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Orange County Workforce Development Board
Program Grievance and Complaint Policy

Effective:
August 26, 2026

SUBJECT:
Information Notice No. 26-OCWDB-08
Supersedes Information Notice No. 21-OCWDB-10

APPROVED:
Nancy Cook, Executive Director
Orange County Workforce Development Board

Initial

PURPOSE

To provide guidance on grievance and complaint procedures for complaints alleging non-criminal violations of the requirements of the Workforce Innovation and Opportunity Act (WIOA) in the operation of local WIOA programs and activities.

EFFECTIVE DATE

This policy is effective on the date of issuance.

REFERENCES

- WIOA (Public Law 113-128) Section 181(c)
- Title 20 Code of Federal Regulations (CFR) Sections 683.600 and 683.610
- Title 29 CFR Section 38.9
- Title 22 California Code of Regulations (CCR), Sections 5050 – 5070
- Workforce Services Directive (WSD) 18-05, WIOA Grievance and Complaint Resolution Procedures
- WSD 17-01, Nondiscrimination and Equal Opportunity Procedures

BACKGROUND

Under WIOA Section 181(c), each state, Local Workforce Development Area (Orange County Workforce Development Board (OCWDB) in Orange County), and direct recipient of WIOA Title I funding is required to establish and maintain procedures for participants and other interested parties to file grievances and complaints alleging violations of program requirements. Guidance includes the receipt, hearing, resolution, appeals process of grievances, and complaints at the local level. The procedures apply only to programmatic complaints alleging violations of WIOA Title I program requirements and activities or of a decision resulting from a violation of the One-Stop Center Code of Conduct Policy. For information on complaints alleging discrimination under WIOA Section 188 and/or Title 29 CFR Part 38, see OCWDB Nondiscrimination and Equal Opportunity Policy. For information on complaints alleging criminal fraud, waste, abuse, or other criminal activity, see OCWDB Incident Reporting Policy.

DEFINITIONS

Complainant – Any participant or other interested or personally affected party alleging a noncriminal violation of WIOA Title I requirements.

Complaint file – A file that is maintained in a central location within each office, which includes a copy of each complaint filed along with pertinent documentation.

Compliance Review Office (CRC) – The organization within the EDD that oversees the administrative resolution of WIOA programmatic complaints.

Grievance or complaint – A written expression by a party alleging a violation of WIOA Title I, regulations promulgated under WIOA, recipient grants, subgrants, or other specific agreements under WIOA.

Hearing Officer – An impartial person or group of persons that shall preside at a hearing on a grievance or complaint.

POLICY

Service Providers must ensure that the local grievance and complaint procedures are posted in a public location and made available to any interested parties or members of the public. A copy must be provided to each participant in accessible and appropriate formats. Reasonable efforts must be made to assure that the content is understood by participants, including those with visual impairments and those who are limited English-speaking in compliance with language requirements of Title 29 CFR Section 38.9.

Where a hard copy case file is maintained, Service Providers must include a signed copy of the Summary of Rights and Program Grievance and Complaint Form in each participant's case file. Where an electronic case file is maintained, Service Provider staff must either: (1) enter into CalJOBS a case note indicating that this notification did occur, the date of the notification, and the name of the staff person who provided it, or (2) scan a signed copy of the Summary of Rights and Program Grievance and Complaint Form and upload it to the participant's CalJOBS case file.

Form and Filing of Grievance or Complaint

Participants or other interested parties have the right to:

- File a grievance or complaint at any time within one (1) year of the alleged violation.
- Receive technical assistance in filing a grievance or complaint.
- May be represented, at their own expense, by a person(s) of their choosing.
- File an appeal or request a separate review by EDD if they experience restraint, coercion, or reprisal as a result of filing a complaint.

The official filing date is the date the written grievance or complaint is received by the Service Provider or OCWDB. A written decision regarding the grievance or complaint must be issued within sixty (60) days of it being filed. OCWDB must send a copy of the grievance or complaint to the respondent. The grievance or complaint must be in writing, signed, and dated and must include:

1. Full name, telephone number, and mailing address of the complainant;
2. Full name, telephone number, and mailing address of the agency involved (respondent);
3. A clear and concise statement of the facts and dates describing the alleged violation;
4. The provisions of the WIOA, or the regulations, grant, or other agreements under the WIOA believed to have been violated;
5. Grievances or complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with the WIOA law, regulation, or contract; and
6. The remedy sought by the complainant.

The absence of any of the requested information shall not be a basis for dismissing the grievance or complaint. A grievance or complaint may be amended to correct technical deficiencies at any time up to the start of the hearing. Grievances or complaints may be withdrawn at any time prior to the issuance of the hearing officer's decision.

Informal Hearing

Service Providers are to use informal conferences to attempt to achieve a resolution for each complaint. Good faith efforts must be made to resolve all grievances or complaints prior to the scheduled formal hearing. The Service Provider shall maintain copies of correspondence in the complainant's file. Should a complaint not be resolved during the Informal Hearing stage, the Service Provider must refer the complainant within two (2) days to the OCWDB Equal Opportunity (EO) Officer for a Formal Hearing. Every grievance or complaint not resolved informally or not withdrawn must be given a formal hearing, regardless of the apparent merit or lack of merit of the grievance or complaint.

Notice of Formal Hearing

Hearings shall be conducted within thirty (30) days of the filing of a grievance or complaint. The complainant and the respondent shall be notified in writing by the OCWDB EO Officer of the hearing ten (10) days prior to the date of the scheduled date.

Hearing Notice must include:

- Date of the notice, name of the complainant, and name of the party against whom the grievance is filed.
- The date, time, and location of the hearing.
- A statement of the alleged violation(s).
- The name, address, and telephone number of the contact person issuing the notice.

Hearing Process and Decision

An impartial hearing officer shall conduct the hearing. Members of the Local Workforce Development Board and the local Chief Elected Official(s) are considered interested parties and cannot legally conduct an impartial hearing. To fulfill this condition, OCWDB shall solicit assistance from the OCWDB EO Officer to identify the hearing officer. The hearing will be conducted in an informal manner and not be bound by strict rules of evidence. Both parties will have the right to present written and/or oral testimony and arguments, call and question witnesses, examine records and documents relevant to the issue, and be represented. The hearing will be recorded electronically or by a court reporter.

The hearing officer shall provide a written decision to OCWDB following the formal hearing. No later than sixty (60) days after the filing of the grievance or complaint, OCWDB EO Officer shall mail the written decision to both parties by first class mail. The hearing officer's decision shall contain the names of the parties involved, statement of the alleged violation(s) and issues, statement of facts, the hearing officer's reasons and decisions, statement of corrective action for the violations, and a notice of the right to request an appeal of the decision by the State Review Panel within ten (10) days of receipt of the decision.

OCWDB-Level Informal Resolution and Hearing Procedures

A complainant may file a grievance or complaint directly with the OCWDB. All complaints shall be filed in writing with the OCWDB EO Officer:

Equal Opportunity Officer, OCWDB
Orange County Community Services
1300 S. Grand Ave., Bldg. B, Second Floor
Santa Ana, CA 92705

Appeal

If a complainant does not receive a decision from the OCWDB within sixty (60) days of the filing of the grievance or complaint, receives an adverse decision, or experiences restraint, coercion, or reprisal because of filing the complaint, the complainant has the right to file an appeal with EDD.

- Adverse Decision - Request for an EDD review or appeal shall be filed or postmarked (if mailed) within ten (10) days from the date on which the complainant received an adverse decision from OCWDB.
- No OCWDB Decision - The grievance/complaint shall be filed with EDD within fifteen (15) days in which a complainant should have received a decision from OCWDB.
- Retaliation - The grievance/complaint may be filed with EDD within fifteen (15) days from the date on which an instance of restraint, coercion, or reprisal was alleged to have occurred because of filing the complaint.

The complainant may request a state hearing by submitting a written notice of appeal to:

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

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If an evidentiary hearing was held at the local level, the OCWDB will provide written transcripts of any audio or visual recordings of the hearing via overnight mail upon request from the CRC.

Complaint Log

Each Service Provider shall maintain an annual (calendar year) complaint log. Logs must be available for review at the request of OCWDB, federal, state, or local monitoring staff. Service Providers are required to submit logs annually by **January 30** to the EO Officer and the respective OCWDB Program Manager. If no complaint is filed for the calendar year, the Service Provider will note 'None to report' for the calendar year.

ACTION

Bring this policy to the attention of all relevant staff, subrecipients, and partners to ensure full understanding and compliance with federal and state audit resolution requirements.

INQUIRIES

If you have any questions regarding this policy, please email info@ocworkforcesolutions.com.

ATTACHMENTS

Attachment I: Summary of Rights and Program Grievance and Complaint Procedures Form and Flow Chart
Attachment II: Orange County Workforce Development Board Complaint Log

Program Grievance and Complaint Procedures and Flowchart

RIGHTS
You have the right to file a grievance/complaint if you feel you have a grievance/complaint relating to your employment and/or training program or services, policies and procedures, grants, or regulations and other agreements under the WIOA. You will not be punished in any way for filing a grievance/complaint.

FILING A GRIEVANCE/COMPLAINT
You must file a **written** grievance/complaint **within one (1) year** of the incident. If requested, Insert Agency Name will provide you with the necessary information and assistance to complete the grievance/complaint. Your written grievance/complaint must be signed, dated, and include, at a minimum, the following:

(1) Your full name and address;
(2) The full name and address of the agency or party you are complaining against;
(3) A clear statement of the facts, including dates;
(4) The provisions of the WIOA, the WIOA regulations, grant, or other agreements under the WIOA, believed to have been violated;
(5) Grievances or complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with the WIOA law, regulation, or contract; and
(6) The remedy sought by the grievance/complaint.

Your written grievance/complaint must be mailed to: Insert Agency EO Officer's Name/Agency/Address

HEARING PROCESS
Within **ten (10) days** of filing the grievance/complaint, an informal conference may be held to resolve the matter. If you feel that your complaint/grievance is not resolved during the informal conference, you may request a formal hearing. A hearing with an impartial hearing officer will be provided within **thirty (30) days** of filing your grievance/complaint. You will be notified by the Orange County Workforce Development Board (OCWDB), in writing, **ten (10) days** before the date of the hearing. If a resolution is reached during the informal hearing, you are expected to submit a written withdrawal of the complaint within **ten (10) days**.

You may also file your grievance/complaint directly with OCWDB by submitting your written documentation to OCWDB's EO Officer at: Orange County Workforce Development Board/EO Officer, OC Community Services/Community Investment Division, 1300 S. Grand Avenue, Bldg. B, Santa Ana, CA 92705.

DECISION
If you do not receive a decision from OCWDB **within sixty (60) days** after filing your grievance/complaint, you may proceed to file your grievance/complaint with the California Employment Development Department (EDD) within **fifteen (15) days** of the 60-day deadline (or **seventy-five (75) days** from the day on which your initial complaint was filed). If you receive an adverse decision from OCWDB, you may file an appeal with EDD within **ten (10) days** of the date on which you received OCWDB's determination.

Submit a written notice to: Chief, Compliance Review Office, MIC 22-M, Employment Development Department, P.O. Box 826880, Sacramento, CA 94280-0001.

I understand these procedures as explained by Staff. A full copy of these procedures is available to me upon request.

Participant Signature _____ Date _____

Parent/Guardian Signature (if minor) _____ Date _____

This WIOA Title I-financially assisted program or activity is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Request for services, aids, and/or alternative formats need to be made by calling: TDD Insert Agency TDD # or TTY users 711.

Procedure Flowchart

Day 1	
Grievance/Complaint Submission	Complainant

By Day 10	
Conduct Informal Hearing	Service Provider/OCWDB

2 Days Later/By Day 12	
Inform OCWDB of need for formal hearing	Service Provider

Days 12-20	
Schedule formal hearing and inform complainant of hearing date. (Must be done 10 days prior to scheduled hearing)	OCWDB/Hearing Officer

By Day 30	
Conduct Formal Hearing	Hearing Officer

Days 30-55	
Prepare decision and submit to OCWDB	Hearing Officer

By Day 60	
Written decision must be received by complainant	OCWDB

No Decision/Appeal Timeline
Complainant may appeal to State EDD after the 60- day timeframe. Within 10 days - Adverse decision from OCWDB Within 15 days – No decision received from OCWDB

Annual Complaint Log

Service Provider:

Calendar Year: ☐ **None to report**

Date of Complaint	Name of Complainant	Address of Complainant	Email Address of Complainant	Status of Complaint	Date of the Alleged Incident	Grounds of Complaint	Description of Complaint	Name of Respondent	Is Respondent a Recipient?	Disposition/Outcome	Date of Disposition	ADR* Used?
						☐ Program Complaint ☐ Discrimination			☐Yes ☐No			☐Yes ☐No ☐ N/A
						☐ Program Complaint ☐ Discrimination			☐Yes ☐No			☐Yes ☐No ☐ N/A
						☐ Program Complaint ☐ Discrimination			☐Yes ☐No			☐Yes ☐No ☐ N/A
						☐ Program Complaint ☐ Discrimination			☐Yes ☐No			☐Yes ☐No ☐ N/A
						☐ Program Complaint ☐ Discrimination			☐Yes ☐No			☐Yes ☐No ☐ N/A
						☐ Program Complaint ☐ Discrimination			☐Yes ☐No			☐Yes ☐No ☐ N/A
						☐ Program Complaint ☐ Discrimination			☐Yes ☐No			☐Yes ☐No ☐ N/A
						☐ Program Complaint ☐ Discrimination			☐Yes ☐No			☐Yes ☐No ☐ N/A

*ADR = Alternative Dispute Resolution (Mediation) for EO/Discrimination Complaints