

CWP Policy and Procedures Manual

Program: CWP General Programs and Services	Section: 2-50
Subject: Complaint Policy and Procedure	Effective Date: 7/1/17 Rev: 7/5/19

A. General Provision

In an effort to provide and maintain fair and equitable service delivery and to comply with federal and state regulations, Capital Workforce Partners (CWP) has established the following complaint policy and procedures. These policy and procedures are for use by any applicant, participant (for purposes of this policy section referred to as customers) and/or staff of WIOA-funded and State funded services, and other interested parties including CWP-funded subrecipients and CWP partner agencies that are located at the American Job Center (AJC).

Citations: 20 CFR 683.600 through 20 CFR 683.620, TEGL 2-12 and CTDOL Complaint Procedures

B. Policy

1. CWP is committed to the principle that all job seeker and workers have equal access to, and opportunity within, CWP-funded programs and the AJC system, and are treated fairly and equitably according to Federal and State laws and regulations. This commitment includes the provision of a process to address and resolve all customer complaints.
2. All CWP-funded program customers and AJC partner agencies' customers will be provided with CWP's complaint policy and procedures. Customers will sign an acknowledgement of receipt of the complaint policy and procedures; the signed acknowledgement will be retained in the customer file.
3. Staff of CWP-funded programs are to make reasonable efforts to ensure that complaint procedures are understood by affected individuals, including those who are not proficient in English. The complaint policy and procedures are available in Spanish.
4. It is CWP's goal to provide customers with the most appropriate services within the scope of available services. If a customer is dissatisfied with the provision of services or aggrieved by a program decision regarding services, and the issue cannot be resolved informally, the customer has the right to file a written complaint according to the procedures in Section C. Whenever a complainant is unable to write a statement, an alternative method of obtaining a written statement from the complainant shall be pursued, which may include assistance by service delivery staff.
5. CWP, its subrecipients and AJC partner agencies must respond to complaints in accordance with the procedures outlined in Section C, which include providing an opportunity for an informal resolution and a hearing within sixty (60) days of the filing of the complaint.
6. Nothing in these policies and procedures precludes a complainant from pursuing other remedies authorized under Federal or State law. Section C.5 of these Complaint Policy and Procedures provides information for alternative means to address a variety of issues and/or complaints such as allegations of violations of the nondiscrimination provisions and allegations of fraud or criminal activity.

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C. Procedures

The following procedures outline the steps for the submission and resolution of complaints by all CWP-funded program customers and staff and AJC partner agencies' customers and staff who have a complaint regarding program services or an alleged non-criminal violation of WIOA requirements. These procedures provide for multiple levels of review and appeal, if necessary, to ensure fair and equitable service delivery for all customers.

Level 1 Informal Resolution

Level 2 Written Complaint to the CWP Chief Administrative Officer Level 3 Hearing

Level 4 Appeal to the CT Department of Labor (*applicable only to Department of Labor-funded programs*)

1. Level 1 Informal Resolution

All customers with a complaint regarding program services or an alleged non-criminal violation of regulations are provided with an opportunity for an informal resolution of their complaint.

- a. This informal process includes a meeting of the complainant, any the pertinent program service delivery staff, and the management staff of the agency operating the program. The meeting may be in person or through a conference call. The meeting will be scheduled as soon as possible, but no later than five (5) business days from the date of the complaint.
- b. The agency's management staff will consider the complaint and desired outcome and attempt to reach a mutually satisfactory resolution. The management staff will make a decision within five (5) business days from the date of the meeting.
- c. If a resolution is reached, the resolution is documented by the agency, signed and dated by both parties, and retained in the customer's file. If a resolution is not reached, the complainant will be informed of the process for submitting a formal complaint to the CWP Chief Financial and Administrative Officer.
- d. Whether the complainant decides to pursue the submission of a written complaint or not, the details of the complaint such as the dates of service, names of the parties involved, the nature of the complaint, the desired outcome and the resolution must be documented by agency staff on the Complaint Log and recorded in the customer record.

2. Level 2 Written Complaint to CWP for Review and Decision

Complainants may submit a written complaint to CWP for review and decision.

- a. If there is no satisfactory resolution at the informal level, the complainant may submit a written complaint to the CWP Chief Administrative Officer within five (5) business days of receiving the decision from the agency operating the program or services.

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- b. The complainant may use the CWP Complaint Form but it is not necessary for the submission of a complaint as long as it contains the following information:
 - i. The complainant's name, address and telephone number
 - ii. Name and address of the agency operating the program or service
 - iii. Nature of the complaint, noting description of relevant events, dates, and parties
 - iv. Description of desired outcome or resolution to the complaint
 - v. Complainant's signature and date signed
- c. Upon receipt of the written complaint, the CWP Chief Administrative Officer or designee records receipt of the complaint onto the Complaint Log. From this point forward, actions related to the complaint will be tracked on the Complaint Log.
- d. The CWP Chief Administrative Officer or designee assigns the complaint to the pertinent CWP program staff who consider the complaint, supporting documentation, and input from service delivery staff directly involved with the complaint.
- e. Within five (5) business days of receiving the complaint, CWP staff responds in writing to the complainant with a decision. The notice of decision to the complainant contains instructions for accepting the decision set forth by the CWP or for requesting a hearing, if not satisfied with the decision.
- f. If the complainant is not satisfied with CWP's decision, he/she may request a hearing by following the instructions on the notice and returning the form. The complainant has ten (10) business days to return the form. A copy of the notice is retained on file in accordance with CWP record retention policy.

3. Level 3 – Hearing

Complainants may request a hearing.

- a. Upon receiving a request for a hearing, CWP's has thirty (30) calendar days to schedule a hearing for the complainant and pertinent program staff.
- b. The complainant and the agency staff party to the original complaint are notified of the hearing in writing at least ten (10) calendar days prior to the date of the hearing. The hearing notice will contain the following information:
 - i. Date of the Notice
 - ii. Names of the parties: complainant and agency staff party to the complaint
 - iii. Date, time and place of the hearing
 - iv. A statement of alleged violations (reflects the contents of the complaint as submitted by the complainant)
 - v. Name, address, telephone number of the contact person issuing the hearing notice

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- c. The hearing will be conducted in an informal manner without the strict rules of evidence. No later than thirty (30) calendar days after the day of the hearing, CWP will mail a written decision to both parties. The decision shall contain the following information:
 - i. Date of the decision
 - ii. Date of hearing
 - iii. Names of the parties: complainant and agency staff party to the complaint
 - iv. Statement of alleged violations and issues related to the alleged violation
 - v. Statement of the facts
 - vi. CWP's decision and reason for the decision
 - vii. Statement of corrective action or remedies for violations, if any, to be taken
 - viii. Notice of the right of either party to request a review of the decision by the State Department of Labor within ten (10) calendar days of the receipt of the decision
- d. A copy of the hearing decision is retained on file in accordance with CWP record retention policy.

4. Level 4 Appeal to CT Department of Labor

Complainants may appeal the hearing decision to the Connecticut Department of Labor when the complaint is related to a Department of Labor-funded program.

- a. If the complainant has not received a written decision within thirty (30) calendar days of the hearing date, or if either complainant disagrees with CWP's decision, he or she has a right to file an appeal to the State within one hundred and twenty (120) calendar days from the date of filing the original written complaint. In cases where CWP conducted a hearing and issued a written decision, the complainant must request a review of the decision by the State within ten (10) calendar days of the receipt of CWP's decision.
- b. The complainant requests a State level hearing by submitting a written letter to:

Director of Employment and Training
Connecticut Department of Labor
200 Folly Brook Boulevard
Wethersfield, CT 06109

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5. Non-Program Related Complaints References:

- a. **CWP Employee Complaints:** Employees of CWP with a non-program related complaint follow the Grievance and Complaint Policy contained in the **CWP Employee Handbook** and applicable instructions under this section C.5. Non-Program Related Complaints References of CWP's Complaint Policy and Procedure.

- b. **CWP's Subrecipient and AJC Partner Agency Employee Complaints:** Employees of CWP's subrecipients and AJC partner agencies with a non-program related complaint or grievance follow their employer's grievance and/or complaint policy and procedures and applicable instructions under this section 5. Non-Program Related Complaints References of CWP's Complaint Policy and Procedure.

- c. **Discrimination:** It is against the law for recipients of Federal financial assistance to discriminate against any individual in the United States, on the basis of race, color, religious creed, age, sex, gender identity or expression, marital status, national origin, ancestry, present or past history of mental disability, intellectual disability, learning disability, physical disability including, but not limited to, blindness; genetic information and sexual orientation.

Complaints **alleging discrimination** are directed and mailed to:

Equal Opportunity Officer
Capital Workforce Partners, Inc.,
One Union Place
Hartford, CT 06103

Or

Equal Opportunity Officer
Connecticut Department of Labor,
200 Folly Brook Blvd
Wethersfield, CT 06109

Or

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

Other complaints of discrimination can be made by contacting:
State of Connecticut Commission on Human Rights and Opportunities
450 Columbus Boulevard
Hartford, CT 06103
Connecticut Toll Free 1-800-477-5737\TDD 860-541-3459

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- d. **CWP Competitive Procurement Process:** Applicants (proposers, respondents, bidders) of a CWP procurement process who are dissatisfied with the results of CWP's competitive procurement process must follow appeal procedures described in the Request for Proposal or Request for Statement of Qualifications document.
- e. **Alleged Program Fraud, Abuse and Criminal Misconduct:** The Uniform Guidance establishes a mandatory disclosure requirement for grant recipients and subrecipients to disclose in writing to the Federal awarding agency or pass-through entity violations of Federal criminal law involving fraud, bribery or gratuity violations that potentially affect the Federal award. Incidents involve actions that may be criminal in nature, or at least there are suspicions that criminal activity is occurring. Citations: TEGL 2-12, 20 CFR 683.620, 2 CFR 200.331(a)(5), 2 CFR 200.333, 2 CFR 200.343 and 2 CFR 2900.15
- i. Incidents are events involving:
 - a) Fraud, misfeasance, nonfeasance, or malfeasance
 - b) Misapplication of funds
 - c) Gross mismanagement
 - d) Employee or participant misconduct
 - e) Waste and program abuse
 - f) Other criminal activities
 - ii. Fraud is any alleged deliberate act which may violate federal statutes or regulations. It includes but is not limited to bribery, forgery, extortion, embezzlement, theft of participant checks, kickbacks from participants or contractors, intentional payments to a contractor without the expectation of receiving services, payments to ghost enrollees, misuse of appropriated funds, and misrepresenting information in official reports.
 - iii. Waste and Abuse as defined by the Government Accountability Office involves behavior that is deficient or improper when compared with behavior that a prudent person would consider reasonable and necessary business practice given the facts and circumstances. Abuse includes misuse of authority or position for personal financial interests or those of a family member or business associate. Abuse does not necessarily involve fraud, violation of laws, regulations or provisions of a contractor grant agreement. An example of waste is payment of incentive in circumstances where the contractor's performance does not justify the fees. In comparison, an example of abuse would include making procurement selections that are contrary to existing policies or unnecessarily extravagant or expensive.
- f. **Reporting an Incident of Program Fraud, Abuse and Criminal Misconduct:** Complaints of suspected or known program fraud and abuse, and criminal misconduct involving CWP and/or CWP-funded subrecipients and other recipients of WIOA funds are reported according to the instructions in TEGL 2-12 which includes the submission of the federal incident reporting form OIG 1-156 to the Office of Inspector General. The OIG 1-156 Incident Report form and

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instructions for completing and submitting the OIB 1-156 Incident Report form can be found in CWP Policy Manual Section 8. Forms on the CWP website at this link <http://capitalworkforce.org/index.php/information-our-partners/>

The general public may submit allegations of fraud, waste and abuse to the OIG Hotline by writing to the Complaints Analysis Office, Office of Inspector General, 200 Constitution Avenue, N.W., Room S-5506, Washington, D.C. 20210 or by calling the Toll Free Hotline at 1-800-347-3756.

g. Whistleblower Policy

Employees of CWP are encouraged to bring the alleged unlawful activity, policy, or practice to the attention of Capital Workforce Partners and provide the Capital Workforce Partners with a reasonable opportunity to investigate and correct the alleged unlawful activity. Employees of CWP follow the whistleblower policy contained in the **CWP Employee Handbook**.

- h. Whistleblower Retaliation Complaint:** If any CWP employee who feels that he or she has been or is being retaliated against for making a protest or raising a complaint, he or she may file a complaint with the State Commission of Human Rights and Opportunities (CHRO), Office of Public Hearing, 450 Columbus Boulevard, Hartford, CT 06103.

6. Complaint Procedures Timeframes:

Action	Timeframe
Informal meeting with program staff to resolve complaint	No later than five (5) business days from the date of original complaint
Decision by program management staff to resolve complaint	No later than five (5) business days from the date of the meeting
If no decision within five (5) business days or decision is unsatisfactory, complainant may file a written complaint with CWP Chief Administrative Officer	No later than five (5) business days from no decision or unsatisfactory decision
CWP staff consider the facts, gathers more info and issues a written decision	No later than five (5) business days from receiving the complaint
Written request for a hearing	No later than ten (10) business days from no decision or unsatisfactory decision
CWP schedules a hearing	No later than thirty (30) calendar days from receiving the request
CWP issues a written decision	No later than thirty (30) calendar days after the day of the hearing

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Appeal of CWP decision to CT Department of Labor	No later than ten (10) calendar days from receipt of unsatisfactory decision by hearing officer
If the complainant does not receive a written decision from CWP within 30 calendar days, he/she can file an appeal with the CT State Department of Labor	Any time within one hundred twenty calendar days (120) from the date of the original complaint
Overall time period complainant has to file a complaint	Within one hundred and eighty calendar days (180) of the alleged occurrence of a violation

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