

MassWorkforce Issuance

Workforce Issuance No. 14-36

☒ **Policy** ☐ **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Operations Managers

cc: WIA State Partners

From: Alice Sweeney, Director
Department of Career Services

Date: April 28, 2014

Subject: **Unified Workforce Investment System Complaint Process, Revision III**

Purpose: To revise guidance to Local Workforce Investment Boards (LWIBs), Career Center Operators, Fiscal Agents and WIA Title I Administrators and local workforce investment partners and service providers regarding the policies and procedures for the local system of processing complaints brought by customers of the local workforce investment system and/or other interested parties related to services/activities covered by the Workforce Investment Act. While this policy issuance is specific to alleged violations (by action or omission) related to services funded under Title I of the Workforce Investment Act of 1998 and the Wagner-Peyser Act, as Amended (WIA Title III), the issuance also references procedures for initiating resolution of complaints related to other federal or state statutory requirements, including Equal Opportunity (EO) complaints, as part of a *unified* Workforce Investment Area Complaint Process.

This Communication replaces MassWorkforce Issuance No. 11-27, Unified Workforce Investment System Complaint Process, Revised (issued: 4/19/11). Additional Attachments are also provided.

Background: Requirements related to the establishment and administration of complaint procedures related to services/activities funded under Title I of the Workforce Investment Act of 1998 are promulgated at 20CFR, Ch. V, § 667.600 - § 667.640.

Requirements related to services/activities funded under the Wagner-Peyser Act, as Amended (Title III of the Workforce Investment Act) are separately promulgated at 20CFR Ch. V, § 658.400 - § 658.426. Both sets of 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 time frames in which actions are to be taken and/or completed.

In order to further promote the ideal of a seamless One-Stop Career Center system as envisioned by the Workforce Investment Act (WIA), the Commonwealth has developed a model for a unified complaint system that covers the requirements of both WIA and Wagner-Peyser. This unified process has been reviewed and approved for statewide implementation by the U.S. Department of Labor (DOL). It 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 Ch. V, § 667.600 - § 667.640 and also at 20CFR Ch. V, § 658.400 - § 658.426, describing complaint system requirements for all direct recipients* of WIA Title I funds (excluding Job Corps**) and Wagner-Peyser funds (Title III), all local Workforce Investment Area entities and WIA service providers including all Workforce Investment Boards, One-Stop Career Centers, Fiscal Agents and service providers must establish and maintain a formal unified process for the submission and resolution of complaints initiated by either customers or other interested parties that is consistent with the guidance described, herein and detailed in Attachment A.

NOTE: *Direct recipients may include state agencies, state and local workforce investment boards, One-Stop Career Center operators, Career Center partners, local WIA administrative entities, their service providers, including eligible training providers and entities providing non-WIA funds or resources to meet matching requirements or other conditions under WIA.*

NOTE: *Complaints related to Job Corps are not within the jurisdiction of this policy. The specific procedural requirements applicable to Job Corps are set forth at 20 CFR 670.990.*

Formal complaints may be submitted in accordance with this policy by 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.

Under this policy each LWIB must assure that the WIA entities [including the WIB, the One-Stop Career Center(s), the Title I Administrator and the Fiscal Agent]) and local partners and service providers designate an appropriate number of Complaint Officers (CO) and EO Officers (EOO) whose responsibility it is to conduct the initial review of each complaint and to determine the correct adjudicative path (Title I, Wagner-Peyser or EO) to be followed to reach a resolution.

The designated CO(s) and EOO(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.

Any provisions contained in the Workforce Investment Act of 1998 and 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 prevailing equal opportunity laws and requirements.

Action

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

Each LWIB should review its current complaint resolution policies and procedures for consistency with both WIA regulations and the guidance provided herein, including the procedural guidance outlined in Attachment A. Each LWIB should also assure that all local staff persons are knowledgeable of the content of this policy and related Attachments.

Effective: Effective immediately for all Workforce Investment Act funds provided directly through the Executive Office of Labor and Workforce Development (EOLWD); the Department of Career Services (DCS) or the Commonwealth Corporation.

References: 20 CFR Ch. V, § 667.600 - § 667.640 and also at 20CFR Ch. V, § 658.400 - § 658.426; §658.500 - §658.504; 20 CFR § 667.630; 29CFR § 37.54; 29 CFR § 37.76 - § 37.79.

Inquiries: Please direct all questions to PolicyQA@detma.org. Also, indicate Issuance number and description.

Attachments:

- A. Unified Complaint System Procedural Detail
- B. Unified Workforce Investment System Complaint Process Flow Chart
- B-1. Sample Informal Resolution Flow Chart
- C. Unified Workforce Investment System Complaint Log
- C-1. Unified Workforce Investment System Complaint Log Instructions
- D. Unified Workforce Investment System Complaint Process Handout – English**
- E. Unified Workforce Investment System Complaint Process Handout – Spanish**
- F. Unified Workforce Investment System Complaint Referral Record Form with instructions
- G. Complaint System Poster (English/Spanish)
- H. Complaint Form 2014a with Instructions – English***
- I. Complaint Form 2014a with Instructions – Spanish***
- J. Federal Contractor Statutes and Complaint Contact Information
- K. “Equal Opportunity is the Law” Poster – English
- L. “Equal Opportunity is the Law” Poster – Spanish
- M. Complaint Type and Jurisdiction Desk Guide
- N. Definitions (pending)

** “You Have the Right to File a Complaint” brochure (English & Spanish versions)

***Complaint Information Form DL 1-2014a USDOL Directorate of Civil Rights (Federal) which includes the Notice About Investigatory Uses of Personal Information (Federal) (English & Spanish versions)