

## GRIEVANCE AND COMPLAINT NOTICE

Effective Immediately (2022)

work2future Workforce Development Board  
5730 Chambertin Dr. San Jose, CA 95118  
408-794-1200

### OPERATIONAL DIRECTIVE

#### EXECUTIVE SUMMARY

work2future provides program services and/or training made possible by the Workforce Innovation and Opportunity Act. The work2future workforce development board (WDB) staff, its partner staff, its contractors, and any person or agency receiving funding from work2future must comply with the procedures and reporting requirements of this Directive. All providers of services must establish, document, and implement procedures as specified in this Directive. Persons filing a complaint (complainants) shall be free from restraint, coercion, reprisal, or discrimination; both state and federal law prohibit retaliation against a complainant.

**If you would like to file a complaint, please contact the Equal Opportunity (EO) Officer Dat Luu at 408-794-1139. The Equal Opportunity (EO) Officer will provide technical assistance to the complainant regarding how to file or amend the complaint and will, additionally, provide clarifications and interpretations of relevant provisions. ADA/Equal opportunity /programs Auxiliary Aid and Services are available upon request to individuals with disabilities. For TTY (text Telephone) please use the Telecommunications Relay Service (TRS – call 711). With TRS, a special operator types whatever you say so that the person you are calling can read your words on his or her TTY display. He or she will type back a response, which the TRS operator will read aloud for you to hear over the phone. Toll free TRS services are available 24 hours a day, 365 days a year.**

The filing of the complaint with the work2future WDB shall be considered as a request for a hearing. If you file a complaint, work2future will attempt to resolve the complaint informally. A copy of the complaint shall be sent to the individual(s), as applicable, and both parties notified of the opportunity for an informal resolution. When the complaint has been resolved through the informal resolution process, the work2future WDB shall attempt to contact the complainant and have him or her provide a written withdrawal of the complaint within 10 days of the receipt of the notice of resolution or impasse where a complainant decides not to proceed to an administrative hearing. The work2future WDB shall maintain copies of the correspondence. If this informal process does not resolve the complaint, you will have the right to be heard by an impartial Hearing Officer.

The following principles and rules apply to all grievances and complaints (except Discrimination and Equal Opportunity complaints):

1. Hearings on any grievance or complaint shall be conducted within 30 days of filing and decisions shall be made no later than 60 days after filing.
2. The complainant and the respondent must be notified in writing of the hearing 10 days prior to the date of the hearing.
3. All complaints must be made in writing within 1 year of the alleged occurrence.
4. Complainants have the right to withdraw their complaints (in writing) at any time before the hearing. A complaint can be amended to correct technical deficiencies but not to add issues.
5. Complainants can be represented, at their expense, by a person(s) of their choice at all levels of the complaint process.
6. Complainants must exhaust work2future WDB level hearing procedures before appealing to the State except where the State determines that the work2future WDB procedures do not comply with State Procedures.

At each step of the complaint process, the participant must be notified in writing of the next procedural step. WIOA participants who do not receive a written decision within 60 days of filing their complaint or who received an unsatisfactory decision may file a complaint with: **Employment Development Department (EDD) - Attn: Compliance Review Division, MIC-22M - P.O. Box 826880 Sacramento, CA 94280-0001**

**A participant has the right to request a State Hearing within 10 days of the date of the decision. The State Review will be limited to violations of the Workforce Innovation and Opportunity Act (WIOA), implementing WIOA regulations or this grant agreement. The review shall be limited to the record established at the work2future WDB hearing.**

If the State Review Panel has issued an adverse decision regarding a grievance or complaint, or has not issued a decision within 60 days of receipt of a local level appeal, request for EDD review, or grievance or complaint, the complainant may file an appeal with the Secretary. This appeal process applies to grievances and complaints that originated at the local or state level.

**Appeals of an adverse decision must be filed within 60 days of receipt of the adverse decision from the State Review Panel. In cases where the State Review Panel did not issue a decision, the complainant must file an appeal within 120 days of either of the following:** 1) The date on which the complainant filed the appeal of a local level decision or request for EDD review with the state. 2) The date on which the complainant filed the grievance or complaint with the state.

**All appeals to the Secretary must be sent to the DOL National Office via certified mail with return receipts requested. Copies of the appeal must simultaneously be provided to the DOL Employment and Training Administration (ETA) Regional Administrator and the respondent. Mailing addresses for the DOL National Office and ETA Regional Administrator are included below:**

**DOL National Office**

Secretary of Labor Attn: Assistant Secretary of ETA U.S. Department of Labor  
200 Constitution Avenue, NW Washington, DC 20210

**ETA Regional Administrator**

Office of Regional Administrator U.S. Department of Labor  
P.O. Box 193767 San Francisco, CA 94119-3767

**Grievances or complaints filed directly with the Secretary that were not previously filed with the Local Area and/or state will be remanded to the Local Area or state, as appropriate.**

**EXCEPTIONS**

Any exceptions to this policy must be approved by the work2future-Director or the authorized representative of the WIOA Service Provider and documented in the participant file.

**INQUIRIES**

Please contact: [sangeeta.durral@sanjoseca.gov](mailto:sangeeta.durral@sanjoseca.gov) for any questions regarding this policy.

Cc: Monique Melchor, Director  
work2future Workforce Development Board

**My signature below certifies that I have read and understand the official grievance and complaint procedure for WIOA programs administered by work2future; if requested, I have received a copy of the referenced EDD Grievance and Complaint Procedures Directive.**

**Participant's Printed Name:** \_\_\_\_\_

**Participant's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_