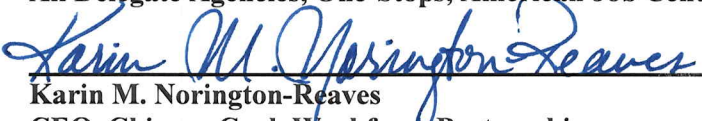




Local Workforce Innovation and Opportunity Act (WIOA) Policy No. 2018-PL-02

To: All Delegate Agencies, One-Stops, American Job Centers and Sector Centers

From: 
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CEO, Chicago Cook Workforce Partnership

Subject: Customer Program Complaint Policy for WIOA Title I Program

Effective Date: June 28, 2018

Purpose:

To inform Workforce Innovation Opportunity Act (WIOA) fund recipients of the policy and procedures for filing grievances and complaints alleging violations of the WIOA Title I Program, as well as to comply with the procedures issued by the State of Illinois.

References:

Workforce Innovation and Opportunity Act of 2014 Section 181(c)
20 CFR Part 683-Subpart F
20 CFR Part 667.600-Subpart F
DCEO WIOA ePolicy Chapter: 8 Section 5 and 5.4

Background:

The Workforce Innovation and Opportunity Act mandate the development of policy and procedures for the filing of complaints and grievances from program customers. The customer program complaint policy applies to WIOA **program complaints only**, such as specific complaints about the service providers' services, activities, case management efforts and ability to provide appropriate WIOA services.

Each WIOA Title-I funded service provider must adhere to this complaint policy. The Chicago Cook Workforce Partnership will request that service providers file regular reports on any customer complaints which are received and resolved at the providers' level. These reports, formal complaints and attendant actions will be kept on file at the Chicago Cook Workforce Partnership for each provider.

Scope of this Policy:

The Chicago Cook Workforce Partnership is the appropriate agency of contact only when the complaint specifically concerns WIOA Title I services administered by the Chicago Cook Workforce Partnership or its contracted WIOA service providers. It does not cover complaints about WIOA mandated partner programs. Such complaints should be made via the internal processes of those partner organizations. However, the Chicago Cook Workforce Partnership can provide information about contacting the appropriate representatives at these organizations.

Disclaimers:

This Policy does NOT address the procedure for processing complaints alleging discrimination under WIOA Section 188 Nondiscrimination and Equal Opportunity Regulations, (29 CFR Part 38). Such complaints must be handled in accordance with the procedures set forth in the regulatory part.

Furthermore, this Policy does NOT replace or relate to the separate policies regarding the accessibility and ADA compliance of an organization to its customers. For more information on the ADA as it relates to public accommodations and accessibility of commercial facilities, call the ADA Information Line at 1.800.514.0301 (voice) or 1-800.514.0383 (TDD) or visit their website at https://www.ada.gov/ada_title_III.htm

Policy:

This Policy sets forth the procedures to be followed regarding program grievances and complaints that may occur during the administration of any WIOA funded and related activities. These procedures outline the receipt, review and resolution of any program related grievances and complaints.

Under WIOA, customer program complaints are viewed as opportunities to improve services. The primary goal of this complaint process is to address specific customer concerns, resolve the issues in the most expedient manner, learn from the complaint and implement resolutions throughout the entire system.

All WIOA customers, applicants and participants have the right to complain about the quality or type of service they receive at a WIOA service provider or training provider. This includes complaints about the determination of eligibility or appropriateness for training or other WIOA services. This right to complain must be explained to all customers at orientation and at registration, making reference to this policy.

Additionally, it is mandatory that the **Customer Program Complaint Policy** be posted and the Customer Complaint Form and Equal Opportunity (EO)/Discrimination Complaint Form are available at each service provider's site in a location that is both visible and accessible to ALL customers (i.e. resource room or reception area).

Complaint/Grievance Procedures:

I. Local Level Complaint:

- A. All complaints must be filed within 180 days of the alleged violation, in order to be considered by the Chicago Cook Workforce Partnership.
- B. All individuals filing complaints shall be free from restraint, coercion, retaliation, and discrimination.
- C. The complainant/customer must file the complaint in writing to the local area Complaint Officer.
- D. The customer must complete a Chicago Cook Workforce Partnership Customer Complaint Form describing the complaint and any actions taken for resolution. (These forms must be made widely available both at the Chicago Cook Workforce Partnership and at all of its WIOA Title I-funded service providers).

The completed Customer Complaint Forms must be mailed, emailed or faxed to:

Chicago Cook Workforce Partnership
Attention: Gladys Hall, Grievance/Complaint Equal Opportunity Officer
69 West Washington St, Suite 2860
Chicago, Illinois 60602
For customer assistance call (312) 603-7083 or email your inquiry to ghall@workforceboard.org

- E. Upon receipt of a grievance/complaint the Complaint Officer will acknowledge receipt of the grievance by certified mail, return receipt requested. This will be done within ten (10) calendar days of receipt of the complaint.

This acknowledgement will:

- 1. Outline the steps to be taken to resolve the matter;
- 2. Advise the complainant to attempt to reach an informal resolution;
- 3. Notify all parties of the right to request a hearing if an informal resolution can't be met and;
- 4. Provide a summary of the issues to be decided.

- F. If a complaint is to be amended or withdrawn, the complainant must make that request in writing.
- G. An opportunity for an informal resolution must be completed within 60 calendar days of the filing of the grievance or complaint.
- H. If either the complainant or Complaint Officer deems they are dissatisfied with the local hearing decision or no decision is made within 60 days, the complainant may file an Appeal.
- I. Allegations of labor standards violations that are covered under a collective bargaining agreement shall be binding and in accordance with the procedures in the bargaining agreement).
- J. Complaints or grievances may be resolved through an Informal or Formal Hearing process.

1. **Informal Resolutions**

- a) When a complaint or grievance has been resolved through an informal resolution process, the complainant and the Complaint Officer will enter into a formal written resolution agreement.
 - 1. If the complainant and respondent choose to resolve the complaint or grievance through an informal resolution, they must make good faith efforts to do so in writing prior to the scheduled hearing date.
 - 2. Failure to do so by either party does not warrant the complaint to be dismissed, nor should it be taken into consideration as part of the facts to be judged during the resolution process.
 - 3. Informal resolutions are made at the local level where the alleged violation(s) occurred.

2. **Formal Hearing Resolutions**

- a) Requests for a formal hearing shall be made to the Complaint Officer within 30 days of filing of a grievance or complaint.
 - 1. The Complaint Officer shall appoint a Hearing Officer to conduct the hearings on complaints.
 - 2. The Hearing Officer shall be an individual who has qualifications necessary to conduct the proceedings and shall be impartial.
 - 3. The complainant may make a request for a change in Hearing Officer within five (5) days of received notification of the hearing schedule and the designation of the Hearing Officer.
 - 4. Only one request for designation of an alternate Hearing Officer may be made by either party for each complaint.
- b) Written hearing notices shall be sent to the complainant, respondent, and other parties considered appropriate within 15 days prior to the scheduled hearing date to allow for proper preparation of the case. The notice will include the date, time and place of the hearing
- c) The Hearing Officer shall conduct the hearing in an informal manner. Technical rules of evidence do not apply.
 - 1. Both parties shall be allowed the opportunity to present evidence, cross-examine witnesses, and be represented by legal counsel.
 - 2. The party requesting the hearing shall have the burden of establishing the facts and the entitlement to relief requested.
 - 3. The respondent shall cooperate by making available any information and to release any documentation requested by the complainant after it is deemed appropriate and relevant to the complaint.
 - 4. The respondent shall also make available any person under their control or employ to testify, if these persons are requested to testify by the complainant.
 - 5. Hearings will only cover those issues listed in the written complaint.

- d) Complete records shall be kept of the hearing either via audio recording or by a court reporter.
- e) The Hearing Officer will make a written decision and it shall be sent by certified mail, with return receipt requested, within 60 days of the filing of the complaint.

The Hearing Officer's decision shall contain the following:

- 1. The names of the parties involved;
 - 2. A statement of the alleged violations;
 - 3. A statement of the facts presented during the hearing;
 - 4. The issue(s) being decided;
 - 5. Reasons for the decision;
 - 6. A statement of corrective actions or remedies, if appropriate;
 - 7. A statement assuring that all steps included in the complaint procedures have been adhered to; and
 - 8. Notice that either party has the right to appeal the decision by the Hearing Officer within ten (10) days of receipt of the decision.
- f) A copy of all decisions will be concurrently sent to the Department of Commerce and Economic Opportunity (DCEO), Office of Employment and Training (OET).

II. State Level Complaint

- A. If a complainant does not receive a satisfactory decision or the decision is not made within 60 days of the filing of the complaint, the complainant may appeal to the State level.
 - 1. All appeals shall be made in writing to:
Department of Commerce and Economic Opportunity
Office of Employment and Training
100 West Randolph St. Suite 3-400
Chicago, IL 60601
Attention: Chuck Dooley, Monitoring Supervisor
Or
Department of Commerce and Economic Opportunity
Office of Employment and Training
500 East Monroe Street, 9th Floor
Springfield, IL 62701
Attention: Lisa Jones, Manager
 - 2. The respondent may also request a review if the decision is not made in the prescribed timeliness.
 - 3. The request for state review must be made within ten (10) days of notification of the decision and shall be made in writing to the Office of Employment Training.
 - 4. Complaints that are appealed to the State level shall include the same basic elements as the local level hearings. These are:
 - 1. Name, address and telephone number of the complainant;
 - 2. Name, address and telephone number of the person and/or organization that the complaint is against;
 - 3. A clear and concise statement of allegation(s) and facts of the case;
 - 4. The date of the alleged occurrence(s);
 - 5. The provisions of the Workforce Innovation and Opportunity Act Title I, regulations, grants, or other agreements under WIOA Title I believed to have been violated; and
 - 6. The resolution being sought; and
 - 7. The signature of the complainant or their legal guardian/representative.

5. The appeal must contain specific information supporting the grounds, upon which the appeal is sought, a copy of the original written complaint, a transcript of the hearing proceedings, and a copy of the Hearing Officer's written decision.
6. The Office of Employment and Training will:
 1. Review the complaint within 15 days of receipt of the request for appeal;
 2. Notify the complainant, Local Workforce Innovation Area, and other concerned parties by certified mail, return receipt requested, within 20 days after receiving the notice of appeal. The notification shall include the following information:
 - a. The date of the notice, name of the complainant, and name of the party against whom the complaint is filed;
 - b. The date, time, and place of the hearing;
 - c. A statement of the allegations that accurately reflect the content of the original content of the complaint submitted by the complainant; and
 - d. The name, address, and telephone number of the contact person issuing the notice.
 3. Conduct a state review to determine whether the local area hearing was conducted in accordance with the local level hearing procedures.
 4. Make a final written determination within 60 days of receipt of the appeal.
7. The OET will issue a written decision to both the complainant and respondent by certified mail, return receipt requested, with the following information:
 1. The names of the parties involved;
 2. A statement of the alleged violations and issues related to the alleged violations;
 3. A statement of the facts;
 4. The decision of the OET and the reasons for the decision;
 5. A statement of the corrective actions or remedies, if appropriate; and
 6. Notice that either party has the right to appeal the decision by the OET within 60 days of receipt of the decision.
8. Remedies that may be imposed for violations of any requirement of this title shall be limited:
 1. Suspension or termination of payments under this title;
 2. Prohibition of placement of a with an employer that has violated any requirement under this title;
 3. Where applicable, to reinstatement of an employee, payment of lost wages and benefits, and reestablishment, of relevant terms, conditions, and privileges of employment; and
 4. Where appropriate, to other equitable relief.

III. Federal Level Complaints

A. Under Title 20 CFR Section 683.630, if the state has not issued a decision within the required 60 day time limit, the complainant can file an appeal to the Secretary of Labor. An appeal must be made within 120 days of the filing of the complaint with the State or the filing of the appeal of a local grievance or complaint with the State. An appeal can also be made if the state renders an adverse decision. The appeal must be filed within 60 days of receipt of the decision.

1. All appeals must be sent by certified mail, return receipt requested, to the following address:

Secretary of Labor
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210
Attention: Assistant Secretary for Employment & Training (ASET)

The Secretary investigates allegations arising through the grievance procedures described at the local and state levels.

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

2. A copy of the appeal must be simultaneously provided to the opposing party and to the Employment and Training Regional Administrator as follows:

Regional Administrator – Region 5
U.S. Department of Labor/Employment and Training Administration (ETA)
230 South Dearborn Street, 6th floor
Chicago, IL. 60604

Regional Administrator – Region 5 USDOL Employment and Training Administration will maintain on file a copy of the documentation.

Effective Date: Immediately upon Board approval.