



WDB

Workforce Development Board

Burlington

BURLINGTON COUNTY WORKFORCE DEVELOPMENT BOARD NON-CRIMINAL COMPLAINT/GRIEVANCE PROCEDURE POLICY FOR PARTICIPANTS

DATE: August 22, 2022

PURPOSE

The Burlington County Workforce Development Board, as the Governor's chosen administrative entity for the Workforce Innovation and Opportunity Act in Burlington County. As the Grant recipient, the Burlington County Workforce Development Board (WDB) assures that a grievance procedure has been established for resolving any complaint and/or grievance filed against the Burlington County American Job Center in the administration of programs operated and funded under the Workforce Innovations & Opportunity Act (WIOA).

BACKGROUND

WIOA requires each local area, state, outlying area, and direct recipient of funds under Title I of WIOA to establish and maintain a procedure for participants and interested parties to file grievances and complaints alleging violations of WIOA requirements.

As detailed in NJWIN 12-16(A), this is to be a unified procedure that all Burlington County American Job Center (AJC) management and staff follow to publicize, document, and process complaints alleging:

- Discrimination by Job Center staff
- WIOA violations
- Actions or omissions by the Employment Service (ES) staff
- Complaints from customers placed into On-the-Job Training programs

In addition, complaints from customers referred to employers who are allegedly in violation of labor standards. Complaints lodged by Migrant and Seasonal Farmworkers are to be treated as ES-related complaints regardless of how the worker found the job.

REFERENCES

- WIOA Final Rules, 20 CFR 683.600
- NJWIN 12-16 (A)

COMPLAINT PROCEDURE GUIDELINES FOR PARTICIPANTS

The Burlington County American Job Center (AJC) is dedicated to providing all of our customers with the training and services needed to obtain employment.

Please note this is **not** the same as the vendor grievance process.

The AJC is firmly committed to equal employment opportunity in all aspects of our program. No agency or person connected with your training or employment can discriminate against you because of your race, color, sex, national origin, age, religion, citizenship, handicapped status, political affiliation, or belief.

As a participant in our program, participants have the right to make a complaint or file a grievance about:

- Any discrimination practices as stated above.
- Programs or activities
- Violations of the Workforce Innovations & Opportunity Act (WIOA), grant or other agreements under the WIOA.

Complaints of discrimination (except for those based upon handicapped status) are reviewed and handled by the United States Department of Labor at the address below:

Directorate of Civil Rights
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210

If the complaint is in regard to discrimination based upon handicapped status, participants will have to have that complaint processed at our agency first **and**, if desired, participants have the right to appeal to the state agency named below:

New Jersey Department of Labor
Office of Monitor Advocate and Affirmative Action
Room 902B
John Fitch Plaza
Trenton, NJ 08625
Attention: Charles G. Davis

The above-named office will inform and assist you in your appeal.

All complaints of discrimination must be made within 180 days of the alleged act. Other types of complaints must be filed within one year of the alleged act or occurrence.

1. FILING A COMPLAINT OR GRIEVANCE

Participants with a complaint or grievance, may choose to discuss the matter with the Employment Counselor, Instructor, Supervisor, Employer, or other person before deciding to file a formal, written complaint. Participants choosing not to discuss the matter, may call or write to the following person:

**Vernon Hill
Burlington County American Job Center
795 Woodlane Road
PO Box 6000
Westampton, NJ 08060-6000**

The above staff person will review the complaint/grievance with participants and seek resolution of the complaint informally. Participants remaining unsatisfied, can have the written complaint be considered a formal grievance. If the review with the above staff person was conducted by telephone, participants will still need to send a written complaint to request a hearing.

2. HEARING PROCEDURE:

After the AJC receives your written complaint, participants will be offered an opportunity for a hearing. Participants will be provided written notice of the date, time, and place of the hearing, which will be scheduled within 30 days after the written complaint has been filed.

At the hearing you have the following rights:

- A. An opportunity to be represented by an attorney or other representative of your choice. If you have an attorney, it will have to be at your expense.
- B. An opportunity to bring witnesses and present evidence.
- C. An opportunity to question any witnesses or parties. Our agency will make available any persons under our control to testify.
- D. The right to request all documents related to your grievance, except those protected by privacy laws or other laws.
- E. The right to an impartial hearing.

Participants are entitled to a written decision within 60 days after the complaint has been filed.

3. ON-THE-JOB TRAINING/WORK EXPERIENCE

The complaint/hearing system will be handled directly by the Service Delivery Area utilizing the resolution process described previously.

4. APPEALS TO THE STATE

If the decision made on the participant's complaint was adverse or if the AJC did not give the participant a written decision within 60 days after the complaint was filed, the participant can appeal to the state.

Before participants send the request or appeal to the state, the participant must exhaust the complaint, hearing and resolution process described previously. Otherwise the state will return the complaint, to be reviewed and processed at the American Job Center.

Remember, if the complaint was based upon discrimination for handicapped status, the participant will have to send the appeal to the State Monitor Advocate's Office at the address shown on page one. That office will inform the participant how to proceed. The remaining sections apply to other complaints or grievances.

If the participant wishes to file an appeal to the state, the participant must write to:

**Director, Division of Employment & Training
New Jersey Department of Labor
CN 0055
Trenton, NJ 08625-0055**

A request for review is required to be submitted within 10 days from the date on which the participant received the adverse decision or should have received a decision to the formal grievance.

In order to be able to review the participant's grievance adequately, the participant needs to provide all the information about the grievance to the Director, Division of Employment & Training, including the following:

1. Participant full name, address, and telephone number.
2. The full name, address, and telephone number (if any) against whom the complaint was made.
3. A clear and concise statement of the facts of the grievance.
4. Important dates:
 - a. The date the grievance was filed with us.
 - b. The date of the alleged act or occurrence for which the complaint was made.
 - c. The date the AJC's written decision was made, or the date the AJC's decision should have been made (60 days after the written complaint was filed).
5. Any provisions of the Workforce Innovation & Opportunity Act (WIOA) or other agreements under this law that the participant believes have been violated.
6. A statement of other steps the participant pursued with other government agencies regarding the complaint, if such steps were taken.
7. A copy of the AJC's written decision if such was given to the participant.

If the participant chooses, the AJC will assist in preparing the participant's appeal to the state. Additionally, the AJC will provide the participant with a copy of the state's procedures if the participant indicates the intention to file an appeal to the state.

When participant's send an appeal to the state, the Director of the Division of Employment & Training will review or arrange for the review of the participant's complaint and issue the participant a written decision within 30 days after receiving the complaint.

In accordance with WIOA, the decision of the state is final.

5. FEDERAL REVIEW

If the state does not provide the participant with a decision as required, only then may the participant request a determination from the US Department of Labor if the participant believes reasonable cause exists that the WIOA or its regulations have been violated. If the participant indicates an intention of filing an appeal to the US Department of labor, please note the participant will have to exhaust or complete the remedies offered at the American Job Center and the state level before the participant files an appeal to the US Department of Labor.

For Participant Protection, no one may discriminate against or unlawfully den the participant a benefit to which the participant is entitled under the WIOA because a complaint was filed. The protection also applies to other participants and staff persons who testify on behalf of the participant.