

WESTMORELAND FAYETTE WORKFORCE INVESTMENT BOARD

WIOA Title I Complaint, Grievance, and Appeal Procedures

I. Purpose

The purpose of this policy is to establish a uniform procedure for receiving, processing, resolving, and appealing complaints and grievances alleging violations of Title I of the Workforce Innovation and Opportunity Act (WIOA). This policy ensures compliance with federal requirements and protects the rights of applicants, participants, employees, contractors, service providers, employers, and other interested parties.

These procedures are established pursuant to:

- WIOA Section 181(c), Grievance Procedures
- WIOA Section 188, Nondiscrimination and Equal Opportunity
- 20 CFR Part 683, Subpart F (683.600-683.620)
- 29 CFR Part 38
- Pennsylvania Department of Labor & Industry guidance
- Applicable federal, state, and local laws and regulations

II. Scope and Applicability

This policy applies to:

- One-Stop Program Partners
- WIOA Title I program service providers and contractors
- Eligible Training Providers and other entities providing training services
- Affiliated entities which provide services, activities and supportive services within a LWDA's workforce delivery system
- Individuals; Program Applicants and Participants; Former Participants
- Employees
- Employers
- Service Providers
- Contractors
- Training Providers
- Labor Organizations
- Community Based Organizations
- Other Interested Parties

Job Corps program is excluded from these provisions.

III. Complaints Covered

Types of complaints and grievances covered under this policy include:

- Denial of program access
- Eligibility disputes
- Improper termination from services
- Failure to provide required services
- Violations of WIOA Title I requirements
- Procurement disputes
- Misuse of WIOA funds
- Service delivery concerns
- Violations of local policy

IV. Filing a Complaint

Complaints may be filed:

- In person
- By email
- By telephone with staff assistance
- By mail
- Electronically

Staff shall assist individuals who require help reducing complaints to writing. Reasonable accommodation

and language assistance services will be provided when necessary.

V. Required Complaint Information

Complaints should include:

- Name and contact information of complainant
- Name of respondent, if known
- Description of alleged violation
- Relevant dates
- Supporting documentation, if available
- Requested resolution or remedy

VI. Time Limit for Filing

Complaints must generally be filed within one (1) year of the alleged violation unless another law or regulation establishes a different filing period.

VII. Informal Resolution

An informal resolution may be reached prior to a formal hearing. Informal resolution methods may include:

- Staff conferences
- Mediation
- Corrective actions
- Settlement discussions

A notice of findings will be issued within ten (10) days of the filing of the complaint

Note: Informal resolution efforts shall not delay the complainant's right to a hearing.

VIII. Hearing Procedures

Right to a Hearing

If a complaint is not resolved informally, the complainant may request a hearing. The request must be submitted in writing to the WFWDB within five (5) days of the complainant's receipt of the findings.

Hearing Timeline

The WFWDB shall:

- Conduct a hearing when requested; and
- Issue a written decision within sixty (60) days of the filing of the complaint.

Hearing Requirements

Hearings shall:

- Be conducted by an impartial hearing officer of the WFWDB
- Provide reasonable advance written notice
- Allow both parties to present evidence
- Allow witness testimony
- Permit representation by counsel or another representative
- Maintain an official record of proceedings

- Notification of hearing date will be issued to all parties 30 days prior to the date of the hearing

IX. Written Decision

Written determinations shall include:

- Summary of allegations
- Findings of fact
- Applicable laws or regulations
- Conclusions
- Corrective actions, if applicable
- Appeal rights and deadlines

X. Appeals Process

Appeals to the PA Department of Labor & Industry

- Either party may appeal when:
 - No local decision is issued within sixty (60) days; or
 - The party is dissatisfied with the local determination.
- Appeals must be filed within twenty (20) working days of:
 - Receipt of the local decision; or
 - Expiration of the sixty-day decision period.

State Appeal Decision

The PA Department of Labor & Industry shall issue a decision within sixty (60) days of receipt of the appeal.

Appeal to the U.S. Department of Labor

An appeal may be filed with the U.S. Department of Labor when:

- No state decision has been issued within sixty (60) days of receipt of the grievance or complaint or within 60 days of receipt of the request for appeal of a local level grievance; or
- A party receives an adverse state decision.
 - Appeals made under this scenario must be filed within 60 days of the receipt of the decision being appealed

USDOL appeals made under either of these scenarios must be filed within 120 days of the filing of the grievance with the state, or the filing of the appeal of a local grievance with the state

All appeals must be submitted by certified mail, return receipt requested, to:

Secretary
U.S. Department of Labor
200 Constitution Ave. NW
Washington, DC 20210
Attention: ASET

Under the scenarios listed above US DOL must make a final decision on the filed appeal no later than 120 days after receiving the appeal.

XI. Accessibility Requirements

The LWDB shall ensure:

- Language assistance services for LEP individuals
- Reasonable accommodation for individuals with disabilities
- Auxiliary aids and services upon request
- Accessible formats and communications
- Meaningful access to complaint procedures

XII. CONFIDENTIALITY

Complaint information shall be maintained confidentially to the maximum extent permitted by law.

XIII. RETALIATION PROHIBITED

No person may intimidate, threaten, coerce, discriminate against, or retaliate against any individual because they:

- Filed a complaint
- Participated in a complaint investigation
- Assisted in complaint processing
- Opposed unlawful practices

XIV. RECORD RETENTION

All complaint records shall be maintained for a minimum of three (3) years following final resolution unless a longer retention period is otherwise required by law.

Records shall include:

- Complaint forms
- Correspondence
- Investigation materials
- Hearing records
- Determinations
- Appeals
- Resolution documentation

XV. PUBLIC NOTICE

The LWDB shall:

- Publicly post complaint procedures
- Include complaint rights in participant materials
- Make procedures available upon request
- Ensure staff are trained regarding complaint procedures and rights

XVI. EQUAL OPPORTUNITY (EO) COMPLAINTS

Complaints alleging discrimination or retaliation based on protected status must immediately be referred to the Equal Opportunity (EO) Officer.

Discrimination complaints may be filed with the recipient's EO Officer or directly with the U.S. Department of Labor Civil Rights Center. Such complaints are generally subject to a 180-day filing period and are governed by 29 CFR Part 38 rather than the grievance procedures in 20 CFR 683.600.

EO complaints are governed by:

WIOA Section 188

29 CFR Part 38

Applicable equal opportunity; nondiscrimination and civil rights statute

XVII. FRAUD AND WASTE

WFWIB WIOA Title I Complaint, Grievance, and Appeal Procedures

Pursuant to 20 CFR 683.620, procedures must address allegations of fraud, abuse, criminal misconduct, and misuse of WIOA funds.

Such allegations may be referred to appropriate investigative authorities and handled separately from standard grievance procedures.

XVIII. Complaint Coordinator

The WFWIB designates the following individual to coordinate WIOA Title I complaints and grievances:

Name: Ted H. Martin
Title: Director Of PA CareerLink® Operations/PA CareerLink® Fayette Administrator
Agency: PA CareerLink® Fayette County
Address: 112 Commonwealth Drive, Lemont Furnace, PA 15456
Phone: (724) 434-5627 ext 3123 TTY: (724) 434-5761
Email: tmartin@privateindustrycouncil.com

XIX. Required Attachments

At a minimum, local policies should include:

- Complaint Intake Form
- Appeal Form
- Public Notice of Complainant Rights
- Complaint Tracking Form and Procedures
- Any locally required forms, notices, or workflow documents

Attachment A –Complaint Intake Form

Complainant Name:	
Address:	
Phone:	
Email:	
Date:	
Respondent:	
Description of Complaint:	
Requested Resolution:	

Attachment B - Appeal Request Form

Complainant Name:	
Address:	
Phone:	
Email:	
Respondent:	
Description of Complaint:	
Original Decision Date:	
Appeal Date:	
Reason for Appeal:	

Attachment C - Public Notice of Complainant Rights

Individuals have the right to file WIOA Title I complaints and grievances and receive a hearing and written decision within 60 days.

Attachment D - Complaint Tracking Form and Procedures

Part I – Complaint Tracking Form

Tracking No.	Date Received	Complainant Name	Complaint Type	Program/Entity	Assigned To	Informal Resolution	Hearing Requested	Decision Due	Status	Date Closed

Complaint Type Codes

Code Category

DA	Denial of Program Access
ED	Eligibility Dispute
TS	Termination from Services
FS	Failure to Provide Services
WV	WIOA Violation
PD	Procurement Dispute
MF	Misuse of Funds
SD	Service Delivery Concern
LP	Local Policy Violation

Complaint Tracking Procedures

1. Receipt of Complaint: Assign tracking number, date-stamp, enter into log, and acknowledge receipt within five business days.
2. Complaint File Creation: Maintain intake forms, correspondence, investigations, hearing notices, determinations, appeals, and resolution documentation.
3. Informal Resolution: May include mediation, conferences, settlements, and corrective actions.
4. Hearing Process: Provide impartial hearing and issue written determination within 60 days.
5. Written Determination: Include findings, conclusions, corrective actions, and appeal rights.
6. Appeals: Process appeals in accordance with Pennsylvania Department of Labor & Industry requirements.
7. Record Retention: Retain complaint records for at least three years after final resolution.

Part II – Individual Case Tracking Sheet

Tracking Number: _____

Complainant Name: _____

Address: _____

Phone: _____

Email: _____

Respondent: _____

Program/Service Involved: _____

Processing Timeline

Action	Date Completed	Staff Initials
Complaint Received		
Complaint Acknowledged		
Informal Resolution Attempted		
Hearing Requested		
Hearing Conducted		
Written Determination Issued		
Appeal Filed		
State Appeal Decision Received		
Case Closed		

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A job for every worker; a worker for every job.