

**Attachment C**

**DISTRICT OF COLUMBIA GOVERNMENT**  
**DEPARTMENT OF EMPLOYMENT SERVICES**

**COMPLAINT AND GRIEVANCE PROCEDURES**

**UNDER THE**

**WORKFORCE INVESTMENT ACT OF 1998**  
**PUBLIC LAW 105-220**

## **I. Legislative and Regulatory References**

The Workforce Investment Act of 1998 (Public Law 105-220); the Social Security Act (Title IV, Section 403); the Age Discrimination Act of 1975 (42 U.S.C. 6101, *et seq.*); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); the Americans with Disabilities Act of 1990 (42 U.S.C. 12101, *et seq.*); Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d, *et seq.*); Federal Regulations at 20 CFR Part 652, et al.

## **II. Definitions**

**Participant** - This term means an individual who has been determined to be eligible to participate in and who is receiving services under a program authorized by the Workforce Investment Act of 1998, except follow-up services.

**Applicant** - Any individual who has applied for services authorized by the Workforce Investment Act of 1998.

**Administrative Complaint** - Any complaint or grievance related to a program authorized by the Workforce Investment Act of 1998, its operation, or its staff which does not involve equal opportunity issues. All Administrative Complaints must be filed within 180 calendar days of the occurrence or within 180 calendar days of the discovery of the occurrence. The process for pursuing Administrative Complaints is described in Section VII of this document.

## **III. Equal Opportunity (EO) Complaints**

The Department of Employment Services (DOES) does not discriminate against any individual on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief. Furthermore, DOES does not discriminate against any beneficiary of programs funded under the Workforce Investment Act of 1998 on the basis of the beneficiary's citizenship or status as a lawfully admitted immigrant authorized to work in the United States. If you think that you have been discriminated against under any program or activity authorized by the Workforce Investment Act of 1998, you may file a complaint within 180 days from the date of the alleged violation with:

**Ms. Valerie E. Kithchings**  
**DOES Equal Opportunity (EO) Officer**  
**Room 3136**  
**77 P Street, N.E.**  
**Washington, D.C. 20002**  
**(202) 671-2568**

Or, you may choose to file a complaint directly with the U.S. Department of Labor:

**Director, Civil Rights Center (CRC)  
U.S. Department of Labor  
Room N4123  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210**

If you elect to file your complaint with DOES, you must wait until DOES issues a written Notice of Final Action, or until 90 days have passed, whichever is sooner, before filing with the CRC. If DOES has not provided you with a written Notice of Final Action within 90 days of the filing of the complaint, you do not have to wait for a decision to be issued, but may file a complaint with the CRC within 30 days of the expiration of the 90-day period. If you are dissatisfied with DOES's resolution of your complaint, you may file a complaint with the CRC. Such complaints must be filed within 30 days of the date you received Notice of Final Action from DOES.

#### **IV. Notification of Applicant and Participant Rights**

The D.C. Department of Employment Services will ensure that notification is made to all applicants and participants of the complaint and hearing procedures available to them at the time that they apply for services under the Workforce Investment Act of 1998. The notification will include the name, address, and telephone number of the person to contact to file a complaint. It will also specify that the complaint and hearing procedures will be fully available to them during enrollment in any program authorized by the Act. It will also notify the applicants and participants of their right to appeal final determinations to the Secretary, U.S. Department of Labor.

#### **V. Time Limit for Complaint Filing and Processing**

All complaints must be filed within 180 calendar days of the alleged occurrence which gave rise to the complaint or within 180 calendar days of the discovery of the alleged occurrence, except in cases involving fraud or criminal activity. The processing of administrative complaints, through all stages except appeals, shall be completed within 60 calendar days.

#### **VI. Confidentiality of Procedures and Information**

The identity of persons who assist in a complaint inquiry or who provide information relating to a complaint shall be kept confidential to the extent that is consistent with a thorough review of the issues presented in the complaint. Applicants and participants who utilize the complaint process will not suffer from coercion or retaliation.

#### **VII. Procedures for the Filing and Resolution of Administrative Complaints**

1. Within 5 calendar days of the incident, report the complaint to your Case Manager or a One-Stop Career Center Manager in order to reach an informal resolution.
2. If the Case Manager or the Center Manager are unable to resolve your complaint to your satisfaction, you may present your complaint in writing to the DOES Administrative Officer within 10 calendar days of the incident.
3. If a mutually satisfactory resolution occurs at any stage in this process prior to a request for a hearing, the Administrative Officer will prepare a brief report for the file, stating issues and resolutions. The matter will then be considered closed. Both parties are required to sign the report.
4. If a mutually acceptable agreement can not be reached, you may request a hearing on your complaint. Your written request for a hearing must be made within 30 calendar days of filing the complaint. The written request should be directed to:

**Ms. Dorothy Jones**  
**Chief, Appeals Division**  
**Office of Unemployment Compensation**  
**D.C. Department of Employment Services**  
**Room 346**  
**609 H Street, N.E.**  
**Washington, D.C. 20002**  
**(202) 698-3701**

5. The hearing process must be completed within 30 calendar days of the filing of the written request for a hearing or within 60 calendar days of the filing of the complaint, whichever is sooner. The hearing will be conducted by the Office of Unemployment Compensation, D.C. Department of Employment Services.

## **VIII. The Hearing Process**

1. Hearings will be conducted by the Office of the Unemployment Compensation.
2. Written notice will be provided to the complainant/respondent advising of the date, time, and location of the hearing. Issues to be addressed and decided will be contained in the notice.
3. Other interested parties may apply for a notice to attend the hearing. These parties may include persons or organizations potentially affected by the outcome of the hearing.

4. The notice to the interested parties will include the same information furnished to the complainant/respondent and shall also indicate whether the interested parties may participate in the hearing.
5. The complaint may be amended or withdrawn before the hearing. The hearing may be rescheduled for good cause by either party upon request
6. An attorney or other representative(s) of choice of the complainant or respondent may be present. Witnesses and documentary evidence may be presented. Records and documents relevant to the complaint and maintained by or for the District of Columbia Government in the course of business may be presented. All witnesses or parties to the issues in the complaint may be questioned. All testimony will be taken under oath. The Hearing Officer may attempt to negotiate a resolution of the complaint at any time prior to the conclusion of the hearing.
7. A written decision from the Hearing Officer to the complainant(s), respondent(s), and other interested parties will be provided within 60 calendar days of the filing of the formal complaint. The written decision shall include a synopsis of the remedies to be applied. The decision will be written by the person who conducted the hearing and given to the Director, D.C. Department of Employment Services, for approval and signature. Such approval will be obtained prior to sending the decision to the complainant(s) or respondent(s).

## **IX. The Appeal Process**

1. If a complainant does not receive a decision within 60 calendar days of filing the complaint or receives an unsatisfactory decision, the complainant then has the right to request a review of the complaint by the Mayor of the District of Columbia or his/her designee.
2. The request for Mayoral review must be filed within 10 calendar days of the adverse decision or 10 calendar days from the date on which the complainant should have received the decision.
3. The Mayor or his/her designee will issue a decision within 60 calendar days.
4. Should the Mayor or his/her designee fail to provide a decision within 60 calendar days of the complainant's request for review or should the complainant dispute the decision of the Mayor or his/her designee, the complainant may file an appeal with the Secretary, U.S. Department of Labor.
5. Appeals to the Secretary, U.S. Department of Labor, based on lack of timeliness on the part of the District must be made within 120 calendar days of the date that the request for Mayoral review was filed. Appeals based on a dispute of the

Mayoral decision must be filed within 60 calendar days of the date the Mayoral decision was issued. The Secretary, U.S. Department of Labor, must make a final decision on an appeal no later than 120 days after receiving the appeal.

6. Appeals to the Secretary, U.S. Department of Labor, must be submitted by certified mail, return receipt requested to:

The Secretary  
U.S. Department of Labor  
ATTN: ASET  
Washington, D.C. 20210

A copy of the appeal must be simultaneously provided to the U.S. Department of Labor, Employment and Training Administration, Region III Regional Administrator and the opposing party.

## **X. Other Complaints**

**Complaints involving minimum wage or wage-hour disputes** - These complaints will be referred to the Labor Standards Bureau, Office of Wage & Hour, and handled according to their procedures.

**Complaints involving workplace safety** - These complaints will be referred to the Labor Standards Bureau, Office of Occupational Safety & Health, and handled according to their procedures.

**Complaints involving Workers' Compensation** - These complaints will be referred to the Labor Standards Bureau, Office of Workers' Compensation, and handled according to their procedures.

**DISTRICT OF COLUMBIA GOVERNMENT**

**DEPARTMENT OF EMPLOYMENT SERVICES**

**TRAINING PROVIDER APPEALS PROCEDURES**

## **II Legislative and Regulatory References**

The Workforce Investment Act of 1998 (Public Law 105-220); the District Procurement Practices Act of 1985 (Section 908), as amended; D.C. Code Section 1-1189.8 (Supp.1997); the Workforce Investment Act Policy Issuance No. 01-02 (D.C. Department of Employment Services); the Federal Regulations at 20 CFR Part 652 and Parts 660-671; the District of Columbia Municipal Regulations (DCMR), Chapter 27 (Contracts and Procurement); and the District of Columbia Five Year Strategic Plan for Title I of the Workforce Investment Act of 1998 and the Wagner-Peyser Act.

## **II. Background**

1. The District of Columbia Department of Employment Services (DOES), in conjunction with the District of Columbia Workforce Investment Council (WIC), will maintain a list of training providers deemed eligible to provide training services to individuals under the authority of the Workforce Investment Act of 1998 (WIA).
2. Training providers will be selected through an open procurement process which will result in successful applicants entering into a Blanket Purchase Agreement with DOES.
3. The procurement solicitation document will clearly state the minimum requirements for qualifying for a Blanket Purchase Agreement.
4. All eligible training providers must be recertified on an annual basis, except in circumstances in which extensions have been granted or agreements lasting less than one year have been executed.

## **III. The Appeals Process**

1. Prospective training providers who are found ineligible for entering into a Blanket Purchase Agreement with DOES or are denied the annual recertification may file a written request for a hearing with the WIC within 30 calendar days of the finding of ineligibility or the denial of recertification.
2. The WIC must hold the hearing within 30 calendar days of the receipt of the written request for a hearing.
3. The hearing must include a written explanation from DOES as to the reason(s) for

the finding of ineligibility or the denial of recertification and a written appeal from the complainant explaining why the adverse decision should be reversed or a compromise established.

4. An attorney or other representative(s) of choice of the complainant may be present. Witnesses and documentary evidence may be presented. Records and documents relevant to the complaint and maintained by or for the District of Columbia in the course of business may be presented. All witnesses or parties to the issues of the complaint may be questioned. All testimony will be taken under oath.
5. The WIC shall issue a written decision within 10 calendar days of the date of the hearing. The decision may enumerate what steps must be taken by the complainant to establish or reestablish eligibility.
6. If the complainant is not satisfied with the decision of the WIC, a protest may be filed with the District of Columbia Contract Appeals Board pursuant to provisions of Section 908 of the District Procurement Practices Act of 1985, as amended. A copy of the protest shall be sent to the DOES Contracting Officer. A protest shall be filed within 10 working days of the date the complainant knew, or should have known, of the basis for the protest.