CUSTOMER COMPLAINT AND CONCERN RESOLUTION POLICY

POLICY NUMBER: 3001

REVISION EFFECTIVE DATE: JULY 1, 2015

SUPERSEDES: Customer Concern and Complaint Resolution Policy Number 006-1012 Revision 2, Released October 16, 2014

PURPOSE

The WorkForce Central (WFC) Customer Complaint and Concern Resolution Policy ensures all WFC staff and service providers (subrecipients) process and resolve program complaints and concerns alleging a violation of the Workforce Innovation and Opportunity Act (WIOA) law or regulations first at the local level. Additionally, this policy includes customer complaints about discrimination in violation of Equal Opportunity laws at any level. This policy and the procedures contained in the associated Handbook cover complaints alleging noncriminal violations in the operation of local WIOA programs and services.

BACKGROUND

This policy applies to programmatic complaints and concerns pursuant to WIOA sec. 181(c) and complaints alleging discrimination under WIOA Section 188 and/or Federal Register Part II 29 CFR 37.

Information and complaints involving allegations of fraud, abuse, or criminal activity must be reported in accordance to WFC Policy - Reporting Incidents of Fraud, Program Abuse and Criminal Misconduct Involving WIOA Funding located at www.workforce-central.org.

TYPES OF COMPLAINTS

A WIOA participant or other interested party may file two types of complaints: complaints against the program and/or an employer and discrimination complaints.

This policy, and the associated Handbook, describes these two types of complaints – programmatic and discrimination – each of which follows its own procedures in alignment with federal regulations.

- **Programmatic complaints** are complaints which allege a violation of a law, regulations or policy connected to Wagner-Peyser, WIOA, or Trade Adjustment Assistance (TAA) programs but do not allege discrimination. All programmatic complaints must be filed within one year of the alleged date of incident.

- **Discrimination complaints** are complaints alleging a violation of law(s) that prohibit discrimination in federally assisted programs on the basis of: race; color; religion; sex; age; national origin; disability; political affiliation or belief; and for beneficiaries only, citizenship/status as a lawfully admitted immigrant authorized to work in the United States. Washington State law also prohibits discrimination in public accommodations based on marital status, sexual orientation or gender identity, honorably discharged veteran or military status, and the use of a trained guide dog or service animal by a person with a disability.
Discrimination complaints must be filed within 180 days of the date of the alleged discrimination.

It is important to establish the difference between the types of complaints. A complaint cannot be processed simultaneously as a program complaint and a discrimination complaint. Complainants must have their complaints heard and an earnest attempt must be made to reach a resolution locally. Appeals to the State and, under some circumstances, to the U.S. Department of Labor can be made if any party to an action is not satisfied with the results of the local hearing.

While this policy introduces separate processes to correspond to the different types of complaints described above, all WorkSource partners are expected to collaborate and be responsive to the needs of all WorkSource customers. Collaboration is essential when a complaint presents allegations that cross jurisdictional boundaries, including allegations that involve more than one program or allegations against a program that also alleges discrimination.

**CONCERNS**

Concerns are written or verbal expressions of dissatisfaction rather than alleged violations of program or discrimination regulations noted in this policy. Concerns do not require the same formal process as a complaint (i.e., logging, tracking, etc.). WorkSource office/Affiliate Complaint Contacts will conduct informal inquiries into expressed concerns. While not formally entered into the official complaint log maintained at WFC, these concerns should be made a matter of record to help develop staff training and/or client support needs for the future. Concerns should be resolved at the lowest level possible before escalating to the level of a complaint.

**POLICY**

It is the policy of the Tacoma-Pierce County Workforce Development Council dba WorkForce Central (WFC) to:

1. Establish and maintain local procedures and a process for managing complaints and concerns.
2. Appoint a single individual as the WFC Complaints Officer for each type of complaint – discrimination and programmatic.
3. Provide information about the content of the complaint and concern procedures to WIOA participants and other interested parties affected by the local workforce system, including One-Stop partners and service providers.
4. Require that every entity (such as service providers), receiving WIOA Title I funds, provide complaint and concern information to participants receiving WIOA Title I funded services.
5. Make reasonable efforts to make sure that the complaint and concern information is understood by the participants and other individuals. This includes youth and those who speak limited English. These efforts must be in compliance with the language requirements of 29 CFR 37.35.
6. WFC and service providers (subrecipients) must provide initial and continuing notice to each WIOA participant, members of the public, and any interested parties of the local complaint and concern procedures and instructions on how to file a complaint or concern. A copy of a written description of the local complaint and concern procedure includes:
   - Notification that the participant has the right to file a complaint or concern at any time of the alleged violation;
   - Instructions and timeline for filing a complaint or concern; and
   - Notification that the participant has the right to receive technical assistance.
• The notice (Program Participation Information form) must be included in each WIOA participant’s file at the time of program enrollment. A copy of acknowledgement of receipt must be signed by the participant. A copy of the Program Participation Information form is included in the WFC Customer Complaint & Concern Documentation & Procedures Handbook.

7. Allow an opportunity for informal resolution.
8. Allow an opportunity for a local hearing. The local hearing must be completed within 60 days of the filing of the complaint or concern.
9. Allow an individual alleging a labor standards violation to submit a grievance to a binding arbitration procedure. Binding arbitration must be provided for in the collective bargaining agreement covering the parties to the grievance.
10. Allow an opportunity for a local level appeal to the State when: a) no decision is reached within 60 days; or b) either party is dissatisfied with the local hearing decision.
11. Publish the minimum complaint and concern processing requirements in the associated WFC Customer Complaint & Concern Documentation & Procedures Handbook. The Handbook contains details as to procedures, safeguards, fact-finding, recording, appeals process, and resolution.

Any WIOA participant or other interested party believing they have been adversely affected by a decision or action by the local workforce system, including decisions by One-Stop partners and service providers, has the right to file a complaint or concern with WFC.

Complaints must be submitted in writing and be signed by the complainant.

At a minimum, complaints must contain the following information:

• Complainant’s name;
• Mailing address, or other means by which the complainant may be contacted;
• Identification of individual(s) or organization(s) responsible for the alleged issue;
• A description of the complainant’s allegations, which must include enough details to determine the jurisdiction of the complaint and the date(s) the alleged incident(s) took place, and
• The complainant’s signature and signature date. The signature of his/her authorized representative is also acceptable.

WFC, its sub recipients and service providers have the responsibility to provide assistance to complainants, including those complaints or concerns against WFC. Such technical assistance includes providing instructions on how to file a complaint or concern, providing relevant copies of documents such as WIOA law, regulations, local rules, contracts requirements, and providing clarifications and interpretations of relevant provisions. This technical assistance requirement does not allow WFC or service providers to violate rules of confidentiality.

At all levels of the complaint or concern process, complainants have the right to be represented, at their own expense, by a person(s) of their choosing.

All complaints or concerns, amendments, and withdrawals that are not solved informally must be in writing. All persons filing complaints or concerns shall be free from restraint, coercion, reprisal, or discrimination.
GENERAL GUIDELINES

The purpose of the following guidelines is to provide information regarding other key elements of complaint management.

a) Due Process

Due process is the established series of actions designed to protect the legal rights of an individual. All persons affected by WIOA should be made aware of their rights and have access to appropriate remedies. Local complaint procedures contain full due process protections.

b) Accurate and Complete Fact Finding

Fact-finding is the discovery or determination of facts and is the first step in the process for complaint or concern management. WIOA requires complaint and concern procedures that ensure accurate fact-finding in preparation for a local hearing.

Initial fact-finding should result in determining the type of complaint. The WFC local complaint officer and ESD's State Audit Resolution Team must be notified immediately if there are criminal complaints involving fraud or program abuse. An Incident Report must be provided after immediate notification. (See WFC Policy - Reporting incidents Involving WIOA Funding for reporting details, located at www.workforce-central.org)

Generally, fact-finding includes:

1. Establishing the official record.
2. Determining the exact laws, regulations, or policies that have been violated. Participants may have language limitations or other barriers. The individual conducting the fact-finding should establish what they heard, what the issue is, and what exact laws, regulations, or policies have been violated.
3. Creating an accurate and complete record about the complaint. Detailed note taking is needed. Notes should be typed into a report format with complete details about the complaint.
4. Listening to the complainant. Understanding an individual's complaint or concern is important; there is a reason they came to your office or contacted you.
5. Taking a complaint in person or by the telephone. This is an important part of the process. The complainant may need assistance with the complaint.
6. Determining what is causing this individual to contact you. Determine what the problem is, who is causing the problem, and how the problem should be addressed.
7. Determining the facts from the complainant's point of view. Ensure that all the necessary information is gathered. This may be the first indication of the type of complaint and determining next steps in the process to follow to resolve the complaint or concern.
8. Obtaining copies of documents from the complainant for the complaint file.
9. Organizing and processing. The complaint needs to be processed and compared to the requirements in the law, regulations, and policies. Complaints inform the system that the WIOA program may not be working correctly.

Accurate and complete fact-finding should enable the system to determine whether the complaint is a violation of a law, regulation, fraud or abuse, an EO issue, or a program violation.

All complaints as defined in the Customer Complaint & Concern Documentation & Procedures Handbook must be forwarded to WFC's Complaint Officer. WFC will retain a singular log to document and track to closure all complaints.
COMPLAINT CONTACTS

WFC COMPLAINT OFFICER FOR DISCRIMINATION COMPLAINTS:
Deborah Howell
Chief Operations Officer/ Equal Opportunity Officer
253-254-7618 or dhowell@workforce-central.org
3650 South Cedar Street, Tacoma, WA 98409

WFC COMPLAINT COORDINATOR FOR PROGRAM COMPLAINTS:
Percy Lagdan, Director of Accountability
253-245-7908 or plagdan@workforcentral.org
3650 South Cedar Street, Tacoma, WA 98409

DEFINITIONS

Note: For a complete list of definitions, refer to the attached WFC Customer Complaint and Resolution Handbook.

Complaint – The submission of a written and signed allegation that falls under the jurisdiction of WIOA Title 1, Wagner-Peyser, TAA, and/or Non-Discrimination requirements as noted in the WFC Customer Complaint and Resolution Handbook.

Complaint Contact – The program management or staff designated by program administrators responsible for processing program complaints. The WFC Equal Opportunity Officer or the State Equal Opportunity Officer may serve as a complaint contact for discrimination complaints. A contact may also be appointed by the One-Stop Operator that initially assists all customers interested in filing a complaint at a local WorkSource office and determines partner(s) program’s complaint jurisdiction if a complaint is subsequently filed.

Complaint Coordinator – The WFC designated single point of contact for the WDA. The Complaint Coordinator is responsible for facilitating the initial process and promoting coordination to resolve all complaints.

Concern – Any verbal expression of dissatisfaction or any written expression of dissatisfaction other than alleged violations of program or non-discrimination rules or laws. Concerns must be referred to the site’s Complaint Contact for informal resolution. Concerns do not require the same formal process as a complaint (i.e.: logging, tracking, etc.).

REFERENCES

- WIOA Sec. 188
- 20 CFR 683.285
- 20 CFR 683.600, et al.
- 29 CFR Part 37
- Title IX of Education Amendments of 1972
- President’s Executive Order 11246
- RCW 49.60 Human Rights Commission
- ESD WIOA Policy 5402, Revision 1, Equal Opportunity and Nondiscrimination
- Washington State Methods of Administration
- Title VI & VII of the Civil Rights Act of 1964, as amended
- Section 504 of Rehabilitation Act of 1973, as amended
- The Age Discrimination Act of 1975, as amended
- Title II of the Americans with Disabilities Act of 1990, as amended
- Equal Pay Act of 1963

**ATTACHMENT**

- WFC Customer Concern & Complaint Handbook

**INQUIRIES**

Direct Inquires To:
WorkForce Central
3650 South Cedar Street
Tacoma, WA 98409-5714
(253) 472-8094 or 1-800-999-8168

**APPROVED**

[Signature]

Linda Nguyen, WFC CEO
Date: 6-29-16

**APPROVED BY WDC**

Date: N/A Minor Changes Only; WIA to WIOA reference updates

**EQUAL OPPORTUNITY - EQUAL ACCESS**

WorkForce Central is an equal opportunity employer and provider of employment and training services.
Free auxiliary aids and services are available upon request for individuals with disabilities. Washington Relay Service – 711.
Customer
Complaint & Concern
Documentation & Procedures Handbook

Revision 1
June 2016

Pierce County
Workforce Development Council
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INTRODUCTION

The WorkForce Central (WFC) Customer Complaint & Concern Resolution Documentation and Procedures Handbook provides guidance to local partners for processing Wagner-Peyser, Trade Adjustment Act (TAA) and Workforce Innovation and Opportunity Act (WIOA) Title I-B program complaints and discrimination complaints in compliance with federal regulations. The WFC Policy 3001 - Customer Complaint and Concern Resolution Policy, which introduces this handbook, was established to accomplish three primary objectives:

- To comply with Washington WorkSource System Policy Customer Concern and Complaint Resolution, Number 2012, dated July 29, 2013;
- To clarify the oversight of the Pierce County Workforce Development Council (WDC); and
- To encourage prompt resolution of all customer concerns.

The handbook builds on this framework by establishing the following:

- Clarifying roles and responsibilities of WIOA sub recipients, WorkSource partners and programs regarding complaint processing;
- Providing approved procedures containing minimum federal requirements for processing complaints; and
- Providing tools (e.g.: complaint log and complaint form) to assist with the implementation of procedures that comply with minimum requirements.

REFERENCES:

- WIOA Sec. 188
- 20 CFR 651, 653, and 658
- 29 CFR Part 37
- Title IX of Education Amendments of 1972
- President's Executive Order 11246
- RCW 49.60
- Washington WorkSource Policy Customer Concern and Complaint Resolution Policy Number 1012, Revision 1
- Equal Opportunity/ Nondiscrimination: ESD Policy and Procedure Number 5402, Revision 1
- Washington State Methods of Administration
- Title VI & VII of the Civil Rights Act of 1964, as amended
- Section 504 of Rehabilitation Act of 1973, as amended
- The Age Discrimination Act of 1975, as amended
- Title II of the Americans with Disabilities Act of 1990, as amended
- Equal Pay Act of 1963
WHO MAY FILE A COMPLAINT?

Complaints may be filed by individuals, organizations, employers, associations or other entities potentially affected by an alleged program violation or by individuals alleging discrimination connected to programs or services at a Pierce County WorkSource Center or Affiliate site. Concerns may be filed by customers, service providers, staff of grant recipients, applicants, labor unions, community-based organizations, local elected officials or other interested parties.

TYPES OF COMPLAINTS

This handbook describes two types of complaints – programmatic and discrimination – each of which follows its own procedures in alignment with federal regulations.

- **Programmatic complaints** are complaints which allege a violation of a law, regulations or policy connected to Wagner-Peyser, WIOA, or TAA programs but do not allege discrimination. All programmatic complaints must be filed within one year of the alleged date of incident.

- **Discrimination complaints** are complaints alleging a violation of law(s) that prohibit discrimination in federally assisted programs on the basis of race, color, religion, sex, age, national origin, disability, political affiliation or believe and (for beneficiaries only) citizenship/status as a lawfully admitted immigrant authorized to work in the United States.

  Washington State law also prohibits discrimination in public accommodation based on marital status, sexual orientation or gender identity, honorably discharged veteran or military status, and the use of a trained guide dog or service animal by a person with a disability.

  Discrimination complaints must be filed within 180 days of the date of the alleged discrimination.

While this handbook introduces separate processes to correspond to the different types of complaints described above, all WIOA sub recipients and WorkSource partners are expected to collaborate and be responsive to the needs of all Pierce County WorkSource customers. Collaboration is essential when a complaint presents allegations that cross jurisdictional boundaries, including allegations that involve more than one program or allegations against a program that also alleges discrimination.

CONCERNS

These are written or verbal expressions of dissatisfaction rather than alleged violations of program or discrimination regulations noted in this handbook. Concerns do not require the same formal process as a complaint (i.e., logging, tracking, etc.). Concerns should be resolved at the lowest level possible before escalating to the level of a complaint.
1. WAGNER-PEYSER COMPLAINT PROCEDURES

1.1 Purpose

To establish minimum requirements for accepting, fact finding, resolving and referring customer complaints and apparent violations connected to Wagner-Peyser funded services or partners.

1.2 WAGNER-PEYSER SPECIFIC DEFINITIONS

Apparent Violation – A violation of Wagner-Peyser regulations or employment-related laws by an employer, where an employee or Employment Security Department (ESD) representative observes, has reason to believe, or is in receipt of information regarding a suspected violation.

Complainant – An individual, organization, employer, association, or other entity filing a complaint.

Complaint (Wagner-Peyser) – The submission of a written and signed allegation that Wagner-Peyser (Job Service) funded programs/partners violated Wagner-Peyser regulations, and/or an allegation that an employer violated federal, state or local employment related laws. At a minimum, complaints must contain the following information:

- Complainant’s name;
- Mailing address, or other means by which the complainant may be contacted;
- Identification of individual(s) or organization(s) responsible for the alleged issue;
- A description of the complainant’s allegations, which must include enough details to determine the jurisdiction of the complaint and the date(s) the alleged incident(s) took place; and
- The complainant’s signature and signature date. The signature of his/her authorized representative is also acceptable.

Complaint Contact – Local staff assigned to process complaints according to procedural requirements contained in this section.

Employment Service (ES) Related Complaint – An ES complaint may be an agency related complaint or an employer related complaint:

- An agency related complaint is where a complainant alleges that ESD or a WorkSource partner, through actions or omissions, violated Wagner-Peyser regulations.
- An employer related complaint is where a complainant, referred by the Pierce County WorkSource Center on a WA job order in the past 12 months, either:
  - Alleges the employer violated the terms and conditions of the job order; or
  - Alleges the employer violated an employment related law (e.g.: wages, working conditions, child labor laws, sanitation, or housing standards, etc.)

Non-Employment Service (Non-ES) Related Complaint – A complaint filed by an individual that was not referred on a WA job order within the last 12 months that alleges an employer or an agency violated federal or state employment related laws.
Enforcement Agency – A body sanctioned by local, state, or national government to enforce laws. Examples may include the Washington State Department of Labor & Industries (L&I), DOL’s Wage & Hour Division (WHD), the Washington State Human Rights Commission, etc.

H-2A Program – The federal program that allows agricultural employers who anticipate a labor shortage to apply for permission to hire foreign workers temporarily.

H-2B Program – The federal program that allows non-agricultural employers who anticipate a labor shortage to apply for permission to hire foreign workers temporarily.

Migrant Seasonal Farm Worker (MSFW) – A migrant farm worker, a seasonal farm worker or a migrant food processing worker.

Resolution – A complaint is considered resolved when:

- The complainant indicates satisfaction with resolution.
- The complainant chooses not to elevate a complaint to the next level.
- The complainant fails to respond to a written request for information within time frames.
- The complainant exhausts the final level of review.
- The agency with jurisdiction makes the final determination on a referred complaint.

Respondent – The individual or entity that is alleged to have committed the violation described in the complaint.

1.3 Availability of Complaint Contact(s)

A locally designated complaint contact shall be available to receive ES and Non-ES complaints, in person, at all Pierce County WorkSource Centers and Affiliates where Wagner-Peyser funded staff are located.

1.4 Complaints Received in Person

If an individual elects to file a complaint, the following minimum steps shall be followed:

- Offer to assist the complainant in completing a complaint form. It is recommended, but not required, that complainants use the attached WorkSource Complaint Form or the federally approved Wagner-Peyser complaint form known as the ETA 8429. If the complainant represents several other complainants, all complainants must be named. Only one signature is required from a complainant listed on the form. An additional sheet may be attached to the form if more space is needed. The additional sheet must be signed and dated by the complainant.
- Obtain all necessary information to resolve or refer the complaint.
- If a complaint is filed by a migrant farm worker, ask the complainant to contact WorkSource before leaving the area in order to obtain change of address information. The complainant shall also be advised to communicate with the complaint contact during the fact-finding process.
- Provide the complainant and any other complainants named on the form with a copy of the completed complaint form.
- Process as an ES related complaint or Non-ES related complaint, depending on jurisdiction (see definitions).
1.5 Complaints Received in Writing

- When a complaint in any form (e.g.: a letter) is received that is signed by the complainant and includes sufficient information to initiate processing, the document must be treated as if it were a properly completed Complaint Form filed in person by the complainant and processed as an employment service related or as a non-employment services related complaint.
- If the complainant has not provided sufficient information, additional information shall be requested following procedures noted in section 1.12.

1.6 Procedures for Handling ES Complaints

1.6.1 Agency Related Complaints

The complaint contact shall, at minimum:

- Conduct fact-finding.
- Attempt to resolve the agency related complaint within 15 working days of receiving the complaint.
- Document all actions taken.
- If unable to resolve the complaint within 15 working days, the complaint contact shall elevate the complaint to the State using information noted in section 1.16. The referral shall be made in writing and contain a summary of the local determination made. The complaint contact shall inform the complainant and the respondent, in writing, of the referral action made to the State.
- The State may attempt to resolve the complaint, or if necessary, conduct additional fact finding. If a resolution has not been achieved within 30 working days from the date of referral, the State shall issue a written determination via certified mail.
- The complainant may request a hearing if he/she remains unsatisfied after a determination has been issued by the State. Hearings will be scheduled in accordance with 20 CFR 658.416(e).

1.6.2 Employer Related Complaints

The following sections describe minimum procedures to be followed for employer related complaints where the complainant was referred by a Pierce County WorkSource office on a WA job order in the past 12 months. Different steps shall be followed depending on whether or not the complaint is employment law related. Those minimum requirements are described in the following sections.

Alleged Violation of Employment Law

- The complaint contact shall make a written referral to the appropriate agency along with a copy of the complaint form and all other related documentation.
- The complaint contact shall notify the complainant in writing of the referral.
- Complaint contacts shall conduct quarterly follow-ups with the agency to which the complaint was referred to keep the complainant informed. If the agency makes a final determination that the employer violated an employment related law, the final
determination of the agency shall be referred to the State using the contact information noted in section 1.16.

- If the employer is found to have violated terms and conditions of a job order or is found to have violated employment law, ESD shall initiate discontinuation of services procedures consistent with 20 CFR 658 Subpart F.

**Not Employment Law Related**

- Conduct fact finding.
- Attempt to resolve the complaint within 15 working days of receiving the complaint.
- Document all actions taken.
- If unable to resolve the complaint within 15 working days, the complaint contact shall elevate the complaint to the State using the contact information noted in section 1.16. The complaint contact shall inform the complainant and the respondent, in writing, of the local determination made and of referral action made to the State.
- The complainant may request a hearing if he/she remains unsatisfied after a determination has been issued by the State. Hearings will be scheduled in accordance with 20 CFR 658.416(e).

**1.7. Procedures for Handling Non-ES Complaints**

- For all non-ES complaints alleging an employment law violation made against an employer, the complaint contact shall assist the individual by referring the complaint to the appropriate enforcement agency in writing.
- All non-ES complaints referred to an enforcement agency shall be logged.
- No follow-up is required on referrals made to an enforcement agency on non-ES related complaints.

**1.8 Procedures for Transferring Out of Area ES Complaints**

- ES complaints presenting allegations that occurred in another part of the state shall be referred to the local ESD administrator where the alleged violation occurred.
- If the Pierce County WorkSource Center or Affiliate receives a complaint against more than one site, with an alleged agency-wide violation, the complaint may be initially processed at the State level. Such complaints shall be forwarded to the State for further consideration using the information noted in section 1.16.
- If a Pierce County WorkSource Center or Affiliate receives an ES complaint presenting allegations that occurred in another state, the complaint must be taken in writing and submitted to the State using the information noted in section 1.16 for appropriate referral and processing.

**1.9 Apparent Violations**

- All potential apparent violations must be reported to a local complaint contact.
- If there is sufficient information to suggest that a violation of Wagner-Peyser regulations or employment law occurred, the relevant complaint procedures (i.e.: ES or Non-ES) shall be followed.
- If there is sufficient information to suggest that a violation of Wagner-Peyser regulations or employment law occurred, the apparent violation shall also be logged.
1.10 H-2A & H-2B Related Complaints

- All H-2A and H2-B related complaints, whether received from workers referred through Pierce County WorkSource Centers or otherwise, are considered ES related complaints.
- If a complainant alleges that the ESD or its personnel, through actions or omissions, violated H-2A and H-2B regulations, the complaint shall be processed as an ES related complaint against the agency.
- If a complainant files a complaint against an H-2A or H-2B employer, alleging the employer did not comply with recruitment requirements or contractual terms, the complaint shall be processed as an ES related complaint against the employer.

1.11 MSFW Complaints

All MSFW complaints and apparent violations shall be handled according to the type of allegation and situation set forth in previous sections except for the following exceptions noted:

- MSFW complaints and apparent violations made against ESD, as described in section 1.6.1 and section 1.6.2 (not employment law related only), shall be resolved within five (5) working days.
- Monthly follow-up, rather than quarterly follow-up, must be conducted on all MSFW ES related complaints referred to an enforcement agency, as described in section 1.6.2 (alleged violation of employment law only).
- MSFWs shall be given up to 40 working days from the date of receipt to respond to written requests for additional information, as described in section 1.12.

1.12 Requests for Additional Information

If a complaint contact is unable to speak to a complainant for the purposes of obtaining additional information needed to resolve a complaint, a written request for additional information shall be sent via certified mail or through some other form of communication where receipt can be verified. All non-MSFW complainants are allowed 20 working days from the date of receipt to respond to a written request for additional information. If a complainant does not respond, the complaint shall be considered closed.

1.13 Confidentiality

The identity of a complainant(s) or any person who furnishes information related to, or who has assisted in an investigation of a complaint shall be kept confidential to the maximum extent possible consistent with applicable law and a fair determination of the complaint. The identity of a complainant may only be released upon written consent of the individual(s) furnishing information regarding a complaint or apparent violation.

1.14 Record Keeping

All records and correspondence related to complaints shall be maintained separately from any other records by the complaint contact. All records regarding ES and non-ES complaints and actions taken must be maintained for a period of not less than three (3) years from the final date of resolution of the complaint in alignment with 29 CFR 97.42.

At a minimum, complaint files shall include:

- An original of the completed complaint form(s);
• Originals of all correspondence received/transmitted;
• Copies of email correspondence, if any;
• Copies of written or typed notes;
• Miscellaneous items relevant to the allegations such as copies of check stubs, work agreements, etc.; and
• Complaints and apparent violations shall be kept in an inactive file for at least three (3) years after the resolution date.

1.15 Complaint Logs

All Pierce County WorkSource Centers and Affiliates shall maintain a system for logging complaints. An optional complaint log is attached and meets the requirements for all program and EO complaints. At a minimum, the log must contain:

• The name of the complainant;
• The name of the respondent (employer or State agency);
• The date the complaint is filed;
• Whether the complaint is by or on behalf of an MSFW;
• Whether the complaint is ES related;
• If the complaint is ES related, whether it is employer related or agency related;
• If the complaint (ES related or non-ES related) alleges an employment law violation against an employer, the enforcement agency to which the referral was made; and
• The action taken and whether the complaint has been resolved.

1.16 Elevating Complaints to the State

Complaints may be elevated to the State if:

• No decision or resolution has been reached within 15 working days of the filing of an ES complaint against the agency;
• No decision or resolution has been reached within 15 working days of the filing of an ES complaint against an employer that is not employment law related;
• An ES complaint is made against more than one Pierce County WorkSource Center or Affiliate, with an alleged agency-wide violation as noted in section 1.8; or
• A complaint is made against a respondent from another state as noted in section 1.8.

To elevate a complaint to the State, the complaint contact must submit a written notice to the Director of the Workforce & Career Development Division (WCDD) of ESD via email at WCDDPolicy@esd.wa.gov or by mail at:

Workforce Career Development Division
Employment Security Department
PO Box 9046
Olympia, WA 98507-9046

1.17 Discontinuation of Service to Employers

• ESD shall initiate discontinuation of services procedures, consistent with 20 CFR 658 Subpart F, when it has been determined, in response to an ES complaint, that an employer
has violated an employment related law enforced by a federal or state agency and notice of a final determination against the employer has been provided to the ESD by that agency.

- ESD shall notify the local WDC and all local partners providing non-ESD business services whenever services are discontinued.

1.18 Complaint Posters

All Pierce County WorkSource Centers and Affiliates that offer Wagner-Peyser funded services shall display an ETA approved Pierce County WorkSource complaint poster.

1.19 References

- 20 CFR 658 Subpart E – Job Service Complaint System
- 20 CFR 658 Subpart F – Discontinuation of Services to Employers by the Job Service System
- 20 CFR 653.113 – Apparent Violations
- 20 CFR 653.503 – Field Checks
- 29 CFR 97.42 – Retention and Access Requirements for Records
2. TRADE ADJUSTMENT ACT (TAA) COMPLAINT & ELIGIBILITY APPEAL PROCEDURES

2.1 Purpose

To establish minimum requirements for processing denial of service appeals and customer service complaints related to all TAA service providers and potentially eligible participants requesting services available under the TAA program.

2.2. TAA Specific Complaint Definitions

Complaint (TAA) The submission of a written and signed allegation that TAA funded programs/partners violated TAA regulations. At a minimum, TAA complaints must contain the following information:

- Complainant's name;
- Mailing address, or other means by which the complainant may be contacted;
- Identification of individual(s) or organization(s) responsible for the alleged issue;
- A description of the complainant’s allegations, which must include enough details to determine the jurisdiction of the complaint and the date(s) the alleged incident(s) took place; and
- The complainant's signature and signature date. The signature of his/her authorized representative is also acceptable.

Complaint Contact – Local staff assigned to process complaints according to procedural requirements contained in this section.

2.3 Complaints Received in Person

If an individual elects to file a complaint, the following minimum steps shall be followed:

- Offer to assist the complainant in filing a complaint. It is recommended, but not required, that complainants use the attached WorkSource Complaint Form.
- Provide the complainant with a completed copy of the complaint form and to any other complainants named on the form.
- Follow procedures for handling TAA complaints.

2.4 Complaints Received in Writing

When a complaint in any form (e.g., a letter) is received that is signed by the complainant and includes sufficient information to initiate processing, the document must be treated as if it were a properly completed Complaint Form filed in person by the complainant and processed as an employment service related or as a non-employment services related complaint. If the complainant has not provided sufficient information, additional information shall be requested following procedures noted in section 2.9.

2.5 Denial of Service

A TAA service provider may issue a written determination denying a service or benefit available under the Trade Adjustment Assistance Program. These services may include, but are not limited to:

- Job Search Allowances;
- Relocation Allowances;
- Training (occupational skills, remedial, prerequisite, on-the-job, part-time, distance learning, apprenticeship, entrepreneur or customized training);
- Transportation and subsistence expenses;
- Trade Readjustment Assistance (TRA);
- Alternate Trade Adjustment Assistance (ATAA); and/or
- Reemployment Trade Adjustment Assistance (RTAA).

2.6 Denial of Service Procedures

The following procedures must be adhered to when denying a TAA service or benefit:

- Prior to making the determination to deny services, TAA service providers must make every effort to work with the participant by explaining the law or policy, modifying their request, or developing an alternative initial training plan.
- When the TAA service provider exhausts all attempts to resolve the matter with the participant, they will issue a formal denial along with the basis for their determination to the participant and the State TAA Coordinator. At this time, the participant will be provided information on their appeal right. Local TAA service providers must have complaints resolved within 15 calendar days or appeals forwarded to the State TAA Coordinator.
- If the State TAA Coordinator disagrees with the decision to deny service or benefits, they may request the TAA service provider provide additional documentation and, or information about the reason(s) for the denial. The State TAA Coordinator may overturn the decision of the local TAA program administrator when there has been an interpretive error with the law or policy.

2.7 Denial of Service Appeal Procedures

A participant receiving a written determination denying their benefits, who does not agree with the decision, has the right to file an appeal. The participant must file the appeal within 30 calendar days after the date of notification or mailing post mark. There are three (3) primary types of decisions:

1. Re-determination of an Entitlement Determination to TAA/TRA
2. Determinations of Request for:
   a. Job Search Allowance;
   b. Request for Relocation Allowances; or
   c. Request for Training Approval and/or transportation and subsistence allowances while in training
3. UI Determination Notice; or a Determination Notice and Overpayment Assessment on the Trade Readjustment Assistance (TRA) portion of a claim, and:
   a. Determinations for Alternate Trade Adjustment Assistance (ATAA); or
   b. Reemployment Trade Adjustment Assistance (RTAA).

The customer (participant) must file the appeal with the TAA service provider. The service provider will contact the State TAA Coordinator or the TRA Coordinator for guidance on processing an appeal packet. The local TAA service provider will mail the appeal packet to the Administrative Law Judge (ALJ) at the following address:
Office of Administrative Hearings  
One Union Square, Suite 1500  
600 University Street  
Seattle, Washington 98101

Upon receipt of an appeal packet, the ALJ will schedule a court date and assign the case a court docket number. The ALJ will also notify the participant and all parties required to attend the hearing by mail. The TAA program will be represented at all ALJ hearings by the State Trade Act Coordinator or his/her designated representative.

2.8 Procedures for Handling Customer Service Related TAA Complaints

Customer service related complaints not processed under denial of services procedures shall, at a minimum, be processed as follows:

- Conduct fact finding.
- Attempt to resolve the complaint within 15 workings days of receiving the complaint.
- Document all actions taken.
- If unable to resolve the complaint within 15 working days, the complaint contact shall elevate the complaint to the State using information noted in section 2.13. The referral shall be made in writing and contain a summary of the local determination made. The complaint contact shall inform the complainant and the respondent, in writing, of the referral action made to the State.
- The State may attempt to resolve the complaint, or if necessary, conduct additional fact finding. If a resolution has not been achieved within 30 working days from the date of the referral, the State shall issue a written determination via certified mail.
- The complainant may request a hearing if he/she remains unsatisfied after a determination has been issued by the State. Hearings will be scheduled in accordance with 20 CFR 658.416(e).

2.9 Requests for Additional Information

If a complaint contact is unable to speak to a complainant for the purposes of obtaining additional information needed to resolve a complaint, a written request for additional information shall be sent via certified mail or through some other form of communication where receipt can be verified. All TAA complaints are allowed 20 working days from the date of receipt to respond to a written request for additional information. If a complainant does not respond, the complaint shall be considered closed.

2.10 Confidentiality

The identity of a complainant(s) or any person who furnishes information related to, or who has assisted in an investigation of a complaint shall be kept confidential to the maximum extent possible consistent with applicable law and a fair determination of the complaint. The identity of a complainant may only be released upon written consent of the individual(s) furnishing information regarding a complaint or apparent violation.
2.11 Record Keeping

All records and correspondence related to complaints shall be maintained separately from any other records by the complaint contact. All records regarding TAA complaints and actions taken must be maintained for a period of not less than three (3) years from the final date of resolution of the complaint in alignment with 29 CFR 97.42.

At a minimum, files shall include:

- An original of the completed complaint form(s);
- Originals of all correspondence received/transmitted;
- Copies of email correspondence, if any;
- Copies of written or typed notes;
- Miscellaneous items relevant to the allegations such as copies of check stubs, work agreements, etc.
- Complaints shall be kept in an inactive file for at least three (3) years after the resolution date.

2.12 Complaint Logs

All Pierce County WorkSource Centers and Affiliates shall maintain a system for logging complaints. An optional complaint log is attached and meets the requirements for all program and EO complaints. At a minimum, the log must contain:

- The name of the complainant;
- The name of the respondent;
- The date the complaint is filed;
- The action taken and whether the complaint has been resolved.

2.13 Elevating Customer Service Related Complaints to the State

TAA customer service related complaint may be elevated to the State if:

- No decision or resolution has been reached within 15 working days of the filing of the complaint; or
- The TAA customer service related complaint is made against more than one Pierce County WorkSource Center or Affiliate, with an alleged agency-wide violation.

To elevate a TAA customer service related complaint to the State, the complaint contact must submit a written notice to the Director of WCDD via email at WCDDPolicy@esd.wa.gov or by mail at:

Workforce Career Development Division
Employment Security Department
PO Box 9046
Olympia, WA 98507-9046
2.14 References

- The Trade Act of 1974
- Trade Act of 2002 (Pub. L. 107-210) ("the 2002 amendments")
- The Trade and Globalization Adjustment Assistance Act of 2009
- 20 CFR 617
- TEGL 22-08, and TEGL 22-08 Change 1
- TEGL 10-11, 10-11 Change 1 and 10-11 Change 2
- 20 CFR 658 Subpart E -- Job Service Complaint System
- 20 CFR 667.600(c)(1) -- Requirement for Process Dealing with Complaints
- 29 CFR 97.42 -- Retention and Access Requirements for Records
3. WIOA COMPLAINT PROCEDURES

3.1 Purpose

To establish minimum requirements for resolving complaints alleging a violation of WIOA Title I regulations, grants, or other agreements under WIOA.

3.2 WIOA Specific Complaint Definitions

Complaint – An individual, organization, association, or other entity filing a complaint.

Complaint (WIOA) – The submission of a written and signed allegation that WIOA Title 1-B funded programs/partners violated WIOA Title 1-B regulations. At a minimum, complaints must contain the following information:

- Complainant’s name
- Mailing address, or other means by which the complainant may be contacted;
- Identification of individual(s) or organization(s) responsible for the alleged issue;
- A description of the complainant’s allegations, which must include enough details to determine the jurisdiction of the complaint and the date(s) the alleged incident(s) took place; and
- The complainant’s signature and signature date. The signature of his/her authorized representative is also acceptable.

Local Hearing – The process by which a local area, through an impartial hearing officer, reaches a determination in an attempt to resolve a WIOA complaint within 60 calendar days from the date of the complaint submission. For all intents and purposes, the local hearing is the formal resolution process prescribed by WIOA, but complaints can be resolved prior to, and in lieu of, a local hearing.

Local Hearing Officer – An impartial officer responsible for conducting a hearing. Impartial officers shall not be directly connected to the allegations or potentially affected by the results of the determination(s).

3.3 Providing Information about WIOA Complaint Procedures

- Information about the local WIOA complaint procedures, including instructions on how to file a complaint, must be made available to WIOA Title 1-B participants and other interested parties in the Pierce County WorkSource system upon request.
- Individuals receiving WIOA Title 1-B funded services shall be provided a notice of their right to file a complaint via the “Program Participation Information” form, attached. An acknowledgement of receipt shall be signed by the participant and included in the participant’s file at the time of the participant’s enrollment into the WIOA Title 1-B funded program.
- Reasonable efforts shall be made to ensure that information about the content of the WIOA complaint procedures will be understood by all individuals, including youth and Limited English Proficient (LEP) individuals. Such efforts must comply with the language requirements of Proposed 29 CFR 683.600.
- All persons filing complaints shall be free from restraint, coercion, reprisal, or discrimination.
3.4 Complaint Resolution Timeframe

Complainants must be provided an opportunity to resolve complaints, without a hearing, and an opportunity for a hearing if the resolution is not agreeable to any party involved. An initial resolution should be attempted within the first 25 calendar days to allow WorkForce Central (WFC) sufficient time to prepare for and conduct a hearing, in the event that the complaint is not resolved. The hearing must be completed, and determination provided, within 60 calendar days.

3.5. Local Hearings

The submission of a complaint is considered a complainant’s hearing request. A hearing before an impartial hearing officer shall be completed within 60 calendar days of the filing of a complaint unless such a complaint is resolved prior to the hearing.

The complainant and the respondent must be notified in writing of the hearing prior to the date of the hearing. The hearing notice shall be in writing and must contain the following information:

- The date of the notice, name of the complainant, and the name of the party against whom the grievance or complaint is filed;
- The date, time, and place of the hearing;
- A statement of the alleged violations;
- The name, address, and telephone number of the contact person issuing the notice.

The hearing will be conducted according to the procedures established by WFC, and a hearing determination will be provided to the complainant within 60 calendar days from the date of complaint submission. These procedures are:

- The WFC Complaint Officer will chair the hearing.
- The complainant and the respondent may present witnesses and other evidence or facts as deemed necessary for their sides.
- The complainant will present the complaint and requested redress first. The respondent will present rebuttal next.
- All matters for consideration will be in writing and presented as discussed in the oral presentation to the Complaint Officer.
- Once both parties indicated their conclusion, the Complaint Officer will consider all facts from both sides and render a written decision.
- The WFC Chief Executive Officer (CEO) will certify all decisions as final for WFC.
- If the decision is not in favor of the complainant, the complainant may appeal to the State as described below.

3.6 State Level Appeal

An appeal may be filed with the State if:

- No local decision has been reached within 60 calendar days; or
- If either party remains dissatisfied with the local hearing decision.
To request a State hearing, the complainant must submit a written and signed notice of appeal to the Director of WCDD via email at WCDDPolicy@esd.wa.gov or by mail at:

Workforce Career Development Division
Employment Security Department
PO Box 9046
Olympia, WA 98450-9046

3.7 Confidentiality

The identity of a complainant(s) or any person who furnishes information related to, or who has assisted in an investigation of a complaint shall be kept confidential to the maximum extent possible consistent with applicable law and a fair determination of the complaint. The identity of a complaint may only be released upon written consent of the individual(s) furnishing information regarding a complaint.

3.8 Record Keeping

All records and correspondence related to complaints shall be maintained separately from any other records by the complaint contact. All records regarding WIOA Title 1-B complaints and actions taken must be maintained from the final date of resolution of the complaint in alignment with WFC Record Retention and Public Access Policy Number 3004, Effective July 1, 2015.

At a minimum, files shall include:

- The original complaint filed;
- Copies of all documents related to the issues that were collected and reviewed, including all fact-finding reports and interviews; and
- Copies of all correspondence and agreements with involved parties.

3.9 Complaint Logs

All actions taken in related to receipt, referral, and/or disposition of each complaint must be recorded in a complaint log. An optional complaint log is attached and meets the requirements for all program and EO complaints.

3.10 Binding Arbitration

Complaints shall be processed through a binding arbitration procedure if a collective bargaining agreement covering the parties to the complaint so provides.

3.11 References

- 20 CFR 663 Subpart F – Grievance Procedures, Complaints and State Appeals Processes
- 29 CFR 37 Sec. 37.35 – Responsibilities to Provide Services and Information in Languages other than English
- WFC Record Retention and Public Access Policy Number 3004, Effective July 1, 2015.
4. DISCRIMINATION COMPLAINT PROCEDURES

4.1 Purpose

The following procedures establish minimum requirements for the Pierce County Workforce Development Council, its sub recipients of the WIOA Title 1-B grant funds, service providers and centers regarding the development, maintenance, and implementation of WFC discrimination complaint procedures. Under these procedures, Pierce County WorkSource system customers and staff are able to file discrimination complaints with the entities identified in section 4.3 of this manual. These procedures apply to the following One-Stop system customers and staff in Pierce County:

- All customers of One-Stop system programs and services delivered at Pierce County WorkSource Centers, Affiliates and other provider sites in the local area.
- Partner staff of One-Stop system centers and providers. Partner staff may file a discrimination complaint with his or her organization’s Equal Opportunity (EO) Officer or under this policy as provided in Section 4.3 of these procedures. Normally, when a partner staff discrimination complaint is against the employer or a fellow employee, it is filed with the partner’s EO Officer. When the discrimination complaint is against any other center or service provider staff, it can be filed with the WFC EO Officer of others as provided in section 4.3 of this manual.
- ESD staff filing a discrimination complaint against WFC, sub recipient or service provider staff. ESD staff filing a discrimination complaint against other ESD staff would use the provision of ESD Policy and Procedure #0013 – Discrimination Complaint Processing.
- WFC Board and staff.

4.2 Discrimination Complaint Definitions

Civil Rights Center (CRC) – The CRC is the federal enforcement agency with the United States Department of Labor (US DOL) located in Washington D.C., with the jurisdiction over discrimination complaints alleging violations of WIOA, Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973 as amended, the Americans with Disabilities Act as amended and similar laws that pertain to recipients of US DOL financial assistance.

Complaint (Discrimination) – The submission of a written and signed allegation that programs/partners violated non-discrimination regulations. At a minimum, discrimination complaints must contain the following information:

- Complainant’s name;
- Mailing address, or other means by which the complainant may be contacted;
- Identification of individual(s) or organization(s) responsible for the alleged discrimination; and
- A description of the complainant’s allegations, which must include enough details to determine:
  - WFC jurisdiction over the complaint;
  - If the complaint was filed timely (within 180 calendar days of the incident);
  - Specific prohibited bases of the alleged discrimination (i.e.: race, sex, etc.);
Recipient – As defined in the WIOA nondiscrimination regulations 29 CFR Part 37.4 means any entity to which financial assistance under WIOA Title I is extended, either directly from the U.S. Department of Labor (DOL) or through the Governor or another recipient, but excluding the participants or beneficiaries of WIOA Title I funded programs and activities.

Recipient includes all One-Stop partners to the extent that they participant in the One-Stop delivery system. As a result, all partners in the One-Stop delivery system are subject to the nondiscrimination requirements of 29 CFR Part 37. However, only WDCs and above are required to have EO Officers and process discrimination complaints.

Service Provider – As defined in the WIOA nondiscrimination regulations at 29 CFR Part 37.4 means any operator of, or provider of: aid, benefits, services or training to 1) any WIOA Title I funded program or activity that receives financial assistance from or through any State or WIOA grant recipient, or 2) any participant through that participant’s Individual Training Account (ITA).

State Equal Opportunity (EO) Officer – The State EO Officer is the individual designated at the State level with the oversight responsibility for coordinating, implementing, maintaining and monitoring the nondiscrimination and equal opportunity requirements.

WFC Equal Opportunity (EO) Officer – The WFC EO Officer is the Pierce County WDC’s designated staff person responsible for administration of WFC’s, it’s subrecipients’ and service providers’ discrimination complaint processing as outlined in this policy and procedures.

4.3 Filing a Discrimination Complaint

All grant recipient/program providers under Title I of WIOA are responsible for complying with the discrimination complaint procedures consistent with 29 CFR Part 37, as outlined in this section:

- Any person who believes that he or she, or any specific class of individuals, has been or is being subjected to discrimination on the basis of: race, color, religion, sex, national origin, age, disability, political affiliation or belief; and for customers only, citizenship or participation in WIOA Title I program, has the right to file a discrimination complaint.

- The Washington Law Against Discrimination, RCW 49.60, prohibits discrimination in public accommodations on these additional bases: marital status; sexual orientation or gender identity; honorably discharged veteran or military status; and the use of a trained guide dog or service animal by a person with a disability.

Discrimination complaints filed on these grounds will be processed based on State law and without any references to the U.S. Department of Labor or the Civil Rights Center. The complainant is not able to file a subsequent complaint with the Civil Rights Center but must file a discrimination complaint with the Washington State Human Rights Commission. It is recommended, but not required, that the discrimination complaint be filed on the WorkSource Discrimination Complaint Form (English and Spanish copies attached).

- A discrimination complaint must be written and it must be filed within one hundred and eighty (180) calendar days of the last alleged discriminatory incident.
Any customer wishing to file a discrimination complaint must be given the option to file it with the WFC EO Officer, State EO Officer or with the Director of the Civil Rights Center, United States Department of Labor (CRC/USDOL). Discrimination complaints may be filed with ESD or WFC and with the CRC/USDOO simultaneously. Center or provider staff should file a discrimination complaint with their organization's EO Officer when the allegations are against their employer or a fellow employee. Otherwise, they may file as provided in this paragraph. However, the WFC EO Officer should always be notified when a discrimination complaint has been filed and the allegations took place at a local center or provider site. Discrimination complaints received at a Pierce County WorkSource Center/Affiliate or service provider should be immediately forwarded to the WFC EO Officer.

Following is contact information for the WFC EO Officer, State EO Officer and USDOL Civil Rights Center:

<table>
<thead>
<tr>
<th>WFC EO Officer</th>
<th>State EO Officer</th>
<th>Director, Civil Rights Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>WorkForce Central</td>
<td>Employment Security Department</td>
<td>U.S. Department of Labor</td>
</tr>
<tr>
<td>3650 S. Cedar St.</td>
<td>P.O. Box 9046</td>
<td>200 Constitution Avenue NW</td>
</tr>
<tr>
<td>Tacoma, WA 98409</td>
<td>Olympia, WA 98507-9046</td>
<td>Room N-4123</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Washington, DC 20210</td>
</tr>
</tbody>
</table>

- A discrimination complaint may be filed using the WorkSource Discrimination Complaint Form (attached) or the complaint may be written out.

- No individual, organization or agency may refuse service, discharge or retaliate in any manner against any person because that person has filed a discrimination complaint, instituted any proceeding related to a discrimination complaint, testified, or is about to testify, in any proceeding or investigation related to a discrimination complaint, or has provided information or assisted in an investigation.

### 4.4. Distinguishing Between Program and Discrimination Complaints

A discrimination complaint is a complaint alleging problems with service delivery or participation as the reason for the mistreatment or denial of participation being one or more of the following US DOL prohibited factors: race; color; national origin; sex; religion; age; disability; political affiliation or belief; participation in WIOA Title I financially assisted program; or, citizenship/right to work in the United States. State prohibited factors that also apply are: marital status; sexual orientation or gender identity; or honorably discharged veteran or military status. The EO Officer and program staff will collaborate to process this discrimination complaint.

However, if the complainant alleges s/he was mistreated in service delivery because of a prohibited factor such as race, national origin, sex, etc. and the complainant also alleges s/he was denied admittance to program because of income level, these are handled as a separate discrimination complaint and a program complaint. If the complainant had alleged that both were due to prohibited factors, it would be a single discrimination complaint. The discrimination complaint would be processed under these procedures and the program complaint would be processed under the appropriate program procedures.

If desired, the discrimination complaint Notice of Final Action and the program complaint determination letter may be sent in the same letter but must be separate subjects. The Notice of Final Action should always be signed by the WFC CEO since the recipient (WFC) and the
Governor are jointly and individually liable for all violation of the nondiscrimination and equal opportunity provision of 29 CFR Part 37 (Part 37.52(a) and (b)).

Discrimination complaint data will be available for review by USDOL Civil Rights Center (CRC) upon request.

4.5 Receiving a Discrimination Complaint

- If the complainant elects to file a discrimination complaint with an employee in a Pierce County WorkSource Center or Affiliate site, that employee will immediately accept the discrimination complaint and forward it to the Complaint Contact who, after reviewing it to determine it is in fact a discrimination complaint, will forward it to the WFC EO Officer.
- The WFC EO Officer is responsible for providing local intake services for discrimination complaints to determine if the complaint is covered by 29 CFR Part 37, and for resolving jurisdictional issues, if any.
- Upon receipt of a discrimination complaint, the WFC EO Officer will log the complaint and, if necessary, shall confer with the State EO Officer prior to determining jurisdiction over the matter.

If the WFC EO Officer determines s/he does not have jurisdiction over the discrimination complaint, s/he must immediately notify the complainant in writing, including the reasons for the determination. This Notice of Lack of Jurisdiction must advise the complainant that s/he has a right to file a complaint with the Director of CRC within thirty (30) calendar days of the issuance of the notice. If the WFC EO Officer determines that another entity has jurisdiction, s/he will promptly refer the discrimination complaint to that entity and also promptly notify the complainant of the referral.

4.6 Initial Letter, Contents and Timeframes for Processing a Discrimination Complaint

Within ten (10) working days of receipt of the discrimination complaint, the WFC EO Officer shall issue an initial written Notice of Receipt to the complainant that contains the following information:

- Acknowledgement of receipt of the discrimination complaint.
- Advising the complainant of his/her right to seek representation by an attorney or other individual of his/her choice in the discrimination complaint process.
- A list of each issue raised in the discrimination complaint, and for each issue, a statement that the issue is accepted for investigation or is not accepted. The reason(s) must be provided for rejection.
- Advising the complainant of the timeframes for processing the discrimination complaint and providing a determination.
- The total time allowed for processing the discrimination complaint is ninety (90) calendar days from the date on which the complaint was filed. There is no extension available. This timeframe includes sixty (60) days at the local level and thirty (30) days for review at the State level, if needed.
- If the complainant elects to file with both CRC and WFC, the complainant shall be informed that WFC has ninety (90) calendar days to process the discrimination complaint and that CRC shall not investigate the complaint until the ninety (90) calendar-day period has expired.
- The complainant must be given an invitation to participate in mediation. This is sent out with the notice of receipt. For more information, see section 4.7.
Immediately after issuance of the Notice of Receipt to the complainant, the WFC EO Officer shall either begin the fact-finding or investigation of the discrimination complaint, or arrange to have an investigation conducted by an individual trained in conducting discrimination complaint investigations.

4.7 Alternative Dispute Resolution (ADR)/Mediation Process

- The WFC EO Officer will include an Invitation to Mediation with the Notice of Receipt, offering discrimination complainants the opportunity to use Alternative Dispute Resolution (ADR). Complainants may voluntarily elect to participate in ADR, which usually takes the form of mediation. If the complainant selects mediation, it allows disputes to be resolved in a less adversarial manner. With mediation, a neutral party assists two opposing parties in a dispute come to an agreement to resolve their issue. The mediator does not function as a judge or arbiter but simply helps the parties resolve the dispute themselves.
- Upon receiving a request to mediate, the WFC EO Officer will process the request and then immediately forward it the State EO Officer. The State EO Officer will coordinate with the WFC EO Officer to contract with an approved mediator. The individual conducting the mediation must be a neutral and impartial third party who will act as a facilitator. The mediator must be a person who is acceptable to all parties and who will assist the parties in resolving their disputes.
- If the complainant chooses to participate in mediation, he or his designee must respond in writing within ten (10) calendar days of the date of the invitation. This written acceptance must be dated and signed by the complainant and must also include the relief sought.
- After mediation is arranged, a written confirmation identifying the date, time and location of the mediation conference will be sent to both parties.
- If at all possible, the mediation process should be completed within thirty (30) calendar days of receipt of the discrimination complaint. This will assist in keeping within the ninety (90) calendar-day timeframe of the written Notice of Final Action if the mediation is not successful.
- A consent form will be signed by both parties at initiation of the mediation process affirming that the contents of the mediation will be kept confidential.
- If resolution is reached under ADR/mediation, the agreement will be in writing. A copy of the signed agreement will be sent to the State EO Officer.
- If an agreement is reached under ADR/mediation but a party to the agreement believes his agreement has been breached, the non-breaching party may file a complaint with the CRC Director.
- If the parties do not reach resolution under ADR/mediation, the WFC EO Officer will continue with the investigation.

4.8 Notice of Final Action

A written Notice of Final Action will be provided to the complainant within ninety (90) calendar days of the date of the discrimination complaint was filed. It will contain:

- A statement regarding the disposition of each issue raised in the discrimination complaint and the reason for the determination.
- If the discrimination complaint was resolved by mediation, a copy of the agreement will be attached to the Notice of Final Action.
• A notice that the complainant has the right to file a complaint with CRC within thirty (30) calendar days after the date of the Notice of Final Action is issued, if the complainant is dissatisfied with the recipient's final action on the discrimination complaint.

The State EO Officer will review discrimination complaint data on a routine basis. Should deficiencies be noted in the implementation of these discrimination complaint procedures by any WDC, the State EO Officer will collaborate with the WDC EO Officer to review the information and/or provide technical assistance in the discrimination complaint process, alternative dispute resolution, and/or investigation. Discrimination complaint data will be available for review by CRC/US DOL upon request.

4.9 Corrective Action

If discrimination is found through the process of a complaint investigation, the respondent shall be requested to voluntarily comply with corrective action(s) or a conciliation agreement to implement remedial action. If voluntary compliance efforts fail, sanctions may be considered. Prior to sanctions being applied, procedural due process will be provided.

4.10 Confidentiality

The WFC EO Officer will keep the following information confidential to the maximum extent possible, consistent with applicable law and fair determination of the discrimination complaint:

• The fact that the discrimination complaint has been filed;
• The identity of the complainant(s);
• The identity of individual respondents to the allegations; and
• The identity of any person(s) who furnished information relative to, or assisting in, a complaint investigation.

The log will be maintained at WFC for logging, tracking, and reporting on discrimination complaints. An optional Complaint Log is attached and meets the requirements for program and EO complaints.

4.11 Record Keeping

The WFC EO Officer must maintain a log of discrimination complaints filed that allege discrimination based on race, color, religion, national origin, age disability, political affiliation or believe, citizenship, and/or participation in a WIOA Title I financially assisted program or activity.

The log must include:

• The name and address of the complainant;
• The basis of the discrimination complaint;
• A description of the complaint;
• The date the complaint was filed;
• The disposition and date; and
• Any other pertinent information.
All records regarding discrimination complaints and actions taken on discrimination complaints must be maintained from the final date of resolution of the complaint in accordance with the WFC Record Retention and Public Access Policy Number 3004, Effective July 1, 2015.

4.12 References

- Section 188 of WIOA
- 29 CFR Part 37 – Regulations promulgating Section 188 of the WIA
- Title VI & VII of the Civil Rights Act of 1964, as amended
- Section 504 of Rehabilitation Act of 1973, as amended
- The Age Discrimination Act of 1975, as amended
- Title II, of the Americans with Disabilities Act of 1990, as amended
- Equal Pay Act of 1963
- Title IX of Education Amendments of 1972
- President’s Executive Order 11246
- RCW 49.60

RECOMMENDED/OPTIONAL TOOLS

- Complaint Log (sufficient for all complaints)
- Program Complaint Form – English (sufficient for Wagner-Peyser, TAA and WIOA complaints)
- Program Complaint Form – Spanish
- WorkSource Discrimination Complaint Form – English (sufficient for discrimination complaints)

NOTE: Discrimination complaint forms are available in several other languages on the CRC website at http://www.dol.gov/oasam/programs/crc/. Refer to the section titled “How to file an Equal Opportunity Complaint.”
5.1 Complaint Log

<table>
<thead>
<tr>
<th>ID</th>
<th>Date of Receipt</th>
<th>Complainant's Name</th>
<th>Complainant's Address</th>
<th>Program/Process</th>
<th>MSFW</th>
<th>Grounds/Description</th>
<th>Respondent</th>
<th>Resolution/Disposition</th>
<th>Date of Resolution</th>
<th>ADR</th>
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</tbody>
</table>

Instructions/Definitions:

- **ID** - The last two digits of program year + consecutive 3-digit ID number (i.e., the first complaint of PY 2013 will be "13-001").
- **Date of Receipt** - The day the complaint is received. Complaints must be submitted within a year of the incident for Wagner-Peyser or 180 days for discrimination complaints.
- **Program or Process** - Refers to a federal program (e.g., WIOA) or it could be a specific function (e.g., Job Referral). Program or Process also indicates jurisdiction.
- **Respondent** - Refers to the organization and individual within the WorkSource system whom the complaint is filed against.
- **Resolution/Disposition** - The outcome or determination of the investigation, including any referral/transfer. If referred/transferred, the agency or partner the complaint has been transferred to needs to be clearly identified.
5.2 WIOA SUMMARY OF RIGHTS AND PROCEDURES

RIGHTS

You have the right to file a complaint if you feel you have a complaint relating to your employment and/or training and will not be penalized for filing a complaint. Your complaint must contain sufficient information for us to determine who is authorized to handle the complaint.

FILING A COMPLAINT

To file a complaint, contact a local staff person and tell her/him that you want to file a complaint. Local staff will provide you with the necessary information and assistance to put your complaint in writing. Within 25 days of filing the complaint, a solution will be offered to resolve the matter. If you feel that your complaint is not resolved during this initial resolution effort, a hearing will be scheduled.

INFORMATION REGARDING HEARINGS

A hearing will be provided within sixty (60) days of the receipt of a complaint, unless the complaint is resolved prior to the hearing date. The following information will be provided to you prior to the hearing date:

- The date of the notice, name of the complainant, and then name of the party against whom the grievance or complaint is filed;
- The date, time, and place of the hearing;
- A statement of the alleged violations; and
- The name, address, and telephone number of the contact person issuing the notice.

DECISION AND APPEAL PROCESS

A hearing decision will be provided within 60 days of filing your complaint, unless the complaint is resolved without a hearing. If you are not satisfied with the final decision, or if a decision has not been reach within the 60 day timeframe, you may send a written and signed notice of appeal via email to WCDDPolicy@esd.wa.gov or by mail at:

Workforce Career Development Division
Employment Security Department
PO Box 9046
Olympia, WA 98507-9046

Applicant Signature

Date
# Program Complaint Form

## Complainant’s Information
- **Last Name**
- **First Name**
- **MI**
- **Address (No., St., City, State, Zip)**
- **Email**
- **Phone #**
- **Alt. Phone #**

## Respondent’s Information
- **Name of Person Complaint is Against**
- **Name of Organization / Office**
- **Address (No., St., City, State, Zip)**
- **Phone #**
- **Email**

## Description of the Complaint
(Please explain the incident and circumstances)

## Date of Incident

## Desired Resolution
(Please explain any resolution(s) you are seeking in response to this complaint)

## Certification:
I CERTIFY that the information furnished is true and accurately stated to the best of my knowledge. I AUTHORIZE the disclosure of certification this information to other enforcement agencies for the proper investigation of my complaint. I UNDERSTAND that my identity will be kept confidential to the maximum extent possible, consistent with applicable law and a fair determination of my complaint.

Can we share this complaint/information with the individual this complaint has been filed against? Yes [ ] No [ ]

## Signature of Complainant:
**[X]**

**Date:**

## **Staff Use Only**

### What program was involved in the alleged incident? (check all that apply)
- [ ] Employment Service (Wagner Peysr)
- [ ] Workforce Innovation and Opportunity Act (DW, Adult, Youth) Program
- [ ] Against ESD
- [ ] Against Employer, Job Order WA#
- [ ] Alleged Violation of Wagner Peysr Regulations
- [ ] Alleged Violation of Employment Law(s)
- [ ] Trade Adjustment Assistance (TAA) Program
- [ ] Other Program/Provider: ____

### Referrals (if applicable):

**Agency / Organization Receiving Referral**
- Dept. of Labor & Industries [ ]
- Dept. of Health [ ]
- Human Rights Commission [ ]
- Other: ____

**Agency Contact**
- **Phone #**
- **Email**

**Name of Staff Person Receiving Complaint**
- **Last Name**
- **First Name**
- **Office Address (No., St., City, State, Zip)**
- **Phone #**
- **Email**

**Staff Signature:** [X]

**Date:**

---

*Customer Concern & Complaint Resolution Documentation & Procedures Handbook, Rev. 1*

*revised May 2016*
**FORMA PARA QUEJAS**

<table>
<thead>
<tr>
<th>Información Del Reclamante</th>
<th>Información De La Persona/Organización Demandada</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apellido</td>
<td>Nombre</td>
</tr>
<tr>
<td>Dirección (número, calle, ciudad, estado, código postal)</td>
<td>Nombre de la Organización, Negocio, Empresa o Empleador</td>
</tr>
<tr>
<td>Email (correo electrónico)</td>
<td>Dirección (número, calle, ciudad, estado, código postal)</td>
</tr>
<tr>
<td># De Teléfono</td>
<td># De Teléfono Alternativo</td>
</tr>
</tbody>
</table>

Declaración (Explique qué pasó. Incluya nombres, direcciones, números de teléfono, lugares, testigos, etc.)

---

**Fecha Del Incidente**

**Solución/Resultado Deseado**
(Por favor explique cualquier solución(es) que está buscando en respuesta a la queja)

---

**Certificación:** DECLARO que la información que estoy dando es verdadera y correcta de acuerdo con mi conocimiento. AUTORIZO la divulgación de esta información a otras agencias para la investigación apropiada y el cumplimiento de mi queja. ENTIENDO que mi identidad se mantendrá confidencial tanto como sea posible, en consistencia con las leyes que se aplican y con una determinación justa de mi queja.

Podemos compartir esta queja/ Información con el individuo que esta queja ha sido presentada en contra?  
☐  Sí  ☐  No

Firma Del Reclamante: X  
Fecha:

---

**Staff Use Only**

What program was involved in the alleged incident? (check all that apply)

☐ Employment Service (Wagner Peyser)  
☐ Workforce Innovation and Opportunity Act (DW, Adult, Youth) Program

☐ Against ESD  
☐ Trade Adjustment Assistance (TAA) Program

☐ Against Employer, Job Order WA#  
☐ Other Program/Provider: ____

☐ Alleged Violation of Wagner Peyser Regulations  
☐ Non Employment Service Complaint Against Employer

☐ Alleged Violation of Employment Law(s)  
☐ Alleged Violation of Employment Law(s)

☐ Other: ____

---

**Referrals (if applicable):**

Agency / Organization Receiving Referral  
Dept. of Labor & Industries ☐  Dept. of Health ☐  Human Rights Commission ☐  Other: ____

Agency Contact  
Phone #  
Email

---

Name of Staff Person Receiving Complaint  
Last Name  
First Name  
Office Address (No., St., City, State, Zip)

---

Staff Signature: X  
Date Received:  
Phone #  
Email
Please read the form carefully. Type or print your answers. Answer each question as completely as possible. If you cannot fit your whole answer in the space on this form, you may add more pages.

If a question or field has a star (*) next to it, you must provide that information. Providing the other information requested is optional, but will assist the WorkSource Washington in processing your discrimination complaint. If you do not know the answer to a question, put “not known” in the space for the answer. If the question does not apply to your case, put “n/a.”

1. Are you the complainant or a representative of the complainant? Please check the correct box. ☐ Complainant ☐ Representative

2. Please give your name and the other information we ask you for on the lines below. If you are a representative of the complainant, give the complainant’s name and contact information in this section, and your own name and contact information in section 2A.

*Complainant’s Name

*Street Address

*City

*State

Zip Code

Telephone number(s) where we can reach you.

E-mail Address

Best time to contact you.

2A. If you are the complainant’s representative, please give your name and contact information in this section.

Representative’s Name

Representative’s Organization (If any)

Street Address

City

State

Zip Code

Telephone number(s) where we can reach you. (Do not give your work number if you don’t want us to call you there.)

E-mail Address

Best time to contact you.

For the rest of the questions on this form, if you are filing this discrimination complaint on behalf of someone else, “you” means that person (the complainant), not you personally. Please give the answers the complainant would give if he or she was filling out the form.

3. This discrimination complaint is about something that happened to (Please check the appropriate box):

☐ Only me ☐ Me and other people ☐ Other people, but not me

3A. I am a: ☐ Customer ☐ Staff ☐ Job applicant ☐

4. Please give the name of the WorkSource Center, service provider or organization that you are complaining about. If you have any contact information for the service provider or organization, please give that information as well.

*Name of Office or Organization

Telephone Number(s)

Street or Mailing Address

E-mail Address

City

State

Zip Code

Telephone Number(s)
5. What program was involved in the discrimination you are complaining about? If you do not know the name of the program, and your discrimination complaint does not involve a WorkSource Center or a service provider, please check “Do not know.”

☐ Workforce Innovation and Opportunity Act Program  ☐ Migrant and Seasonal Farm Workers Program
☐ Unemployment Insurance Benefit Program  ☐ Other (what program?)
☐ Employment Service or Job Service  ☐ Do not know
☐ Trade Assistance Act Program

6. What person(s) at the WorkSource Center, service provider or organization listed in response to Item 4 above was engaged in the alleged discrimination? If you need more space to list all of the people, please attach more pages to this form.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Job Title</th>
<th>Telephone Number</th>
</tr>
</thead>
</table>

7. What do you think was the basis (reason) for the alleged discrimination? Please check a box next to the basis (reason) you think was involved in the alleged discrimination, and answer any other questions that go along with that box.
If you do not check at least one box, you will slow down the processing of your discrimination complaint. You may check more than one box.

☐ Because of my National Origin (Please answer questions below.)
   Are you Hispanic or Latino?  ☐ Yes  ☐ No
   What is your national origin (the country from which you, your parents, your grandparents, or your earlier ancestors came)?
   (For example, Spanish, Croatian, Cambodian)

☐ Because of my Limited English Proficiency (What is the language in which you feel most comfortable communicating?)
   (For example, Spanish, Croatian, Cambodian)

☐ Because of my Race (please answer questions below.)
   What is your race? Please check all that apply.
   ☐ White or Caucasian  ☐ Black or African American  ☐ American Indian or Alaska Native
   ☐ Asian  ☐ Native Hawaiian or Other Pacific Islander

☐ Because of my Sex/Gender (Specify):  ☐ Male  ☐ Female

☐ Because of my Color  ☐ Because of my Religion  ☐ Because of my Age (what is your date of birth?)

☐ Because of my Political Affiliation or Political Belief

☐ Because of my Disability (Please check one of the following three boxes.)  ☐ I have a record of a disability.
   ☐ I have a disability (which may be active or inactive presently).
   ☐ I do not have a disability, but the organization or program treats me as if I am disabled.

☐ Because of my Citizenship (What is your citizenship?)

☐ Because of my participation in a program that receives Federal financial assistance (Name the program.)

☐ I was Retaliated Against (Retaliation) because I complained about discrimination, or because I gave a statement during an investigation, testified in a proceeding about discrimination, or was involved in some other way with a discrimination complaint.

8. Please explain what happened, how you were (or someone else was) harmed by what happened, and how or why you think what happened was because of discrimination. If other persons or groups were treated differently from you, please describe who was treated differently, how their treatment was different, and how the different treatment harmed you (or the other people you think were discriminated against.) Please be specific and brief. Give the name(s) of and contact information for any of the people involved.

If your answer does not fit in the space below, please use more pages of paper to finish your answer, and attach those pages to this form.

9. On what date(s) did the alleged discrimination take place?

9A. Date of the first action: ____________________________

9B. Date of most recent action: ____________________________
9C. If the date of the most recent allegedly discriminatory action was more than 180 days ago, please explain why you did not file a discrimination complaint before now.

10. Please list below any other people (witnesses, coworkers, supervisors, or others) whom you have not already named and whom we should contact for information about your discrimination complaint. Attach additional pages if you need more space for this information.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Relationship to case (witness, coworker, etc.)</th>
<th>Best time to contact this person</th>
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Telephone number(s) and/or e-mail address(es) where we can contact this person.

12. What remedies are you asking for?

*13. Please sign and date this form in the appropriate space below.

__________________________________________  ____________________________
Signature of Complainant                      Date

__________________________________________  ____________________________
Signature of Complainant’s Representative     Date
Coordinated Concern and Complaint Resolution Process

Initial staff contact: The goal is resolution at the lowest level possible, by making every effort to find a resolution rather than immediately referring the customer or elevating to a complaint.

Complaint field: Customer initiated escalation

Complaint is logged on date of receipt and tracked to closure by Complaint Coordinator.

Wagner-Peyser Complaint Process: Handbook Sec. 1
TAA Complaint Process: Handbook Sec. 2
WIOA Complaint Process: Handbook Sec. 3
Discrimination Complaint Process: Handbook Sec. 4

Formal Resolution
5.5 PROGRAM PARTICIPATION INFORMATION

Employment and Training programs funded by various community based organizations and government agencies including the U.S. Department of Labor, State of Washington, the Pierce County Workforce Development Council (dba as WorkForce Central), are subject to Federal, State and local rules and regulations. This information explains your rights, rules and responsibilities in employment and training programs and activities.

PLEASE READ CAREFULLY

A. RESPONSIBILITY OF THE PROGRAM OPERATOR AND STAFF

- To provide prompt and courteous responses to questions regarding your program and any changes that affects your participation.
- To provide employment and training counseling and other supportive services that are necessary to assure you progress in the program and that the selection of training, if applicable, is in your best interest.
- To ensure that no person on the grounds of race, age, color, ethnic origin, sex, disability (Section 504 of the Rehabilitation Act of 1973), political affiliation or belief, shall be excluded from participating in, be denied the benefits of, or be subjected to discriminatory practices in regard to participation in employment and training programs.

B. RESPONSIBILITY OF THE PARTICIPANT

- To adhere to the policies, rules, and regulations as explained in the orientation (by a staff member, on-line orientation materials or other orientation materials).
- To regularly attend work, training, and other program activities as outlined in your Individual Service Strategy/Individual Employment Plan.
- To notify program staff of problems related to your employment and training activities.
- To be courteous and honest when dealing with program staff, classroom instructor(s), co-workers and supervisor.
- To return any books or equipment if you do not complete your training course.
- To actively seek work leading to permanent employment and unsubsidized employment.
- To fully and fairly consider any offers of suitable employment.
- To certify that you meet the program eligibility requirements and your application information is true and correct. Should any such information be incorrect, you may be responsible for repayment of all wages and services you may receive from the program. You may be subject to termination from the program if information was given fraudulently and civil and criminal penalties may apply.

C. NEPOTISM [20 CFR 667.200(g)]

Participants will not be placed into employment and training activities in which a member of the participant’s immediate family is directly supervising the participant. In addition, participants will not be placed into employment and training activities in which the participant will be supervising a member of his or her immediate family. If conditions are such that no other options are available, efforts will be made to transfer said supervision to another employee. This clause will not preclude a participant from participating in employment and training activities.

D. PAYMENT FOR SERVICES [WIOA Sec. 194(5)]

You are not required to pay money as a condition of participation in our employment and training programs. Solicitations for any payment should be reported to your case manager or any WorkForce Central staff. Initiation fees and dues for trade unions, as a requirement for regular employment, are excluded from this policy.

E. SELECTIVE SERVICE [WIOA Sec. 189(h)]

All male citizens of the United States and other male person residing in the country, born after January 1, 1960, who have attained their 18th birthday, must register for Military Selective Service. This includes aliens who are permanent residents and aliens who are refugees.
5.5 PROGRAM PARTICIPATION INFORMATION

F. SUPPORTIVE SERVICES [WIOA Sec. 3 (59) 134(d)(2) and 129(c)(2)(G)]

Supportive services may be available to assist participants with completing their employment and training goals and are provided on an as needed basis when no other resources are available. Approval of supportive services is dependent on the availability of funds. If you find you are in need of supportive services, contact your counselor as soon as possible. Examples of support services that may be available include, but are not limited to:

- Healthcare and medical services
- Childcare
- Transportation
- Equipment needed to start a job such as safety boots, rain gear, tools, uniforms, etc.
- Residential support such as emergency utility assistance

G. PROVISION OF INSURANCE COVERAGE

Accidental death and medical insurance up to $10,000 per occurrence is provided to program participants who are engaged in employment and training activities and who are not in an employer/employee relationship.

This coverage is provided only for time involved in the employment and training activity, not for travel to and from the activity, even if travel costs are paid. However, if staff provide the mode of transportation appropriate insurance is provided. Any injury occurring while participating in an employment and training activity must be reported immediately to the appropriate program staff, instructor or supervisor and an accident form must be completed. All claims must be reported within 52 weeks of the date of injury. Failure to comply with these instructions may result in denial of coverage.

H. PRIVACY ACT STATEMENT (RCW 50.13)

The Privacy Act of 1974 requires that whenever personal information is requested of an individual, he/she has the right to know:

- Why the request is being made?

Department of Labor (DOL) regulations require certain information of individuals at the time of program application such as age, family income, barriers to employment, educational and employment status and veteran status to determine whether an individual is eligible for the program. Other information such as ethnic group, disability status, disability percentage or residency helps us to understand the specific needs of Pierce County residents we serve.

- How will the information be used?

Personal information is used to determine the individual’s program eligibility and appropriate employment and training services within the WorkSource Pierce One-Stop system. Personal information will be shared among the WorkSource partners to facilitate the delivery of WorkSource One-Stop services to the individual and used to compile mandatory reports for the State of Washington and U.S. Department of Labor. All information is kept strictly confidential, according to Federal and State regulations, laws and provisions.

- What will happen if the information is not provided?

Individuals applying for DOL funded services through the WorkSource Pierce One-Stop system may request that private and confidential information not be shared among the WorkSource One-Stop partners. The request to not share confidential information among the WorkSource One-Stop system will not affect the individual’s eligibility status for the program of which the individual is applying for services.
5.5 PROGRAM PARTICIPATION INFORMATION

I. PROGRAMMATIC AND DISCRIMINATION COMPLAINT PROCEDURES (WIOA Sec. 188)

An applicant or participant may file two types of complaints or concerns: 1) complaints against the program and/or an employer and, 2) discrimination complaints.

- **Programmatic complaints** are complaints which allege a violation of a law, regulations or policy connected to Wagner-Peyser, WIOA or TAA programs but do not allege discrimination. All programmatic complaints must be filed within one year of the alleged date of incident.

- **Discrimination complaints** are complaints alleging a violation of law(s) that prohibit discrimination in federally assisted programs on the basis of: race; color; religion; sex; age; national origin; disability; political affiliation or belief; and for beneficiaries only, citizenship/status as a lawfully admitted immigrant authorized to work in the United States. Washington State law also prohibits discrimination in public accommodations based on marital status, sexual orientation or gender identity, honorably discharged veteran or military status, and the use of a trained guide dog or service animal by a person with a disability. Discrimination complaints must be filed within 180 days of the date of the alleged discrimination.


1. RIGHTS

You have the right to file a complaint if you feel you have a complaint relating to your employment and/or training and will not be penalized for filing a complaint. Your complaint must contain sufficient information for us to determine who is authorized to handle the complaint.

2. FILING A COMPLAINT

To file a complaint, contact a local staff person and tell her/him that you want to file a complaint. Local staff will provide you with the necessary information and assistance to put your complaint in writing. Within 25 days of filing the complaint, a solution will be offered to resolve the matter. If you feel that your complaint is not resolved during this initial resolution effort, a hearing will be scheduled.

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- The name, address, and telephone number of the contact person issuing the notice.

4. DECISION AND APPEAL PROCESS

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Workforce Career Development Division
Employment Security Department
PO Box 9046
Olympia, WA 98507-9046
5.5 PROGRAM PARTICIPATION INFORMATION

J. ACKNOWLEDGEMENT OF RECEIPT

I have read and understand the meaning and intent of the responsibilities and conditions of participation in employment and training programs including the Programmatic and Discrimination Complaint Procedures and the Privacy Act Statement and hereby consent and agree to all conditions. I understand that information in my participant file will be used for employment and training eligibility and employment purposes only. I agree not to hold WorkForce Central or a related agency responsible for any action resulting from releasing information for this purpose.

I attest I have been informed of the preceding information, procedures and forms.

Signature: ____________________________________________ Date

Signature of Applicant

I certify that I have reviewed these responsibilities and forms with the participant and witnessed his/her signature.

Signature: ____________________________________________ Date

Signature of Employment & Training Consultant
5.5 PROGRAM PARTICIPATION INFORMATION

Notice of Right to File a Discrimination Complaint
EQUAL OPPORTUNITY IS THE LAW

It is against the law for the Pierce County WDC and its service providers, as recipients of Federal financial assistance, to discriminate on the following basis:

Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and against any beneficiary of programs financially assisted under Title I of the Workforce Innovation and Opportunity Act of 2014 (WIOA), on the basis of the beneficiary’s citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIOA Title I, or other financially assisted program or activity.

The Pierce County WDC and its service providers must not discriminate in any of the following areas:

Deciding who will be admitted or have access to any WIOA Title I, or other financially assisted program or activity; providing opportunities in, or treating any person with regard to such a program, or activity; or making employment decisions in the administration of, or in connection with such a program activity.

What to do if you have experienced discrimination:

If you think you have been subjected to discrimination under a WIOA Title I, or other financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with:

Equal Opportunity Officer
Tacoma/Pierce County WDC  OR,  State Equal Opportunity Officer
WorkForce Central
3650 S. Cedar Street
Tacoma, WA 98409
(253) 254-7341
OR,  Employment Security Department
PO Box 9046
Olympia, WA 98507-9046
(360) 725-9454
OR,  Director
Civil Rights Center
U.S. Department of Labor
200 Constitution Avenue NW
Washington, DC 20210

If you file your complaint with the WorkForce Central, you must wait until either a written Notice of Final Action is issued or until 90 days have passed (whichever is sooner) before filing with the Civil Rights Center. If WorkForce Central does not give you a written Notice of Final Action within 90 days of the date on which you filed your complaint, you do not have to wait for that Notice to be issued before filing a complaint with the Civil Rights Center. However, you must file your Civil Rights Center complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with WorkForce Central). For information about these procedures, you may contact the WorkForce Central Equal Opportunity Officer at 3650 S. Cedar St., Tacoma, WA 98409 or www.workforce-central.org.

If WorkForce Central does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision; you may file a complaint with the Civil Rights Center. You must file your Civil Rights Center complaint within 30 days of the date on which you received the Notice of Final Action.

I certify that I have been provided a copy of this EO Notice to File a Complaint statement.

Signature: ____________________________  Signature of Applicant  Date