

**Union County Workforce Development Board  
Unified One-Stop Career Center Customer Complaint Policy**

<b>Policy Title:</b>	<b>Unified One-Stop Career Center Customer Complaint Policy</b>
<b>Policy Number:</b>	UCWDB-2026-15
<b>Effective Date:</b>	January 28, 2026
<b>Supersedes:</b>	UCWDB Policy Resolution WDB-2017-06
<b>References:</b>	WIOA Final Rules, 20 CFR 683.600 29 CFR Part 38 (Nondiscrimination) 20 CFR 658 Subpart E (Employment Service Complaints) NJ Workforce Innovation Notice WD-PY22-9 NJ Workforce Innovation Notice WD-PY23-6 (TEN 8-23)

### **1. Purpose**

The purpose of this policy is to establish a unified customer complaint process for the Union County American Job Center (AJC) network that ensures accountability, transparency, and responsiveness to all customers, participants, partners, and stakeholders. This policy provides guidance to all members of the Union County AJC network on the procedures for publicizing, documenting, and processing complaints in accordance with applicable federal and state requirements.

This unified procedure addresses complaints alleging:

- Discrimination, inappropriate actions, and/or omissions by One-Stop staff
- Violations of the Workforce Innovation and Opportunity Act (WIOA)
- Violations of labor standards among employers interacting with the public workforce system, including work-based learning opportunities and the Migrant Seasonal Farmworker (MSFW) program
- Actions or omissions by the Job Service/Labor Exchange (Employment Service staff)

### **2. Scope and Applicability**

This policy applies to the entire Union County Workforce Development Board (UCWDB) and American Job Center network, including:

- 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)
- Vocational Rehabilitation Services

**Union County Workforce Development Board  
Unified One-Stop Career Center Customer Complaint Policy**

- Work First New Jersey (WFNJ) programs for TANF and SNAP recipients
- All other One-Stop partners and service providers

The UCWDB must ensure that all local entities funded through WIOA funds, including Title I and Wagner-Peyser funds, establish and maintain complaint procedures consistent with this policy. Any additional locations in which One-Stop partners provide services outside of the formal AJC location must also adhere to these standards.

**3. Designation of Complaint Specialists and Equal Opportunity Officers**

**3.1 Local Designations**

The Union County AJC shall designate a Complaint Specialist, a backup Complaint Specialist, and an Equal Opportunity Officer (EOO). The UCWDB must consult with One-Stop partners to identify staff members who will serve in these roles. The Complaint Specialist and EOO may be the same person. If no specific designation or selection is in place, the default Complaint Specialist is the acting Employment Services Manager.

The name, business address, telephone number, and email address of the designated Complaint Specialist and EOO must be publicized and included in all customer information describing how to file a complaint.

**3.2 Local Contacts**

Role	Contact Name	Phone
Complaint Specialist (Plainfield)	Juanito Chiluisa	908-412-7980
Equal Opportunity Officer	Michelle Perez	908-527-4230

**3.3 State Contacts**

Role	Contact Name	Email
State Complaint Specialist	John Bicica	John.Bicica@dol.nj.gov
State Equal Opportunity Officer	Luis De Sousa	Luis.Desousa@dol.nj.gov
State Monitor Advocate	Allyson Carvajal	Allyson.Carvajal@dol.nj.gov

The UCWDB must communicate changes in local Complaint Specialists and EOO immediately to the State Complaint Specialist and State EOO.

**4. Types of Complaints**

State and federal law identify various complaint types with different requirements regarding filing timeframes, response timeframes, and appeal processes. The following complaint types are addressed by this policy:

**Union County Workforce Development Board  
Unified One-Stop Career Center Customer Complaint Policy**

**Discrimination Complaints:**

Complaints alleging discrimination 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 United States. Must be filed within 180 days of the alleged act. The recipient has 90 days to provide a Notice of Final Action.

**WIOA Services Complaints:**

Complaints alleging violation of WIOA and/or provisions of a related agreement. There is no time limit for filing. A hearing and written decision must be completed within 60 days of filing.

**Job Service/Labor Exchange Complaints:**

Complaints about One-Stop Job Service actions or omissions. Must be filed within one year of the alleged occurrence. Local resolution must be attempted within 15 working days (5 days for MSFW complaints).

**Employer/Labor Standards Complaints:**

Complaints from customers placed into work-based learning opportunities (including On-the-Job Training) alleging labor standards violations under 29 U.S.C. § 2931(b). A hearing and written decision must be completed within 60 days of filing.

**Trade Assistance Act Complaints:**

Complaints regarding petitions and determinations of eligibility to apply for worker adjustment assistance and appeal for redetermination of TRA benefits.

In addition to the complaints above that are processed and logged locally, the following complaints may be processed and logged at the local level and elevated immediately to state Complaint Specialists and the State Monitor Advocate, if related to MSFW:

- Migrant and Seasonal Farmworkers (MSFWs): Complaints alleging violations of laws enforced by USDOL Wage and Hour or OSHA
- Employer/Labor Standards in Another State: Complaints about labor standards affecting customers in another state through work-based learning or MSFW programs
- Multiple One-Stop Career Centers: Complaints related to more than one AJC
- Statewide Violations: Complaints alleging statewide violations
- Violations of UI, VR, or TANF Law/Regulations: Complaints related to these state-driven services and staff

**5. Publicizing Complaint Procedures**

All direct recipients of WIOA/Wagner-Peyser funds, including the UCWDB, AJC, WIOA service providers, and fiscal agents, are required to prominently display and provide information related to complaint procedures. The following actions must be integrated into operations and procedures to ensure all customers are made aware of the customer complaint procedure:

**Union County Workforce Development Board  
Unified One-Stop Career Center Customer Complaint Policy**

1. **Complaint Poster:** Prominently place in a public area of the AJC and any other provider locations a "One-Stop Career Center Complaint Poster" that contains 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. The poster must include information for the State Monitor Advocate: Allyson Carvajal, Email: allyson.carvajal@dol.nj.gov, Phone: 609-984-0632.
2. **"Equal Opportunity is the Law" Poster:** Prominently display in a public area of the AJC and any other provider locations in both English and Spanish. Must contain the name and contact information for the local AJC EOO and State EOO. Copies can be ordered through the local Employment Services Manager.
3. **Orientation Materials:** Include information about filing a complaint in orientation presentations and materials, whether staff-directed, self-directed, online, or in person. All customers must be informed of the complaint process through a standard script to ensure complete and accurate complaint procedures are shared consistently. (See Attachment C for sample script.)
4. **Handouts and Acknowledgement:** Have each new AJC 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. This may happen in a group or individual setting. Customers should sign an acknowledgment form. Each AJC must insert the name and contact information of the Complaint Specialist. (See Attachment D for handout and acknowledgment form templates.)
5. **AOSOS Recording:** An "EEO Activity" must be recorded in AOSOS for each customer recording that the customer has been notified of the complaint procedures through these various steps.

## **6. Initiating the Complaint Process**

A complainant may file a complaint or grievance at the local, state, or federal level. 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 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 at the state level or remand the complaint back to the local level for adjudication. Complaints initially filed at the state level may not later be filed at the local level.

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.

**Union County Workforce Development Board  
Unified One-Stop Career Center Customer Complaint Policy**

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 for Initiating Complaints:**

1. Complaint Specialist should first attempt an informal resolution of the customer complaint.
2. 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 (Excel Complaint Log). However, apparent violations involving MSFWs do need to be logged in the Complaint Log.
3. Customers who choose to file a formal complaint need to complete and sign Form ETA 8429.
4. Part II of Form 8429 should be completed by the AJC Complaint Specialist.
5. An original copy will be kept on file by the local office, one copy will be given to the complainant, and one copy will be sent to the State Complaint Officer.
6. 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).
7. The Complaint Specialist must involve the local EOO in all complaints alleging discrimination.

**7. Filing a Formal Complaint**

All formal complaints must be submitted using Form ETA 8429 (see Attachment E). Formal complaints may be submitted through:

- 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)

All complaints must include the complainant's full name, telephone number, 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. One-Stop staff must offer and provide assistance to any customer seeking to file a complaint including assistance with completing all associated forms.

The Complaint Specialist will consult with different complaint stakeholders to determine the correct path for addressing and resolving the complaint, whether through the Complaint Specialist, EOO, and/or complaint procedures associated with a specific program, for example UI or DVRS. If the Complaint Specialist turns the complaint over to other program areas for action, the Complaint Specialist will maintain communication with

**Union County Workforce Development Board  
Unified One-Stop Career Center Customer Complaint Policy**

the program area to ensure the timely and satisfactory resolution of the complaint and update the Complaint Log and related records accordingly.

### **8. Documenting and Recording Complaints**

Each AJC must establish procedures for the use and maintenance of the Unified One-Stop Career Center Customer Complaint forms, logs, and procedures consistent with guidance provided herein. The UCWDB will be accountable for ensuring that the duties of the Complaint Specialist are being performed as defined in this document.

When documenting complaints, please ensure the following:

- 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 Complaint Specialist and Equal Opportunity Officer 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, Career 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.
- Discrimination complaints will be reported to the USDOL Civil Rights Center by the State EOO Officer.

Please note that through this process a complainant's confidentiality must be protected to the greatest extent possible, and when consent has been provided for the release of the complainant's identity, such disclosures must be made under conditions that will promote confidentiality. Additionally, complaint-related written materials must be saved in a secure file for a period of three years and include safeguards for ensuring the confidentiality of these materials.

In addition to confidentiality, the local AJC complaint procedures must ensure that processes are in place for protecting and ensuring that there is not retaliation against any person or entity that files a complaint, or any individuals that provide information or testimony regarding a complaint.

### **9. Complaint Resolution**

**Union County Workforce Development Board  
Unified One-Stop Career Center Customer Complaint Policy**

All formal complaints require a written determination to the complainant within specified timeframes (refer to Section 4 and Attachment B for specific timeframes by complaint type).

The local Complaint Specialist may make a determination:

- Based solely on the information included in the filed complaint
- By conducting further investigation independently
- By holding a hearing to collect and hear additional details about the complaint

If the local Complaint Specialist requests 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. The clock begins again on the date that the additional information is received by the Complaint Specialist.

In addition, it is important to note that a complainant or respondent always has the opportunity to request a hearing. If a hearing is conducted, the Complaint Specialist must inform all parties involved of the hearing process, including:

- 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.

All complainants and respondents (object of the complaint) must be informed of and provided the 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.

The local Complaint Specialist must provide the complainant and all implicated parties with a written determination within 60 days of the initial complaint date and include the procedures for appeal within that determination.

**Union County Workforce Development Board  
Unified One-Stop Career Center Customer Complaint Policy**

In addition, all local determinations must be shared with the State Complaint Specialist and EOO. For complaints involving Migrant and Seasonal Farmworkers, these must also be shared with the State Monitor Advocate. Please share all documentation by certified mail and include a return receipt:

<b>State Complaint Specialist</b> NJ Dept. of Labor and Workforce Development P.O. Box 055, 7th Floor Trenton, NJ 08625	<b>Equal Opportunity Officer</b> NJ Dept. of Labor and Workforce Development P.O. Box 110, 4th Floor Trenton, NJ 08625	<b>State Monitor Advocate</b> NJ Dept. of Labor and Workforce Development P.O. Box 110, 5th Floor Trenton, NJ 08625
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### **10. Discrimination Complaints**

If a customer reaches out about filing a discrimination complaint specifically, the local Complaint Specialist and EOO must be involved in all aspects of the complaint.

The procedures for addressing discrimination complaints include:

- Assessing who has jurisdiction regarding the complaint
- Engaging in additional fact-finding activities
- Offering and conducting "Alternative Dispute Resolution" process
- Developing a Settlement Agreement
- Issuing a Notice of Final Action within 90 days of the complaint date

As an initial step, in all possible instances involving a discrimination complaint, the designated local EOO should personally meet with the complainant 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).

EOO must ask the complainant whether they would like the complaint handled locally or referred to the USDOL Civil Rights Center in Washington, D.C. If the complainant wishes to file with the Civil Rights Center, the USDOL Complaint Information and Privacy Act Consent Form must be filled out as a supplement to the Unified One-Stop Career Center Complaint Form (ETA 8429). The Civil Rights Center's form can be found at: <https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/complaint-information-form/privacy-notice>

**Union County Workforce Development Board  
Unified One-Stop Career Center Customer Complaint Policy**

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.

A Notice of Final Action (for Lack of Jurisdiction) is provided when the EOO determines that they do not have jurisdiction over the complaint based on one or more of the following reasons:

- The basis for the complaint is not covered by the prohibitions set forth in 29 CFR Part 38.
- The complaint was not filed within 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 29 CFR Part 38.4.

If it is determined that the AJC 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 AJC is not the appropriate entity to resolve the complaint. The notice should inform the complainant that they have 30 days from the date of receipt to file a complaint with the USDOL Civil Rights Center.

Complainants 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

## **11. Appeals**

A local level decision may be appealed to NJDOL when:

- No decision is reached within 60 days; or
- Either party is dissatisfied with the decision regarding a complaint

Appeals must be submitted within 60 days of either situation to NJDOL. All appeals must be submitted by certified mail, return receipt requested, to the:

Assistant Commissioner, Workforce Development  
New Jersey Department of Labor and Workforce Development  
1 John Fitch Plaza, 7th Floor  
P.O. Box 055

**Union County Workforce Development Board  
Unified One-Stop Career Center Customer Complaint Policy**

Trenton, New Jersey 08625-0055

This information will be shared with the State Complaint Specialist and State EEO. Upon receipt of an appeal, complaint procedures consistent with this policy will be conducted at the state level. 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.

As part of the process for appeals to the state regarding local determinations, as at the local level, a complainant or respondent have the right to request an impartial hearing. Upon receipt of a request for a hearing, the NJDOL 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.

If either party still is not satisfied with the final decision at the state level, they may further appeal the decision to United States Department of Labor. All appeals must be submitted by certified mail, return receipt requested, to the:

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

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

While the steps highlighted above offer a standard appeal process, specific situations may warrant unique appeals processes as highlighted in Attachment B. This includes:

- 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 One-Stop entities or programs with established appeal processes include UI and DVRS.

Finally, all determinations that are made through the appeals process must be shared with any offices that have been a part of the complaint process in prior rounds.

## **12. Migrant 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 One-Stop Career Center 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

**Union County Workforce Development Board  
Unified One-Stop Career Center Customer Complaint Policy**

can be recorded and processed using the Field Check/Apparent Violations Form (see Attachment G).

AJC staff must submit information about violations on behalf of a migrant seasonal farmworker if they have evidence that a violation has taken place, even if the individual does not formally file a complaint. Apparent violations are handled separately from the Unified One-Stop Career Center Customer Complaint Procedure to protect the confidentiality of an MSFW.

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 AJC staff person attempts to take a job order from an agricultural employer who insists on a requirement that is a violation of employment related law(s).
- An AJC staff person visiting a farm labor job site observes a possible violation of housing standards, but no complaint has been filed.

While Apparent Violations are 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 AJC Operator. Upon receipt of a report of an Apparent Violation, the AJC Operator must determine:

- If the employer filed a job order with the New Jersey AJC 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 AJC 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 or federal, state, or local employment related law(s), the AJC Operator must refer the matter to the State Complaint Specialist, the State EOO, and the State Monitor Advocate for investigation.

The State Monitor Advocate will forward a copy of all apparent violations involving MSFWs and/or H2A employers/contractors to the Regional Monitor Advocate (RMA) assigned to the USDOL Regional Office and the USDOL Wage and Hour Division.

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.

### **13. Complaints Not Covered By This Policy**

#### **Complaints Alleging Federal Contractor Violations:**

**Union County Workforce Development Board  
Unified One-Stop Career Center Customer Complaint Policy**

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 One-Stop Career Center Customer Complaint Log.

**One-Stop Career Center 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 One-Stop Career Center 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 § 683.620). A copy of the complaint must simultaneously be provided to NJDOL, Office of Internal Audit. This type of complaint is not logged on the Unified One-Stop Career Center Customer Complaint Log.

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

**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 One-Stop Career Center Customer Complaint Log.

**14. 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 683.600, as provided above, or through the Department's Incident Reporting System.

**15. Monitoring Compliance**

**Union County Workforce Development Board  
Unified One-Stop Career Center Customer Complaint Policy**

The UCWDB and NJDOL Performance Monitoring Unit will be responsible for monitoring compliance with this Unified Customer Complaint Procedure. Monitoring will include verification that:

- Each new AJC customer has been given the handouts listed in this policy
- Orientations detail the Complaint Procedure
- Customer records in the AOSOS case management system contain an indication that the customer has received information on the Complaint Procedure
- Local office staff are aware of the Complaint Procedure and are following the procedures contained in it
- The process of recording and reporting written customer complaints is working as intended

### **16. Training**

The UCWDB and NJDOL will offer routine training on the contents of this document that is specific to Local Complaint Specialists, AJC Operators, UCWDB staff, frontline staff, local Equal Opportunity Officers, and management staff. Frontline staff includes greeters, security guards, and anyone working in the AJC that may be relied upon by customers for help.

The UCWDB must establish general plans for regular training and review among all AJC staff regarding the role of the complaint specialist and all staff in implementing the Unified Complaint Procedure.

### **17. Action Required**

The UCWDB shall adopt this Unified One-Stop Career Center Customer Complaint Procedure and incorporate the procedures into local AJC standard operating procedures. All One-Stop partners and service providers funded through WIOA must establish and maintain complaint procedures consistent with this document.

### **18. Questions**

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

### **19. Attachments**

- A. Types of Complaints – Summary Chart
- B. Complaint Filing and Resolution Timeframes
- C. Sample Orientation Script
- D. Customer Handout and Acknowledgement Form
- E. One-Stop Customer Complaint Form (ETA 8429)
- F. Unified Workforce Investment System Complaint Log
- G. Field Check/Apparent Violations Form

## Appendix B: Types of Complaints and Procedure Details

Type of Complaint	How to File a Complaint	What happens Next	Appealing a Decision	Secondary Appeals	Applicable Policy
<p><b><u>Discrimination</u></b> Complaints alleging discrimination 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>	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
<p><b><u>Workforce Innovation and Opportunity Act (WIOA) Services</u></b> Complaint alleging violation of the WIOA and/or provisions of a related agreement</p>	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 NJDOL Assistant Commissioner of Workforce Development	When complainant has exhausted the local and State complaint process, complainant may appeal to the Secretary of the U.S. Department of Labor	NJAC § 12:42-1.1 et seq
<p><b><u>Job Service/Labor Exchange Complaint</u></b> about One-Stop Job Service actions or omissions</p>	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 complainant may appeal to the US Department of Labor	20 CFR § 658.400 et seq
<p><b><u>Employer/Labor Standards</u></b> Complaint from customer placed into a work-based learning opportunity, including On-the- Job Training, alleging labor standards violations under 29 USC § 2931(b)</p>	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 NJDOL Assistant Commissioner of Workforce Development	When complainant has exhausted the local and State complaint process, complainant may appeal to the Secretary of Labor	NJAC § 12:42-1.1 et seq.
<p><b><u>Employer/Job Service Referral</u></b> Complaint against an employer about the specific job that an applicant was referred to by the Job Service at the One Stop</p>	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)	When complainant has exhausted the local and State complaint process, complaint may appeal to the Regional Administrator	20 CFR § 658.400 et seq
<p><b><u>Trade Assistance Act</u></b> TAA/TGAAA of 2009 Petitions and determinations of eligibility to apply for worker adjustment assistance and appeals for redetermination of TRA benefits</p>	A TAA Program Complaints should be filed in writing with the local One-Stop TAA staff/ Complaint Specialist in writing within 30 days.	Complaint Specialist will route reconsideration request /complaints to the appropriate enforcement agency (USDOL) and also a Judicial Review	The certifying officer shall make and issue a determination granting or denying reconsideration within 15 days after the receipt of the application.	Workers who are denied certification may seek Judicial Review. Appeals must be filed with the case management supervisor of US Court of International Trade in NY. Within 60 days	20 CFR, Part 617 29 CFR, Part 90
<p><b><u>Other Complaints</u></b></p>	Complaints should be filed in writing with the local One-top 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	

## Appendix B: Types of Complaints and Procedure Details

Type of Complaint	How to File a Complaint	What happens Next	Appealing a Decision	Secondary Appeals	Applicable Policy
<p><b><u>Discrimination</u></b> Complaints alleging discrimination 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>	Within 180 days of the alleged act of discrimination, a complaint can be filed with the Local or State EOO 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
<p><b><u>Workforce Innovation and Opportunity Act (WIOA) Services</u></b> Complaint alleging violation of the WIOA and/or provisions of a related agreement</p>	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 NJDOL Assistant Commissioner of Workforce Development	When complainant has exhausted the local and State complaint process, complainant may appeal to the Secretary of the U.S. Department of Labor	NJAC § 12:42-1.1 et seq
<p><b><u>Job Service/Labor Exchange Complaint</u></b> about One-Stop Job Service actions or omissions</p>	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 may appeal to the US Department of Labor	20 CFR § 658.400 et seq
<p><b><u>Employer/Labor Standards</u></b> Complaint from customer placed into a work-based learning opportunity, including On-the- Job Training, alleging labor standards violations under 29 USC § 2931(b)</p>	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 NJDOL Assistant Commissioner of Workforce Development	When complainant has exhausted the local and State complaint process, complainant may appeal to the Secretary of Labor	NJAC § 12:42-1.1 et seq.
<p><b><u>Employer/Job Service Referral</u></b> Complaint against an employer about the specific job that an applicant was referred to by the Job Service at the One Stop</p>	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)	When complainant has exhausted the local and State complaint process, complaint may appeal to the Regional Administrator	20 CFR § 658.400 et seq
<p><b><u>Trade Assistance Act</u></b> TAA/TGAAA of 2009 Petitions and determinations of eligibility to apply for worker adjustment assistance and appeals for redetermination of TRA benefits</p>	A TAA Program Complaints should be filed in writing with the local One-Stop TAA staff/ Complaint Specialist in writing within 30 days.	Complaint Specialist will route reconsideration request /complaints to the appropriate enforcement agency (USDOL) and also a Judicial Review	The certifying officer shall make and issue a determination granting or denying reconsideration within 15 days after the receipt of the application.	Workers who are denied certification may seek Judicial Review. Appeals must be filed with the case management supervisor of US Court of International Trade in NY. Within 60 days	20 CFR, Part 617 29 CFR, Part 90
<p><b><u>Other Complaints</u></b></p>	Complaints should be filed in writing with the local One-top 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	

## Appendix C: Complaint Procedure Script

If you have a complaint about the One Stop Career Center, a job that you were referred to by the OneStop Career Center, or about other employment-related issues, we have a Complaint Specialist who can assist you.

We may be able to informally resolve your complaint to your satisfaction or you may want to file a written complaint.

If you have a complaint, please contact insert Local Complaint Specialist's name here at insert email and phone number here.

You can ask any One Stop staff member for a copy of the One Stop Customer Complaint form and for assistance in contacting the Complaint Specialist.

If you don't feel comfortable about asking to file a complaint at the One-Stop Career Center, you may contact insert State Complaint Specialist at insert email and phone number here.

## Appendix D: Complaint Procedure 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:

**State EO Officer:** \_\_\_\_\_

Full Address \_\_\_\_\_

Street, City, State, Zip \_\_\_\_\_

Tel #: \_\_\_\_\_

Fax #: \_\_\_\_\_

TDD #: 1-800-949-4232

URL:

Email:

**Local EO Officer:** \_\_\_\_\_

Full Address \_\_\_\_\_

Street, City, State, Zip \_\_\_\_\_

Tel #: \_\_\_\_\_

Fax #: \_\_\_\_\_

TDD #: 1-800-949-4232

URL:

Email:

## 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.

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Customer Signature

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Date

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Customer Name

**Appendix E: One Stop Customer Complaint Form (ETA 8429)**



**U.S. Department Labor**  
**Employment and Training Administration**

OMB Approval No. 1205-0039  
 Expiration Date: 07/31/2023

**For Official Use Only Complaint/Apparent Violation Form<sup>1</sup>**

Complaint/Apparent Violation No.		Date Received
<b>Part I. Contact Information<sup>2</sup></b>		<b>Respondent's Information<sup>3</sup></b>
1. Name of Complainant/(Last, First, Middle Initial) <sup>4</sup>		4. Name of Person, Company, or Agency the Complaint is Made Against
2a. Permanent Address (No., St., City, State, ZIP Code)		5. Name of Employer (if different from Part I #4 above) /One-Stop Office
b. Temporary Address (if Appropriate)		6. Address of Employer/One-Stop Office
3a. Permanent Telephone ( ) -	b. Temporary Telephone ( ) -	7. Telephone Number of Employer/One-Stop Office ( ) -
8a. Description of Complaint or Apparent Violation (if additional space is needed, use separate sheet(s) of paper and attach to this form)		

8b.  I hereby give authorization to: \_\_\_\_\_ to act on my behalf regarding this complaint.  
 Phone #: \_\_\_\_\_ Address: \_\_\_\_\_

**Certification**

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 <sup>5</sup>	10. Date Signed / /
------------------------------------------	------------------------

<sup>1</sup> For information regarding complaints that are covered through the Employment Service and Employment-Related Law Complaint System see 20 CFR 658 Subpart E.  
<sup>2</sup> If the Complaint/Apparent Violation Form is used to submit an Apparent Violation, the name of the Complainant is not necessary and may remain anonymous. Parts 2a and 2b also do not need to be filled out if the form is used for an Apparent Violation.  
<sup>3</sup> For definition of "Respondent" see 20 CFR 651.10.  
<sup>4</sup> Pursuant to 658.400(d), "A complainant may designate an individual to act as his/her representative." If the complainant has a designated representative, the name and contact information of the designated representative must be provided in 8b.  
<sup>5</sup> No signature is required at Part 9 if this form is submitted as an Apparent Violation. If the form is submitted as a complaint and a designated representative is acting on behalf of the complainant, the designated representative must sign here.





Appendix G: 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**

Available online at:

[https://www.nj.gov/labor/wioa/documents/resources/Attachment%205%20Field%20Check Apparent%20Violations%20Form.pdf](https://www.nj.gov/labor/wioa/documents/resources/Attachment%205%20Field%20Check%20Apparent%20Violations%20Form.pdf)

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?

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-

Available online at:

[https://www.nj.gov/labor/wioa/documents/resources/Attachment%205%20Field%20Check Apparent%20Violations%20Form.pdf](https://www.nj.gov/labor/wioa/documents/resources/Attachment%205%20Field%20Check%20Apparent%20Violations%20Form.pdf)