

# North Central Workforce Development Area

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## LOCAL ONE STOP GUIDANCE

Guidance #: <u>LOG 10-04</u> Date: <u>March 11, 2010</u>
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TO: Wagner-Peyser, Trade Act, and/or WIA Title I-B related services, One-Stop Operators, and all service providers and program partners providing services in a Certified Center or Affiliate.

SUBJECT: Initial Customer Complaint Procedure

REFERENCE: WorkSource Service Delivery System Policy # 1012

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<b>Effective Date: July 1, 2011</b>
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## GUIDANCE

In accordance with WorkSource Service Delivery System Policy # 1012, Operators, partners and service providers in a Certified Center or Affiliate will comply with the following standards and measures as applicable.

1. **Standard:** Each Center have local initial complaint policies or processes that address:
  - a. Procedures for assisting a customer interested in filing a complaint;
  - b. Referral to appropriate complaint contact(s);
  - c. Customer notification of the right to complain; and
  - d. Complaint jurisdiction determination and coordination when appropriate.

**Measure:** Each WorkSource Center submits a local initial complaint policy or process to the WDC that is attached to the Memorandum of Understanding so that all partners are aware of the process to be followed.

2. **Standard and Measure:** Each WorkSource Center or site place a [WorkSource complaint poster](#) in a visible area where customers most commonly gather, such as the resource room.
3. **Standard:** All partners must receive training or have working knowledge of the initial site complaint process and, if applicable, program complaint processes. All partners must also be able to identify the appropriate local complaint contact(s) at the WorkSource center or affiliate. The level of training or working knowledge required shall depend on the level of responsibility assigned to staff in processing complaints.

**Measure:** the One-Stop Operator or Affiliate Manager documents that all partners and /or staff received training and/or can demonstrate working knowledge of initial complaint process. Local program administrators must also have documentation that indicates program complaint contacts received required training and, or program complaint contacts can demonstrate working knowledge of applicable program complaint processes.

# WorkSource Service Delivery System Policy

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**EFFECTIVE DATE:** July 1, 2010  
**SYSTEM POLICY NUMBER:** 1012  
**SUBJECT:** Initial Customer Complaint Policy

## SCOPE

*This policy applies to State grantees and sub-recipients who deliver Wagner-Peyser, Trade Act, and/or WIA Title I-B related services. It also applies to Workforce Development Councils (WDCs), One-Stop Operators, and all service providers and program partners providing services through the local WorkSource System.*

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## PURPOSE

The two primary purposes of this policy are: 1) to ensure customers expressing initial interest in filing a complaint (see definition) can be assisted by any partner in a WorkSource site and referred to appropriate complaint contacts (see definition), and 2) to require programs to have state complaint policies outlining responsibilities and procedural requirements.

## BACKGROUND

Different program requirements set by authorizing legislation, regulations, and/or state law vary, and therefore are not conducive to a single process for handling complaints in the WorkSource system at the local level. However, in an integrated service delivery setting there are activities that occur at the initial stages of handling customer complaints that benefit from a consistent locally defined process. This policy is designed to set policy criteria and standards for WorkSource partners to better assist them with customers expressing an initial interest in filing a complaint at a local WorkSource site.

## POLICY

### A. State Complaint Policies

State administrators of Wagner-Peyser (Labor Exchange, H-2A, MSFW, and Veterans), Trade Act, and WIA funded programs must develop and maintain complaint policies for each program. These policies must include requirements for processing complaints based on each program's authorizing legislation, regulations, and, or state law. The Methods of Administration (see definition) and state policies must be developed and maintained for discrimination complaints. The Methods of Administration and all state policies must be available to all WorkSource partners.

### B. Local WorkSource Sites

WorkSource sites must ensure immediate and consistent processing whenever a customer has expressed an interest in, or chooses to file a complaint. All WorkSource partners located at WorkSource sites must be able to assist customers interested in filing a complaint, which at a minimum, includes directing the individual to the appropriate local complaint contact.

If a customer chooses to file a complaint and the complaint is determined to be within a partner's jurisdiction, the complaint must be referred to the appropriate complaint contact(s) to ensure compliance

with each partner's authorizing legislation, regulation, and/or state law for the applicable program. For Wagner-Peyser, Trade Act, and WIA funded programs, complaints must be processed in a manner consistent with state policies by the appropriate designees. Discrimination complaints must be referred to the WDC Equal Opportunity Officer or State Equal Opportunity Officer, depending on the program involved.

### **1. Local Program Complaint Process Responsibility**

Each local program administrator, in order to ensure a customer friendly complaint process, shall:

- Designate a local program complaint contact and a back-up complaint contact to process program related complaints when it is determined to be within that partner's program jurisdiction. All program complaint contacts must be aware of applicable state and local program policies and the WorkSource site initial complaint policy or process; and
- Ensure local program complaint contacts, if appropriate, share information and coordinate on complaints that involve multiple allegations, multiple complaint processes, multiple partners, and/or multiple agencies with investigative authority.

A program complaint and a discrimination complaint cannot be processed together and must be formally resolved as separate complaints.

### **2. Initial Complaint Policy/Process**

All WorkSource sites must have a written complaint policy or process that addresses procedures for assisting a customer who expresses interest in filing a complaint at any point of service. This policy or process should include, at a minimum, a requirement that all partners can identify the appropriate complaint contacts and refer customers interested in filing a complaint to the appropriate complaint contact(s).

Complaint contacts assisting a customer shall be responsible for immediately notifying a customer alleging a violation of program law or regulations, or discrimination law or regulation, of their right to file a written complaint.

Each local WorkSource system partner must understand and agree to the policy or process which shall be attached to the Memorandum of Understanding, so that all partners are aware of the process to be followed for assisting customers interested in filing a complaint.

### **3. Local Initial Complaint Process Responsibility**

Under guidance from the Workforce Development Council (WDC), the One-Stop Operator is responsible for ensuring:

- Each site has a common initial complaint policy or process so that all customers interested in filing a complaint are notified of their rights and, if appropriate, referred to a complaint contact with program jurisdiction; and
- The [WorkSource complaint poster](#) is displayed in a visible area where customers most commonly gather.

## **STANDARDS AND MEASURES**

1. Standard: State Administrators for Wagner Peyser, Trade Act, and WIA Programs must have state complaint policies. Wagner Peyser, Trade Act, and WIA programs must also have state complaint policies governing discrimination complaints. All State policies must be made available and distributed to all WorkSource partners. Complaint policies should, at a minimum, include:
  - a. Complaint processing procedures;

- b. Timelines for referring and, or resolving program complaints that are consistent with federal regulations; and
- c. Complaint filing requirements.

**Measure:** State complaint policies for Wagner Peyser, Trade Act, and WIA funded programs and State complaint policies governing discrimination complaints for each program are available and distributed to all WorkSource partners.

4. **Standard:** Under guidance from the Workforce Development Council (WDC), each One-Stop Operator must ensure local WorkSource sites have local initial complaint policies or processes that, at minimum, address:
- a. Procedures for assisting a customer interested in filing a complaint;
  - b. Referral to appropriate complaint contact(s);
  - c. Customer notification of the right to complain; and
  - d. Complaint jurisdiction determination and coordination when appropriate.

**Measure:** Each WorkSource site under this policy has a local initial complaint policy or process that must be attached to the Memorandum of Understanding so that all partners are aware of the process to be followed.

5. **Standard:** Each One-Stop Operator shall ensure all WorkSource sites under this policy place a [WorkSource complaint poster](#) in a visible area where customers most commonly gather, such as the resource room.

**Measure:** Each WorkSource center and affiliate displays at least one [WorkSource complaint poster](#) in a visible location where customers most commonly gather.

6. **Standard:** All partners must receive training or have working knowledge of the initial site complaint process and, if applicable, program complaint processes. All partners must also be able to identify the appropriate local complaint contact(s) at the WorkSource center or affiliate. The level of training or working knowledge required shall depend on the level of responsibility assigned to staff in processing complaints.

**Measure:** In a Workforce Development Area, the One-Stop Operator has documentation that all partners received required training and, or partners can demonstrate working knowledge of initial complaint process. Local program administrators must also have documentation that indicates program complaint contacts received required training and, or program complaint contacts can demonstrate working knowledge of applicable program complaint processes.

## DEFINITIONS

**Complaint** - A written and signed document alleging violation of Wagner-Peyser, WIA-Title I-B, or Trade Act regulations and/or federal, state or local nondiscrimination laws. E-mail and handwritten allegations may be treated as a written and signed document depending on program requirements provided for each program complaint process.

**Complaint Contact** - Program management or staff designated by program Administrators responsible for processing program complaints. WDC Equal Opportunity officers or the State Equal Opportunity Officer may serve as a complaint contact for discrimination complaints. A contact may also be appointed by the One-Stop Operator that initially assists all customers interested in filing a complaint at a local WorkSource office and determines partner(s) program's complaint jurisdiction if a complaint is subsequently filed.

**Methods of Administration** – A document that describes the actions a state is taking, as a recipient of USDOL financial assistance, to ensure adherence to the nondiscrimination and equal opportunity requirements of Section 188 of the WIA and its implementing regulations. This document is revised as needed by ESD and its partners, signed by the Governor, and submitted to the U.S Department of Labor Civil Rights Center for recertification every two years.

## REFERENCES

The Code of Federal Regulations, Title 20, Chapter V, Part 651, 653, and 658.

The Code of Federal Regulations, Title 29, Part 37.

All applicable Laws and Federal Regulations for the system, as described in:

WIA Complaint Policy: [WIA Policy Number 3440, Revised Final](#)

Equal Opportunity and Nondiscrimination: [WIA Policy Number 3445, Revision 1](#)

Equal Opportunity and Discrimination Complaint Processing:  
[WIA Policy Number 3450, Revised Final](#)

[ESD Policy and Procedure Number 0013, Discrimination Complaint Processing](#)

[ESD Policy and Procedure Number 0021, Equal Opportunity/Affirmative Action](#)

[Washington State Methods of Administration](#)

## WEBSITE

<http://www.wa.gov/esd/policies/systems.htm>

## DIRECT INQUIRIES TO

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