

**COUNTY OF LOS ANGELES  
COMMUNITY AND SENIOR SERVICES  
WORKFORCE INVESTMENT ACT**

**WIA COMPLAINT AND RESOLUTION POLICIES AND PROCEDURES**

**§ 100. DEFINITIONS.**

For purposes of this document, the following definitions govern its interpretation. In the event of any omission or conflict in the definition or interpretation of any term defined within, it is agreed that such term or interpretation shall be made in a manner consistent with said terms as defined or explained in the Workforce Investment Act (WIA).

**§ 101. “Complainant”** shall mean the person or parties who is filing the grievance.

**§ 102. “Respondent”** shall mean the person or parties against whom the complaint is made.

**§ 103. “Other Interested Party”** shall mean a person or organization potentially affected by the outcome.

**§ 104. “Recipient”** is defined under Title 29 CFR Part 37 as any entity to which financial assistance under WIA Title I is extended, either directly from DOL or through the governor or another recipient. In addition, One-Stop partners are treated as “recipients” and are subject to the discrimination and equal opportunity requirements of Title 29 CFR Part 37, to the extent that they participate in the One-Stop delivery system.

**§ 105. “Grievance or Complaint”** shall mean an allegation of violation of one or more of the established WIA regulations, discrimination under the Equal Employment Opportunities Acts, the Civil Rights Acts, and Section 504 of the Rehabilitation Act of 1973.

**§ 106. “Equal Opportunity Officer”** shall mean the designated official assigned by the LWIA to be responsible for coordinating the obligations under these regulations.

**§ 200. GENERAL PROVISIONS.**

The County of Los Angeles has established the following policies and procedures pursuant to WIA Subpart F, Section 667.600-667.650. Also included are the procedures for filing complaints alleging discrimination under the Equal Employment Opportunities Acts, the Civil Rights Acts, and Section 504 of the Rehabilitation Act of 1973.

**§ 201. Complainant(s).** Complaints may be brought by any individual or organization including, but not limited to, WIA participant, staff of the County or service providers, applicants for participation, or any other interested persons affected by the local Workforce Investment System, including One-Stop partners and service providers.

**§ 202. Type of Complaints.** (a) Only a complaint which alleges a violation of the WIA Act, regulations, grant or other agreements under the Act, may be filed under the procedures developed by the County in accordance with Section 667.600 of the Act.

(b) Information and complaints involving criminal fraud, waste, abuse or other criminal activity shall be processed under the procedures outlined under **Section 500**.

- (b) Complaints alleging discrimination on the basis of race, color, national origin, age, sex, including sexual harassment, citizenship, retaliation, or political affiliation or belief shall be processed in accordance with the procedures outlined under **Section 600**.
- (c) Complaints alleging discrimination on the basis of disability shall be processed under the procedures outlined in **Section 700**.
- (d) In any case where the alleged violation of the Act is also an alleged violation of another law, regulation, or agreement, nothing shall preclude an individual or an organization from filing a complaint under WIA in accordance with the procedures described herein.

**§ 203. Statute of Limitation.** With the exception of complaints alleging fraud or criminal activity, the filing of a non-criminal complaint must be made within **one year** of the alleged occurrence.

**§ 204. Procedure for Filing Complaint.** Every complaint filed under Section 667.600 must be in writing before the official complaint resolution process will commence. The complaint must be signed, dated, and contain the following information:

- (a) The full name, mailing address and telephone number (if any) of the complainant.
- (b) The name, address, and telephone number of the employing agency, if complainant is a participant.
- (c) The full name, address and telephone number of the respondent.
- (d) A statement of the complaint.
- (e) A clear and concise statement of the facts, including pertinent dates, constituting the alleged violations.
- (f) Where known, the provisions under the WIA Act, the regulations or subgrant agreement believed to have been violated.
- (g) A statement regarding what has been done to resolve the complaint at the employing agency or local level.
- (h) The remedy complainant is seeking.

**§ 205. Person and Place of Contact.** The complaint must be filed with:

County of Los Angeles  
 Dept. of Community and Senior Services  
 3175 West Sixth Street  
 Los Angeles, CA 90020  
 Attn: WALTER BOGAARDT, Hearing Officer

**§ 206. Modification/Amendment.** (a) All time frames referred to in these procedures may be modified upon mutual written consent of the parties involved or by changes in applicable state or Federal rules and regulations.

(b) Prior to the hearing, the complainant may amend his or her complaint to correct technical deficiencies but is not to add issues. The amendment must be submitted in writing to the Hearing Officer.

**§ 207. Time of Filing.** A complaint will be considered to have been filed when the WIA Hearing Officer receives a written statement which provides all of the information required in Section 204. Assistance will be available to complainants to insure that complaints are properly filed, and to insure the availability, coordination, and promptness of all the steps in the procedure. Complainant will be notified in writing throughout the process as to the next procedural step.

**§ 208. Withdrawal of Complaint.** A complaint once filed may be withdrawn only by written notice to the WIA Hearing Officer and to refile the same complaint at a later date will require the consent of the CSS Director or his designee. If the complainant fails to cooperate or is unavailable, the complaint may be dismissed upon reasonable notice to the last known address of the complainant.

**§ 209. Confidentiality.** The identity of any person who has furnished information relating to, or who is otherwise assisting in an investigation of a possible violation of the WIA Act shall be kept confidential to the extent possible, consistent with a fair determination of the issues.

### **§ 300. COMPLAINT RESOLUTION PROCEDURES.**

A complaint shall be accepted only if the complainant alleges a violation of the Regulations, grant or other agreements under the WIA Act.

**§ 301. Informal Resolution.** After the complaint is accepted, the Hearing Officer will contact the complainant and respondent in an attempt to resolve the complaint informally. Attempts at informal resolution will commence within 10 working days of the date the complaint is filed.

**§ 302. Administrative Hearing.** If an informal resolution cannot be reached, an administrative hearing will be scheduled before a Hearing Officer. Such a hearing will be scheduled within 30 days of filing the complaint.

### **§ 400. HEARING PROCEDURE.**

The hearing will be conducted by a Hearing Officer appointed by the Department of Community and Senior Services. The hearing will be conducted in an informal manner and will be recorded.

**§ 401. Prior Hearing Notice.** (a) A written notice will be mailed by certified mail-return receipt requested, to the complainant and the respondent, to be received by both parties not later than 10 days prior to the hearing.

(b) The notice will contain the date of issuance, names of the parties involved, time, and place of the hearing, the manner in which it will be conducted, the issues to be decided, the rights of the parties involved.

**§ 402. Other Interested Parties.** Other interested parties may be given notice. The notice will outline the other interested parties participation in the hearing.

**§ 403. Withdrawal.** Any requests made to withdraw a complaint must be made in writing and received prior to the scheduled hearing.

**§ 404. Rescheduling.** A request to reschedule a hearing must be made in writing and must be for good cause.

- (a) The Director of the Workforce Investment Area or her designee will make the final decision on such requests subject to acceptance by all parties of an extension of the 30 day requirement on scheduling a hearing and the 60 day requirement to make a final decision.

**§ 405. Legal Representation.** Any party may be represented by an attorney or other representative at their own expense. The County cannot appoint an attorney to represent either party nor can the County provide legal advice to either party.

**§ 406. Witnesses and Evidence.** Any party may bring witnesses and documentary evidence.

- (b) Either party may have records or documents relevant to the issues produced by their custodian when such records or documents are kept by either party in the ordinary course of business.
- (b) The complainant may request that employees and/or participants of the respondent who have knowledge of the pertinent facts be available to testify at the hearing.
- (c) Requests for records, documents and/or persons serving as witnesses must be in writing and submitted to the Hearing Officer at least 10 working days prior to the date of the hearing.
- (d) The request must specify which records, documents, and individuals are being sought and a concise statement of why such information and individuals are presumed to be relevant to the issue(s).
- (e) The Hearing Officer will have the discretion to determine issues of relevancy at the time of the hearing.
- (f) Failure on the part of either party to supply information and/or make persons available that have been requested may result in sanctions being imposed by the Hearing Officer and/or County.
- (g) Any party may question any witness or parties, in accordance with due process and the Hearing Officer's discretion.

**§ 407. Notice of Hearing Officer's Findings.** All parties involved will be notified by writing of the recommendation(s) of the Hearing Officer, unless extended with the written consent of both parties.

- (a) The written notification will be mailed first class to all parties and will include:

- (1) a statement of the alleged violations and related issues;
- (2) A synopsis of the facts;

- (3) The decision on the issue and the reasons for the decision;
- (4) A statement of the remedies to be applied and/or the corrective measure required, if any;
- (5) A statement that the procedures delineated have been completed; and
- (6) Notice of any party's right to request a review of the County's final determination by the State Review Panel within 10 days of the receipt of the decision.
- (7) Request for review must be sent to:

Chief, Job Training Partnership Office  
Employment and Development Department  
800 Capitol Mall  
Sacramento, CA 95814

**§ 408. Request for State Panel Review.** All requests for review must include the following information:

- (a) The full name, mailing address and telephone number of the party requesting the review.
- (b) The name, address and telephone number of the other party.
- (c) A copy of the written decision rendered by the County of Los Angeles.
- (d) A brief statement of why the request for review is being made and/or the section of the County's decision to be reviewed. If known, the statement should also include the provision(s) under WIA, the regulations or subgrant agreement believed to have been violated.
- (e) A statement of the relief or remedy being sought.

**§ 500. ALLEGATIONS OF FRAUD, WASTE, ABUSE OR OTHER CRIMINAL ACTIVITY**

Information and complaints involving criminal fraud, waste, abuse, or other criminal activity must be reported immediately to the following department:

DOL Office Of Inspector General,  
Office of Investigations, Room S5514  
200 Constitution Avenue NW.  
Washington, D.C., 20210

**§ 600. DISCRIMINATION BASED ON EQUAL EMPLOYMENT OPPORTUNITIES ACT.**

**§ 601. General Provisions.** This section deals with *Resolutions of complaints alleging discrimination on the basis of race, color, national origin, sex (including sexual harassment,*

**sexual orientation), religion, disability, political affiliation or belief, retaliation and citizenship, where applicable.**

**§ 602. Background.** The WIA Section 188 contains the nondiscrimination and equal opportunity provisions which prohibit discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIA Title I-financially assisted program or activity.

**§ 603. Policies.** The Los Angeles County Local Workforce Investment area (LWIA) has assured the U.S. Department of Labor (DOL) and the State of California Employment Development Department (EDD) that no registrant in the County's WIA program will be discriminated against because of race, creed, color, national origin, age, sex (including sexual harassment), sexual orientation, disability, citizenship, or political affiliation or belief. This implies that:

- a). No benefits may be denied a WIA participant because of race, creed, color, national origin, sex, sexual orientation, age, disability, citizenship, or political affiliation or belief while being registered, interviewed, counseled, tested, or while working in a work activity or attending class as part of the program;
- b) Each WIA participant must be provided the same opportunities to use all facilities available in the program as all other participants;
- c) A discrimination complaint may be filed within 180 days of the alleged discrimination, either with the County of Los Angeles, LWIA grant recipient (service provider), or with the Department of Labor, Civil Rights Center (CRC).

**§ 604. Procedures for Filing Discrimination Complaints.** Any person who believes that he/she or any specific class of individuals has been, or is being subjected to discrimination prohibited by the nondiscrimination and equal opportunity provisions of the WIA regulations may file a written complaint or a representative may file on his or her behalf. All complaints must be in writing and must contain the following information: :

- (c) Be signed by the complainant or his/her representative;
- (b) Contain the complainant's name, address or other means of contacting him/her;
- (c) Identify the Respondent; and,
- (d) Describe the Complainant's allegation in sufficient detail to allow the County EEO staff to determine whether: (1) LWIA or CRC has jurisdiction over the complaint; (2) the complaint was filed timely (i.e. within 180 days of the occurrence); and (3) the complaint has apparent merit (i.e. whether the allegations, if true, would violate any of the nondiscrimination and equal opportunity provisions of the WIA).

**§ 605. Person and Place of Contact:** Complaints filed with the Los Angeles County Workforce Investment Board (WIB) should be directly mailed to:

**Los Angeles County Department of  
Community and Senior Services  
3175 West Sixth Street  
Los Angeles, California 90020-1708  
Attn: Walter Bogaardt, EEO/Compliance Officer**

Complaints filed with the County of Los Angeles Workforce Investment Board (WIB) will be processed through the Department of Community and Senior Services (CSS). CSS will investigate and prepare a written report that will be sent to the complainant and the respondent to attempt to resolve the complaint informally within thirty (30) days of filing of the complaint.

CSS will also provide copies to each of the following State Offices:

- Equal Employment Opportunity Office
- Local Policy Guidance -Workforce Investment Division (WID)

**§ 606. Alternative Dispute Resolution (ADR).** The choice to use Alternative Dispute Resolution (ADR) procedures rests with the complainant.

(b) A party to the agreement reached under ADR may file a complaint with CRC in the event the agreement is breached. In such circumstance, the following rules apply:

- (1) The non-breaching party may file a complaint with CRC within 30 days of the date on which the non-breaching party learns of the alleged breach;
- (2) The CRC will evaluate the circumstances to determine whether the agreement has been breached. If the CRC determines that the agreement has been breached, the complainant may file a complaint with the CRC based upon his/her original allegation(s) and the CRC will waive the deadline for filing such a complaint.

(b) If the parties do not reach an agreement under ADR, the complainant may file directly with CRC pursuant to Title 29 CFR Sections 37.71 to 37.74.

**§ 607. Administrative Hearing.** If an informal resolution cannot be reached, the complainant may request an administrative hearing. The request for administrative hearing shall be within five (5) days of the informal resolution meeting.

(a) The administrative hearing shall be scheduled before the EEO Officer. The administrative hearing shall be scheduled within 30 days of filing the request for hearing. A Notice of Final Action shall be issued by the County within 90 days of filing the complaint. The Notice of Final Action shall include notification of the right to file a complaint with the Department of Labor, Civil Rights Center (CRC).

(b) If the complainant wishes to file a complaint with CRC, he/she must wait until the County issues a decision or until 90 days have passed since the filing of the original complaint with the County.

(c) If after the 90 days above, the complainant is still dissatisfied with the resolution of the complaint, the complainant or his/her representative may file directly with the CRC within 30 days of the date that the complainant received the Notice of Final Action from the County.

In the event that the complainant has not received the Notice of Final Action within 90 days of filing, the complainant may file the complaint with the CRC. In other words, the complaint must be filed with the CRC

within 120 days of the date of which the complaint was filed with the County.

**§ 608. Notice of Lack of Jurisdiction.** The County shall notify the complainant in writing immediately upon determining that it does not have jurisdiction over the complaint that alleges a violation of the nondiscrimination and equal opportunity provisions of WIA. The Notice of Lack of Jurisdiction shall include the basis for such determination, as well as a statement of the complainant's right to file a written complaint with CRC within 30 days of receipt of the Notice.

(b) The County, complainant, or a legal representative may contact CRC for information regarding the complaint filed.

**§ 609. Procedure For Filing Discrimination Complaints With the Civil Rights Center (CRC)**

A complaint filed with the CRC must be done **within 180 days** of the alleged discrimination. The CRC, for good cause shown, may extend the filing time. In order to receive an extension, the Complainant must be notified by CSS that a waiver letter is to be filed with CRC. The waiver letter should include the reason the 180 day time period elapsed. The time period for filing is for the administrative convenience of the CRC and does not create a defense for the Respondent.

(a) Complaints filed with Civil Rights Center (CRC) should be mailed to:

N.W., Room N-4123

Civil Rights Center (CRC)  
U.S. Department of Labor  
200 Constitution Avenue

Washington, D.C. 20210

(c) Complaints filed should be in writing. The complaint must be signed, dated, and contain the following information:

- (1) Be signed by the complainant or his/her representative;
- (2) Contain the complainant's name, address, or other means of making contact;
- (3) Identify the respondent; and
- (4) Describe the complainant's allegation in sufficient detail to allow CRC or CSS (County), as applicable, to determine whether a) CRC or CSS (County) has jurisdiction over the complaint (b) the complaint was filed timely; and (c) the complaint has apparent merit, i.e. whether the allegations, if true, would violate any of the nondiscrimination and equal opportunity provisions of WIA.

(c) Each complainant and respondent has the right to be represented by an attorney or other individual of his/her choice.

**§ 610. Actions by the Civil Rights Center.** When a complaint filed contains insufficient information, CRC will seek the needed information from the complainant. If the complainant is unavailable after reasonable efforts have been made to reach him/her, or the information is not provided within the time specified, the complaint file may be

closed without prejudice upon written notice sent to the complainant's last known address.

- 1 The CRC (WIA Section 183 (c)) may issue a subpoena to the complainant to appear and give testimony and /or produce documentary evidence, before a designated representative, relating to the complaint under investigation. This procedure can be done at any place and time in the United States.
- 2 Where the CRC lacks jurisdiction over the complaint, CRC shall notify the complainant and give the reason(s) for this determination.
  - (c) If the complainant alleges more than one kind of complaint , "joint complaint" e.g. individual employment discrimination, age discrimination, equal pay discrimination, etc., CRC shall refer such joint complaint to the **Equal Employment Opportunity Commission** for investigation and conciliation pursuant to Title 29 CFR, Parts 1690 or 1691.

**§ 611. Allegations of Discrimination by One-Stops.** Under the One-Stop delivery system where an allegation of discrimination is made against an entity that operates a program or activity financially assisted by a federal grant-making agency other than DOL, but participates as a partner in a One-Stop delivery system, the following procedures apply:

- (a) If the complainant alleges discrimination on a basis that is prohibited both by Section 188 of WIA and by a civil rights law enforced by the grant-making agency, CRC and the grant-making agency have dual jurisdiction over the complaint. The CRC will refer the complaint to the grant-making agency for processing and the grant-making agency's regulation will govern the processing of the complaint.
- (b) If the complaint alleges discrimination on the basis that is prohibited by Section 188 of WIA, but not by any civil rights laws enforced by the federal grant-making agency, CRC has sole jurisdiction over the complaint and will retain and process the complaint per Title 29 Part 37.

**§ 612. Initial and Final Determination by Civil Rights Center.** After making a cause of finding, CRC shall issue an Initial Determination. This notice will inform the complainant and the County in writing of the following:

- (a) The specific findings of the investigation;
- (b) The corrective action to be applied and time for completion.
- (c) The **Final Determination** represents DOL's final agency action on the complaint.

**§ 613. Prohibition Against Using Federal Funds for Monetary Compenstion.**

Monetary corrective action may not be paid from federal funds.

**§ 700. DISCRIMINATION BASED ON SECTION 504 OF THE REHABILITATION ACT.**

Complaints alleging discrimination on the basis of disability are to be filed directly with the Equal Employment Opportunity Office (EEOO) of the California Employment Development Department and mailed to the following address:

Chief, Equal Employment Opportunity Officer  
California Employment Development Department

P.O. Box 942880, MIC 49  
Sacramento, CA 94280-0001

**§ 701. Statute of Limitation.**

Complaints  
must be made  
in writing within  
180 days of the  
alleged  
violation(s).