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I. APPLICABILITY/SCOPE

This policy provides procedures to address grievances, complaints, and appeals alleging violations of Title I of the Workforce Innovation and Opportunity Act (WIOA) such as programmatic complaints in the operation and administration of services and activities. This policy does not apply to grievances or complaints alleging violation of the nondiscriminatory provisions of WIOA sec. 188, which are addressed in [700.705 Quality Assurance – Nondiscrimination Policy](#). This policy applies to all WIOA Title I-B subrecipients and sub-awardees.

II. PURPOSE

To provide an interested party affected by individuals or subrecipients delivering ARIZONA@WORK City of Phoenix Adult, Dislocated Worker and Youth Program and services including one-stop partners, the right to file a grievance or complaint alleging violations of the requirements of Title I of WIOA, pursuant to [20 CFR § 683.600\(b\)](#).

III. BACKGROUND

The Phoenix Business and Workforce Development Board (Board) and subrecipients/fiscal agents of Title I WIOA funds are required to establish a policy and maintain procedures to address complaints and grievances from participants and other interested parties affected by subrecipients delivering the ARIZONA@WORK City of Phoenix Adult, Dislocated Worker and Youth Program and services, including one-stop partners in compliance with [20 CFR § 683.600\(c\)](#).


IV. DEFINITIONS

Grievance: A circumstance thought to be unjust and grounds for a complaint. A grievance may be a written or verbal description of an alleged violation of the WIOA and may be dated and signed by an interested party.

Complaint: A formal charge or accusation. A complaint is a written description of an alleged violation of the WIOA and must be dated and signed by an interested party.

Appeal: Any written, dated, and signed communication by an interested party expressing their intent to appeal any action or inaction with respect to a grievance or complaint to a higher level. Any action pursuant to the original decision is stayed until a final decision is made by the State.

Hearing Officer: An impartial person or group of persons that shall preside at a hearing on a grievance or complaint.

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V. POLICY

A. COMPLAINTS AND GRIEVANCES FILING PROCEDURE:

This administrative process outlines the receipt, review, and resolution of the complaints or grievances submitted at any location where City of Phoenix subrecipients provide WIOA services.


1. Participants and other interested parties shall be provided a copy of the procedures for filing a grievance or complaint claim. The procedures must include the following:
 - a. A participant’s right to file a grievance or complaint within 180 days of the alleged occurrence.
 - b. Instructions and timelines for filing a timely grievance or complaint.
 - c. A participant’s right to receive technical assistance from subrecipients.
 - d. A participant may file an appeal or request a separate review by the State if they experience an incident of restraint, coercion, or reprisal as a result of filing a complaint or grievance.

2. Complaints and grievances are to be submitted in writing, which may also be submitted and processed electronically. The written notice of the complaint or grievance shall include the required information:
 - a. The name and address of the organization or person/s that is the focus of the complaint;
 - b. The name, address and signature of the person filing the complaint;
 - c. A clear and concise statement of allegation/s and facts of the case to include date of the alleged occurrence;
 - d. The resolution being sought;
 - e. The written notice must be signed by the complainant or their legal guardian/representative, if applicable.
 - f. The name, date and signature by the designated staff receiving the complaint.

3. Upon receipt of complaint or grievance, subrecipients or sub-awardees will:
 - a. File and enter complaint or grievance into their internal complaint log within one (1) business day of receipt.
 - b. All complaints or grievances filed or received must be date stamped and routed via email to the Board staff within seven (7) business days of receipt and include the following information:
 - i. A brief summary of the complaint.
 - ii. Any actions taken by the subrecipient to resolve all grievances or complaints.
 - iii. Provide any supporting documentation.

4. The Board staff will designate an impartial hearing officer who will be assigned to review, and provide a resolution to submitted claims, in accordance with this policy.

5. Complaints or grievances may be resolved through an informal resolution to be completed within sixty (60) days of the filing of the complaint or grievance.

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6. Reasonable efforts must be made to ensure that the information will be understood by participants and individuals, including youth and others with limited-English proficiency. These efforts are to comply with the language requirements pursuant to [29 CFR § 37.35](#).
7. Participants or other interested parties may file complaints directly to [the Arizona Department of Economic Security \(AZDES\)](#).
 - a. In general, AZDES shall refer grievances and complaints alleging violations of Title I-B to the Board staff for handling, but AZDES reserves the right to address the grievance or complaint.
 - b. A State (AZDES) level appeal may be filed when:
 - i. An appeal decision is not reached at the Board level within 60 days; or
 - ii. Either party is dissatisfied with the local hearing decision.
8. Board staff will notify the Arizona Department of Economic Security (AZDES) and the Workforce Arizona Council (state workforce board) when a grievance or complaint has been filed, and the outcome of the complaint or grievance upon completion of the process.

B. TIMELY COMPLAINT FILING:

1. For the purposes of this procedure, any complaint, grievance, appeal, or request are considered received and filed timely when:
 - a. A complaint is filed within 180 days of the alleged occurrence.
 - i. If sent through the U.S. Postal Service, the postmark or postage meter mark, on the envelope will be used to determine the filing date; or
 - ii. If there is no postmark or postage meter marked, or if the mark is illegible, it will be considered filed on the date it is received.
 - iii. If sent by any other method than the U.S. Postal Service it will be considered received on the date it is submitted.
 - iv. If a delay in filing is due to an error or misinformation by subrecipient staff with whom the complaint or grievance is filed, the time limitation will be adjusted in a manner that is fair and equitable to the complainant.

C. LACK OF INFORMATION IN A FILED COMPLAINT:

1. If a complaint or grievance does not contain the necessary information, the hearing officer must try to obtain the needed information from the complainant. Efforts to reach the complainant must be documented to include telephone messages and emails. The absence of any of the requested information shall not be used as a basis for dismissing the grievance or complaint.
2. If after five (5) days from the receipt of complaint at the Board staff level, no response is received from the complainant, the hearing officer must send a written notice to the last known address requiring a response not more than seven (7) days from the date of the notice.

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3. The hearing officer may close the complainant’s claim if:
 - a. Reasonable efforts have been made to try to find the complainant, but is unable to reach them; or
 - b. The complainant does not provide the necessary information within the time specified in the request for more information.
 - c. If the complainant’s claim is closed, a written notice to the complainant’s last known address will be sent.


D. PROCESSING A COMPLAINT:

1. Within three (3) business days of receiving the complaint, the hearing officer will:
 - a. Review the complaint for accuracy and completeness and enter it into the Board’s Complaint Log;
 - b. Acknowledge receipt of the complaint or grievance within seven (7) days via U.S. Postal Service, if mailing the letter is not reasonable or possible, it may be emailed.
 - i. Provide a copy of the complaint or grievance
 - ii. Summarize procedure that will be taken to resolve the matter.
 - c. Initiate an investigation or fact-finding of the circumstances underlying the complaint. The investigation shall last no more than fourteen (14) business days;
 - d. Inform all parties of their right to representation by an attorney, at their own expense, or other individual of their choice;
 - e. Inform all parties of their right to present evidence;
 - f. Inform all parties of their right to rebut evidence presented by others;
 - g. Provide for an informal resolution and a hearing to be completed within thirty (30) days of the filing of the grievance or complaint.

E. INFORMAL RESOLUTION:


Subrecipients or sub-awardees will attempt to resolve complaints and grievances with complainant through an informal resolution prior to the scheduled hearing to the satisfaction of all parties.

1. The informal resolution process must be scheduled and completed within fourteen (14) business days from receipt of the complaint or grievance.
2. If all parties are satisfied, the complaint is considered resolved, and the terms and conditions of the resolution must be documented.
3. The hearing officer will provide a formal letter to all parties acknowledging the complaint or grievance has been resolved and include the terms of the agreement. A copy of the agreement must be filed and maintained in accordance with the record retention policy.
4. All parties will be advise of their right to request a hearing if a consensus cannot be agreed upon at informal resolution.

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F. BOARD HEARING PROCEDURE:

1. If the complaint or grievance has not been resolved to the satisfaction of the complainant within thirty (30) days, through the informal resolution process, a hearing shall be scheduled no later than thirty (30) days from the filing of the underlying complaint. This does not prevent the parties from resolving the dispute via an informal process pursuant to Section I(A)(5).
2. The hearing officer shall be an impartial and qualified official with no personal involvement in the case or involved in the initial determination of the claim.
3. A hearing shall be conducted ten (10) business days of the receipt of the request for a hearing, the hearing officer must:
 - a. Respond in writing acknowledging the request to the complainant; and
 - b. Notify the complainant and respondent of a hearing date.
 - c. The notice shall include, but not limited to:
 - i. The date of issuance;
 - ii. The name of complainant;
 - iii. The name of respondent against whom the complaint has been filed against;
 - iv. A statement that both parties may have legal representation at the hearing;
 - v. The date, time, place of the hearing, and the name of the hearing officer;
 - vi. A list of the alleged violation(s) of WIOA;
 - vii. A copy of any policies and procedures for the hearing or identification of where such policies may be found; and
 - viii. The name, address, and telephone number of the contact person issuing the notice.
 - ix. Requests to reschedule a hearing must be made in writing and for good cause at least 3 business days prior to the scheduled hearing.
4. The hearing must be conducted in an informal manner and not bound by strict rules of evidence. The hearing must have, at a minimum, the following components: An impartial hearing officer will be selected by Board staff.
 - a. An opportunity for both the complainant and respondent to present an opening statement, witnesses, and evidence.
 - b. An opportunity for each party to cross-examine the other party's witnesses; and
 - c. The hearing must be recorded either in writing or electronically.
5. The hearing officer, considering the evidence presented by the complainant and respondent, must issue a written decision, which shall serve as Board's official resolution of the complaint.
6. The decision must include the following information:
 - a. The names of the parties involved;
 - b. The date, time, and place of hearing;
 - c. A recitation of the alleged violation(s) in the complaint or grievance;

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- d. A summary of any evidence and witnesses presented by the complainant and the respondent;
- e. The hearing officer’s decision and reasoning;
- f. A statement of the corrective action or remedies for violations, if any, to be implemented;
- g. A notice of the right of either party to request and appeal of the decision by the hearing officer within ten (10) business days of receipt of the decision.

- 7. If the hearing officer fails to provide a written decision within sixty (60) business days of receiving the complaint or grievance, or if either party involved is unsatisfied with the resolution or final decision, they may request an appeal to the State.

G. APPEAL OF A COMPLAINT DECISION:

Any party who has filed a complaint has the right to appeal to the State when no decision is reached within sixty (60) days or either party is dissatisfied with the hearing officer’s decision.

- 1. The appeal must be filed within ten (10) business days of the receipt of an adverse decision; or
- 2. The appeal must be filed within ten (10) business days from the date a decision should have been issued; or
- 3. Any appeal filed after the tenth (10th) business day following the decision is null and void.
- 4. Appeals may be elevated to the Arizona Department of Economic Security (DES) per [Arizona Administrative Code R6-2-103](#), as amended.

H. CONFIDENTIALITY OF ALL COMPLAINTS:

- 1. All parties against whom the complaint is filed, will receive a copy of the complaint or grievance during the course of the investigation or alternative dispute resolution in order to allow the individual or entity the opportunity to respond to the allegation(s).
- 2. The name of the complainant will only be released to the extent necessary to investigate and fairly determine the issues raised in the complaint or grievance.


II. INTIMIDATION AND RETALIATION PROHIBITED ON ALL COMPLAINTS OR GRIEVANCES:

It is prohibited to discharge, intimidate, retaliate, threaten, coerce, or discriminate against any person because such person has:

- 1. Filed a complaint alleging a programmatic violation of WIOA or the regulations;
- 2. Opposed a practice prohibited by the nondiscrimination and equal opportunity provisions of WIOA or its regulations;
- 3. Provided information assisted, or participated in investigations, reviews, hearings, or any other related activities that pertain to administration or exercise of authority under-WIOA or its regulations.

J. RECORD KEEPING AND TRACKING OF ALL COMPLAINTS:

- 1. The Board staff will maintain the Complaint Tracker to indicate type of complaint, date received, hearing date, summary of resolution and date resolved.

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2. All complaint records with supporting documentation, and corrective action received from participants and interested parties will be maintained according to the City of Phoenix and WIOA records retention policy requirements.

XI. POLICY MANAGEMENT REQUIREMENTS

Administrative revisions to the policy may be made by the Phoenix Business and Workforce Development Board (Executive Director, with notice to the Board’s Executive Leadership Committee. All other substantive revisions will go to the Board’s Executive Leadership Committee for review and recommendation to the Board for approval.

XII. ADDITIONAL OR MISCELLANEOUS INFORMATION

Workforce Innovation and Opportunity Act (WIOA) of 2014 ([P.L. 113-128](#)), Section 181(c)

[Title 20, Chapter V, Part 683, Subpart F of the Code of Federal Regulations](#)

[Title 6, Chapter 11 of the Arizona Administrative Code](#)

[29 CFR 37.35](#)

[State WIOA Policy and Procedure Manual, Section 1400 Grievances, Complaints and Appeals under Title I](#)