



---

**POLICY: CUSTOMER COMPLAINT**

**EFFECTIVE DATE: AUGUST 2017**

**POLICY NUMBER: 2017 - 08**

---

**PURPOSE**

The WorkSource Montgomery, Inc. (WSM) Customer Complaint Policy ensures all WSM personnel and subrecipients (service providers) process and resolve program complaints and concerns alleging a violation of the Workforce Innovation and Opportunity Act (WIOA) law or regulations first at the local level. A complaint is defined as a written and signed document alleging violation of Wagner-Peyser, WIOA, or Trade Act regulations and /or federal, state, or local nondiscrimination laws.

**BACKGROUND**

WIOA provides resources, services, and leadership tools for the workforce system to help individuals find and maintain good jobs and improves employer prospects for success in the global marketplace. WIOA Title I provide authority for three programs: Adult, Dislocated Worker, and Youth programs.

**CANCELLATIONS**

All previous policies on Customer Complaints remain active until the new policy takes effect.

**ACTION REQUIRED**

Within 15 days of the receipt of this policy it is the recipients' responsibility to ensure all staff are informed of the policy and to create an internal process to ensure accountability, including identifying initial complaint contacts.

## QUESTIONS

Questions relating to this policy should be directed to the Director, TalentDevelopment / WIOA at [policy@worksourcemonterey.com](mailto:policy@worksourcemonterey.com), or 240-283-1576.

## CUSTOMER COMPLAINT POLICY

It is the policy of the WSM, Inc. to:

1. Establish and maintain local procedures and a process for managing complaints.
2. Appoint a single individual as the WSM Job Center Complaints Officer for each type of complaint — discrimination (WSM EOC Officer) and programmatic (Manager, American Job Center (AJC)).
3. Provide information about the content of the complaint and concern procedures to WIOA participants and other interested parties affected by the local workforce system, including AJC partners and service providers.
4. Require that every entity (such as service providers), receiving WIOA Title I funds, provide complaint and concern information to participants receiving WIOA Title I funded services.
5. Make reasonable efforts to make sure that the complaint and concern information is understood by the participants and other individuals. This includes youth and those who speak limited English. These efforts must be in compliance with the language requirements.
6. WSM and subrecipients must provide initial and continuing notice to each WIOA participant, members of the public, and any interested parties of the local complaint and concern procedures and instructions on how to file a complaint or concern.

A copy of a written description of the local complaint and concern procedure includes:

- Notification that the participant has the right to file a complaint or concern at any time of the alleged violation;
  - Instructions and timeline for filing a complaint or concern; and
  - Notification that the participant has the right to receive technical assistance.
7. Allow an opportunity for informal resolution at the local level.
  8. Allow an opportunity for a local hearing. The local hearing must be completed within 60 days of the filing of the complaint or concern.
  9. Allow an individual alleging a labor standards violation to submit a grievance to a binding arbitration procedure. Binding arbitration must be provided for in the collective bargaining covering the parties to the grievance.

10. Allow an opportunity for a local level appeal to the State when:
  - a) no decision is reached within 60 days; or b) either party is dissatisfied with the local hearing decision.
11. Publish the minimum complaint processing requirements in the associated Job Center Operations Manual. The Manual contains details as to procedures, safeguards, fact-finding, recording, appeals process, and resolution.

Any WIOA participant or other interested party believing they have been adversely affected by a decision or action by the local workforce system, including decisions by subrecipients, has the right to file a complaint with WSM. Complaints must be submitted in writing and be signed by the complainant.

At a minimum, complaints must contain the following information:

- Complainant's name;
- Mailing address, or other means by which the complainant may be contacted;
- Identification of individual's or organization responsible for alleged issue;
- A description of the complainant's allegations, which must include enough details to determine the jurisdiction of the complaint and the date(s) the alleged incident(s) took place, and
- The Complaint's signature and signature date or the signature of his/her authorized representative.

WSM, its subrecipients and service providers have the responsibility to provide assistance to complainants, including those complaints or concerns against WSM. Such technical assistance includes providing instructions on how to file a complaint or concern, providing relevant copies of documents such as WIOA law, regulations, local rules, contracts requirements, and providing clarifications and interpretations of relevant provisions.

To the extent possible, complaints and subsequent investigations will be handled in confidence. However, total confidentiality is usually not possible if a complaint is to be resolved. This assistance requirement does not allow WSM or subrecipients to violate rules of confidentiality unless complainant has signed a release. Without this, a proper investigation including involvement of WSM staff or others may not be conducted.

At all levels of the complaint or concern process, complainants have the right to be represented, at their own expense, by a person(s) of their choosing. All complaints or concerns, amendments, and withdrawals that

are not solved informally must be in writing. All persons filing complaints or concerns shall be free from restraint, coercion, reprisal, or discrimination.

## **Guidelines**

### **Due Process**

Due process is the established series of actions designed to protect the legal rights of an individual. All persons affected by WIOA should be made aware of their rights and have access to appropriate remedies. Local complaint procedures contain full due process protections.

### **Accurate and Complete Fact Finding**

Fact-finding is the discovery or determination of facts and is the first step in the process for complaint management. WIOA requires complaint procedures that ensure accurate fact-finding in preparation for a local hearing.

Fact finding will assist in identifying the type of complaint. The WSM Complaint Officer and DLLR's Regional Labor Exchange Administrator must be notified immediately if there are criminal complaints involving fraud or abuse. An Incident Report must be provided after immediate notification.

Generally, fact-finding includes:

- Establishing the official record.
- Determining the exact laws, regulations, or policies that have been violated. Participants may have language limitations or other barriers. The individual conducting the fact-finding should establish what they heard, what the issue is, and what exact laws, regulations, or policies have been violated.
- Creating an accurate and complete record about the complaint. Detailed note taking is needed. Notes should be typed into a report format with complete details about the complaint.
- Listening to the complainant. Understanding an individual's complaint or concern is important; there is a reason they came to your office or contacted you.
- Taking a complaint in person or by the telephone. This is an important part of the process. The complainant may need assistance with the complaint.
- Determining what is causing this individual to contact you. Determine what the problem is, who is causing the problem, and how the problem should be addressed.
- Determining the facts from the complainant's point of view. Ensure that all the necessary information is gathered. This may be the first indication of the type of complaint and determining next steps in

- the process to follow to resolve the complaint or concern.
- Obtaining copies of documents from the complainant for the complaint file.
  - Organizing and processing. The complaint needs to be processed and compared to the requirements in the law, regulations, and policies. Complaints inform the system that the WIOA program may not be working correctly.

Accurate and complete fact-finding should enable the system to determine whether the complaint is a violation of a law, regulation, fraud or abuse, an EO issue, or a program violation.

All complaints must be forwarded to the appropriate WSM Job Center Complaints Officer. WSM will retain a singular log to document and track to closure all complaints.

Note: Complaints/allegations do not have to be submitted on a prescribed complaint form in order for them to be considered valid complaints or allegations.

#### **WSM General Complaint Officer**

Name: Camille McKenzie

Address: 11510 Georgia Ave., Wheaton, MD 20902

Phone/email: [cmckenzie@worksourcemontgomery.com](mailto:cmckenzie@worksourcemontgomery.com)

#### **WSM EOC Officer**

Name: Cynthia Grissom

Address: 1801 Rockville Pike, Suite 320, Rockville, MD 20852

Phone/email: 240-641-6736 / [cgrissom@worksourcemontgomery.com](mailto:cgrissom@worksourcemontgomery.com)

#### **DLLR Contact**

Name: Barbara Ebel

Address: 11510 Georgia Ave., Wheaton, MD 20902

Phone/email: 301-929-4390 /

[barbara.ebel@maryland.gov](mailto:barbara.ebel@maryland.gov)

*In accordance with DLLR Policy 1-03, WSM Inc.'s Equal Opportunity Officer has developed and published complaint processing procedures, and a system is in place to record such complaints. This policy may be found at <http://dllr.maryland.gov/employment/wifi/wifi1-03.doc>.*