

Ohio WIOA Area 8  
Due Process

1. WIOA Program Complaint

If an individual or entity believes a program rule or process was not properly applied to the situation, the following procedure applies:

A. A complaint may be filed in writing with the local WIOA agency providing the service. It must be filed within one year from the date of the incident. Upon the filing of a complaint, an informal conference will be held within 10 days. If there is not resolution, a formal hearing will be held and a decision rendered within 60 days of the filing date. The decision may be appealed to the state level. If no decision was rendered, a complaint may be filed with the state so long as it is filed within one year of the date of the original incident.

B. An appeal of the local decision must be filed with the Ohio Department of Job & Family Services, Office of Workforce Development, 4020 E. Fifth Avenue, Columbus, Ohio 43219 within 10 days of the date of the local decision. A review of the local decision will be conducted and a decision rendered within 60 days of the state appeal filing date.

C. If resolution of the initial complaint is not met at the local or state level, a final appeal may be made in writing to the U.S. Department of Labor (DOL), Office of the Secretary, Attention ASET, Washington, D.C. 20210.

2. WIOA Program Appeal

If an individual or entity believes a program rule or process has been met, but circumstances exist that may merit an extension of time limits, or an increase in services, the following procedure applies:

A. An appeal may be filed in writing with the local WIOA agency providing the service. It must be filed within 60 days from the date of the incident. Upon the filing of an appeal, an informal conference will be held within 10 days. If there is not resolution, a formal hearing will be held and a decision rendered within 60 days of the filing date.

3. WIOA Discrimination Complaint

If an individual believes discrimination occurred based on race, age, religion, national origin, sex, political affiliation or belief, disability or citizenship status as a lawfully admitted immigrant authorized to work in the United States, a complaint may be filed at either the state or federal level, and the following procedure applies:

A. If filing with the state level, a complaint should be sent to the Ohio Department of Job & Family Services, Office of Workforce Development, 4020 E. Fifth Avenue, Columbus, Ohio 43219 within 180 days of the discriminatory act or treatment.

B. If filing at the federal level, a complaint should be sent to the U.S. Department of Labor (DOL), Civil Rights Center, 200 Constitution Avenue, N.W., Room N-4123, Washington, D.C. 20210.

C. A complaint will be reviewed, and, if accepted, the opportunity for Alternative Dispute Resolution must be provided. If there is no resolution through the alternative dispute resolution process, then the bureau of Civil Rights will investigate. A Final Report must be issued within 90 days from the complaint receipt.

#### 4. WIOA Fraud and Abuse Complaint

If an individual believes discrimination occurred based on race, age, religion, national origin, sex, political affiliation or belief, disability or citizenship status as a lawfully admitted immigrant authorized to work in the United States, a complaint may be filed at either the state or federal level, and the following procedure applies:

A. A complaint must be filed with the U.S. Department of Labor (DOL), Office of Inspector General, Office of Investigations, 200 Constitution Avenue, N.W., Room S-5514, Washington, D.C. 20210.

Action Item

Motion to approve an amendment to WIOA Area 8 bylaws to include due process procedures for program complaints, discrimination complaints, and fraud and abuse complaints as well as appeals to program determinations, attached.

Pursuant to recommendation from both the Department of Labor audit as well as state audit, WIOA Area 8 must have in place due process procedures for both appeals and complaints. While serving as the Workforce Investment Act (WIA), Area 8 complied with state policies concerning due process. It is recommended that under the Workforce Innovation & Opportunity Act (WIOA), effective July 1, 2015, each area have in place bylaws to address these matters. Last year, WIOA Area 8 did address one appeal arising from Van Wert County. The matter was successfully resolved after administrative hearing.

Make the motion: \_\_\_\_\_

Second: \_\_\_\_\_

Vote \_\_\_ aye \_\_\_ nay \_\_\_ abstain \_\_\_ motion carries \_\_\_ motion rejected

October 20, 2016