



Executive Committee

AGENDA

May 24, 2018
4:00 p.m.

Meeting will be held at:

**Workforce Assistance Center
Executive Conference Room
2037 W. Cleveland Avenue
Madera, CA 93637
(559) 662-4589**

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY Pursuant to the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, any individual with a disability who requires reasonable accommodation to attend or participate in a meeting or function of the Workforce Development Board of Madera County, may request assistance by contacting the Executive Assistant at Madera County Workforce Investment Corporation office, 2037 W. Cleveland Avenue, Madera, CA 93637 Telephone 559/662-4589; Fax 559/673-1794.

This agenda and supporting documents relating to the items on this agenda are available through the Workforce Development Board website at <http://www.maderaworkforce.org/executive-committee-meetings/>. These documents are also available at the Madera County Workforce Assistance Center – office of the Executive Director.

1.0 Call to Order

1.1 Pledge of Allegiance

2.0 Additions to the Agenda

Items identified after preparation of the Agenda for which there is a need to take immediate action. Two-thirds vote required for consideration (Government Code Section 54954.2(b)(2))

3.0 Public Comment

This time is made available for comment from the public on matters within the Board's jurisdiction. The comment period will be limited to 15 minutes. Each speaker will be limited to 3 minutes and only one speaker per subject matter.

4.0 Introductions and Recognitions

5.0 Adoption of Board Agenda

6.0 Consent Calendar

6.1 Consideration of approval of the Workforce Development Board (WDB) meeting minutes – April 19, 2018.

7.0 Action Items

7.1 Consideration of approval of the application of Wayne Rylant - Human Resources Manager: Pacific Ethanol Inc., Private Sector, to the WDB for a 3 year term and authorization to forward the application to the Madera County Board of Supervisors for appointment.

7.2 Consideration of approval of the application of Jesse Carrasco – Chief Academic Officer: Madera Unified School District, Title II Adult Education and Family Literacy, to the WDB for a 3 year term and authorization to forward the application to the Madera County Board of Supervisors for appointment.

7.3 Consideration of approval of the revised Program Complaint and Grievances Procedures Policy to align the local policy with recently released draft guidance from the State in Directive WSDD-176.

8.0 Information Items

9.0 Written Communication

10.0 Open Discussion/Reports/Information

10.1 Committee Members

10.2 Staff

11.0 Next Meeting

June 28, 2018

12.0 Adjournment



MINUTES

April 19, 2018

***Convened at Madera County Workforce Assistance Center - Conference Room
2037 W. Cleveland Avenue, Madera, CA 93637
(559) 662-4589***

- PRESENT:** Jorge DeNava, Gabriel Gil, David Hernandez, Bobby Kahn, Wendy Lomeli, Mike Lopez, Deborah Martinez, Nichole Mosqueda, Robert Poythress (3:33), Chuck Riojas, Les Taylor, Kimberly Thomas, Cindy Vail, Ruben Zarate
- ABSENT:** Michelle Brunetti, Brett Frazier, Mike Fursman, Laura Gutile, Claudia Habib, Exchille Mendoza, Terry Nichols, Ivan Otamendi, David Salter, Elizabeth Wisener
- GUEST:** Steven Gutierrez
- OTHERS:** Elaine Craig, Tracie Scott-Contreras, Gail, Lopez, Jessica Roche, Maiknue Vang, Nicki Martin, Sarahi Cuellar

1.0 Call to Order

Meeting called to order at 3:11 p.m. by Workforce Development Board (WDB) Vice Chair Les Taylor.

1.1 Pledge of Allegiance

2.0 Additions to the Agenda

None.

3.0 Public Comment

None.

4.0 Introductions and Recognitions

Roundtable introductions were done by everyone in attendance. This will be Kimberly Thomas' last WDB meeting. Staff and Board members thanked her for service.

5.0 Adoption of Board Agenda

Bobby Kahn moved to adopt the agenda, seconded by Nichole Mosqueda.

Vote: Approved – unanimous

Yes: Jorge DeNava, Gabriel Gil, David Hernandez, Bobby Kahn, Wendy Lomeli, Mike Lopez, Deborah Martinez, Nichole Mosqueda, Chuck Riojas, Les Taylor, Kimberly Thomas, Cindy Vail, Ruben Zarate

6.0 Consent Calendar

- 6.1 Consideration of the ratification of the Workforce Development Board (WDB) meeting minutes – December 21, 2017**
- 6.2 Consideration of the ratification of the Workforce Development Board (WDB) meeting minutes – February 22, 2018.**
- 6.3 Consideration of the ratification of the Executive Committee meeting minutes – March 22, 2018.**

- 6.4 Consideration of the ratification of the revisions to the WIOA Youth Program Requirements to align local policy with recently finalized State guidance.**
- 6.5 Consideration of the ratification for rescinding the approval of the transfer of the 501c3 non-profit designation from the Madera County Workforce Investment Corporation to the Workforce Development Board (WDB) of Madera County previously approved at the WDB meeting on December 21, 2017.**

Bobby Kahn moved to approve agenda items 6.1, 6.2, 6.3, 6.4 and 6.5, seconded by Chuck Riojas.

Vote: Approved – unanimous

Yes: Jorge DeNava, Gabriel Gil, David Hernandez, Bobby Kahn, Wendy Lomeli, Mike Lopez, Deborah Martinez, Nichole Mosqueda, Chuck Riojas, Les Taylor, Kimberly Thomas, Cindy Vail, Ruben Zarate

7.0 Action Items

- 7.1 Consideration of approval of the re-appointment of Ivan Otamendi, Private Sector, to the WDB for an additional three year term to expire on May 12, 2021.**
- 7.2 Consideration of approval of the re-appointment of Les Taylor, Private Sector, to the WDB for an additional three year term to expire on May 12, 2021.**
- 7.3 Consideration of approval of the re-appointment of Bobby Kahn, Economic Development Commission, to the WDB for an additional three year term to expire on July 30, 2021.**

David Hernandez moved to approve items 7.1, 7.2 and 7.3, seconded by Kimberly Thomas.

Vote: Approved – unanimous

Yes: Jorge DeNava, Gabriel Gil, David Hernandez, Bobby Kahn, Wendy Lomeli, Mike Lopez, Deborah Martinez, Nichole Mosqueda, Chuck Riojas, Les Taylor, Kimberly Thomas, Cindy Vail, Ruben Zarate

- 7.4 Consideration of approval of the request to transfer funds from the dislocated worker funding stream to the adult funding stream issued PY 2016, Subgrant K7102039, in the amount of \$100,000.**

Staff requested approved for the transfer in funds from the dislocated worker funding stream to the adult funding stream in the amount of \$100,000. The primary reason for the transfer is due to the low number of dislocated worker participants coming in for services. Staff contribute the low dislocated worker services and participants to the low unemployment rates. Dislocated workers are getting re-employed on their own. The transfer is allowed by State policy and allows up to 100% of the funds to be transferred. This will be the second transfer from the dislocated worker funding stream to the adult funding stream. The first was in the amount of \$150,000. Staff intend to expend the entire amount on services and programs for adult participants. Any remaining balance can be carried over into the next fiscal year. Staff were recently notified that the State would be granting a waiver to the local areas that would release them from the mandatory expenditure of 80% of their formula funds. The waiver will allow areas to carry over more than the minimum 20% of their formula allocations at the end of the fiscal year.

Chuck Riojas moved to approve, seconded by Jorge DeNava.

Vote: Approved – unanimous

Yes: Jorge DeNava, Gabriel Gil, David Hernandez, Bobby Kahn, Wendy Lomeli, Mike Lopez, Deborah Martinez, Nichole Mosqueda, Chuck Riojas, Les Taylor, Kimberly Thomas, Cindy Vail, Ruben Zarate

- 7.5 Consideration of approval to develop, implement and name an incumbent worker training project initiative – Skill Up Madera.**

Staff and the Board discussed creating and participating in future initiatives during the planning session in October. CEA has an excellent program for incumbent workers. Staff would need to procure for services. Staff has a chance to review the CEA program and noted that it was similar to the Customer Service Academy provided to participants through the Workforce previously at the Madera Community College Center – this program is no longer being provided. This program would teach soft skills. Many

employers stress the need for soft skills in their employees. Staff would like to market this as an initiative. Staff suggested using *Skill Up Madera* as the name for the initiative. The initiative is not geared towards an employer of a specific size. Staff would like to focus on priority sectors and would work with the entire community. The initiative could help skill up existing employers to help them move up in their jobs which would open entry level positions within the business. The initiative could also provide for workshops or trainers to help businesses provide training for employees for specific needs. The law allows that employers must pay 10% of training costs but staff believe that this requirement can be met as in-kind. The cleanest way to do this would be to have the employer pay 10% of the cost of the training. Staff anticipate that the initiative would be funded at up to 20% of the Adult and Dislocated Worker allocation. Staff will research more fully what is allowed from the employer towards the training amounts and will make sure that it aligns with existing policies. The Board suggested that the initiative be named to include the entire county – *Skill Up Madera County*.

Chuck Riojas moved to approve *Skill Up Madera County*, seconded by Cindy Vail.

Vote: Approved – unanimous

Yes: Jorge DeNava, Gabriel Gil, David Hernandez, Bobby Kahn, Wendy Lomeli, Mike Lopez, Deborah Martinez, Nichole Mosqueda, Rob Poythress, Chuck Riojas, Les Taylor, Kimberly Thomas, Cindy Vail

7.6 Consideration of approval for the Hallmarks of Excellence America’s Job Center of California application and approval for the Board Chair to sign and staff submit to the California Workforce Development Board.

Staff provided the Hallmarks of Excellence document which will be submitted to the State Board and are requesting approval and authorization for the WDB Chair to sign. The Baseline certification was done by a WDB Ad Hoc committee and was submitted in December, 2017. All local areas must complete and submit the Hallmarks of Excellence certification as well. Madera hired a consultant to work on the certification. Madera rated a 3.4 average score which meets the Hallmarks of Excellence criteria. The consultant met with all the Center Partners as well. The document is due by June 30, 2018. Madera needs to work on more a more integrated delivery system. Staff believes that the rating on the document is good and provides room for growth and improvement. Staff noted that the Madera County workforce area is highly regarded throughout the State. This sentiment was echoed by Jorge DeNava.

David Hernandez moved to approve, seconded by Nichole Mosqueda.

Vote: Approved - unanimous

Yes: Jorge DeNava, Gabriel Gil, David Hernandez, Bobby Kahn, Wendy Lomeli, Mike Lopez, Deborah Martinez, Nichole Mosqueda, Rob Poythress, Chuck Riojas, Les Taylor, Kimberly Thomas, Cindy Vail, Ruben Zarate

7.7 Consideration of approval of the revised Adult Program Priority of Service policy to include the addition of two priority groups – individuals with disabilities and ex-offenders.

Staff encountered instances where there were people coming to the center who could have used our services but were ineligible but could clearly demonstrate a barrier. This change to the policy would allow the program to provide services to persons with disabilities and/or ex-offenders who may not otherwise have been eligible for services.

Chuck Riojas moved to approve, seconded by Kimberly Thomas.

Yes: Jorge DeNava, Gabriel Gil, David Hernandez, Wendy Lomeli, Mike Lopez, Deborah Martinez, Nichole Mosqueda, Rob Poythress, Chuck Riojas, Les Taylor, Kimberly Thomas, Cindy Vail, Ruben Zarate

7.8 Recommendations for revisions to the Basic Skills Policy based on employer surveys and data.

A very robust conversation about this topic was started at the last board meeting. Staff are concerned at the number of customers coming in and testing as basic skills deficient. Charts and statistics were provided within the packet. There are many people who are basic skills deficient academically. Staff sent a survey to employers and asked what they are looking for in employees. Staff have a concern that the WorkKeys scores may indicate that participants are work ready but are testing as deficient academically. WorkKeys measures applied skills. WIOA identifies anything below 9th grade.

The meeting quorum was lost at 4:03 p.m. and staff were unable to gather enough information for a motion on a recommendation for this item. This item will be brought back to the board at a future meeting.

8.0 Information Items

8.1 MCWIC Update

Information Provided within the agenda packet.

8.2 Financial and Program Activity Update

Information Provided within the agenda packet.

8.3 Grants/Projects Update

Information Provided within the agenda packet.

8.4 WDB/Madera County Workforce Investment Corporation 501c3 Non-profit Designation Update

Information Provided within the agenda packet.

8.5 Regional and Local Plan Implementation Update

Information Provided within the agenda packet.

8.6 WDB Podcasts

Information Provided within the agenda packet.

8.7 WDB Workforce News Newsletter Logo Update

Information Provided within the agenda packet.

8.8 Form 700 – Due by 4/1/18

Information Provided within the agenda packet.

9.0 Written Communication

None.

10.0 Open Discussion/Reports/Information

10.1 Committee Members

None.

10.2 Staff

None.

11.0 Next Meeting

June 21, 2018

12.0 Adjournment

Meeting adjourned due to loss of quorum at 4:03 p.m.



Director Nomination

To: Workforce Development Board of Madera County

From: The Madera District Chamber of Commerce

The Madera District Chamber of Commerce proudly submits the name of Wayne Rylant, to the Madera County Board of Supervisors for nomination to the Workforce Development Board of Madera County.

Signature

President/CEO

Title

Date



**WORKFORCE DEVELOPMENT
BOARD OF MADERA COUNTY**

Director Application

NAME: Wayne Rylant	TITLE Human Resources Manager
EMPLOYER: Pacific Ethanol Inc. - 31470 Ave 12 Madera CA 93638	
ADDRESS:	
PHONE:	FAX: 916-403-2781
EMAIL: wrylant@pacificethanol.com	ALTERNATE EMAIL:

ORGANIZATIONS YOU BELONG TO:	HOW LONG?
1. American Payroll Association (Kern Co. Chapter)	6 years
2. Society for Human Resource Management	2 years
3. Clovis High Booster Club	5 years
4. _____	_____
5. _____	_____

REFERENCES:	PHONE:
Ed Baker	_____
Marice Tharpe	_____
Brian Fish	_____
Jeffrey Unsinger	_____
Annie Temp	_____

WHY DO YOU WANT TO BE A MEMBER OF THE WORKFORCE INVESTMENT BOARD OF MADERA COUNTY?

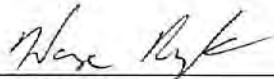
SEE ATTACHED

DO YOU HAVE ANY RELEVANT EXPERIENCE WITH WORKFORCE DEVELOPMENT, ECONOMIC DEVELOPMENT, EDUCATION, OR TRAINING PROGRAMS? YES NO
IF YES, PLEASE EXPLAIN:

SEE ATTACHED

PLEASE LIST ANY OTHER INFORMATION THAT YOU FEEL WOULD BE PERTINENT.

SEE ATTACHED


SIGNATURE

4/21/08
DATE

America's **JobCenter**
of CaliforniaSM

WHY DO YOU WANT TO BE A MEMBER OF THE WORKFORCE INVESTMENT BOARD OF MADERA COUNTY?

Having lived through our plant shutdown in 2009 and the re-opening in 2014 it has been a roller coaster ride in the ethanol industry. I have seen the same ups and downs and wild swings throughout the valley. I would like to help provide stability to the recent economic growth in Madera County and keep it trending upward. I believe sound planning and relentless effort are keys in both establishing and maintaining growth. I see these attributes on full display in each of the current board members I have had the privilege to meet and believe that my offerings would fit in nicely with those already serving.

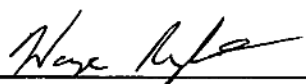
Located in the center of California I believe Madera County has the ability to be a shining star and example to the rest of our great state. From the outside looking in it appears that the wheels are already in motion to make that happen. I would love to be a productive member of the team that is the driving force that helps the momentum continue.

DO YOU HAVE ANY RELEVANT EXPERIENCE WITH WORKFORCE DEVELOPMENT, ECONOMIC DEVELOPMENT, EDUCATION, OR TRAINING PROGRAMS? YES

Prior to going to work for Pacific Ethanol I worked with an HR Consulting firm. I had the opportunity to work with companies throughout the valley and helped them understand many programs including Enterprise Zone tax credits and the Workshare program sponsored by the EDD. During recruitment efforts I have worked with several programs whose design is to help get dislocated workers back in the workforce. I will be diligent in seeking continued improvement and increasing my knowledge of all programs that are available.

PLEASE LIST ANY OTHER INFORMATION THAT YOU FEEL WOULD BE PERTINENT.

With my children now grown I have been looking for the opportunity for a more meaningful life and to give others the same opportunities I was lucky enough to be born and raised with. Two years ago I began a community service initiative with Pacific Ethanol. In our first year we ran month long food drives at each of our 7 locations and raised 5,000 pounds of food that was donated to food banks across the U.S. This past September that number was quadrupled to 20,000 pounds. I recently nominated one of our plants in Burley Idaho and they won the 1st ever Good Neighbor Award presented by Ethanol Producer Magazine. I could have easily nominated any of our locations and they would have done well in the voting. I am truly committed to making our world a better place to live for all and believe this is the opportunity I have been looking for to give back in the place I call home. To me there is no better place in the world than Central California.



SIGNATURE

4/21/18

DATE



Director Application

NAME: Jesse Carrasco	TITLE Chief Academic Officer
EMPLOYER: Madera Unified School District	
ADDRESS: 1902 Howard Road	
PHONE: (559) 675-4500 x 246	FAX: (559) 675-3288
EMAIL: jessecarrasco@maderausd.org	ALTERNATE EMAIL:

ORGANIZATIONS YOU BELONG TO:	HOW LONG?
1. <u>Madera Unified School District</u>	<u>30 Years</u>
2. <u>Madera Evening Lions</u>	<u>2 Years</u>
3. <u>NAACP - Branch 1084</u>	<u>7 Months</u>
4. _____	_____
5. _____	_____

REFERENCES:	PHONE:
<u>Todd Lile - MUSD Superintendent</u>	<u>(559) 675-4500</u>
<u>Sandon Schwartz - MUSD Deputy Superintendent</u>	<u>(559) 675-4500</u>
<u>Sheryl Sisil - MUSD Assistant Superintendent</u>	<u>(559) 675-4500</u>
<u>Kent Albertson - MUSD Chief HR Officer</u>	<u>(559) 675-4500</u>
<u>Linda Monreal - MUSD Chief Academic Officer K-6</u>	<u>(559) 675-4500</u>

WHY DO YOU WANT TO BE A MEMBER OF THE WORKFORCE INVESTMENT BOARD OF MADERA COUNTY?

Being a 30 year resident of the City of Madera, I have a vested interest into the economic well being of the county as a whole; including the residents, the businesses, and the communities. Serving in the field of education for 30 years in Madera, I have had many experiences helping me to understand the needs of the city, the county, and its residents. I have much to offer the Workforce Investment Board in terms of being a liaison between the Workforce Board and the educational programs offered within Madera Unified School District. The school districts focus on preparing students for college and career has improved tremendously in the recent years especially with career technical education programs becoming a model program across the state. A partnership with the Workforce Board and the school district will help to enhance those programs and will be a benefit to the continued economic health of the city, the county, and its residents.

**DO YOU HAVE ANY RELEVANT EXPERIENCE WITH WORKFORCE DEVELOPMENT, ECONOMIC DEVELOPMENT, EDUCATION, OR TRAINING PROGRAMS? YES NO
IF YES, PLEASE EXPLAIN:**

My career in education has spanned 30 years, all in Madera Unified School District, and includes 12 years of teaching mathematics, 17 years in school site administration, and 1 year of district administration. My current position as Chief Academic Officer 7-12 includes overseeing middle school, high school, alternative education, and adult education programs.

PLEASE LIST ANY OTHER INFORMATION THAT YOU FEEL WOULD BE PERTINENT.

I am a 30 year resident of the City of Madera, moving here when I received my first teaching job as a math teacher at Thomas Jefferson Middle School, and have developed positive working relationships with long standing residents of the city and county; including current and past mayors, city councilmen, members of the clergy, law enforcement, school board members, and school district administration officials. I welcome the chance to become a liaison between the Workforce Board and Madera Unified School District as we work to provide our residents with the skills and job training needed for the success of the businesses and industry in the city and county.



SIGNATURE

May 2, 2018

DATE

America's **JobCenter**
of CaliforniaSM



DRAFT DIRECTIVE COVERPAGE



WIOA GRIEVANCE AND COMPLAINT RESOLUTION PROCEDURES

GENERAL INSTRUCTIONS

The attached Directive is being issued in draft to give the Workforce Development Community the opportunity to review and comment prior to final issuance.

Submit any comments by email or mail no later than **March 15, 2018**.

All comments received within the comment period will be considered before issuing the final Directive. Commenters will not be responded to individually. Rather, a summary of comments will be released with the final Directive.

Comments received after the specified due date will not be considered.

Email Morgan.Lardizabal@edd.ca.gov
Include "Draft Directive Comments" in the email subject line.

Mail Employment Development Department
Attn.: WSB Policy Unit
P.O. Box 826880 / MIC 50
Sacramento, CA 94280-0001

WIOA GRIEVANCE AND COMPLAINT RESOLUTION PROCEDURES

EXECUTIVE SUMMARY

This policy provides guidance and establishes the procedures regarding grievances and complaints alleging noncriminal violations of *Workforce Innovation and Opportunity Act* (WIOA) Title I requirements. This policy applies to all WIOA Title I recipients and subrecipients, and is effective immediately.

This policy contains some state-imposed requirements. All state-imposed requirements are indicated by ***bold, italic*** type.

This policy supersedes Workforce Services Directive *Grievance and Complaint Procedures* (WSD08-4), dated September 3, 2008. Retain this Directive until further notice.

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](#)

BACKGROUND

Under WIOA Section 181(c), each state, Local Workforce Development Area (Local Area), and direct recipient of Title I funding is required to establish and maintain procedures for participants and other interested parties to file grievances and complaints alleging violations of WIOA Title I requirements. These procedures must be made available to all relevant parties within the Local Area, including America's Job Center of CaliforniaSM (AJCC) partners, service providers, and program participants.

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

This Directive contains guidance regarding the receipt, hearing, resolution, and appeals process of WIOA Title I grievances and complaints at the local, state, and federal level in accordance with Title 20 CFR Sections 683.600 and 683.610. These procedures apply only to programmatic complaints alleging violations of WIOA Title I requirements in the operation/administration of WIOA programs and activities. For information on complaints alleging discrimination under WIOA Section 188 and/or Title 29 CFR Part 38, see Workforce Services Directive *Nondiscrimination and Equal Opportunity Procedures* ([WSD17-01](#)). For information on complaints alleging criminal fraud, waste, abuse, or other criminal activity, see Workforce Services Directive *Incident Reporting* ([WSD12-18](#)). Lastly, for appeals of administrative or financial sanction(s) on a Local Area resulting from monitoring, investigations, or audits, see Workforce Investment Act Directive *Audit Resolution* ([WIAD05-17](#)).

POLICY AND PROCEDURES

General Requirements

The procedures set forth in this Directive must be used by all Local Areas in the development of their local grievance, complaint, and hearing procedures, and govern the treatment and handling of all grievances or complaints connected with WIOA Title I grant recipients and subrecipients.

Grievances or complaints must be filed within one 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.

Furthermore, all recipients and subrecipients of WIOA Title I funds must make reasonable efforts to ensure their policies and corresponding information will be understood by affected participants and individuals, including youth and individuals with limited English proficiency. These efforts must comply with the language requirements of Title 29 CFR Section 38.9.

WIOA Title I Governor's Discretionary and Rapid Response subrecipients (except Local Areas) are not required to develop procedures for responding to grievances and complaints from participants and interested parties. Rather, these subrecipients must adopt the Employment Development Department's (EDD) state level grievance and complaint procedures, and must designate an individual who will be responsible for publishing the procedures.

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 – 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.

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 – an entity within the EDD composed of representatives from EDD's Compliance Review Office, Legal Office, and Director's Office. This panel shall review and approve or disapprove decisions and recommendations regarding grievances or complaints.

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.

Local Level Grievance and Complaint Resolution Procedures

Local Areas must establish procedures for resolving programmatic grievances and complaints alleging violations of WIOA Title I. These local procedures are intended to resolve issues related to WIOA Title I grant programs operated by the Local Area's administrative entity or its subrecipients. The local procedures must meet the following criteria:

1. Notice to Affected Parties

Local Areas must provide a copy of the local grievance and complaint procedures to each participant. These procedures must include the following:

- Notification that the participant has the right to file a grievance or complaint at any time within one year of the alleged violation.
- Instructions and timelines for filing a grievance or complaint.
- Notification that the participant has the right to receive technical assistance from the Local Area in filing the grievance or complaint.
- Notification that the participant may file an appeal or request a separate review by EDD if they experience an incident of restraint, coercion, or reprisal as a result of filing a complaint.

The local grievance and complaint procedures must be posted in a public location and made available to any interested parties or members of the public.

Where a hard copy case file is maintained, staff must include a signed copy of an acknowledgement of receipt of the local grievance and complaint procedures in each participant's case file. Where an electronic case file is maintained, staff must enter a note indicating that this notification did occur, the date of the notification, and the name of the staff person who provided it.

Local Areas have the responsibility to provide technical assistance to the complainants, including those filing grievances or complaints against the Local Area. Technical assistance includes, but is not limited to, providing copies of relevant documents such as the WIOA, federal regulations, state laws and regulations, local procedures, and/or contracts, and providing clarification and interpretation of relevant provisions. This does not require the Local Areas to violate any rule of confidentiality.

2. Filing a Grievance or Complaint

The official filing date of a grievance or complaint is the date it is received by the Local Area, AJCC partner, service provider, or subrecipient. The filing shall be considered a request for a hearing and the Local Area shall issue a written decision within 60 days of the official filing date. The Local Area shall send a copy of the grievance or complaint to the respondent.

The grievance or complaint must be in writing, signed, and dated by the complainant. The Local Area should obtain the following information for all complaints. However, the absence of any of the requested information shall 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, 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.

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 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.

3. Informal Resolution

The Local Area shall notify the complainant and respondent of the opportunity for an informal resolution. Respondents must make a good faith effort 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 a part of the facts to be judged during the resolution process. The Local Area must assure that all grievances or complaints not resolved informally or not withdrawn are given a hearing, regardless of the grievance or complaint's apparent merit or lack of merit.

If a complainant and respondent are able to reach an informal resolution, 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 Local Area must request the complainant to provide a written withdrawal of the complaint within 10 days of receipt of the notice of resolution or impasse.

4. Local Level Hearing

Hearings on any grievance or complaint shall be conducted within 30 days of the filing date of the grievance or complaint:

a. Notice of Hearing

The Local Area must notify the complainant and respondent in writing of the hearing at least 10 days prior to the date of the hearing. The 10-day notice period may be shortened with written consent from both parties. The notice shall be in writing and 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 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.

b. Conduct of Hearing

An impartial hearing officer shall conduct the hearing. All 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 (Title 20 CFR Preamble Page 56212). The state suggests the Local Area 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 Local Area. 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.

c. Decision of Hearing

The hearing officer shall provide a written decision to the Local Area. The Local Area shall mail the written decision to both parties by first class mail no later than 60 days after the filing date of the grievance or complaint. The decision 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 Local Area'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 request an appeal of the decision by the State Review Panel within 10 days of receipt of the decision.

5. 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 has the right to file an appeal with the state. See the subsection below entitled *Appeals of Local Level Decisions or Requests for EDD Review*.

State Level Grievance and Complaint Resolution Procedures

As required under Title 20 CFR Section 683.600(d), the state must establish procedures for resolving appeals of decisions issued at the local level, grievances or complaints regarding statewide workforce programs, and grievances or complaints alleging state violations of WIOA Title I requirements.

Appeals of Local Level Decisions or Requests for 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. Additionally, 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:

- The full name, telephone number, and mailing address of the complainant and the Local Area's administrative entity.
- A statement of the basis of the appeal or request for EDD review.
- Copies of relevant documents, such as the complaint filed with the Local Area and their decision, if any was received.

Appeals must be filed or postmarked within 10 days from the date on which the complainant received an adverse decision from the Local Area. Requests for EDD review must be filed or postmarked within 15 days from either of the following:

- The date on which a complainant should have received a decision regarding a locally filed complainant, 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

If an evidentiary hearing was held at the local level, the Compliance Review Office shall request the record of the hearing from the Local Area and shall review the record without scheduling an additional hearing. The Local Area is to provide written transcripts of any audio or visual recordings of the hearings via overnight mail. 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 Local Area to hold a hearing within 30 days of receipt of the appeal or request for EDD review. If the Local Area refuses to hold a hearing within the required timeframe, the EDD shall schedule an evidentiary hearing before an impartial hearing officer within the 30 day timeframe.

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. 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 and 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 grievance or complaint must be in writing, dated, and signed by the complainant. 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.

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 Local Area (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 shall be conducted by an impartial officer. 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 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.

The EDD hearing shall be conducted in 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.

Title 22 CCR regulates the responsibilities and processes of EDD administrative law judges and hearings and as such, applies to the EDD hearings and hearing officers described in this directive. Title 22 CCR Sections 5050 through 5070 outline all applicable state laws and must be adhered to by the EDD hearing officers. Examples of subjects addressed include: special hearing accommodation, electronic hearings, ex parte communications, and consolidation of similar cases. All references to “administrative law judge” hold the same meaning as “hearing officer” in regard to these regulations.

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 corrective action or remedies for violations, if any, to be implemented.

The State Review Panel shall not conduct a new evidentiary hearing, but shall review the record established by either the local level hearing or the EDD hearing. The State Review Panel shall issue a decision on the basis of the information contained within the record. 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. The decision 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 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).

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.

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. This appeal process applies to grievances and complaints that originated at the local or state level.

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.

All appeals to the Secretary must be sent to the DOL National Office 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. Mailing addresses for the DOL National Office and ETA Regional Administrator are included below:

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 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 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.

ACTION

Bring this directive to the attention of all affected parties.

INQUIRIES

If you have any questions, please contact your [Regional Advisor](#) at 916-654-7799.

/S/ JAIME L. GUTIERREZ, Chief
Central Office Workforce Services Division