

## COMPLAINT SYSTEM DEFINITIONS

**Act** means the Wagner-Peyser Act (codified at 29 U.S.C. 49 *et seq.*).

**Administrator, Office of Workforce Investment (OWI Administrator)** means the chief official of the Office of Workforce Investment (OWI) or the Administrator's designee.

**Affirmative action** means positive, result-oriented action imposed on or assumed by an employer pursuant to legislation, court order, consent decree, directive of a fair employment practice authority, government contract, grant or loan, or voluntary affirmative action plan adopted pursuant to the affirmative action guidelines of the Equal Employment Opportunity Commission (see 29 CFR part 1608) to provide equal employment opportunities for members of a specified group which for reasons of past custom, historical practice, or other non-occupationally valid purposes has been discouraged from entering certain occupational fields.

**Career services** means the services described in sec. 134(c)(2) of the Workforce Innovation and Opportunity Act (WIOA) and §678.430 of this chapter.

**Complainant** means the individual, employer, organization, association, or other entity filing a complaint.

**Complaint** means a representation made or referred to a State or Employment Service (ES) office of an alleged violation of the ES regulations and/or other Federal laws enforced by the Department's Wage and Hour Division (WHD) or Occupational Safety and Health Administration (OSHA), as well as other Federal, State, or local agencies enforcing employment-related law.

**Decertification** means the rescission by the Secretary of the year-end certification made under sec. 7 of the Wagner-Peyser Act to the Secretary of the Treasury that the State agency may receive funds authorized by the Wagner-Peyser Act.

**Employment and training activity** means a workforce investment activity that is carried out for an adult or dislocated worker under part 678.

**Employment and Training Administration (ETA)** means the component of the Department of Labor that administers Federal government job training and worker dislocation programs, Federal grants to States for public ES programs, and unemployment insurance benefits. These services are provided primarily through State and local workforce development systems.

**Employment-related laws** means those laws that relate to the employment relationship, such as those enforced by the Department's WHD, OSHA, or by other Federal, State, or local agencies.

**Employment Service (ES) office** means a site in a local WDB where staff of the State Workforce Agency, consistent with the requirements of §652.215 of this chapter, provide Wagner-Peyser Act services as a one-stop partner program. A site must be collocated with a one-stop center consistent with the requirements of §678.305 through 678.315 of this chapter.

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**Employment Service (ES) regulations** means the Federal regulations at this part and parts 652, 653, 654, 658 of this chapter, and 29 CFR part 75.

**Equal opportunity data or EO data** means data on race and ethnicity, age, sex, and disability required by 29 CFR part 38 of the Department of Labor regulations implementing sec. 188 of WIOA, governing nondiscrimination.

**Federal financial assistance** means:

(1) For grants and cooperative agreements, assistance in the form of:

- (i) Grants;
- (ii) Cooperative agreements;
- (iii) Non-cash contributions or donations of property (including donated surplus property);
- (iv) Direct appropriations;
- (v) Food commodities; and
- (vi) Other financial assistance, except assistance listed in paragraph (2) of this definition.

(2) For purposes of the audit requirements at 2 CFR part 200, subpart F, Federal financial assistance includes assistance that non-Federal entities receive or administer in the form of:

- (i) Loans;
- (ii) Loan Guarantees;
- (iii) Interest subsidies; and
- (iv) Insurance.

(3) Federal financial assistance does not include amounts received as reimbursement for services rendered to individuals as described in 2 CFR 200.502, which outlines the basis for determining Federal awards expended.

**Grantee** means the direct recipient of grant funds from the Department of Labor under a grant or grant agreement. A grantee also may be referred to as a recipient.

**Hearing Officer** means a Department of Labor Administrative Law Judge, designated to preside at Department administrative hearings.

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**Individual with a disability** means an individual with any disability as defined in sec. 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102). For purposes of WIOA sec. 188, this term is defined at 29 CFR 38.4.

**Local Office Manager** means the official in charge of all ES activities in a one-stop center.

**Local WDB** means a Local Workforce Development Board (WDB) established under WIOA sec. 107, to set policy for the local workforce development system.

**One-stop center** means a physical center within the one-stop delivery system, as described in sec. 121(e)(2)(A) of WIOA.

**One-stop delivery system** means a one-stop delivery system described in sec. 121(e) of WIOA.

**One-stop partner** means an entity described in sec. 121(b) of WIOA and §678.400 of this chapter that is participating in the operation of a one-stop delivery system.

**Participant** means a reportable individual who has received services other than the services described in §677.150(a) (3) of this chapter, after satisfying all applicable programmatic requirements for the provision of services, such as eligibility determination. (See §677.150(a) of this chapter.)

(1) The following individuals are not Participants, subject to §677.150(a)(3)(ii) and (iii) of this chapter:

(i) Individuals who only use the self-service system; and

(ii) Individuals who receive information-only services or activities.

(2) Wagner-Peyser Act participants must be included in the program's performance calculations

**Pass-through entity** means a non-Federal entity that provides a sub award to a sub recipient to carry out part of a Federal program.

**Recipient** means a non-Federal entity that receives a Federal award directly from a Federal awarding agency to carry out an activity under a Federal program. The term recipient does not include sub recipients.

**Register** means the process for collecting information, including identifying information, to determine an individual's eligibility for services under WIOA title I. Individuals may be registered in a variety of ways, as described in §680.110 of this chapter.

**Regional Administrator (RA)** means the chief Department of Labor Employment and Training Administration (ETA) official in each Department regional office.

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**Reportable individual** means an individual who has taken action that demonstrates an intent to use Wagner-Peyser Act services and who meets specific reporting criteria of the Wagner-Peyser Act (see §677.150(b) of this chapter), including:

- (1) Individuals who provide identifying information;
- (2) Individuals who only use the self-service system; or
- (3) Individuals who only receive information-only services or activities.

**Respondent** means the employer, individual, or State agency (including a State agency official) who is alleged to have committed the violation described in a complaint.

**Secretary** means the Secretary of the U.S. Department of Labor or the Secretary's designee.

**Solicitor** means the chief legal officer of the U.S. Department of Labor or the Solicitor's designee.

**State** means any of the 50 States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

**State Administrator** means the chief official of the SWA.

**State agency or State Workforce Agency (SWA)** means the State ES agency designated under sec. 4 of the Wagner-Peyser Act.

**State hearing official** means a State official designated to preside at State administrative hearings convened to resolve complaints involving ES regulations pursuant to subpart E of part 658 of this chapter.

**Supportive services** means services that are necessary to enable an individual to participate in activities authorized under WIOA or the Wagner-Peyser Act. These services may include, but are not limited to, the following:

- (1) Linkages to community services;
- (2) Assistance with transportation;
- (3) Assistance with child care and dependent care;
- (4) Assistance with housing;
- (5) Needs-related payments;
- (6) Assistance with educational testing;

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- (7) Reasonable accommodations for individuals with disabilities;
- (8) Referrals to health care;
- (9) Assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear;
- (10) Assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes; and
- (11) Payments and fees for employment and training-related applications, tests, and certifications.

***Sub recipient*** means a non-Federal entity that receives a sub award from a pass-through entity to carry out part of a Federal program, but does not include an individual that is a beneficiary of such program. A sub recipient also may be a recipient of other Federal awards directly from a Federal awarding agency.

***Training services*** means services described in sec. 134(c)(3) of WIOA.

***Wagner-Peyser Act Employment Service (ES) also known as Employment Service (ES)*** means the national system of public ES offices described under the Wagner-Peyser Act. Employment services are delivered through a nationwide system of one-stop centers, and are managed by State Workforce Agencies and the various local offices of the State Workforce Agencies, and funded by the United States Department of Labor.

***WIOA regulations*** mean the regulations in parts 675 through 687 of this chapter, the Wagner-Peyser Act regulations in part 652, subpart C, of this chapter, and the regulations implementing WIOA sec. 188 in 29 CFR part 38.

***Workforce investment activities*** mean the array of activities permitted under Title I of WIOA, which include employment and training activities for adults and dislocated workers, as described in WIOA sec. 134, and youth activities, as described in WIOA sec. 129.

***Workforce development activity*** means an activity carried out through a workforce development program as defined in sec. 3 of WIOA.

***Working days or business days*** means those days that the order-holding ES office is open for public business, for purposes of the Agricultural Recruitment System.

***Youth workforce investment activity*** means a workforce investment activity that is carried out for eligible youth under part 679 of this chapter.