



LOS ANGELES COUNTY

WIA Adult and Dislocated Worker and Youth Programs

DIRECTIVE

NUMBER: LACOD-WIAD08-21

**SUBJECT: Los Angeles County Workforce
Investment Board Grievances and
Complaints Policy**

DATE: 03/17/08

EFFECTIVE DATE: 03/17/08

PAGE 1 of 9

OVERVIEW:

The Los Angeles County Workforce Investment Board (WIB) has approved a policy that establishes a mechanism for WIA contractor grievances and complaints to be heard and resolved by a WIB Review Panel.

Purpose:

This directive provides information and guidance to County Workforce Investment Act (WIA) program contractors on the WIB's policy and procedures for filing grievances and complaints with the Los Angeles County Department of Community and Senior Services (CSS) and for requesting a hearing by a WIB Review Panel under the oversight and direction of an impartial "Hearing Officer."

Scope:

The directive complies with the grievance and complaint provisions of WIA Section 181(c). It supplements, but does not replace, an existing County WIA policy (expressed within County WIA Directive D-DWA-00-045), which addresses grievances procedures for program participants and other interested parties (including contractors). This supplemental directive only addresses "adverse action" complaints involving contractors. It does not duplicate the existing County policy.

The WIB's policy on the hearing and resolution of WIA Contractor grievances and complaints has been developed as part of an overall Accountability system, which the WIB has adopted to ensure that all County workforce development system stakeholders are able to meet their responsibilities under the County's WIA program. A 30-day comment period was initiated, during which time the policy was transmitted in draft form to system stakeholders and a WIA Contractors' Forum was held to discuss the policy. Stakeholder comments regarding the independence of a Hearing Officer, who will guide the complaint review process, have been incorporated into the policy.

Effective Date:

This directive is effective on the date of its issuance.

Definitions:

For the purposes of the policies, principles and procedures described herein, the following definitions will apply:

- “Adverse action” signifies a grievance or complaint for which the basis is an allegation that an action(s) of CSS and/or the WIB is against the best interest of the County’s WIA programs, customers, and the communities its serves.
- “Complainant” means any County WIA contactor alleging an “adverse action” against the County’s WIA Program.
- “Contractor” means an entity or organization that has been awarded a WIA subgrant or contract by the County CSS and the WIB.
- “Days” means consecutive calendar days, including weekends and holidays.
- “Grievance” or “complaint” means a written expression by a contractor alleging an “adverse action” against the County’s WIA program, participants or communities served. All complaints, amendments, and withdrawals shall be in writing.
- “Hearing Officer” means an impartial party who shall preside at a hearing on a grievance or complaint. The Hearing Officer will oversee the review, decision-making, and resolution/notification of the WIB Review Panel.
- “Respondent” means the individual or organization who the complainant alleges is responsible for an “adverse action.”
- “WIB Review Panel” is a group comprised of WIB members and non-WIB members, which is appointed by the WIB Chair to hear and resolve County WIA contractor grievances. The Panel shall review and render decisions in response to contractor grievances or complaints in accordance with procedures prescribed pursuant to the WIB hearing and resolution system policy adopted by the WIB.

References:

- WIA Section 181(c) – *Grievance Procedure*

- Title 20 CFR Part 667.600 - *What local area, State and direct recipient grievance procedures must be established?*
- State EDD Workforce Investment Act Directive – *Grievance and Compliant Procedures*
- Los Angeles County WIA Adult and Dislocated Worker Directive (D-DWA-000-045) – *Workforce Investment Act (WIA) Complaint and Resolution Policies and Procedures*

BACKGROUND:

Title 20 CFR (i.e., the WIA regulations) Section 667.600 requires each local workforce investment area (LWIA), State, and direct recipient of funds under Title I of WIA to establish and maintain a procedure for grievances and complaints from participants and other interested parties affected by the local workforce investment system, including One-Stop partners and service providers and the statewide workforce investment programs. In accordance with this requirement, CSS has previously issued a WIA Directive (D-DWA-00-045) that provides general procedures for filing grievances and complaints by any interested party.

The need for a policy and procedures that specifically create a mechanism for the hearing and resolution by the WIB of County WIA contractor “adverse action” grievances is an outgrowth of the WIB’s desire to function as a solution-oriented board able to resolve contractors’ problems/issues at the WIB-level and, thus, minimize contractors’ needs or desires to direct their complaints to the Los Angeles County Board of Supervisors; the chief elected officials who have ultimate authority over the County’s WIA funds.

This policy, along with its corresponding principles and procedures, departs in content and form from the grievance and complaint policy/procedures established under County WIA Directive D-DWA-00-045 based on the following provisions:

- This policy is directed exclusively to WIA contractors and is not applicable to individuals who use and/or seek WIA services;
- Distinct from alleged violations of the WIA statutory provisions, regulations, and grants/contracts, the policy will address grievances and complaints by WIA contractors that allege that actions of CSS and/or the WIB are against the best interests of the County’s WIA program, customers, and the communities its serves. Grievances and complaints in this category will be referred to as “adverse action(s).”
- Complaints filed under the procedures established by this policy directive will be heard and will result in a determination rendered by a WIB Review Panel established by the Chair of WIB.

POLICY/PRINCIPLES/PROCEDURES:

The specific provisions of the Los Angeles County Workforce Investment Board Grievances and Complaints Policy are embodied within the following statements of policy, principles and procedures.

Policy:

It is the policy of the Los Angeles County Workforce Investment Board that:

1. County WIA contractors may file a written grievance concerning an “adverse action(s)” of CSS and/or the WIB that the contractor believes are against the best interests of the County’s WIA programs, customers, and the communities it serves.
2. The principles and procedures set forth in this directive shall be used to resolve complaints and grievances by WIA contractors.
3. The principles and procedures set forth in this directive shall govern the treatment and handling of all programmatic grievances and complaints from WIA contractors.

Principles:

These procedures will guide the receipt, hearing, and resolution of non-criminal grievances and complaints relating to programs and activities that are funded with WIA Title I grant monies by the County of Los Angeles. The procedures will be available for use by all contractors seeking remedies in response to “adverse actions” affecting WIA programs, customers, and communities within Los Angeles County.

Procedures:

Following are the procedures for processing grievances in accordance with the Los Angeles County Workforce Investment Board Grievances and Complaints Policy:

1. *Form and Filing of Grievance or Complaint*

The official filing date of the grievance or complaint is the date that the written grievance or complaint is received by CSS. The receipt of the complaint must occur within one year of the aggrieved action. The filing of the grievance or complaint will be considered a request for hearing and the County, through an impartial Hearing Officer, will issue a written decision on behalf of CSS within 60 days of the filing of the grievance or complaint.

Form: The grievance or complaint must be in writing, in a form/template provided by CSS, signed and dated. For resolution purposes, CSS requires the following for all complaints:

- Contractor name, telephone number, mailing address, and contact person/title;
- A clear and concise statement of the facts and dates describing the alleged “adverse action”;
- The individual or organization alleged to have committed the “adverse action;”
- The remedy sought by the contractor.

The absence of any of the requested information shall not be a basis for dismissing the grievance or complaint.

A grievance or complaint may be amended to correct technical deficiencies at any time up to the time of the hearing. Grievances or complaints may not be amended to add new issues. A one-year time period in which a grievance or complaint may be filed is not extended for grievances or complaints that are re-filed with amendments. Grievances or complaints may be withdrawn at any time prior to the issuance of the WIB Review Panel’s decision. CSS will send a copy of the grievance or complaint to the respondent.

Filing: County WIA contactors seeking to file grievances or complaints of a nature outlined within the above policy statement must transmit their written statements to CSS by first class mail or similar delivery as follows:

Josie Marquez, Assistant Director
County of Los Angeles
Community and Senior Services
3175 West Sixth Street
Los Angeles, CA 90020

Contractors requiring technical assistance on how to file a grievance or complaint should contact Maggie Mireles at (213) 738-2198, or at email: mmireles@css.lacounty.gov; or Robert Brieff at (213) 351-8924, or at email: rbrieff@css.lacounty.gov.

2. *Informal Resolution*

Upon receipt of a written contractor grievance or complaint, CSS will seek to resolve the issue informally prior to a scheduled hearing by the WIB Review Panel. Participation in the formal process is not determinative of a

party's right to a hearing, and evidence of such participation or failure thereof is impermissible at the hearing. When a complaint is not resolved informally or is not withdrawn, it must be given a hearing, regardless of the apparent merit or lack of merit of the grievance or complaint.

When the complaint has been resolved through the informal resolution process, CSS shall attempt to contact the contractor's representative/contact person and have him/her provide a written withdrawal of the complaint within ten (10) days of the receipt of the notice of resolution or impasse where a complainant decides not to proceed to a WIB Review Panel hearing.

3. *Notice of Hearing*

Hearings on any grievance or complaint shall be conducted within 30 days of a contractor's filing of a grievance or complaint. The contractor (complainant) must be notified in writing of the hearing 10 days prior to the date of the hearing. The 10-day notice may be shortened with written consent of both parties. The hearing notice shall be in writing and contain the following information:

- The date of the notice, name of the complainant, and the name of the party against whom the grievance or complaint is filed.
- The date, time, and place of the hearing before a WIB Review Panel, which shall be led by an impartial Hearing Officer.
- A statement of the "adverse action." These statements 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.
- The name, address, and telephone number of contact person issuing the notice.

4. *Conduct of Hearings*

An impartial Hearing Officer will direct and oversee the hearing by a WIB Review Panel. The WIB Chair will select as a Hearing Officer an individual with the appropriate qualifications and experience to guide the WIB Review Panel through the hearing and resolution process. Persons selected to serve as Hearing Officers will include volunteer mediators from organizations contracting with the County's Dispute Resolution program and similar individuals.

The Hearing Officer may request the assistance of County Counsel as advice counsel during the hearing.

The WIB Chair will appoint a Review Panel comprised of three (3) to five (5) members. The Review Panel shall consist of a combination of WIB members and non-WIB members, but must have a majority non-WIB membership. Individuals eligible to fill non-WIB member seats on the Panel include:

- Workforce development system professionals, such as managers from State and local agencies;
- Human Resources professionals from the public or private sectors;
- Other government or business professionals determined by the WIB to be suitable for the assignment.

Members of the Review Panel must be determined by the Chair to be free from any real or perceived conflict of interest in the matter being reviewed.

The hearing will be conducted in an informal manner with strict rules of evidence not being applicable. However, both the complainant and the respondent will have the right to present written and/or oral testimony and arguments; the right to call and question witnesses in support of their position; the right to present and examine records and documents relevant to the issues; and the right to be represented. In cases where CSS or the WIB is the alleged perpetrator of an "adverse action," CSS will designate a representative to serve as the respondent for CSS, the WIB or both.

The Hearing Officer and members of the WIB Review Panel will have the right to ask questions of both the complainant and the respondent during the hearing. The hearing will be electronically recorded.

5. *Decision*

Following the hearing, the WIB Review Panel will meet in closed session with the Hearing Officer. The Hearing Officer will lead a discussion regarding the testimony provided and evidence presented within the hearing. Following the discussion, the Hearing Officer will call for a vote in favor or opposed to upholding the contractor's complaint. In the case of a tie, the Hearing Officer will cast the tie-breaking vote.

Not later than 60 days after the filing of the grievance or complaint, the Hearing Officer shall mail a written decision to the contractor, which shall contain the following information.

- The name of contractor that filed the grievance and the contractor's contact person on the matter;

- A statement of the “adverse action(s)” and issues related to the matter;
- A statement of the facts;
- A statement by the Hearing Officer that he or she affirms that the WIB Review Panel acted impartially in reviewing and reaching a decision concerning the grievance/complaint; or a statement to the contrary, if applicable.
- The WIB Review Panel’s decision and the reasons for the decision;
- A statement of corrective action or remedies for “adverse actions”, if any, to be taken; and
- Notice of the right to address their concerns to the Los Angeles Board of Supervisors, if a contractor is dissatisfied by decisions of the WIB Review Panel. Contractors should be aware that a designated Deputy for all five County Supervisors will receive full and complete documentation pertaining to all WIB Review Panel hearings and determinations

Copies of the Hearing Officer’s written decision shall also be mailed to the respondents, each member of the WIB Review Panel, the WIB Chair, the WIB’s Executive Director, and a designated Deputy for each member of the Los Angeles County Board of Supervisors.

6. Appeals

Appeals to the Board of Supervisors should be directed to the appropriate Board office. Contact information for each office of the County Board of Supervisors is available at: www.bos.co.la.ca.us.

Contractors requiring technical assistance on how to file a grievance or complaint with the County Board of Supervisors should contact Maggie Mireles at (213) 738-2198, or at email: mmireles@css.lacounty.gov; or Robert Brieff at (213) 351-8924, or at email: rbrieff@css.lacounty.gov

ACTION:

Los Angeles County WIA Contractors should ensure that the policies and procedures described herein are communicated throughout the management and governance structure of the contractor organization and that this Directive is appropriately maintained until further notice.

INQUIRIES:

Inquiries regarding this directive and the policies and procedures described herein should be directed to Maggie Mireles at (213) 738-2198, or at email: mmireles@css.lacounty.gov; or Robert Brieff at (213) 351-8924, or at email: rbrieff@css.lacounty.gov



**Josie Marquez, Executive Director
Workforce Investment Board**