

## Northwest Workforce Service Area Letter 115

**Subject:** Program Complaint Handling Procedures

**Issuance Date:** 1 February 2011

**Effective Date:** 1 February 2011

**Action:** To establish an official policy and procedure for handling program complaints for WIA Title I-B programs (Adult, Dislocated Worker, and Youth Programs).

**Who:** Workforce Investment Board Members, Local Elected Official Board Members, and Program Providers.

**Background:** WIA Final Rules and Regulations – 20 CFR, Subpart F, Section 667.600, mandates that each WIA program provider develop and maintain a procedure for handling grievances and complaints.

WIA Title I-B program complaints are generally filed by an applicant/participant at the local level WIA Title I-B program provider. If the complaint has not been resolved at the local level, or the local level fails to issue a decision within 60 days, the complainant has 60 days to appeal to the State level. If the State fails to issue a decision within 60 days or if the complainant is dissatisfied with the State's decision, and if the complainant is federally funded, the State's decision, or lack thereof, may be appealed beyond the State level to the Secretary of Labor. With a program complaint, State funded applicants/participants have no appeal rights beyond the State level.

Applicants must be provided information concerning their complaint and grievance rights.

### **Policy:**

1. The WIA Title I-B Program Complaint Procedure addresses complaints regarding only the operation of the WIA Title I-B program.
2. When the complaint concerns discrimination (including both an issue and a prohibited basis/factor) the complaint must be filed as a Discrimination Complaint and the Equal Opportunity Office (EOO) must be advised of the existence of the complaint as soon as possible. Please see Discrimination Complaint Handling Procedure.
3. All program complaints, both informal and formal must be filed within one year of the alleged occurrence.
4. Program Providers are responsible for referring all complaints that cannot be resolved at the program provider level to the Executive Director.

5. All records regarding complaints and actions taken on complaints (including logs) must be maintained for a period of not less than six (6) years from the date of resolution of the complaint (Minnesota State Statutes, Section 16C.05, Subdivision 5).

## **Procedure**

The following are the procedures that must be taken by the applicant/participant if the applicant/participant elects to pursue action under these rights.

### **Step 1 - Informal Complaint**

1. Upon receipt of an oral or written complaint, an informal attempt at resolution should take place prior to the filing of a formal written complaint.
2. The staff person(s) designated to address informal complaints will be as follows:

For Adult and Dislocated Worker Programs:

Carolyn Toupin  
Field Operations Manager  
Department of Employment and Economic Development  
1730 University Avenue  
Crookston, MN 56716  
218-281-6020

For Youth Programs:

Betty Halvorson  
Employment and Training Program Director  
Inter-County Community Council  
P.O. Box 189  
Oklee, MN 56742  
218-796-5144, extension 35

3. The designated staff person is responsible for reviewing the case and its facts prior to meeting with the complainant so that an appropriate resolution can occur if possible. If the complainant is unable to meet in person, a phone interview can be used in lieu of an in-person meeting.
4. If there is a mutually satisfactory resolution to which all parties agree, the staff person will write a brief report for the file stating the issues and the resolution. The matter will then be considered closed.

5. If a resolution does not result from the informal procedure, the complaint will escalate to Step 2 in the Complaint Handling Procedure. The designated staff person will instruct the complainant to submit the complaint in writing, if they have not done so previously.
6. In the event the complainant is unable to provide a written statement, an alternative method of obtaining written documentation from the complainant shall be pursued. This may include providing assistance by agency staff or the complainant's representative.

## **Step 2 - Formal Complaint**

1. The written complaint must contain the following:
  - a. Complainant name, address and phone number
  - b. Basis of the complaint, and
  - c. A brief written statement of the allegations
2. The written complaint must be signed and dated by the complainant or the complainant's representative.
3. Written complaints should be submitted to:

Amanda Grzadzielewski  
Executive Director  
Northwest Private Industry Council  
220 Pennington Avenue South, Suite B  
Thief River Falls, MN 56701  
Phone/TTY: 218-683-5460  
Fax: 218-683-5461
4. Upon receipt of a written program complaint, containing the requirements listed above, the NWPIC Executive Director records the complaint on the WIA Title I-B Program Complaint Log and sends a copy of the complaint to the Workforce Development Division (WDD) Equal Opportunity Office.

## **Step 3 – Local Decision**

1. Upon receipt of the formal written complaint, the Northwest Private Industry Council has sixty (60) days to issue a local decision regarding the complaint. The sixty (60) day time frame must be met collectively by the Northwest Private Industry Council and their program providers.
2. A hearing before an impartial hearing officer shall be provided, if requested by the complainant. This hearing must occur within the sixty (60) days allowed for resolution.

3. In order to meet the requirements of impartiality, the individual(s) selected must have neither direct nor indirect involvement with the ordinary operation and or administration of the WIA Title I-B program.
4. The hearing should avoid unnecessary technicalities (e.g., legal requirements that would be appropriate in court proceedings). It should provide the flexibility to adjust to the circumstances presented.
  - a. Full regard must be given to the requirements of due process to ensure a fair and impartial hearing.
  - b. The hearing officer is to begin the hearing by summarizing the record, the issues, and the manner in which the hearing will be conducted, ensuring that everyone involved understands the proceedings. The explanations are to be adapted to the needs of the specific situation. The hearing officer may take testimony under oath or affirmation to assure the veracity of the hearing.
  - c. The burdens of proof are to be reasonable, flexible, and depend upon the circumstances of the case involved. The hearing officer determines the order of proof. Generally, the party making the complaint is obligated to establish the party's case. The complainant's information should be given first to explain the basis of their complaint.
  - d. It is important that the hearing officer obtains the fullest information for the record. If the parties involved or their representatives are unable to adequately establish the parties' case, it is the responsibility of the hearing officer to step in and elicit all material and relevant facts.
5. The Northwest Private Industry Council will provide the following elements in the hearing process:
  - a. Both the complainant and the respondent (program staff) will receive timely written notice of the hearing. The written notice will include the following:
    - Date, time, and location of the hearing;
    - Name and address of the hearing officer;
    - The purpose of the hearing, a statement of the issues to be heard;
    - A statement advising the importance of attending the hearing and the disadvantages of not attending;
    - The complainant's rights in the process, including rights to present testimony, to bring witnesses and records, to be represented, and to present oral arguments;

- Advice about where further information or assistance can be obtained. This should include an address and/or phone number of a person who can answer inquires;
  - Information on the complainant's right to appeal the local decision (See Step 4).
- b. The hearing site shall be accessible to all parties.
  - c. The complainant has the opportunity to withdraw the hearing request in writing before the scheduled hearing.
  - d. Both the Complainant and the Program Provider have the right to request rescheduling of the hearing for reasonable cause.
  - e. The complainant, at his/her own personal cost, has the right to be represented by an attorney or other representative of the complainant's choice throughout the complaint process.
  - f. The hearing officer can attempt to negotiate a resolution of the issue at any time prior to the conclusion of the hearing.
  - g. The hearing officer prepares and submits to all parties a written decision on each complaint.
  - h. The written decision must include a statement indicating the complainant's right to appeal the local decision. The local decision can be appealed if no decision has been reached within sixty (60) days, or if either party is dissatisfied with the local hearing decision. The State has sixty (60) days to investigate and issue a decision.

#### **Step 4 – Department (State) Decision**

If the WIA Title I-B complaint has not been resolved at the local level, the Workforce Development Division (WDD), upon receiving an appeal from the complainant, reviews the complaint documentation and conducts an investigation. Upon completion of the investigation, WDD offers a resolution. Non-WIA Title I-B program complaints shall be submitted to the non-WIA Title I-B funding source. Only WIA Title I-B program complaints can be appealed to the Department of Employment and Economic Development (DEED) WDD Equal Opportunity Officer.

1. A complainant may file an appeal with the DEED Workforce Development Division Equal Opportunity Officer if:

- a. The complainant is dissatisfied with the decision of the Northwest Private Industry Council, or
- b. The Northwest Private Industry Council failed to issue the administrative decision within sixty (60) days of the complaint filing date.

Northwest Private Industry Council responsibilities in the appeal process shall include, but are not limited to providing DEED with a complete copy of the complaint file and a copy of the hearing decision.

This information is to be forwarded to DEED upon notice that the appeal request has been received and accepted for review by DEED.

A WIA Title I-B Program Provider may also appeal a decision using the same procedures as an individual complainant.

2. All appeals to DEED must contain the following information:
  - a. Name, telephone number, and address of the person making the complaint.
  - b. Name and address of the respondent against whom the complaint is made.
  - c. A clear and concise statement of the facts, including pertinent dates, constituting the alleged violation.
3. For an appeal to be accepted for review and a decision to be made by DEED, it must be filed within sixty (60) days of the Northwest Private Industry Council's decision. If no decision was provided by the Northwest Private Industry Council within the sixty (60) days of the date the complaint was filed, the complainant has sixty (60) days to appeal to DEED. (A total of 120 days from the date the complaint was first filed.) Appeals received outside this time frame risk not being processed. Appeals are to be forwarded to:

Susan Tulashie, Equal Opportunity Officer  
Department of Employment and Economic Development  
Workforce Development Division  
1<sup>st</sup> National Bank Building  
332 Minnesota Street, Suite E200  
St. Paul, MN 55101-1351

4. If the complainant was not provided an opportunity for a hearing at the local level, the hearing will be scheduled by the State EOO Officer.
5. DEED will issue a decision within sixty (60) days of the date the appeal is received at the Department level. Copies of DEED's decision will be sent to the complainant and

to the Northwest Private Industry Council. This decision will contain a synopsis of the facts, reasons for the decision, remedy as applicable, and a statement explaining further appeal rights to the Secretary of Labor if the WIA Title I-B complainant is federally funded. Non-federally funded complainants do not have appeal rights beyond the State level. The State's decision is considered final.

### **Step 5 – Secretary (DOL) Appeal**

A WIA Title I-B complainant that is federally funded can appeal to the Secretary of Labor if the State fails to issue a decision within sixty (60) days from the receipt of the appeal, or if a party wishes to appeal an adverse decision. Appeals to the Secretary of Labor contesting an adverse decision must be filed within sixty (60) days of the receipt of the decision being appealed. Appeals must be made within 120 days of the filing of the complaint with the State or the filing of the appeal of a local complaint with the State where the State failed to issue a decision within sixty (60) days. Appeals to the Secretary of Labor must be submitted by certified mail, return receipt requested, to the:

Secretary  
U.S. Department of Labor  
Washington, D.C. 20210  
Attention: ASET

A copy of the appeal must be simultaneously provided to:

Byron Zuidema  
Regional Administrator  
U.S. Department of Labor  
230 South Dearborn Street  
Chicago, Illinois 60604

A copy of the appeal must also be simultaneously provided to the opposing party:

Amanda Grzadzielewski  
Northwest Private Industry Council  
220 Pennington Avenue South, Suite B  
Thief River Falls, MN 56701

And to the DEED Equal Opportunity Officer:

Susan Tulashie, Equal Opportunity Officer  
Department of Employment and Economic Development  
Workforce Development Division  
1<sup>st</sup> National Bank Building  
332 Minnesota Street, Suite E200  
St. Paul, MN 55101-1351

**Attachments:**

- A. Workforce Investment Act of 1998 (WIA) Program Complaint Notice
- B. Program Complaint Form
- C. WIA Title I-B Program Complaint Log

**Contact:**

Amanda Grzadzielewski  
NWPIC, Executive Director  
220 Pennington Avenue South, Suite B  
Thief River Falls, MN 56701  
Phone/TTY: (218) 683-5460  
Fax: (218) 683-5461  
[E-Mail: agrzadzielewski@nwpic.net](mailto:agrzadzielewski@nwpic.net)

**ATTACHMENT A**

**WORKFORCE INVESTMENT ACT**

**(WIA) OF 1998**

**PROGRAM COMPLAINT**

**NOTICE**

## **Workforce Investment Act of 1998 (WIA) Program Complaints**

As a WIA Title I-B Program Provider, the Northwest Private Industry Council and its sub-contractors must adhere to guidelines established regarding WIA Title I-B Program Complaints. WIA Regulations (20 CFR 667.600, Subpart F) mandate that each WIA Title I-B Program Provider develop and maintain a procedure for handling grievances and complaints.

Applicants/Participants must be provided information concerning their rights. If you are unhappy with the services, treatment, or if you disagree with the eligibility requirements that you have received under a WIA Title I-B Program (WIA Adult, WIA Youth, Dislocated Worker) please ask to discuss the issue with the impartial person designated to explore WIA program complaints at the local level:

**Amanda Grzadzielewski**  
**Executive Director**  
Northwest Private Industry Council  
220 Pennington Avenue South, Suite B  
Thief River Falls, MN 56701

Phone/TTY: 218-683-5460  
Fax: 218-683-5461  
[agrzadzielewski@nwpic.net](mailto:agrzadzielewski@nwpic.net)

An informal attempt at resolution should take place prior to the filing of a formal written program complaint. Program complaints may be filed within one year of the alleged occurrence. A program complaint contains only an issue (reason for complaint). It is processed as a program complaint under the Employment and Training Regulations (20 CFR, Subpart F, 667.600). **If you wish to file a formal written WIA Program Complaint, please request a copy of the Northwest Private Industry Council's detailed WIA Program Complaint Handling Procedures and the WIA Program Complaint Form.**

The local level has sixty (60) days from receipt of a written complaint to issue a decision. A hearing before an impartial hearing office shall be provided upon request from the complainant within the sixty (60) days allowed for resolution.

If a WIA complaint is not resolved at the WIA Title I-B Program Provider level, it may be appealed to:

**Susan Tulashie**  
**Equal Opportunity Officer**  
Minnesota Department of Employment and  
Economic Development (DEED)  
Workforce Development Division  
1<sup>st</sup> National Bank Building  
332 Minnesota Street, Suite E200  
St. Paul, MN 55101-1351

Phone: 651-259-7586  
TTY: 651-296-3900  
Fax: 651-215-3842  
[Susan.Tulashie@state.mn.us](mailto:Susan.Tulashie@state.mn.us)

You may file an appeal with DEED if you are:

- Dissatisfied with the local decision, or
- If the local area failed to issue an administrative decision within sixty (60) days of the complaint filing date. A total of 120 days from the date the complaint was filed.

You may file an appeal with the Department of Labor (DOL):

- If the state fails to issue a decision within sixty (60) days from their receipt of the appeal, or,
- If you wish to appeal an adverse decision from the state,
- You can appeal to the Secretary of Labor within sixty (60) days of receipt of the decision being appealed.
- Appeals, where the state fails to issue a decision within sixty (60) days, must be made within 120 days of the filing of the complaint with the state of the filing of the appeal of a local complaint with the state.

Appeals must be submitted by certified mail, return receipt requested to the:

Secretary, U.S. Department of Labor  
Washington, D.C. 20210  
Attention ASET

The Minnesota Department of Employment and Economic Development WIA Complaint Handling Procedures can be found at:

<http://www.positivelyminnesota.com/ddp/PolicyDetail.aspx?pol=100>

Participant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**ATTACHMENT B**

**PROGRAM COMPLAINT**

**FORM**

## WIA Title I-B Program Complaint Form

Complainant Name	Phone Number		
Address	City	State	Zip Code
What are the most convenient time and place for us to contact you about this complaint?			

Agency Name	Phone Number		
Address	City	State	
Name of person(s) involved (if any):			

To your best recollection on what date(s) did the alleged issue take place?	
Date of first Occurrence	Date of most recent occurrence
Briefly and clearly describe the reason for the complaint. (Use additional pages of necessary). Attach any written material pertaining to your case.	

Please list any person(s) (witnesses, fellow employees, supervisors, or others) that may be contacted for additional information to support or clarify your complaint.			
Name	Relationship	Address	Phone Number

Signature of Complainant (Program Complaint not valid unless signed)	Date

\*If you need assistance, please ask a staff member

### NWPIC Staff Use ONLY

Date Received: \_\_\_\_\_ NWPIC Staff Received: \_\_\_\_\_

NWPIC 08/2011

**ATTACHMENT C**

**WIA TITLE I-B**

**PROGRAM COMPLAINT**

**LOG**

**WIA Title I-B Program Complaint Log**

Name and Address of Complainant	Date of Complaint (within 1 year of occurrence)	Method of Complaint (verbal, written, e-mail)	Nature of Complaint	Local Hearing Date	Date Decision Rendered Local Level (within 60 days)	Notice of Dept. Appeal (within 60 days)	Date of Dept. Decision (within 60 days)	If Complainant wishes to appeal state decision to Sec. DOL, of if state fails to issue decision in 60 days, appeals must be made within 120 days of filing complaint with state or filing the appeal of local decision