



**Erick Serrato** - Director  
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## Grievance and Complaints

### Policies and Procedures

#### Notice to Affected Parties

The Merced County Workforce Development Board (MCWDB) will provide a copy of the local grievance and complaint procedures to each participant. These procedures include the following:

- Notification that the participant has the right to file a grievance or complaint at any time within one year of the alleged violation.
- Instructions and timelines for filing a grievance or complaint.
- Notification that the participant has the right to receive technical assistance from the Local Area in filing the grievance or complaint.
- Notification that the participant may file an appeal or request a separate review by EDD if they experience an incident of restraint, coercion, or reprisal as a result of filing a complaint.

The local grievance and complaint procedures must be posted in a public location and made available to any interested parties or members of the public.

Where a hard copy case file is maintained, staff must include a signed copy of an acknowledgement of receipt of the local grievance and complaint procedures in each participant's case file. Staff must also:

- (1) Enter a case note indicating that this notification did occur, the date of the notification, and the name of the staff person who provided it, or
- (2) Scan a signed copy of an acknowledgement of receipt of the local grievance and complaint procedures and attach it to the participant's case file.

The MCWDB will offer technical assistance to assist in filing complaints, if requested by the participant. Technical assistance includes, but is not limited to, providing instructions on how to file a complaint, and providing copies of relevant documents such as the WIOA, federal regulations, state laws and regulations, local procedures, and/or contracts. This does not require Local Areas to violate any rule of confidentiality or provide legal advice.



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## Filing a Grievance or Complaint

The official filing date of a grievance or complaint is the date it is received by the Local Area, AJCC partner, service provider, or sub recipient. The filing shall be considered a request for a hearing and the Local Area shall issue a written decision within 60 days of the official filing date. The Local Area shall send a copy of the grievance or complaint to the respondent.

The grievance or complaint must be in writing, signed, and dated by the complainant. The Local Area should obtain the following information for all complaints. However, the absence of any of the requested information shall not be used as a basis for dismissing the grievance or complaint.

- Full name, telephone number, and mailing address of the complainant and respondent.
- A clear and concise statement of the facts and dates describing the alleged violation.
- The provision(s) of WIOA, federal regulations, grant, or other agreements under WIOA believed to have been violated.
- Grievances or complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with WIOA law, regulation, or contract.
- The remedy sought by the complainant.

A grievance or complaint may be amended to correct technical deficiencies at any time up to the start of the hearing. Grievances or complaints may not be amended to add new issues unless the complainant withdraws and resubmits the complaint. However, the one year time period in which a grievance or complaint may be filed is not extended for grievances or complaints refiled with amendments. Grievances or complaints may be withdrawn at any time prior to the issuance of the hearing officer's decision.

## Informal Resolution

The Department shall notify the complainant and respondent of the opportunity for an informal resolution. Respondents must make a good faith effort to resolve all grievances or complaints prior to the scheduled hearing. Failure on the part of either the complainant or respondent to exert a good faith effort shall not constitute a basis for dismissing a grievance or complaint, nor shall this be considered a part of the facts to be judged during the resolution process. The Local Area must assure that all grievances or complaints not resolved informally or not withdrawn are given a hearing, regardless of the grievance or complaint's apparent merit or lack of merit.



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If a complainant and respondent are able to reach an informal resolution, a notice of resolution will be sent to the complainant and entered into the complaint file. If the informal resolution leads to an impasse between the complainant and respondent, the complainant may choose to not proceed to a hearing. If this occurs, a notice of impasse must be sent to the complainant and entered into the complaint file. In the event of resolution or impasse, the Local Area must request the complainant to provide a written withdrawal of the complaint within 10 days of receipt of the notice of resolution or impasse.

### Local Level Hearing

Hearings on any grievance or complaint shall be conducted within 30 days of the filing date of the grievance or complaint:

#### a. Notice of Hearing

- i. The MCWDB will notify the complainant and respondent in writing of the hearing at least 10 days prior to the date of the hearing. The 10-day notice period may be shortened with written consent from both parties. The notice shall be in writing and contain the following information:
  1. The date of the notice, name of complainant, and the name of the part against whom the grievance is filed.
  2. The date, time and location of the hearing.
  3. A statement of the alleged violation(s). The statement must accurately reflect the content of the grievance or complaint as submitted by the complainant. However, clarifying notes may be added to assure that the grievance or complaint is addressed accurately.
  4. The name, address, and telephone number of the contact person issuing the notice.

#### b. Conduct of Hearing

- i. An impartial hearing officer shall conduct the hearing. All members of the Local Workforce Development Board and the local Chief Elected Official(s) are considered interested parties and cannot conduct an impartial hearing. The state suggests the Local Area seek impartial hearing officers from among the staff of legal offices or personnel departments of local municipalities or counties that will not be directly affected by, or will not implement the final resolution of, a specific grievance or complaint.
- ii. The hearing must be conducted in an informal manner and not be bound by strict rules of evidence. Both parties have the right to be represented at their own cost, present written and oral testimony, call and question witnesses, and request and examine records and



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documents relevant to the issues. The hearing must be recorded electronically or by a court reporter.

c. Decision of Hearing

- i. The hearing officer shall provide a written decision to the MCWDB. The MCWDB shall mail the written decision to both parties by first class mail no later than 60 days after the filing date of the grievance or complaint. The decision shall contain the following information.
  1. The names of the parties involved.
  2. A statement of the alleged violation(s) and related issues.
  3. A statement of the facts.
  4. The hearing officer's decision and reasoning.
  5. A statement of the corrective action or remedies for violations, if any, to be implemented.
  6. A notice of the right of either party to request an appeal of the decision by the State Review Panel within 60 days of receipt of the decision.

**Local Level Appeal**

If a complainant does not receive a decision within 60 days of the filing date of the grievance or complaint, or receives an adverse decision, the complainant has the right to file an appeal with the state. All appeals to the Secretary must be sent to the DOL National Office via certified mail with return receipts requested.

**Responsible Official:** Director

**Reviewed Date:** March 27, 2020

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