a pre-hearing meeting without good cause may be defaulted by the ACSET WMW Complaint Officer. If the Grievance is not resolved, the parties shall receive a description of the WMW Hearing Procedure. In addition, if the Grievance is not resolved at such meeting, and if ordered by the Hearing Officer, the parties shall provide the ACSET WMW Complaint Officer and each other with a list of the witnesses which each party, respectively, plans to call at the hearing, together with copies of any documents which such party plans to introduce into evidence at such hearing. This information may be provided at the conclusion of the pre-hearing meeting but such information must be received by the Hearing Officer and the opposite party(ies) no later than three business days prior to the hearing.
- h. Settlement. If the Grievance is settled at the Prehearing Meeting, or at any time prior to the hearing, the ACSET WMW Complaint Officer shall reduce the settlement to writing, which shall be signed by all parties, or their representatives, and a copy shall be

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provided to each party. Any such settlement shall be reduced to writing and signed by the parties, or their representatives, within 60 days after the filing of the Grievance.

- i. Notice of Hearing. WMW shall provide all parties with a notice of the date, time and place of the hearing, the manner in which it will be conducted, including notice of the opportunity to present evidence, including witnesses, and a statement of the issues to be decided. If indicated by the Hearing Officer, the notice will describe the rules of evidence that will be utilized by the Hearing Officer at the hearing. The Notice shall be sent not less than 10 days prior to the hearing, which shall be held not later than thirty days after the filing of the formal Grievance. The ACSET WMW Complaint Officer shall provide the Hearing Officer with a copy of the Notice of Hearing as described in this section, together with a copy of the formal grievance, at least ten (10) days prior to the hearing.
  - j. Position Statement. Each Respondent may file a position statement that describes its position concerning the issues presented in the Grievance. Any such position statement must be received by the Hearing Officer, the ACSET WMW Complaint Officer and the Petitioner no later than 3 business days prior to the date scheduled for the hearing.
  - k. Information Report. Unless ACSET or WMW is a Respondent, the ACSET WMW Complaint Officer may prepare a written report that describes the program activity involved in the Grievance, the statutes and regulations governing the program, and any other background information about the program activity that he or she feels would assist the Hearing Officer to understand the issues involved in the Grievance. Such a report shall not take a position on any issue presented in the Grievance or present evidence on any disputed question of fact to be decided at the hearing. If ACSET or WMW is a Respondent, the Complaint Officer may not send such a report to the Hearing Officer, but may include such background information in its position statement. Any information report must be received by the Hearing Officer, the Petitioner, and each Respondent at least 3 business days prior to the date scheduled for the hearing.
3. Step 3. Hearing
- a. Hearing and Report. All parties shall have the rights at the hearing as indicated in Section a. of Step 2. The Hearing Officer may enter a default against absent parties and enter judgment accordingly. WMW shall maintain a record of the hearing and a list of all evidentiary exhibits presented at the hearing. The Hearing Officer shall have the authority to receive the Information Report in evidence at the hearing, except when ACSET or WMW is a Respondent; review position statements; review and make rulings on the admission of evidence; rule on procedural matters; and question parties and other witnesses. The Hearing Officer shall provide a written decision in the matter to the ACSET WMW Complaint Officer, the Petitioner, and each Respondent.

Such written decision shall contain the following:

- i. The date, time, and place of hearing;
- ii. The names and addresses of the parties;
- iii. The names and addresses of all the witnesses called by the parties;

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- iv. Information sufficient to identify all evidence presented;
- v. A reiteration of the issues raised;
- vi. A determination of facts;
- vii. An analysis of the issues as they relate to the facts;
- viii. A decision addressing each issue;
- ix. The relief granted. Available relief is limited:
  - To the suspension or termination of payment to a service provider;
  - To prohibition of placement of a participant with an employer that has violated any requirement under a statute or regulation governing the program involved in the complaint;
  - Where applicable, to reinstatement of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions and privileges of employment; and
  - Where appropriate, to other equitable relief.and
- x. Notification to the parties of the right and procedure for filing an appeal with the State of Michigan, including the name and address of the person to whom the appeal must be sent.

- b. Timeliness of Decision. The decision of the Hearing Officer shall be mailed, by certified mail, return receipt requested, no later than 60 days after the filing of the formal grievance. If the Hearing Officer fails to issue a decision within the time provided herein, the Petitioner may appeal to the State of Michigan as provided in Step 4 below.

#### 4. Step 4. Appeal to the State of Michigan

- a. Right to Appeal. If the Hearing Officer's decision is not received by the date that it is due (60 days after the formal grievance was filed), or if either party is dissatisfied with the Hearing Officer's decision, there is an opportunity to appeal to the State of Michigan.
- b. Contents of the Appeal. The appeal must be in writing and include the same information as is required for a formal Grievance indicated in Section c. of Step 2.
- c. Timeliness of the Appeal. All appeals must be sent within 10 days after receipt of the Hearing Officer's decision or 10 days after the date that the decision was due (60 days after the formal grievance was filed), but not issued.

All appeals must be submitted **by certified mail, return receipt requested** to:

Workforce Development  
Executive Office  
P.O. Box 30805  
Lansing, MI 48909



**WEST MICHIGAN WORKS! GRIEVANCE PROCEDURE**

**Formal Grievance**

<b><u>Petitioner</u></b>	<b><u>Respondent</u></b> <i>(The Person or Organization you are complaining against)</i>
<u>Your Name</u>	<u>Their Name</u>
<u>Your Address</u>	<u>Their Address</u>
<u>Your Telephone Number</u>	<u>Their Telephone Number</u>

**State Your Grievance:** Including the facts and relevant dates (use additional sheets if necessary)

**If you know, indicate the statute, regulation, or contract or grant you feel has been violated by the Respondent:**

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

**ACKNOWLEDGEMENT OF RECEIPT OF  
GRIEVANCE PROCEDURE**

***\*\*\*Career Coach: Please detach this sheet and place in the Participant's Master File.\*\*\****

I have received a copy of the West Michigan Works! Grievance Procedure.

Participant's Printed Name: \_\_\_\_\_

Participant's SIGNATURE: \_\_\_\_\_ Date: \_\_\_\_\_

Career Coach's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## ATTACHMENT A

This page is applicable to complaints filed about the WIOA program.

### Selection of Procedure.

- A. Grievances of discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and, as appropriate, citizenship or participation in WIOA shall be handled under 29 CFR Part 38. Upon receipt of such a Grievance or information of such a Grievance, the ACSET WMW Complaint Officer shall:
1. Advise the Petitioner that such a Grievance may be filed with Mr. Matthew Shilling, Equal Opportunity Officer, Michigan Department of Labor and Economic Opportunity, via email to: [LEO-EO-Discrimination-Complaints@michigan.gov](mailto:LEO-EO-Discrimination-Complaints@michigan.gov) -OR- with the Director of the Civil Rights Center (CRC) of the U.S. Department of Labor. A Grievance filed with the U.S. Department of Labor must be filed at the following address: **Director, Civil Rights Center, United States Department of Labor, 200 Constitution Avenue, N.W., Room N-4123, Washington D.C. 20210**; or may be filed electronically, as directed on the CRC Website at [www.dol.gov/crc](http://www.dol.gov/crc).
  2. Advise the Petitioner that if the Grievance alleges discrimination on the basis of race, color, or national origin, the Petitioner may also allege in the Grievance a violation of Title VI of the Civil Rights Act of 1964, 42 USC 2000d.
  3. Advise the Petitioner that such a Grievance must be filed within **180 days** of the alleged discrimination.
- B. A person alleging a violation of labor standards may submit the grievance to a binding arbitration procedure if a collective bargaining agreement covering the parties so provides, or may file the Grievance pursuant to this procedure. A person electing binding arbitration shall do so in lieu of and prior to filing a Grievance under this Grievance Procedure and may not elect binding arbitration for a Grievance that has been previously filed under the WMW Grievance Procedure or any other WIOA Grievance Procedure.
- C. A Petitioner who believes that a violation of WIOA has occurred and such conduct also violates another federal statute or state or local law may pursue remedies for the alleged non WIOA-related violation without first exhausting remedies under WIOA.
- D. A party may file a Grievance under this Grievance Procedure alleging that a participant has displaced (including partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) a currently employed employee (including another participant), or has been employed in a position when (1) any other individual is on layoff from the same or any substantially equivalent job; (2) the employer has terminated the employment of any regular employee or otherwise reduced its workforce with the intention of filling such vacancy with a participant; or (3) the job is created in a promotional line that will infringe upon the promotional opportunities of currently employed persons. (See 20 CFR 683.270)
- E. A training provider whose application to include a training program on the Michigan Training Connect (MiTC) was denied by ACSET, or whose program was determined to be ineligible to remain on the MiTC by ACSET may use this Grievance Procedure to appeal that action by ACSET. **Such an appeal must be filed with ACSET within thirty (30) working days from the date of the adverse action by ACSET.**

## ATTACHMENT B

This page is applicable to complaints filed about a Welfare Reform program.  
(FAE&T or PATH)

### Selection of Procedure

- A. Grievances of discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and, as appropriate, citizenship or participation in WIOA Title I financially-assisted program or activity shall be handled under 29 CFR Part 38. For the purposes of those regulations, the PATH and FAE&T programs (but **not** the FAE&T Plus Program) are WIOA Title I financially-assisted activities. Upon receipt of such a Grievance or information of such a Grievance, the ACSET WMW Complaint Officer shall:
1. Advise the Petitioner that such a Grievance may be filed with Mr. Matthew Shilling, Equal Opportunity Officer, Michigan Department of Labor and Economic Opportunity, via email to [LEO-EO-Discrimination-Complaints@michigan.gov](mailto:LEO-EO-Discrimination-Complaints@michigan.gov) -OR- with the Director of the Civil Rights Center (CRC) of the U.S. Department of Labor. A Grievance filed with the U.S. Department of Labor must be filed at the following address: **Director, Civil Rights Center, United States Department of Labor, 200 Constitution Avenue, N.W., Room N-4123, Washington D.C. 20210;** or may be filed electronically, as directed on the CRC Website at [www.dol.gov/crc](http://www.dol.gov/crc).
  2. If appropriate, advise a complainant that a Grievance that alleges discrimination in the **FAE&T Plus Program** must be filed at the federal level at the following address: **USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Ave. SW, Washington, D.C. 20250-9410.**
  3. Advise the Petitioner that if the Grievance alleges discrimination on the basis of race, color, or national origin, the Petitioner may also allege in the Grievance a violation of Title VI of the Civil Rights Act of 1964, 42 USC 2000(d).
  4. Advise the Petitioner that such a Grievance must be filed within **180 days** of the alleged discrimination.
- B. ACSET has no jurisdiction, through this procedure, over Grievances with respect to the PATH or FAE&T programs involving program eligibility, exemptions, deferments, questions of whether a Petitioner had good cause for non-compliance, or sanctions. The Complaint Officer will direct persons with such Grievances to file them with the Michigan Department of Health and Human Services (DHHS) or, with respect to issues concerning good cause for noncompliance in the PATH program, the PATH reengagement and triage process.
- C. An interested party may file a Grievance under this Grievance Procedure alleging that a recipient of Temporary Assistance for Needy Families (TANF) has been placed in a position (1) when any other individual is on layoff from the same or any substantially equivalent job or (2) if an employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with an adult receiving TANF assistance. See 45 CFR 261.70.