

Eastern Area Workforce Development Board
Workforce Innovation and Opportunity Act
Policy 10-18 Complaint Procedures

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Contact: Inquiries regarding this document should be directed to Administrative Staff of the EAWDB at (575)208-2210.

REFERENCES:

The WIOA of 2014 Section 188; 29 C.F.R. Section 37.6; ; 29 C.F.R. Section Part 38 [11.2.21.NMAC – 7-1-18]

1. PURPOSE:

To establish policy and procedures for processing grievances and customer complaints in the Eastern Area Workforce Development Board's Workforce Connection Center (WCC) offices as required by WIOA and other applicable laws.

- 2. BACKGROUND:** Section 188 of WIOA prohibits discrimination on the basis of race, color, religion, sex, national origin, age, disability or political affiliation or belief or, for any beneficiaries, applicants, and participants only, on the basis of citizenship status as a lawfully admitted immigrant authorized to work in the United States or for participation in WIOA Title I financially assisted program or activity. It further requires local boards to establish a policy and process for resolution of complaints and grievances.

3. DEFINITIONS:

- A. Applicant.** An individual who is interested in being considered for WIOA authorized service or activity including but not limited to programs of financial assistance for training and individuals receiving any service(s) or benefit(s) under state unemployment insurance programs.
- B. Participant.** An individual who has been determined to be eligible to participate in and who is receiving aid, benefit, service or training under a program activity financially assisted or governed in whole or in part under WIOA that is providing services in the Workforce Connection Center.
- C. Complainant.** The individual or entity filing the complaint.
- D. Recipient.** An entity to which financial assistance under WIOA is extended, directly from DWS, or through the governor or another recipient (including any successor, assignee, or transferee of a recipient). In addition, for the purposes of this part, one-stop partners, as defined in Section 121 (b) of WIOA, are treated as recipients and are subject to the nondiscrimination and equal opportunity requirements of this part, to the extent that they participate in the one-stop delivery system.
- E. Respondent.** The individual or entity that the complainant alleges is responsible for the infraction.
- F. Retaliation.** Retaliation means discharging, intimidating, threatening, coercing, or discriminating against any individual because the individual has:
- Filed a complaint alleging a violation of Section 188 of WIOA or 29 CFR Part 38;
 - Opposed a practice prohibited by nondiscrimination and equal opportunity provisions of WIOA or 29 CFR Part 38;
 - Furnished information to, or assisted or participated in any manner, in an investigation, review, hearing, or any other activity related to the following:
 - (1) Administration of the nondiscrimination and equal opportunity provisions of WIOA, 29 CFR Part 38, or 11.2.21 NMAC;
 - (2) Exercise of authority under those provisions;
 - (3) Exercise of privilege secured by those provisions; or
 - (4) Otherwise exercised any rights and privileges under the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR Part 38.

- 4. ACTION:** The board intends this policy to be broad enough to provide guidance for the processing of all complaints taken in the one stop offices and therefore specific details for processes for the various types of complaints are provided in the board's complaint procedures Technical Assistance Guide (TAG).

To be considered a complaint the complaint must be submitted in writing. When a complaint is taken it must be logged and submitted to the appropriate jurisdictional entity.

A. Complaint Requirements

All written complaints must contain at a minimum the following:

- complainant's name,
- mailing address,
- telephone number (if any),
- e-mail address if available,
- the identity of the respondent,
- a description of the complainant's allegations. This description must include enough detail to allow for determination of merit, jurisdiction and timeliness of the filing of the complaint,
- any other pertinent information, and
- the signature of the complainant or complainant's representative.

B. Logging of Complaints

All complaints shall be logged. A master log of all complaints taken in the office shall be maintained on required forms and available upon request, with copies submitted to the appropriate jurisdictional entity.

C. Complaint Processes

Refer to the EAWDB Complaint Procedures TAG