

# Complaint and Grievance Procedures

## WORKFORCE INVESTMENT ACT OF 1998 PUBLIC LAW 105-220

Government of the District of Columbia

### I. LEGISLATION AND REGULATORY REFERENCES

The Workforce Investment Act of 1998 (Pub. L. 105-220); The Social Security Act (Pub. L. 74-271, 49 Stat. 620; 42 U.S.C. Ch.7); The Age Discrimination in Employment Act of 1967 (ADEA) (Pub. L. 90-202; 29 U.S.C. at 621); The Rehabilitation Act of 1973 (Pub. L. 93-112, 87 Stat. 355; 29 U.S.C. Sec. 701) The Americans with Disabilities Act of 1990 (Pub. L. 110-325; 42 U.S.C. Ch. 126 at Sec. 12101; 47 U.S.C. Ch. 5) Title II, VI, VII of the Civil Rights of 1964 (Pub. L. 88-352, 78 Stat. 241; 42 U.S.C. Ch. 21 at Sec. 2000a; 42 U.S.C. Ch. 21 at Sec. 2000e) 29 CFR Part 37 et. seq; District of Columbia Human Rights Act of 1977, as amended (D.C. Code Title 2 Ch. 4)

### II. DEFINITIONS

**Participant** – An individual who is eligible to participate in and who is receiving services from a program authorized by the Workforce Investment Act of 1998 (WIA) but is not participating in or receiving follow-up services.

**Applicant** – An individual who has applied for services authorized by WIA

**Administrative Complaint** – Any complaint or grievance related to a program authorized by WIA, its operation, or staff responsible for WIA-authorized programs that does not involve equal opportunity. All administrative complaints must be filed within 180 calendar days of the occurrence or within 180 calendar days of the discovery of the occurrence. Administrative complaints are governed by section VII of this document.

### III. EQUAL OPPORTUNITY (EO) COMPLAINTS

The Department of Employment Services (DOES) does not discriminate against any individual on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation, or belief. Furthermore, DOES does not discriminate against any beneficiary of programs funded under the Workforce Investment Act of 1998 on the basis of the beneficiary's citizenship or status as a lawfully admitted immigrant authorized to work in the United States. If you think that you have been discriminated against under any program or activity authorized by the Workforce Investment Act of 1998, you may file a complaint within 180 days from the date of the alleged violation with:

Equal Opportunity Office  
Department of Employment Services  
4058 Minnesota Avenue NE  
Suite 5800  
Washington, DC 20019  
(202) 671-5871

Or, you may choose to file a complaint directly with the U.S. Department of Labor:

Director, Civil Rights Center (CRC)  
U.S. Department of Labor  
200 Constitution Avenue, NW, Room N4123  
Washington, DC 20210

If you elect to file your complaint with DOES, you must wait until DOES issues a written Notice of Final Action, or until 90 days have passed, whichever is sooner, before filing with the CRC. If DOES has not provided you with a written Notice of Final Action within 90 days of the filing of the complaint, you do not have to wait for a decision to be issued, but may file a complaint with the CRC within 30 days of the expiration of the 90-day period. If you are dissatisfied

with DOES's resolution of your complaint, you may file a complaint with the CRC. Such complaints must be filed within 30 days of the date you received Notice of Final Action from DOES.

#### **IV. NOTIFICATION OF APPLICANT AND PARTICIPANT RIGHTS**

The D.C. Department of Employment Services will ensure that notification is made to all applicants and participants of the complaint and hearing procedures available to them at the time that they apply for services under the Workforce Investment Act of 1998. The notification will include the name, address, and telephone number of the person to contact to file a complaint. It will also specify that the complaint and hearing procedures will be fully available to them during enrollment in any program authorized by the Act. It will also notify the applicants and participants of their right to appeal final determinations to the Secretary, U.S. Department of Labor.

#### **V. TIME LIMIT FOR COMPLAINT FILING AND PROCESSING**

All complaints must be filed within 180 days of the alleged occurrence which gave rise to the complaint or within 180 calendar days of the discovery of the alleged occurrence, except in cases involving fraud or criminal activity. The processing of administrative complaints, through all stages except appeals, shall be completed within 60 calendar days.

#### **VI. CONFIDENTIALITY OF PROCEDURES AND INFORMATION**

The identity of persons who assist in a complaint inquiry or who provide information relating to a complaint shall be kept confidential to the extent that is consistent with a thorough review of the issues presented in the complaint. Applicants and participants who utilize the complaint process will not suffer from coercion or retaliation.

#### **VII. PROCEDURES FOR THE FILING RESOLUTION OF ADMINISTRATIVE COMPLAINTS**

1. Within five (5) calendar days of the incident, report the complaint to your Case Manager or an American Job Center Manager in order to reach an informal resolution.
2. If the Case Manager or the Center Manager are unable to resolve your complaint to your satisfaction, you may present your complaint in writing to the DOES Administrative Officer within 10 calendar days of the incident.
3. If a mutually satisfactory resolution occurs at any stage in this process prior to a request for a hearing, the Administrative Officer will prepare a brief report for the file, stating issues and resolutions. The matter will then be considered closed. Both parties are required to sign the report.
4. If a mutually acceptable agreement cannot be reached, you may request a hearing on your complaint. Your written request for a hearing must be made within 30 calendar days of filing the complaint. The written request should be directed to:

Deputy Director  
Workforce Development Bureau  
Department of Employment Services  
4058 Minnesota Avenue NE  
Washington, DC 20019  
(202) 698-4215

5. The hearing process must be completed within 30 calendar days of the filing of the written request for a hearing or within 60 calendar days of the filing of the complaint, whichever is sooner. The hearing will be conducted by a designee of the Office of the Director, D.C. Department of Employment Services.

#### **VIII. THE HEARING PROCESS**

1. Hearings will be conducted by the Office of the Director.
2. Written notice will be provided to the complainant/respondent advising of the date, time, and location of the hearing. Issues to be addressed and decided will be contained in the notice.

3. Other interested parties may apply for a notice to attend the hearing. These parties may include persons or organizations potentially affected by the outcome of the hearing.
4. The notice to the interested parties will include the same information furnished to the complainant/respondent and shall also indicate whether the interested parties may participate in the hearing.
5. The complaint may be amended or withdrawn before the hearing. The hearing may be rescheduled for good cause by either party upon request.
6. An attorney or other representative(s) of choice of the complainant or respondent may be present. Witnesses and documentary evidence may be presented. Records and documents relevant to the complaint and maintained by or for the District of Columbia Government in the course of business may be presented. All testimony will be taken under oath. The Hearing Officer may attempt to negotiate a resolution of the complaint at any time prior to the conclusion of the hearing.
7. A written decision from the Hearing Officer to the complainant(s), respondent(s), and other interested parties will be provided within 60 calendar days of the filing of the formal complaint. The written decision shall include a synopsis of the remedies to be applied. The decision will be written by the person who conducted the hearing and given to the Director, D.C. Department of Employment Services, for approval and signature. Such approval will be obtained prior to sending the decision to the complainant(s) or respondent(s).

## IX. THE APPEAL PROCESS

1. 1. If a complainant does not receive a decision within 60 calendar days of filing the complaint or receives an unsatisfactory decision, the complainant then has the right to request a review of the complaint by the Mayor of the District of Columbia or his/her designee.
2. The request for Mayoral review must be filed within 10 calendar days of the adverse decision or 10 calendar days from the date on which the complainant should have received the decision.
3. The Mayor or his/her designee will issue a decision within 60 calendar days.
4. Should the Mayor or his/her designee fail to provide a decision within 60 calendar days of the complainant's request for review or should the complainant dispute the decision of the Mayor or his/her designee, the complainant may file an appeal with the Secretary, U.S. Department of Labor.
5. Appeals to the Secretary, U.S. Department of Labor, based on lack of timeliness on the part of the District must be made within 120 calendar days of the date that the request for Mayoral review was filed. Appeals based on a dispute of the Mayoral decision must be filed within 60 calendar days of the date the Mayoral decision was issued. The Secretary, U.S. Department of Labor, must make a final decision on an appeal no later than 120 days after receiving the appeal.
6. Appeals to the Secretary, U.S. Department of Labor, must be submitted by certified mail, return receipt requested to:

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

## X. OTHER COMPLAINTS

**Complaints involving minimum wage or wagehour disputes** – These complaints will be referred to the Labor Standards Bureau, Office of Wage & Hour, and handled according to their procedures.

**Complaints involving workplace safety** – These complaints will be referred to the Labor Standards Bureau, Office of Occupational Safety & Health, and handled according to their procedures.

**Complaints involving Workers' Compensation** – These complaints will be referred to the Labor Standards Bureau, Office of Workers' Compensation, and handled according to their procedures.

A copy of the appeal must be simultaneously provided to the U.S. Department of Labor, Employment and Training Administration, Region III Regional Administrator and the opposing party.