

ATTACHMENT A1

JURISDICTION

After receiving a complaint from an individual or group of individuals, an employer or group of employers, a staff person, or persons or an interested third party acting on behalf of an individual, group of individuals, an employer or group of employers, the local MassHire Career Center Complaint Officer (CO)/Equal Opportunity (EO) Officer must establish jurisdiction.

Please note that a complaint may have multiple jurisdiction responsibilities. CO/EO Officers must itemize the issues contained therein to determine jurisdiction.

If it is determined that the local MassHire entity does not have jurisdiction over one or more of the issues contained in a complaint, it is the responsibility of the CO/EOO Officer to log the complaint and forward such issue(s) to the MassHire Department of Career Services (MDCS) Complaint Officer for referral to the appropriate agency and/or organization.

The following provides guidance on establishing jurisdiction on complaints that may arise in the delivery and/or administration of services and activities provided by the MassHire Workforce System or complaints enforced by another agency and/or organization.

MassHire Workforce Board (MWB)/MassHire Career Center (MCC) Jurisdiction

1. ***Wagner-Peyser Act (WP) – Employment Services (ES).*** Alleged violations (by action or omission) related to services and/or activities funded under the Wagner-Peyser Act, as amended, fall under the jurisdiction of the MWB/MCC.
2. ***Workforce Innovation and Opportunity Act (WIOA).*** Alleged violations (by action or omission) related to programs, services, and/or activities funded under WIOA fall under the jurisdiction of the MWB/MCC.
3. ***Employment-related law.*** Alleged violations brought by Migrant Seasonal Farm Workers (MSFWs) fall under the jurisdiction of the MWB/MCC.
4. ***MassHire Career Center Non-State Staff/Personnel Complaints.***
 - a. Local non-state personnel complaints (other than discrimination complaints) fall under local MWB/MCC jurisdiction and MUST be handled through the appropriate employer of record Human Resource Office.
 - b. Local non-state staff complaints alleging discrimination violations fall under the jurisdiction of the MWB/MCC and MUST immediately be elevated to the local Equal Opportunity (EO) Officer.

Third Party Jurisdiction

Although MWBs and/or MCCs may not have jurisdiction over resolution of a complaint, it is the responsibility of the MassHire Complaint Officer (CO) to document, in the quarterly complaint log, the complaint and forward such complaint to the MDCS Complaint Officer for referral to the appropriate agency and/or organization.

MDCS Complaint Officer
100 Cambridge Street, 5th Floor
Boston, MA 02114
DCSUnifiedComplaint@mass.gov

1. ***Apparent Violations.*** MassHire Career Center office employees, or outreach workers that observe, or has reason to believe, or is in receipt of information, regarding a suspected violation of employment-related laws or WP regulations by an employer, except as provided under the field checks or complaints section of the regulations – this complaint does not fall under the jurisdiction of the MWB/MCC. However, the employee must take and log the suspected violation and refer it immediately to the MDCS Complaint Officer for referral to appropriate enforcement agency.
2. ***Complaints and Reports of Criminal Fraud and Abuse.*** Information and complaints involving criminal fraud, waste, abuse, or other criminal activity does not fall under the jurisdiction of the MWB/MCC. However, the employee must log the suspected violation and refer immediately to the MDCS Complaint Officer for referral to appropriate enforcement agency.

NOTE: Complaints by Veterans alleging employer violations of the mandatory listing requirements under 38 U.S.C. 4212 are not covered by this subpart, does not fall under the jurisdiction of the MWB/MCC. However, the employee must log the suspected violation and refer immediately to the MDCS Complaint Officer for referral to appropriate enforcement agency.

3. ***Complaints Against Employers from Another State.*** These complaints do not fall under the jurisdiction of the MWB/MCC. However, the employee must log the suspected violation and refer immediately to the MDCS Complaint Officer for referral to appropriate enforcement agency.
4. ***Complaints Alleging Violations of Unemployment Insurance (UI) Laws and Regulations.*** These complaints do not fall under the jurisdiction of the MWB/MCC. However, the

employee must log the suspected violation and refer immediately to the MDCS Complaint Officer for referral to appropriate enforcement agency.

5. ***Complaints Alleging Violations of Transitional Assistance for Needy Families (TANF) Regulations.*** These complaints do not fall under the jurisdiction of the MWB/MCC. However, the employee must log the suspected violation and refer immediately to the MDCS Complaint Officer for referral to appropriate enforcement agency.
6. ***Complaints Alleging Federal Contractor Violations.*** Federal contractors must adhere to several wage and labor standard requirements mandated under a variety of federal statutes. These complaints do not fall under the jurisdiction of the MWB/MCC. However, the employee must log the suspected violation and refer immediately to the MDCS Complaint Officer for referral to appropriate enforcement agency.
7. ***Complaints against MassHire Career Center (MCC) State Staff***
 - a. Complaints against MCC state staff (other than complaints alleging discrimination) and non-state personnel do not fall under the jurisdiction of the MWB/MCC. However, these complaints should be logged and referred immediately to the MDCS Complaint Officer for immediate referral to the EOLWD Human Resources Office.
 - b. Complaints against MCC state staff **alleging discrimination** do not fall under the jurisdiction of the MWB/MCC. However, the suspected violation **MUST** be logged and referred immediately to the MDCS Complaint Officer for immediate referral to the Executive Office of Labor and Workforce Development (EOLWD) Director of Diversity and Equal Opportunity.

Please refer to **Attachment A5: Unified Complaint System – Jurisdiction Quick Guide** for an additional reference on complaint jurisdictions and timeframes.