

Attachment B

REQUIRED ELEMENTS OF LOCAL UNIFIED COMPLAINT SYSTEM

Unified Complaint System procedures for direct recipients of WIOA Title I and Wagner-Peyser funds operating in the local workforce area (including Workforce Boards, One-Stop Career Centers, WIOA Title I Administrators, WIOA Fiscal Agents and WIOA service providers) must be adopted and published by each Local Workforce Board [20 CFR § 683.600 and 20 CFR § 658.400].

- **Written Policy and Procedures** – Each Local Board shall establish and maintain for its workforce area a unified process for the resolution of *formal, written complaints* brought forward by customers or other interested parties in relation to WIOA Title I and Wagner-Peyser (WIOA Title III) Job Service activities; or with regard to alleged violation of an individual's civil rights or acts of discrimination in a manner consistent with the parameters outlined below.

Furthermore, if an area is not establishing separate procedures you must include a statement specifically citing the local area's adoption of this Unified Workforce Complaint System and Appeals Policy must be included in the Local Board and One-Stop Career Center Standard Operating Procedures (SOP) manual.

- **Designation of Local Complaint Officer/Equal Opportunity Officer and Alternates** – At a minimum, each Local Workforce Area shall designate one Complaint Officer (CO) and one Equal Opportunity Officer (EOO) and a back-up for each. The CO shall be responsible for initial handling of complaints pursuant to this issuance. The same individual may be designated as both the CO and the EOO. The name, business address and telephone number of the designated CO and EOO shall be publicized and included in all customer information describing how to file a complaint. The number of local COs and EOOs (and back-ups) designated by the Local Board should be guided by the board's need to assure that the process of complaint resolution must begin immediately upon receipt of the complaint *without delay* and must be conducted within the timeframes required by the nature of the complaint. Each local career center must have on-site, trained staff ready to handle the initial complaint process.
- **Local Customer Notification Process** - Local Boards must assure that *all* Career Center customers are notified of their EO/Complaint rights. Staff must ensure the complainant submits the complaint via a signed letter (email with electronic signature is acceptable) or the complaint form. If the complainant needs assistance in describing his/her complaint in writing or completing the form assistance will be provided by the CO or other appropriate staff. This may be accomplished in either a group or individual setting. A written description of the local complaint process (including procedural instruction) shall be included in the package of Career Center Seminar materials. While the Career Center Seminar incorporates specific references to the complaint process, providing an advantageous opportunity to satisfy the customer notification requirement, Local Boards must also assure that other appropriate local mechanisms are in place to ensure maximum notification and that individual notification is duly recorded in the MA One-Stop Employment System (MOSES) database as part of the customer record. Local Boards

Attachment B

must also ensure that the local notification process assures that complaint procedures are initiated in a timely manner when a customer expresses a desire to file a complaint or requests a copy of the procedures.

- **Public Notice** - All direct recipients of WIOA/Wagner-Peyser (WIOA Title III) funds including Local Boards, One-Stop Career Centers, WIOA Title I Administrators, WIOA Fiscal Agents and WIOA service providers are required to prominently display in public view the official U.S. DOL approved Complaint System poster with local contact information (Attachment M). In addition, recipients of WIOA / Wagner-Peyser (WIOA Title III) funds shall make reasonable efforts to ensure that the complaint procedure information is *understood* by affected participants and other individuals, including youth and English language learners (ELL) individuals. The brochure “You Have the Right to File a Complaint” providing customers with general instructions as to how to file a complaint must also be made available to customers, program participants, employees, one-stop partners, service providers, other interested parties and members of the public. English and Spanish language versions of the brochure are attached (Attachments K/L).

All direct recipients of WIOA/Wagner-Peyser funds must also prominently display the “Equal Opportunity is the Law” Poster in English and Spanish (Attachments N/O).

- **Confidentiality** - The identity of a complainant(s) or any person who furnishes information related to, or who has assisted in an investigation of a complaint shall be kept confidential to the maximum extent possible consistent with applicable law and a fair determination of the complaint. The identity of a complainant may only be released upon written consent of the individual(s) furnishing information regarding a complaint or apparent violation.
- **Complaint Logs** - Each Local Board must establish procedures for its area for the use and maintenance of the Unified Workforce System Complaint Log (see Attachment H) consistent with guidance provided, herein.
 - ✓ The WIOA Complaint Log must clearly identify each individual complaint.
 - ✓ Each complaint must have a unique identification number. Copies of those Complaint Log pages that clearly indicate all newly filed and all resolved complaints for the calendar quarter must be promptly submitted (through e-mail) to the State Monitor Advocate no later than the 30th day of the month following the end of each quarter.
 - ✓ The Complaint Log is available in, and is to be completed and maintained in an Excel format.
 - ✓ Local area Complaint Logs will be maintained on an annual basis consistent with the *state fiscal year* (July 1 – June 30). Each annual complaint log will be kept for a period of 3 years following the end of the fiscal year for which the log was kept.
 - ✓ The State Complaint Officer will compile and maintain a statewide Complaint Log from the submitted local Complaint Logs.

Instructions for completing the Complaint Log are included in Attachment H1.

- **Acknowledgement** – Once you receive or accept for processing a formal (signed) complaint, you must *acknowledge* receipt of the complaint. When mailing letters to complainants, always send them “return receipt requested”. Acknowledgments may be sent via email, if an email address has been provided by the complainant as this will be deemed an electronic signature.

Attachment B

- **Written Determinations** – All informal and formal complaints require a written determination. The written determination must demonstrate the claimant was afforded the opportunity for a hearing.

During either resolution process, the Complaint Officer must document all steps taken to resolve the complaint.

- **Appeals** – Every complainant must be provided the opportunity to appeal any local adverse decision to the State.
- **Follow-Up** – Workforce Areas should make a concerted effort to provide follow-up on all customer matters referred to outside enforcement agencies (see Attachment A2).