



**SAN JOAQUIN COUNTY WORKNET  
 EMPLOYMENT AND ECONOMIC DEVELOPMENT DEPARTMENT  
 POLICIES AND PROCEDURES DIRECTIVE**

DIRECTIVE NO.	EFFECTIVE DATE	APPLICABILITY	PAGE
23-10	February 26, 2024	Departmental	1 of 7
<p align="center"><b>SUBJECT: GRIEVANCE AND COMPLAINT PROCEDURES</b></p>			

**I. PURPOSE**

It is the policy of San Joaquin County Employment and Economic Development Department that no individual shall be denied service or otherwise incur retaliation because of him/her exercising his/her right under the law to file a complaint or grievance.

In adherence to federal regulations and state directives under the Workforce Innovation and Opportunity Act (WIOA), San Joaquin County WorkNet/America's Job Center of California (AJCC) has established a comprehensive grievance/complaint procedure. The purpose of this policy is to ensure prompt review, impartial consideration, and equitable resolution of administrative and Equal Employment Opportunity (EEO) complaints presented by complainants within any WorkNet/AJCC Center under WIOA.

**II. GENERAL INFORMATION**

This directive in accordance with the Workforce Innovation and Opportunity Act (WIOA), as outlined in Title 20 Code of Federal Regulations (CFR), recipients of WIOA funds, excluding Job Corps, are mandated to institute and uphold hearing and appeal procedures. This includes the establishment of resolution and appeals processes to address program-related grievances and complaints. Title 20 CFR ([683.600](#) and [683.610](#)), presents the requirements for comprehensive grievance procedures at the local, state, and federal levels. These rules set the standards for handling grievances and complaints in compliance with WIOA guidelines.

This PPD supersedes PPD D-57 2021 Grievance and Complaint Procedure.

**References**

- [WIOA \(Public Law 113-128\) Section 181\(c\)](#)
- [Title 20 Code of Federal Regulations \(CFR\) Sections 683.600 and 683.610](#)
- [WSD18-05 WIOA "Grievance and Complaint Resolution Procedures"](#)

## Definitions

**Complainant** – any participant or other interested or personally affected party alleging a noncriminal violation of WIOA Title I requirements.

**Complaint file** – a file that is maintained in a central location within each office, which includes a copy of each complaint filed along with pertinent documentation.

**Compliance Review Office** – the organization within the EDD that oversees the administrative resolution of WIOA programmatic complaints.

**Days** – consecutive calendar days, including weekends and holidays.

**Grievance or complaint** – a written expression by a party alleging a violation of WIOA Title I, regulations promulgated under WIOA, recipient grants, subgrants, or other specific agreements under WIOA.

**Hearing Officer** – an impartial person or group of persons that shall preside at a hearing on a grievance or complaint.

**State Review Panel** – an entity within the EDD composed of representatives from EDD's Compliance Review Office, Legal Office, and Director's Office. This panel shall review and approve or disapprove decisions and recommendations regarding grievances or complaints.

## III. POLICY

This directive applies to all WorkNet/AJCCs funded under WIOA. It will be our policy to comply with the procedures outlined in the EDD Workforce Services Directive [WSD18-05](#) WIOA Grievance and Complaint Resolution Procedures. It is important to note that this policy does not extend to complaints related to fraud and abuse, nor does it cover alleged discrimination based on participant disabilities.

This policy is based on EEDD interpretation of WIOA law and subsequent federal, state, and local laws, regulations, and policies and will be reviewed and updated based on any additional federal or state guidance.

## IV. PROCEDURE

At every stage of the grievance/complaint process, complainants have the right to be represented by a person or persons of their choice, at their own expense. WorkNet/AJCC provides all complainants with the right to free technical assistance. Grievances/complaints must be filled within one year of the alleged violation. All grievances/complaints, amendments and withdrawals must be in writing.

## I. Filing the Grievance/Complaint

Grievances/complaints must be in writing, signed and dated. The date the grievance/complaint is received by WorkNet, its service providers, One-Stop partners or subrecipients, shall be considered the date of filing. The grievance/complaint shall be considered a request for hearing. WorkNet/AJCC shall issue a written decision within 60 days of the filing date.

### A. Complaint Information

1. The grievances/complaints must provide the following in the original filing:
  - a. The full name, telephone number and mailing address of the complainant;
  - b. Full name, telephone number and mailing address of the agency and person involved (respondent);
  - c. A clear and concise statement of the facts of the alleged violation, including dates and any supporting documentation available;
  - d. What the complainant believes are the violation(s) of WIOA, federal regulations, labor standards, grants, or agreements, to the best of the complainant's knowledge;
  - e. Grievances/complaints against individuals, including participants or staff should indicate how those individuals did not comply with the WIOA law, regulation, or contract; and
  - f. The remedy sought by the complainant.

### B. Timeline for filing original complaint

1. Any absence of the required information will constitute grounds for dismissal of the grievance/complaint.
2. The written complaint must be made within one year of the alleged occurrence.
3. Complaints alleging discrimination based on a participant's disability must be filed within 180 days of occurrence.
4. A complainant has the right to withdraw their grievance/complaint in writing at any time prior to the formal hearing.
5. Grievances/complaints may be amended to clarify issues, but not to add new allegations.

6. All complaints submitted to WorkNet/AJCC must be mailed to:  
Stockton WorkNet Center, Attention: Patricia Virgen, 6221 West Lane, Suite 105, Stockton, CA 95210.

C. Informal resolution of the complaint

1. WorkNet/AJCC will notify the complainant and the respondent for the opportunity of an informal resolution.
2. Respondents must make good faith efforts to resolve all grievances/complaints prior to the scheduled hearing. Failure on the part of either party to exert good faith efforts will not constitute a basis for dismissing a grievance or complaint, nor will it be considered to be a part of the facts to be judged in the resolution process.
3. WorkNet/AJCC will ensure that any grievance/complaint not resolved in the informal resolution process, will be provided a formal hearing, regardless of the merit of the grievance/complaint.
4. When a complaint has been resolved through the informal resolution process, WorkNet/AJCC will attempt to contact the complainant and have them 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.

D. Hearing process

Complainant may have representation if desired. Both parties will have the opportunity to examine relevant records and documents, to present written or oral testimony and to call and/or question witnesses. The hearing will be recorded either mechanically or by a court reporter. If an informal resolution is not possible between the complainant and respondent, WorkNet/AJCC must notify the complainant in writing of the next formal procedural step in the grievance process.

II. Notice of Hearings

In the event a decision cannot be reached through the informal resolution process, WorkNet/AJCC will:

- A. Conduct a hearing by an impartial independent hearing officer within 30 days of the filing a grievance/complaint.
- B. Notify the complainant and respondent of the "Notice of Hearing" not less than 10 days prior to the date of the hearing by certified mail (return receipt requested). The time of the hearing may be earlier if mutually agreed to by both parties.

- C. The following information should be included in the written Notice of Hearing;
1. Grievances/complaint case number, name of complainant, name of respondent, date of grievance/complaint;
  2. Date, time, and location of the hearing; and
  3. A statement of the alleged violation(s). 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.
- D. A request for a 5-day postponement may be granted to either party upon a showing of good cause to the Hearing Officer, provided the hearing is still conducted within thirty days of the filing of the grievance/complaint.

### III. Rules of the Hearing

- A. Will be held in an informal manner;
- B. The presentation of both written and oral testimony will be allowed;
- C. Both parties may present witnesses and the right to cross-examine the witness; and
- D. Both parties have the right to examine all relevant records and documents submitted.
- E. The hearing will be recorded electronically or by a court reporter.

### IV. Decision

- A. The decision will be made no later than 60 days after the filing date (Note: Time spent in informal resolution efforts may not extend this time limit) and must include:
  1. The names of the parties involved;
  2. A statement of the alleged violation(s) and any related issues;
  3. A statement of facts;

4. The hearing officer's decision on the issue and the reasons for the decision;
5. Description of the corrective action, if necessary to comply with the decision;
6. Notification that an adverse decision may be appealed by the complainant to the State Review Panel; and
7. Notice of the right to file a complaint with the ORC Regional Office pursuant to §144(c) of Public Law 97-300, within 10 days of the receipt of the decision when any party disagrees with the decision.

B. The decision will be delivered to all parties by first class mail.

C. If the decision is not issued within 60 calendar days of the date of the filing of the complaint, or if either party is dissatisfied with the local hearing decision, either party has the right to file an appeal with the State.

A State hearing may be requested by submitting a written notice of appeal to:  
Chief, Compliance Review Office, MIC 22-M  
Employment Development Department  
PO Box 826880  
Sacramento, CA 94280-0001

D. 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

3. 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. The Secretary will issue a final determination no later than 120 days after receiving the appeal.

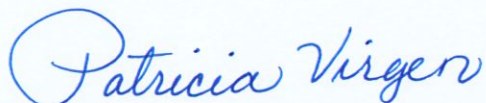
V. QUESTIONS REGARDING THIS DIRECTIVE

May be referred to the Executive Director of EEDD via Managers or designee.

VI. UPDATE RESPONSIBILITY

The Executive Director of EEDD and/or designee shall be responsible for updating this directive, as appropriate.

VII. APPROVED



PATRICIA VIRGEN  
EXECUTIVE DIRECTOR

PV:mm