



Category/Subject: WIA Complaint Procedures
Colorado Policy Guidance Letter#: ADM-2015-01 (prior #14-11-WIA)
Revise/Replace PGL#: PGL 01-11-WIA1
Date: January 7, 2015
Distribution: CDLE Management/Finance, State/Local Workforce Directors & Staff, Partners

I. REFERENCE(S):

Workforce Investment Act (WIA) of 1998, section 181 (c) and WIA Final Rules, Subpart F – Grievance Procedures, Complaints, and State Appeals Processes §667.600.

II. PURPOSE:

To update guidance and policy direction to Local Areas on establishing WIA grievance and complaint procedures, and to update the point of contact for state level appeals.

III. BACKGROUND:

Grievance procedures are required under WIA in order to ensure that all participants and other interested parties are aware of their rights under the Act, and, in addition, to ensure that individuals who believe their rights have been negatively affected by WIA related actions have access to appropriate remedies.

IV: POLICY/ACTION:

A. Key Requirements: Each Local Area that receives funds under Title I of WIA must:

1. Establish and maintain a policy and procedures for grievances and complaints
2. Provide information about the content of the grievance and complaint procedures to participants and other interested parties affected by the local Workforce Investment System, including One-Stop partners and service providers
3. Make reasonable efforts to assure that the information referred to in B-1 of this PGL will be understood by affected participants and other individuals, including youth and those who are limited-English speaking individuals.
4. Identify a local address and a staff person who will receive WIA complaints.

B. Local Area’s Policy and Procedures: These must provide:

1. A process for dealing with grievances and complaints from participants and other interested parties affected by the local Workforce Investment System, including One-Stop partners and service providers;
2. An opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint;

3. A process which allows an individual alleging a labor standards violation to submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties to the grievance so provides; and
4. An opportunity for a local level appeal to the State when:
 - a. No decision is reached within 60 days; or
 - b. The complainant is dissatisfied with local hearing decision.

Note: Any local policy that is updated as a result of this PGL should be submitted to the CDLE Regional Liaison for review before approval is obtained from the local workforce investment board.

C. Local Formal Complaint Requirements: As part of their grievance and complaint policy, Local Areas must identify the information required in the initial formal complaint filed by the complainant, including:

1. Full name, mailing address and phone number of the party or parties filing the complaint;
2. Full name, mailing address and phone number of the party or parties alleged to have committed the act;
3. A clear, concise statement of the facts of the case, and the nature of the violation(s);
4. The date of the alleged act and factual information supporting the complaint;
5. The remedy that is sought.

D. Appeals to the State: If no decision is reached by the Local Area within sixty (60) calendar days, or the complainant is dissatisfied with the decision, he may appeal the decision as follows:

1. An appeal must be in writing and filed with the Colorado Department of Labor and Employment (CDLE) within ten (10) calendar days after notification of the local decision or, if a timely decision is not rendered, within fifteen (15) calendar days from the date on which the complainant should have received a timely decision.
2. Whenever a Local Area has failed to provide procedural process in a timely manner to a complainant, and such failure results in an appeal to CDLE, the Local Area shall bear any costs associated with disposition of the appeal.
3. The following defines the appeal process:
 - The appeal must be received by:
Colorado Department of Labor and Employment
ATTN: State Grievance Administrator
633 17th Street, Room 700
Denver, Colorado 80202-3627
 - The appeal must contain:
 - A specific statement of the grounds upon which the appeal is sought
 - A copy of the written, formal complaint submitted to the Local Area
 - A transcript or recording of the hearing proceedings, and
 - A copy of the written decision of the Local Area being appealed
 - The State Grievance Administrator will make a final decision within sixty (60) calendar days of receipt of the appeal.
 - Notification of the State Grievance Administrator's final decision will be provided to the complainant.
 - For reasonable cause, as determined by the State Grievance Administrator, the time line of the state review hearing process may be extended.

E. Appeals to the US Department of Labor:

1. Should the CDLE State Grievance Administrator not render a decision, an appeal in writing may be made to the:
Secretary of Labor
U.S. Department of Labor, Washington, DC 20210
Attention: ASET
2. A copy of the appeal must be simultaneously provided to the:
ETA Regional Administrator
U.S. Department of Labor
525 S. Griffin Street
Dallas, TX 75202
and the Colorado Department of Labor and Employment (address above in D.3)
3. The CDLE State Grievance Administrator decision is final unless the Secretary of Labor exercises the authority for Federal-level review.
4. Should the Secretary of Labor determine that the State or a Local Area has violated any requirement of the law, remedies may be imposed, as determined by the Secretary of Labor. These include:
 - Where applicable, reinstatement of lost benefits
 - Where appropriate, suspension or termination of payments to the State or Local Areas under WIA
 - Where appropriate, other equitable relief.

V. IMPLEMENTATION DATE: Upon publication of this Policy Guidance Letter.

VI. INQUIRIES:

Please direct all inquiries to your Regional Liaison at Workforce Development Programs.

Elise Lowe-Vaughn, Director
Workforce Programs, Policy, and Strategic Initiatives