

ALAMEDA COUNTY WORKFORCE INVESTMENT BOARD

SUMMARY NOTIFICATION OF RIGHTS AND COMPLAINT PROCEDURES

WHAT SHOULD I DO IF I HAVE A COMPLAINT?

If you have a complaint involving the administration of any job training program or service with which the Alameda County Workforce Investment Board (WIB) is involved, either directly (i.e., the denial of your application for job training services) or indirectly (i.e., something that happens while you are in a WIB sponsored job training program), you have certain rights that you should know about.

The complaint and grievance procedures that must be used are determined by the nature of your complaint. This document provides instructions for three different types of complaints and the corresponding procedures.

1. **Nondiscrimination and Equal Opportunity**: Any complaint alleging discrimination on the basis of DISABILITY, RACE, COLOR, AGE, SEX, NATIONAL ORIGIN, RELIGION, POLITICAL AFFILIATION or BELIEF, CITIZENSHIP or RETALIATION for filing a complaint because of any of these reasons may be filed within 180 days of the alleged incident EITHER WITH:

Ms. Darleen Brooks
Civil Rights Officer (CRO)
County of Alameda Social Services Agency
2000 San Pablo Avenue, 4th Floor
Oakland, CA 94610
Phone 510-891-3355; For the California Relay Services (CRS) call 1-800-735-2922(VOICE) or 1-800-735-2929(TDD)

Or with

Director of the Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue, NW, Room N-4123
Washington, DC 20210

2. **Non-criminal Violation of the Workforce Investment Act**: or OTHER APPLICABLE FEDERAL OR STATE REGULATIONS CONCERNING THE ADMINISTRATION OF JOB TRAINING PROGRAMS, CONTRACT OR GRANT CONDITIONS, OR WIB RULES OR POLICIES must be filed within one year of the alleged incident with the:

Director, Alameda County Workforce Investment Board
24100 Amador Street, 6th Floor, Room 610C
Hayward, CA 94544-1203

3. **Incidents of Criminal Fraud, Criminal Abuse, or other Criminal Activity, and Noncriminal Complaints such as Mismanagement and Gross Waste**: Allegations of fraud, abuse, or other criminal activity in WIA-funded programs may originate from ACWIB staff, WIA Program Operators, clients, informants, auditors, law enforcement agencies, etc. Reports must be submitted within 24 hours of discovery to:

Director, Alameda County Workforce Investment Board
24100 Amador Street, 6th Floor, Room 610C
Hayward, CA 94544
Ph: (510) 259-3842
FAX: (510) 259-3845

The WIB, One-Stop and Youth Program Operators have copies of the grievance procedures and the grievance form that should be filled out. However, you may file a complaint without completing the appropriate forms, as long as your complaint is in writing, signed by you and returned to the Workforce Investment Board (WIB). If you are unsure to which entity your complaint should be addressed, WIB staff will ensure that the proper jurisdiction receives your complaint. Your complaint should include your address, telephone number and must also state what your complaint is about.

If you have any questions about how to file a complaint, you may inquire with the Program Manager of the program in which you are enrolled.

Under the law, you have the right to make your complaint without being afraid of restraint, interference, coercion, discrimination, retaliation, or reprisal. What this means is that no one can try to stop you from making a complaint or punish you in any way for filing a complaint.

WHAT HAPPENS WHEN I FILE A COMPLAINT?

Alameda County WIB, or other involved jurisdiction, will notify the party you are complaining against (the "Respondent") about your complaint, and can arrange for an informal meeting with an impartial WIB employee, the Respondent, and you (the "Complainant"), to try to resolve your complaint.

WHAT IF THIS DOESN'T WORK?

If your complaint is not resolved after meeting informally with the Respondent, then you have the right to have a hearing before an Alameda County WIB Hearing officer or an Impartial Hearing Officer.

IS A HEARING LIKE A TRIAL IN COURT?

Yes and no. Under the law, everyone has "Due Process" rights that must be observed in any legal proceeding. Such rights include the right to present evidence and have witnesses testify under oath, the right to testify yourself, the right to cross-examine the witnesses for the other party, the right to have any impartial person decide the case, and to give a written explanation of the reason for the decision. You also have the right to appeal the decision if you think it is wrong. In that sense, the hearing is like a trial.

It will not be like a trial in the sense that no one will expect you to know technical legal rules of evidence, law, or procedure. The Hearing Officer will be an experienced attorney or other knowledgeable lay person that knows the law and who will be much more interested in finding out what the facts are.

The hearing will be somewhat like "The People's Court" on TV, where the Judge listens to the testimony of the witnesses, looks at any exhibits, asks questions of the parties and then makes a decision.

DO I NEED A LAWYER? WHAT IF I DON'T HAVE A LAWYER?

You have the right to have a lawyer, or some other person, who doesn't have to be a lawyer, act as your representative at all stages of the WIB Grievance Procedure. However, the WIB cannot appoint a lawyer to represent you or give you legal advice, nor can the WIB pay for your lawyer. If you want a lawyer to represent you and do not know whom to call, the Alameda County Bar Association, telephone 510-893-7160, has a lawyer referral service.

IS THERE ANYTHING ELSE I SHOULD KNOW?

The most important thing to remember is that the Hearing Officer won't know about the facts of your case, so be sure that you present them at the hearing. Be sure your witnesses come to the hearing, bring any exhibits you want to show the Hearing Officer, and outline what you want to say so you won't forget anything.

THIS IS YOUR COPY.

PLEASE KEEP IT FOR YOUR RECORDS.

*These WIA Title I
financially assisted programs or
activities are "Equal Opportunity Employer/Programs." Auxiliary
aids and services are available
upon request to individuals
with disabilities.*

ALAMEDA COUNTY WORKFORCE INVESTMENT ACT

NOTIFICATION OF RIGHTS UNDER THE WORKFORCE INVESTMENT ACT

EQUAL OPPORTUNITY GUIDELINES UNDER THE WORKFORCE INVESTMENT ACT

It is against the law for recipients of federal financial assistance to discriminate on the following bases:

- Against any individual in the United States, on the basis of race, color, creed, religion, sex, national origin, age, disability, political affiliation or beliefs, retaliation; or
- Against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIA Title I financially assisted program or activity.

The recipient must not discriminate in any of the following areas:

- Deciding who will be admitted, or have access, to any WIA Title I financially assisted program or activity; or
- Making employment decisions in the administration of, or in connection with, such a program or activity.

You have the right to file a complaint if you feel you have been denied any of the above opportunities based on the equal opportunity guidelines. You will not in any way be penalized for filing a complaint. Your WIA sponsor has established a mechanism for handling complaints or grievances. Your complaint must be filed within 180 days of the alleged violation. All complaints will be handled confidentially. Complaints may be filed with the Alameda County Civil Rights Officer or with the Federal Civil Rights Center of the Department of Labor. (See Policy for Addresses)

COMPLAINTS OTHER THAN EQUAL OPPORTUNITY

All complaints alleging any violation of the Workforce Investment Act, other applicable federal or state regulations concerning the administration of job training programs, contract or grant conditions, or WIB rules or policies must be filed with the: Director of the Workforce Investment Board, 24100 Amador Street, 6th Floor Rm. 610C, Hayward, CA 94544-1203 within one year of the incident.

COMPLAINTS OF FRAUD, CRIMINAL ACTIVITY, OR GROSS WASTE

Complaints alleging incidents of criminal fraud, criminal abuse, or non-criminal complaints of mismanagement and gross waste of WIA funds should be made within 24 hours of discovery to the: Director of the Workforce Investment Board, 24100 Amador Street, 6th Floor Rm. 610C, Hayward, CA 94544-1203.

This is to certify that I have received a copy of the equal opportunity complaint procedures, procedures for filing complaints against job training programs as they pertain to the WIA program operated by the Alameda County Workforce Investment Board, and procedures to file complaints of criminal activity, fraud, and/or gross waste.

Staff has explained these procedures to me verbally and I have been advised of these processes. I understand that a full copy of these procedures is available to me upon request.

Participant Signature

Agency Representative Signature

Agency Name

Date

Date