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Guide to Resolution of Grievances and Complaints

Updated August 22, 2022

Bay Area Workforce Development Board ([Bay Area WDB](http://www.BayAreaWDB.org)) believes that all job seekers, workers, employers, workforce program applicants, and participants should:

- Be treated respectfully,
- Be provided physical access to services,
- Be provided with reasonable accommodation for services including language translation, and
- Be assured of personal privacy and information security.

Local Equal Opportunity Officer (EEO)

The Bay Area WDB Equal Opportunity Officer (EEO) can assist anyone in contacting the appropriate person to work with in filing a grievance or addressing a complaint. The Bay Area WDB EEO is:

Matt Valiquette, Executive Director
Bay Area Workforce Development Board
520 N. Broadway, Ste 320 | Green Bay, WI 54303
Telephone: (920) 327-8732
Wisconsin Relay Service: 7-1-1
Email: mvaliquette@bayareawdb.org

Other information about employment law and employee rights can be found on the website of the Wisconsin Department of Workforce Development, Equal Rights Division:

<https://dwd.wisconsin.gov/er/>

and at the United States Equal Opportunity Commission:

<http://www.eeoc.gov/>

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If you need this information or printed material in an alternate format, or in a different language, services free of charge are available by contacting us at (920) 617-1384 or info@bayareawdb.org. Deaf, hard of hearing or speech impaired callers can reach us through the Wisconsin Relay Service at 7-1-1.

Types of Grievances

Sometimes individuals who are applying for or participating in public programs are unhappy with the treatment they receive or the decisions that are made by program staff. There are various kinds of grievances, and each might be managed differently. Types of grievances may be related to:

1. Rules and Regulations - A grievance may be related to the **rules and regulations** of a particular program and whether the program staff have followed those rules and regulations,
2. Decisions - A grievance may be related to a **decision** about program eligibility or benefits, and/or
3. Discrimination - A grievance may involve **discrimination**.

Section 188 of the Workforce Innovation and Opportunity Act (WIOA), prohibits discrimination against any individual in the United States, based on race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency) age, disability, or political affiliation or belief, or against any beneficiary of, an applicant to, or participant in programs financially assisted under Title I of the WIOA, based on the individual's citizenship status or participation in any WIOA Title, financially assisted program or actively.

Discrimination means that an individual did not receive program services because of one or more of the above-protected categories under the Civil Rights Act of 1964 and other civil rights laws.

Complaints or grievances related to a particular program (WIOA, W-2, Foodshare, Veterans, and others), whether related to regulations or decisions, should be addressed to the supervisor of the specific program. That information may be obtained from the EOO or the American Job Center Reception Desk staff. Most programs have a written Grievance Procedure that describes how grievances and complaints are handled.

Bay Area Workforce Development Board administers the Workforce Innovation and Opportunity Act (WIOA) programs and will address any grievances or complaints related to WIOA services and programs. In addition to program applicants and participants, **contracting agencies and proposers** may also file a grievance or complaint if they believe that a procurement process has not been conducted fairly or that a contract provision has been violated.

Discrimination complaints are serious. Such complaints must be filed within one hundred eighty days (180) days of when the incident happened. Discrimination complaints may be filed at the local, state, or federal level as follows

Local Level: Matt Valiquette, Executive Director & EO Officer
Bay Area Workforce Development Board
520 N. Broadway, Ste 320 | Green Bay, WI 54303
Telephone: (920) 327-8732
Wisconsin Relay Service: 7-1-1
Email: mvaliquette@bayareawdb.org

OR

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State Level: Susana Vázquez García, Equal Opportunity Officer
Wisconsin Department of Workforce Development
Division of Employment and Training
201 East Washington Avenue, Room E100
PO Box 7972, Madison, WI 54307-7972
Telephone: (608) 405-4067
Wisconsin Relay Service: 7-1-1
Email: DETEOContact@dwd.wisconsin.gov

OR

Federal Level: Director, Civil Rights Center (CRC)
Attention: Office of External Enforcement
United States Department of Labor
200 Constitution Avenue NW, Room N-4123
Washington DC 20210
Email: CRCEXternalComplaints@dol.gov

Sometimes there are complaints or grievances against an **employer**. These might involve discrimination, or concerns about wages, hours worked, and things covered under “employment law.” If the employer has a written complaint process, that should be the first step to addressing a complaint.

Complaints about an employer for things such as wages, work hours, being fired, and workplace injuries may also be directed to the state Equal Rights Division:

Wisconsin Department of Workforce Development
Equal Rights Division
201 East Washington Avenue, Room A100
PO Box 8928, Madison WI 54308
Telephone: (608) 266-6860
Wisconsin Relay Service: 7-1-1
www.dwd.wisconsin.gov/er

OR

U.S. Equal Employment Opportunity Commission
Reuss Federal Plaza
310 West Wisconsin Avenue, Suite 500
Milwaukee, WI 53203-2292
Telephone: 1 (800) 669-4000
Wisconsin Relay Service: 7-1-1
Email: info@eoc.gov

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Although it is rare, there are times when someone has reason to believe that program staff and administrators are doing something illegal. This is usually called **fraud and malfeasance**. Such cases may be brought to the attention of the Local EOO. A complainant who fears that their position will be compromised by submitting information at the local level may file at the state or federal level:

State Level: Susana Vázquez García, Equal Opportunity Officer
Wisconsin Department of Workforce Development
Division of Employment and Training
201 East Washington Avenue, Room E100
PO Box 7972, Madison, WI 54307-7972
Telephone: (608) 405-4067 | Wisconsin Relay Service: 7-1-1
Email: DETEOContact@dwd.wisconsin.gov
Website: <https://dwd.wisconsin.gov>

OR

Federal Level: Office of Inspector General
717 4th Street NW, 5th Floor, Washington DC 20005
Phone: 1 (800) 521-1629 | Wisconsin Relay Service: 7-1-1
Email: oig@dc.gov
Website: <http://oig.dc.gov>
[Ask the Inspector General](#)

Grievance Process

If the grievance or complaint involves a WIOA program or any other program administered by Bay Area Workforce Development Board, the Local Equal Opportunity Officer (EOO) will usually attempt to reach a mutually satisfactory resolution to the complaint through negotiation, problem-solving, and other available resources. If the complaint cannot be resolved through such means, a formal hearing may be scheduled **if requested in writing by the complainant** with the EOO serving as Hearing Officer. If a conflict of interest exists for the EOO, he/she has the responsibility to select an independent Hearing Officer for the case. If the grievance or complaint is directed toward another workforce program, the EOO can assist in contacting the appropriate person or agency.

If the EOO is unable to negotiate a satisfactory resolution to a grievance or complaint regarding WIOA or another program administered by Bay Area Workforce Development Board, the complainant may request a formal or “fair” hearing in writing to resolve the matter. A fair hearing involves the following things:

1. **Notice** to all parties of the specific allegations of the complaint, and the responses of those involved,
2. **Timely resolution** of the complaint,
3. An **impartial decision-maker**,
4. The right of the parties to **representation**,
5. The right of each part to present **evidence**, both in writing and through witnesses,
6. The right of each party to **question evidence and witnesses**, and
7. A **decision** made solely on the recorded evidence.

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Preparing a Complaint/Grievance

1. Complaints and grievances may be initiated with the Local EOO by telephone, personal contact, or written correspondence. Complaints and grievances not involving a discrimination claim should be made within one (1) year of the alleged violation. Discrimination claims must be made within one hundred eighty (180) days of the date of the alleged violation. After the initial contact, the Local EOO may require a written statement. Grievances beyond the local level will require written statements.
2. Complaints should be addressed to the appropriate level of authority.
3. A complaint/grievance must be factual and sufficiently accurate to be evaluated on its own merits by an objective reviewer.
4. The “Filing Date” of a complaint/grievance is established when a complainant submits the following information:
 - a. The full name, address, and phone number of the complainant,
 - b. The name and address of the respondent against whom the complaint is being made,
 - c. A clear, concise statement of facts in the case, including pertinent dates of the alleged violation,
 - d. The provisions of a particular program, its regulations, processes, or administrative rules that have allegedly been violated, and
 - e. A statement disclosing whether the complaint/grievance has been cross-filed with any other authority and whether such proceedings have commenced or been concluded, including dates, authorities, and other pertinent information.
5. Once a Filing Date is established, the EOO will acknowledge receipt of the complaint within five (5) working days unless there is a specific reason for a delay.

After accepting the complaint or grievance, the EOO will conduct a hearing within thirty (30) calendar days of the Filing Date and issue a decision to the complainant within sixty (60) days of the Filing Date.

Complainants receiving an adverse decision or no decision on a complaint/grievance within sixty (60) calendar days may file an appeal requesting a state-level independent review. The appeal must be filed within ten (10) calendar days after the complainant received the decision or within fifteen (15) calendar days after the decision was due to the Wisconsin Department of Workforce Development:

Equal Opportunity Officer
Wisconsin Department of Workforce Development
Equal Rights Division
201 East Washington Avenue, Room E100
PO Box 7972, Madison WI 54307-7972
Wisconsin Relay Service: 7-1-1

6. The Local EOO will provide all necessary information to assist an individual in filing a grievance, complaint, or appeal with the appropriate authority.

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Grievance Authorities

There are various levels at which complaints and grievances may be heard. It is important to submit the grievance to the appropriate individual or agency to insure a prompt response. In most cases, a higher-level authority will not hear a grievance until it has been handled by a lower-level process. The following are individuals and agencies that deal with complaints and grievances:

Local Employment Opportunity Officer

The person that most grievances and complaints should be addressed to the Bay Workforce Development Area unless there is good reason to go around him/her. The Local EOO will assist anyone in developing a grievance or complaint and in directing that grievance or complaint to the appropriate authority.

Bay Area Workforce Development Board

If there is a serious concern about Bay Area WDB staff, including the Local EOO, a complainant may contact the Chair of the Bay Area Workforce Development Board of Directors or another member directly by using the contact information at www.bayareawdb.org under “Governance”.

DWD Division of Employment and Training

The state office is the second level for submitting a grievance or complaint and will usually hear appeals of decisions. Such appeals must be filed within ten days of a decision being made or fifteen calendar days if no decision was received within 60 days of the Filing Date. The state office will not take the place of the local process and usually will not set up a new hearing, but only review the documentation submitted in the local hearing after it is complete.

Grievances and complaints involving **employment discrimination** and **employer issues** are best directed to the DWD Equal Rights Division or the federal Equal Opportunity Commission, as indicated above, as those offices are best trained to deal with issues of employment law.

United States Department of Labor Employment and Training Administration

The ultimate authority for many federal employment and training programs, including the Workforce Innovation and Opportunity Act (WIOA) programs, is the U.S. Department of Labor Employment and Training Administration (DOL ETA). A complainant can contact the U.S. Department of Labor as a matter of last resort. Information is available at <https://www.doleta.gov/>. Complaints alleging **discrimination** may also be filed with the U.S. Department of Labor Civil Rights Center at <https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/external/how-to-file-complaint>.

Incidents of alleged fraud, malfeasance, misapplication of funds, gross mismanagement, or other possibly illegal use of public funds may be reported to the U.S. Department of Labor Office of the Inspector General at 1-800-347-3756 with additional information available at: <http://www.oig.dol.gov/hotlinecontact.htm>.

Any questions about this guide, or requests for additional information about filing a grievance, can be addressed to the Local Employment Opportunity Officer as above.

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