

ATTACHMENT A
STATE AND LOCAL
ROLES, RESPONSIBILITIES AND REQUIRED ELEMENTS

MassHire Department of Career Services (MDCS), MassHire Workforce Boards (MWBs) and MassHire Career Centers (MCCs) agree to abide by guidance set forth within this policy to maintain, for its workforce system, a unified process for the resolution of informal and formal written complaints brought forward by customers or other interested parties in relation to Workforce Innovation and Opportunity Act (WIOA) Title I and Wagner-Peyser (WP) Title III Job Service activities; or with regard to alleged violations of an individual's civil rights or acts of discrimination in a manner consistent with the parameters outlined in this policy. As all parties have certain roles, responsibilities and required elements described below:

OVERALL RESPONSIBILITIES

The MDCS has overall responsibility for the operation of the Workforce Development Unified Complaint System and Appeals Process. MDCS must ensure centralized control procedures are established for the processing of complaints as well as establish and publish procedures for processing complaints and "apparent violations" including complaints alleging discrimination against any WIOA recipient, participant, or interested party.

The MDCS Complaint Officer (CO) and the EOLWD Equal Opportunity Officer (EOO) are responsible for monitoring MDCS, MWBs, MCCs and sub-grantees for compliance. MDCS CO is also responsible for providing technical assistance.

Each MCC must designate one CO, one EOO, and a back-up to each. The CO/EOO will be responsible for the handling of complaints. The same individual may be designated as both the CO and the EOO. The name, business address, email address, and telephone number of the designated CO and EOO must be publicized and included in all customer information describing how to file a complaint. Please refer to **Attachment K: (Complaint Poster-English) and K1: (Complaint Poster-Spanish)**.

Each Comprehensive, Affiliate and Youth Career Center must have on-site, trained staff ready to handle complaints.

MWBs and MCCs are responsible for adopting, publishing, and implementing a user-friendly complaint and hearing system.

STATE LEVEL RESPONSIBILITIES

MassHire Department of Career Services

- **Oversight.** The MassHire Department of Career Services (MDCS) *has overall responsibility* for the operation of the Unified Workforce Development Complaint & Appeals Process.
- **Complaint Officer Designation.** MDCS must designate a trained MDCS Complaint Officer on-site, ready to handle the complaint process.
- **Hearings Officer Designation.** MDCS must designate a Hearings Officer on-site ready to handle the appeals under the jurisdiction of MDCS.
- **Technical Assistance.** MDCS Complaint Officer must be available to provide guidance to locals where appropriate, throughout the Complaint System and Appeals process.
- **Required Training.** MDCS must ensure that each Comprehensive, Affiliate and Youth Career Center must have on-site, trained staff ready to handle complaints process. All MCC staff and management, including the appropriate MDCS Central Office and EOLWD staff, must attend appropriate required training annually.
- **Maintenance of Complaint Logs.** Complaints received at the MDCS State level **must be logged, reported, and maintained** utilizing the complaint log (Attachment E). The complaint log must include referrals to local level or other Federal or State agencies having jurisdiction for resolution.
- **Appeals.** MDCS must ensure that every complainant is provided with the opportunity to appeal any adverse local decision to the State.
- **Confidentiality.** MDCS must ensure that the identity of the complainant(s) and any persons who furnish information relating to, or assisting in, an investigation of a complaint must be kept confidential to the maximum extent possible, consistent with applicable laws and a fair determination of the complaint.
- **Retaliation.** MDCS must ensure that no person, organization, or agency may discharge or in any manner retaliate against any person or WIOA entity because that person/entity has filed a complaint, instituted any proceeding related to the WIOA Title I and Wagner-Peyser Regulations, testified or is about to testify in a proceeding or investigation, or has provided information or otherwise assisted in an investigation.
- **Recordkeeping and file system.** MDCS must maintain records and files as set forth within the policy and in accordance with **Issuance: 100 DCS 03.104** [Record Retention Requirements](#) **03-104A:** [Record Retention Requirements](#)

MassHire State Workforce Development Board

- **Hearings Officer Designation.** MDCS must designate an on-site Hearings Officer, ready to handle the appeals under the jurisdiction of MassHire State Workforce Board.
- **Recordkeeping and file system.** MDCS must maintain records and files as set forth within the policy and in accordance with **Issuances: 100 DCS 03.104:** [Record Retention Requirements](#) and **03-104A:** [Record Retention Requirements](#).

LOCAL LEVEL RESPONSIBILITIES

MassHire Workforce Boards and MassHire Career Centers

- **Policy Determination.** The Local MWB, in collaboration with the MCC Director, must determine to either adopt the Commonwealth's policy or develop and maintain a formal local unified process for the submission and resolution of complaints and appeals.
 - **Locally developed complaint policies** must be submitted to the MDCS Complaint Officer for approval.
 - **Adoption of Commonwealth's policy requires** a review of local Standard Operating Procedures (SOP) to ensure they include a statement of adoption of MassHire Issuance 100 DCS 03.101.3: MassHire Workforce Development Complaint System and Appeals Process.
- **Complaint Officer (CO) and Equal Opportunity Officer (EOO) Designation.** The Local MWB, in collaboration with the MCC Director, must designate a Career Center Complaint Officer, EEO Officer and their respective alternates. CO/EOOs and alternates are designated to assure the promptness and coordination of the procedures identified in this policy. Designations must be mindful of potential conflicts of interest.

The Local MWB must ensure that local MCC designates an individual to process complaints and monitor procedures at each comprehensive, affiliate and/or specialized career center. The CO may also be designated as EOO.

- A trained CO/EOOs must be available, on-site, to assist complainants and to provide information concerning the rights and responsibilities which are afforded by federal or state laws and regulations.
 - The CO/EOOs and their backups must act independently and without fear of intimidation or retaliation during the complaint investigation, resolution and/or referral). The CO/EOO may find it necessary to correct deficiencies which have adversely affected the complainant or other beneficiaries.
- **Designation of local Hearings Officer.** The Local MWB must designate a Hearings Officer who does not hold another position within the complaint system and is a board staff member. This individual must not be directly affected by or will not be implementing the resolution of the grievance or complaint and potential conflicts of interest.

The designated CO(s), EOO(s), designated back-up(s), and Hearings Officer must be a full time Career Center or Workforce Board employee to ensure stability and reliability in the timely receipt and responses to complaints in accordance with this policy.

All designations should carefully consider authority structures and any potential appearance of conflicts of interest.

Any changes in designated staff to these positions must be immediately reported to MDCS. Vacancies in any of these responsibilities must be filled within 5 business days. Any of these changes must be reported to MDCS at DCSUnifiedComplaint@mass.gov.

- **Required Training.** At a minimum, MCC Management, CO and EOO, and designated back-up(s), must attend federally required training on an annual basis. Additional members of the MCC/MWB staff should attend the required training guided by the MCC and MWB's need to assure that the process of complaint resolution begins immediately upon receipt of the complaint without delay and must be conducted within the timeframes required by the nature of the complaint.
- **Maintenance of Complaint Logs.** Complaints received at the Local MWB/MCC **must be logged, reported, and maintained** utilizing the local complaint log provided by MDCS. Please refer to **Attachment E: Unified Complaint System Complaint Log and Attachment E1: Instructions to prepare Complaint Log.** Comments section **must** include the nature of the complaint, including what was the major aspect of the complaint (customer service, training related, etc.), who the complaint involves and what agency referred to.
- **Complaint System/Appeal Process Timeframes.** COs and EOOs (and alternates) must adhere to all timeframes established within this policy for both Complaints and Appeals.
- **Public Notice.** MCCs are required to prominently display in public view the official U.S. DOL approved Complaint System poster with local contact information. Please refer to Attachment K: (Complaint Poster-English) and K1: (Complaint Poster-Spanish).
- **Local Title I Grantees.** Local MWBs/MCCs are required to provide information regarding the Local Complaint System and Appeals Process to any local grant recipients of Title I funds.
- **Local Customer Notification Process.** Local Boards must ensure that **ALL** MassHire Career Center customers are notified of their EO/Complaint rights.
- **Appeals.** MWBs/MCCs must ensure every complainant must be provided with the opportunity to appeal against any formal local adverse decision to the State.
- **Confidentiality.** MWBs/MCCs must ensure the identity of the complainant(s) and any persons who furnish information relating to, or assisting in, an investigation of a complaint must be kept confidential to the maximum extent possible, consistent with applicable law and a fair determination of the complaint.

- **Retaliation.** MWBs, MCCs and sub-recipients must ensure that no person, organization, or agency may discharge, or in any manner, retaliate against any person or WIOA entity

because that person/entity has filed a complaint, instituted any proceeding related to the WIOA Title I and Wagner-Peyser Regulations, testified or is about to testify in a proceeding or investigation, or has provided information or otherwise assisted in an investigation.

- ***Recordkeeping and file system.*** MDCS must maintain records and files as set forth within the policy and in accordance with **Issuances: 100 DCS 03.104:** [Record Retention Requirements](#) and **03-104A:** [Record Retention Requirements](#).