



June 5, 2024

EASTERN CAROLINA LOCAL AREA ISSUANCE No. 2023-06

SUBJECT: Non-Criminal Complaint Procedures

PURPOSE: To provide Workforce Innovation and Opportunity Act (WIOA) subrecipients with the minimum standards and procedures for processing non-criminal program complaints.

BACKGROUND: WIOA Section 181 (c) requires the State and each local Workforce Development Board (WDB) receiving funds under Title I to establish and maintain a procedure for grievances or complaints alleging violations of the requirements of this Title regarding its programs and activities from participants and other interested or affected parties. The attached procedures are designed pursuant to WIOA Section 181 (c).

WIOA subrecipients are required to establish and maintain policies and procedures that incorporate these minimum standards.

ACTION: All WIOA Title I Service Providers are to comply with the attached policy.

EFFECTIVE DATE: Immediately

EXPIRATION DATE: Indefinite

CONTACT: EEO Officer

DISTRIBUTION: WIOA Title I Subrecipients

Bill Green
Executive Director

Attachment: Attachment A - Eastern Carolina Local Area Non-Criminal Program Complaint Procedures

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An Equal Opportunity/Affirmative Action Employer

Eastern Carolina Local Area Non-Criminal Program Complaint Procedures

In accordance with WIOA Section 181(c) subrecipients of Workforce Innovation and Opportunity Act (WIOA) funds shall establish and maintain a procedure for grievances or complaints about its programs and activities from participants and other interested person. The grievances or complaint procedures shall also provide for resolution of complaints arising from actions taken by the subrecipients with respect to investigations, audits, or monitoring reports.

Grievances arising at the local level must first exhaust available remedies established in local procedures before being subject to state review. When such grievances stem from an alleged act that also violates a federal statute other than WIOA or a state or local law, the individual or agency may, with respect to the non-WIOA cause of action, institute a civil action, or pursue other remedies authorized under other federal, state, or local law against the subrecipient or its agency without first exhausting the remedies under WIOA.

Except for complaints alleging fraud or criminal activity, complaints shall be made within 180 days of the alleged occurrence.

Reasonable efforts will be made to assure that the information provided will be understood by affected parties, including youth and those who are limited English speaking individuals.

Any person who elects to file his or her complaint with the Local Area must allow the Local Area 40 days to process the complaint and allow 50 days for the Division to receive and review the complaint, if applicable. Each complainant and respondent have the right to be represented by an attorney or other individual of his or her own choice.

1. All complaints must be filed in writing, signed by the complainant, or authorized representative, and include the following information:
 - a. The full name, address, and telephone/TTY number of the complainant (or specify another means of contacting him or her);
 - b. The full name and address of the person or agency against which the complaint is made;
 - c. A clear, concise statement of the act or acts considered to be a violation;
 - d. In regard to disability, a statement or supporting evidence that the complainant is disabled;
 - e. Other information that will help explain and resolve the complaint.

Complaints filed with the Local Area should be mailed or emailed to:

Eastern Carolina Workforce Development Board, Inc.
1341 South Glenburnie Road
New Bern, NC 28562
Attn: Phillip Prescott
prescott@ecwdb.org

2. Hearings on any complaint filed must be conducted within 30 days of filing.

3. Complaint hearing procedures should include the following provisions:
 - a. Reasonable notice to all parties by registered or certified mail;
 - b. A statement of the date, time and place of hearing;
 - c. A statement of the authority and jurisdiction under which the hearing is to be held;
 - d. A reference to the particular section of the Act, regulations, grant or other agreements under the Act involved;
 - e. Notice to the parties of the specific charges involved;
 - f. The right of both parties to be represented by legal counsel or other individuals of his or her own choice;
 - g. The right of each party to present evidence, both written and through witnesses;
 - h. The right of each party to cross examination;
 - i. The right of an impartial decision maker who has not been directly involved in the events from which the complaint arose; and
 - j. A written decision made strictly on the recorded evidence must be rendered within the prescribed time frame.
4. Complete records and documentation should be kept in each contested case, including minutes of testimony, data submitted, findings, appeals, and final decisions.
5. Decisions must be made not later than 40 days of filing of the complaint. If a complaint does not receive a decision from the local level within 40 days of the filing of the complaint or receives an unsatisfactory decision, the complainant has a right to request a review of the complaint by the Division of Workforce Solutions (DWS).

Requests for such review should be submitted to:

Assistant Secretary
NC Department of Commerce
Division of Workforce Solutions
313 Chapanoke Road, Suite 120
4316 Mail Service Center
Raleigh, North Carolina 27699-4316
ATTENTION: DWS WIOA EEO Officer

Such requests must be filed within 10 days of receipt of the adverse decision or 10 days from the date on which the complainant should have received a decision, whichever is earlier. The DWS will conduct a review of the complaint and issue a decision within 40 days from the date of receiving the review request. The Assistant Secretary for the Division may extend the 10 days if: 1) the Local Area does not notify the complainant of his or her right to request a review by the DWS, or 2) for other good cause shown. Under no circumstances shall the time limit be extended for more than 30 days. However, if an extension is not granted, the complainant may follow the procedures listed in number 6 below. The complainant has the burden of proving to the Division that the time limit should be extended.

6. Should the Division of Workforce Solutions provide a decision unsatisfactory to the complainant or fails to provide one, the complainant may file a complaint with the Director of the Civil Rights Center of the U. S. Department of Labor. Such requests must be submitted within 30 days of the Division's decision or 120 days from the date the complaint was initially filed at the Local level, whichever is earlier.

7. Complaints filed with the Director of the Civil Rights Center shall be mailed to:

Director of the Civil Rights Center (CRC)
U. S. Department of Labor
200 Constitution Avenue, N. W., Room N-4123
Washington, DC 20210

The Local Area shall maintain a log of complaints filed. The log shall include: 1) the name and address of the complainant; 2) the grounds of the complaint; 3) a description of the complaint; 4) the date the complaint was filed; 5) the disposition and date of disposition of the complaint; and 6) other pertinent information. Information that could lead to the identification of a particular individual as having filed a complaint shall be kept confidential. Records regarding complaints and actions taken thereunder shall be maintained for a period of not less than three years from the date of resolution of the complaint and made available to the Director of the Civil Rights Center (CRC) or the State upon request. Information concerning all complaints shall be kept confidential.

8. The complaint processing procedures shall provide for alternative dispute resolution (ADR). The complainant shall have the choice of pursuing the customary investigation process or using the alternative dispute resolution process. If the parties do not reach an agreement under alternative dispute resolution at the Local Area or State Level, the complainant may file a complaint with the Director of the Center for Civil Rights, at the address listed in number 7 above. The Division of Workforce Solutions has selected the mediation process as its alternative dispute resolution. See North Carolina Department of Commerce, Division of Workforce Solutions, Alternative Dispute Resolution Mediation Guidelines for additional information.
9. Corrective and remedial actions must be designed to completely correct each violation. For each corrective action, a time frame must be established, and a minimum of time must be allowed for compliance. The procedures must provide, where appropriate, for retroactive relief (including, but not limited to, back pay) and prospective relief (e.g., training, policy development and communication) to ensure that the discrimination does not recur. The Local Area shall develop procedures for follow-up monitoring to ensure that commitments to take corrective action and remedial action are fulfilled. The Local Area shall describe reports required from the violating agency regarding actions to correct the violation(s). Sanction procedures to be followed where voluntary compliance cannot be achieved shall be developed.