

Subject:	Grievance/Complaint Procedures
Policy Number:	ADWB-10-2018
Replaces:	ADWB-03-2017, Change 2
Implementation Date:	November 8, 2018
Distribution:	Arapahoe/Douglas Works! Workforce Center Leadership and Employees

The Arapahoe/Douglas Workforce Board (ADWB) has designated Arapahoe/Douglas Works! as the provider of Career Services for WIOA Title I: Adult, Dislocated Worker and Young Adult programs, Title III: Wagner-Peyser, and Temporary Assistance for Needy Families (TANF).

CITATIONS/REFERENCES

- Workforce Innovation and Opportunity Act (WIOA) of 2014, section 181(c)
- WIOA Final Rule – 20 CFR 658.400-504: Employment Service and Employment-Related Law Complaint System
- USDOL TEN 1-17: Updated ETA 8429 – Complaint/Apparent Violation Form
- WIOA Labor Only Final Rule, Subpart F – Grievance Procedures, Complaints, and State Appeals Processes §683.600-610.
- PGL ADM-2015-01, **Change 1** - WIOA Complaint Procedures

PURPOSE

To establish guidance, process and procedure in regards to participant grievances and complaints.

BACKGROUND

Per law, grievance procedures are required under the Workforce Innovation and Opportunity Act (WIOA) in order to ensure that all participants and other interested parties are aware of their rights under the Act, and, in addition, to ensure that individuals who believe their rights have been negatively affected by WIOA related actions have access to appropriate remedies.

This procedure addresses customer complaints only; Arapahoe/Douglas Works! staff are required to follow the Arapahoe County Personnel Policies and State of Colorado staff will follow their personnel guidelines, including functional supervision requirements.

POLICY/ACTION

Process for Agency Staff

All complaints are to be completed on the Grievance/Complaint Form unless noted otherwise by specific program guidelines.

- The approved procedure calls for the complainant to first attempt a resolution with his/her assigned Workforce Specialist (or in the case of Employers, a Business Services Representative).
- If unable to resolve the complaint at this level, the Workforce Specialist should then involve his/her Program Supervisor in attempt to resolve the complaint.

ADWB-10-2018: Grievance/Complaint Procedures

Page 1 of 5

- If the complaint is unable to be resolved at this level, the Program Supervisor will then provide the participant the Grievance/Complaint Form and procedure for the program that is serving the complainant, and provide any assistance necessary for filing the complaint.
 - The complaint will be considered filed when the written complaint reaches a designated Arapahoe/Douglas Works! Program Manager. The designated Arapahoe/Douglas Works! Program Manager will then assure that all subsequent steps, including a formal hearing, are available within the prescribed program guidelines.
 - All EO complaints are separate and will be directed to the designated Arapahoe/Douglas Works! EO Officer.

Once a complaint has been filed in writing with a designated Arapahoe/Douglas Works! Program Manager, all correspondence and questions concerning the complaint should be directed to that designated Arapahoe/Douglas Works! Program Manager.

WIOA Complaints

If a participant believes his/her rights have been negatively affected by WIOA related actions, Arapahoe/Douglas Works! will:

- Provide information about the content of the complaint procedure to participants and other interested parties affected by the local Workforce center, including Workforce Center partners and service providers;
- Make reasonable efforts to ensure that the information is understood by participants and other individuals including youth and those who are limited-English speaking individuals;
- Provide an opportunity for informal resolution and for a hearing to be completed within sixty (60) days of the filing of the grievance/complaint;
- Provide a process which allows an individual alleging a labor standards violation to submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties to the grievance so provides;
- Designate an individual to serve as the complaint/grievance contact person who receives complaints and that person's name and/or position along with local address is provided to participants and other interested parties; and,
- An opportunity for a local level appeal to the State will be provided when:
 - No decision is reached within **sixty (60) calendar days**; or
 - The complainant is dissatisfied with Arapahoe/Douglas Works!' hearing decision.

Appeals to the State

If no decision is reached by Arapahoe/Douglas Works! within **sixty (60) calendar days**, or the complainant is dissatisfied with the decision, he/she may appeal the decision as follows:

1. An appeal must be in writing and filed with the Colorado Department of Labor and Employment (CDLE) within ten (10) calendar days after notification of the local decision or, if a timely decision is not rendered, within fifteen (15) calendar days from the date on which the complainant should have received a timely decision.
2. The following defines the appeal process:
 - The appeal must be received by:

Colorado Department of Labor and Employment
ATTN: State Grievance Administrator
633 17th Street, Room 700
Denver, Colorado 80202-3627
 - The appeal must contain:
 - A specific statement of the grounds upon which the appeal is sought
 - A copy of the written, formal complaint submitted to Arapahoe/Douglas Works!
 - A transcript or recording of the hearing proceedings, and
 - A copy of Arapahoe/Douglas Works!'s written decision being appealed
 - The State Grievance Administrator will make a final decision within **sixty (60) calendar days** of receipt of the appeal.
 - Notification of the State Grievance Administrator's final decision will be provided to the complainant **and Arapahoe/Douglas Works!.**
 - For reasonable cause, as determined by the State Grievance Administrator, the time line of the state review hearing process may be extended.

Appeals to the US Department of Labor:

1. Should the CDLE State Grievance Administrator not render a decision **within 60 days or the extended time period, or if the complainant chooses to appeal an adverse decision,** an appeal in writing may be made to the:

Secretary of Labor
U.S. Department of Labor
200 Constitution Ave. NW
Washington, DC 20210
Attention: ASET

In addition, the appeal must be sent certified mail, return receipt requested.

2. A copy of the appeal must be simultaneously provided to the:

ETA Regional Administrator
U.S. Department of Labor
525 S. Griffin Street
Dallas, TX 75202

&

the Colorado Department of Labor and Employment

ADWB-10-2018: Grievance/Complaint Procedures

Page 3 of 5

3. Should the Secretary of Labor determine that the State or a Local Area has violated any requirement of the law, remedies may be imposed, as determined by the Secretary of Labor. These include, **where applicable:**
 - Reinstatement of lost benefits
 - Suspension or termination of payments to the State or Local Areas under **WIOA**
 - **Prohibition of placement of a participant with an employer that has violated any requirement under this title; or**
 - Other equitable relief.

Equal Opportunity

Section 188 of WIOA prohibits discrimination by recipients of federal financial assistance on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIOA Title I-financially assisted program or activity. Any entity that receives federal financial assistance, either directly or indirectly, to administer a program or activity under WIOA Title I is a recipient.

Discriminatory actions on the above stated prohibited grounds include, but are not limited to:

- Denying aid, benefits, services, or training provided under a WIOA;
- Providing aid, benefits, services, or training that is different, or is provided in a different manner from that provided to others under WIOA;
- Subjecting an individual to segregation or separate treatment in any matter related to receiving aid, benefits, services, or training under WIOA;
- Restricting an individual in any way in the enjoyment of any advantage of privilege enjoyed by others receiving and aide, benefits, services or training under WIOA;
- Treating individuals differently from others in determining whether they satisfy any admission, enrollment, eligibility, membership or other requirements or condition for any aid, benefits, services, or training;
- Denying or limiting an individual's opportunity to participate in WIOA, that is different than the opportunity that is different from the opportunity afforded others;
- Perpetuating discrimination by providing significant assistance to an agency, organization, or person that discrimination on a prohibited ground;
- Refusing to accommodate an individual's religious practices or beliefs, unless to do so would result in undue hardship, as defined in 29 CFR 37.4;
- Using standards, procedures, criteria, or administration methods that may be discriminatory.

All complaints regarding alleged violations of Equal Opportunity due to an allegation of unlawful discrimination will promptly be connected to the designated Arapahoe/Douglas Works! EO Officer (Career Services Manager). See PGL 02-06 L: Processing Discrimination Complaints.

Employment Services (ES)

The U.S. Department of Labor, Employment and Training Administration require that job applicants, claimants, and members of the public are informed of the availability of the Employment Service Complaint System.

All complaints (including the following situations) concerning Employment Services shall be processed as follows:

1. Complaints against an employer about the specific job to which the applicant was referred by the One-Stop involving violations of the job order or employment related law; and

[ADWB-10-2018: Grievance/Complaint Procedures](#)

Page 4 of 5

2. Complaint about One-Stop actions or omissions under Employment Service regulations governing career services delivered by Wagner-Peyser staff.

Complaints which cannot be resolved at Arapahoe/Douglas Works! and are employment service related which involve referral to a Job Order should be referred to the State Monitor Advocate office at CDLE.

Talent Enhancement (Temporary Assistance for Needy Families/Employment First/Parents to Work)

If a concern/complaint arises against Talent Enhancement staff, please reference the "Process for Agency Staff" section of this policy regarding complaints against Arapahoe/Douglas Works! staff.

Regarding complaints against case status, benefits, sanctions, processes, and program requirements, the following steps must be followed in order to ensure that any complaints/concerns are addressed appropriately (and with all necessary information). If the steps are not followed in order, Arapahoe County Human Services will direct customers back to the appropriate level for resolution.

1. First, the customer should contact the Program Specialist assigned to his/her case to discuss any concerns and seek resolution. To reach the Program Specialist, customers should call the Arapahoe County Human Services Customer Service Center at 303-636-1170.
2. If the customer feels that his/her concerns have not been resolved, the customer should contact the Customer Service Center and request a call from the Program Specialist's Lead Worker or Supervisor.
3. If the customer feels that his/her concerns were not resolved by the phone call with the Lead Worker or Supervisor, he/she should contact Arapahoe County Human Services' Community Support Services' Client Relations Coordinator at 303-636-1481 to discuss his/her concerns and seek resolution.
4. If the customer still believes his/her concerns have not been resolved by the Client Relations Coordinator, he/she should send a written statement to the Community Support Services Manager and outline any remaining concerns.
 - a. The Community Support Services Manager will initiate a thorough review of all issues and the customer will be notified of the findings within **twenty (20) calendar days**.
5. If the customer believes that his/her concerns were not resolved by the Community Support Services Manager, he/she should send a written statement to the Human Services Department Director and outline any remaining concerns. The Human Services Department Director will determine the best course of response.

Designated Arapahoe/Douglas Works! Contacts

See Arapahoe/Douglas Works! Org Chart to view corresponding names:

- Business Services and Economic Development Engagement Manager
- Career Services Manager
- Talent Development Manager
- Talent & Workforce Engagement Manager

Only the Arapahoe/Douglas Works! Division Manager may grant exceptions to provisions within this policy.

GRIEVANCE/COMPLAINT FORM

Person Filing Grievance/Complaint Information

Full Name _____ Today's Date: ____ / ____ / ____
Street Address _____
City _____ State _____ Zip Code _____
Phone (_____) _____ - _____ Email _____

Person(s) Involved (Information of person filing Grievance/Complaint against)

(Person 1) Full Name _____
Address: _____
Phone (_____) _____ - _____ Job Title _____
(Person 2) Full Name _____
Address: _____
Phone (_____) _____ - _____ Job Title _____

Grievance/Complaint Details:

Date of Incident ____ / ____ / ____ Time of Incident ____ : ____ am/pm
Location of Incident _____

Provide a clear, concise statement of the facts of the incident, and the nature of the violation(s).

Indicate the remedy sought: