EQUAL OPPORTUNITY & NON-DISCRIMINATION POLICY & PROCEDURE

TITLE: Customer Concern and Complaint Resolution
POLICY: # 425
EFFECTIVE DATE: December 1, 2013
REVISION: # 2
REVISION DATE: January 25, 2023

BACKGROUND

Federal law and regulations require procedures for handling program complaints alleging violations of WIOA Title I, Wagner-Peyser and Trade Adjustment Assistance (TAA) laws. Additionally, federal laws and regulations require procedures for handling complaints alleging violations of nondiscrimination laws.

The state policies referred to within establish delineation between program and discrimination complaints.

State Policy 1012 R2 – Customer and Concern & Complaint Resolution and Complaint Handbook

- Provides standard expectations for processing customer concerns and formal complaints, minimum requirements for referring program complaints to partners located in the WorkSource system for additional processing and resolution, and provides distinct definitions of a customer "concern" and a customer "complaint".

State Policy 1017 - W.S. Discrimination Complaint Processing and the Discrimination Complaint Processing Handbook

- Establishes the minimum requirements and procedural guidance to Local Workforce Development Boards (LWDB), their subrecipients of the Workforce Innovation and Opportunity Act (WIOA) Title I grant funds, service providers and centers within the One Stop System, regarding the processing of discrimination complaints, including the development, maintenance, and implementation of local level discrimination complaint procedures.

All grant recipients/program providers under Title I of WIOA are responsible for complying with the discrimination complaint procedures at 29 CFR Part 38, as outlined in this policy 1017 and the Discrimination Complaint Processing Handbook.

PURPOSE:

PacMtn fully supports our program operators and clients in resolving all disputes informally at the lowest possible level. However, all program operator employees and their subcontractors are responsible for protecting employee and customer rights to file formal complaints alleging violation of any of the policies identified above.

This guidance, in alignment with State Policy 1012R2 and State Policy 1017 and their associated handbooks applies to all programs and services provided within the Pacific Mountain Workforce Development Area. It also applies to the Pacific Mountain Workforce Development Council (PacMtn), and all service providers and program partners providing services within the PacMtn WorkSource

System. The guidance within the policies and handbooks identified above provide detailed information to encourage and support the prompt resolution of all customer concerns, outline minimum expectations for coordination among partners, and outlines the need and expectations for oversight by the local WDC (PacMtn) in the complaint system as described in 20 CFR 667.600(c)(1). The oversight responsibility of a local WDC is also clarified when dealing with complaints from "other interested parties affected by the local workforce development system, including One-Stop partners and service providers" as described in 20 CFR 683.600 (c) (1). PacMtn's oversight role is noted in detail below.

Information and complaints involving allegations of fraud, abuse, mismanagement of federal funds or other criminal activity must be reported immediately as directed in PacMtn Policy # 3090 Fraud Reporting. If incidents or suspected activity includes WIOA funds, Employment Security and the Office of Inspector General will be notified.

POLICY:

The Pacific Mountain Workforce Development Council (PacMtn), having oversight for concerns and complaints within and involving the PacMtn-WS System will:

1) Mandate adherence to the State policies and handbooks identified above for all programs and services provided within the PacMtn WDA and all service providers and program partners providing services through the PacMtn area WorkSource System, to include the programs, services and operations of PacMtn.

2) Ensure all PacMtn WorkSource system and partner service locations and service providers will attempt an informal resolution of customer concerns.

3) Ensure all PacMtn WorkSource system program operators and their subcontractors shall adhere to the applicable complaint procedures for the resolution of complaints arising in connection with their actions and will follow the associated procedures to process complaints as outlined in state policies and handbooks as applicable.

4) Ensure all PacMtn WorkSource system program operators and subcontractors will make information regarding concern and complaint procedures available to all interested parties including applicants, registrants, participants, and applicants for employment, employees, and members of the public, unions, or professional organizations holding collective bargaining or professional agreements with PacMtn or applicable program operators.

5) Ensure all PacMtn WorkSource system program operators and their subcontractors shall obtain the applicant signature on the PacMtn Summary of Rights and Complaint Procedures form and the EO is the Law Notice at the time of an individual's enrollment into WIOA Title 1-B funded programs.

6) Has established Craig Clark, the local WDC EO Officer, to also function as the Complaint Contact for the PacMtn Region who shall also serve as a back-up complaint coordinator to process program related complaints when it is determined to be within PacMtn's jurisdiction and be the responsible party for tracking all local complaints.

7) Ensure the most current version of the EO Notice Posters (We Believe in Equal Opportunity), are placed in prominent locations for public viewing. This applies to all WorkSource Centers, WorkSource affiliate sites and WorkSource service locations within the PacMtn WDA.

8) Ensure all WorkSource centers and affiliates that offer Wagner-Peyser funded services will display an ETA-approved WorkSource complaint poster in an area conspicuous and readily visible to the public.

9) Ensure each WorkSource and partner service location and provider's complaint contacts will collaborate when complaints present allegations involving multiple partners and;

10) Ensure all complaint contacts will inform the complaint coordinator of all local complaints concerning WorkSource and partner service locations and programs or staff from point of entry to resolution. To include the minimum complaint processing requirements for WIOA Title 1, Wagner-Peyser, TAA, and Discrimination related complaints as outlined and applicable to the complaint handbooks identified above.

11) Ensures all PacMtn area program operators and their subcontractors maintain a complaint log to be used for reporting to the Complaint Coordinator. This log shall include the type of complaint, the name of complainant, date the complaint was received, date the complaint was responded to, and the outcome of the complaint.

12) Ensure the PacMtn area Complaint Coordinators will manage a single system for the PacMtn service area for logging, and tracking to closure, all complaints as defined in the applicable complaint handbooks. The Complaint Contact will maintain and provide Program Year complaint logs as requested for any state or federal monitoring needs.

13) Ensure all PacMtn WorkSource system staff, partners and designated Complaint Coordinators are aware that the official filing date of the complaint is the date the written and signed complaint is received by any staff member or service provider.

- **Local Customer Concern Resolution**

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, which will encourage the prompt and informal resolution of concerns.

- **Complaint Jurisdiction**

All PacMtn partners located at a WorkSource or partner service location are responsible for the outcomes of complaints that fall within their jurisdiction. Determinations of jurisdiction will be made based on the specific funding stream that supports the function tied to the complaint allegations, not based on associations other than funding sources.

DEFINITIONS:

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 but do not require the same formal process as a complaint (i.e., logging, tracking, etc.). Local processes may include additional requirements.

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 applicable complaint handbook.

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 organizations(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 designated by PacMtn or program management as being responsible for processing complaints.

- PacMtn WDA/WorkSource Discrimination Complaint Contacts
  - Craig Clark / Compliance Officer - EO & Special Projects
  - Arissa De Lima / EO Assistant

- PacMtn WDA/WorkSource Program Complaint Contact
  - Craig Clark / Compliance Officer - EO & Special Projects

Complaint Coordinator – The designated single point(s) of contact for each WorkSource or partner service location responsible for facilitating the initial process, promoting coordination to resolve all program complaints, and for forwarding discrimination complaints to the Local or State-Level EO officer for processing (per WSS Policy 1017, Discrimination Complaint Processing Policy and Handbook).

- PacMtn WDA/WorkSource Complaint Coordinators –WorkSource or partner service location supervisors

Workforce Development Council – The administrative entity and its sub-recipients to which have been delegated the complaint resolution process.

Direct Recipient – Direct Recipient means an entity to which a WIOA grant is awarded directly from DOL to carry out a program under Title I of WIOA. The State is the recipient of funds awarded under WIOA Sections 127(b)(1)(C), 132(b)(1)(B), and 132(b)(2)(B).

Sub-recipient – Sub-recipient means an entity to which a subgrant is awarded and which is accountable to the recipient (or higher tier sub-recipient) for the use of the funds provided.

Customer – Any WorkSource and partner service location job seeker, applicant for services, applicant for employment, employee, employer or other seeker of information or services provided and not listed here.

Participant – Participant means an individual who has been determined to be eligible to participate in, and who is receiving services under a program authorized by WIOA as defined in WIOA Section 101(34).

Lawsuits or Administrative Enforcement Actions - The Workforce Development Area or grant recipient shall notify the Assistant Commissioner of the WorkSource Standards and Integration (WSID) Division of any lawsuits or administrative enforcement actions filed against it or any of its sub-recipients.

CONCERN AND COMPLAINT POLICIES, HANDBOOKS, RESOURCES & FORMS Available on the PacMtn Website

- PacMtn Policy # 425 – Customer Concern and Complaint Resolution
- State Policy 1012 R2 – Customer and Concern & Complaint Resolution and Complaint Handbook
- State Policy 1017 - W.S. Discrimination Complaint Processing and Complaint Processing Handbook
- WS-PacMtn Summary of Rights & Complaint Procedures (English, Spanish, Vietnamese)
- WS-PacMtn Equal Opportunity is the Law Notice (English, Spanish, Vietnamese)
- Program Complaint Form (English, Spanish)
    - Wagner-Peyser, TAA, & WIOA complaints
- Discrimination Complaint Form (English, Spanish, Vietnamese)
- WS-PacMtn Blank Complaint Log (Staff Use Only)

SUPERSEDES:

- WorkSource Policy 1012 R1, Initial Customer Complaints
- WIOA Policy 3440 Rev 1, WIA Complaint Policy
- WIOA Policy 3450 Rev 1, Equal Opportunity and Discrimination Complaint Processing Policy and Procedures

DIRECT INQUIRES TO:

Pacific Mountain Workforce Development
201 5th Ave SW STE 401
Olympia, WA 98501
Telephone: (360) 515-5236
Email: info@pacmtn.org

EQUAL OPPORTUNITY:

Pacific Mountain Workforce Development (PacMtn) is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. WA Relay 711

Note: Customers with disabilities must be provided, upon request and at no cost to them, appropriate accommodations, auxiliary aids and services to file their concern or complaint. Customers who are limited English proficient (LEP) must be provided, upon request and at no cost to them, language assistance services, including oral interpretation and/or written translation to file their concern or complaint, per 29 CFR Part 38.