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Spanish

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Chinese - Traditional

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Vietnamese

LƯU Ý QUAN TRỌNG! Tài liệu này chứa **thông tin quan trọng** về quyền hạn, trách nhiệm và/hoặc quyền lợi của quý vị. Việc hiểu rõ thông tin trong tài liệu này là rất quan trọng, và chúng tôi sẽ cung cấp miễn phí cho quý vị thông tin này bằng ngôn ngữ mà quý vị ưa dùng. **Hãy gọi (402) 471-9000** để được hỗ trợ về việc thông dịch và hiểu thông tin trong tài liệu này.

Tagalog

MAHALAGA! Naglalaman ang dokumentong ito ng **mahalagang impormasyon** tungkol sa iyong mga karapatan, responsibilidad at/o benepisyo. Napakahalaga na nauunawaan mo ang impormasyong nakapaloob sa dokumentong ito, at ibibigay namin nang libre ang impormasyon sa pinili mong wika. **Tumawag sa (402) 471-9000** upang humingi ng tulong sa pagsasalang-wika at pag-unawa sa impormasyong nasa dokumentong ito.

French

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Haitian Creole

ENPÒTAN! Dokiman sa a gen **enfòmasyon enpòtan** ladan konsènan dwa, responsablite ak/oswa avantaj ou yo. Li ap vrèman enpòtan pou ou konprann enfòmasyon yo ki nan dokiman sa a, epi n ap ba ou enfòmasyon sa yo nan lang ou prefere a gratis. **Rele (402) 471-9000** pou jwenn asistans pou tradui ak pou konprann enfòmasyon ki nan dokiman sa a.

Portuguese

IMPORTANTE! Este documento contém **informações importantes** sobre os seus direitos, responsabilidades e/ou benefícios. É essencial que compreenda as informações constantes neste documento, as quais disponibilizaremos, gratuitamente, na língua à sua escolha. **Contacte o número (402) 471-9000** para solicitar ajuda para traduzir e compreender as informações contidas neste documento.

Arabic

مهم! يحتوي هذا المستند على **معلومات مهمة** حول حقوقك ومسؤولياتك و/أو فوائده. من الأهمية بمكان فهم المعلومات الواردة في هذا المستند، وسنوفر المعلومات بلغتك المفضلة دون تحميلك أي تكلفة. **اتصل على الرقم (402) 471-9000** للحصول على مساعدة في ترجمة المعلومات الواردة في هذا المستند وفهمها.

Russian

ВАЖНО! В настоящем документе содержится **важная информация** о ваших правах, обязанностях и/или преимуществах. Крайне важно, чтобы вы поняли информацию, содержащуюся в данном документе, а мы бесплатно предоставим вам эту информацию на выбранном вами языке. **Позвоните по телефону (402) 471-9000** для получения помощи в переводе и понимании информации, содержащейся в данном документе.

Korean

중요! 본 문서는 귀하의 권리, 책임 및/또는 이익에 관한 **중요한 정보**를 포함하고 있습니다. 귀하가 본 문서에 있는 정보를 이해하는 것은 대단히 중요하며, 귀하가 원하는 언어로 정보를 제공받으실 수 있습니다. **(402) 471-9000로 전화하여** 본 문서에 있는 정보의 번역 및 이해를 위해 도움받으시길 바랍니다.



State Policy

Workforce Innovation and Opportunity Act (WIOA)

Nebraska Department of Labor (NDOL) Office of Employment and Training 550 South 16 th Street Lincoln, NE 68508 402.471.2022 ndol.wioa_policy@nebraska.gov	<table border="1"> <tr> <td data-bbox="808 466 1104 531"> </td> <td data-bbox="1104 466 1432 531"> Policy category Administrative Requirements </td> </tr> <tr> <td data-bbox="808 531 1104 596"> </td> <td data-bbox="1104 531 1432 596"> Effective date February 12, 2018 </td> </tr> <tr> <td data-bbox="808 596 1104 701"> Interim Policy on Grievances or Complaints of a Nondiscriminatory Nature (Rev. 9/9/2015) </td> <td data-bbox="1104 596 1432 701"> Supersedes </td> </tr> </table>		Policy category Administrative Requirements		Effective date February 12, 2018	Interim Policy on Grievances or Complaints of a Nondiscriminatory Nature (Rev. 9/9/2015)	Supersedes
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	Effective date February 12, 2018						
Interim Policy on Grievances or Complaints of a Nondiscriminatory Nature (Rev. 9/9/2015)	Supersedes						

Grievances and Complaints – WIOA¹ Title I

REFERENCE

Federal and state laws, regulations, rules, and other guidance and documentation relied upon for the development of this policy are cited in footnotes.

BACKGROUND

Local workforce development areas (local areas) must establish and maintain procedures for participants and others to file non-criminal grievances and complaints alleging violations of the requirements of WIOA Title I.²

The US Department of Labor established procedures for filing criminal complaints.³

ACTION

This policy supersedes and cancels the State’s⁴ Interim Policy on Grievances or Complaints of a Nondiscriminatory Nature (Rev. 9/9/2015).

¹ WIOA refers to the Workforce Innovation and Opportunity Act of 2014.

² 20 CFR § 683.600(a)

³ 20 CFR § 683.620; TEGL 2-12

⁴ The term “State” refers to the Nebraska Workforce Development Board and the Nebraska Department of Labor (acting on the Governor’s behalf pursuant to the Governor’s Executive Order No. 15-03).

Questions and comments regarding this policy may be submitted in writing to the WIOA policy mailbox at ndol.wioa_policy@nebraska.gov.

Each local workforce development board (local board) must:

- establish local area non-criminal grievance and complaint procedures as described in [Sections I](#) and ensure that the procedures comply with the requirements of that section; and
- ensure that all local area and one-stop center staff are familiar with the requirements of [Section II\(b\)\(2\)](#) regarding procedures for filing criminal complaints.

POLICY

Except as described below, this policy addresses requirements and procedures for filing:

- non-criminal grievances and complaints regarding alleged violations of the requirements of WIOA Title I; and
- criminal complaints regarding allegations of suspected fraud, program abuse, and criminal conduct involving grantees, recipients, or subrecipients of Federal funds from the US Department of Labor Employment and Training Administration (ETA).

This policy does not address requirements and procedures for filing grievances, complaints, or appeals regarding:

- discrimination;
- non-designation of local areas;
- denial or termination of training provider eligibility for inclusion on Nebraska's Eligible Training Provider List;
- sanctions for substantial violations or performance failures by a local area;
- decisions made regarding required contributions under the state funding mechanism; or
- services provided under WIOA Title III (Wagner-Peyser Employment Service).

Grievances, complaints, or appeals regarding the issues listed directly above are addressed separately in the applicable policies issued by the State,⁵ guidance issued by the ETA, or WIOA or its implementing regulations.

This policy is organized in two (2) sections and one (1) appendix.

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⁵ The State's policies are accessible at <https://dol.nebraska.gov/EmploymentAndTraining/LCRWP/WIOA/Policies>.

Section I. Non-criminal grievances and complaints

(a) Requirements

Each local area must, with regard to their respective WIOA Title I non-criminal grievance and complaint procedures:⁶

1. provide information about the procedures to WIOA Title I program participants and document that the information has been provided;
2. provide information about the procedures to others affected by the local one-stop delivery system, including one-stop partners, job seekers, and employers served by the system;
3. ensure that every entity to which it awards WIOA Title I funds for the provision of services to program participants has access to information about and is fully aware of the procedures;
4. make reasonable efforts to assure that the information about the procedures can be understood by participants and others, including youth and those who are limited-English speaking individuals; and these efforts must comply with the language requirements of 29 CFR § 38.9 regarding the provision of services and information in languages other than English.

The remedies that may be imposed under NDOL and local area procedures are limited to:⁷

- suspension or termination of payments under WIOA Title I;
- prohibition of placement of a participant with an employer that has violated any requirement under WIOA Title I;
- reinstatement of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment, where applicable; and
- other equitable relief, when appropriate.

(b) Local area procedures

Each local board must establish local area non-criminal grievance and complaint procedures and ensure that the procedures provide:

- a process for dealing with grievances and complaints from participants and others affected by the local one-stop delivery system, including one-stop partners and service providers;
- an opportunity for an informal resolution and a hearing, to be completed within sixty (60) calendar days of the filing of the grievance or complaint;

⁶ 20 CFR § 683.600(b)

⁷ 20 CFR § 683.600(f)

- a process that allows an individual alleging a labor standards violation to submit the grievance to a binding arbitration procedure, if such a procedure is provided under a collective bargaining agreement covering the parties to the grievance; and
- an opportunity for appeal to NDOL when:
 - no decision is reached within sixty (60) calendar days of the filing of the grievance or complaint according to local area procedures; or
 - a party to the grievance or complaint is dissatisfied with the local decision.

Local non-criminal grievance and complaint procedures must be made available as described in [Section I\(a\)](#).

(c) State appeal procedures⁸

All non-criminal grievances and complaints alleging violations of the requirements of WIOA Title I must be first addressed through local area procedures. If a non-criminal grievance or complaint is initially filed with NDOL:

- the appropriate local area representative will be notified by email within five (5) business days of NDOL's receipt of the grievance or complaint; and
- the individual(s) filing the grievance or complaint will be provided contact information for the appropriate local area representative within (5) business days, either by email or in writing, and advised that the grievance or complaint must be first filed with the local area according to local area procedures.

An appeal may be submitted to NDOL regarding a non-criminal grievance or complaint when:

- no decision is reached at the local level within sixty (60) calendar days of the filing of the grievance or complaint according to local area procedures; or
- a party to the grievance or complaint is dissatisfied with the local decision.

To file the appeal with NDOL, a written request for informal resolution and a hearing must be submitted to:

Commissioner of Labor
 Nebraska Department of Labor
 PO Box 94600
 Lincoln, NE 68509-4600

A copy of the appeal to NDOL must be provided at the same time to:

Director, Office of Employment and Training
 Nebraska Department of Labor
 PO Box 94600
 Lincoln, NE 68509-4600

⁸ 20 CFR § 683.600(d)

The written request must include:

- a description of the grievance or complaint filed with the local area; and
- the reason for the appeal.

Absent extenuating circumstances, the Commissioner will assign a hearing officer and a hearing will take place within thirty (30) calendar days of the Commissioner's receipt of the written request for a hearing. The hearing officer will issue a decision within thirty (30) calendar days of the hearing, to the extent possible.

(d) [Federal appeal procedures](#)⁹

All non-criminal grievances and complaints alleging violations of the requirements of WIOA Title I must be first addressed through local area and state procedures. An appeal may be submitted to the Secretary of Labor (the Secretary) regarding a non-criminal grievance or complaint when:

1. no decision is reached within sixty (60) calendar days of filing an appeal with NDOL according to the procedures described in [Section I\(c\)](#); or
2. a party to the grievance or complaint is dissatisfied with the decision on the state-level appeal filed with NDOL.

If appealing to the Secretary based on:

- the lack of a decision within sixty (60) calendar days of filing an with NDOL (reason 1 above), the appeal to the Secretary must be filed within one-hundred twenty (120) calendar days of the date the appeal was filed with NDOL; or
- dissatisfaction with the decision on the appeal filed with NDOL (reason 2 above), the appeal to the Secretary must be filed within sixty (60) calendar days of receipt of the decision on the appeal filed with NDOL.

An appeal to the Secretary must be submitted by certified mail, return receipt requested, to:

Secretary
US Department of Labor
200 Constitution Avenue NW
Washington, DC 20210
Attention: ASET

A copy of the appeal to the Secretary must be provided at the same time to the opposing party and:

Regional Administrator, Region 5
Employment and Training Administration
John C. Kluczynski Building
230 South Dearborn Street, 6th Floor
Chicago, IL 60604-1505

⁹ 20 CFR § 683.610

IMPORTANT. Non-criminal grievances and complaints made directly to the Secretary will be referred to the appropriate local area for resolution, except for complaints involving a recipient or subrecipient of WIOA Title I funding that has:¹⁰

- discharged or in any other manner discriminated against:
 - a participant or any individual in connection with the administration of the WIOA Title I program involved; or
 - any individual because the individual has:
 - filed any complaint or instituted or caused to be instituted any proceeding under or related to WIOA Title I; or
 - testified or is about to testify in any such proceeding or an investigation under or related to WIOA Title I;
- otherwise unlawfully denied to any individual a benefit to which that individual is entitled under the provisions of WIOA Title I, including regulations issued under WIOA Title I.

Section II. Criminal complaints¹¹

(a) Requirements

States, local governments, and grantees of Federal awards may become aware of actual, potential, or suspected:

- fraud;
- gross mismanagement or misuse of program funds;
- conduct violations;
- violations of regulations; and
- abuse in ETA programs and operations provided by ETA grantees.

TEGL 2-12 provides policy and procedures for reporting and investigating allegations of criminal wrongdoing or misconduct to include allegations of suspected fraud, program abuse, and criminal conduct involving grantees, recipients, or subrecipients of Federal funds from US Department of Labor Employment and Training Administration (ETA).

The Incident Report (IR) form is the official form provided by the US Department of Labor (the Department) for reporting allegations of criminal and other illegal or improper activities in ETA

¹⁰ 20 CFR 683.610(e)

¹¹ 20 CFR § 683.620; TEGL 2-12

funded programs. A fillable PDF version of the IR form, including instructions, is accessible at https://wdr.doleta.gov/directives/attach/TEGL/TEGL_2_12_att_c.pdf.

Allegations are reported to the OIG and, within ETA, to the Office of Financial and Administrative Management (OFAM) and the Office of Regional Management. Incidents reported using the IR form may involve allegations regarding:

- fraud;
- misfeasance, nonfeasance, or malfeasance;
- allegations involving misapplication of funds;
- allegations of gross mismanagement;
- allegations of employee and/or participant misconduct; and
- other potential or suspected criminal actions.

IMPORTANT. No action will be taken against any individual for disclosing information concerning criminal or improper activities or for making a valid complaint to proper authorities. Complainants may remain anonymous. If an individual feels that their position will be compromised by reporting information through the IR system, the individual may send the report directly to the OIG or OFAM.

(b) Procedures

(1) Grant recipients

As the WIOA Title I grant recipient for Nebraska, NDOL is responsible for following the Department's procedures established under TEGL 2-12.

- NDOL must immediately document allegations, suspicions, and complaints involving possible fraud, program abuse, and criminal misconduct using the IR form.
- In addition, situations involving imminent health or safety concerns or the imminent loss of funds exceeding an amount larger than fifty thousand dollars (\$50,000) are considered emergencies and must:
 - immediately be reported by NDOL to the OIG and OFAM by telephone; and
 - followed up with a written report in the form of an IR, no later than one (1) working day after the telephone report.

(2) Other parties

Information and complaints involving criminal fraud, waste, abuse, or other criminal activity must be reported immediately through the Department's Incident Reporting System to either of the following addresses:

Department of Labor Office of Inspector General¹²
Office of Investigations
Room S5514
200 Constitution Avenue NW
Washington, DC 20210

Regional Inspector General for Investigations
Region 5
Employment and Training Administration
John C. Kluczynski Building
230 South Dearborn Street, 6th Floor
Chicago, IL 60604-1505

If making a report only to the Regional Inspector General for Investigations, a copy must be provided at the same time to:

Employment and Training Administration
US Department of Labor
200 Constitution Avenue NW
Washington, DC 20210

IMPORTANT. The Department's hotline number for reporting criminal fraud, waste, abuse or other criminal activity related to WIOA Title I is 1.800.347.3756.

DISCLAIMER

This policy is based on NDOL's reading of the applicable statutes, regulations, rules, and guidance released by the US Government and the State of Nebraska. This policy is subject to change as revised or additional statutes, regulations, rules and guidance are issued.

¹² The website for the US Department of Labor Office of Inspector General is accessible at <http://www.oig.dol.gov/contact.htm>.

APPENDIX I. Definitions

PURPOSE. Definitions in this appendix are provided as supplemental information that supports the provisions of the policy. The terms and phrases defined in this appendix should be read and understood in the context in which they are used in the policy and not as stand-alone information independent of that context.

1. grantee

For purposes of this policy, *grantee* means the Nebraska Department of Labor.

2. recipient¹³

Recipient means a non-Federal entity that receives a Federal award directly from a Federal awarding agency to carry out an activity under a Federal program. The term recipient does not include subrecipients.

3. subrecipient¹⁴

Subrecipient means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program.

¹³ 2 CFR § 200.86

¹⁴ 2 CFR § 200.93