



WORKFORCE DEVELOPMENT BOARD
OF SOLANO COUNTY

POLICY ISSUANCE

Date: March 22, 2019 Number: 2019-04

WIOA PARTICIPANTS GRIEVANCE AND COMPLAINTS POLICY

INTRODUCTION

This policy provides guidance to the Workforce Development Board (WDB) of Solano County and applies to programmatic grievances and complaints by Workforce Innovation and Opportunity Act (WIOA) participants or applicants pursuant to WIOA Section 181(c) regarding the receipt, hearing, resolution, and appeals process of WIOA Title I grievance and complaints in accordance with Title 20 CFR, Sections 683.600 and 683.610. These procedures apply only to participant or applicants' programmatic complaints alleging violations of WIOA Title I requirements in the operation/administration of WIOA programs and activities. This policy also establishes a procedure for such grievances or complaints alleging violations of the requirements of this title to be heard and completed within 60 days after the filing of the grievance or complaint.

QUESTIONS

Questions relating to this policy should be directed to Marion Aiken, Workforce Services Manager, at maiken@solanowdb.org or (707) 863-3594.

ATTACHMENTS

N/A

POLICY

General Provisions

Under this policy, written complaint procedures shall be made available to every applicant of WIOA services. Reasonable efforts will be made to ensure that complaint procedures are understood by participants, individuals and recipients of federal assistance under WIOA. The written complaint procedure will include notice that the complainant and respondent have the right to be represented by an attorney or other individual of their own choice. With the exception of discrimination complaints, all complaints must be filed within one year (365 days) from the date of the alleged occurrence. Discrimination complaints must be filed within one half year (180 days) from the date of the alleged act of discrimination unless the time is extended by the Assistant Secretary of the U.S. Department of Labor for good cause.

All references to days shall be defined as calendar days, with timelines beginning on the day a complaint is received by the Equal Opportunity Officer initially receiving the

complaint. Timelines may be extended if good cause is shown, and if both the complainant and respondent parties agree in writing to waive the timelines. A complaint may be withdrawn by the complainant at any time. Such a withdrawal must be in writing. Any participant or other interested party who feels they have been adversely affected by a decision or action by the WDB has the right to file a grievance or complaint.

Filing a Grievance or Complaint

Grievances or complaints can be filed at any time within one year of the alleged violation. The grievance or complaint must be in writing, and must be signed and dated. The grievance or complaint should contain the following information:

- Full name, telephone number and mailing address of the party filing the grievance (the complainant);
- Full name, telephone number and mailing address of the party or agency against which the complaint is being filed (the respondent);
- A clear and concise statement of the facts and dates describing the alleged violation;
- Where known, the provisions of the Workforce Innovation and Development Act (WIOA) and the WIOA regulations, grant or other agreements under the WIOA believed to be violated;
- Grievances or complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with the WIOA law, regulation or contract; and
- The remedy sought by the complainant.

NOTE: The absence of any of the requested information shall not be a basis for dismissing the grievance or complaint.

Complainants have the right to receive technical assistance from the WDB. Technical assistance includes providing instructions on how to file a grievance or complaint, providing relevant copies of documents such as the WIOA, regulations, local rules, contracts, etc., and providing clarifications and interpretations of relevant provisions.

Grievances or complaints may be filed by mail or in person to the Equal Opportunity Officer at their assigned business address. The official filing date of the grievance or complaint is the date the written grievance or complaint is received by the WDB. The filing of the grievance or complaint will be considered a request for a hearing. The WDB shall issue a written decision within 60 days of the filing of the grievance. All persons filing grievances or complaints shall be free from restraint, coercion, reprisal or discrimination.

Informal Resolution

Upon the receipt of the complainant's request for a hearing, the WDB will forward a copy of the request to the respondent. Both parties will be notified of the opportunity for an informal conference to resolve the grievance or complaint.

When the grievance or complaint has been resolved through the informal resolution process, the WDB shall attempt to contact the complainant and have him or her provide a written withdrawal of the complaint within 10 days of the receipt of the notice of resolution or impasse where a complainant decides not to proceed to a hearing. When a grievance or complaint is not resolved informally or is not withdrawn, it proceeds to a hearing.

Notice of Hearing

Grievance or complaint hearings shall be conducted within 30 days of the initial filing. A written "Notice of Hearing" will be forwarded to the complainant and respondent no less than 10 calendar days before the date of the hearing. The 10-day notice may be shortened with the written consent of both parties. The hearing notice will be in writing and will contain the following information:

- The date of the notice, name of the complainant and the name of the respondent.
- The date time and place of the hearing before an impartial hearing officer.
- A statement of the alleged violations
- The name address, and telephone number of the contact person issuing the notice.

Conduct of Hearings

All grievances or complaints will be conducted by an impartial hearing officer. A qualified impartial hearing officer will be contacted and selected from an established list of individuals from local legal offices, or personnel departments of municipalities or counties, as well as regional WDB administrators.

Hearings will be conducted in an informal manner with strict rules of evidence not being applicable. Both parties will have the right to present written and/or oral testimony and arguments; the right to call and question witnesses in support of their position; the right to examine records and documents relevant to the issues; and the right to be represented. Hearings will be recorded electronically or by a court reporter.

Decision

No later than 60 days after the filing of the grievance or complaint, the hearing officer shall mail a written decision to the complainant and respondent by first class mail. The hearing officer's decision shall contain the following:

- The names of the parties involved;
- A statement of the alleged violation(s) and issues related to the alleged violation(s);
- A statement of the facts;
- The hearing officer's decision and the reason for the decision;
- A statement of corrective action or remedies for violations, if any, to be taken; and
- Notice of the right of either party to request a review of the decision by the State Review Panel within 10 days of the receipt of the decision.

Appeal

If a complainant does not receive a decision from the WDB within 60 days of the filing of the grievance or is dissatisfied with the decision, an appeal may be filed with the State. The complainant may request a State hearing by submitting a written appeal to:

Chief, Compliance Review Division, MIC 22-M
Employment Development Department
P.O. Boxes 826880
Sacramento, CA 94280-0001

All requests for State hearings shall include the same basic elements necessary for local-level hearings. These are:

- Full name, telephone number and mailing address of the party filing the grievance (the complainant);
- Full name, telephone number and mailing address of the party or agency against whom the complaint is filed (the respondent);
- A clear and concise statement of the facts and dates describing the alleged violation;
- Where known, the provisions of the Workforce Innovation and Opportunity Act (WIOA) and the WIOA regulations, grant or other agreements under the WIOA believed to be violated;
- Grievances or complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with the WIOA law, regulation or contract; and
- The remedy sought by the complainant.

DISCLAIMER

This policy is based on WDB's interpretation of the statute, along with the Workforce Investment and Opportunity Act; Final Rule released by the U.S. Department of Labor and federal and state policies relating to WIOA implementation. This policy will be reviewed and updated based on any additional federal or state guidance.

REFERENCES

Law

- [Workforce Innovation and Opportunity Act of 2014 \(WIOA\)](#).

Federal Guidance

- [Workforce Innovation and Opportunity Act Labor Only Final Rule](#)

State Guidance

- Workforce Services Directive (WSD) 18-05 – [WIOA Grievance and Complaint Resolution Procedures](#)

Approved by

Workforce Development Board of Solano County



WORKFORCE DEVELOPMENT BOARD
OF SOLANO COUNTY

EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING FOR:
WIOA GRIEVANCES AND COMPLAINTS POLICY
(Issued March 22, 2019)

The Workforce Development Board (WDB) of Solano County's WIOA Grievances and Complaints Policy contains important information pertaining to my employment and duties at the WDB.

A copy of this policy has been given to me to retain for future reference, and I have been provided with the location on the Shared Drive for the policy where I can obtain an electronic copy.

Since the information and policies described in the policy are necessarily subject to change, I acknowledge that revisions to the policy may occur. All such changes will be communicated through official notices. I understand that revised information may supersede, modify, or eliminate existing policies.

I have received the WIOA Grievances and Complaints Policy and I understand that it is my responsibility to read and comply with the information contained in this policy and any revisions made to it.

I understand that I should consult my supervisor if I have any questions about the information contained in the policy. I understand that failure to comply with the information contained in the policy could lead to disciplinary action or termination.

Employee's Name (printed): _____

Employee's Signature: _____ Date: _____



WORKFORCE DEVELOPMENT BOARD
OF SOLANO COUNTY

POLICY ISSUANCE

Date: November 15, 2019

Number: 2019-04 Change 1

WIOA PARTICIPANTS GRIEVANCE AND COMPLAINTS POLICY CHANGE 1

INTRODUCTION

This policy change adds additional information on the Federal Appeal process under the WIOA Participants Grievance and Complaints Policy.

QUESTIONS

Questions relating to this policy should be directed to Marion Aiken, Workforce Services Manager, at maiken@solanowdb.org or (707) 863-3594.

POLICY CHANGES

The change includes the following language regarding the Federal Appeals process to the WIOA Participants Grievance and Complaints Policy:

If the State Review Panel has issued an adverse decision regarding a grievance or complaint or has not issued a decision within 60 days of receipt of a local level appeal, request for EDD review, or grievance or complaint, the complainant may file an appeal with the Secretary.

This appeal process applies to grievances and complaints that originated at the local or state level.

Appeals of an adverse decision must be filed within 60 days of receipt of the adverse decision from the State Review Panel. In cases where the State Review Panel did not issue a decision, the complainant must file an appeal within 120 days of either of the following:

- The date on which the complainant filed the appeal of a local level decision or request for EDD review with the state.
- The date on which the complainant filed the grievance or complaint with the state.

All appeals to the Secretary must be sent to the DOL National Office via certified mail with return receipts requested. Copies of the appeal must simultaneously be provided to the DOL Employment and Training Administration (ETA) Regional Administrator and the respondent.

Mailing addresses for the DOL National Office and ETA Regional Administrator are included below:

DOL National Office Secretary of Labor
Attn: Assistant Secretary of ETA
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

ETA Regional Administrator Office of Regional Administrator
U.S. Department of Labor
P.O. Box 193767
San Francisco, CA 94119-3767

Grievances or complaints filed directly with the Secretary that were not previously filed with the Local Area and/or state will be remanded to the Local Area or state, as appropriate.

The Secretary shall issue a final determination no later than 120 days after receiving the appeal.

DISCLAIMER

This policy is based on WDB's interpretation of the statute, along with the Workforce Innovation and Opportunity Act; Final Rule released by the U.S. Department of Labor and federal and state policies relating to WIOA implementation. This policy will be reviewed and updated based on any additional federal or state guidance.

Approved by
Workforce Development Board of Solano County