



WorkSource Customer Complaint Policy

Policy Number: 303

Effective Date: July 1, 2020

Date Last Revised: November 10, 2020

Background:

All recipients under the Workforce Innovation and Opportunity Act (WIOA) Title I are responsible for ensuring equal opportunity (EO) and nondiscrimination in programs and activities funded in whole or in part under WIOA. This responsibility includes compliance with all nondiscrimination requirements in the administration and operation of programs, activities and employment as provided by WIOA Section 188 (Nondiscrimination and Equal Opportunity) and 29 CFR Part 38 (Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act). The regulations apply to all programs and activities that are operated by One-Stop partners as part of the One-Stop delivery system. Recipients are defined at 29 CFR §38.4.

Purpose:

To provide standard, expectations and procedures for processing concerns and complaints for South Central WorkSource customers; and to provide minimum expectations for coordination and collaboration among WorkSource partners in the resolution of concerns and complaints.

Background:

In the WorkSource system, each partner program has authorizing legislation and regulations, as well as state policy describing different types of complaints and related processes. Requirements may vary based on the type of complaint filed. State level policies address how complaints are recorded, rights to appeal, and specific appeal processes at the local, state, and federal levels.

Different program requirements set by authorizing legislation, regulations, and/or state law vary, and therefore are not conducive to a single integrated complaint process for handling complaints in the WorkSource system at the local level. However, in an integrated service delivery setting there are activities that occur at the initial stages of handling customer complaints that benefit from a consistent locally defined process. This policy is designed to set policy criteria and

standards for WorkSource sites and partners in order to better assist any customer expressing as interest in filing a complaint at a local WorkSource site.

Policy:

WorkSource sites must ensure immediate and consistent processing whenever a customer has expressed an interest in filing or chooses to file a complaint. All WorkSource partners located at a WorkSource site must be able to, at minimum, direct customers interested in filing a complaint to the appropriate local complaint contact person.

Program complaints filed at local WorkSource sites must be fully processed by the appropriate complaint contacts according to each partner's authorizing legislation, regulation, and/or state law for the applicable program. For Wagner-Peyser, Trade Act, and WIOA programs, complaints must be processed in a manner consistent with state policies by the appropriate designees.

Complaints of discrimination complaints must immediately be referred to the South Central Workforce Council Equal Opportunity Officer or State Equal Opportunity Officer, depending on the program involved.

1. Complaint Contact

Each WorkSource site and partner agency, in order to ensure a customer friendly complaint process, shall:

- Designate a complaint contact and a back-up complaint contact to process program related complaints when they are determined to be within that partner's program jurisdiction. All program complaint contacts must be aware of all applicable state and local program policies and the WorkSource site initial complaint policy; and
- Ensure that local program complaint contacts, when appropriate, share information and coordinate on complaints that involve multiple allegations, multiple complaint processes, multiple partners, and/or multiple agencies with investigative authority.

A program complaint and a discrimination complaint cannot be processed together and must be formally resolved as separate complaints.

2. Complaint Policy

All WorkSource sites will have a written complaint policy that addresses the procedures for assisting a customer, at any point of service, who expresses interest in filing a complaint. This policy will include, at minimum, a requirement that all partners can identify the appropriate complaint contact(s) and refer customers interested in filing a complaint to the appropriate complaint contact(s).

Referral documentation must be maintained for follow-up and tracking purposes and to assure resolution.

Complaint contacts assisting a customer shall be responsible for immediately notifying the customer, if alleging a violation of program law or regulations or discrimination law or regulation, of their right to file a written complaint.

Each WorkSource system partner must understand and agree with the complaint policy, through the Memorandum of Understanding, so that all partners are aware of the process to be followed for initially handling complaints.

Concerns must be processed at the local level prior to any state level intervention. The intent is to enable partners to assist customers at the lowest level possible with prompt and informal resolution of concerns.

3. Complaint Process Responsibility

Under guidance from the South Central Workforce Development Council (SCWDC), the One-Stop Operator is responsible for ensuring:

- That each WorkSource site has a common initial complaint process so that all customer complaints initially filed at WorkSource centers or affiliates are processed efficiently, and customers interested in filing a complaint are notified of their rights based on a consistent approach defined by partners; and
- WorkSource complaint poster(s), in language appropriate for the community's population, are displayed in a visible area where customers most commonly gather.

4. Complaint Posters

Each WorkSource site under this policy will place WorkSource complaint poster(s), in language appropriate for the community's population, in a conspicuous area where customers most commonly gather, such as the resource room.

5. Staff Training

All Worksource partners will receive training on the complaint process and be able to identify the appropriate complaint contact(s) at the WorkSource site. The level of training required shall depend on the level of responsibility assigned to staff in processing complaints. All partners must be able to demonstrate, at a minimum, an awareness of the complaint policy and a working knowledge of how to refer customers to the appropriate complaint contact. Complaint contacts must also be able to demonstrate a working knowledge of the entire complaint process and his/her responsibilities within that process. All training will be documented.

6. DEFINITIONS

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

Concern - The state has determined that allegations concerning WorkSource Center and Affiliate partners that do not fall under the defined program and non-discrimination processes shall be processed as concerns.

Complaint – A written and signed document alleging violation of Wagner-Peyser, WIOA-Title I-B, or Trade Act regulations and/or federal, state or local nondiscrimination laws. E-mail and handwritten allegations will be treated as a written and signed document.

- **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 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.

Complaint Contact - Program management or designated staff responsible for processing program complaints.

Methods of Administration – A document that describes the actions a state is taking, as a recipient of USDOL financial assistance, to ensure adherence to the nondiscrimination and equal opportunity requirements of Section 188 of the WIOA and its implementing regulations. This document is revised as needed by ESD and its partners, signed by the Governor, and submitted to the U.S Department of Labor Civil Rights Center for recertification every two years.

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 a final determination on a referred complaint.

REFERENCES

The Code of Federal Regulations, Title 20, Chapter V Part 651.

The Code of Federal Regulations, Title 29, Part 38.

Title VI of the Civil Rights Act of 1964

All applicable Laws and Federal Regulations for the system, as described in:

WIOA Section 188 www.dol.gov/crc/188rule

WIOA State Policy Number 1012, Revision 1

<http://media.wpc.wa.gov/media/WPC/adm/policy/5402.pdf>

Attachment A: South Central Complaint and Grievance Form