

## Attachment C

### **TYPES OF COMPLAINTS COVERED/NOT COVERED UNDER THE UNIFIED COMPLAINT POLICY**

#### **COMPLAINTS COVERED:**

This policy **covers** complaints that may arise in the delivery and/or administration of services and activities provided or undertaken locally by direct recipients of WIOA Title I or Wagner-Peyser funds and that do not involve alleged criminal activity. Such complaints may be brought forward by Workforce Innovation and Opportunity Act customers, entities, service providers, staff or other interested parties; and are to be handled, at least initially, according to the processes outlined below.

More specifically, complaints that fall within the jurisdiction of this policy include:

- **Alleged violations of WIOA Title I or Wagner Peyser Act** - Complaints alleging actions or omissions by a Local Board, One-Stop Career Center, WIOA entity or WIOA service provider staff are in violation of either Title I or the Wagner-Peyser Act as Amended.
- **Alleged violations of Equal Opportunity (EO) Laws and Policies** - Complaints (within workforce area jurisdiction) alleging actions or omissions by a Local Board, One-Stop Career Center, WIOA entity or WIOA service provider staff are in violation of Section 188 of the Workforce Innovation Opportunity Act prohibiting discrimination on the basis of race, color, religion, national origin, age, gender, disability, political affiliation or belief, or on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I financially assisted program or activity; Title VI of the Civil Rights Act of 1964, as amended prohibiting discrimination on the basis of race, color and national origin; Section 504 of the Rehabilitation Act of 1973, as amended prohibiting discrimination against individuals with disabilities; The Age Discrimination Act of 1975, as amended prohibiting discrimination on the basis of age; Title IX of the Education Amendments of 1972, as amended prohibiting discrimination on the basis of sex in educational programs; and 29 CFR Part 38, regulations implementing the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act.
- **Alleged violations of Employment Related Laws against MSFWs** –
  - Complaints against an employer about the specific job to which a WIOA/Job Service customer was referred by a staff person of a One-Stop Career Center or other WIOA partner or service provider.
  - Complaints against an employer filed by, or on behalf of a WIOA/Job Service customer referred to the employer by a staff person of a One-Stop Career Center or other WIOA partner or service provider alleging violations of employment related laws.
  - Complaints against an employer filed by, or on behalf of an individual who was not referred by a staff person of a One-Stop Career Center or other WIOA partner or service provider.

#### **COMPLAINTS NOT COVERED:**

This policy **does not** cover complaints that may arise in the delivery and/or administration of services and activities provided by or enforced by another agency and/or organization. All such complaints should be immediately forwarded to the Department of Career Services for referral to the appropriate agency and/or organization.

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Office of the Director  
Department of Career Services  
Charles F. Hurley Building  
19 Staniford Street, First Floor  
Boston, MA 02114

More specifically, complaints that **do not** fall within the jurisdiction of this policy include:

- **Criminal Complaints** – All information and complaints alleging criminal fraud, waste, abuse or other criminal activity falls under the purview of U.S. DOL.
- **Complaints of Job Service Discrimination by an Employer** - All Job Service (Wagner-Peyser) related complaints regarding discrimination by an employer fall under the purview of the Equal Employment Opportunity Commission.
- **Complaints by non-MSFWs Alleging Violations of Laws** - Such complaints are referred to the proper enforcement agency overseeing the type of complaint being alleged.
- **Complaints Against Employers From Another State** – These complaints will be handled by appropriate agency within that state.
- **Complaints Involving More Than One Massachusetts Career Center or Statewide Violations of WIOA** - The local office does not have jurisdiction for such complaints they are elevated immediately to the Department of Career Services.
- **Complaints Alleging Violations of Unemployment Assistance (UA) Laws and Regulations** – Such complaints are under the purview of the Department of Unemployment Assistance (DUA).
- **Complaints Alleging Violations of Transitional Assistance for Needy Families (TANF) Law/Regulations** – Such complaints fall under the purview of Department of Transitional Assistance (DTA).
- **Complaints Alleging Federal Contractor Violations** - Federal contractors must adhere to a number of wage and labor standard requirements mandated under a variety of federal statutes. These complaints will be forwarded to appropriate agency with jurisdiction.
- **Career Center Staff Personnel Complaints** –
  - Local non-state staff Personnel Complaints (other than discrimination complaints) should be handled through the appropriate employer of record Human Resource Office.
  - Local non-state staff complaints alleging discrimination must be immediately elevated to the local Equal Opportunity Officer.
  - Local State Staff Personnel Complaints (other than discrimination complaints) should be elevated to the State Human Resources Office.
  - Local state staff complaints alleging discrimination must be immediately elevated to the State Director of Diversity and Equal Opportunity.

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- If complaints are referred to other enforcement agencies for adjudication, DCS must conduct follow-up (every 90 days for non-MSFW/every 30 days for MSFW related complaints) and Career Centers and customers informed of the results.