

## Unified Complaint System – Definitions

1. 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(b)(2) of WIOA and 20 CFR 678.430.
2. Complainant Means the individual, employer, organization, association, or other entity filing a complaint.
3. Complaint means a representation made or referred to a State or employment service office of an alleged violation of the employment service regulations and/or other Federal laws enforced by DOL'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.
4. Department or DOL Means the United States Department of Labor, including its agencies and organizational units.
5. Employer means a person, firm, corporation or other association or organization which currently has a location within the United States to which U.S. workers may be referred for employment, and which proposes to employ a worker at a place within the United States and which has an employer relationship with respect to employees under this subpart as indicated by the fact that it hires, pays, fires, supervises and otherwise controls the work of such employees. An association of employers is considered an employer if it has all of the indicia of an employer set forth in this definition. Such an association, however, is considered as a joint employer with the employer member if either shares in exercising one or more of the definitional indicia.
6. Employment Service Office Means a local office of a State Workforce Agency (SWA).  
Employment Service regulations means the Federal regulations at 20 CFR parts 651, 652, 653, 654, 658, and 29 CFR part 75.
7. Employment Service (ES) Means the national system of public employment service offices described under the Wagner-Peyser Act. The employment services are delivered through 967 a nationwide system of one-stop centers, and are managed by State agencies and the various offices of the State agencies, and funded by the United States Department of Labor.
8. Hearing Officer Means a Department of Labor Administrative Law Judge,

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| 9.  | Local Office Manager                            | designated to preside at Department administrative hearings.<br>Means the official in charge of all employment service activities in a one-stop center.  |
| 10. | One-Stop Center                                 | Means a one-stop delivery system described in sec. 121(e)(2) of WIOA.  |
| 11. | One-Stop delivery system                        | Means a one-stop delivery system described in sec. 121(e) of WIOA.   |
| 12. | One-Stop partner                                | Means an entity described in sec. 121(b) of WIOA and 20 CFR 678.400 that is participating in the operation of a one-stop delivery system.  |
| 13. | Regional Administrator (RA)                     | Means the chief DOL Employment and Training Administration (ETA) official in each Department regional office.  |
| 14. | Respondent                                      | Means the employer or State agency (including a State agency official) who is alleged to have committed the violation described in a complaint.  |
| 15. | Secretary                                       | Means the Secretary of the U.S. Department of Labor or the Secretary's designee.<br><b>Solicitor</b> means the chief legal officer of the U.S. Department of Labor or the Solicitor's designee.                              |
| 16. | State   | Means any of the 50 States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.   |
| 17. | State Administrator                             | Means the chief official of the State Workforce Agency (SWA).  |
| 18. | State agency or State Workforce Agency (SWA)    | means the State employment service agency designated under sec. 4 of the Wagner-Peyser Act   |
| 19. | 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.<br>(Combined with “State agency”)   |
| 20. | State Workforce Development Board (State Board) | Means the entity within a State appointed by the Governor under sec. 101 of WIOA.  |
| 21. | United States Employment Service (USES)         | Means the component of the Employment and Training Administration of the Department which was established under the Wagner-Peyser Act of 1933 to promote and develop a national system of public employment service offices. |
| 22. | WIOA  | Means the Workforce Innovation and Opportunity Act of 2014 (codified at 29 U.S.C. 3901 et seq.).   |
| 23. | Workforce Development Activity                  | Means an activity carried out through a workforce development program as defined in sec. 3 of WIOA.  |
| 24. | Working days or business days                   | Means those days that the order-holding employment service office is open for public business, for purposes of the Agricultural Recruitment System.<br>As used in this part, the term:                                       |
| 25. | Additional Definitions can be found at:         | 29 CFR 37.4  |

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