

## WORKFORCE POLICY BULLETIN

WPB #: #07-08

**SUBJECT:**

- ADMIN
- PLANNING
- MARKETING
- EEO/AA
- MIS
- FISCAL
- OPERATIONS
- RAPID RESPONSE

**SPECIAL FILING:** X

**DATE:** June 25, 2008

**TO:** Contra Costa One-Stop Operator Consortium; Youth  
Youth Contractors, and all other contractors  
providing services to the Workforce Development Board

**ATTN:** Operational Management  
Equal Opportunity Officer

**FROM:** Bob Lanter, Executive Director  
Workforce Development Board

**SUBJECT:** Grievance and Complaint Procedures - Updated

### Purpose:

This Workforce Policy Bulletin serves to transmit the Workforce Development Board's policy on participant rights: grievance and complaint procedures. It supercedes previously issued policies.

There must be documentation in all participant files that at the time of application that all participants have received and reviewed copies of:

- "Workforce Investment Act Services Participant Rights and Complaint Resolution Procedure", and
- "Equal Opportunity is The Law"

Currently enrolled clients should read and sign the new form at their next meeting with their case manager. The case manager should file a copy of the signed form in the participant's file.

The Workforce Development Board will monitor participant files for documentation of receipt of "Workforce Investment Act Services Participant Rights and Complaint Resolution Procedure" and "Equal Opportunity is The Law" on an annual basis.

All complaints and grievances should initially be reviewed with the participant's case manager, and resolved at that level if possible. If resolution is not possible at that level, then complaints and grievances may be reviewed at the lowest possible level first, by and in the following order:

- One-Stop Center Director, then, the One-Stop Consortium Administrator, and finally the Workforce Development Board managers and/or the Executive Director; or
- If services are being provided by a Youth Services Provider Agency, by the Youth Services Provider Agency Director, and finally by the Workforce Development Board managers and/or the Executive Director.

A log of written complaints and grievances should be maintained at each One-Stop Career Center and Youth Services Provider Agency. The Workforce Development Board will monitor the logs on an annual basis.

If you have any questions regarding this bulletin, please contact Terri Shields at: (925) 646-5239.

cc: Ron Addy, WID Regional Advisor  
Stephen Baiter, Administrator Contra Costa One Stop Consortium  
Youth Providers  
Darlene Thompson  
Jack Kennedy

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## Workforce Investment Act Services Participant Rights

By participating in WIA services, you have rights guaranteed to you through the WIA Grievance and complaint procedure. If you have a complaint about the services you are receiving you are first encouraged to discuss them with your case manager. The following illustrates what are considered violations, and the steps for resolving the complaint.

### What is a complaint?

- A violation of, or unfairly applied legislation or regulations under the Workforce Investment Act
- Discrimination against a participant based on non-job related criteria
- Violation of Section 667.600 of the WIA which states, "The local administrative entity has the responsibility to conduct hearing and resolve complaints made by individuals about the administration of programs in the local area."
- Violation of other applicable Federal, State, or local law.

### How do I file a complaint?

- First you must seek a resolution with your case manager.
- If you are unsatisfied with the response from your case manager and every reasonable attempt at resolving the issue has been made; you are requested to seek a meeting with the career center coordinator to resolve the concern.
- If this step does not result in a resolution to your complaint, you may seek at the next, highest, appropriate level where you may be requested to file a written complaint. If this meeting and recommendation is not satisfactory, you may file a written complaint with the Executive Director of the Workforce Development Board.
- If your complaint is based on discrimination, you may file with the Contra Costa County Equal Opportunity Officer (instructions are on the back of this form).
- Any written complaint must contain:
  - Your full name, mailing address and telephone number
  - The name, mailing address and telephone number of the agency involved in your complaint
  - Factual information concerning the complaint

### When do I file a complaint?

- Any complaint should be filed in a timely manner and at the lowest possible level for optimal and immediate satisfaction.
- All complaints must be made in writing within one year of the alleged violation, except complaints alleging waste, abuse, fraud; or discrimination. See the reverse side of this form for the Equal Opportunity requirements.
- Any complaint alleging waste, abuse or fraud should be immediately reported to the One Stop Consortium Administrator.

### Will I have a hearing?

- You and your respondent will be notified in writing of the hearing at least (10) ten calendar days prior to the hearing date. The ten-day notice may be shortened with prior written consent of the parties involved.
- The hearing will be held within 30 days of the filed request.
- A decision/resolution will be made within 60 days of the request for the hearing. If no decision has been issued within this timeframe, you may request a hearing with the Employment Development Department at (916) 654-7799. TTY users, please call the California Relay Service at 711.
- There will be further appeal rights on the decision notice if you are not satisfied with the decision. Contact the State office at: Equal Employment Opportunity Office, Employment Development Department, 800 Capitol Mall, MIC 49, P.O. Box 826880. Sacramento, CA 94280-0001

### Can I withdraw from WIA Services?

- Each participant is free to make choices about their participation in WIA services. Once enrolled, you may withdraw from services. Your rights include freedom from restraint, coercion, reprisal or discrimination.
- To withdraw from services you must notify your case manager of your intentions through active communication. Email and voicemail are not considered active communication.

A good faith effort shall be made to informally resolve complaints prior to the scheduled hearing date. Whenever possible, an attempt shall be made to resolve the complaint through an informal meeting within ten calendar days of receipt of the complaint.

**If you need assistance in filing a complaint**, it will be provided to you. You also have the right to be represented, at your own expense by a person of your choosing.

### Can I withdraw my complaint?

- You may withdraw your complaint at any time by contacting the Equal Opportunity Officer/Affirmative Action Coordinator.

As a WIA applicant, I have read and understand my right under the WIA Complaint Resolution Procedure. I further acknowledge receipt of this form.

\_\_\_\_\_  
Participant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
WIA Representative

\_\_\_\_\_  
Date

## **Equal Opportunity Is the Law**

It is against the law for this recipient of Federal financial assistance to discriminate on the following basis:

Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and

Against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIA Title I-financially assisted program or activity.

The recipient must not discriminate in any of the following areas:

Deciding who will be admitted, or have access, to any WIA Title I-financially assisted program or activity;

Providing opportunities in, or treating any person with regard to, such a program or activity; or

Making employment decisions in the administration of, or in connection with, such a program or activity.

### **What To Do If You Believe You Have Experienced Discrimination**

If you think that you have been subjected to discrimination under WIA Title-I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

The recipient's Equal Opportunity Officer or the person whom the recipient has designated or The Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

### **FOR INFORMATION OR TO FILE A COMPLAINT, CONTACT THE RECIPIENT'S EQUAL OPPORTUNITY OFFICER:**

Employment and Human Services Department  
Darlene Thompson, Affirmative Action Coordinator  
40 Douglas Drive  
Martinez, California 94553  
(925) 313-1786  
1-800-735-2929 (hearing impaired)  
CA Relay Service Number: 711

Auxiliary aids and services are available upon request to individuals with disabilities  
EQUAL OPPORTUNITY EMPLOYER/PROGRAM

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SIGNATURE