



**GUAM WORKFORCE DEVELOPMENT BOARD
RESOLUTION NO. 2017-005**

**A RESOLUTION RELATIVE TO THE APPROVAL OF THE AMERICAN JOB
CENTER CUSTOMER COMPLAINT PROCESS and POLICY NO. GWDB 17-002**

WHEREAS, the Workforce Innovation and Opportunity Act (WIOA) was signed into law on July 22, 2014, reauthorizing the Workforce Investment Act (WIA) of 1998; and

WHEREAS, WIOA transformed and redesigned the training and education programs to strengthen our nation's public workforce system by helping those find employment to access the education, training, and support services they need to obtain and advance in quality jobs and careers, and to help businesses hire and retain the skilled workers they need to succeed in a global economy; and

WHEREAS, the Guam Workforce Development Board (GWDB) shall adopt this American Job Center (AJC) Customer Complaint Procedure and incorporate the process and policy into the GWDB area and AJC standard operating procedures; and

WHEREAS, GWDB, under the Guam Department of Labor (GDOL) who is a recipient of Title I funds under WIOA, recognizes the importance of having available and maintaining a procedure for participants and other interested parties to file complaints and grievances as an outlying area, except for Job Corps, alleging violations of the requirements of Title I of WIOA, according to the requirements of WIOA Final Rules 20 CFR 683.600; and

WHEREAS, as per WIOA Final Rules 20 CFR 683.600, the GDOL AJC, must provide information about the content of the grievance and complaint procedures required by this section to participants and other interested parties affected by the local workforce development system, including the AJC One-Stop partners and service providers; and

WHEREAS, WIOA Final Rules 20 CFR 683.600 also require that every entity receiving Title I funds provide the information referred to in the content of the grievance and complaint procedures to participants receiving Title I-funded services from such entities; and must make reasonable efforts to assure that the information referred to will be understood by affected participants and other individuals, including youth and those who are limited-English speaking individuals. Such efforts must comply with the language requirements of 29 CFR 37.35 regarding the provision of services and information in languages other than English; and

WHEREAS, the GDOL AJC procedure must provide a process for dealing with grievances and complaints from participants and other interested parties affected by the local workforce

development system, including one-stop partners and service providers; and must provide an opportunity to be completed within 10 business days of the filing of the grievance or complaint and the GDOL Director or his/her designee will review complaint and render a decision on resolution.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, that the Guam Workforce Development Board (GWDB) adopts the American Job Center (AJC) Customer Complaint Process and Policy GWDB 17-002 as authorized by the Workforce Innovation and Opportunity Act (WIOA) or any other policy which may be inconsistent with or duplicative of the provisions of this resolution.

Adopted this 28th day of June, 2017.

ATTESTED:

For the GUAM WORKFORCE DEVELOPMENT BOARD


FOR 

Frank Blas, Jr., Chairman, GWDB

 **FOR**

Peter R. Barcinas, Chairman
Planning & Coordinating Committee

**GUAM WORKFORCE DEVELOPMENT BOARD
American Job Center/GUAM DEPARTMENT OF LABOR**

APPROVED	RESPONSIBILITY	ORIGINATION DATE	NUMBER	PAGE
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TITLE: American Job Center (AJC) Customer Complaint Process				

I. PURPOSE

The Workforce Innovation and Opportunity Act (WIOA) requires each local area, State, and outlying areas who are recipients of Title I funds under WIOA, to establish and maintain a procedure for participants and other interested parties to file complaints and grievances alleging violations of the requirements of Title I of WIOA per 20 CFR 683.600 at the American Job Center (AJC).

The unified procedure details steps that the AJC management and staff must follow to publicize, document, and process complaints alleging discrimination by AJC staff, violations of Title I of WIOA; actions or omissions by the Wagner-Peyser (Employment Service (ES) staff; complaints from customers placed into On-the-Job Training programs; and complaints from customers referred to employers who are allegedly in violation of labor standards and complaints from other programs and services located at the AJC.

It is required of each American Job Center (AJC) to create a customer complaint process that provides the customer with a common complaint form to address the complaint.

Pursuant to 20 CFR § 678.400, the required partners at the Guam American Job Center are under Section 121(b)(1)(B) of WIOA.

Located at the One-Stop delivery system are the following programs: under Title I of WIOA, the Adult, Youth and Dislocated Worker; the Wagner-Peyser employment services; the Disabled Veteran and Outreach Program; the Senior Community Service Employment Program (SCSEP) and other workforce programs and services available at the AJC.

II. POLICY

The American Job Center Customer Complaint Process:

- can be used to handle complaints and grievances, based on the procedures provided;
- is intended to address AJC complaints and grievances as this is required by WIOA to have a customer complaint procedure in place;
- can be used to offer routine training on the contents of the Customer Complaint process to assist customers accessing the American Job Center service delivery system;
- must be publicized to ensure that AJC customers are made aware of the customer complaint system. (Must be prominently displayed in a public area of the AJC.)

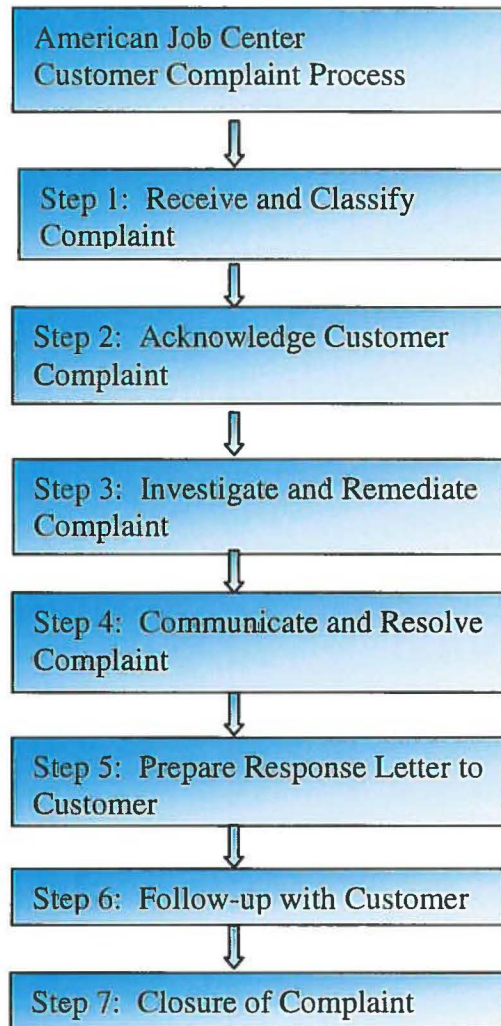
Per 20 CFR 683.600, the American Job Center (AJC) customer complaint procedures must provide:

- (1) A process for addressing grievances and complaints from participants and other interested parties affected by the statewide WIOA programs;
- (2) A process for resolving appeals for complaints filed;
- (3) A process for remanding grievances and complaints related to the WIOA programs to the grievance process; and
- (4) An opportunity for an informal resolution to be completed within 10 business days of the filing of the grievance or complaint; and
- (5) An opportunity for appeal to the Secretary of US DOL under the circumstances described in § 683.610(a) when a decision has not been reached within 60 days for Title I of WIOA.

Nothing in this subpart precludes a grievant or complainant from pursuing a remedy authorized under another Federal, State, or local law.

PROCESS OVERVIEW

The following key steps must be followed for all customer complaints received by AJC staff. The following process is for resolving customer complaints received at the AJC Guam.



The requirements for each process is detailed below

Step 1: Receive and Classify Complaint

Ensure that all potential complaints are documented by the organization, and classified for review and resolution.

Customer defined: Any individual or participant such as jobseekers, including applicants for employment and employees, or service providers, or eligible training providers, businesses and partner organizations.

Informal complaint: An unofficial complaint by a customer. The AJC staff should first offer an informal resolution to help solve the complaint to the customer within 10 business days.

Formal complaint: An official written complaint. The AJC staff documents the complaint and requires that the customer complete and sign Form ETA 8429 and prepares a response to the customer within 3-5 business days.

- Any complaint, issue or negative customer interaction (whether this is informal or formal and logged by the customer or not), must be documented. Note: Only written and signed complaints are logged and classified for action in the customer complaint log.
- A complaint must be formally documented using an approved form with required content to ensure sufficient information is obtained for considering a resolution. The complaint must be prepared and recorded within 3 business days from the time complaint was received by AJC staff. The AJC supervising staff who is responsible for the area in which the customer (who presented a complaint) received services shall assess and investigate the circumstances, then compile all documentation (i.e. incident report, customer notes, etc.) relating to customer's complaint and prepare a disposition / recommendation summary for the Director's or his/her designee's review, that outlines a customer resolution, to resolve the complaint informally before the formal complaint procedure is initiated.
- The AJC staff member receiving the complaint logs the complaint and submits complaint to AJC supervising staff. AJC supervising staff will determine and assign the appropriate person(s) to investigate complaint.
- All complaints must be processed in a timely manner with the AJC supervising staff and when completed, to notify the Director or his/her designee.
- The GDOL Director or his/her designee will review information provided and render a decision on resolution for complaints not resolved at AJC supervising staff level for resolution or disposition to satisfactorily resolve the complaint.

Step 2: Acknowledge Customer Complaint

Ensure that every complaint receives a formal written acknowledgement, containing an expectation of when they will receive a response, and the person dealing with it.
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- All complaints, regardless of priority, shall receive written notice of an acknowledgement Receipt via email or mail service acknowledging AJC is in receipt of complaint and its timeline to present a resolution. Delivery of this acknowledgement will provide mechanisms for complainant to acknowledge receiving notice.

Step 3: Investigate and Remediate Complaint

Follow up all aspects of the complaint, both internal and external, to ensure that the key facts are identified and clarified.

- The priority of the complaint will be based on the timeline for completion in *3–5 business days* for Informal complaint or *10 business days* for Formal complaint.
- All areas of interaction and communication should be established (who, what, where, when, why, etc.) and fully documented.

Step 4: Communicate & Resolve Complaint

Ensure that the final resolution is clear and concise. Also confirm the proposed action and resolution with another AJC supervising senior staff.

- Ensure that the proposed resolution meets GDOL/WIOA guidelines and does not prejudice AJC in any unnecessary legal or financial manner.
- Document the proposed action, discussions, recommendations, and any agreed resolutions presented by with AJC staff.
- Discuss and review the solution from both the customer's and AJC staff's viewpoint to ensure fairness and clarity.
- The review should include identification and documentation of any underlying issues that have contributed to the complaint and recommendations for actions to prevent further occurrence.
- The Director shall form an *Ad Hoc* Complaint Resolution Committee (CRC) who will meet on a case-by-case basis. This committee will receive a quarterly report on consolidated information from incident reports prepared by the repository on the 10th working day after each calendar quarter. The CRC will review information and present operational recommendations for improving customer services within AJC. Recommendations will be presented in documented format with procedures for implementation to the Director within 30 day after the end of the quarter of review.

Step 5: Prepare Response Letter to Customer

Provide the customer with the resolution within the appropriate timeline.

- The details of the findings and proposed resolution should be clearly explained (in written or verbal form, as appropriate) to the customer within the agreed timeline. If a verbal resolution is presented to the customer's satisfaction, the AJC staff will be responsible for documenting the complaint and resolution and forwarding it to AJC supervising staff.
- If this cannot be done on time, the customer should be contacted immediately to request additional time. Request for additional time shall be done in writing and have the concurrence of AJC supervising staff and Unit Supervisor. This request of amended timelines should be fully documented in Complaint Resolution file.

Step 6: Follow-up with Customer

Ensure that complaints are followed up to confirm that customers are satisfied with the response given.

- All complaints must be followed up within a reasonable timeline by the AJC staff.
- The follow up should identify the following:
 - Is the customer satisfied with the response?
 - Did they feel that their complaint was properly and fairly handled?

Any negative responses to these questions should be referred to AJC supervising staff, for action and direct follow up with customer.

Step 7: Closure of Complaint (Case Closed)

Ensure that the GDOL AJC is aware of complaints and any underlying issues. Plan actions to remove these and prevent future recurrences.

- All complaints should be reviewed monthly as part of the Complaint Resolution Committee review meetings.
- Any complaints where action can be taken to avoid recurrences must be acted upon and presented to all AJC supervisory staff and Director or his/her designee.

Types of Complaints – Chart 1 (Formal complaints must be in writing and signed by the complainant preferably using ETA Form 8429)

Type of Complaint	How to File A Written Complaint	What Happens Next	Appealing a Decision	Secondary Appeals	Applicable Policy and Procedures Document
<p><u>Discrimination</u> Complaint alleging discrimination by the OSCC (Job Service/Workforce Innovation and Opportunity Act (WIOA) Title 1 funded entity) because of race, color, religion, sex, national origin, age, disability, political affiliation, belief, or citizenship status as a lawfully admitted immigrant authorized to work in the US.</p>	<p>Within 180 days of the alleged act of discrimination, a complaint can be filed with the Local or State EOO or AJC Staff</p>	<p>The recipient of the complaint has 90 days to respond to the complainant with a Notice of Final Action</p>	<p>The complainant has 30 days after the Notice of Final Action to file an appeal with the USDOL - Civil Rights Center. If no Notice of Final Action is received, the complainant has 30 days from the end of the 90 days to file an appeal.</p>	<p>n/a</p>	<p>29 CFR Part 38 (Proposed)</p>
<p><u>(One-Stop Delivery System) Services</u> Complaint alleging violation of the WIOA and/or provisions of a related agreement</p>	<p>Complaints should be filed with the local AJC Staff. There is no time limit for filing a complaint.</p>	<p>Within 60 days of filing the complaint, the recipient of the complaint will conduct a hearing and offer a written decision</p>	<p>If complainant does not receive a decision within 60 days, or receives an adverse decision, complainant has 30 days to file an appeal to the GDOL Director</p>	<p>When complainant has exhausted the local and State complaint process, complainant may appeal to the Secretary of the U.S. Department of Labor</p>	<p>20 CFR 683.600 et. seq.</p>
<p><u>Employer/Labor Standards</u> Complaint from customer placed into an On-the- Job Training program alleging labor standards violations under 29 U.S.C. § 2931(b)</p>	<p>Complaints should be filed in writing with the local AJC Staff</p>	<p>Within 60 days of filing the complaint, the recipient of the complaint will complete a hearing and offer a written decision</p>	<p>If complainant does not receive a decision within 60 days, or receives an adverse decision, complainant has 30 days to appeal to the GDOL Director</p>	<p>When complainant has exhausted the local and State complaint process, complainant may appeal to the Secretary of Labor</p>	
<p><u>Employer/Job Service Referral</u> Complaint against an employer about the specific job that an applicant was referred to by the Job Service at the One-Stop</p>	<p>Within 1 year of the alleged occurrence, a complaint can be filed with the local AJC Staff</p>	<p>AJC Staff will attempt to resolve complaint within 15 working days</p>	<p>If the local AJC Staff does not resolve the complaint, it is sent to the GDOL Director who has 30 days to respond</p>	<p>When complainant has exhausted the local and State complaint process, complainant may appeal to the Regional Administrator - DOL ETA</p>	<p>20 CFR 658.600 et seq.</p>
<p><u>Other Customer Complaints</u></p>	<p>Complaints should be filed in writing with the local AJC Staff</p>	<p>AJC Staff will route complaints to the appropriate enforcement agency, another public agency, or other appropriate assistance</p>	<p>Complaints will be handled according to the established AJC complaint resolution process</p>	<p>Complaints will be handled according to the established AJC complaint resolution process</p>	
<p>GDOL AJC is an Equal Opportunity Employer with equal opportunity programs. Services are available upon request to individuals with disabilities.</p>					

ATTACHMENTS

Attachment 1 – ETA Form 8429 – Complaint Form

Attachment 2 – Customer Complaint Log

Attachment 3 – Customer Acknowledgement Form

Guam Department of Labor
AMERICAN JOB CENTER

CUSTOMER ACKNOWLEDGEMENT FORM

Dear Customer:

Thank you for taking the time to communicate with the Guam Department of Labor's American Job Center, Guam (AJC) on (date complaint was received) regarding your complaint.

AJC has every desire to address your needs and provide the best solution available to resolve your complaint as soon as possible. A thorough investigation into your concerns will be conducted and once completed, you will receive a response on how it will be resolved. In addition, we will further evaluate how we can prevent this problem from occurring again in the future.

Please accept our sincerest apology for any inconvenience we have caused you. If you have any questions concerning this letter, or would like to discuss the complaint further, please contact [insert staff name], [insert position], [insert contact number].

We look forward to reaching a satisfactory resolution to this complaint and thank you again for taking time to file your complaint with us.

Respectively,

(AJC supervising staff) - Name
American Job Center

[Sample Draft]

American Job Center (AJC) Customer Complaint Log

		Guam Department of Labor				AJC System Complaint Log														
GDOL AJC:		710 West Marine Corps Drive; Suite 301 (3rd Floor), Tower Plaza Hagatna, GU 96910				Bell		Program Year: 2017												
Complaint Officer:						Quarter Ending:		30-Sep		31-Dec		31-Mar		30-Jun						
Complaint Number	Date Filed	Complainant Name	Respondent Name		Type				Status of Complaint				Comments (add pages as needed)				Resolved			
17-001	5/31/2017	Jane Doe	AJC Programs		1	2	3	4	1	2	3	4	Contact & interview established on date? pending final findings.				1	2	3	4
					5	6	7		5	6	7	8					5	6	7	8
					1	2	3	4	1	2	3	4					1	2	3	4
					5	6	7		5	6	7	8					5	6	7	8
					1	2	3	4	1	2	3	4					1	2	3	4
					5	6	7		5	6	7	8					5	6	7	8
					1	2	3	4	1	2	3	4					1	2	3	4
					5	6	7		5	6	7	8					5	6	7	8
					1	2	3	4	1	2	3	4					1	2	3	4
					5	6	7		5	6	7	8					5	6	7	8

CAREER CENTER COMPLAINT LOG INSTRUCTIONS

Complaint Number: Last two digits of Program Year+ consecutive 3 digit ID number. (Example, first complaint of PY 2017 will be:17-001, the next 17-002)

Type: Highlight the numeric identifier to indicate complaint type: 1 Career Center Service; 2 Non-Career, 3 Employer; 4 Training; 5 Crime/Fraud/Waste; 6 Discrimination; 7 Apparent Violation

Status of Complaint: Highlight the numeric identifier to indicate: 1 in process, local; 2 Info Request, local; 3 In-process, local; 4 Info Request, local; 5 Determination; 6 GDOL AJC; 7 Appeal to USDOL Regional Administrator; 8 Remanded to local level

The appropriate status identifier should be circled on a timely basis as the complaint reaches each new status level.

Resolved: Highlight the numeric identifier to indicate: 1 Local Level; 2 State Level; 3 Hearing Level; 4 Enforcement Agency; 5 Did Not Appeal; 6 Fail to Respond; 7 USDOL Regional Administrator

COPY MUST BE SUBMITTED TO THE AJC SUPERVISOR/STAFF WITHIN 15 DAYS AFTER THE END OF THE QUARTER.

Attachment 2