

OCTOBER 25, 2021

TO: Western Piedmont Workforce Development NCWorks Career Centers

SUBJECT: Customer Complaint, Appeal and Resolution Policy

EFFECTIVE DATE: Immediately

EXPIRATION DATE: Indefinite

CONTACT: Workforce Development Program Administrator

Wendy Johnson

Wendy Johnson
Workforce Development Director

Serving Alexander, Burke, Caldwell and Catawba Counties

The Western Piedmont Workforce Development Board does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

CUSTOMER COMPLAINT, APPEAL AND RESOLUTION POLICY

PURPOSE: The Western Piedmont Workforce Development Area (WPWDA) policy regarding procedures for dealing with complaints from customers reviewing those complaints and providing a resolution to the complaints at the local level.

BACKGROUND: The Workforce Innovation and Opportunity Act (WIOA) views customer complaints as opportunities to improve services. The primary goal of this complaint process is to address specific customer concerns, resolve the issues in the most expedient manner, learn from the complaint and implement resolutions in the local Workforce system.

Complaints may occur for many reasons and will arise from anyone being served by the NCWorks system. Complaints will be resolved locally through an Informal Resolution (IR). Complaints generally fall into four (4) categories:

- Program complaints involving services offered within the NCWorks Career Centers by Career Center staff. These may include: Trade Adjustment Assistance (TAA), Re-Entry/Justice Involved Programs, NCWorks Scholarships, Business Services, or Career Services,
- Jobseekers that are banished or suspended from NCWorks Career Centers,
- Employers that have been denied access to www.ncworks.gov,
- Fraud, abuse, or other criminal activity

Types of Complaints Not Covered

WIOA is not an entitlement program. This means that even if a person fits the description of an individual who may be eligible to receive services under these programs you may still be denied access to a specific service allowable under program rules. This is not considered a violation of the law and may occur because:

- There may not be sufficient funds to enroll you into a program or provide you with a service at the time that you apply or need the service.
- The WPWDA determine the types and mix of services to offer and may have decided not to offer a particular benefit or service. In such instance, there would be no grounds upon which to file a complaint. You may obtain a copy of the applicable policy upon request.
- Under WIOA there are eligibility requirements and prioritization criteria. Individuals who are seeking services but who do not meet the eligibility or prioritization criteria cannot be served with these funds.

- The WPWDA have the flexibility to impose requirements or to develop policies and procedures applicable to the programs and services. Requirements, policies and procedures that have been adopted may restrict access to a program service or may limit the availability of a program service.

This policy does not address procedures for processing complaints alleging discrimination under WIOA Section 188 Nondiscrimination and Equal Opportunity Regulations, 29 CFR Part 38. All discrimination complaints received will be referred to the WPWDA Equal Opportunity Officer for investigation and resolution. Such complaints will be handled according to the procedures described in the WIOA Nondiscrimination-Equal Opportunity Standards and Complaint Procedures policy found at <https://www.wpcog.org/policy-statements>.

Useful Terms:

Complainant – the party that files the complaint or grievance.

Informal Resolution (IR) – an opportunity to resolve complaints and grievances informally.

Ombudsman – Division of Workforce Solutions (DWS) official who investigates complaints lodged by customers of NCWorks Career Centers and attempts to resolve the conflicts or concerns raised, either by IR or by making recommendations according to established policy.

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

ROD – A DWS Regional Operations Director.

WPWDA – Western Piedmont Workforce Development Area – The local entity tasked with the planning and oversight responsibilities for workforce programs and related services in Alexander, Burke, Caldwell and Catawba counties.

PROCEDURES:

Western Piedmont Workforce Development Area Complaints

Customer complaints which fall into one of the categories of complaints that are covered (listed above) and involve services that are offered within the NCWorks Career Center must follow the procedure as follows:

- Must be filed with NCWorks Career Center Manager (One-Stop Operator) by completing the Western Piedmont Workforce Development NCWorks Customer Complaint Form (Attachment A).
 - Complaints must be in writing, dated and signed by the complainant.

- Complainants must include thorough information in their complaint.
- The official filing date of the complaint will be the date that it is received by the NCWorks Career Center Manager.
- Complaints should be addressed by the NCWorks Career Center Manager (One Stop Operator) and/or the Program Manager over the service addressed in the complaint. Should the complaint need to be escalated, the DWS ROD and/or the WPWDA Program Administrator will be contacted and included in the IR process.
- All Customer Complaint Forms should be forwarded to the WPWDA Program Administrator in order to record all written complaints on the Western Piedmont Workforce Development Customer Complaint Log (Attachment B).
- If an IR is not achieved within 30 days, there will opportunity for an appeal to be made to the State.
(https://files.nc.gov/nccommerce/documents/files/CPS-10-2021-WIOA-Nondiscrimination-Equal-Opportunity-Standards-and-Complaint-Procedures_Final-.pdf)
- If either party is dissatisfied with the local decision then an appeal can be made to the State.
(https://files.nc.gov/nccommerce/documents/files/CPS-10-2021-WIOA-Nondiscrimination-Equal-Opportunity-Standards-and-Complaint-Procedures_Final-.pdf)

All complaints must be filed within 30 days of the alleged violation in order to be considered by the Western Piedmont Workforce Board.

Employer Complaints/Concerns

Employers with questions or concerns regarding the status of their employer account should:

- Contact the local NCWorks Career Center Manager. Criteria for granting employer access to www.ncworks.gov is determined by the Division of Workforce Solutions (DWS) Job Order Operational Guidance.
- If no resolution can be achieved, the employer may file an appeal in writing with the DWS Ombudsman within five (5) calendar days of notification by the local NCWorks Career Center Management of the final local decision.
- Contact the NCWorks Career Center Manager to complete the Western Piedmont Workforce Development NCWorks Employer Appeal to NCWorks Online Denial/Revocation form (Attachment C).
- The DWS Ombudsman will assign the appeal case to the DWS ROD in the stated region for appeal review.
- The DWS Ombudsman will notify the employer of the Regional Operations Director's (ROD) decision within fifteen (15) calendar

days of the final agency decision. The ROD's decision will be the final agency decision regarding the matter.

State Level Complaints

Complaints by individuals or interested parties affected by statewide workforce programs shall be filed with the DWS Ombudsman at 919-814-0302 or DWSML_CustomerOmbudsman@nccommerce.com or mail to:

NC Division of Workforce Solutions
Attn: DWS Ombudsman
4316 Mail Service Center
Raleigh, NC 27699-4316

All complaints or inquiries received through agencies within the NC Department of Commerce, NCWorks Career Centers, Legislators, the Governor's Office and/or sent to DWS will be assigned to the Ombudsman for review.

- Complaints must be in writing, dated and signed by the complainant.
- The State will attempt to obtain the following information for all complaints:
 1. Full name, telephone number, and mailing address of the complainant.
 2. A clear, concise statement of the facts and dates describing the alleged violation.
 3. The provision(s) of WIOA, Federal regulations, State laws or regulations, grant, or other agreements under WIOA believed to have been violated.
 4. Complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with WIOA law regulation or contract.
 5. The remedy sought by the complainant.
 6. The DWS Ombudsman or their designee shall review the complaint and notify the complainant and respondent of the opportunity for an Informal Resolution within fifteen (15) days of receipt.
- Complainants are encouraged to include the above information in their complaint. However, the absence of any of the requested information will not be used as a basis for dismissing the written complaint.
- The official filing date of the complaint is the date it is received by the DWS Ombudsman. The DWS Ombudsman shall issue a written decision within sixty (60) days of the official filing date.
- Jobseekers that are banished or suspended from an NCWorks Career Center or employers that are denied access to

www.ncworks.gov may also submit a request for informal resolution or hearing. All requests for a hearing and associated documents can be accessed by contacting the DWS Ombudsman at 919-814-0302 or

DWSML_CustomerOmbudsman@nccommerce.com

- Once a complaint is reported to the DWS Ombudsman, programmatic inquiries are sent to the responsible parties for assistance. The responsible parties include Local Area WDB Directors and staff, NCWorks Career Center staff, Veterans Services, MSFW Monitor Advocate, Trade Coordinator, Reentry Coordinator, DWS Central Office staff, DWS ROD, Complaint/EO staff, Partner Agencies and Legislative Liason staff who have the specific content knowledge to assist the claimant or inquiring citizens. The Ombudsman assigns a Case Identification (CID) number. Local Area WDB, NCWorks Career Center and specific program information are added to the inquiry or complaint. General inquiries of how to access services are currently not assigned a CID.
- In order to monitor denial of WIOA service complaints, the State will use the following steps:
 1. The DWS Ombudsman will conduct a State review to determine whether the local area hearing was conducted in accordance with the local hearing level procedures.
 2. The DWS Ombudsman will send complaints regarding the denial of WIOA Services back to the Local Area (20 CFR 683.600(d)(3)) when there is insufficient documentation that an opportunity for an informal hearing was offered. Complaints returned to the local level will receive continued follow-up to ensure either resolution or proper escalation.
 3. If the complaint has exceeded the sixty (60) calendar day resolution period, or if either party is dissatisfied with the local-level decision and wishes to file an appeal, the DWS Ombudsman will compare the provided documentation to the local grievance and complaint policy to determine whether the process was carried out according to regulations.
 4. Complainants who desire to appeal an adverse decision from the Western Piedmont WDB or who did not receive a decision from the Western Piedmont WDB at all within sixty (60) days must file their complain or appeal within ten (10) from the date the decision is received or, if no decision, the date the decision was due from the Western Piedmont WDB. Upon receiving a local complaint that has been appealed to the State level, the DWS Ombudsman, on behalf of the State, will review the case and issue a final decision within thirty (30) calendar days after the complaint was filed with the State.

Complaints Involving Fraud, Waste or Abuse

It is the role of any Western Piedmont staff member or DWS employee to notify the DWS Ombudsman immediately of any potential case of fraud, waste or abuse. The DWS Ombudsman will serve as primary contact with USDOL and law enforcement.

- The DWS Ombudsman Prepares an Incident report and an Executive Summary of all complaints involving fraud, waste or abuse.
- The Ombudsman notifies the DWS Assistant Secretary along with the appropriate law enforcement authorities (USDOL Employment and Training Administration, State Bureau of Investigation, State Auditor, NC Department of Labor and Law Enforcement Officials).
- Local Area WDB staff, DWS and Career Center staff shall not interfere in or obstruct any part of a criminal investigation.
- The DWS Ombudsman will serve as primary contact for law enforcement officials. The appropriate law enforcement authority will lead the investigation and report back to the DWS Ombudsman of any findings.

As noted in 20 CFR 667.630, complaints involving criminal fraud, waste, abuse or other criminal activity should be reported immediately to USDOL through the Department's Incident Reporting System to the U.S. Department of Labor Office of Inspector General, Office of Investigations, 200 Constitution Avenue NW, Room S-5514, Washington, DC 20210, or to the corresponding Regional Inspector General for Investigations, with a copy simultaneously provided to the Employment and Training Administration. The Hotline number is 1-800-347-3756.

**Western Piedmont Workforce Development
NCWorks Customer Complaint Form**

Contact Information	
Name (Print): First	Last
Mailing Address:	City:
State:	Zip Code:
Phone Number:	Email:
Date of Incident:	Date Submitted:

NCWorks Career Center Location:

Provide a clear and concise statement of the facts, details and dates describing your complaint concerning the service you received at the NCWorks Career Center.

If you are appealing a decision concerning an NCWorks Scholarship, please provide details showing why this decision should be overturned.

Specify the remedy sought by the complainant. If resolution was made, please explain.

To be completed by NCWorks Staff	
Was complaint resolved at NCWorks Career Center level?	Yes _____ No _____
If yes, date of resolution:	
Description of resolution:	
Was complaint referred?	Yes _____ No _____
Date referred to Program Administrator:	
Name of NCWorks Staff completing this section:	

Please complete the form and submit it to the NCWorks Career Center Manager. Career Center Manager will forward copy to WPWDA Program Administrator.

**Western Piedmont Workforce Development
Complaint Log - Program Year _____**

Control #	State ID#	Customer Name	NCWorks Career Center	Date Received	Date of IR	Referred to State	Comments

**Western Piedmont Workforce Development
NCWorks Employer Appeal to NCWorks Online Denial/Revocation**

Employer Information	
Employer Name (Print):	Federal ID#:
Contact Name:	NCWorks Account #:
Employer Mailing Address:	City:
State:	Zip Code:
Phone Number:	Email:
Date of Initial Denial/Revocation:	Date Submitted:
NCWorks Career Center Location:	
Reason for Denial/Revocation:	
Statement as to why Denial/Revocation should be overturned	

To be completed by NCWorks Staff	
Was complaint resolved at NCWorks Career Center level?	
Yes _____	No _____
If yes, date of resolution:	
Description of resolution:	
Was complaint referred?	
Yes _____	No _____
Date referred to Regional Operations Director:	
Name of NCWorks Staff completing this section:	

Please complete the form and submit it to the NCWorks Career Center Manager. Career Center Manager will forward copy to WPWDA Program Administrator.






Customer Complaint Appeal and Resolution Policy - Final - 10-25-21

Final Audit Report

2021-10-25

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