



Workforce Investment Board
Reaching Business



WIA COMPLAINT/GRIEVANCE PROCEDURES

If you are a participant or other interested party affected by the Oakland Workforce Investment System, including a one-stop partner or service provider, and you believe that a violation of the requirements of the Workforce Investment Act (WIA) or WIA regulations has occurred, you may file a grievance or complaint with the City of Oakland, Department of Economic and Workforce Development. Such grievance or complaint must be filed with the City of Oakland, Department of Economic and Workforce Development, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612, within one (1) year of the alleged violation, however, in the case of a grievance or complaint challenging a competitive funding process, complainants should be aware that the remedy of setting aside or restarting the process will only be available if the grievance or complaint is filed with the City prior to 10 days from approval of the funding by the Oakland Workforce Investment Board and the Oakland City Council.

Participants have the right to receive technical assistance. Such technical assistance includes providing instructions on how to file a grievance or complaint, providing relevant copies of documents such as the WIA, regulations, local policies, contracts, etc., and providing clarifications and interpretations of relevant provisions.

The grievance or complaint must be in writing, signed and dated by the grievant/complainant and shall contain the following information:

1. The full name, telephone number (if any) and mailing address of the grievant/complainant.
2. The full name, telephone number (if any) and mailing address of the respondent (the person or entity against whom the grievance/complaint is made).
3. A statement of the basis for the complaint, including the requirement of the Workforce Investment Act that the grievant/complainant alleges has been violated.
4. A clear and concise statement of the facts, including pertinent dates, constituting the alleged violation.
5. The remedy being sought, which must be consistent with the requirement allegedly violated and the facts presented, and may only be one or more of the following remedies:

**City of Oakland
Department of Economic and Workforce Development
Oakland Workforce Investment Board
250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612
WWW.OAKLANDWIB.ORG**

- a. A suspension or termination of payments under the WIA;
- b. A prohibition of placement of a participant with an employer that has violated any requirement of the WIA;
- c. Reinstatement of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment; and
- d. Other appropriate forms of equitable relief.

Upon receipt of any such complaint or grievance, the Department of Economic and Workforce Development (DEWD) will process the matter consistent with the City of Oakland DEWD's Complaint Resolution Procedure and EDD directive WSD08-4 and will provide an opportunity for an informal resolution. Respondents must make good faith efforts to resolve the grievance or complaint through the informal resolution process. Any grievance or complaint that alleges a labor standards violation may be submitted to binding arbitration between the parties, if a collective bargaining agreement covering the parties to the grievance or complaint so provides.

If the grievance or complaint is not resolved informally, the City shall hold a hearing on the grievance or complaint before an impartial hearing officer chosen by the City in accordance with procedures established by the hearing officer. Hearings on any grievance or complaint shall be conducted within 30 days of filing the grievance or complaint. The complainant and the respondent will be notified in writing of the hearing at least 10 days prior to the date of the hearing. The 10-day notice may be shortened with the written consent of both parties.

The hearing will be conducted in an informal manner with strict rules of evidence not being applicable. All parties will have the right to present written and/or oral testimony; the right to call and question witnesses in support of their position; the right to examine relevant records and documents; and the right to be represented. The hearing will be recorded electronically.

Not later than 60 days after the filing of the grievance or complaint, the hearing officer shall mail a written decision to all parties.

Any grievance or complaint may be appealed to the State of California, Employment Development Department (or other designated state department) if: (a) no decision is reached within 60 days; or (b) either party is dissatisfied with the hearing officer's determination. The appealing party may request a State hearing by submitting a written notice of appeal to:

Chief, Compliance Review Division, MIC 22-M
Employment Development Department
P.O. Box 826880
Sacramento, CA 94280-0001

Under Title 20 CFR Section 667.610(a)(1), if the State has not issued a decision within the required 60-day time limit, the complainant can file an appeal to the Secretary of Labor. The appeal must be filed with the Secretary of Labor no later than 120 days of the filing of the

grievance or complaint with the State, or the filing of the appeal of a local grievance or complaint with the State. In cases where a decision has been reached and the State issued an adverse decision, the complainant can file an appeal to the Secretary of Labor within 60 days of the receipt of the decision being appealed.

The request for appeal must be submitted by certified mail, return receipt to:

Attention: ASET
Secretary
U. S. Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210

A copy of the appeal must be simultaneously provided to:

Region 6 Administrator and the opposing party.
U.S. Department of Labor
Office of Regional Administrator
P.O. Box 193767
San Francisco, CA 94119-3767

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APPROVED BY THE OAKLAND WIB: 10/17/2013