

<u>MESA COUNTY WORKFORCE DEVELOPMENT BOARD</u>	
Policy and Procedure	
Title: WIOA Complaint Procedure Policy	State Policy Guidance Letter: ADM-2015-01, Change 1
Program: Career Development Program (WIOA)	Effective Date: 1/7/2015 Revision Date: 8/20/2018
Authorized Signature(s):	

I. REFERENCE(S):

- Workforce Innovation and Opportunity Act (WIOA) of 2014, section 181(c)
- WIOA Labor Only Final Rule, Subpart F – Grievance Procedures, Complaints, and State Appeals Processes §683.600-610.

II. PURPOSE:

To establish WIOA grievance and complaint procedures. Grievance procedures are required under 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 complaint process is separate and apart from the complaint process related to discrimination and Section 188 of WIOA (PGL ADM-2002-04: Processing Discrimination Complaints) or the ES Complaint System (PGL ADM-2017-01).

III. POLICY/PROCEDURE(S):

- A. All participants enrolled in the Career Development Program (WIOA) will be given an Equal Opportunity Notice and Complaint Procedures form. The Career Development Program will make reasonable efforts to assure that the process for dealing with grievances and complaints from participants and other interested parties affected by the local Workforce Investment System, including One-Stop partners and service providers, is understood by affected participants and other individuals, including youth and those who are limited-English speaking individuals.
- B. If a participant, or other interested party affected by the local Workforce System, including One-Stop partners and service providers, feels their rights have been negatively affected may follow this formal complaint process:
 1. Submit a formal written complaint in person to the Reception desk of the Mesa County Workforce Center, or through mail to 512 29 ½ Road, Grand Junction, CO 81504.
 2. Please address written complaint to Management for the Career Development

Program (WIOA).

3. An informal hearing and resolution will be conducted with Career Development (WIOA) Management and the Mesa County Workforce Director within 60 days of the filing of the written complaint.
4. A written decision regarding the complaint will be issued by Career Development (WIOA) Management and the Mesa County Workforce Center Director within the aforementioned 60 days.

C. Formal Written Complaint Requirements:

The following items must be included in a complainant's formal written complaint to be accepted for hearing and resolution at the local level:

1. Full name, mailing address and phone number of the party or parties filing the complaint;
2. Full name, mailing address and phone number of the party or parties alleged to have committed the act;
3. A clear, concise statement of the facts of the case, and the nature of the violation(s);
4. The date of the alleged act and factual information supporting the complaint;
5. The remedy that is sought.

D. A binding arbitration procedure, and/or collective bargaining agreement through an objective third party may be sought in situations where an individual alleging labor standard violations seeks remedy to their grievance beyond the Workforce Investment System formal complaint procedure.

E. Appeals to the State:

If no decision is reached by the Local Area within sixty (60) calendar days, or the complainant is dissatisfied with the decision, the complainant 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. Whenever a Local Area has failed to provide procedural process in a timely manner to a complainant, and such failure results in an appeal to CDLE, the Local Area shall bear any costs associated with disposition of the appeal.

3. 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 the Local Area
 - A transcript or recording of the hearing proceedings, and
 - A copy of the written decision of the Local Area 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 the Local Area.
- For reasonable cause, as determined by the State Grievance Administrator, the time line of the state review hearing process may be extended.

F. Appeals to the U.S. 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
 - and the Colorado Department of Labor and Employment (address above in D.3)

3. The CDLE State Grievance Administrator decision is final unless the Secretary of Labor exercises the authority for Federal-level review. In this instance, the Secretary must render a decision no later than 120 days after receipt of the appeal.

4. 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.