

Pima County One-Stop – Workforce Innovation and Opportunity Act  
Grievance Procedures, Complaints, and State Appeals Processes

Procedure

1. Pima County One Stop process for dealing with grievances and complaints from participants and other interested parties affected by Workforce Investment programs includes:
  - A. Grievances, Complaints and Appeals
    1. A grievance or complaint that is a written description of an alleged violation of the WIOA, dated and signed by an interested party.
    2. An appeal is any written, dated and signed communication by an interested party expressing their intent to appeal any action or inaction with respect to a grievance or complaint to a higher level. Any action pursuant to the original decision is stayed until a final decision is made by the Pima County One-Stop.
    3. The freedom to file a complaint or appeal may not be limited or interfere with in any way.
    4. Representation of interested parties in connection with complaints or appeals may not be limited or interfered in any way.
    5. Pima County One-Stop will make reasonable efforts to assure that the information will be understood by affected participants and other individuals, including youth and those who are limited-English speaking individuals. Such efforts will comply with the language requirements specified in 29 CFR 37.35 regarding provisions of services and information in languages other than English.
  - B. Right to Grieve, Complain or Appeal
    1. Any interested person has a right to file a grievance or complaint.
    2. Any complaint relating to a term or condition of employment shall be filed under the employer's established grievance procedures.
    3. All other complaints shall be initiated at the recipient level.
  - C. Time limitations
    1. Complaints under this section shall be filed within one year of the alleged occurrence.
  - D. Time Computation, Filing and Receipt
    1. For the purposes of these procedures, any complaint, appeal, application, request, notice, objection, petition, report or other information considered received and filed timely:
      1. If transmitted via United States Postal Service (USPS) on the date it is mailed as shown by the post mark, or in the absence of postmark the postage meter mark, on the envelope in which it is received; or
      2. If not postmarked or postage meter marked, or if the mail is illegible on the date entered on the documents as the date of completion.
      3. If transmitted by any means other than the USPS on the date it is actually received.

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4. If a delay in filing is due to an error or misinformation by the organization or person with whom the complaint or appeal is filed, the time limitation shall be adjusted in a manner equitable to the complaint.
  2. Any reference to “days” is interpreted as calendar days. In computing any period of time the date of the act, event or default is not included. The last day of the period computed is counted unless it is a Saturday, a Sunday or a legal holiday, in which case the period runs until the end of the next day which is not a Saturday Sunday or legal holiday.
- E. Hearings
1. A Hearing Officer of the Department of Economic Security will hear complaints at the State level
2. The process for resolving appeals to Pima County One-Stop:
- A. Any party who has filed a grievance at the county level may appeal to the State level when no decision is reached within 60 days or either party is dissatisfied with the county hearing decision.
    1. The appeal must be filed within ten days of the receipt of an adverse decision; or
    2. The appeal must be filed after the tenth day following the decision is null and void.
  3. Pima County One-Stop, consistent with the philosophy of the State and WIOA, encourages the resolution of grievances and complaints at the lowest level. In instances when a grievance or complaint is submitted directly to the state, but could be heard by Pima County without compromising the opportunity for a fair hearing, the State may remand the matter to the Pima County for hearing under LWIOA grievance process. Nothing shall preclude a complainant’ rights to appeal to the State later.

Pima County has and will continue to comply with the following:

1. There is an established procedure for hearing and resolving complaints and appeals of any employer or sub-recipient level grievance decision.
2. Information is provided about, local or recipient grievance and complaint procedures to participants, applicants and other interested parties affected by Pima County One-Stop System.
3. Sub recipients must provide grievance procedure information to applicants and participants receiving Title I- funded services from such entities; and
4. Both LWIOA s and sub recipients must make reasonable efforts to assure that the information will be understood by affected participants and other individuals including youth and those who are limited English-speaking individuals. Such efforts must comply

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with the language requirements specified in 29 CFR 37.35 regarding the provision of services and information in languages other than English.

5. An impartial hearing officer must conduct any hearings including appeals.

Pima County procedures provides for the following:

1. A process for dealing with grievances and complaints from participants and other interested parties affected by the local WWIOA system including One-Stop partners and service providers.
2. An opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint
3. A process which allows an individuals alleging a labor standards violation to submit the grievance to a binding arbitration procedure if a collective bargaining agreement covering the parties to the grievance so provides; and
4. An opportunity for an appeal to the State when:
  - a. No decision is reached within 60 days; or
  - b. Either party is dissatisfied with the local hearing decisions.
5. An impartial hearing officer to hear grievances or complaints and/or appeals.

Procedures for sub-recipients (Contractors) must provide:

1. A process for dealing with grievance and complaints from participants and other interested parties affected by the recipients of WIOA programs; and
2. An opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of a grievance or complaint.

Discrimination Complaints:

The provision of the previous section on grievance and appeals procedure do not apply to discrimination complaints brought under WIOA section 188 or 29 CFR Part 37.

1. Complaints alleging discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliated or belief and for beneficiaries only, citizenship or participation in programs funded in whole or in part by WIOA, in violation of Section 188 of WIOA for applicants, participants or employees of the WIOA program may be filed with the LWIOA, WIOA Equal Opportunity Officer, Or U.S. Department of Labor, Directorate of Civil Rights.
2. The complainant shall file a complaint not later than 1/80 days from the date of the alleged discrimination, unless extended for good cause by the Director of the Civil Rights Center (CRC).
3. Complaints filed at the Pima County level may be filed directly with:

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Rosemary Cora-Cruz  
Pima County One-Stop  
Equal Employment Opportunity Officer  
2797 East Ajo Way  
Tucson, Arizona 85713  
Telephone: 520-724-7700  
Email: Rosemary.CoraCruz@pima.gov

Complaints filed at the State level may be filed directly with:

Equal Employment Opportunity Officer  
Department of Economic Security, Employment Administration  
1789 W Jefferson, Site Code 920Z  
Phoenix, Arizona 85007  
Telephone: 602-542-2484

Complaints files at the Federal level may be filed directly with:

Director, Civil Rights Center (CRC)  
US Department of labor  
200 Constitution Avenue NW Room N-4123  
Washington, DC 20210  
Telephone: 202-219-7026

4. Complaints filed at either the county or state level shall be processed within 60 days of the date on which the complaints was filed. If the complaint has not been resolved within 60 days, or if the determination is not satisfactory to the complainant, the complainant may file with the Director of Civil Rights within 30 days of the unsatisfactory decision or 90 days from the date of filing, whichever is earlier.
5. No person, organization, or agency may discharge, intimidate, threaten, or coerce, discriminate or in any manner retaliate against any person because that person has filed a complaint, opposed a prohibited practice, instituted any proceeding related to the Act, testified or is about to testify, in any proceeding or investigation, or has provided information or assisted in an investigation.