

PASSAIC COUNTY WORKFORCE DEVELOPMENT BOARD

Subject: WIOA Title I Complaint Policy and Procedures

Effective Date: 05/08/26

PURPOSE

The WIOA Complaint Process and Procedures Policy establishes a comprehensive complaint procedure to ensure fair and equitable treatment of all customers within local workforce areas, including procedures for handling and documenting complaints.

Background: WIOA and federal regulations require states, local areas, and direct recipients of WIOA Title I funds to establish formal procedures for handling complaints from participants and other interested parties.

POLICY

The Passaic Workforce Development Board (WDB) adopts the Unified One Stop Career Center Customer Complaint Procedure and incorporates the procedures into the standard operating procedure. The following policy adopted by WDB and implemented in the local area is in alignment with the federal regulations for Grievance Procedures, Complaints, and State Appeals Processes 20 CFR § 683.600 under the Workforce Innovation and Opportunity Act (WIOA). These rules require states, local areas, and direct recipients of WIOA Title I funds to establish formal procedures for handling complaints from participants and other interested parties. The NJDOL policy WD-PY22-9 Unified Complaint Procedure details steps that One Stop management and staff must follow to publicize, document, and process complaints that allege:

- Discrimination, inappropriate actions, and/or omissions by One Stop staff
- Violations of the Workforce Innovation and Opportunity Act (WIOA)
- Violations of labor standards among employers interacting with the public workforce system, including specifically through work-based learning opportunities and the Migrant Seasonal Farmworker (MSFW) program.

The Workforce Development Board ensures that all local entities funded through WIOA funds - including Title I and Wagner Peyser funds - establish and maintain complaint procedures consistent with this policy. Any additional locations in which One Stop partners are providing services outside of the formal One Stop location are required to adhere to the standards highlighted in this policy. NJ's Unified Complaint Procedure is critical for ensuring the accountability of the One Stop system and all its partners and stakeholders to

the customers that the system is designed to serve. All customers must be informed of their rights and complaint processes.

This policy meets the requirements by which the NJDOL, Local Workforce Development Area, and all One Stop partners must adhere. All staff and partners must work together to:

- Publicize the Unified Customer Complaint procedure
- Utilize the customer complaint form
- Establish a complaint specialist that serves as the point of contact for all One Stop partners and customers
- Establish local procedures aligned with this policy for the receipt, resolution, and disposition of customer complaints including an appeal process.
- Establish general plans for regular training and review among all One Stop staff regarding the role of the complaint specialist and all staff in implementing the Unified Complaint Procedure
- Monitor compliance with the processes established
- Ensure that the information regarding complaint procedures will be understood by all affected participants and other individuals, including youth and those who are limited-English speaking individuals.

The policy provides details about the requirements to support One Stops in the delivery of a process that follow the Unified Customer Complaint procedure. The attachments in this policy include the common form, as well as additional resources, such as handouts, scripts and logs used to implement this policy.

Local Complaint Specialists and Equal Opportunity Officers

Each One Stop is required by the WDB to designate a Complaint Specialist, a backup Complaint Specialist, and an Equal Opportunity Officer (EEO). The Workforce Development Board ensures the One Stop partners identify staff members that will serve in these roles. The Complaint Specialist and EEO may be the same person. If for some reason no specific designation or selection is in place the default Complaint Specialist is the acting Employment Services manager. The name, business address, telephone number, and email address of the designated Complaint Specialist and EEO are publicized and included in all customer information describing how to file a complaint.

All complaints are referred to the Complaint Specialist who is responsible for navigating customers through the entirety of the process. Complaints alleging discrimination

necessitate the involvement of the EEO. These local roles are the first point of contact for all One Stop complaints.

State Complaint Specialists and Equal Opportunity Officers

State complaint roles provide guidance to support local complaint processes, gather information state-wide, and support appeals processes. Staff currently operating in these roles are also included in the contact lists found in the NJDOL policy WD-PY22-9 Unified Complaint Procedure.

Finally, in addition, NJDOL also supports a State Monitor Advocate who supports complaints related to the Migrant Seasonal Farmworker Program (MSFW). Any complaints that are logged locally with regards to the MSFW program must be immediately elevated to the State Monitor Advocate who will then ensure that complaints are logged with the proper federal enforcement agency. Specific contact information for the State Monitor Advocate is also included in the NJDOL policy WD-PY22-9 Unified Complaint Procedure.

The WDB must communicate changes in local Complaint Specialists and EEO immediately to the State Complaint Specialist and EEO. Additionally, NJDOL will notify the WDB when any changes occur in state roles.

Type of Complaints

State and federal law highlight a variety of specific complaint types. Different complaint types have different requirements related to the time within which complaints must be logged, the timeframe within which a response is required, and the processes for appealing complaint decisions based on the unique policies under which they are modeled. These complaint procedures apply to all One Stop partner staff including individuals operating onsite or through virtual mediums. This specifically includes NJDOL Employment Services staff and Career and Youth service providers funded through Title I funds.

A full overview of these complaint types and details is included in NJDOL policy WD-PY22-9 Unified Complaint Procedure. Types of complaints include those related to:

- **Discrimination:** Complaints alleging discrimination because of race, color, religion, sex, national origin, age, disability, political affiliation, belief, or citizenship status as a lawfully admitted immigrant authorized to work in the US.
- **Workforce Innovation and Opportunity Act (WIOA) Services:** Complaint alleging violation of WIOA and/or provisions of a related agreement
- **Job Service/Labor Exchange:** Complaint about One Stop Job Service actions or omissions

- Employer/Labor Standards: Complaint from customer placed into a work-based learning opportunity, including On-the- Job Training, alleging labor standards violations under 29 USC§ 2931(b)
- Employer/Job Service Referral: Complaint against an employer about the specific job that an applicant was referred to by the Job Service at the One-Stop
- Trade Assistance Act: Complaints regarding petitions and determinations of eligibility to apply for worker adjustment assistance and appeal for redetermination of TRA benefits

In addition to the complaints above that are processed and logged locally, the following complaints may be processed and logged at the local level and elevated immediately to state Complaint Specialists and the State Monitor Advocate, if related to MSFW.

- Migrant and Seasonal Farmworkers (MSFWs): Complaints alleging Violations of Laws enforced by United States Department of Labor (USDOL) Wage and Hour or Occupational Safety and Health Administration (OSHA) Including housing and living conditions as highlighted in 20 CFR 654 Subpart E
- Employer/Labor Standards in Another State: Complaints about labor standards affecting customers in another state, e.g., through work-based learning, MSFW programs
- Multiple One Stop Career Centers: Complaints that are related to more than One Stop Career Center
- Statewide Violations: Complaints that allege statewide violations
- Violations of Unemployment Insurance (UI), Vocational Rehabilitation (VR) or Temporary Assistance for Needy Families (TANF) Law/Regulations: Complaints related to any of these state-driven services and staff

Publicizing Complaint Procedures

All direct recipients of WIOA/Wagner-Peyser funds including the WDB, One Stop Career Center, WIOA service providers, and WIOA Fiscal Agent are required by the WDB to prominently display and provide information related to these complaint procedures including displaying required posters and providing information to individual customers. The following actions must be integrated into operations and procedures to ensure that all customers are made aware of the customer complaint procedure.

- Complaint Poster: Prominently place in a public area of the One Stop and any other provider locations a "One Stop Career Center Complaint Poster" that contains the name and contact information for the local Complaint Specialist. In addition to English and Spanish, if the One Stop serves significant populations of other

language speakers, the poster should be displayed in these languages as well. Copies of the Complaint Poster can be ordered through the local Employment Services Manager.

- Equal Opportunity is the Law Poster: Prominently display in a public area of the One Stop and any other provider locations in both English and Spanish. Must contain the name and contact information for the and state Employment Opportunity Officers. Copies of the "Equal Opportunity is the Law" poster can be ordered through the local NJDOL Employment Services Manager.
- Orientation Materials: Include information about filing a complaint in orientation presentations and materials whether these are staff-directed, self-directed, online, or in person. The script follows the NJDOL policy WD-PY22-9 Unified Complaint Procedure All customers must be informed of the complaint process through the standard script to ensure that complete and accurate complaint procedures are shared consistently.
- Handouts and Acknowledgement: Each new One Stop customer must acknowledge receipt during the registration process of the handouts summarizing the types of complaints/how to file a complaint and advising them of the Equal Opportunity is the Law language. This may happen in a group or individual setting. Customers must sign an acknowledgment form. The WDB requires the Partners in the local area to use the contains the handouts and acknowledgement form found in the NJDOL policy WD-PY22-9 Unified Complaint Procedure. Each One Stop must insert the name and contact information of the Complainant. An "EEO Activity" must be recorded in AOSOS for each customer recording that the customer has been notified of the complaint procedures through these various steps.

Initiating the Complaint Process

A complainant may file a complaint or grievance at the local, state, or federal level. A complainant must be provided with an opportunity for informal resolution prior to the submittal of a written complaint and a hearing to be completed within 60 days of filing the complaint.

Complainants may elect to initially file a complaint at the state level by submitting the complaint to the State Complaint Specialist who may choose to process the complaint at the state level or remand the complaint back to the local level for adjudication.

Regardless of the level at which the complaint is logged, type of complaint, or the One Stop partner to which the complaint is directed, the standard NJDOL policy WD-PY22-9 Unified Complaint Procedure standard customer complaint form is used to capture the

complainant's information and the description and nature of the complaint. The complainant must sign the complaint form for the complaint to be considered valid.

When a customer indicates a desire to file a complaint, the Complaint Specialist should first attempt to resolve the issue to the customer's satisfaction before a written complaint is filed. The Complaint Specialist should listen and offer to help remediate the cause of the complaint. This informal resolution should first be offered to the customer as an alternative to the formal filing of a written complaint using the NJDOL policy WD-PY22-9 Unified Complaint Procedure form.

Although informal complaints and their resolution should be documented locally, they do not have to be included on the complaint log. Only written and signed complaints go on the log. Migrant and Seasonal Farmworkers complaints must be included on the complaint log.

Checklist:

- Complaint Specialist should first attempt an informal resolution of the customer complaint.
- If informally resolved, the Complaint Specialist must document the resolution and maintain a file on the complaint, but should not include the complaint as part of the formal complaint reporting and resolution process. However, apparent violations involving MSFWs do need to be logged in the Complaint Log. See the Apparent violations section later in this document for more information.
- Customers who choose to file a formal complaint need to complete and sign Form ETA 8429.
- Part II of Form 8429 should be completed by the One Stop Complaint Specialist.
- An original copy will be kept on file by the local office, one copy will be given to the complainant, one copy will be sent to the State Complaint Officer
- All written and signed complaints must be logged, recorded, and reported in accordance with the procedures contained in this document (Complaint Log, Timelines and Appeal Process).
- The Complaint Specialist must involve the local EOO in all complaints alleging discrimination.

The Passaic County Workforce Development Board Unified One Stop Career Center
Customer Complaint Procedure

Customers with complaints are directed to the local Complaint Specialist who will listen to the complainant in order to determine the nature of the complaint, whether informal resolution is possible, and what actions will be taken to address the complaint.

The One Stop must ensure that the complaint process is initiated in a timely manner when a customer expresses a desire to file a complaint.

The Complaint Specialist will determine the course of action based on the specific type of complaint and the appropriate processes and timeline for addressing the complaint as outlined in the NJDOL policy WD-PY22-9 Unified Complaint Procedure, Appendix B.

All formal complaints must be submitted using form using ETA Form 8429 (Appendix E). Either through:

- Submission of a completed and signed ETA 8429 Form, or
- Submission of a written letter signed by the complainant (Complaint Specialist should staple the complaint letter to an ETA 8429 that references the attached)

All complaints must include the complainant's full name, telephone number and address and the date of filing. Written complaints must also provide a clear, brief statement of the facts of the alleged violation, relevant dates, and other information to assist in the investigation and resolution of the complaint.

One Stop staff must offer and provide assistance to any customer seeking to file a complaint including assistance with completing all associated forms and developing written statements.

The Complaint Specialist will consult with the complaint stakeholders to determine the correct path for addressing and resolving the complaint, whether through the Complaint Specialist, EEO, and/or complaint procedures associated with a specific program, for example UI or DVRS. If the Complaint Specialist turns the complaint over to other program areas for action, the Complaint Specialist will maintain communication with the program area to ensure the timely and satisfactory resolution of the complaint and update the Complaint Log and related records accordingly.

Documenting and Recording Complaints

Each One Stop Career Center must use the established procedures and maintain the Unified One Stop Career Center Customer Complaint forms, logs, and procedures consistent with guidance provided in WD-PY22-9. All written and signed complaints must be logged, recorded, and reported in accordance with the procedures utilizing the prescribed Complaint Log, Timelines and Appeal Process.

The Workforce Development Board is accountable for ensuring that the duties of the Complaint Specialist are being performed as defined in this document. The Complaint Log

is included in the NJDOL policy WD-PY22-9 Unified Complaint Procedure; Appendix F must be utilized.

When documenting complaints ensure the following:

- The Complaint Log must clearly identify each individual complaint.
- Each complaint must have a unique identification number (Last two digits of the Program Year followed by a sequential three-digit number beginning with 001.)
- A copy of the Excel Complaint Log that clearly indicates all newly filed and all resolved complaints for the calendar quarter must be promptly submitted (through email) to the State Complaint Specialist and Equal Opportunity no later than the 15th day of the month following the end of each quarter. If there are no complaints, an empty copy of the log must be submitted.
- A copy of the complaint and all related documents need to be kept on file with the local office and also provided to the Director, Career Services
- The Complaint Log is available in and is to be completed and maintained in an Excel format.
- Local area Complaint Logs will be maintained on an annual basis consistent with the state fiscal year (July 1- June 30).
- Each annual complaint log will be kept for a period of three years following the end of the fiscal year for which the log was kept.
- The Director will compile and maintain a statewide Complaint Log from the submitted local Complaint Logs and share this on a quarterly basis with the USDOL Boston Regional Office.
- Discrimination complaints will be reported to the USDOL Civil Rights Center by the State EOO Officer.

The complainant's confidentiality must be protected to the greatest extent possible, and when consent has been provided for the release of the complainant's identity, such disclosures must be made under conditions that will promote confidentiality. The complaint-related written materials must be saved in a secure file for a period of three years and include safeguards for ensuring the confidentiality of these materials.

In addition to confidentiality, the local One Stop complaint procedures must ensure that processes are in place for protecting and ensuring that there is not retaliation against any person or entity that files a complaint, or any individuals that provide information or testimony regarding a complaint.

Complaint Resolution

All formal complaints require a written determination to the complainant within specified time frames as referenced in NJDOL policy WD-PY22-9 Unified Complaint Procedure, Appendix B.

The local Complaint Specialist may make a determination:

- Resolve based solely on the information included in the filed complaint
- Conduct further investigation independently
- Hold a hearing to collect and hear additional details about the complaint

If the local Complaint Specialist requests additional information from the complainant or the complainant's authorized representative and does not receive a response within 20 days from the date the request was made (or, in the case of an MSFW initiated complaint, within 40 days), the complaint is considered resolved. The request for additional information temporarily stops the clock on the response timeframes given in the NJDOL policy WD-PY22-9 Unified Complaint Procedure, Appendix B. The clock begins again on the date that the additional information is received by the Complaint Specialist.

In addition, it is important to note that a complainant or respondent always has the opportunity to request a hearing. If a hearing is conducted, the Complaint Specialist must inform all parties involved of the hearing process, including:

- The date, time and location of the hearing.
- Instruction that the local Complaint Specialist will conduct and regulate the course of the hearing to assure full consideration of all relevant issues and that actions necessary to ensure an orderly hearing are followed.
- Instruction that the local Complaint Specialist must rule on the introduction of evidence and afford the parties the opportunity to present, examine, and cross-examine witnesses

For clarity it must be stated that an administrative hearing is not the same as a Court of Law. Technical rules of evidence do not apply. It is up to the local Complaint Specialist to follow principles and procedures that are designed to assure credible evidence that can be tested through cross-examination. Procedure for One-Stop Career Center System Complaints

All complainants and respondents (object of the complaint) must be informed of and provided the right to due process including the right to:

- Representation by an attorney or other individual of his/her choice.

- Present evidence.
- Question others who present evidence.
- Receive an impartial decision made strictly on recorded information.

The local Complaint Specialist must provide the complainant and all implicated parties with a written determination within 60 days of the initial complaint date and include the procedures for appeal within that determination.

In addition, all local determinations must be shared with the State Complaint Specialist and EEO. For complaints involving Migrant and Seasonal Farmworkers, these must also be shared with the State Monitor Advocate. Please share all documentation by certified mail and include a return receipt:

State Complaint Specialist

New Jersey Department of Labor and Workforce Development

P.O. Box 055, 7th Floor

Trenton, NJ 08625

Equal Opportunity Officer

New Jersey Department of Labor and Workforce Development

P.O. Box 110, 4th Floor

Trenton, NJ 08625

State Monitor Advocate

New Jersey Department of Labor and Workforce Development

P.O. Box 110, 5th Floor

Trenton, NJ 08625

Discrimination Complaints

If a customer reaches out about filing a discrimination complaint specifically, the local Complaint Specialist and EEO must be involved in all aspects of the complaint.

The procedures for addressing discrimination complaints include:

- Assessing who has jurisdiction regarding the complaint
- Engaging in additional fact-finding activities
- Offering and conducting "Alternative Dispute Resolution" process

- Developing a Settlement Agreement
- Issuing a Notice of Final Action within 90 days of the complaint date

As an initial step, in all possible instances involving a discrimination complaint, the designated local EEO should personally meet with the complainant in an area of the agency's offices that ensures confidentiality. The purpose of this preliminary interview is to:

- Determine the complainant's name, address and mean of contact.
- Determine the basis of the complaint.
- Develop a detailed description of the allegation(s).
- Determine the date of the most recent alleged event of discrimination.
- Identify the proper respondent (object of the complaint).

EEO must ask the complainant whether they would like the complaint handled locally or referred to the USDOL Civil Rights Center in Washington, D.C. The EEO should stress that a local resolution would likely happen more quickly and that the complainant's right to file again with the USDOL would still be available should the resolution be unsatisfactory to the complainant.

If the complainant would like their complaint referred directly to the USDOL Civil Rights Center, the Center's Complaint Information and Privacy Act Consent Form must be filled out as a supplement to the Unified One Stop Career Center Complaint Form (ETA 8429).

Once the USDOL discrimination complaint form is completed, the document must be signed and dated by the complainant. The signed/dated Consent Form should indicate whether the complainant allows the EEO to disclose the complainant's identity, if necessary to investigate his or her complaint.

The complaint and/or any appeals regarding discrimination complaints should be addressed to:

Director, Civil Rights Center

U.S. Department of Labor 200 Constitution Avenue, NW Room N-4123

Washington, DC 20210

If the complainant elects to have their discrimination complaint resolved at the local level, the EEO must request that the customer allow one (1) day for preparation of a written letter to either acknowledge receipt of the complaint or to provide a Notice of Final Action (for Lack of Jurisdiction).

A Notice of Final Action (for Lack of Jurisdiction) is provided when the EOO determines that they do not have jurisdiction over the complaint based on one or more of the following reasons:

- The basis for the complaint is not covered by the prohibitions set forth in proposed 29 CFR Part 38.
- The complaint was not filed with the prescribed timeframes within 180 days of the date that the discriminatory act (s) allegedly occurred.
- The complaint is against an agency/employer/organization/program, or individual within an entity that is not a recipient of WIOA Title I financial assistance as defined in proposed 29 CFR Part 38.4.

If it is determined that the One Stop Career Center does not have jurisdiction in the particular matter, a Notice of Final Action citing one or more of the above reasons shall immediately be provided in writing. The written notice must include the specific phrase "lack of jurisdiction" in describing why the One Stop is not the appropriate entity to resolve the complaint.

Furthermore, the EOO must refer the complainant to an agency that has been identified as more appropriate and/or UDSOL's Civil Rights Center.

If the discrimination complaint is within the EOO's jurisdiction, an Acknowledgement Letter must be prepared. The Acknowledgement Letter should contain the following:

- Restatement of the issues raised in the complaint.
- Notice of which issues have been accepted.
- Explanation, if necessary, of issues that will not be investigated. A notice that the complainant has a right to representation by any individual they choose during the complaint process. The notice should specify that if an attorney is chosen to represent the complainant, all legal fees are the sole responsibility of the complainant.
- A notice that a preliminary period of fact-finding or investigation will occur and may take approximately 15 days to complete. Preliminary fact-finding describes the issues raised by the complainant and the respondent (object of the complaint).
- A statement that a "Notice of Final Action" will be issued to the complainant within 90 days of the filing date of the complaint.
- A notice that the complainant has the right to file their complaint with the USDOL if the EOO fails to issue said "Notice of Final Action" within the 90 days cited below.
- A choice of "Alternate Dispute Resolution" (ADR) as an appropriate option for resolution.

- Assignment of a distinct complaint number (e.g. YY-001- last two digits of physical year (PY) and consecutive 3-digit number).

Read receipts or signed receipts must be secured to document the complainant has received and reviewed the Acknowledgement Letter documenting the local complaint that will move forward or the Notice of Final Action (for the Lack of Jurisdiction), depending on the assessment that the EEO has made.

As noted, if the EEO assesses that the discrimination complaint is within the One Stop Career Center's jurisdiction, the EEO can offer "Alternate Dispute Resolution" (ADR) as an option for resolution. ADR includes "mediation" as a way of resolving the issues or differences between the parties to the complaint. The option of ADR and a brief explanation of the process should be included in the initial Acknowledgement Letter. If the complainant chooses to pursue ADR, the State Complaint Officer and State EEO must be notified immediately, and if the discrimination complaint is related to the Migrant Seasonal Farmworker Program, then the State Monitor Advocate must also be notified.

Furthermore, after sending the Acknowledgement Letter, the respondent (object of the complaint such as ES, UI, DVRS, etc.) to the complaint must also be notified that a complaint alleging discrimination has been filed and is being processed. The respondent must be provided a summary or copy of the complaint and give written notice that any form of retaliation or intimidation is against the law. The respondent must also be notified if ADR has been offered to the complainant as a means of resolution. ADR should not be considered as an appropriate mechanism for resolution when the complaint is of a high-profile nature and/or impacts other members of a protected group. As with other complaints, documentation of the process must be shared with the State Complaint Specialist and EEO, as well as the State Monitor Advocate, if relevant.

Migrant Seasonal Farmworkers -Apparent Violations

Apparent violations are informal complaints about employers received from individuals (customers or staff) or agencies that are not documented or handled as part of the formal Unified One Stop Career Center Customer Complaint Procedure process described in this document. Apparent violations can be recorded and processed using the Field Check/Apparent Violations Form that is Appendix G of the NJDOL policy WD-PY22-9 Unified Complaint Procedure. Reporting apparent or suspected violations by employers when no formal complaint has been filed is allowable regulations found at 20 CFR 653 et al., covering services to MSFWs, specifically §653.107 and §653.108.

One Stop Career Center staff must submit information about violations on behalf of a migrant seasonal farmworker if they have evidence that a violation has taken place, even if

the individual does not formally file a complaint. Apparent violations are handled separately from the Unified One Stop Career Center Customer Complaint Procedure to protect the confidentiality of an MSFW.

Examples of Apparent Violations include (but are not limited to):

- A local staff person speaks with a MSFW who complains about unfair treatment by an employer, and though the individual provides credible information alleging an employer violation, the person chooses not to file a complaint (through the formal Complaint Process). The staff person still suspects a violation occurred.
- One Stop Career Center staff person visiting a farm labor job site observes a possible violation of housing standards, but no complaint has been filed.

While Apparent Violations are logged on the Complaint Log, they are processed separately and are an exception to the formal Complaint Process. Apparent Violations must, however, be reported in writing to the One Stop Operator. Upon receipt of a report of an Apparent Violation, the One Stop Operator must determine:

- If the employer filed a job order with the New Jersey One Stop system within the previous 12-month period.
- If the apparent violation involves Wagner-Peyser Job Service regulations, terms/conditions of the job order or employment related law(s).

If the employer has not filed a job order within the previous 12 months, the One Stop Operator need only refer the matter to the State Monitor Advocate as Job Service regulations are not considered to have been violated if a job order had not been listed within the 12-month time frame. If it is determined the employer has filed a job order within the previous 12 months, the One Stop Operator must contact the employer and attempt to achieve informal resolution within five working days. If the issue is not resolved and there is an apparent violation of Wagner-Peyser Job Service regulations, the One Stop Operator must refer the matter to the State Complaint Specialist, the State EOO, and the State Monitor Advocate for investigation. If a violation is found to have occurred, the One Stop Career Center may have to initiate Discontinuation of Services to the employer under the terms of §658.S01(a)(b)(c). Regardless of whether the employer has filed a job order within the previous 12 months, the State Monitor Advocate will forward a copy of all apparent violations involving MSFWs to the Regional Monitor Advocate (RMA) assigned to the USDOL Regional Office and the USDOL Wage and Hour Division.

Apparent violations of Child Labor Law must also be reported in writing to the State Monitor Advocate for action by the local office of the Wage and Hour Division of the USDOL.

Appeals

A local level decision may be appealed to NJDOL when:

- No decision is reached within 60 days
- Either party is dissatisfied with the decision regarding a complaint

Appeals must be submitted within 60 days of either situation to NJDOL. All appeals must be submitted by certified mail, return receipt requested, to the:

Assistant Commissioner, Workforce Development

New Jersey Department of Labor and Workforce Development 1 John Fitch Plaza, 7th Floor
P.O. Box 055

Trenton, New Jersey 08625-0055

This information will be shared with the State Complaint Specialist and State EEO. Upon receipt of an appeal, complaint procedures consistent with this policy will be conducted at the state level. The State must make a final decision on an appeal no later than 60 days after receiving the appeal.

As part of the process for appeals to the state regarding local determinations, as at the local level, a complainant or respondent have the right to request an impartial hearing. Upon receipt of a request for a hearing, the NJDOL shall transmit the matter to the Office of Administrative Law for hearing, pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq. and the Uniform Administrative Procedures Rules, N.J.A.C. 1:1.

If either party still is not satisfied with the final decision at the state level, they may further appeal the decision to United States Department of Labor. All appeals must be submitted by certified mail, return receipt requested, to the: Secretary of Labor

Attention: ASET, U.S. Department of Labor 200 Constitution Ave. NW Washington, DC
20210

A copy of the appeal must be simultaneously provided to the appropriate ETA Regional Administrator and the opposing party. While the steps highlighted above offer a standard appeal process, specific situations may warrant unique appeals process as highlighted in Appendix B, NJDOL policy WD-PY22-9 Unified Complaint Procedure. Including the following:

- Discrimination complaints must be appealed to the USDOL- Civil Rights Center and not to the State.

- Complaints against entities that have established processes for addressing customer complaints are appealed outside of the scope of this Unified Procedure. Examples of One Stop entities or programs with established appeal processes include UI and DVRS, for example

Finally, all determinations that are made through the appeals process must be shared with any offices that have been a part of the complaint process in prior rounds.

Complaints Not Covered By This Policy

Complaints Alleging Federal Contractor Violations - Federal contractors must adhere to a number of wage and labor standard requirements mandated under a variety of federal statutes. Complaints alleged against federal contractors should be forwarded to the appropriate federal agency. This type of complaint is not logged on the Unified One Stop Career Center Customer Complaint Log.

One Stop Career Center Staff Personnel Complaints - Staff complaints (other than discrimination complaints) should be handled through the appropriate employer of record Human Resource office or union grievance procedure. This type of complaint is not logged on the Unified One Stop Career Center Customer Complaint Log.

Criminal Complaints -All information and complaints alleging criminal fraud, waste, abuse or other criminal activity under WIOA must be reported immediately to the USDOL's Office of Inspector General (Please see Appendix A for contact information). A copy of the complaint must simultaneously be provided to NJDOL's Office of Internal Audit. This type of complaint is not logged on the Unified One Stop Career Center Customer Complaint Log.

Complaints of Discrimination by an Employer-All complaints regarding discrimination by an employer must be referred to the New Jersey Division on Civil Rights for adjudication. Simultaneously a copy of the complaint must be forwarded to the U.S. Equal Employment Opportunity Commission (EEOC). A local file should be maintained in order to document the complaint. This type of complaint is not logged on the Unified One Stop Career Center Customer Complaint Log.

POLICY REVISION

The WDB Workforce Innovation and Opportunity Act (WIOA) policies are reviewed and amended annually by the WDB to remain in compliance with all federal mandates and state-level policy changes issued by the New Jersey Department of Labor and Workforce Development. Partners are notified of all policy revisions.