

WIOA GRIEVANCE AND COMPLAINT RESOLUTION PROCEDURES

PURPOSE

This policy provides the guidance and establishes the procedures regarding grievances and complaints alleging noncriminal violations of Workforce Innovation and Opportunity Act (WIOA) Title I requirements. This policy applies to all WIOA Title I recipients and subrecipients, and is effective immediately. Retain this policy until further notice.

SCOPE

The Workforce Development Board of Ventura County (WDBVC) and its contractors and subrecipients.

REFERENCES

- Workforce Services Directive WSD18-05, WIOA Grievance and Complaint Resolution Procedures (September 4, 2018)
- WIOA (Public Law 113-128) Section 181(c)
- Title 20 Code of Federal Regulations (CFR) Sections 683.600 and 683.610
- Title 29 CFR Section 38.9
- Title 22 California Code of Regulations (CCR) Division 1, Subdivision 2, Chapter 2, Sections 5050 – 5070

POLICY

Under Title Code of Federal Regulations (CFR) 20 Section 683.00, each state, Local Workforce Development Area (Local Area), and subrecipients of Title I funding is required to establish and maintain procedures for participants and other interested parties to file grievances and complaints alleging violations of WIOA Title I requirements. These procedures must be made available to all relevant parties within the Local Area, including America's Job Center of CaliforniaSM (AJCC) partners, service providers, and program participants.

This policy contains guidance regarding the receipt, hearing, resolution, and appeals process of WIOA Title I grievances and complaints at the local, state, and federal level in accordance with Title 20 CFR Sections 683.600 and 683.610. These procedures apply only to programmatic complaints alleging violations of WIOA Title I requirements in the operation/administration of WIOA programs and activities. For information on complaints alleging discrimination under WIOA Section 188 and/or Title 29 CFR Part 38, see Workforce Services Directive Nondiscrimination and Equal Opportunity Procedures (WSD17-01). For information on complaints alleging criminal fraud, waste, abuse, or other criminal activity, see Workforce Services Directive Incident Reporting (WSD20-12). Lastly, for appeals of administrative or financial sanction(s) on a

The Workforce Development Board of Ventura County is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

subrecipient resulting from monitoring, investigations, or audits, see Workforce Investment Act Directive Audit Resolution.

General Requirements

Grievances or complaints must be filed within one year of the alleged violation. All grievances, complaints, amendments, and withdrawals must be in writing. All persons filing grievances or complaints shall be free from restraint, coercion, reprisal, and discrimination.

Furthermore, all recipients and subrecipients of WIOA Title I funds must make reasonable efforts to ensure their policies and corresponding information will be understood by affected participants and individuals, including youth and individuals with limited English proficiency. These efforts must comply with the language requirements of Title 29 CFR Section 38.9.

Definitions

Complainant – any participant or other interested or personally affected party alleging a noncriminal violation of WIOA Title I requirements.

Complaint file – a file that is maintained in a central location within each office, which includes a copy of each complaint filed along with pertinent documentation.

Compliance Review Office – the organization within the EDD that oversees the administrative resolution of WIOA programmatic complaints.

Days – consecutive calendar days, including weekends and holidays.

Grievance or complaint – a written expression by a party alleging a violation of WIOA Title I, regulations promulgated under WIOA, recipient grants, subgrants, or other specific agreements under WIOA.

Hearing Officer – an impartial person or group of persons that shall preside at a hearing on a grievance or complaint.

Local Area – the Local Area administrative entity and its subrecipients to whom the administrative entity has delegated the grievance and complaint resolution process.

Participant – an individual who has been determined to be eligible to participate in and who is receiving services under a program authorized under WIOA.

Participant case file – either a hard copy or an electronic file.

Recipient – an entity to which a WIOA grant is awarded directly from the U.S. Department of Labor (DOL) to carry out a program under WIOA Title I.

Service Provider – a public agency, private nonprofit organization, or private-for-profit entity that delivers educational, training, employment, or supportive services to WIOA participants.

State Review Panel – an entity within the EDD composed of representatives from EDD's Compliance Review Office, Legal Office, and Director's Office. This panel shall review and approve or disapprove decisions and recommendations regarding grievances or complaints.

Subrecipient – an entity to which a recipient awards funds and is accountable to the recipient (or higher tier subrecipient) for the use of the funds provided.

Local Level Grievance and Complaint Resolution Procedures

Subrecipients must establish procedures for resolving programmatic grievances and complaints alleging violations of WIOA Title I. These local procedures are intended to resolve issues related to WIOA Title I grant programs operated by the subrecipient's administrative entity or its subrecipients. The local procedures must meet the following criteria:

1. Notice to Affected Parties

Subrecipients must provide a copy of the local grievance and complaint procedures to each participant. These procedures must include the following:

- Notification that the participant has the right to file a grievance or complaint at any time within one year of the alleged violation.
- Instructions and timelines for filing a grievance or complaint.
- Notification that the participant has the right to receive technical assistance from the Subrecipient in filing the grievance or complaint.
- Notification that the participant may file an appeal or request a separate review by EDD if they experience an incident of restraint, coercion, or reprisal as a result of filing a complaint.

The local grievance and complaint procedures must be posted in a public location and made available to any interested parties or members of the public.

Where a hard copy case file is maintained, staff must include a signed copy of an acknowledgement of receipt of the local grievance and complaint procedures in each participant's case file. Where an electronic case file is maintained, staff must either: (1) enter a case note indicating that this notification did occur, the date of the notification, and the name of the staff person who provided it, or (2) scan a signed copy of an acknowledgement of receipt of the local grievance and complaint procedures and attach it to the participant's case file.

Subrecipients have the responsibility to provide technical assistance to complainants, including those filing grievances or complaints against the subrecipient. Technical assistance includes, but is not limited to, providing instructions on how to file a complaint,

and providing copies of relevant documents such as the WIOA, federal regulations, state laws and regulations, local procedures, and/or contracts. This does not require subrecipients to violate any rule of confidentiality or provide legal advice.

2. Filing a Grievance or Complaint

The official filing date of a grievance or complaint is the date it is received by the Local Area, AJCC partner, service provider, or subrecipient. The filing shall be considered a request for a hearing and the subrecipient shall issue a written decision within 60 days of the official filing date. The subrecipient shall send a copy of the grievance or complaint to the respondent.

The grievance or complaint must be in writing, signed, and dated by the complainant. The subrecipient should obtain the following information for all complaints. However, the absence of any of the requested information shall not be used as a basis for dismissing the grievance or complaint.

- Full name, telephone number, and mailing address of the complainant and respondent.
- A clear and concise statement of the facts and dates describing the alleged violation.
- The provision(s) of WIOA, federal regulations, grant, or other agreements under WIOA believed to have been violated.
- Grievances or complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with WIOA law, regulation, or contract.
- The remedy sought by the complainant.

A grievance or complaint may be amended to correct technical deficiencies at any time up to the start of the hearing. Grievances or complaints may not be amended to add new issues unless the complainant withdraws and resubmits the complaint. However, the one year time period in which a grievance or complaint may be filed is not extended for grievances or complaints refiled with amendments. Grievances or complaints may be withdrawn at any time prior to the issuance of the hearing officer's decision.

3. Informal Resolution

The subrecipient shall notify the complainant and respondent of the opportunity for an informal resolution. Respondents must make a good faith effort to resolve all grievances or complaints prior to the scheduled hearing. Failure on the part of either the complainant or respondent to exert a good faith effort shall not constitute a basis for dismissing a grievance or complaint, nor shall this be considered a part of the facts to be judged during the resolution process. The subrecipient must assure that all grievances or complaints not resolved informally or not withdrawn are given a hearing, regardless of the grievance or complaint's apparent merit or lack of merit.

If a complainant and respondent are able to reach an informal resolution, a notice of resolution must be sent to the complainant and entered into the complaint file. If the informal resolution leads to an impasse between the complainant and respondent, the complainant may choose to not proceed to a hearing. If this occurs, a notice of impasse must be sent to the complainant and entered into the complaint file. In the event of resolution or impasse, the subrecipient must request the complainant to provide a written withdrawal of the complaint within 10 days of receipt of the notice of resolution or impasse.

4. Local Level Hearing

Hearings on any grievance or complaint shall be conducted within 30 days of the filing date of the grievance or complaint:

a. Notice of Hearing

The subrecipient must notify the complainant and respondent in writing of the hearing at least 10 days prior to the date of the hearing. The 10-day notice period may be shortened with written consent from both parties. The notice shall be in writing and contain the following information:

- The date of the notice, name of complainant, and the name of the party against whom the grievance is filed.
- The date, time, and location of the hearing.
- A statement of the alleged violation(s). The statement must accurately reflect the content of the grievance or complaint as submitted by the complainant. However, clarifying notes may be added to assure that the grievance or complaint is addressed accurately.
- The name, address, and telephone number of the contact person issuing the notice.

b. Conduct of Hearing

An impartial hearing officer shall conduct the hearing. All members of the Local Workforce Development Board and the local Chief Elected Official(s) are considered interested parties and cannot conduct an impartial hearing. The state suggests the subrecipient seek impartial hearing officers from among the staff of legal offices or personnel departments of local municipalities or counties that will not be directly affected by, or will not implement the final resolution of, a specific grievance or complaint.

The hearing must be conducted in an informal manner and not be bound by strict rules of evidence. All hearings must follow any applicable procedures established by the subrecipient. Both parties have the right to be represented at their own cost, present written and oral testimony, call and question witnesses, and request and examine records

and documents relevant to the issues. The hearing must be recorded electronically or by a court reporter.

c. Decision of Hearing

The hearing officer shall provide a written decision to the subrecipient. The subrecipient shall mail the written decision to both parties by first class mail no later than 60 days after the filing date of the grievance or complaint. The decision shall contain the following information:

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

5. Local Level Appeal

If a complainant does not receive a decision within 60 days of the filing date of the grievance or complaint, or receives an adverse decision, the complainant has the right to file an appeal with the state. See the subsection below entitled Appeals of Local Level Decisions or Requests for EDD Review.

State Level Grievance and Complaint Resolution Procedures

As required under Title 20 CFR Section 683.600(d), the state must establish procedures for resolving appeals of decisions issued at the local level, grievances or complaints regarding statewide workforce programs, and grievances or complaints alleging state violations of WIOA Title I requirements.

Remanded Local Grievances and Complaints

Grievances or complaints filed directly with the state related to subrecipients programs will be remanded to the Local Area. Reviews that reveal a trial issue, such as the hearing officer being an interested party, will be remanded to the subrecipient for a retrial of the grievance or complaint.

Appeals of Local Level Decisions or Requests for EDD Review

If the subrecipient has issued an adverse decision or failed to follow the procedures in this policy, the complainant may file an appeal with the state. Additionally, if the subrecipient has not issued

a decision within the 60 day time limit, or if there has been any incident(s) of restraint, coercion, or reprisal at the local level as a result of filing a grievance or complaint, the complainant may file a request for EDD review.

The appeal or request for EDD review must be in writing, signed, and dated by the complainant. The state will attempt to obtain the following information. However, the absence of any of the requested information will not be used as a basis for dismissing the appeal or request for EDD review.

- The full name, telephone number, and mailing address of the complainant and the subrecipient.
- A statement of the basis of the appeal or request for EDD review.
- Copies of relevant documents, such as the complaint filed with the subrecipient and their decision, if any was received.

Appeals must be filed or postmarked within 10 days from the date on which the complainant received an adverse decision. Requests for EDD review must be filed or postmarked within 15 days from either of the following:

- The date on which a complainant should have received a decision regarding a locally filed complainant, which is defined as five days from the date the decision was due.
- The date on which an instance of restraint, coercion, or reprisal was alleged to have occurred as a result of filing the complaint.

Complainants must submit appeals or requests for EDD review to the following address:

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

By email: PACBCROincidentReports@edd.ca.gov

If an evidentiary hearing was held at the local level, the Compliance Review Office shall request the record of the hearing from the subrecipient and the State Review Panel shall review the record without scheduling an additional hearing. The subrecipient is to provide written transcripts of any audio or visual recordings of the hearings via overnight mail. Within 10 days of receipt of the grievance or complaint, the Compliance Review Office shall notify the complainant and respondent of the opportunity for an informal resolution and proceed with the informal resolution process.

If an evidentiary hearing was not held at the local level, the Compliance Review Office shall instruct the subrecipient to hold a hearing within 30 days of receipt of the appeal or request for EDD review. If the subrecipient refuses to hold a hearing within the required timeframe, the EDD shall schedule an evidentiary hearing before an impartial hearing officer within the 30-day timeframe.

State Review Panel

When an appeal of a local level decision is accepted, the State Review Panel shall not conduct a new evidentiary hearing but shall review the record established by the local level hearing. The State Review Panel shall issue a decision on the basis of the information contained within the record. The State Review Panel may accept, reject, or modify the hearing officer's recommendation, and shall issue a written decision to the concerned parties within 60 days of the EDD's receipt of the local level appeal or request for EDD review.

The State Review Panel shall send a written decision to both the complainant and the respondent. The decision shall contain the following information:

- The names of the parties involved.
- A statement of the alleged violation(s) and related issues.
- A statement of the facts.
- The State Review Panel's decision and reasoning.
- A statement of the corrective action or remedies for violations, if any, to be implemented.
- A notice of the right of either party to file an appeal with the U.S. Secretary of Labor (Secretary).

Grievances and Complaints Filed Against the State

All grievances or complaints against the state alleging noncriminal, state violations of WIOA Title I requirements, or grievances or complaints by individuals or interested parties affected by statewide workforce programs shall be filed in writing with the Chief of the Compliance Review Office. The official filing date of the grievance or complaint is the date it is received by the Compliance Review Office. The filing shall be considered a request for a hearing and the State Review Panel shall issue a written decision within 60 days of the official filing date. The Compliance Review Office shall send a copy of the grievance or complaint to the respondent.

The grievance or complaint must be in writing, dated, and signed by the complainant. The state will attempt to obtain the following information for all complaints. However, the absence of any of the requested information will not be used as a basis for dismissing the grievance or complaint.

- Full name, telephone number, and mailing address of the complainant and respondent.
- A clear and concise statement of the facts and dates describing the alleged violation.
- The provision(s) of WIOA, federal regulations, state laws or regulations, grant, or other agreements under WIOA believed to have been violated.
- Grievances or complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with WIOA law, regulation, or contract.
- The remedy sought by the complainant.

The Chief of the Compliance Review Office or their designee shall review the grievance or complaint and notify the complainant and respondent of the opportunity for an informal

resolution within 10 days of receipt. If the state cannot resolve the grievance or complaint informally, a hearing will be held.

EDD Hearing

Hearings on any grievance or complaint shall be conducted within 30 days of the filing of the grievance or complaint. The complainant, respondent, and subrecipient (in cases of local level appeals and requests for EDD review) shall be notified in writing of the hearing at least 10 days prior to the hearing. The hearing shall be conducted by an impartial officer. The hearing notice shall contain the following information:

- The date of the notice, name of complainant, and the name of the party against whom the grievance is filed.
- The date, time, and location of the hearing.
- A statement of the alleged violations. These statements must accurately reflect the content of the grievance or complaint as submitted by the complainant. However, clarifying notes may be added to assure that the grievance or complaint is addressed accurately.
- The name, address, and telephone number of the contact person issuing the notice.

The EDD hearing shall be conducted in an informal manner without the application of strict rules of evidence. Both parties shall have the right to be represented, present written and/or oral testimony under oath and arguments, call and question witnesses, and request and examine records and documents relevant to the issues. The hearing shall be recorded either electronically or by a court reporter.

Title 22 CCR regulates the responsibilities and processes of EDD administrative law judges and hearings and as such, applies to the EDD hearings and hearing officers described in this policy. Title 22 CCR Sections 5050 through 5070 outline all applicable state laws and must be adhered to by the EDD hearing officers. Examples of subjects addressed include special hearing accommodation, electronic hearings, ex parte communications, and consolidation of similar cases. All references to “administrative law judge” hold the same meaning as “hearing officer” in regard to these regulations.

Federal Level Appeal Process

If the State Review Panel or EDD Hearing Officer has issued an adverse decision regarding a grievance or complaint or if a decision 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 subrecipient and/or state will be remanded to the subrecipient or state, as appropriate.

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

Remedies

Remedies that may be imposed for a violation of any requirement under WIOA Title I shall be limited to the following:

- Suspension or termination of payments under WIOA Title I.
- Prohibition of placement of a participant with an employer that has violated any requirement under WIOA Title I.
- Reinstatement of an employee, where applicable, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment.
- Other equitable relief, where appropriate.

None of the above shall be construed to prohibit a complainant from pursuing a remedy authorized under another federal, state, or local law for a violation of WIOA Title I.

Notice and Communication

A recipient must provide initial and continuing notice of summary of rights and complaints. Attachments I and II of this policy contain the notice/poster relating *Summary of Rights and Program Grievance/Complaint Procedures*. This notice/poster meets the following criteria:

- Posted prominently, in reasonable numbers and places, in available and conspicuous physical locations and on the recipient's website pages.
- Disseminated in internal memoranda and other written or electronic communications with staff.
- Included in employee and participant handbooks or manuals regardless of form, including electronic and paper form if both are available.
- Provided to each participant and employee; the notice must be made part of each employee's and participant's file. It must be a part of both paper and electronic files, if both are maintained.

The notice must be provided in appropriate formats to registrants, applicants, eligible applicants/registrants, and applicants for employment and employees and participants with visual impairments. Where notice has been given in an alternate format to registrants, applicants, eligible applicants/registrants, participants, applicants for employment and employees with a visual impairment, a record that such notice has been given must be made part of the employee's or participant's file. The notice must be provided in appropriate languages other than English.

Grievance Complaint Log

Each recipient must promptly notify the WDBVC when any administrative enforcement actions or lawsuits are filed against it alleging grievances and complaints regarding the WIOA Title I-financially assisted program or activity.

Each recipient must maintain a log (Attachment V) of complaints filed with the recipient that allege grievances and/or complaints regarding the WIOA Title I-financially assisted program or activity. The log must include the following:

- The name and address of the complainant
- The basis of the complaint
- A description of the complaint
- The date the complaint was filed
- The disposition and date of disposition of the complaint
- Other pertinent information

Information that could lead to identification of a particular individual as having filed a complaint must be kept confidential.

The WDBVC requires a copy of the recipient's complaint log annually (each calendar year). Please e-mail the complaint log to HSA-Info.WDB@ventura.org.

ACTION

Bring this policy to the attention of all affected staff.

INQUIRIES

Inquiries regarding this policy can be addressed to the WDBVC at 805-477-5306.

/S/ Rebecca Evans, Executive Director
Workforce Development Board of Ventura County

ATTACHMENTS:

- Attachment I - Summary of Rights and Program Grievance/Complaint Procedures Poster
- Attachment II - Summary of Rights and Program Grievance/Complaint Procedures Acknowledgement Form
- Attachment III - Summary of Rights and Program Grievance/Complaint Procedures Poster (Spanish)
- Attachment IV - Summary of Rights and Program Grievance/Complaint Procedures Acknowledgement Form (Spanish)
- Attachment V - Grievance and Complaint Log

SUMMARY OF RIGHTS AND PROGRAM GRIEVANCE/COMPLAINT PROCEDURES

Everyone has the right to receive fair and impartial treatment under all of its services. We encourage and support a model of open communication and resolution at all program levels.

RIGHTS

Participants, applicants, sub-grantees, subcontractors and employees have the right to file a non-criminal complaint with regards to Workforce Innovation and Opportunity Act (WIOA) program activities. All persons filing a grievance or complaint shall be free from restraint, coercion, reprisal, or discrimination. You have the right to receive technical assistance in filing the grievance/complaint. You will not be punished in any way for filing a grievance/complaint.

FILING A GRIEVANCE/COMPLAINT

Grievances or complaints must be filed **within one year** of the alleged violation. **All grievances or complaints, amendments and withdrawals must be in writing, signed, and dated.** Your written grievance/complaint must include, at a minimum, the following:

- 1) Your full name, telephone number, and mailing address;
- 2) The full name, telephone number, and mailing address of the agency or party you are complaining against;
- 3) A clear and concise statement of the facts and dates describing the alleged violation;
- 4) The provision(s) of WIOA, federal regulations, grant, or other agreements under WIOA believed to have been violated;
- 5) If a grievance or complaint is against an individual, it shall indicate how those individuals did not comply with WIOA law, regulation, or contract.

Upon filing the grievance/complaint, you may be notified of the opportunity for an informal resolution. In the event of resolution or impasse, you must provide a written withdrawal of the complaint **within 10 days** of the receipt of the notice of resolution or impasse. Hearings on any grievance or complaint shall be conducted **within 30 days** of the filing date of the grievance or complaint. You will be notified, in writing, of the hearing **at least 10 days** prior to the date of the hearing.

DECISION

The hearing officer shall provide a written decision to the Workforce Development Board of Ventura County (WDBVC). The WDBVC shall mail the written decision to both parties by first class mail no later than **60 days** after the filing date of the grievance or complaint. If a complainant does not receive a decision within 60 days of the filing date of the grievance or complaint, or receives an adverse decision, the complainant has the right to file an appeal with the state.

STATE LEVEL

Appeals must be filed or postmarked **within 10 days** from the date on which the complainant received an adverse decision from the WDBVC. Requests for state review must be filed or postmarked **within 15 days** from either of the following:

- The date on which a complainant should have received a decision regarding a locally filed complainant, which is defined as five days from the date the decision was due.
- The date on which an instance of restraint, coercion, or reprisal was alleged to have occurred as a result of filing the complaint.

Complainants must submit appeals or requests for state review to the following address:

Chief, Compliance Review Office, MIC 22-M
Employment Development Department
P.O. Box 826880
Sacramento, CA 94280-0001
By email: PACBCROincidentReports@edd.ca.gov

The state shall review the grievance or complaint and notify the complainant and respondent of the opportunity for an informal resolution **within 10 days** of receipt. State hearings on any grievance or complaint shall be conducted **within 30 days** of the filing of the grievance or complaint. You will be notified in writing of the hearing **at least 10 days** prior to the hearing.

Following completion of the state hearing, the state hearing officer shall make a written recommendation to the State Review Panel. The State Review Panel shall issue a decision on the basis of the information contained within the record. The State Review Panel may accept, reject, or modify the state hearing officer's recommendation or the decision of the WDBVC, and shall issue a written decision to the concerned parties **within 60 days** of the state's receipt of the WDBVC appeal, request for state review, or grievance or complaint.

FEDERAL LEVEL

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 state review, or grievance or complaint, the complainant may file an appeal with the Secretary of Labor. 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 state review.
- The date on which the complainant filed the grievance or complaint with the state.

All appeals to the Secretary of Labor must be sent to the Department of Labor (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

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

These procedures provide for resolution of complaints alleging a violation of WIOA regulations as promulgated under either Act, recipient grants, subagreements or other specific agreements under either Act, including terms and conditions of participant employment; and resolution of complaints arising from actions, such as audit disallowances or the imposition of sanctions taken by the governor with respect to audit findings, investigations or monitoring reports. All complaints will be handled confidentially.

SUMMARY OF RIGHTS AND PROGRAM GRIEVANCE/COMPLAINT PROCEDURES

(Insert Agency Name) recognizes each individual's right to receive fair and impartial treatment under all of its services. As such, (Insert Agency Name) encourages and supports a model of open communication and resolution at all program levels.

RIGHTS

Participants, applicants, sub-grantees, subcontractors and employees have the right to file a non-criminal complaint with regards to Workforce Innovation and Opportunity Act (WIOA) program activities. All persons filing a grievance or complaint shall be free from restraint, coercion, reprisal, or discrimination. You have the right to receive technical assistance in filing the grievance/complaint. You will not be punished in any way for filing a grievance/complaint.

FILING A GRIEVANCE/COMPLAINT

Grievances or complaints must be filed **within one year** of the alleged violation. **All grievances or complaints, amendments and withdrawals must be in writing, signed, and dated.** Your written grievance/complaint must include, at a minimum, the following:

- 1) Your full name, telephone number, and mailing address;
- 2) The full name, telephone number, and mailing address of the agency or party you are complaining against;
- 3) A clear and concise statement of the facts and dates describing the alleged violation;
- 4) The provision(s) of WIOA, federal regulations, grant, or other agreements under WIOA believed to have been violated;
- 5) If a grievance or complaint is against an individual, it shall indicate how those individuals did not comply with WIOA law, regulation, or contract.

Your written, signed, and dated grievance/complaint must be mailed to:

(Insert Point of Contact for Grievance/Complaints)
(Insert Agency Name)
(Insert Agency Street Address)
(Insert Agency City and Zip)

Upon filing the grievance/complaint, you may be notified of the opportunity for an informal resolution. In the event of resolution or impasse, you must provide a written withdrawal of the complaint **within 10 days** of the receipt of the notice of resolution or impasse. Hearings on any grievance or complaint shall be conducted **within 30 days** of the filing date of the grievance or complaint. You will be notified, in writing, of the hearing **at least 10 days** prior to the date of the hearing.

DECISION

The hearing officer shall provide a written decision to the Workforce Development Board of Ventura County (WDBVC). The WDBVC shall mail the written decision to both parties by first class mail no later than **60 days** after the filing date of the grievance or complaint. If a complainant does not receive a decision within 60 days of the filing date of the grievance or complaint, or receives an adverse decision, the complainant has the right to file an appeal with the state.

STATE LEVEL

Appeals must be filed or postmarked **within 10 days** from the date on which the complainant received an adverse decision from the WDBVC. Requests for state review must be filed or postmarked **within 15 days** from either of the following:

- The date on which a complainant should have received a decision regarding a locally filed complainant, which is defined as five days from the date the decision was due.
- The date on which an instance of restraint, coercion, or reprisal was alleged to have occurred as a result of filing the complaint.

Complainants must submit appeals or requests for state review to the following address:

Chief, Compliance Review Office, MIC 22-M
Employment Development Department
P.O. Box 826880
Sacramento, CA 94280-0001
By email: PACBCROincidentReports@edd.ca.gov

SUMMARY OF RIGHTS AND PROGRAM GRIEVANCE/COMPLAINT PROCEDURES (CONTINUED)

The state shall review the grievance or complaint and notify the complainant and respondent of the opportunity for an informal resolution **within 10 days** of receipt. State hearings on any grievance or complaint shall be conducted **within 30 days** of the filing of the grievance or complaint. You will be notified in writing of the hearing **at least 10 days** prior to the hearing.

Following completion of the state hearing, the state hearing officer shall make a written recommendation to the State Review Panel. The State Review Panel shall issue a decision on the basis of the information contained within the record. The State Review Panel may accept, reject, or modify the state hearing officer’s recommendation or the decision of the WDBVC, and shall issue a written decision to the concerned parties **within 60 days** of the state’s receipt of the WDBVC appeal, request for state review, or grievance or complaint.

FEDERAL LEVEL

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 state review, or grievance or complaint, the complainant may file an appeal with the Secretary of Labor. 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 state review.
- The date on which the complainant filed the grievance or complaint with the state.

All appeals to the Secretary of Labor must be sent to the Department of Labor (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

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

These procedures provide for resolution of complaints alleging a violation of WIOA regulations as promulgated under either Act, recipient grants, subagreements or other specific agreements under either Act, including terms and conditions of participant employment; and resolution of complaints arising from actions, such as audit disallowances or the imposition of sanctions taken by the governor with respect to audit findings, investigations or monitoring reports. All complaints will be handled confidentially.

I understand these procedures as explained by Staff. A copy of these procedures has been provided to me.

Read and Acknowledged by

Date

Parent/Guardian Signature (if applicable)

Date

RESUMEN DE DERECHOS Y PROCEDIMIENTOS DE QUEJA CIVIL DEL PROGRAMA

(Insertar nombre de agencia) reconoce el derecho de cada individuo a recibir un trato justo e imparcial bajo todos sus servicios. Como tal, (Insertar nombre de agencia) alienta y apoya un modelo de comunicación abierta y resolución en todos los niveles del programa.

DERECHOS

Los participantes, solicitantes, subcontratistas y empleados tienen derecho a presentar una queja no penal con respecto a las actividades del programa de la Ley de Innovación y Oportunidad de la Fuerza Laboral (WIOA). Todas las personas que presenten una queja estarán libres de restricciones, coacciones, represalias o discriminación. Usted tiene derecho a recibir asistencia técnica para presentar la queja. Usted no será castigado de ninguna manera por presentar una queja.

PRESENTAR UN QUEJA

Las quejas deben presentarse dentro de **un año** de la presunta violación. **Todas las quejas, enmiendas y retiros deben ser por escrito, firmados y fechados.** Su queja por escrito debe incluir, como mínimo, lo siguiente:

- 1) Su nombre completo, número de teléfono y dirección postal;
- 2) El nombre completo, número de teléfono y dirección postal de la agencia o parte contra la que se está quejando;
- 3) Una declaración clara y concisa de los hechos y fechas que describan la presunta violación;
- 4) Las disposiciones de WIOA, regulaciones federales, subvenciones u otros acuerdos bajo WIOA que se cree que han sido violados;
- 5) Si una queja es contra una persona, indicará cómo esas personas no cumplieron con la ley, regulación o contrato de WIOA.

Su queja escrita, firmada y fechada debe enviarse por correo a:

(Inserte el punto de contacto para quejas)
(Insertar nombre de la agencia)
(Insertar la dirección de la calle de la agencia)
(Inserte ciudad de la agencia, y zona postal)

Al presentar la queja, es posible que se le notifique la oportunidad de una resolución informal. En caso de resolución o impasse, deberá presentar un retiro por escrito de la queja en un plazo de **10 días** a partir de la recepción del aviso de resolución o impasse. Las audiencias sobre cualquier queja se llevarán a cabo dentro de los **30 días** de la fecha de presentación de la queja. Se le notificará, por escrito, de la audiencia **al menos 10 días** antes de la fecha de la audiencia.

DECISION

El oficial de audiencias deberá proporcionar una decisión por escrito a la Junta de Desarrollo de la Fuerza Laboral del Condado de Ventura (WDBVC). El WDBVC enviará la decisión por escrito a ambas partes por correo de primera clase a más tardar **60 días** después de la fecha de presentación de la queja. Si un reclamante no recibe una decisión dentro de los 60 días de la fecha de presentación de la queja, o recibe una decisión adversa, el reclamante tiene el derecho de presentar una apelación ante el estado.

NIVEL ESTATAL

Las apelaciones deben presentarse o registrarse en un plazo de **10 días a partir** de la fecha en que el reclamante recibió una decisión desfavorable de la WDBVC. Las solicitudes de revisión del estado deben presentarse o registrarse en un plazo de **15 días a partir** de cualquiera de los siguientes:

- La fecha en la que un reclamante debería haber recibido una decisión con respecto a un reclamante presentado localmente, que se define como cinco días a partir de la fecha en que debía ser vencida la decisión.
- La fecha en que se alegó que se produjo un caso de restricción, coacción o represalia como resultado de la presentación de la queja.

Los reclamantes deben presentar apelaciones o solicitudes de revisión estatal a la siguiente dirección:

Chief, Compliance Review Office, MIC 22-M
Employment Development Department
P.O. Box 826880
Sacramento, CA 94280-0001
Por correo electrónico: PACBCROincidentReports@edd.ca.gov

RESUMEN DE DERECHOS Y PROCEDIMIENTOS DE QUEJAS (CONTINUADO)

El Estado revisará la queja y notificará al reclamante y al demandado la oportunidad de una resolución informal dentro de los **10 días** posteriores a la recepción. Las audiencias estatales sobre cualquier queja se llevarán a cabo dentro de los 30 días posteriores a la presentación de la queja. Se le notificará por escrito de la audiencia **al menos 10 días** antes de la audiencia.

Una vez finalizada la audiencia estatal, el oficial de audiencia estatal hará una recomendación por escrito al Panel de Examen del Estado. El Grupo de Examen del Estado emitirá una decisión sobre la base de la información contenida en el expediente. El Panel de Examen del Estado puede aceptar, rechazar o modificar la recomendación del oficial de audiencia estatal o la decisión de la WDBVC, y emitirá una decisión por escrito a las partes interesadas **dentro de los 60 días** siguientes a la recepción por el estado de la apelación de la WDBVC, solicitud de revisión estatal, o queja.

NIVEL FEDERAL

Si el Panel de Revisión del Estado ha emitido una decisión desfavorable con respecto a una queja, o no ha emitido una decisión **dentro de los 60 días** siguientes a la recepción de una apelación a nivel local, solicitud de revisión estatal, o queja, el reclamante puede presentar una apelación a el Secretario del Trabajo. Este proceso de apelación se aplica a las quejas que se originaron a nivel local o estatal.

Las apelaciones de una decisión desfavorable deben presentarse dentro de los 60 días siguientes a la recepción de la decisión desfavorable del Panel de Revisión del Estado. En los casos en que el Grupo de Examen del Estado no emitió una decisión, el reclamante debe presentar una apelación dentro de los 120 días siguientes a cualquiera de los siguientes:

- La fecha en que el reclamante presentó la apelación de una decisión a nivel local o solicitud de revisión estatal.
- La fecha en que el reclamante presentó la queja ante el estado.

Todas las apelaciones al Secretario de Trabajo deben enviarse a la Oficina Nacional del Departamento de Trabajo (DOL) por correo certificado con los recibos de devolución solicitados. Las copias de la apelación deben proporcionarse simultáneamente al Administrador Regional de la Administración de Empleo y Capacitación (ETA) de DOL y al demandado. Las direcciones postales de la Oficina Nacional de DOL y del Administrador Regional de ETA se incluyen a continuación:

DOL National Office	Secretary of Labor Attn: Assistant Secretary of ETA U.S. Department of Labor 200 Constitution Avenue, NW Washington, DC 20210
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ETA Regional Administrator	Office of Regional Administrator U.S. Department of Labor P.O. Box 193767 San Francisco, CA 94119-3767
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El Secretario emitirá una determinación definitiva a más tardar **120 días** después de recibir la apelación.

Estos procedimientos prevén la resolución de las quejas que alegan una violación de las regulaciones de WIOA promulgadas en virtud de cualquiera de las dos Actas, subvenciones de beneficiarios, subacuerdos u otros acuerdos específicos en virtud de cualquiera de las dos Actas, incluidos los términos y condiciones de los participantes empleo; y la resolución de las quejas derivadas de acciones, tales como la desautorización de auditoría o la imposición de sanciones adoptadas por el gobernador con respecto a los resultados de auditoría, investigaciones o informes de monitoreo. Todas las quejas serán manejadas de forma confidencial.

Entiendo estos procedimientos como explica el Personal. Se me ha proporcionado una copia de estos procedimientos.

RESUMEN DE DERECHOS Y PROCEDIMIENTOS DE QUEJA CIVIL DEL PROGRAMA

(Insertar nombre de agencia) reconoce el derecho de cada individuo a recibir un trato justo e imparcial bajo todos sus servicios. Como tal, (Insertar nombre de agencia) alienta y apoya un modelo de comunicación abierta y resolución en todos los niveles del programa.

DERECHOS

Los participantes, solicitantes, subcontratistas y empleados tienen derecho a presentar una queja no penal con respecto a las actividades del programa de la Ley de Innovación y Oportunidad de la Fuerza Laboral (WIOA). Todas las personas que presenten una queja estarán libres de restricciones, coacciones, represalias o discriminación. Usted tiene derecho a recibir asistencia técnica para presentar la queja. Usted no será castigado de ninguna manera por presentar una queja.

PRESENTAR UN QUEJA

Las quejas deben presentarse dentro de **un año** de la presunta violación. **Todas las quejas, enmiendas y retiros deben ser por escrito, firmados y fechados.** Su queja por escrito debe incluir, como mínimo, lo siguiente:

- 1) Su nombre completo, número de teléfono y dirección postal;
- 2) El nombre completo, número de teléfono y dirección postal de la agencia o parte contra la que se está quejando;
- 3) Una declaración clara y concisa de los hechos y fechas que describan la presunta violación;
- 4) Las disposiciones de WIOA, regulaciones federales, subvenciones u otros acuerdos bajo WIOA que se cree que han sido violados;
- 5) Si una queja es contra una persona, indicará cómo esas personas no cumplieron con la ley, regulación o contrato de WIOA.

Su queja escrita, firmada y fechada debe enviarse por correo a:

(Inserte el punto de contacto para quejas)
(Insertar nombre de la agencia)
(Insertar la dirección de la calle de la agencia)
(Inserte ciudad de la agencia, y zona postal)

Al presentar la queja, es posible que se le notifique la oportunidad de una resolución informal. En caso de resolución o impasse, deberá presentar un retiro por escrito de la queja en un plazo de **10 días** a partir de la recepción del aviso de resolución o impasse. Las audiencias sobre cualquier queja se llevarán a cabo dentro de los **30 días** de la fecha de presentación de la queja. Se le notificará, por escrito, de la audiencia **al menos 10 días** antes de la fecha de la audiencia.

DECISION

El oficial de audiencias deberá proporcionar una decisión por escrito a la Junta de Desarrollo de la Fuerza Laboral del Condado de Ventura (WDBVC). El WDBVC enviará la decisión por escrito a ambas partes por correo de primera clase a más tardar **60 días** después de la fecha de presentación de la queja. Si un reclamante no recibe una decisión dentro de los 60 días de la fecha de presentación de la queja, o recibe una decisión adversa, el reclamante tiene el derecho de presentar una apelación ante el estado.

NIVEL ESTATAL

Las apelaciones deben presentarse o registrarse en un plazo de **10 días a partir** de la fecha en que el reclamante recibió una decisión desfavorable de la WDBVC. Las solicitudes de revisión del estado deben presentarse o registrarse en un plazo de **15 días a partir** de cualquiera de los siguientes:

- La fecha en la que un reclamante debería haber recibido una decisión con respecto a un reclamante presentado localmente, que se define como cinco días a partir de la fecha en que debía ser vencida la decisión.
- La fecha en que se alegó que se produjo un caso de restricción, coacción o represalia como resultado de la presentación de la queja.

Los reclamantes deben presentar apelaciones o solicitudes de revisión estatal a la siguiente dirección:

Chief, Compliance Review Office, MIC 22-M
Employment Development Department
P.O. Box 826880
Sacramento, CA 94280-0001
Por correo electrónico: PACBCROincidentReports@edd.ca.gov

RESUMEN DE DERECHOS Y PROCEDIMIENTOS DE QUEJAS (CONTINUADO)

El Estado revisará la queja y notificará al reclamante y al demandado la oportunidad de una resolución informal dentro de los **10 días** posteriores a la recepción. Las audiencias estatales sobre cualquier queja se llevarán a cabo dentro de los 30 días posteriores a la presentación de la queja. Se le notificará por escrito de la audiencia **al menos 10 días** antes de la audiencia.

Una vez finalizada la audiencia estatal, el oficial de audiencia estatal hará una recomendación por escrito al Panel de Examen del Estado. El Grupo de Examen del Estado emitirá una decisión sobre la base de la información contenida en el expediente. El Panel de Examen del Estado puede aceptar, rechazar o modificar la recomendación del oficial de audiencia estatal o la decisión de la WDBVC, y emitirá una decisión por escrito a las partes interesadas **dentro de los 60 días** siguientes a la recepción por el estado de la apelación de la WDBVC, solicitud de revisión estatal, o queja.

NIVEL FEDERAL

Si el Panel de Revisión del Estado ha emitido una decisión desfavorable con respecto a una queja, o no ha emitido una decisión **dentro de los 60 días** siguientes a la recepción de una apelación a nivel local, solicitud de revisión estatal, o queja, el reclamante puede presentar una apelación a el Secretario del Trabajo. Este proceso de apelación se aplica a las quejas que se originaron a nivel local o estatal.

Las apelaciones de una decisión desfavorable deben presentarse dentro de los 60 días siguientes a la recepción de la decisión desfavorable del Panel de Revisión del Estado. En los casos en que el Grupo de Examen del Estado no emitió una decisión, el reclamante debe presentar una apelación dentro de los 120 días siguientes a cualquiera de los siguientes:

- La fecha en que el reclamante presentó la apelación de una decisión a nivel local o solicitud de revisión estatal.
- La fecha en que el reclamante presentó la queja ante el estado.

Todas las apelaciones al Secretario de Trabajo deben enviarse a la Oficina Nacional del Departamento de Trabajo (DOL) por correo certificado con los recibos de devolución solicitados. Las copias de la apelación deben proporcionarse simultáneamente al Administrador Regional de la Administración de Empleo y Capacitación (ETA) de DOL y al demandado. Las direcciones postales de la Oficina Nacional de DOL y del Administrador Regional de ETA se incluyen a continuación:

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

El Secretario emitirá una determinación definitiva a más tardar **120 días** después de recibir la apelación.

Estos procedimientos prevén la resolución de las quejas que alegan una violación de las regulaciones de WIOA promulgadas en virtud de cualquiera de las dos Actas, subvenciones de beneficiarios, subacuerdos u otros acuerdos específicos en virtud de cualquiera de las dos Actas, incluidos los términos y condiciones de los participantes empleo; y la resolución de las quejas derivadas de acciones, tales como la desautorización de auditoría o la imposición de sanciones adoptadas por el gobernador con respecto a los resultados de auditoría, investigaciones o informes de monitoreo. Todas las quejas serán manejadas de forma confidencial.

Entiendo estos procedimientos como explica el Personal. Se me ha proporcionado una copia de estos procedimientos.

Read and Acknowledged by

Date

Parent/Guardian Signature (if applicable)

Date

