

Union County American Job Center Complaint Policy

1. Purpose

To provide policy guidance to all members of the Union County American Job Center (AJC) Network on the NJ LWD Job Center Complaint Policy.

2. References

- WIOA Final Rules, 20 CFR 683.60
- Workforce Innovation Notice 12-16(A) (Attached)

3. Background

The Workforce Innovation and Opportunity Act requires each local area, State, outlying area, and direct recipients of funds under Title I of WIOA to establish and maintain a procedure for participants and other interested parties to file grievances and complaints alleging violations of the requirements of title I of WIOA.

The unified procedure details steps that the American Job Centers' management and staff must follow to publicize, document, and process complaints alleging discrimination by AJC staff, violations of provisions of the Workforce Innovation and Opportunity Act (WIOA), actions or omissions by the Job Service/Labor Exchange [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. Complaints lodged by Migrant and Seasonal Farmworkers are to be treated as ES-related complaints regardless of how the worker found the job.

This policy applies to the entire Union County Workforce Investment Board / American Job Center network. The American Job Center network includes six core partners: WIOA Title I Adult Program, WIOA Title I Dislocated Worker Program, WIOA Title I Youth Program, WIOA Title II Adult Education and Family Literacy, Wagner-Peyser Employment Service(ES), and Vocational Rehabilitation Services.

4. Policy

Workforce Innovation Notice 12-16(A) (Attached) provides a full description of the State and Local Complaint procedures. The following summarizes this policy and should be used as guidance in adopting appropriate local procedures for full compliance with Notice 12-16(A).

A. Designation of Local Complaint Specialists/Equal Opportunity Officer

Each AJC shall designate a Complaint Specialist and backup and an Equal Opportunity Officer (EOO) in consultation with the LWD and the local WIOA entity. The Complaint Specialist and EOO may be

the same person, and the default Complaint Specialist is the Workforce Development Manager (ES manager). Complaints alleging discrimination necessitate the involvement of the EOO. The Union County Affirmative Action Officer John Boles at the Union County Law Department at 908-527-4250.

As of November, 2016, the State Equal Opportunity Officer is Michael Ayles (Michael.Ayles@dol.nj.gov) and the State Complaint Specialist is John Bicica (John.Bicica@dol.nj.gov) Chief, WIOA Technical Assistance.

A complainant may file a complaint or grievance at the local, State or Federal Level. The complaint must be filed within one year of the time the alleged violation occurred. A complainant must be provided with an opportunity for informal resolution prior to the submittal of a written complaint and a hearing to be completed within 60 days of filing the complaint.

Complainants who elect to file a formal complaint must use the attached form. The local Complaint Specialist must make a decision and notify, in writing, all parties involved, within 60 days from the date the complaint was filed.

B. Publicizing Complaint Procedures to AJC Customers

WDB and AJC staff must take these actions to ensure that customers are made aware of the customer complaint system.

- I. Complaint Poster - To be prominently placed in a public area at each service center. The poster should list the name and contact information for the local Complaint Specialist. In addition to English and Spanish, if the AJC serves significant populations of other language speakers, the poster should be displayed in these languages as well. Copies of the Complaint Poster can be ordered from the Director, Division of Workforce Field Services. Ordering instructions and a facsimile can be found under the Workforce section of Inform.
- II. "Equal Opportunity is the Law" Poster – To be prominently displayed in a public area of the AJC in both English and Spanish. Must contain the name and contact information for the local AJC EEO and State EEO. Copies of the "Equal Opportunity is the Law" poster can be ordered from the Director, Division of Workforce Field Services.
- III. Orientation Script – To be included in Participant Orientation and other customer presentations information on filing a complaint.
- IV. Handouts and Acknowledgement – Handouts to be shared with new AJC customers and acknowledgement receipt gathered during the registration process. Handouts should clarify the rights of customers to complaints. Customers should sign an acknowledgment form, which should be formally recorded and acknowledged to the customer.
- V. Complaint Logs - Each AJC must establish procedures for the use and maintenance of the Unified OSCC Customer Complaint Log consistent with guidance provided, herein. The Workforce Development Manager shall be accountable to ensure that the duties of the

Complaint Specialist are being performed as defined in this document. Electronic copies of the Complaint Log can be found under the Workforce tab on the LWD intranet website Inform (<http://inform-prod/inform/workfrce/unified.html>). Attachment 2 contains a facsimile of the log.

The Complaint Log must clearly identify each individual complaint. Each complaint must have a unique identification number (Last two digits of the Program Year followed by a sequential three-digit number beginning with 001.)

A copy of the Excel Complaint Log that clearly indicates all newly filed and all resolved complaints for the calendar quarter must be promptly submitted (through email) to the State Equal Opportunity Officer (Michael.Ayles@dol.nj.gov) and Chief, WIOA Technical Assistance (John.Bicica@dol.nj.gov) no later than the 15th day of the month following the end of each quarter. If there are no complaints, an empty copy of the log must be submitted.

A copy of the complaint and all related documents needs to be kept on file with the local office and also provided to the Director, Workforce Field Services.

The Complaint Log should be be completed, maintained, and shared in an Microsoft Excel format.

Local area Complaint Logs shall be maintained on an annual basis consistent with the state fiscal year (July 1 – June 30). Each annual complaint log shall be kept for a period of three years following the end of the fiscal year for which the log was kept.

C. Filing a Formal Complaint

(Formal complaints must be filed in writing and signed by the complainant preferably using ETA Form 8429 (New Jersey OSCC Complaint/Referral Record)) adapted for use in New Jersey (Attachment 1).

D. Appeals

A decision made at the local level may be appealed if:

- I. A decision on a grievance or complaint at the local level has not been reached within 60 days of receipt of the grievance or complaint, or within 60 days of receipt of the request for appeal of a local level grievance and either party appeals to the State; or
- II. A decision on a state level grievance or complaint has been reached and either party is dissatisfied with the local hearing decision.

State Level Appeal

Appeals made under State level must be filed within 60 days of the receipt of the decision being appealed. Appeals made under local level must be filed within 120 days of the filing of the grievance with the State, or the filing of the appeal of a local grievance with the State.

All appeals must be submitted by certified mail, return receipt requested, to the:

Director, Division of Workforce Field Services
New Jersey Department of Labor and Workforce Development
1 John Fitch Plaza 7th Floor, P.O. Box 055
Trenton, New Jersey 08625-0055

The State must make a final decision on an appeal from a local or a state level no later than 60 days after receiving the appeal.

Federal Level Appeal

The complaint has a right to appeal a state decision to the Secretary of Labor. This appeal must be filed within 60 days of the receipt of the decision being appealed or 120 days of the filing of the grievance with the state, or filing of the appeal of a local grievance with the state.

All appeals must be submitted by certified mail, return receipt requested, to the:

Secretary, U.S. Department of Labor
200 Constitution Ave. NW
Washington, DC 20210,
Attention: ASET.

A copy of the appeal must be simultaneously provided to the appropriate ETA Regional Administrator and the opposing party.

5. Questions

For general questions regarding this guidance, contact the Workforce Development Board at 908-558-2292.

6. Action

Each Workforce Innovation Development Board (WDB) area shall adopt this Unified OSCC Customer Complaint Procedure and incorporate the procedures into the local WDB area and AJC standard operating procedures.

Attachments

Workforce Innovation Notice 12-16(A)

New Jersey

Workforce Innovation Notice 12-16(A)

TO: Workforce Development System

FROM: John Bicica, Chief
WIOA Technical Assistance and capacity Building

SUBJECT: New Jersey Unified One-Stop Career Center Complaint Procedure

DATE: November 14, 2016

Purpose

To create a straightforward One-Stop Career Center (OSCC) customer complaint process that regardless of the OSCC partner involved provides the customer with a common complaint form and common complaint specialist to address the complaint.

Background

The Workforce Innovation and Opportunity Act requires each local area, State, outlying area, and direct recipient of funds under title I of WIOA, to establish and maintain a procedure for participants and other interested parties to file grievances and complaints alleging violations of the requirements of title I of WIOA.

The unified procedure details steps that OSCC management and staff must follow to publicize, document, and process complaints alleging discrimination by OSCC staff, violations of the Workforce Innovation and Opportunity Act (WIOA), actions or omissions by the Job Service/Labor Exchange [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. Complaints lodged by Migrant and Seasonal Farmworkers are to be treated as ES-related complaints regardless of how the worker found the job.

Monitoring

The Performance Monitoring Unit of the New Jersey Department of Labor and Workforce Development (LWD) will be responsible for monitoring compliance with the New Jersey Unified OSCC Customer Complaint Procedure. Current monitoring tools will be reviewed, and if necessary, enhanced to include among other items, that each new OSCC customer has been given the handouts listed in Attachment 4, that the Reemployment Orientation and other group orientations detail the Complaint Procedure, that customer records in the AOSOS case management system contain an indication that the customer has received information on the

Complaint Procedure, that local office staff are aware of the Complaint Procedure and are following the procedures contained in it, and that the process of recording and reporting written customer complaints is working as intended.

This document along with all referenced forms, handouts, scripts, and logs can be found on the LWD Inform Intranet website and at the "To Work" portal (<http://inform-prod/inform/workfrce/unified.html> and <http://towork.dol.state.nj.us/>).

Action Required

Local areas must establish written policies for the handling of complaints and grievances, based on the procedures provided.

LWD will offer routine training on the contents of this document that is specific to Local Complaint Specialists, Job Service Managers, OSCC Operators, Workforce Development Board Directors, frontline staff, local Equal Opportunity Officers, and LWD management staff. We envision creating a brief PowerPoint presentation that will be required viewing for all frontline staff with annual recertification. Frontline staff includes greeters, security guards and anyone working in the OSCC that may be relied upon by customers for help.

Rescissions

None

References and Links:

WIOA Final Rules, 20 CFR 683.600

Authority

| | |
|--|---|
| New Jersey Department of Labor and Workforce Development | X |
| State Employment And Training Commission | |

Questions

For general questions regarding this guidance, contact John Bicica, Chief, Office of WIOA Technical Assistance and Capacity Building, at john.bicica@dol.nj.gov

Attachment

New Jersey Unified One-Stop Career Center Customer Complaint Procedure

Table of Contents

| Section Title | Page Number |
|---|--------------------|
| 1. Scope | 2 |
| 2. Designation of State and Local Complaint Specialists/Equal Opportunity Officers | 2 |
| 3. Publicizing Complaint Procedures to One-Stop Career Center Customers | 2 |
| 4. Types of Complaints | 3 |
| 5. Customer Complaint Form | 4 |
| 6. Implementation Details for State and Local OSCC Management/Staff | 5 |
| 7. State Level Appeal | 13 |
| 8. Addressing Apparent Violations Involving the Working and Living Conditions of Migrant Seasonal Farmworkers | 13 |
| 9. Complaints Not Covered By This Policy | 14 |
| 10. State and Federal Contracts | 15 |
| 11. Fraud, Waste and Abuse of Funds | 15 |
| 12. Attachments | 16 |

New Jersey Department of Labor and Workforce Development

November 2016

1. Scope

1. To define requirements for publicizing the Unified Customer Complaint procedure.
2. To promulgate a common customer complaint form and duties of the complaint specialist.
3. To explain the procedures for the receipt, resolution, and/or disposition of customer complaints including an appeal process.
4. To create a general plan for ensuring that complaint specialists and staff serving customers are aware of and receive initial and periodic refresher training on the complaint procedure.
5. To ensure that a process is established to monitor compliance with the Unified One-Stop Customer Complaint Procedure.
6. To ensure that reasonable efforts are made to assure that the information regarding these procedures will be understood by affected participants and other individuals, including youth and those who are limited-English speaking individuals.

2. Designation of State and Local Complaint Specialists/Equal Opportunity

Officers

Each OSCC shall designate a Complaint Specialist and backup and an Equal Opportunity Officer (EEO) in consultation with the LWD and the local WIOA entity. The Complaint Specialist and EEO may be the same person and the default Complaint Specialist is the Workforce Development Manager (ES manager). Complaints alleging discrimination necessitate the involvement of the EEO.

Local Complaint Specialists/EEOs at the time of this issuance are found in Attachment 3. As of November, 2016, the State Equal Opportunity Officer is **Michael Ayles** (Michael.Ayles@dol.nj.gov) and the State Complaint Specialist is **John Bicica** (John.Bicica@dol.nj.gov) Chief, WIOA Technical Assistance.

3. Publicizing Complaint Procedures to One-Stop Career Center Customers

OSCC staff must take these actions to ensure that OSCC customers are made aware of the customer complaint system.

1. **Complaint Poster** - Prominently place in a public area of the OSCC a One-Stop Career Center Complaint Poster that contains the name and contact information for the local OSCC's Complaint Specialist. In addition to English and Spanish, if the OSCC serves significant populations of other language speakers, the poster should be displayed in these languages as well. Copies of the Complaint Poster can be ordered from the Director, Division of Workforce Field Services. Ordering instructions and a facsimile can be found under the Workforce section of Inform.
2. **Equal Opportunity is the Law Poster** – Prominently display in a public area of the OSCC in both English and Spanish. Must contain the name and contact information for the local OSCC EEO and State EEO. Copies of the Equal Opportunity is the Law poster can be ordered from the Director, Division of Workforce Field Services. Ordering instructions and a facsimile can be found under the Workforce section of Inform.
3. **Orientation Script** - Include in the Re-employment Orientation and other customer presentations information on filing a complaint. Please visit Inform for a sample script.
4. **Handouts and Acknowledgement** - Have each new OSCC customer acknowledge receipt during the registration process of the handouts summarizing the types of complaints/how to file a complaint and advising them of the Equal Opportunity is the Law language. Customers should sign an acknowledgment form. Attachment 4 contains the handouts and acknowledgement form templates. Each One-Stop must insert the name and contact information of the Complaint Specialist and EO Officer before giving to customers. Electronic versions of the forms are available on Inform.

Record Acknowledgement - Record customer acknowledgment of having received information on Unified Customer Complaint Procedure in America’s One-Stop Operating System (AOSOS) by designating the EEO Activity.

4. Types of Complaints – Chart 1 (Formal complaints must be in writing and signed by the complainant preferably using ETA Form 8429 (New Jersey OSCC Complaint/Referral Record)) adapted for use in New Jersey (Attachment 1)

| Type of Complaint | How to File A Written Complaint | What Happens Next | Appealing a Decision | Secondary Appeals | Applicable Policy and Procedures Document |
|---|--|--|---|---|---|
| Discrimination 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. | Within 180 days of the alleged act of discrimination, a complaint can be filed with the Local or State EEO or Complaint Specialist | The recipient of the complaint has 90 days to respond to the complainant with a Notice of Final Action | 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. | n/a | 29 CFR Part 38 (Proposed) |
| One-Stop Delivery System) Services Complaint alleging violation of the WIOA and/or provisions of a related agreement | Complaints should be filed with the local One-Stop Complaint Specialist. There is no time limit for filing a complaint. | Within 60 days of filing the complaint, the recipient of the complaint will conduct a hearing and offer a written decision | 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 LWD - Director, Workforce Field Services | When complainant has exhausted the local and State complaint process, complainant may appeal to the Secretary of the U.S. Department of Labor | 20 CFR 683.600 et seq. |
| Employer/Labor Standards Complaint from customer placed into an On-the-Job Training program alleging labor standards violations under 29 U.S.C. § 2931(b) | Complaints should be filed in writing with the local One-Stop Complaint Specialist | Within 60 days of filing the complaint, the recipient of the complaint will complete a hearing and offer a written decision | If complainant does not receive a decision within 60 days, or receives an adverse decision, complainant has 30 days to appeal to the LWD, Dir. Workforce Field Services | When complainant has exhausted the local and State complaint process, complainant may appeal to the Secretary of Labor | N.J.A.C. § 12:42-1.1 et seq. |
| Employer/Job Service Referral Complaint against an employer about the specific job that an applicant was referred to by the Job Service at the One-Stop | Within 1 year of the alleged occurrence, a complaint can be filed with the local One-Stop Complaint Specialist | Complaint specialist will attempt to resolve complaint within 15 working days (5 days for complaints by MSFWs) | If the local complaint specialist does not resolve the complaint, it is sent to the State Complaint Specialist who has 30 days (20 days for complaints by MSFWs) to respond | When complainant has exhausted the local and State complaint process, complainant may appeal to the Regional Administrator - DOL ETA | 20 CFR 658.600 et seq. |
| Other Complaints | Complaints should be filed in writing with the local One-Stop Complaint Specialist | Complaint Specialist will route complaints to the appropriate enforcement agency, another public agency, or other appropriate assistance | Complaints will be handled according to each agency's established complaint resolution process | Complaints will be handled according to each agency's established complaint resolution process | |
| New Jersey LWD is an Equal Opportunity Employer with equal opportunity programs. Auxiliary aids and services are available upon request to individuals with disabilities. | | | | | |

- **Complaints by Migrant and Seasonal Farmworkers (MSFWs) Alleging Violations of Laws Enforced by United States Department of Labor (USDOL) Wage and Hour or Occupational Safety and Health Administration (OSHA)** - Such complaints are to be logged locally and elevated immediately to the State Monitor Advocate who will refer the complaint to the proper enforcement agency (USDOL Wage and Hour, OSHA, NJ Wage and Hour).

State Monitor Advocate
Labor Planning and Analysis
New Jersey Department of Labor and Workforce Development
P.O. Box 110, Fifth Floor
Trenton, NJ 08625

- **Complaints Against Employers From Another State** - Such complaints are to be logged locally and elevated immediately to the State level. If the complaint is filed by a Migrant and Seasonal Farm Worker (MSFW), local staff will refer the complaint to the State Monitor Advocate. The State Complaint Specialist or State Monitor Advocate will refer the complaint to the appropriate agency in that state.
- **Complaints Involving More Than One New Jersey OSCC** - Such complaints are to be logged locally and elevated immediately to the State Complaint Specialist.
- **Complaints Alleging Statewide Violations** – Such complaints are to be logged locally and elevated immediately to the State Complaint Specialist.
- **Complaints Alleging Violations of Unemployment Insurance (UI), Vocational Rehabilitation (VR) or Temporary Assistance for Needy Families (TANF) Law/Regulations** - Such complaints are to be logged locally on the Unified Complaint Log and absent an established local program specific reporting mechanism (chain of command), elevated immediately to the State level. The State Complaint Specialist, Program Director and State Monitor Advocate will process such complaints within the parameters set forth in the respective regulations.

5. Customer Complaint Form

Regardless of the type of complaint or the OSCC partner to which the complaint is directed, one standard customer complaint form (Attachment 1 - **ETA 8429** adapted for use in New Jersey) will be used to capture the complainant's information and the description and nature of the complaint. The complainant must sign the complaint form for the complaint to be considered valid.

When a customer indicates a desire to file a complaint, the Complaint Specialist should first attempt to resolve the issue to the customer's satisfaction before a written complaint is filed. The Complaint Specialist should listen and offer to help remediate the cause of the complaint. This informal resolution should first be offered to the customer as an alternative to the formal filing of a written complaint using the ETA 8429 form. Although informal complaints and their resolution should be documented locally, they do not have to be included on the complaint log. Only written and signed complaints go on the log. (Note the exception for apparent violations involving an MSFW.)

Checklist:

- ✓ Complaint Specialist should first attempt an informal resolution of the customer complaint.
- ✓ If informally resolved, the Complaint Specialist must document the resolution and maintain a file on the complaint, but should not include the complaint as part of the formal complaint reporting and resolution process found in this document (Excel Complaint Log). However, apparent violations involving MSFWs do need to be logged in the Complaint Log. See the Apparent violations section later in this document for more information.
- ✓ Customers who choose to file a formal complaint need to complete and sign Form ETA 8429.
- ✓ Part II of Form 8429 should be completed by the OSCC Complaint Specialist.
- ✓ An original copy will be kept on file by the local office, one copy will be given to the complainant, one copy will be sent to the State Complaint Officer and one copy will be sent to the State Monitor Advocate.

- ✓ All written and signed complaints must be logged, recorded, and reported in accordance with the procedures contained in this document (Complaint Log, Timelines and Appeal Process).
- ✓ The Complaint Specialist must involve the local EEO in all complaints alleging discrimination.

6. Implementation Details for State and Local OSCC Management/Staff

Each Workforce Innovation Development Board (WDB) area shall adopt this Unified OSCC Customer Complaint Procedure and incorporate the procedures into the local WDB area and OSCC standard operating procedures.

Customers with complaints should be directed to the local Complaint Specialist who will listen to the complainant in order to determine the nature of the complaint, whether informal resolution is possible, and what actions will be taken to address the complaint. A list of the Complaint Specialists, Complaint Specialist backups, and EEOs can be found as Attachment 3 to this document.

Customer complaints against the OSCC can be grouped into two general categories – service delivery complaints such as for poor service, rudeness, and adverse decisions and complaints alleging discrimination such as based on race, color, religion, national origin, age, genetic information, disability, political affiliation or belief, or on the basis of citizenship/status as a lawfully admitted immigrant authorized to work in the United States. Complaints against employers generally involve claims of discrimination, misrepresentation, and violation of labor standards.

The Complaint Specialist will use Chart 1 and Part II of ETA Form 8429 adapted for New Jersey to help identify and document the type of complaint and what next steps are needed to satisfactorily resolve or refer the complaint.

Key items regarding the customer complaint process:

- **Designation of Local Complaint Specialist and Backup** – Each OSCC shall designate one Complaint Specialist and one backup in consultation with the LWD and WIOA entity. The default Complaint Specialist is the Workforce Development manager. The Complaint Specialist shall be responsible for initial handling of complaints pursuant to this issuance. The name, business address and telephone number of the designated Complaint Specialist shall be publicized and included in all customer information describing how to file a complaint. The Complaint Specialist must immediately determine the type of complaint in order to apply the appropriate process and timeframes (see Chart 1).
- **Local Customer Notification Process** - Each OSCC must ensure that *all* customers are notified of their complaint rights. This may be accomplished in a group or individual setting. Handouts describing the local complaint process should be included in the package of orientation materials and receipt should be acknowledged in writing by the customer. A script should be used to ensure that complete and accurate complaint procedures are communicated during orientations and other group presentations. OSCCs must also ensure that other appropriate local mechanisms are in place to promote maximum notification and that individual notification is duly recorded in the AOSOS database (add as EEO activity) as part of the customer record. OSCC must also ensure that the complaint process is initiated in a timely manner when a customer expresses a desire to file a complaint.
- **Public Notice** - All direct recipients of WIOA/Wagner-Peyser funds including Local (WDBs), OSCCs, WIOA Title I Administrators, WIOA Fiscal Agents and WIOA service providers are required to prominently display in public view the official New Jersey Unified OSCC Customer Complaint poster with local Complaint Specialist contact information added and the Equal Opportunity is the Law poster. The handouts listed in Attachment 4 must also be made available to customers, program participants, employees, OSCC partners,

service providers, other interested parties and members of the public. Posters and handouts should be available in English and Spanish.

- **Complaint Logs** - Each OSCC must establish procedures for the use and maintenance of the Unified OSCC Customer Complaint Log consistent with guidance provided, herein. The Workforce Development manager will be accountable to ensure that the duties of the Complaint Specialist are being performed as defined in this document. Electronic copies of the Complaint Log can be found under the Workforce tab on the LWD intranet website Inform (<http://inform-prod/inform/workfrce/unified.html>). Attachment 2 contains a facsimile of the log.

- ✓ The Complaint Log must clearly identify each individual complaint.

- ✓ Each complaint must have a unique identification number (Last two digits of the Program Year followed by a sequential three-digit number beginning with 001.)

- ✓ A copy of the Excel Complaint Log that clearly indicates all newly filed and all resolved complaints for the calendar quarter must be promptly submitted (through email) to the State Equal Opportunity Officer (Michael.Ayles@dol.nj.gov) and Chief, WIOA Technical Assistance (John.Bicica@dol.nj.gov) no later than the 15th day of the month following the end of each quarter. If there are no complaints, an empty copy of the log must be submitted.

- ✓ A copy of the complaint and all related documents needs to be kept on file with the local office and also provided to the Director, Workforce Field Services.

- ✓ The Complaint Log is available in, and is to be completed and maintained in an Excel format.

- ✓ Local area Complaint Logs will be maintained on an annual basis consistent with the *state fiscal year* (July 1 – June 30). Each annual complaint log will be kept for a period of three years following the end of the fiscal year for which the log was kept.

- ✓ The Director will compile and maintain a statewide Complaint Log from the submitted local Complaint Logs and share this on a quarterly basis with the USDOL Boston Regional Office. Discrimination complaints will be reported to the USDOL Civil Rights Center by the State EO Officer.

- **Written Determinations** – All formal complaints require a written determination to the complainant within specified time frames (refer to Chart 1).

- **Appeals** – Either party may appeal if dissatisfied with the local hearing decision

- **Follow-Up** – Workforce Areas should make a concerted effort to provide follow-up on all customer matters referred to outside enforcement agencies.

Local complaint procedures must be followed to ensure that OSCC customers' rights under the New Jersey Unified OSCC Customer Complaint Procedure are respected and that complaints are processed in an objective and consistent manner.

Local area, State, and direct recipient grievance procedures (20 CFR **683.600**) must provide for:

- Dealing with written complaints from customers and other interested parties affected by the local workforce investment system as well as entities and organizations administering funds and providing services under the WIOA, including WDBs, OSCC Operators and partners, WIOA Title I Administrators, WIOA Fiscal agents and WIOA service providers.

- Each Local WDB shall ensure that other local entities, based on their status as direct recipients of WIOA Title I and/or Wagner-Peyser funds from the WDB (or its designated fiscal agent) shall also establish and maintain complaint procedures consistent with this document.

- Protecting a complainant's confidentiality to the extent possible and, when consent has been provided for the release of the complainant's identity, ensuring that such disclosure is made under conditions that will promote confidentiality.

- Advising complainants and respondents (object of the complaint) of their right to due process including the right to:
 - ✓ Representation by an attorney or other individual of his/her choice.
 - ✓ Present evidence.
 - ✓ Question others who present evidence.
 - ✓ Receive an impartial decision made strictly on recorded information.
- Ensuring that no person, organization or agency may discharge or in any manner retaliate against any person or WIOA entity because that person/entity has filed a complaint, instituted any proceeding related to the WIOA Title I and Wagner-Peyser Regulations, testified or is about to testify in a proceeding or investigation, or has provided information or otherwise assisted in an investigation.
 - A process which allows an individual 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.
- Providing an opportunity for an appeal of a local level decision to the New Jersey LWD when:
 - No decision is reached within 60 days; or
 - Either party is dissatisfied with the local hearing decision.
- Providing an opportunity for an appeal for discrimination complaints directly to the UDSOL – Civil Rights Center.
- Implementing corrective action and/or sanctions when warranted.
- Maintaining all complaint related written materials in a secure file to reasonably ensure confidentiality for a period of three years.
- All formal complaints subject to the process described in this policy must be filed in written form using ETA Form 8429 (Attachment 1):
 - ✓ Submission of a completed and signed ETA 8429 Form, **or**
 - ✓ Submission of a written letter signed by the complainant (Complaint Specialist should staple the complaint letter to an ETA 8429 that references the attached)
- Written complaints must include the complainant’s full name, telephone number and address and the date of filing. Written complaints must also provide a clear, brief statement of the facts of the alleged violation, relevant dates, and other information to assist in the investigation and resolution of the complaint. Staff must offer and provide assistance to any customer seeking to file a complaint including assistance with completing all associated forms.
- All written and signed complaints must be entered into the Unified OSCC Customer Complaint Log (see Attachment 2). A copy of the Complaint Log indicating filing or resolution of complaints occurring in a calendar quarter must be submitted to the State EO Officer, State Complaint Specialist and if any MSFW complaints were filed, the State Monitor Advocate, within 15 days following the end of that quarter. If there are no complaints, an empty copy of the log must be submitted.
- The local Complaint Specialist may choose to make a determination based solely on the information included in the case file or conduct further investigation before issuing a written determination.
- After a complaint is filed, the complainant has the opportunity to request a hearing. Any amendments to the original complaint must be submitted in writing at that time.

The notice must inform the parties of certain conditions of the hearing process that include:

- ✓ The date, time and location of the hearing.
- ✓ Instruction that the local Complaint Specialist will conduct and regulate the course of the hearing to assure full consideration of all relevant issues and that actions necessary to ensure an orderly hearing are followed.
- ✓ Instruction that the local Complaint Specialist must rule on the introduction of evidence* and afford the parties the opportunity to present, examine, and cross-examine witnesses

* **NOTE:** For clarity it must be stated that an administrative hearing is not the same as a Court of Law. Technical rules of evidence *do not apply*. It is up to the local Complaint Specialist to follow principles and procedures that are designed to assure credible evidence that can be tested through cross- examination.

Procedure for One-Stop Career Center System Complaints

A complainant may file a complaint or grievance at the local, State or Federal Level. The complaint must be filed within one year of the time the alleged violation occurred. A complainant must be provided with an opportunity for informal resolution prior to the submittal of a written complaint and a hearing to be completed within 60 days of filing the complaint.

Complainants who elect to file a formal complaint must use the attached form. The local Complaint Specialist must make a decision and notify, in writing, all parties involved, within 60 days from the date the complaint was filed.

Appeals

Providing an opportunity for an appeal of a local level decision to the New Jersey LWD when:

- A complainant may file an appeal to the New Jersey LWD if no decision is reached within 60 days
- Either party may appeal if dissatisfied with the local hearing decision

A decision made at the local level may be appealed if:

- A decision on a grievance or complaint at the local level has not been reached within 60 days of receipt of the grievance or complaint or within 60 days of receipt of the request for appeal of a local level grievance and either party appeals to the State; or
- A decision on a state level grievance or complaint has been reached and either party is dissatisfied with the local hearing decision.
- Appeals made under State level must be filed within 60 days of the receipt of the decision being appealed. Appeals made under local level must be filed within 120 days of the filing of the grievance with the State, or the filing of the appeal of a local grievance with the State.

All appeals must be submitted by certified mail, return receipt requested, to the:

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| Director, Division of Workforce Field Services New Jersey Department of Labor and Workforce Development 1 John Fitch Plaza 7th Floor, P.O. Box 055 Trenton, New Jersey 08625-0055 |
|---|

The State must make a final decision on an appeal from a local or a state level no later than 60 days after receiving the appeal. The complainant has a right to appeal a state decision to the Secretary of Labor. These appeal must be filed within 60 days of the receipt of the decision being appealed or 120 days of the filing of the grievance with the state, or filing of the appeal of a local grievance with the state. All appeals must be submitted by certified mail, return receipt requested, to the Secretary, U.S. Department of Labor, 200 Constitution Ave. NW, Washington, DC 20210, Attention: ASET. A copy of the appeal must be simultaneously provided to the appropriate ETA Regional Administrator and the opposing party.

Appeal to the USDOL

- The Secretary must make a final decision on an appeal from a local or a state level no later than 120 days after receiving the appeal.

- Appeals made under State level must be filed within 60 days of the receipt of the decision being appealed. Appeals made under local level must be filed within 120 days of the filing of the grievance with the State, or the filing of the appeal of a local grievance with the State.

All appeals must be submitted by certified mail, return receipt requested, to the:

Secretary, U.S. Department of Labor,
200 Constitution Ave. NW,
Washington, DC 20210, Attention: ASET.

A copy of the appeal must be simultaneously provided to the appropriate ETA Regional Administrator and the opposing party.

* **NOTE:** For clarity it must be stated that an administrative hearing is not the same as a Court of Law. Technical rules of evidence *do not apply*. It is up to the local Complaint Specialist to follow principles and procedures that are designed to assure credible evidence that can be tested through cross-examination.

- If the local Complaint Specialist has requested additional information from the complainant or the complainant’s authorized representative and does not receive a response within 20 days from the date the request was made (or, in the case of an MSFW initiated complaint, *within 40 days*), the complaint is considered resolved. The request for additional information temporarily stops the clock on the response timeframes given in Chart 1. The clock begins again on the date that the additional information is received by the Complaint Specialist.

- The Complaint Specialist must provide the complainant with a written determination.
- The Complaint Specialist must include the procedures for appeal within the written determination.
- Complainants may elect to initially file a complaint at the state level by submitting the complaint to the State Complaint Specialist who may choose to process the complaint through resolution. Complaints filed at the state level may, however be remanded back to the local level by the State Complaint Specialist for adjudication. Complaints initially filed at the state level *may not* later be filed at the local level.
- If complaint resolution occurs above the local level, a copy of the resolution notice will be forwarded to the local entity/organization with which the complaint was originally filed.
- When a complaint is against the WIOA entity, Vocational Rehabilitation, or UI, the Complaint Specialist must determine in consultation with the responsible program area if established program specific complaint resolution procedures apply to address the customer complaint. If so, the complaint specialist will turn over the complaint information to the program area for action. The Complaint Specialist should maintain communication with the program area to ensure the timely and satisfactory resolution of the complaint and update the Complaint Log and related records accordingly.
- Send copies of local determinations related to OSCC written complaints to:
 - ✓ The complainant by certified mail, return receipt requested
 - ✓ The following individuals:

| | |
|---|---|
| Equal Opportunity Officer New Jersey Department of Labor and Workforce Development 1 John Fitch Plaza, 4 th Floor, P.O. Box 110 Trenton, New Jersey 08625-0110 | Director, Division of Workforce Field Services New Jersey Department of Labor and Workforce Development 1 John Fitch Plaza 7 th Floor, P.O. Box 055 Trenton, New Jersey 08625-0055 |
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For Complaints involving Migrant and Seasonal Farmworkers or Apparent Violations Only– Also include:

State Monitor Advocate
 Performance Accountability Unit, Labor Planning and Analysis
 New Jersey Department of Labor and Workforce Development
 P.O. Box 110, 5th Floor
 Trenton, NJ 08625

Discrimination Complaints

- If a customer alerts an OSCC staff of his/her intent to file a discrimination complaint, steps should be taken to connect the complainant with the designated local Complaint Specialist, who if he is not also the local EOO, will immediately involve the EOO in all aspects of the complaint.
- In all possible instances involving a discrimination complaint, the designated local EOO should personally meet with the complainant(s) in an area of the agency's offices that ensures confidentiality. The purpose of this preliminary interview is to:
 - ✓ Determine the complainant's name, address and means of contact.
 - ✓ Determine the basis of the complaint.
 - ✓ Develop a detailed description of the allegation(s).
 - ✓ Determine the date of the most recent alleged event of discrimination.
 - ✓ Identify the proper respondent (object of the complaint).
- When assisting the complainant with the filing of a discrimination complaint, OSCCs may choose to gather the complainant's information on USDOL Civil Rights Center's Complaint Information and Privacy Act Consent Form as a supplement to the Unified OSCC Complaint Form (ETA 8429). The Civil Rights Center's form can be found at <http://www.dol.gov/oasam/programs/crc/external-enforc-complaints.htm> and at Inform.

Equal Opportunity Officer
New Jersey Department of Labor and Workforce
Development
1 John Fitch Plaza, 4th Floor, P.O. Box 110
Trenton, New Jersey 08625-0110

- Once the USDOL discrimination complaint form is completed, the document must be signed and dated by the complainant. The signed/dated Consent Form should indicate whether the complainant allows the EOO to disclose the complainant's identity, if necessary to investigate his or her complaint.
- The EOO should ask the complainant whether they would like the complaint handled locally or referred to the USDOL Civil Rights Center in Washington, D.C. Use of the USDOL Civil Rights Center's Complaint Information and Privacy Act Consent Form will be required if the complainant chooses to have the complaint referred to the USDOL Civil Rights Center. The complainant's decision should be indicated on the signed document Consent form. Complainant wishing to file the initial complaint or appeal a local decision with the USDOL Civil Rights Center should address the complaint to:

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

- The EOO should stress that a local resolution would likely happen more quickly and that the complainant's right to file again with the USDOL would still be available should the resolution be unsatisfactory to the complainant.
- If the complainant elects to have their discrimination complaint resolved at the local level, the EOO must request that the customer allow one (1) day for preparation of a written letter to either acknowledge receipt of the complaint or to provide a Notice of Lack of Jurisdiction. If this is not possible, the complainant should be asked to wait in the public reception area while the EOO examines the complainant's statement and a response is prepared. The EOO, however, has 90 days to issue a Notice of Final Action

(decision). **Note:** when mailing letters to complainants, always send them “return receipt requested.” When providing similar written responses in person, secure a signed receipt.

- The EOO must review the information provided and determine if they have jurisdiction.
- Once determined, the EOO must declare in writing that they either have jurisdiction over the complaint or do not have jurisdiction based on one or more of the following reasons:
 - ✓ The basis for the complaint is not covered by the prohibitions set forth in proposed 29 CFR Part 38.
 - ✓ The complaint was not filed with the prescribed timeframes within 180 days of the date that the discriminatory act (s) allegedly occurred.
 - ✓ The complaint is against an agency/employer/organization/program, or individual within an entity that is not a recipient of WIOA Title I financial assistance as defined in proposed 29 CFR Part 38.4.

- If it is determined that the EOO does not have jurisdiction, he/she should provide the complainant with the address and phone number of the appropriate agency with jurisdiction or remand back to the Complaint Specialist.

- If it is determined that the OSCC does not have jurisdiction in the particular matter, a Notice of Final Action citing one or more of the above reasons shall immediately be provided in writing. The written notice must include the specific phrase “lack of jurisdiction” in describing why the OSCC is not the appropriate entity to resolve the complaint. If the Notice of Final Action is mailed to the complainant, send “return receipt requested.” The notice should also inform the complainant that they have 30 days from the date of receipt to file a complaint with the USDOL – Civil Rights Center. The *original* signed complaint should be included with the notice. A *copy* of the complaint should be maintained on file with the OSCC.

- If the discrimination complaint is within the EOO’s jurisdiction, an acknowledgement letter must be prepared. The acknowledgement letter should contain the following:

- ✓ Notice of complaint receipt.
- ✓ Assignment of a distinct complaint number (e.g. YY-001 – last two digits of physical year (PY) and consecutive 3 digit number).

ADR should not be considered as an appropriate mechanism for resolution when the complaint:

- ✓ Is of a high profile nature.
- ✓ Restatement of the issues raised in the complaint.
- ✓ Notice of which issues have been accepted.
- ✓ Explanation, if necessary, of issues that will not be investigated.
- ✓ A notice that the complainant has a right to representation by any individual they choose during the complaint process. The notice should specify that if an attorney is chosen to represent the complainant, all legal fees are the sole responsibility of the complainant.
- ✓ A notice that a preliminary period of fact-finding or investigation will occur and may take approximately 15 days to complete. Preliminary fact-finding describes the issues raised by the complainant and the respondent (object of the complaint).
- ✓ A statement that a “Notice of Final Action” will be issued to the complainant within 90 days of the filing date of the complaint.
- ✓ A notice that the complainant has the right to file their complaint with the USDOL if the EOO fails to issue said “Notice of Final Action” within the 90 days cited below.
- ✓ A choice of “Alternate Dispute Resolution” (ADR) as an appropriate option for resolution.

ADR includes “mediation” as a way of resolving the issues or differences between the parties to the complaint. The ADR objective and process should be briefly explained in the letter. The choice to use ADR rests with the complainant and such a choice to use ADR should be communicated to the EOO by the complainant as quickly as possible. Upon receiving notice of the complainant’s decision to pursue ADR, the EOO must immediately notify NJ:

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| Equal Opportunity Officer New Jersey Department of Labor and Workforce Development 1 John Fitch Plaza, 4 th Floor, P.O. Box 110 Trenton, New Jersey 08625-0110 | Director, Division of Workforce Field Services New Jersey Department of Labor and Workforce Development 1 John Fitch Plaza, 7 th Floor, P.O. Box 055 Trenton, New Jersey 08625-0055 |
|---|--|

For Complaints involving Migrant and Seasonal Farmworkers or Apparent Violations Only – Also include:

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|--|
| State Monitor Advocate Performance Accountability Unit, Labor Planning and Analysis New Jersey Department of Labor and Workforce Development P.O. Box 110, 5 th Floor Trenton, NJ 08625 |
|--|

- ✓ Involves legal issues.
- ✓ Involves the potential for setting a policy precedent.
- ✓ Impacts other members of a protected group.
- The EO complaint process including fact-finding, ADR, settlement agreement, and “Notice of Final Action” must be completed within 90 days of the date that the complaint was filed at the local level.
- The respondent (object of the complaint such as ES, Unemployment Insurance (UI), Vocational Rehabilitation Services (DVRs), etc.) to the complaint must also be notified that a complaint alleging discrimination has been filed and is being processed. The respondent must be provided a summary or copy of the complaint and give written notice that any form of retaliation or intimidation is against the law. The respondent must also be notified if ADR has been offered to the complainant as a means of resolution.
- Copies of all correspondence related to EO complaints must be sent to:

| | |
|---|--|
| Equal Opportunity Officer New Jersey Department of Labor and Workforce Development 1 John Fitch Plaza, 4 th Floor, P.O. Box 110 Trenton, New Jersey 08625-0110 | Director, Division of Workforce Field Services New Jersey Department of Labor and Workforce Development 1 John Fitch Plaza, 7 th Floor, P.O. Box 055 Trenton, New Jersey 08625-0055 |
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For Complaints involving Migrant and Seasonal Farmworkers or Apparent Violations Only – Also include:

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| State Monitor Advocate Performance Accountability Unit, Labor Planning and Analysis New Jersey Department of Labor and Workforce Development P.O. Box 110, 5 th Floor Trenton, NJ 08625 |
|--|

7. State Level Appeal

Chart 1 describes for each type of complaint, the applicable appeal process. Note that the Notice of Final Action issued in discrimination complaints must be appealed to the USDOL – Civil Rights Center and not to the State. Complaints against entities that have established processes for addressing customer complaints are appealed outside of the scope of this Unified Procedure. Examples of OSCC entities or programs with established appeal processes include UI and DVRs, for example.

Formal Hearing Process

The Department's decision shall advise the complainant and respondent of the right of an impartial hearing if the Department's decision is adverse to either party or not timely. Upon receipt of a request for a hearing, the Commissioner of the NJ Department of Labor and Workforce Development shall transmit the matter to the Office of Administrative Law for hearing, pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq. and the Uniform Administrative Procedures Rules, N.J.A.C. 1:1.

8. Addressing Apparent Violations Involving the Working or Living Conditions of Migrant and Seasonal Farmworkers

- **Apparent Violations** - Apparent violations are informal complaints about employers received from individuals (customers or staff) or agencies that are not documented or handled as part of the formal Unified OSCC Customer Complaint Procedure process described in this document. Reporting suspected or apparent violations by employers when no formal complaint has been filed is allowable under regulations found at 20 CFR 653 et al., covering services to MSFWs, specifically §653.107 and §653.108. Apparent violations can be recorded and processed using Attachment 5 – Field Check/Apparent Violations Form.

Examples of *Apparent Violations* include (but are not limited to):

- ✓ A local staff person speaks with a MSFW who complains about unfair treatment by an employer, and though the individual provides credible information alleging an employer violation, the person chooses not to file a complaint (through the formal Complaint Process). The staff person still suspects a violation occurred.
- ✓ An OSCC staff person attempts to take a job order from an agricultural employer who insists on a requirement that is a violation of employment related laws(s).
- ✓ An OSCC staff person visiting a farm labor job site observes a possible violation of housing standards, but no complaint has been filed.

Note: While Apparent Violations are to be logged on the Complaint Log, they are processed separately and are an exception to the formal Complaint Process. Apparent Violations must, however, be reported in writing to the Local OSCC Operator. Upon receipt of a report of an Apparent Violation, the OSCC Operator must determine:

- ✓ If the employer filed a job order with the New Jersey OSCC system within the previous 12-month period; and
- ✓ If the apparent violation involves Wagner-Peyser Job Service regulations, terms/conditions of the job order or employment related law(s).

If it is determined the employer has filed a job order within the previous 12 months, the OSCC Operator must contact the employer and attempt to achieve *informal resolution within five working days*.

If the issue is not resolved and there is an apparent violation of:

- ✓ **Wagner-Peyser Job Service regulations**, the OSCC Operator must refer the matter to the State Complaint Specialist for investigation. If a violation is found to have occurred, OSCC may have to initiate *Discontinuation of Services* to the employer under the terms of §658.501(a)(b)(c).
- ✓ **Federal, state or local employment related law(s)** - the OSCC Operator must refer the matter in writing to the State Complaint Specialist in order that procedures can be initiated for the *Discontinuation of Services* to the employer. The OSCC Operator must also refer the matter in writing to the State Monitor Advocate who will refer (in writing) the apparent violation to the appropriate enforcement agency and will notify the OSCC Operator of the final disposition of the matter, upon final resolution.

If the employer has not filed a job order within the previous 12 months, the OSCC Operator need only refer the matter to the State Monitor Advocate as Job Service regulations are not considered to have been violated if a job order had not been listed within the 12 month time frame.

The State Monitor Advocate will forward a copy of all apparent violations involving MSFWs and/or H-2A employers/contractors to the Regional Monitor Advocate (RMA) assigned to the USDOL Regional Office and the USDOL Wage and Hour Division and will contact the Office of Foreign Labor Certification’s Chicago National Processing Center (OFLC-CNPC) in the event that US workers are withheld from the job prior to the arrival at the job site of H-2A workers.

- **Apparent violations of Child Labor Law** must also be reported in writing to the State Monitor Advocate for action by the local office of the Wage and Hour Division of the USDOL.

9. Complaints Not Covered By This Policy

Complaints Alleging Federal Contractor Violations - Federal contractors must adhere to a number of wage and labor standard requirements mandated under a variety of federal statutes. Complaints alleged against federal contractors should be forwarded to the appropriate federal agency. This type of complaint is not logged on the Unified OSCC Customer Complaint Log.

OSCC Staff Personnel Complaints - Staff complaints (other than discrimination complaints) should be handled through the appropriate employer of record Human Resource office or union grievance procedure. This type of complaint is not logged on the Unified OSCC Customer Complaint Log.

Criminal Complaints – All information and complaints alleging criminal fraud, waste, abuse or other criminal activity under WIOA must be reported immediately to the USDOL’s Office of Inspector General (20 CFR § 667.630). A copy of the complaint must simultaneously be provided to the LWD, Office of Internal Audit. This type of complaint is not logged on the Unified OSCC Customer Complaint Log.

| | |
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| <p>Office of Inspector General 200 Constitution Avenue, NW, Room S-5506 Washington, D.C. 20210 Online: http://www.oig.dol.gov/hotlinemain.htm Toll free: 1-800-347-3756 FAX: 202-693-5210</p> | <p>Dept. of Labor and Workforce Development Office of Internal Audit, 2nd Floor PO Box 110 Trenton, NJ 08625 Phone: 609-984-1779</p> |
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Complaints of Discrimination by an Employer – All complaints regarding discrimination by an employer must be referred to the New Jersey Division on Civil Rights for adjudication. Simultaneously a copy of the complaint must be forwarded to the U.S. Equal Employment Opportunity Commission (EEOC). A local file should be maintained in order to document the complaint. This type of complaint is not logged on the Unified OSCC Customer Complaint Log.

Offices of the NJ Division on Civil Rights:

| | |
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| <p>Trenton Regional Office 140 East Front Street, 6th floor Trenton, NJ 08625-0090</p> | <p>Camden Office 1 Port Center, 4th Floor 2 Riverside Drive, Suite 402 Camden, NJ 08103</p> |
| <p>Atlantic City Office 1325 Boardwalk, 1st Floor Tennessee Avenue and Boardwalk Atlantic City, NJ 08401</p> | <p>Newark Office 31 Clinton Street, 3rd Floor Newark, NJ 07102</p> |

Federal EEOC Offices:

| | |
|---|---|
| <p>U.S. Equal Opportunity Commission 801 Market Street, Suite 1300 Philadelphia, PA 19107-3127</p> | <p>U.S. Equal Opportunity Commission One Newark Center, 21st Floor Raymond Blvd at McCarter Hwy (Rt. 21) Newark, NJ 07102</p> |
|---|---|

Wage and Hour

| | |
|--|--|
| <p>Division of Wage and Hour Compliance P.O. Box 389 Trenton, NJ 08625-0389 https://lwd.state.nj.us/labor/wagehour/wagehour_index.html</p> | <p>U.S. Wage and Hour Division One Newark Center, 21st Floor Raymond Blvd at McCarter Hwy (Rt. https://www.dol.gov/whd/</p> |
|--|--|

10. State and Federal Contacts

| | |
|---|---|
| <p>U.S. Department of Labor Employment and Training Administration 200 Constitution Ave, NW Washington, DC 20210 Attention: Asst. Secretary Employment & Training</p> | <p>Regional Administrator Employment and Training Administration U.S. Department of Labor, Room 350 JFK Building Boston, MA 02203 Attention: Amanda Poirier</p> |
| <p>Director Civil Rights Center U.S. Department of Labor, Room N-4123 200 Constitution Avenue, NW Washington, DC 20210</p> | <p>Equal Opportunity Officer New Jersey Department of Labor and Workforce Development 1 John Fitch Plaza, 4th Floor, P.O. Box 110 Trenton, New Jersey 08625-0110</p> |
| <p>State Complaint Specialist Department of Labor and Workforce Development 1 John Fitch Plaza, 7th Floor, P.O. Box 055 Trenton, New Jersey 08625-0055</p> | <p>State Monitor Advocate Performance Accountability Unit, Labor Planning and Analysis New Jersey LWD P.O. Box 110, 5th Floor Trenton, NJ 08625</p> |

11. Fraud, Waste, Abuse of Funds or Other Criminal Activity

Information and complaints involving criminal fraud, waste, abuse or other criminal activity must be reported immediately through the Department's Incident Reporting System to the DOL Office of Inspector General, Office of Investigations, Room S5514, 200 Constitution Avenue NW., Washington, D.C. 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. The Web site is <http://www.oig.dol.gov/contact.htm>. (20 CFR 683.620)

Complaints of a non-criminal nature may be handled under the procedures set forth in 20 CFR 683.600k, as provided above, or through the Department's Incident Reporting System. This system may be accessed through the following link:

https://wdr.doleta.gov/directives/attach/TEGL/TEGL_2_12_att_c.pdf

12. Attachments

- Attachment 1 ETA Form 8429 Adapted for New Jersey
- Attachment 2 Unified OSCC Customer Complaint Log
- Attachment 3 Complaint Specialists/EOO List
- Attachment 4 Customer Handout and Acknowledgement Form
- Attachment 5 Field Check/Apparent Violations Form

Attachment 1

Updated ETA Form 8429 Adapted for New Jersey



OMB Approval No. 1205-0039
Expiration Date: April 30, 2015

One Stop Career Center (OSCC) Complaint/Referral Record

For OSCC Use Only

Complaint No. _____

Date Received _____

| Complainant's Information | | Respondent's Information | |
|---|--|--------------------------|--|
| 1. Name of Complainant (Last, First, Middle Initial) | 4. Name of Person Complaint Made Against | | |
| 2a. Permanent Address (No., St., City, State, ZIP Code) | 5. Name of Employer/OSCC Office | | |
| b. Temporary Address (if Appropriate) | 6. Address of Employer/OSCC Office | | |

| | | |
|---|--|---|
| 3a. Permanent Telephone () | b. Temporary Telephone () - | 7. Telephone Number of Employer/OSCC Office () - |
|---|--|---|

8. Description of Complaint (If additional space is needed, use separate sheet(s) of paper and attach to this form)

I CERTIFY that the information furnished is true and accurately stated to the best of my knowledge. I AUTHORIZE the disclosure of this information to other enforcement agencies for the proper investigation of my complaint. I UNDERSTAND that my identity will be kept confidential to the maximum extent possible, consistent with applicable law and a fair determination of my complaint.

9. Signature of Complainant _____ 10. Date Signed _____

/ _____ / _____

Part II. For OSCC Use Only

ETA 8429
Revised 04/16/2012
Expiration Date: 04/30/2015

Attachment 2 Unified OSCC Customer Complaint Log

| NJ Department of Labor and Workforce Development | | | Unified Workforce Investment System Complaint Log | | | | | | | | | | | | | | |
|--|------------|------------------|---|------|---|---|--------|------|---------------------|---|--------|---|--------------------------------|----------|---|---|---|
| One-Stop Career Center | | | | | | | | | | | | | | | | | |
| WIB / SDA / OSCC: | | | Program Year: | | | | | | | | | | | | | | |
| Complaint Officer: | | | Quarter Ending: | | | | 30-Sep | | 31-Dec | | 31-Mar | | 30-Jun | | | | |
| Complaint Number | Date Filed | Complainant Name | Respondent Name | Type | | | | MSFW | Status of Complaint | | | | Comments (add pages as needed) | Resolved | | | |
| | | | | 1 | 2 | 3 | 4 | YES | 1 | 2 | 3 | 4 | | 1 | 2 | 3 | 4 |
| | | | | 5 | 6 | 7 | | NO | 5 | 6 | 7 | 8 | | 5 | 6 | 7 | 8 |
| | | | | 1 | 2 | 3 | 4 | YES | 1 | 2 | 3 | 4 | | 1 | 2 | 3 | 4 |
| | | | | 5 | 6 | 7 | | NO | 5 | 6 | 7 | 8 | | 5 | 6 | 7 | 8 |
| | | | | 1 | 2 | 3 | 4 | YES | 1 | 2 | 3 | 4 | | 1 | 2 | 3 | 4 |
| | | | | 5 | 6 | 7 | | NO | 5 | 6 | 7 | 8 | | 5 | 6 | 7 | 8 |
| | | | | 1 | 2 | 3 | 4 | YES | 1 | 2 | 3 | 4 | | 1 | 2 | 3 | 4 |
| | | | | 5 | 6 | 7 | | NO | 5 | 6 | 7 | 8 | | 5 | 6 | 7 | 8 |
| | | | | 1 | 2 | 3 | 4 | YES | 1 | 2 | 3 | 4 | | 1 | 2 | 3 | 4 |
| | | | | 5 | 6 | 7 | | NO | 5 | 6 | 7 | 8 | | 5 | 6 | 7 | 8 |
| | | | | 1 | 2 | 3 | 4 | YES | 1 | 2 | 3 | 4 | | 1 | 2 | 3 | 4 |
| | | | | 5 | 6 | 7 | | NO | 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 2016 will be: 16-001, the next 16-002)

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

MSFW: If complaint is filed by a Migrant/Seasonal Farm Worker highlight **YES**, if not, highlight **NO** (response must be entered, do not leave blank)

Status of Complaint: Highlight the numeric identifier to indicate: 1 in process, local; 2 Info Request, local; 3 In-process, State; 4 Info Request, State; 5 Hearing; 6 Enforcement Agency; 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 STATE MONITOR ADVOCATE WITHIN 15 DAYS AFTER THE END OF THE QUARTER.

Attachment 3

Complaint Specialist/EOO List

| Title | Complaint Specialist | Agency | Address | Phone |
|---------------------------------------|----------------------|---|--------------------------------|--|
| Complaint Specialist/Local EO Officer | Paul McClellan | Atlantic One-Stop Career Center – Pleasantville | 2 S. Main St. | Pleasantville 08232 609-813-3900 |
| WIB Equal Opportunity Officer | Daniel Adams | Atlantic Workforce Investment Board | 2 S. Main St., 2nd floor | Pleasantville 08232 609-485-0052 ext. 4017 |
| Complaint Specialist/Local EO Officer | Elizabeth Reed | Cape May One-Stop Career Center – Wildwood | 3810 New Jersey Ave. | Wildwood 08260 609-729-0997 |
| WIB Equal Opportunity Officer | Daniel Adams | Atlantic Workforce Investment Board | 2 S. Main St., 2nd floor | Pleasantville 08232 609-485-0052 ext. |
| Complaint Specialist | Paula Wills | Bergen County One-Stop Career Center | 60 State St. | Hackensack 07601 201-329-9600 |
| Local EO Officer | Marvin Major | Bergen County One-Stop Career Center | 60 State St. | Hackensack 07601 201-329-9600 |
| WIB Equal Opportunity Officer | Tara Bohan | Bergen County Workforce Investment Board | 327 East Ridgewood Ave. | Paramus 07652 201-343-6000 ext. 4079 |
| Complaint Specialist | Yvonne Payton | Burlington County One-Stop Career Center | 795 Woodlane Rd. | Westampton 08060 609-518-3900 |
| Local EO Officer | Salina Nichols | Burlington County One-Stop Career Center | 795 Woodlane Rd. | Westampton 08060 609-518-3900 |
| WIB Equal Opportunity Officer | Steve Mader | Burlington County Workforce Investment Board | 795 Woodlane Rd. | Westampton 08060 609-265-5603 |
| Complaint Specialist/Local EO | Kristi Connors | Camden County One-Stop Career Center | 2600 Mt Ephraim Ave. | Camden 08104 856-614-3150 |
| WIB Equal Opportunity Officer | Brett Waters | Camden County Workforce Investment Board | 2600 Mt Ephraim Ave., Suite | Camden 08104 856-968-4288 |
| Complaint Specialist/Local EO Officer | Anthony Chiesa | Cumberland County One-Stop Career Center | 275 N. Delsea Dr. | Vineland 08360 856-696-6600 |
| WIB Equal Opportunity Officer | Sandi Scalse | Cumberland County Workforce Investment Board | 275 N. Delsea Dr. | Vineland 08360 856-696-5660 ext. 221 |
| Complaint Specialist | Gwendolyn Wiggins | Essex County One-Stop Career Center – East Orange | 50 S. Clinton St. | East Orange 07018 973-395-3255 |
| Local EO Officer | Victor White | Essex County One-Stop Career Center – East Orange | 50 S. Clinton St. | East Orange 07018 973-395-3255 |
| Complaint Specialist | Morris Murray | Essex County One-Stop Career Center – Newark | 990 Broad St. | Newark 07102 973-648-3370 |
| Local EO Officer | Gregg Gandner | Essex County One-Stop Career Center – Newark | 990 Broad St. | Newark 07102 973-648-3370 |
| Complaint Specialist/Local EO Officer | Robert DeMarco | Gloucester County One-Stop Career Center | 215 Crown Point Rd. | Thorofare 08086 856-384-3700 |
| WIB Equal Opportunity Officer | Milton Hinton | Gloucester County Workforce Investment Board | 215 Crown Point Rd., Suite 200 | Thorofare 08086 856-385-6903 |
| Complaint Specialist/Local EO | Steve Smith | Hudson County One-Stop Career Center – Union | 530 48th St., 7th floor | Union City 07087 201-369-5205 |
| WIB Equal Opportunity Officer | Leidy Ramirez | Hudson County Workforce Investment Board | 530 48th St. | Union City 07087 201-369-5205 ext. 3742 |
| Complaint Specialist | Sharita Brown | Jersey City One-Stop Career Center | 438 Summit Ave. | Jersey City 07306 201-795-8800 |
| Local EO Officer | Carlos DelValle | Jersey City One-Stop Career Center | 438 Summit Ave. | Jersey City 07306 201-795-8800 |
| WIB Equal Opportunity Officer | Leidy Ramirez | Hudson County Workforce Investment Board | 530 48th St. | Union City 07087 201-369-5205 ext. 3742 |
| Complaint Specialist/Local EO Officer | Yash Bajaj | Hunterdon County One-Stop Career Center | 6 Gauntt Pl. | Flemington 08822 908-284-2339 |
| WIB Equal Opportunity Officer | Abbe Brown | Greater Raritan Workforce Investment Board | 75 Veterans Memorial Dr. | Somerville 08876 908-704-3000 |
| Complaint Specialist/Local EO | Manuel Biagas | Mercer County One-Stop Career Center | 26 Yard Ave. | Trenton 08625 609-292-0620 |
| WIB Equal Opportunity Officer | John Raines | Mercer County Workforce Investment Board | 26 Yard Ave. | Trenton 08625 609-989-6824 |
| Complaint Specialist/Local EO Officer | Poo Lin | One-Stop Career Center – New Brunswick | 550 Jersey Ave. | New Brunswick 08901 732-937-6200 |
| Complaint Specialist | Baden Almonor | One-Stop Career Center – Perth Amboy | 161 New Brunswick Ave. | Perth Amboy 08861 732-293-5016 |

Complaint Specialist/EOO List

| Title | Complaint Specialist | Agency | Address | | | Phone |
|---------------------------------------|-----------------------|---|----------------------------|---------------|-------|------------------------|
| Local EO Officer | Sanford Lichtenberg | One-Stop Career Center – Perth Amboy | 161 New Brunswick Ave. | Perth Amboy | 08861 | 732-293-5016 |
| WIB Equal Opportunity Officer | Joseph Revolinsky | Middlesex County Workforce Investment Board | 75 Bayard St. | New Brunswick | 08901 | 732-745-4101 |
| Complaint Specialist/Local EO Officer | Eileen Higgins | Monmouth County One-Stop Career Center | 145 Wyckoff Rd. | Eatontown | 07724 | 732-683-8850 |
| WIB Equal Opportunity Officer | Yolanda Taylor | Monmouth County Workforce Investment Board | 145 Wyckoff Rd., Suite 201 | Eatontown | 07724 | 732-683-8850 ext. 2211 |
| Complaint Specialist/Local EO Officer | John Brown | One-Stop Career Center – Neptune | 60 Taylor Ave. | Neptune | 07753 | 732-775-1566 |
| WIB Equal Opportunity Officer | Yolanda Taylor | Monmouth County Workforce Investment Board | 145 Wyckoff Rd., Suite 201 | Eatontown | 07724 | 732-683-8850 ext. 2211 |
| Complaint Specialist | Carl Jablonski | Morris County One-Stop Career Center – Randolph | 13 Emery Ave. | Randolph | 07869 | 862-397-5600 |
| Complaint Specialist/Local EO Officer | Kelly O'Neill-McGuire | Morris County One-Stop Career Center – Morristown | 30 Schuyler Pl. | Morristown | 07960 | 973-829-8115 |
| WIB Equal Opportunity Officer | Kelly O'Neill-McGuire | Morris-Sussex-warren workforce investment Board | PO Box 900 | Morristown | 07963 | 973-829-8115 |
| Complaint Specialist | Rowland Ugwuala | One-Stop Career Center – Toms River | 1027 Hooper Ave. | Toms River | 08753 | 732-286-5616 |
| Local EO Officer | Claire Kelly | One-Stop Career Center – Toms River | 1027 Hooper Ave. | Toms River | 08753 | 732-286-5616 |
| WIB Equal Opportunity Officer | Sylvia Hernandez | Ocean County Workforce Investment Board | 1959 Route 9 | Toms River | 08755 | 732-240-5995 ext. 268 |
| Complaint Specialist/Local EO Officer | Eileen Higgins | One-Stop Career Center – Toms River | 1959 Route 9 | Toms River | 08755 | 732-240-5995 |
| WIB Equal Opportunity Officer | Sylvia Hernandez | Ocean County Workforce Investment Board | 1959 Route 9 | Toms River | 08755 | 732-240-5995 ext. 268 |
| Complaint Specialist | Marcia McNeel | Passaic County One-Stop Career Center | 370 Broadway | Paterson | 07501 | 973-977-4350 |
| Local EO Officer | Walter Toombs | Passaic County Workforce Investment Board | 200 Memorial Dr. | Paterson | 07505 | 973-523-0780 |
| WIB Equal Opportunity Officer | Christopher Irving | Passaic County Workforce Investment Board | 200 Memorial Dr. | Paterson | 07505 | 973-569-5082 |
| Complaint Specialist/Local EO Officer | Ken Thomas | Salem County One-Stop Career Center | 174 E. Broadway | Salem | 08079 | 856-935-7007 |
| WIB Equal Opportunity Officer | Dara Ruiz | Salem County Workforce Investment Board | 174 E. Broadway | Salem | 08079 | 856-935-7007 |
| Complaint Specialist | Ron Douglas | Somerset County One-Stop Career Center | 75 Veterans Memorial Dr. | Somerville | 08876 | 908-704-3000 |
| Local EO Officer | Abbe Brown | Somerset County One-Stop Career Center | 75 Veterans Memorial Dr. | Somerville | 08876 | 908-704-3000 |
| WIB Equal Opportunity Officer | Abbe Brown | Greater Raritan Workforce Investment Board | 75 Veterans Memorial Dr. | Somerville | 08876 | 908-704-3000 |
| Complaint Specialist | Rich Serrano | Sussex County One-Stop Career Center | Sussex County Mall | Newton | 07860 | 973-383-2775 |
| Local EO Officer | Claudia Sandonato | Sussex County One-Stop Career Center | Sussex County Mall | Newton | 07860 | 973-383-2775 |
| WIB Equal Opportunity Officer | Kelly O'Neill-McGuire | Morris-sussex-warren Workforce Investment Board | P.O. Box 900 | Morristown | 07963 | 973-829-8115 |
| Complaint Specialist | Hugh Caufield | Union County One-Stop Career Center – Elizabeth | 921 Elizabeth Ave. | Elizabeth | 07201 | 908-965-3929 |
| Local EO Officer | John Boles | Union County One-Stop Career Center – Elizabeth | 921 Elizabeth Ave. | Elizabeth | 07201 | 908-965-3929 |
| WIB Equal Opportunity Officer | John Boles | Union County Workforce Investment Board | 10 Elizabethtown Plaza | Elizabeth | 07207 | 908-527-4230 |
| Complaint Specialist | Gary Troisi | Union County One-Stop Career Center – Plainfield | 200 W. Second St. | Plainfield | 07060 | 908-412-7980 |
| Local EO Officer | Dale Alexander | Union County One-Stop Career Center – Plainfield | 200 W. Second St. | Plainfield | 07060 | 908-412-7980 |
| WIB Equal Opportunity Officer | John Boles | Union County Workforce Investment Board | 10 Elizabethtown Plaza | Elizabeth | 07207 | 908-527-4230 |
| Complaint Specialist/Local EO Officer | Peter Curley | Warren County One-Stop Career Center | 75 South Main St. | Phillipsburg | 08865 | 908-859-0400 |
| WIB Equal Opportunity Officer | Kelly O'Neill-McGuire | Morris-Sussex-Warren Workforce Investment | P.O. Box 900 | Morristown | 07963 | 973-829-8115 |

Attachment 4

Customer Handout and Acknowledgement Form

Equal Opportunity is the Law

It is against the law for the New Jersey LWD and all recipients of Workforce Investment Act financial assistance to discriminate on the following bases:

Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and

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; Providing opportunities in, or treating any person with regard to, such a program or activity; or Making employment decisions in the administration of, or in connection with, such a program or activity.

If you think you have been subjected to discrimination under a WIA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either: The recipient's EEO (or the person whom the recipient has designated for this purpose); or Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-4123, Washington, DC 20210.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above). The recipient must offer you alternative dispute resolution in an effort to resolve your complaint.

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action (29 CFR Part 37.30).

For more information, contact:

Name: _____
State EO Officer
John Bicica
PO Box 055
Trenton, New Jersey 08625-0055
Tel. #: 609-984-3545
TDD #: 1-800-949-4232

Local EO Officer

Address: _____

Tel.# _____
TDD #: 1-800-949-4232

Customer Acknowledgement Form

I have been provided copies of the following handouts explaining my rights as an OSCC customer including the right to file a complaint:

- Your Right to File a Complaint
- Types of Complaints and Filing Requirements
- Equal Opportunity is the Law

OSCC staff explained these rights to me, gave me the opportunity to ask questions, and included the name, address, and telephone number for the OSCC Complaint Specialist and the State EEO.

Customer Signature

Date

Customer Name (Please Print)

**Attachment 5
Field Check/Apparent Violations Form**

FIELD CHECK/APPARENT VIOLATION FORM

Date Received:

20 CFR 653.503 states: “(a) If a worker is placed on a clearance order, the SWA must notify the employer in writing that the SWA, through its ES offices, and/or Federal staff, must conduct random, unannounced field checks to determine and document whether wages, hours, and working and housing conditions are being provided as specified in the clearance order.

(b) Where the SWA has made placements on 10 or more agricultural clearance orders ... during the quarter, the SWA must conduct field checks on at least 25 percent of the total of such orders. Where the SWA has made placements on nine or fewer job orders during the quarter (but at least one job order), the SWA must conduct field checks on 100 percent of all such orders. This requirement must be met on a quarterly basis.

(c) Field checks must include visit(s) to the worksite at a time when workers are present. When conducting field checks, ES staff must consult both the employees and the employer to ensure compliance with the full terms and conditions of employment.

(d) If SWA or Federal personnel observe or receive information, or otherwise have reason to believe that conditions are not as stated in the clearance order or that an employer is violating an employment-related law, the SWA must document the finding and attempt informal resolution where appropriate (for example, informal resolution must not be attempted in certain cases, such as E.O. related issues and others identified by the Department through guidance.) If the matter has not been resolved within 5 business days, the SWA must initiate the Discontinuation of Services ... and must refer apparent violations of employment-related laws to appropriate enforcement agencies in writing.”

In addition to the employer’s name, address and phone number, to the extent possible, please include addresses and phone numbers of any persons involved in or able to corroborate the information alleged in the apparent violation.

A. Employer:

B. Employer’s Address and Telephone Number (include e-mail address, if available):

C. Source of Information (customer, outreach, consultant observation, telephone call, field check, etc):

D. Indicate what happened &/or describe the situation:

E. Identify and attach all documentation and related materials:

VIOLATION

a. Does this employer have a current listing with NJLWD? NO YES

b. Has this employer had a listing with NJLWD within the last 12 months? NO YES

c. Does the current situation suggest violations of the job listing? NO YES

d. Does the current situation suggest violations of Job Service regulations? NO YES

e. Does the current situation suggest violations of employment related laws?

2. If **1.a.** is NO check the Non JS related box NO – **Non JS-Related** YES – **JS-Related**
If **1.a.** or, **1.b.** and **1.c.** are BOTH YES, check the JS- Related box

3. Does the violation involve a MSFW? **Non-MSFW** **MSFW**

4. Indicate all the issues involved and/or alleged:

Wages- Field Sanitation- Health/Safety- Child Labor- Migrant Seasonal Protection Act- State FLC license-

5. Does the complaint involve Temporary Labor Certification, Agricultural (H2A) or other workers?
H2A Worker H2A Employer Other Worker Other Employer

If **H2A** related, please indicate all of the issues involved and/or alleged:

Transportation- Housing- Wages- H2A Job Listing Assurances- Meals- Working Conditions- Other-