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## **701 BACKGROUND**

This section provides Pinal County Workforce Development Board's (PCWDB) policy for Complaints, Grievances and Appeals and establishes the ARIZONA@WORK Pinal County Complaint System.

In order to ensure that all customers of ARIZONA@WORK Pinal County are afforded the right to elevate concerns they have regarding alleged discrimination in the provision of services this ARIZONA@WORK Pinal County Complaints Policy has been developed.

The ARIZONA@WORK Pinal County Complaint System is required by the Workforce Innovation and Opportunity Act to provide individuals served by the ARIZONA@WORK Pinal County system the ability to file complaints in regards to the following categories:

- A. Alleged Discrimination;
- B. Service Delivery;
  - 1. An ES related employer or the ES program including Migrant Seasonal Farmer employer, when **filed more than 24 months** after the alleged offense occurred; or
  - 2. An employer or an entity/agency that is related to any services provided through the ARIZONA@WORK Pinal County system; and
- C. Complaints specifically assigned to (Wagner-Peyser) Employment Service (ES) - Complaints against an ES-related employer or the ES program, **filed within 24 months** of the alleged offense;
- D. All complaints related to alleged discrimination and service delivery by ARIZONA@WORK Pinal County Partners are tracked and reviewed by the ARIZONA@WORK Pinal County Equal Opportunity (EO) Officer. When a complaint is received by the ARIZONA@WORK Pinal County EO officer, the ARIZONA@WORK Pinal County EO officer coordinates with the ARIZONA@WORK partner management for complaint resolution, in accordance with this policy.

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- E. The One-Stop Operator is responsible for ensuring that all ARIZONA@WORK Pinal County Partners follow the policy and procedures for grievance, complaints, and appeals included in this policy.

## **702 AUTHORITY**

The policy contained in this section is based on the following legal authorities. When necessary specific citations of the authorities will be referenced. Links to documents and websites are provided for direct reference.

- **Workforce Innovation and Opportunity Act (Public Law 113-128)**
- **Federal Regulations:**
  - 20 CFR 658.400-20 CFR 658.504
  - 20 CFR 683.600
  - 20 CFR 683.620
  - 29 CFR 38
- **Arizona Administrative Code Title 6, Chapter 11**
- **State WIOA Policy and Procedure Manual**
  - **Section 1400 Grievances, Complaints and Appeals under Title I**
- Arizona Department of Economic Security (DES) Policy No. 1-01-14 and Procedure No. 1-01-14-01
- 2019-2020 State of Arizona's Non-Discrimination Plan Element Eight Complaint Processing Procedures
- DES Division of Employment and Rehabilitation/ Re-Employment Assistance Administration, Employment Service Policy Manual.

## **703 DEFINITIONS**

For the purposes of this policy:

- A. **Grievance** shall be 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.

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- B. **Complaint** shall mean 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.
- C. **An appeal** is 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.
- D. **Days** are interpreted as calendar days.

#### **704 ALLEGED DISCRIMINATION COMPLAINTS**

The nondiscrimination and Equal Opportunity provisions found in Section 188 of the Workforce Innovation and Opportunity Act (WIOA), prohibit discrimination against applicants, beneficiaries and employees on the basis of race, color, national origin, age, disability, sex, religion, and political affiliation or belief, as well as against beneficiaries on the basis of citizenship and participation in WIOA.

All other types of complaint resolution policy and procedures can be found in Section 705. The following provisions apply to this section:

- A. Any interested person has a right to file a complaint.
- B. Any complaint relating to a term or condition of employment shall be filed under the employer's established grievance procedures. All other complaints shall be initiated at the recipient level.
- C. The right to file a complaint or appeal may not be limited or interfered with in any way.
- D. Representation of interested parties in connection with complaints or appeals may not be limited or interfered with in any way.
- E. All ARIZONA@WORK partner programs will make reasonable efforts to assure that the information will be understood by affected participants and other individuals, including youth and those who are limited-English speaking individuals. Such efforts will comply with the language requirements specified in 29 CFR 38.35 regarding the provision of services and information in languages other than English.

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## **.01 REASONS FOR FILING A DISCRIMINATION COMPLAINT**

A. Anyone who believes that discriminatory actions have been taken by any of the following may file a complaint:

1. Any agency, organization, or business that receives any of the following types of Federal financial assistance. These agencies, organizations, and businesses are known as recipients.
  - a. Financial assistance under Title I of the Workforce Innovation and Opportunity Act (WIOA). Examples include:
    - i. WIOA programs for adults, youth, and dislocated workers; and
    - ii. Federal employment and training programs for Native Americans and migrant and seasonal farm workers.
  - b. Financial assistance from the U.S. Department of Labor (DOL). These include grantees under grant programs administered by such DOL agencies as:
    - i. The Veterans' Employment and Training Service (VETS); and
    - ii. Any other DOL grant making agencies.
  - c. All ARIZONA@WORK Pinal County partners that signed the ARIZONA@WORK Pinal County Memorandum of Understanding and Infrastructure Funding Agreement.
2. A State or local government or other public entity (for disability-related matters only).

B. Consistent with 29 CFR Part 38 § 38.70 any person who believes that either he or she, or any specific class of individuals, has been or is being subjected to discrimination prohibited by WIOA, may file a written complaint, either by him/herself or through a representative.

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- C. Anyone may file a complaint with the ARIZONA@WORK Pinal County EO Officer, the State of Arizona EO Officer, or the Civil Rights Center (CRC) if they believe that discriminatory actions have been taken by any of the above agencies listed in Section 705.01.

## **.02 TIMELY FILINGS OF DISCRIMINATION COMPLAINTS**

- A. For the purposes of this policy, any complaint, appeal, applications, request, notice, objection, petition, report or other information is considered received and filed timely in accordance with the following:
1. A complaint must be filed within 180 days of the alleged occurrence.
  2. If transmitted via the United States Postal Service on the date it is mailed as shown by the postmark, or in the absence of a postmark the postage meter mark, on the envelope in which it is received; or
  3. If not postmark or postage meter marked, or if the mark is illegible, on the date it is actually received.
  4. If transmitted by any means other than the United States Postal Service on the date it is actually received.

If a delay in filing is due to an error or misinformation by the organizations or person with whom the complaint or appeal is filed, the time limitation shall be adjusted in a manner equitable to the complainant.

- B. In computing any period of time, the date of the act, event or default is not included. The last day of the period computed is counted, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.

If a complaint is filed with the State of Arizona, the complainant must wait either until the State of Arizona issues a written Notice of Final Action, or until 90 days have passed, (whichever is sooner), before filing a complaint with the Civil Right Center.

- C. If the State of Arizona does not give a written Notice of Final Action to the complainant within 90 days of the day on which the complaint was filed, the

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complainant does not have to wait for the State of Arizona to issue the Notice before filing a complaint with the CRC. However, the complainant must file the complaint with CRC within 30 days of the 90-day deadline (in other words, within 120 days after the day on which the complaint was filed with the State of Arizona).

- D. If the State of Arizona does give the complainant a written Notice of Final Action on the complaint, but the complainant is dissatisfied with the decision or resolution, the complainant may file a complaint with CRC. The complainant must file the complaint with CRC within 30 days of the date on which you received the Notice of Final Action.

### **.03 FILING A COMPLAINT OF DISCRIMINATION**

- A. A complainant has the right to file a complaint with the ARIZONA@WORK Pinal County EO Officer; with the State WIOA EO Officer; or with the Director of Civil Rights Center (CRC).

#### **ARIZONA@WORK Pinal County**

##### **EO Officer**

135 N. Pinal Street

Florence, AZ

85132

Phone: (520) 866-8086

Email: [arizonaatwork@pinal.gov](mailto:arizonaatwork@pinal.gov)

ATTN: ARIZONA@WORK Pinal County EO Officer

#### **State WIOA EO Officer**

Office of Equal Opportunity

Department of Economic Security

1789 W. Jefferson Ave. MD 51H3

Phoenix, Arizona 85007

Phone: (602) 364-3976

Fax: (602) 364-3982

Email: [OfficeofEqualOpportunity@azdes.gov](mailto:OfficeofEqualOpportunity@azdes.gov)

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**Civil Rights Center (CRC)**

Director, Civil Rights Center (CRC),  
U.S. Department of Labor  
200 Constitution Avenue NW, Room N-4123  
Washington, DC 20210  
Voice (202) 693-6502  
TTY (202) 693-6515  
CivilRightsCenter@dol.gov

- B. If the complainant chooses to file directly with the CRC Director, the ARIZONA@WORK Pinal County EO Officer will assist the complainant (if requested) in completing the Complaint Information Form.
- C. For those individuals' not requesting assistance, but needing forms, addresses, etc., the ARIZONA@WORK Pinal County EO Officer will provide the necessary U.S. Department of Labor Discrimination Information Form.
- D. Any partner staff can receive a customer complaint. Phone calls, faxes, e-mails, and letters are forms of customer complaints.
- E. The ARIZONA@WORK Pinal County partner staff member who receives the complaint must include the following information to the ARIZONA@WORK Pinal County Complaint Log:
  - 1. A brief summary of the complaint.
  - 2. Causes and actions taken.
  - 3. Provide any supporting documentation.
  - 4. Name and contact information of the complainant and the staff member who received the complaint.
  - 5. A completed **Complaint Form DL I-2014a**.
- F. ARIZONA@WORK Pinal County partner staff must ensure that the complaint has been signed by either the complainant or the complainant's authorized representative. The complainant must provide his or her name when filing the complaint. His/Her name will only be released to the extent

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necessary to investigate and fairly determine the issues raised in the complaint.

G. Complaints are to be filed using the U.S. Department of Labor Complaint Form (DL I-2014a) (see Exhibit 700A).

H. All complaints that are filed at the place of service and received by a partner program staff member **must be entered on the ARIZONA@WORK Pinal County Complaint Log, date stamped and emailed to the ARIZONA@WORK Pinal County EO Officer within 24 hours of receipt.**

#### **.04 LACK OF INFORMATION IN A FILED EO COMPLAINT:**

- A. If a complaint does not contain enough information or required elements are not included in the complaint filed, the ARIZONA@WORK Pinal County EO Officer must try to obtain the needed information from the complainant. Efforts to reach the complainant must be documented and include telephone messages and e-mails.
- B. If after five days from the date of complaint, no response is received from the complainant, the ARIZONA@WORK Pinal County EO Officer must send written notice to the last known address requiring a response not more than 10 days from the date of the notice.
- C. The ARIZONA@WORK Pinal County EO Officer may close the complainant's file, without prejudice, if:
  - 1. Reasonable efforts have been made to try to find the complainant, but is unable to reach him or her; or
  - 2. The complainant does not provide the needed information to ARIZONA@WORK Pinal County within the time specified in the request for more information.

#### **.05 PROCESSING AN EO COMPLAINT**

- A. The ARIZONA@WORK Pinal County EO Officer will provide a written acknowledgment of receipt of the complaint to the complainant **within 5 days**



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with notice that the complainant has the right to be represented in the complaint process.

B. Upon receipt of a complaint or information alleging discrimination, the ARIZONA@WORK Pinal County EO Officer will:

1. Review the complaint for accuracy and completeness and enter it into the ARIZONA@WORK Pinal County Complaint Log;
2. Initiate an investigation or fact-finding of the circumstances underlying the complaint. The investigation shall last no more than 14 calendar days;
3. Provide written notice to all parties of the specific issues raised in the complaint;
4. Provide a statement for each issue, either accepting the issue for investigation or rejecting the issue, and the reasons for each rejection;
5. Inform all parties of their right to representation by an attorney, at their own expense, or other individual of their choice;
6. Inform all parties of their right to present evidence;
7. Inform all parties of their right to rebut evidence presented by others;
8. Inform all parties that the complainant has the right to request and receive, at no cost, auxiliary aids and services, and language assistance services. The notice will be translated into non-English language(s), as required by 20 CFR 38.4(h) and (i); and
9. Provide for a decision made strictly on the documented evidence.

## **.06 COMPLAINTS BASED ON REASONS OTHER THAN DISCRIMINATION**

A. Based on information provided by the complainant, the ARIZONA@WORK Pinal County EO Officer may declare that there is no jurisdiction over the complaint for one of more of the following reasons:

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1. The basis for the complaint is not covered by the prohibitions of 29 CFR Part 38.
  2. 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 29 CFR Part 38.4. The EO Officer will provide contact information of the appropriate agency or agencies which may have jurisdiction over the complaint, if known.
- B. A Notice of Lack of Jurisdiction (with one or more of the above reasons) will be provided in writing immediately upon the ARIZONA@WORK Pinal County EO Officer discovering the lack of jurisdiction.
- C. The complainant has the right to file a program services complaint consistent with Section 705.
- D. All complaints that are determined to not be under ARIZONA@WORK Pinal County's jurisdiction must also be tracked and the lack of jurisdiction must be noted.

## **.07 ALTERNATIVE DISPUTE RESOLUTION (ADR)**

- A. The State WIOA EO Officer will contact the complainant in writing no later than 14 calendar days of receipt of the complaint to determine the complainant's willingness to mediate using the following alternative dispute resolution (ADR) procedures:
1. The choice whether to use the ADR or the customary process rests with the complainant;
  2. A party to any agreement reached under ADR may file a complaint with the CRC Director in the event the agreement is breached. In such circumstances, the following rules will apply:
    - a. The non-breaching party may file a complaint with the CRC Director within 30 days of the date on which the non-breaching party learns of the alleged breach.

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- b. The CRC Director will evaluate the circumstances to determine whether the agreement has been breached. If he/she determines that the agreement has been breached, the complainant may file a complaint with CRC Director based upon his/her original allegation(s), and the CRC Director may waive the time deadline for filing such a complaint.
- B. If the parties do not reach an agreement under ADR, the complainant may file a complaint with the CRC Director as described in Section 29 CFR Section 38.69 through 38.71.

#### **.08 ALTERNATE DISPUTE RESOLUTION/MEDIATION PROCESS**

- A. During the 90 calendar day period, complainants may elect to participate in mediation. If the complainant selects mediation, it allows disputes to be resolved in a less adversarial manner.
- B. The State WIOA EO Officer will coordinate with a preapproved mediator. The individual conducting the mediation must be a neutral and impartial third party who will act as a facilitator.
- C. The mediator must be a person who is acceptable to all parties including the State WIOA EO Officer and who will assist the parties in resolving their disputes.
- D. If the complainant chooses to participate in mediation, he/she or the authorized representative must respond to the State WIOA EO Officer in writing **within 10 calendar days** of the date of the request. This written acceptance must be dated and signed by the complainant or authorized representative and must also include the relief sought.
- E. A written confirmation identifying the date, time and location of the initial mediation conference will be sent to all appropriate parties.
- F. A consent form will be signed by all parties at the initial mediation conference affirming that the contents of the mediation will be kept confidential.
- G. If resolution is reached under ADR/mediation, the agreement will be in writing. A copy of the signed agreement will be sent to the State WIOA EO Officer.

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- H. If an agreement is reached under ADR/mediation but a party to the agreement believes his/her agreement has been breached, the non-breaching party may file a complaint with the CRC Director.
- I. If the parties do not reach resolution under ADR/mediation, the complainant will be advised of his/her right to file a complaint with the CRC/U.S.DOL; however, the ARIZONA@WORK Pinal County EO Officer will continue with the investigation.
- J. The mediation process should be completed within 45 calendar days of receipt of the complaint. This will assist in keeping within the 90 calendar day timeframe of the written Notice of Final Action if the mediation is not successful.

#### **.09 NOTICE OF FINAL ACTION**

- A. The **State WIOA** EO Officer will provide a written Notice of Final Action to the complainant **within 90 days of the date on which the complaint was filed** that contains the following information:
  - 1. For each issue raised in the complaint, a statement of either:
    - a. The decision on the issue and an explanation of the reasons underlying the decision, or
    - b. A description of the way the parties resolved the issue; and
  - 2. Notice that the complainant has a right to file a complaint with CRC Director within 30 days of the date on which the Notice of Final Action is issued if he/she is dissatisfied with the recipient's final action on the complaint.
- B. If, during the 90 day period, the State WIOA EO Officer issues its Notice of Final Action, but the complainant is dissatisfied with the decision on the complaint, the complainant or his/her representative may file a complaint with the CRC Director within 30 days after the date on which the complainant receives the Notice of Final Action.
- C. If, by the end of 90 days from the date on which the complaint was filed, the State WIOA EO Officer has failed to issue a Notice of Final Action, the complainant or his/her representative may file a complaint with the CRC

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Director within 30 days of the expiration of the 90 day period. The complaint must be filed with the CRC Director within 120 days of the date on which the complaint was filed with the State EO Officer.

## **705 SERVICE DELIVERY COMPLAINTS**

- A. All customers of the ARIZONA@WORK Pinal County are afforded the right to elevate concerns they have regarding alleged violations of the requirements Title I of WIOA. This section addresses the following: **Complaints based on a program applicant's or participant's** dissatisfaction with the level of service delivery from any of the programs offered as part of the ARIZONA@WORK Pinal County system.
- B. Nondiscrimination provisions found in Section 188 of the Workforce Innovation and Opportunity Act (WIOA), prohibit discrimination against applicants, beneficiaries and employees on the basis of race, color, national origin, age, disability, sex, religion, and political affiliation or belief, as well as against beneficiaries on the basis of citizenship and participation in WIOA. **This is covered in policy section 704.**

The following provision apply to this section:

1. Any interested person has a right to file a complaint.
2. Any complaint relating to a term or condition of employment shall be filed under the employer's established grievance procedures. All other complaints shall be initiated at the recipient level.
3. The right to file a complaint or appeal may not be limited or interfered with in any way.
4. Representation of interested parties in connection with complaints or appeals may not be limited or interfered with in any way.
5. All ARIZONA@WORK Pinal County partner programs will make reasonable efforts to assure that the information will be understood by affected participants and other individuals, including youth and those who are limited-English speaking individuals.

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The DES is also required to establish and maintain a uniform system for accepting, investigating, resolving, and referring complaints and apparent violations through the Employment Service (ES) program.

The WIOA Title III- Employment Service (Wagner Peyser) Program, as a partner of the ARIZONA@WORK Pinal County system, is not exempt from requirements in this policy. For information on the Employment Service complaint system – refer to the DES Division of Employment and Rehabilitation/ Re-Employment Assistance Administration, Employment Service Policy Manual.

## **.01 REASONS FOR FILING A PROGRAMMATIC COMPLAINT**

Anyone who believes that a lack of service or *any negative action other than discrimination* has been taken by any of the following ARIZONA@WORK partner programs may file a complaint with the ARIZONA@WORK Pinal County EO Officer:

- A. Any agency, organization, or business that receives any of the following types of Federal financial assistance:
  1. Financial assistance under Title I of the Workforce Innovation and Opportunity Act (WIOA) Examples include:
    - a. WIOA programs for adults, youth, and dislocated workers
    - b. Federal employment and training programs for Native Americans and migrant and seasonal farm workers.
  2. Financial assistance from the U.S. Department of Labor (DOL). These include grantees under grant programs administered by such DOL agencies as:
    - a. The Veterans' Employment and Training Service (VETS)
    - b. Any other DOL grant making agencies
  3. All ARIZONA@WORK Pinal County partners that signed the ARIZONA@WORK Pinal County Memorandum of Understanding and Infrastructure Funding Agreement.

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## **.02 TIMELY FILINGS**

- A. For the purposes of these procedures, any complaint, appeal, applications, request, notice, objection, petition, report or other information is considered received and filed timely:
1. A complaint must be filed within 180 days of the alleged occurrence.
  2. If transmitted via the United States Postal Service on the date it is mailed as shown by the postmark, or in the absence of a postmark the postage meter mark, on the envelope in which it is received; or
  3. If not postmark or postage meter marked, or if the mark is illegible, on the date it is actually received.
  4. If transmitted by any means other than the United States Postal Service on the date it is actually received.
  5. If a delay in filing is due to an error or misinformation by the organizations or person with whom the complaint or appeal is filed, the time limitation shall be adjusted in a manner equitable to the complainant.
- B. In computing any period of time, the date of the act, event or default is not included. The last day of the period computed is counted, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.

## **.03 FILING A COMPLAINT**

- A. Complaints may be filed at any location where ARIZONA@WORK Pinal County partners provide services.
- B. An individual has the right to file a complaint with the ARIZONA@WORK Pinal County EO Officer for alleged violations of the requirements of Title I of WIOA as outlined in Section 719 with the ARIZONA@WORK Pinal County EO Officer.

**ARIZONA@WORK Pinal County EO Officer**  
135 N. Pinal Street

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Florence, AZ 85132  
Phone: (520) 866-3600  
Fax: (520) 866-3640  
TDY/TTD 7-1-1  
Email: [arizonaatwork@pinal.gov](mailto:arizonaatwork@pinal.gov)

ATTN: ARIZONA@WORK Pinal County EO Officer

- C.** Any ARIZONA@WORK Pinal County partner staff can receive a customer complaint. All complaints must be in writing. Faxes, e-mails, and letters are forms of customer complaints. When a complaint is received by phone, the ARIZONA@WORK Staff member will encourage the complainant to submit the complaint in writing. Complaints received over the phone should be forwarded to the ARIZONA@WORK Pinal County EO officer for follow-up.
- D.** All Complaints alleging violation of Title I or WIOA must be entered on the ARIZONA@WORK Pinal County Complaint Log with 24 hours of receiving the complaint.
- E.** All complaints that are filed at the place of service and received by an ARIZONA@WORK Pinal County partner program staff member must be date stamped and routed to the ARIZONA@WORK Pinal County EO within 24 hours of receipt.
- G.** The ARIZONA@WORK Pinal County staff member who receives the complaint shall communicate the following information to the ARIZONA@WORK Pinal County EO Officer:
  - 1. A brief summary of the complaint.
  - 2. Causes and actions taken.
  - 3. Provide any supporting documentation.
  - 4. Name and contact information including mailing address, email address and phone number and complaint, and signature of the staff member who received the complaint.
  - 5. A completed ARIZONA@WORK Pinal County Complaint Form.



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6. Assurance that the complaint has been signed by either the complainant or the complainant's authorized representative.

#### **.04 LACK OF INFORMATION IN A FILED COMPLAINT**

- A. If a complaint does not contain enough information or required elements are not included in the complaint filed, the ARIZONA@WORK Pinal County EO Officer must try to obtain the needed information from the complainant. Efforts to reach the complainant must be documented and include telephone messages and e-mails.
- B. If after five days from the date of complaint, no response is received from the complainant, the ARIZONA@WORK Pinal County EO Officer shall send written notice to the last known address requiring a response not more than 10 days from the date of the notice.
- C. The ARIZONA@WORK Pinal County EO Officer may close the complainant's file, without prejudice, if:
  1. Reasonable efforts have been made to try to find the complainant, but is unable to reach him or her; or
  2. The complainant does not provide the needed information to ARIZONA@WORK Pinal County within the time specified in the request for more information.
  3. If the complainant's file is closed, the EO Officer must send written notice to the complainant's last known address.

#### **.05 PROCESSING A COMPLAINT**

- A. **Within three business days** of receiving the complaint, the ARIZONA@WORK Pinal County EO Officer will review the information and communicate the findings to the ARIZONA@WORK Pinal County partner supervisor before making a determination regarding the complaint and any necessary corrective action.
- B. Upon receipt of a complaint or information alleging violations of the requirements of Title I of WIOA, the EO Officer will:

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1. Review the complaint for accuracy and completeness and enter it into the ARIZONA@WORK Pinal County Complaint Log;
  2. Initiate an investigation or fact-finding of the circumstances underlying the complaint. The investigation shall last **no more than 14 calendar days**;
  3. Provide written notice to all parties of the specific issues raised in the complaint;
  4. Provide a statement for each issue, either accepting the issue for investigation or rejecting the issue, and the reasons for each rejection;
  6. Inform all parties of their right to representation by an attorney, at their own expense, or other individual of their choice;
  7. Inform all parties of their right to present evidence;
  8. Inform all parties of their right to rebut evidence presented by others;
  9. Provide for an informal resolution and a hearing to be completed **within 30 days** of the filing of the grievance or complaint.
- C. The ARIZONA@WORK Pinal County EO Officer will provide a written acknowledgment of receipt of the complaint to the complainant **within 5 days** with notice that the complainant has the right to be represented in the complaint process.
- D. If the complaint is not resolved, the complainant will be given the opportunity to request a hearing before an impartial hearing officer. Such hearing shall be **scheduled within thirty (30) days** of the filing of the complaint. See section 706.
- E. Following the hearing and **within 60 days** of the filing of the complaint, all parties of interest will receive a copy of the final decision, which will include the reasons for the decisions.
- F. Individuals alleging a labor standards violations are permitted to submit the grievance to a binding arbitration process. If a collective bargaining agreement covering the parties so provides.

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## **706 ARIZONA@WORK PINAL COUNTY HEARING PROCEDURE**

- A. If the EO complaint or a service delivery complaint has not been resolved to the satisfaction of the complainant within thirty (30) days, the ARIZONA@WORK Pinal County EO Officer will arrange appointment of a hearing officer to conduct a hearing for settlement of the complaint to be held within thirty (30) days of grievance filing.
- B. The hearing officer may be a manager from the Pinal County Economic and Workforce Department, a manager from the Pinal County Human Resources Department, or a member of the Pinal County Workforce Development Board Executive Committee.
- C. A hearing on any complaint filed shall be conducted as soon as reasonably possible, but within thirty (30) days of the complaint's filing. Within ten (10) business days of the receipt of the request for a hearing, The ARIZONA@WORK Pinal County EO Officer must:
  1. Respond in writing acknowledging the request to the grievant; and
  2. Notify the grievant and respondent of a hearing date.
  3. The notice shall include, but not limited to:
    - a. The date of issuance;
    - b. The name of grievant;
    - c. The name of respondent against whom the complaint has been filed;
    - d. A statement reiterating that both parties may be represented by legal counsel at the hearing;
    - e. The date, time, place of the hearing, and the name of the hearing officer;
    - f. A statement of the alleged violation(s) of WIOA;

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- g. A copy of any policies and procedures for the hearing or identification of where such policies may be found; and
  - h. The name, address, and telephone number of the contact person issuing the notice.
- D. The hearing must be conducted in compliance with federal regulations. The hearing must have, at a minimum, the following components:
- 1. An impartial hearing officer selected by the ARIZONA@WORK Pinal County EO Officer;
  - 2. An opportunity for both the grievant and respondent to present an opening statement, witnesses, and evidence;
  - 3. An opportunity for each party to cross-examine the other party's witnesses; and
  - 4. A record of the hearing which ARIZONA@WORK Pinal County EO Officer must create and maintain.
- E. The hearing officer, considering the evidence presented by the grievant and respondent, must issue a written decision, which shall serve as ARIZONA@WORK Pinal County's official resolution of the complaint.
- F. The decision must include the following information:
- 1. The date, time, and place of hearing;
  - 2. A recitation of the issues alleged in the complaint;
  - 3. A summary of any evidence and witnesses presented by the grievant and the respondent;
  - 4. An analysis of the issues as related to the facts; and
  - 5. A decision addressing each issue alleged in the complaint.
- G. If the complainant(s) does not receive a written decision from the Hearing Officer within sixty (60) days of grievance/complaint filing, or receives a

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decision unsatisfactory to the complainant(s), the complainant(s) then has/have a right to request an appeal to the State.

## **707 APPEAL OF A COMPLAINT DECISION**

The ARIZONA@WORK Pinal County EO Officer will inform the complainant and all other ARIZONA@WORK Pinal County partners in writing of the proposed resolution of the complaint within seven business days of the complaint.

Any party who has filed a complaint has the right to appeal to the State when no decision is reached within 60 days or either party is dissatisfied with the local hearing decision.

- A. The appeal must be filed within ten (10) days of the receipt of an adverse decision; or
- B. The appeal must be filed within ten (10) days from the date a decision should have been issued; or
- C. Any appeal filed after the tenth (10th) day following the decision is null and void.
- D. Appeals may be elevated to the DES per Arizona Administrative Code R6-2-103, as amended.

## **708 CONFIDENTIALITY OF ALL COMPLAINTS**

- A. All parties against whom the complaint is filed, will receive a copy of the complaint 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).
- B. The name of the complainant will only be released to the extent necessary to investigate and fairly determine the issues raised in the complaint.

## **709 INTIMIDATION AND RETALIATION PROHIBITED ON ALL COMPLAINTS**

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

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- A. Filed a complaint alleging a violation of WIOA or the regulations;
- B. Opposed a practice prohibited by the nondiscrimination and equal opportunity provisions of WIOA or the regulations;
- C. Furnished information to, assisted or participated in any manner in, an investigation, review, hearing or any other activity related to administration of, or exercise of authority under, or privilege secured by, the nondiscrimination and equal opportunity provisions of WIOA or the regulations; or
- D. Exercised authority under or privileges secured by the nondiscrimination and equal opportunity provisions of WIOA or the regulations.

## **710 TRACKING OF ALL COMPLAINTS**

For tracking and reporting purposes, all ARIZONA@WORK partner staff must enter all complaints (Alleged discrimination, Service Delivery, and ES-related) on the ARIZONA@WORK Pinal County Complaint Tracker within 24 hours of receipt of the complaint.

- A. The State EO Office, State Monitor Advocate and Workforce Arizona Council staff will have access to the ARIZONA@WORK Pinal County Complaint Tracker. The ARIZONA@WORK Pinal County Tracker will be used to meet complaint reporting and tracking requirements of the Arizona Department of Economic Security, including completing Discrimination Complaint Log and logs required by the DES.
- B. All complaints records with supporting documentation, and corrective action will be maintained for six years from the date of ARIZONA@WORK Pinal County EO Officer receiving the complaint.
- C. The ARIZONA@WORK Pinal County Complaint Tracker must be maintained to indicate date received, type of complaint, hearing date, summary of resolution and date resolved.