

# Workforce Issuance

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**100 DCS 03.101.3**☒ **Policy**   ☐ **Information**

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**To:** MassHire Workforce Board Chairs  
MassHire Workforce Board Directors  
MassHire Career Center Directors  
MassHire Fiscal Officers  
MDCS Operations Managers

**cc:** WIOA State Partners

**From:** Diane Hurley, Acting Director  
MassHire Department of Career Services

**Date:** August 22, 2024

**Subject:** **Unified Workforce Development Complaint System and Appeals Process Revised**

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**Purpose:** To revise guidance to MassHire Workforce Boards, MassHire Career Center Operators, Fiscal Agents, Workforce Partners and Service Providers regarding the policies and procedures for the local workforce system to process complaints and address appeals brought by customers and/or other interested parties related to services/activities covered by the Workforce Innovation and Opportunity Act (WIOA).

The purpose of this policy is:

1. to provide guidance specific to alleged violations (by action or omission) related to services funded under Title I of WIOA and the Wagner-Peyser Act, as Amended;
2. to delineate procedures for initiating resolution of appeals, and for complaints related to other federal or state statutory requirements, including Equal Opportunity (EO); and
3. to provide consistency with complaint and appeals resolution policies and procedures across the MassHire Workforce Development System.

## **Revisions include:**

### **1. Policy Re-format:**

The Policy has been re-formatted to provide clarity and consistency.

### **2. Updates to Attachments:**

The attachments to the policy have been re-titled and updated.

### **3. Annual Federally Required Training:**

Federal Regulations require that MassHire Department of Career Services (MDCS) establish and maintain a uniform system for accepting, investigating, resolving, and referring complaints and apparent violations through any of the Wagner-Peyser and WIOA programs/activities.

Additionally, these regulations require that all complaints filed through this Unified Complaint System be handled by a trained Complaint Officer, Equal Opportunity Officer and designated backups. Local areas must also have a trained Hearings Officer.

To comply with statutory regulations, Complaint Officers, Equal Opportunity Officers and designated back-ups, Hearings Officers, (at both the State and Local levels) and MDCS Field Management and Oversight (FMO) (the staff responsible to ensure that Local MassHire Workforce Areas follow guidance set forth within this policy) must attend annual federally required MDCS Complaint System and Appeals Process training. This training will ensure staff assigned to these roles have the knowledge, skills, and abilities necessary to fulfill their responsibilities.

It is also imperative that all MassHire Workforce Board (MWB) and MassHire Career Center (MCC) Management and staff are aware of their customers' right to complain regarding service provision at their MCC, and therefore must attend Module 1: Unified Complaint System Fundamentals. This overview of the complaint process will also be available online.

Annual training will be offered for each of the 3 tracks dedicated to these functions (Complaints, EEO and Hearings).

**Background:** Requirements related to the establishment and administration of complaint procedures related to services/activities funded under Title I of the WIOA are promulgated at 20 CFR, Ch. V, § 683.600 – 683.650. Requirements related to services/activities funded under the Wagner-Peyser Act, as Amended (Title III of the Workforce Investment Act) and Final Rule effective January 23, 2024, are separately

promulgated at 20 CFR Ch. V, § 658.400 - § 658.419; 20 CFR § 500 – 504 (Discontinuation of Services to Employers).

Regulations require the establishment of a local process to handle complaints brought forward by consumers of the respective program's services. The processes for handling complaints as described in the two sets of regulations, however, employ two distinct sets of timeframes within which actions are to be taken and/or completed.

To further promote the ideal of a seamless Career Center system as envisioned by WIOA, the Commonwealth has developed a model for a unified complaint system that covers the requirements of both WIOA and Wagner-Peyser. The model streamlines state and local processes (including procedures pertaining to the appeal of local determinations to the State level and, if necessary, beyond into a single, unified complaint system.

**Policy:** Consistent with the regulations promulgated at 20 CFR §679.290 and 20 CFR 683.600 – 683.650 and at 20 CFR Ch. V, §658.400 - §658.419, describes complaint system requirements for all direct recipients of WIOA Title I funds (excluding Job Corps) and Wagner-Peyser funds (Title III).

Direct Recipients of WIOA funds must either adopt the Commonwealth's policy or develop and maintain a formal local unified process for the submission and resolution of complaints and appeals initiated by either customers or other interested parties that is consistent with the guidance described, herein and detailed in Attachments **A-A5** and Attachments **B-B3**.

Direct WIOA recipients include State Agency Partners, State and Local MassHire Workforce Development Boards, MassHire Career Center Operators, Career Center partners, local WIOA service providers, including eligible training providers and entities providing non-WIOA funds or resources to meet matching requirements or other conditions under WIOA.

Complaints may be submitted in accordance with this policy by an individual, group of individuals, an employer or group of employers, a staff member, or persons or an interested Third party acting on behalf of an individual, group of individuals, an employer, or group of Employers.

Under this policy each Local Board must assure that the WIOA entities (including the Local MassHire Board, the MassHire Career Center(s), Fiscal Agent and local partners and service providers designate an appropriate number of Complaint Officers (CO), Equal Opportunity Officers (EOO) and back-ups whose responsibility it is to conduct the initial review of relevant complaints and to determine the correct jurisdiction and adjudication path to be followed to reach a resolution.

The designated CO(s), EOO(s) and designated back-up(s) can draw upon the expertise of program staff knowledgeable of the rules and regulations of the specific program(s) under which the complaint has been initiated if, the perception of any conflict of interest is determined to not exist.

Complaint Officers and EO Officers must:

- be readily available to receive a complaint from a customer and/or interested party.
- ensure that during the time of the filing of the complaint or thereafter, the perception of any conflict of interest has been determined not to exist. If a conflict has been identified, then the officer must recuse themselves immediately.

Any provisions contained in WIOA, the Wagner-Peyser Act, as Amended, their regulations, or other applicable laws and regulations shall apply even if not explicitly stated in this policy. Neither shall any part of this policy be construed to contradict current Federal requirements.

**Action  
Required:**

This policy is in effect for all direct recipients of WIOA Title I and Wagner-Peyser (WIOA Title III) funds provided through the Executive Office of Labor and Workforce Development (EOLWD), any of its subdivisions, or the Commonwealth Corporation for each Massachusetts Workforce Development Area.

This MassHire Unified Workforce Development Complaint System and Appeals Process Policy provides guidance on complaint and appeals resolution policies and procedures allowing for consistency with both WIOA regulations and the guidance provided herein, including the procedural guidance outlined in **Attachments A-A5: Processing Complaints and Attachments B-B3: Appeals and Hearings Process**.

As stated above, each MWB and MCC must adopt this policy or develop and maintain a formal local unified process for the submission and resolution of complaints and appeals. MDCS highly recommends adoption of this policy to ensure all required elements are met.

Locally developed complaint policies must be submitted to the MDCS Complaint Officer for approval to ensure all regulatory requirements have been met prior to inclusion in Standard Operating Procedures (SOP).

Local Areas adopting this policy should review their current SOP to ensure it includes a statement that the Local Area adopts MassHire Workforce Issuance #100 DCS – 03.101.3 Unified Workforce Development Complaint System and Appeals Process.

**Effective:** Effective immediately for all Workforce Innovation and Opportunity Act funds provided directly through the Executive Office of Labor and Workforce

Development (EOLWD), the MassHire Department of Career Services (MDCS) or Commonwealth Corporation.

**References:** Title 20, Chapter V, Parts: 658.400 – 419, 658.500 – 504, 679.290, 683.600 – 650, Title 29, Subtitle A, Parts 38, subpart 38.1 – 24, Subpart B 38.25 – 38.45, Subpart D 38.609 – 38.97, Wagner Peyser Final Rule effective January 23, 2024, and Training and Employment Guidance Letter 37-14

**Inquiries:** Please direct all questions to [PolicyQA@mass.gov](mailto:PolicyQA@mass.gov). Also, indicate Issuance number and description.

**Attachments:**

- A: Roles & Responsibilities & Required Elements
- A1: Jurisdiction
- A2: Processing Complaints
- A3: Complaint Process Flow Chart Informal Resolution
- A4: Complaint Process Flow Chart Formal Resolution
- A5: Jurisdiction & Timeframes Quick Reference Guide
- B: Appeals and Hearings Process
- B1: Sample Script- Oath-Opening Statement
- B2: Sample Notice of Hearing
- B3: Sample Notice of Determination
- C: Complaint System Official Complaint Form (ETA 8429)
- C1: Instructions to prepare Official Complaint Form (ETA 8429)
- D: CRC Complaint Information Form 2014 with Instructions - English\*
- E: Unified Workforce Development System Complaint Log
- E1: Instructions to prepare Complaint Log
- F: How to File a Complaint Handout/English
- F1: How to File a Complaint Handout/ Spanish
- G: Training Provider Appeal Form
- H: Federal Contractor Statutes and Complaint Contact Information
- I: Training and Employment Guidance Letter 37-14
- J: Definitions
- K: Complaint Poster (English) PI
- K1: Complaint Poster (Spanish) PI
- L: "Equal Opportunity is the Law" Poster – English PI
- L1: "Equal Opportunity is the Law" Poster – Spanish PI
- M: WIOA Title, I Program/Training Approval/Denial Notification