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SOUTH BAY WORKFORCE INVESTMENT BOARD

SBWIB

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**DATE:** March 14, 2018 (up-dated 9/25/2024)  
**TO:** Beneficiaries of and Participants in the South Bay Workforce Investment Area, Workforce Innovation and Opportunity Act (WIOA) programs, and other Grant Funded Projects  
**SUBJECT:** Directive No. 18-02  
SOUTH BAY WORKFORCE INVESTMENT BOARD (SBWIB) GRIEVANCE AND COMPLAINT RESOLUTION PROCEDURES

**PURPOSE**

This policy provides guidance to the South Bay Workforce Investment Board (SBWIB) and establishes procedures for filing grievances and complaints alleging noncriminal violations of WIOA Title I requirements.

**BACKGROUND**

Under WIOA Section 181(c), local workforce development areas such as the South Bay Workforce Investment area (Local Area) are required to establish and maintain procedures for WIOA beneficiaries (including staff, service providers, America's Job Center of California (AJCC) partners, participants or other interested parties) to file grievances or complaints alleging violations of WIOA Title I requirements. These procedures must be made available at the local area.

**POLICY**

This policy applies only to programmatic complaints alleging violations of WIOA Title I requirements in the operation/administration of WIOA programs and activities. These policies and procedures contain guidance for filing, hearing, resolution and appeals process in accordance with Title 20 CFR, Sections 683.600 and 683.610, respectively. This policy may be incorporated into the local area's system for filing complaints.

**EFFECTIVE DATE**

The directive is effective immediately.

**STATE-IMPOSED REQUIREMENTS**

The attached directive contains one state-imposed requirement. These requirements are indicated by **bold, italic type**.

**ACTION**

Notify all affected parties of the changes to the grievance and complaint resolution guidelines.

**FILING INSTRUCTIONS**

This directive supersedes SBWIB Grievance Policy dated November 16, 2012. Retain this directive until further notice.

JAN VOGEL  
**EXECUTIVE DIRECTOR**

## INQUIRIES

If you have any questions regarding this directive, please contact the Compliance Manager, at 310) 970-7730.



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Jan Vogel  
Executive Director

*The SBWIB is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.*

## REFERENCES

- WIOA (Public Law 113-128) Section 181(c), Sections 184, 185(b), Section 188
- 29 U.S.C. Sec. 3248
- Title 29 CFR Section 38.9
- Title 20 Code of Federal Regulations Preamble Page 56212
- Title 20 Code of Federal Regulations (CFR) Sections 683.200(h), 683.430, 683.600, 683.610, 683.620, 684.630, 667.270
- Title 22 California Code of Regulations (CCR) Division 1, Subdivision 1, Chapter 2 Sections 5050 – 5070
- Department of Labor Training and Employment Guidance Letter (TEGL) No. 2-12
- Appendices I through XI, including any exceptions identified by the Department at 2 CFR part 2900.
- CA EDD WSD-18-05

**SOUTH BAY WORKFORCE BOARD (SBWIB)  
GRIEVANCE AND COMPLAINT RESOLUTION PROCEDURES**

Welcome to the South Bay Workforce Investment Area programs. We hope your participation in the program will be both enjoyable and rewarding. As part of the program, it is important for you to understand your rights and responsibilities, as well as how to resolve a complaint or disagreement.

**OVERVIEW**

- You should receive a copy of this SBWIB Grievance and Complaint Resolution Procedures when you attend the Orientation at the One-Stop Center. You will be asked to sign that you have received a copy of the procedures. A copy of the receipt will be placed in your participant case file.
  
- There are three types of complaint procedures:
  - (1) Programmatic Grievance and Complaint Procedures (Non-criminal)
  - (2) Discrimination and Equal Opportunity Complaint Procedures (Non-Criminal)
  - (3) Fraud, Waste and Abuse Complaint Procedures (Criminal)
  
- You will not be discharged, intimidated, retaliated, threatened, coerced, or discriminated against because you filed a Complaint.
  
- You may hire an attorney at your own expense to represent you at all levels of the complaint process.

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**EFFECTIVE DATE**

The directive is effective immediately.

**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.*

*Complaint Review Office – the organization within the EDD that oversees the administrative resolution of WIOA programmatic complaints.*

*Days – consecutive calendar days, including weekends and holidays.*

*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.*

*Local Area – the Local Area administrative entity and its subrecipients to whom the administrative entity has delegated the grievance and complaint resolution process.*

*Participant – an individual who has been determined to be eligible to participate in and who is receiving services under a program authorized under WIOA.*

*Participant case file – either a hard copy or an electronic file*

*Recipient – an entity to which a WIOA grant is awarded directly from the U.S. Department of Labor (DOL) to carry out a program under WIOA Title I.*

*Respondent - Local Area, AJCC partner, service provider, or subrecipient that the grievance or complaint is about.*

*Service Provider – a public agency, private nonprofit organization, or private-for-profit entity that delivers educational, training, employment, or supportive services to WIOA participants.*

*State Review Panel – a public agency, private nonprofit organization, or private-for-profit entity that delivers educational, training, employment, or supportive services to WIOA participants.*

*Subrecipient – an entity to which a recipient awards funds and is accountable to the recipient (or higher tier subrecipient) for the use of the funds provided.*

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## **(1) HOW DO I FILE A PROGRAM-RELATED GRIEVANCE OR COMPLAINT? (NON-CRIMINAL)**

If you believe that there has been a violation in the operation/administration of WIOA Title I workforce employment and training program activities or you did not receive the program services you are eligible for, you may file a Grievance or Complaint. Grievances or Complaints must be filed within one (1) year of the alleged violation. All Grievances, Complaints, amendments and withdrawals must be in writing. All persons filing Grievances or Complaints shall be free from restraint, coercion, reprisal, and discrimination.

If you need help in filling out the Complaint form, you should first contact the SBWIB, Inc.'s **Director of GAIN Programs, Tracey Atkins, South Bay Workforce Investment Board, 11539 Hawthorne Blvd, Suite 500, Hawthorne, CA 90250**. The Director or designee will help you file a Complaint, provide copies of relevant documents such as the WIOA, federal regulations, state laws and regulations, local procedures, and/or contracts, and provide clarification and interpretation of relevant provisions. This does not require the SBWIB, Inc. to violate any rule of confidentiality.

**Note: The Director or designee does not provide legal advice or represent either party**

**to the Complaint.**

- The official filing date of a Grievance or Complaint is the date it is received by the SBWIB, Inc., AJCC partner, Service Provider, or Subrecipient.  
The filing shall be considered a request for a hearing.
- The SBWIB, Inc. shall issue a written decision within 60 days of the official filing date. The SBWIB, Inc. shall send a copy of the Grievance or Complaint to the Respondent.
- You must first file your program-related grievance or complaint with the SBWIB, Inc. EO/ Compliance Officer at the address and telephone number below.

**South Bay Workforce Investment Board, Inc.  
11539 S. Hawthorne Blvd., 5<sup>th</sup> Floor  
Hawthorne, CA 90250  
Attn: Laura Bischoff, EEO/ Compliance Officer  
Telephone Number: (310) 970-7700**

The Grievance or Complaint must be in writing, signed, and dated by the Complainant. The SBWIB, Inc. will attempt to obtain the following information; however, the absence of any of the requested information shall not be used as a basis for dismissing the Grievance or Complaint.

- Your full name, telephone number, and mailing address of the Complainant and Respondent;
- A clear and concise statement of the facts and dates describing the alleged violation;
- The provisions of the WIOA, federal regulations, grant, or other agreements under WIOA, believed to have been violated;
- Grievances or complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with WIOA law, regulation, or contract; and
- The remedy sought by the Complainant.

A Grievance or Complaint may be amended to correct technical deficiencies at any time up to the start of the hearing (30 days from filing the Grievance or Complaint). Grievances or Complaints may not be amended to add new issues unless the Complainant withdraws and resubmits the Complaint. However, the one-year time period in which a Grievance or Complaint may be filed is not extended for grievances or complaints refiled with amendments. Grievances or Complaints may be withdrawn at any time prior to the issuance of the hearing officer's decision.

**What are the steps that take place after I have filed my Complaint?**

**A. Informal Resolution**

The SBWIB, Inc. shall notify you and the Respondent of the opportunity for informal resolution. Respondents must make good faith efforts to resolve all Grievances or Complaints prior to the scheduled hearing. Failure on the part of either the Complainant or Respondent to exert a good faith effort shall not constitute a basis for dismissing a Grievance or Complaint, nor shall this be considered to be a part of the facts to be judged during the resolution process. Where a Complaint alleges a violation of WIOA Title I, grant or any agreements under WIOA, the SBWIB, Inc. must assure that every Grievance or Complaint not resolved informally or not withdrawn is given a hearing, regardless

of the Grievance or Complaint's apparent merit or lack of merit.

If the Complaint has been resolved through the informal resolution process, a notice of resolution must be sent to the Complainant and entered into the Complaint file. If the informal resolution leads to an impasse between the Complainant and Respondent, the Complainant may choose to not proceed to a hearing. If this occurs, a notice of impasse must be sent to the Complainant and entered into the Complaint file.

In the event of resolution or impasse, the SBWIB, Inc. shall attempt to contact you to request you provide a written withdrawal of the Complaint within 10 days of the receipt of the notice of resolution or impasse. The SBWIB, Inc. shall maintain copies of correspondence in your file.

## **B. Local Level Hearing**

***Hearings on any Grievance or Complaint shall be conducted within 30 days of filing a Grievance or Complaint.***

### **i. Notice of Hearing**

The SBWIB, Inc. must notify the Complainant and the Respondent in writing of the hearing 10 days prior to the date of the hearing. The 10-day notice may be shortened with the written consent from both parties. The hearing notice shall be in writing and contain the following information:

- Date of notice, name of the Complainant, and the name of the party against whom the Grievance or Complaint is filed.
- Date, time, and place of the hearing before an impartial hearing.
- A statement of the alleged violation(s). The statement must accurately reflect the content of the Grievance or Complaint as submitted by the Complainant. However, clarifying notes may be added to assure that the Grievance or Complaint is addressed accurately.
- The name, address, and telephone number of the contact person issuing the notice.

### **ii. Conduct of Hearing**

An impartial hearing officer shall conduct the hearing. ***All members of the SBWIB and the local Chief Elected Official are considered interested parties and cannot legally conduct an impartial hearing (Title 20 CFR Preamble Page 56212).*** The SBWIB, Inc. may seek impartial hearing officers from among the staff of legal offices or personnel departments of local municipalities or counties that will not be directly affected by, or will not implement the final resolution of, a specific Grievance or Complaint.

The hearing must be conducted in an informal manner and not be bound by strict rules of evidence. All hearings must follow any applicable procedures established by the SBWIB, Inc. Both parties have the right to be represented at their own cost, present written and oral testimony, call and question witnesses, and request and examine records and documents relevant to the issues. The hearing must be recorded electronically or by a court reporter.

### **iii. Decision of Hearing**

Not later than 60 days after the filing of the Grievance or Complaint, the hearing officer shall mail a written decision to both parties by first class mail. The hearing officer's decision shall contain the

following information:

The written decision will contain the following information:

- Names of the parties involved;
- Statement of the alleged violation(s) and related issues;
- Statement of the facts;
- Hearing officer's decision and reasoning;
- Statement of corrective action or remedies for violations, if any, to be implemented; Notice of the right of either party to request an appeal to the State Review Panel, within 10 days of the receipt of the decision.

iv. Local Level Appeal

If a Complainant does not receive a decision within 60 days of the filing date of the Grievance or Complaint, or receives an adverse decision, the Complainant then has the right to file an appeal with the State.

If the Complainant experiences an incident of restraint, coercion, or reprisal as a result of filing a Complaint, the Participant may file an appeal or request a separate review by the Employment Development Department (EDD).

**C. State Level Appeal, EDD Review, and Grievance and Complaint Resolution Procedures**

i. State Level Appeal / EDD Review

If the Local Area has issued an adverse decision or failed to follow the procedures in this directive, the Complainant may file an appeal with the state.

If the Local Area has not issued a decision within the 60-day time limit, or if there has been any incident(s) of restraint, coercion, or reprisal at the local level as a result of filing a Grievance or Complaint, the Complainant may file a request for EDD review.

The appeal or request for EDD review must be in writing, signed, and dated by the Complainant and include the following information. However, the absence of any of the requested information will not be used as a basis for dismissing the Grievance or Complaint.

- Full name, telephone number, and mailing address of the Complainant and the administrative entity (SBWIB, Inc.).
- A statement of the basis of the appeal or request for EDD review.
- A clear and concise statement of the facts and dates describing the alleged violation.
- Copies of relevant documents, such as the Complaint filed with the SBWIB, Inc. and their decision, if any was received.
- The remedy sought by the Complainant.

Appeals must be filed or postmarked within 10 days from the date on which the Complainant received an adverse decision from the SBWIB, Inc.

Requests for EDD review must be filed or postmarked within 15 days from either of the following:

- The date on which Complainant should have received a decision regarding a locally filed Complaint, which is defined as five days from the date the decision was due.
- The date on which an instance of restraint, coercion, or reprisal was alleged to have occurred as a result of filing the Complaint.

Complainants must submit appeals or requests for EDD review to the following address:

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

Within 10 days of receipt of the Grievance or Complaint, the Compliance Review Office shall notify the Complainant and Respondent of the opportunity for an informal resolution and proceed with the informal resolution process.

If an evidentiary hearing was not held at the local level, the Compliance Review Office shall instruct the SBWIB to conduct an evidentiary hearing, within 30 days of receipt of the appeal or request for EDD review. If the Local Area refuses to hold a hearing with the required timeframe, the EDD shall schedule an evidentiary hearing before an impartial Hearing Officer within the 30-day timeframe.

If an evidentiary hearing was held at the local level, the Compliance Review Office shall request the record of the hearing from the SBWIB and the State Review Panel shall review the record without scheduling an additional hearing. Within 10 days of receipt of the appeal or request from EDD the SBWIB will provide written transcript of any audio or visual recordings of the hearing via overnight mail

#### ii. State Level Grievances and Complaints

All grievances or complaints alleging noncriminal, state violations of WIOA Title I requirements, or grievances or complaints by individuals or interested parties affected by statewide workforce programs shall be filed in writing with the Chief of the Compliance Review Office (address above) and shall be signed and dated by the Complainant. The official filing date of the grievance or complaint is the date it is received by the Compliance Review Office. The filing shall be considered a request for a hearing. The State Review Panel shall issue a written decision within 60 days of the official filing date. The Compliance Review Office shall send a copy of the grievance or complaint to the Respondent.

The state will attempt to obtain the following information for all Complaints. However, the absence of any of the requested information will not be used as a basis for dismissing the Grievance or Complaint.

- Full name, telephone number, and mailing address of the complainant and respondent.
- A clear and concise statement of the facts and dates describing the alleged violation.
- The provision(s) of WIOA, federal regulations, state laws or regulations, grant, or other agreements under WIOA believed to have been violated.
- Grievances or complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with WIOA law, regulation, or contract.
- The remedy sought by the complainant.



The Chief of the Compliance Review Office or their designee shall review the grievance or complaint and notify the Complainant and Respondent of the opportunity for an informal resolution within 10 days of receipt. If the state cannot resolve the grievance or complaint informally, a hearing will be held.

iii. EDD Hearing

Hearings on any grievance or complaint shall be conducted within 30 days of the filing of the grievance or complaint. The Complainant, Respondent, and SBWIB, Inc. (in cases of local level appeals and requests for EDD review) shall be notified in writing of the hearing at least 10 days prior to the hearing. The hearing notice shall contain the following information:

- The date of the notice, name of Complainant, and the name of the party against whom the grievance is filed.
- The date, time, and location of the hearing.
- A statement of the alleged violations. These statements must accurately reflect the content of the grievance or complaint. However, clarifying notes may be added to assure that the grievance or complaint is addressed accurately.
- The name, address, and telephone number of the contact person issuing the notice.

The EDD hearing shall be conducted by an informal matter without the application of strict rules of evidence. Both parties shall have the right to be represented, present written and/or oral testimony under oath and arguments, call and question witnesses, and request and examine records and documents relevant to the issues. The hearing shall be recorded either electronically or by a court reporter.

Following the EDD hearing, the EDD hearing officer will make a written recommendation to the State Review Panel. The State Review Panel will review the record and issue a decision. A written decision will be sent to both the Complainant and Respondent.

iv. State Review Panel

Following completion of the EDD hearing, the EDD Hearing Officer shall make a written recommendation to the State Review Panel. The hearing officer's recommendation shall contain the following information:

- The names of the parties involved.
- A statement of the alleged violation(s) and related issues.
- A statement of the facts.
- The EDD hearing officer's decision and reasoning.
- A statement of the correction action or remedies for violations, if any, to be implemented.

The State Review Panel may accept, reject, or modify the EDD Hearing Officer's recommendation or the decision of the Local Area, and shall issue a written decision to the concerned parties within 60 days of the EDD's receipt of the local level appeal, request for EDD review, or grievance or complaint.

The State Review Panel shall send a written decision to both the Complainant and the Respondent by certified mail containing the following information:

- The names of the parties involved.
- A statement of the alleged violation(s) and related issues.
- A statement of the facts.
- The State Review Panel's decision and reasoning.
- A statement of the corrective action or remedies for violations, if any, to be implemented.
- A notice of the right of either party to file an appeal with the U.S. Secretary of Labor (Secretary).

v. Remanded Local Grievances and Complaints

Grievances or complaints filed directly with the state related to Local Area programs will be remanded to the Local Area. Reviews that reveal a trial issue, such as the Hearing Officer being an interested party, will be remanded to the Local Area for a retrial of the grievance or complaint.

**D. Federal Level Appeal Process**

If the State Review Panel has issued an adverse decision regarding a grievance or complaint, or has not issued a decision within 60 days of receipt of a local level appeal, request for EDD review, or grievance or complaint, the complainant may file an appeal with the Secretary of the Department of Labor (DOL).

Appeals of an adverse decision must be filed within 60 days of receipt of the adverse decision from the State Review Panel. In cases where the State Review Panel did not issue a decision, the Complainant must file an appeal within 120 days of either of the following:

- The date on which the Complainant filed the appeal of a local level decision or request for EDD review with the state.
- The date on which the Complainant filed the grievance or complaint with the state.

Appeals must be sent to the DOL National Office at the address below via certified mail with return receipts requested. Copies of the appeal must simultaneously be provided to the DOL Employment and Training Administration (ETA) Regional Administrator and the Respondent.

**DOL National Office:**

**Secretary of Labor  
Attn: Assistant Secretary of ETA  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Washington, DC 20210**

**ETA Regional Administrator:**

**Office of Regional Administrator  
U.S. Department of Labor  
P.O. Box 193767  
San Francisco, CA 94119-3767**

Grievances or complaints filed directly with the Secretary of Labor that were not previously filed with the Local Area and/or state will be remanded to the Local Area or state, as appropriate.

The Secretary of Labor shall issue a final determination no later than 120 days after receiving the appeal.

**REMEDIES**

Remedies that may be imposed for a violation of any requirement under WIOA Title I shall be limited to the following:

- Suspension or termination of payments under WIOA Title I.
- Prohibition of placement of a participant with an employer that has violated any requirement under WIOA Title I.
- Reinstatement of an employee, where applicable, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment.
- Other equitable relief, where appropriate.

None of the above shall be construed to prohibit a Complainant from pursuing a remedy authorized under another federal, state, or local law for a violation of WIOA Title I.

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## **(2) DISCRIMINATION AND EQUAL OPPORTUNITY COMPLAINT PROCEDURE (NON-CRIMINAL)**

The SBWIB will comply fully with the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act (WIOA). The government has the right to seek judicial enforcement of this nondiscrimination assurance. 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.

Interpretation and translation services are available upon request free of charge.

### **A. Equal Opportunity is the Law**

Section 188 of the Workforce Innovation and Opportunity Act (WIOA) prohibits discrimination against any individual in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including LEP), age, disability, political affiliation or belief.

Section 188 additionally protects any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the WIOA from discrimination based on either the beneficiary's citizenship status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIOA Title I-financially assisted program or activity. ((WIOA) Public Law 113-128 Section 188 (29 U.S.C. Sec. 3248); 29 CFR 38; CA EDD Equal Opportunity Public Notice)

Recipients must not discriminate in any of the following areas:

- deciding who will be admitted, or have access, to any WIOA Title I-financially assisted program or activity;
- providing opportunities in, or treating any person with regard to, such a program or activity;
- making employment decisions in the administration of, or in connection with, such a program or activity.

Recipients of federal financial assistance must take reasonable steps to ensure that communications

with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

**B. What To Do If You Believe You Have Experienced Discrimination?**

Any person who believes that they or any specific class of individuals has been or is being subjected to discrimination prohibited by the nondiscrimination and equal opportunity provisions of WIOA may file a written complaint or a representative may file the complaint on your behalf by using the SBWIB Discrimination Complaint Form (Appendix A).

If you think that you have been subjected to discrimination under a WIOA Title I—financially assisted program or activity, you may file a complaint within **180 days** from the date of the alleged violation with either:

South Bay Workforce Investment Board  
11539 Hawthorne Blvd., Suite 500  
Hawthorne, CA 90250  
EO Compliance Unit  
Attn: Laura Bischoff, EO Compliance Officer

Telephone Number: (310) 970-7700  
TTY (310) 970-7774  
CRS (711) or (1-800-735-2922)  
Fax (310) 970-7713  
Email Address: [lbischoff@sbwib.org](mailto:lbischoff@sbwib.org)

**or**

Director, Civil Rights Center (CRC), U.S. Department of Labor  
200 Constitution Avenue NW, Room N-4123  
Washington, DC 20210  
**or** electronically as directed on the CRC website at [www.dol.gov/crc](http://www.dol.gov/crc).

Upon receipt of a complaint alleging discrimination by the Recipient, the SBWIB shall issue a written acknowledgement of receipt of the Complaint and shall include a notice of the Complainant’s right to representation in the complaint process.

If the SBWIB determines it does not have jurisdiction over a discrimination complaint, the SBWIB will immediately notify the Complainant in writing. The “Notice of Lack of Jurisdiction” will include the basis for the determination as well as a statement of the Complainant’s right to file a written Complaint with the CRC with 30 days of the receipt of the Notice.

If you file your complaint with the Recipient, you must wait either until the Recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the Recipient does not give you a written Notice of Final Action within 90 days of the day on which you

filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the Recipient).

If the Recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

(i) Alternative Dispute Resolution

The methods available to resolve a complaint include Alternative Dispute Resolution (ADR) procedures. The Complainant must be offered ADR immediately upon receipt of a complaint. The choice whether to use ADR rests with the Complainant.

(a) Mediation

The preferred form of ADR is mediation. Mediation is a voluntary process during which a neutral third party assists both parties (Complainant and Respondent), communicates their concerns, and comes to an agreement about how to resolve a dispute. The role of the mediator is to help with communication so the parties can reach an understanding about how to best resolve their differences.

As the law allows, mediation proceedings and the information shared are confidential and no information divulged during this mediation may be used in court or any legal or administrative proceedings.

(b) Conciliation

At any point in the investigation of the Complaint, the Complainant, Respondent, or the Local Area EO Officer may request that the parties attempt conciliation. The Local Area EO Officer shall facilitate such conciliation efforts.

Conciliation is a process whereby the parties to a dispute agree to utilize the services of a conciliator, who then meets with the parties separately in an attempt to resolve their differences. Conciliation differs from mediation in that the main goal is to conciliate, most of the time by seeking concessions.

If the conciliator is successful in negotiating an understanding between the parties, said understanding is almost always committed to writing (usually with the assistance of legal counsel) and signed by the parties, at which time it becomes a legal binding contract and falls under contract law.

(c) Post-ADR Procedures

If the parties do not reach an agreement under ADR, the Complainant may file directly with the CRC as described above. (29 CFR Sections 38.69-38.72).

If the parties reach an agreement under ADR and in the event the agreement is breached, the non-breaching party may file a Complaint with the CRC within 30 days of the date on which the non-breaching party learns of the alleged breach. The CRC must evaluate the circumstances to determine whether the agreement has been breached. If the CRC determines that the agreement has been breached, the Complainant may file a Complaint with the CRC based upon his or her original allegation(s), and the CRC will waive the time deadline for filing such a Complaint.

If the Complainant elects not to participate in the ADR process, the SBWIB EO Officer shall investigate the circumstances underlying the complaint.

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**(3) WHAT IS FRAUD AND ABUSE? HOW DO I FILE A COMPLAINT ALLEGING FRAUD AND ABUSE? (CRIMINAL)**

WIOA regulations require that the South Bay Local Workforce Investment Area report within one workday of detection or discovery of information alleging fraud, abuse, or other criminal activity involving WIOA funds, a written incident report shall be prepared by the detecting entity. The incident report must be submitted on the form provided by the SBWIB, Inc. or similar document containing the requested information.

Any allegations(s) should be report immediately to the following person:

**Jan Vogel, Executive Director  
South Bay Workforce Investment Board (SBWIB, INC.)  
11539 S. Hawthorne Blvd., 5<sup>th</sup> Floor  
Hawthorne, CA 90250  
(310) 970-7700**

Incident Report Forms are available upon request at the SBWIB, Inc.

Submit the report to:           Attention: Compliance Resolution Unit  
  Compliance Review division, MIC 22M  
  Employment Development Department  
  P.O. Box 826880  
  Sacramento, CA 94280-0001

Information and complaints involving criminal fraud, waste, abuse or other criminal activity must be reported immediately through the Department's Incident Reporting System to:

Department of Labor Office of Inspector General  
Office of Investigations  
Room S5514  
200 Constitution Avenue NW.  
Washington, DC 20210

or

Corresponding Regional Inspector General for Investigations and a copy simultaneously provided to:

Department of Labor  
Employment and Training Administration  
Hotline number is 1-800-347-3756  
<http://www.oig.dol.gov/contacthtm>.

And the OIG at their Web site [www.oig.dol.gov/hotnet1.htm](http://www.oig.dol.gov/hotnet1.htm) or by telephone at 1-800-347-3756, by fax to (202) 693-5210, or by mail to:

Allegations considered to be of an emergency nature may also be reported to the California Dept. of Consumer Affairs (see below) and followed immediately thereafter by a written incident report.

**California Department of Consumer Affairs  
Consumer Information Center**

1625 North Market Blvd., Suite N-112  
Sacramento, California 95834  
800.952.5210 | 800.326.2297 TDD  
[www.dca.ca.gov/](http://www.dca.ca.gov/) | [dca@dca.ca.gov](mailto:dca@dca.ca.gov)

**ACKNOWLEDGEMENT**

I have received a copy of the South Bay Workforce Investment Board (SBWIB) Grievance and Complaint Resolution Procedures addressing (1) Discrimination and Equal Opportunity, (2) and (3) Fraud, Waste and Abuse, all of which have been explained to me.

I also understand that additional information or assistance is available from the South Bay Workforce Investment Board at (310) 970-7700.

In addition, I agree to fully cooperate with the SBWIB and the State of California in the provisions of training, placement and follow-up.

**PARTICIPANT'S SIGNATURE**

\_\_\_\_\_

**PRINTED NAME**

\_\_\_\_\_

**DATE SIGNED**

\_\_\_\_\_

**WAS NOTICE GIVEN IN ANOTHER LANGUAGE?**

YES     NO

**WAS NOTICE ACCESSED IN AN ALTERNATE FORMAT?**

YES     NO