

Northwest Workforce Council

Complaint and Hearing Procedures WIA 01-02 a File Copy

The Northwest Workforce Council administers numerous Federal and State programs, including the Workforce Investment Act, in Whatcom, Skagit, Island, and San Juan Counties. The Northwest Workforce Council has adopted policies and procedures to investigate and resolve complaints other than those alleging discrimination. There are several categories of complaints or grievances other than discrimination that an applicant, participant, or registrant may file including program complaints, complaints against an employer, and complaints alleging waste, fraud or abuse, and labor standards violations.

- 1) **Discrimination complaints** may be filed in accordance with procedures outlined in WIA Policy No. 3450 – Equal Opportunity Complaint Processing Policy and Procedures.
- 2) **Program complaints** may be filed when a participant, applicant, or registrant feels they have been deprived of the benefits assured under WIA. These are complaints against the program and reflect potential violations of WIA and related regulations.
 - a) Program complaints allege a violation of the WIA, its regulations, or any grant or agreement under the Act, and must be filed in writing *within one year* of the alleged occurrence.
 - b) Program complaints can often be most effectively resolved through informal resolution by contacting the Complaint Coordinator.
 - c) *Note: A complaint cannot be processed as both a program complaint and as a discrimination complaint.*
- 3) With **employer complaints/grievance** procedures, existing employer grievance or collective bargaining procedures must be used. Decisions may be reviewed through the Complaint Procedures in below. If no employer complaint procedures exist, the Complaint Procedures in below are used. Employer complaints generally relate to the terms and conditions of a participant's employment.
- 4) **Criminal complaints** or reports of alleged fraud, abuse or other criminal activities require immediate reporting to DOL's Office of Investigations, Room S5514, 200 Constitution Avenue NW, Washington, D.C. 20210.

Complaint Procedures: Complaints and requests for information should be addressed to

NWC
101 Prospect Street, PO Box 2009
Bellingham, WA 98227
Attention: Alex Kosmides, Deputy Director/**Complaint Coordinator**
Phone: (360)676-3207

- 1) Complainants will be advised, in writing, of the status of the complaint at each step of the process.

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- 2) A written response will be sent to complainants within ten working days of receipt of any written complaint or attempt to file a complaint.
- 3) When further action is required by the complainant, s/he will be advised in writing of the action to be taken, timeframes for such action, and notice that failure to take such action without good cause may be considered as intent to withdraw the complaint.
- 4) All resolutions, agreements, or action affecting a complaint will be confirmed in writing.
- 5) Complainants have the right to request information/guidance on how to file a complaint or request for review; waive or postpone a scheduled hearing in order to pursue informal resolution; request with good cause that a hearing be rescheduled; and withdraw a complaint at any time.
- 6) *Informal resolution of complaints is readily available and includes an open discussion and review of issues to develop mutually acceptable solutions for all parties.*
- 7) Hearing notices will be sent to the complainant at least 15 calendar days prior to a scheduled hearing.
- 8) Hearing procedures will include:
 - a) Hearings are provided within 60 days of the receipt of a qualified complaint.
 - b) Impartial hearing examiners will be provided to conduct hearings on complaints
 - c) Hearings cover only those issues listed in the hearing notice
 - d) Full and complete records are kept of all hearing proceedings.
 - e) Individuals involved in hearings proceedings have the right to be represented by counsel or other authorized agents. The NWDC is not liable for the costs of legal council or representation incurred by the complainant.
 - f) All parties have the right to question witnesses and other parties.
 - g) The burden of proof rests with complainants to demonstrate allegations are true and based on a preponderance of evidence.
 - h) A written decision will be issued within 60 days with findings of fact, conclusions of law, the decision, any relief requirements and/or corrective action, and the notice of the right and instruction on filing for a state review of the hearing decision.
 - i) Petitions for review of hearing decisions that are unsatisfactory to the complainant or late (beyond 60 days from complaint filing) must be received by the Employment Security Department within 15 days of the date on which the complainant received or should have received a decision. Additional information on this petition review procedure is available through the Complaint Coordinator.

I acknowledge that I have received a copy of this procedure.

Applicant/Trainee Signature

Date

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