



POLICY# 09- 21

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Program: Wagner Peyser (WP), Workforce Innovation and Opportunity Act (WIOA), Welfare Transition (WT), Trade Adjustment Assistance (TAA), and Supplemental Nutrition Assistance Program (SNAP)	
Section: Program Operations	
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Background

In accordance with WIOA Section 184(f),188, the 20 CFR 683.600 mandates each state and direct recipient of funds under Title I of WIOA must establish and maintain a procedure for participants and other interested parties to file grievances and complaints alleging violations of the requirements of the Workforce Innovation and Opportunity Act. Florida Commerce is responsible for implementing policy in the areas of workforce development, welfare transition, unemployment compensation, labor market information, early learning, and school readiness. The Florida Administrative Code, Chapter 60BB-1, mandates that grievance and hearing procedures be in place for grievances under the Welfare Transition (WT), Workforce Innovation and Opportunity Act (WIOA), the Trade Adjustment Assistance (TAA) Program, Supplemental Nutrition Assistance Program (SNAP) Program and/or Wagner-Peyser (WP), which allege a violation of participants' rights.

Purpose

To provide basic grievance/complaint, hearing/appeal, and incident reporting procedures for the various workforce programs provided at CareerSource Suncoast Centers to include, but not limited to: WP, WIOA, TAA, WT, and SNAP.

Policy

CareerSource Suncoast (CSS) is committed to operating all programs and activities in accordance with Federal, State, and local laws, rules, and policies. Clients and/or interested parties (e.g., contractors, One-Stop partners, One-Stop operators, and employers) affected by a decision or actions of the local workforce board have a right to file grievances/complaints with the local area Workforce Board. The grievance/complaint should be filed with CareerSource Suncoast, in accordance with the procedures outlined in this Policy.

Definitions:

- *Grievant/Complainant* – any client or other interested or personally affected party alleging a noncriminal or non-discriminatory violation of WIOA Title I requirements.
- *Interested Party*– includes applicants, clients, subgrantees, subcontractors, service providers, One-Stop partners, training providers, and other relevant parties.
- *Informal Resolution* – an opportunity to resolve complaints informally before they become grievances.

- *Complaint file* – a file that is maintained in a central location within each office, which includes a copy of each complaint filed along with pertinent documentation.
- *Compliance Review Office* – the organization within the EDD that oversees the administrative resolution of WIOA programmatic complaints.
- *Days* – consecutive calendar days, including weekends and holidays.
- *Grievance or complaint* – a written expression by a party alleging a violation of WIOA Title I, regulations promulgated under WIOA, recipient grants, subgrants, or other specific agreements under WIOA.
- *Hearing Officer* – an impartial person or group of persons that shall preside at a hearing on a grievance or complaint.
- *Local Area* – the Local Area administrative entity and its subrecipients to whom the administrative entity has delegated the grievance and complaint resolution process. CareerSource Suncoast is Manatee and Sarasota Counties local area board.
- *Client* – an individual who has been determined to be eligible to participate in and who is receiving services under a program authorized under WIOA.
- *Applicant* – an individual who has applied to a program but has not been deemed eligible to participate in and who is not currently receiving services under a program authorized under WIOA that requires eligibility determination.
- *Service Provider* – a public agency, private nonprofit organization, or private-for-profit entity that delivers educational, training, employment, or supportive services to WIOA clients.
- *Subrecipient* – an entity to which a recipient awards funds and is accountable to the recipient (or higher tier subrecipient) for the use of the funds provided.

Grievance/Complaint and Hearing/Appeal General Rules:

1. CSS serves as the administrative and fiscal entity for the WIOA, TAA, SNAP, and WT programs. If an individual has a grievance arising out of a program provided by CSS, CSS will try to resolve the matter informally. If the matter cannot be resolved, the process outlined in this policy has been adopted to provide a clear process to address an individual's grievance.
2. Any client or other interested party adversely affected by a decision or action by the local workforce system, including decisions by CSS staff, center partners and/or service providers, has the right to file a **local** grievance/complaint with CSS, with the exception of complaints alleging unlawful discrimination.
3. All local workforce grievances/complaints shall be filed with CSS **within 6 months of the occurrence of the incident** using the established procedures.
4. CSS provides clients enrolled in WIOA, WT, SNAP, TAA or receiving RESEA (WP) services with a form summarizing the client's Grievance/Conflict Hearing and Appeals Process. Informal and formal grievances are explained, and the form is signed by both the client and CSS staff.
5. In the event an individual submits a grievance/complaint **not** under the authority of CSS, CSS will notify the individual within five (5) business days from the receipt of the grievance/complaint. The grievance/complaint will be forwarded to the proper entity/agency for action. The entity's/agency's **sixty (60) day** timeframe to handle the grievance will start upon receipt of grievance/complaint.
6. Job Corps grievances/complaints should be processed according to requirements of [20 CFR 686.960](#) and [20 CFR 686.965](#) and may differ from the processes outlined in this Policy /Procedure.

Grievances Covered by This Policy

Clients applying for or receiving services at CSS, or through any other program paid for by CSS, have the right to be treated fairly and in compliance with the laws under which we operate. If a client feels they have been unfairly treated, they can file a grievance or complaint by following the process outlined in this policy. Examples of these grievances are outlined below. These examples are applicable to WIOA, TAA, SNAP, and WT/TANF grievances/complaints for reasons other than unlawful discrimination.

Grievances May Include, but Are Not Limited To:

- Program Applicants/Clients
 - Applicants who have been denied intensive or training services for reasons other than unlawful discrimination (WIOA/TAA)
 - Clients registered or enrolled in a program under WIOA, WT, or SNAP and have asked for a program service or benefit and have been denied the service or benefit in whole or in part, whether by written denial notice or not, for reasons other than unlawful discrimination.
 - Sanctioned for non-compliance with required work activities for reasons other than unlawful discrimination (WT/SNAP)
 - Denied support services for reasons other than unlawful discrimination
 - Denied education, training, or support services for reasons other than unlawful discrimination (WT)
 - Denial of for an approval or extension of a hardship or medical exemption for reasons other than unlawful discrimination (WT)
 - SNAP support service recipients who have been denied reimbursement for support services for reasons other than unlawful discrimination.
 - Clients (pursuant to WIOA Title I or the TAA) who have been sanctioned for use of a controlled substance for reasons other than unlawful discrimination. ([20 CFR 667.270](#))
- Employers/Training Providers/Interested Parties
 - Denial or termination of eligibility as a training provider for reasons other than unlawful discrimination (WIOA/TAA)
 - Denial of eligibility as an on-the-job or customized training provider/employer for reasons other than unlawful discrimination (WIOA)
- Employees
 - An individual who is a regular employee or a WIOA, TAA, WT or SNAP program client who has been displaced by a WIOA, TAA, WT or SNAP program client for reasons other than unlawful discrimination
- Any interested party, center partner, or service partner under WIOA, TAA, SNAP and/or WT who has been adversely affected by a decision or action by the CSS system, for reasons other than unlawful discrimination.

Grievances Not Covered Under This Policy:

The WIOA, TAA, SNAP and WT programs are not entitlement programs. This means that even if an individual meets the eligibility requirements to receive services under those programs, they still may be denied access to the program or denied a specific service allowable under the program rules. This is not considered a violation of the law. This may happen because:

1. The Region may not have sufficient funds to enroll the individual or any other client into a program or provide the individual/other client with a service at the time of application or need for the service. If a freeze in funding for the program or service at issue is imposed by the Regional Board, the State of Florida or the Federal government, there would be no grounds upon which to file a formal grievance. An individual may obtain a copy of the applicable local, state, or federal action freezing such funds upon request.
2. Local areas have the flexibility to decide the provision of services to offer in their local areas. These decisions are made locally by the governing board for CSS. The governing board for CSS may have decided not to offer a particular benefit or service. In such instances there would be no grounds upon which to file a formal grievance. An individual may obtain a copy of the applicable policy upon request.
3. Under WIOA rules there are eligibility requirements and prioritization criteria. Individuals who are seeking services, but who do not meet the eligibility or prioritization criteria, cannot be served with these funds. If one does not dispute the fact that they do not meet the eligibility or prioritization criteria, they do not have grounds for a formal grievance. If they wish to show that they do meet the applicable criteria, they may file a formal grievance.
4. Local Workforce Boards have the flexibility to impose requirements and specific standards applicable to programs and services. A policy that has been adopted may restrict access to a program or service or may limit the availability of the program or service. In such instances, there would be no grounds upon which to file a formal grievance. An individual may obtain a copy of the applicable policy upon request.

Note: If an individual is denied services for one of these enumerated reasons #1-4, they may still follow the informal grievance procedures prescribed but may not be entitled to a hearing before a Hearing Officer.

5. If an individual is a Welfare Transition client and their TANF cash assistance eligibility or cash benefit of food stamps or Medicaid has been reduced or terminated, they have followed the local process, and disagree with the action taken against them, but do not believe the action was taken for reasons of unlawful discrimination, they must file a grievance with the local Department of Children and Families Office.
6. DCF is responsible for providing a grievance process for complaints, except complaints of alleged discrimination, related to WT program service delivery, such as work activities, support services, diversion programs, and other workforce functions under WIOA. If the individual is under sanction for noncompliance with TANF work requirements and requests a fair hearing, CSS must attend the fair hearing, bring relevant documentation, and participate in the fair hearing process.
7. If an individual is a SNAP client and their food stamp eligibility or benefit entitlement has been reduced or terminated, they have followed the local process, and disagree with the action taken against them, but do not believe the action was taken for reasons of unlawful discrimination, they may file a grievance with the local Department of Children and Family Services. If the individual is under sanction for noncompliance with SNAP work requirements and requests a fair hearing, CSS must attend the fair hearing, bring relevant documentation, and participate in the fair hearing process.

CSS Grievance/Complaint Procedures:

This section provides standard procedures for the filing and processing of grievances against an employee, policy, WT, SNAP, TAA, or the WIOA Title I program decision administered by the CSS. It is the responsibility of CSS to establish a climate in which employees, job seekers, clients, program applicants or interested parties' problem may be promptly presented, discussed, and given fair and timely consideration. These procedures provide for prompt and equitable resolution of such grievances. The confidentiality of the grievance and any actions resulting from it are to be safeguarded.

Local WIOA, TAA, WT(TANF), SNAP E&T Programs Process:

Clients first must attempt to resolve their complaints locally with CSS through an informal complaint process.

Informal Step Process:

1. If an individual has a complaint about a program in which they participate, they must first discuss the matter with their CSS staff.
2. If they are not satisfied with the CSS staff's resolution, they may discuss the matter with their manager and attempt to resolve the complaint informally.
3. If an individual is unable to resolve their complaint through the manager, they must contact their director and allow them the opportunity to resolve the complaint. The director has thirty (30) days to resolve the complaint through the informal portion of the process.

Formal Step Process:

1. If the problem is not satisfactorily resolved, an individual can send a formal, written complaint and request for hearing by certified mail, return receipt, to:

President/CEO
CareerSource Suncoast
3660 N. Washington Blvd
Sarasota, Florida 34234

2. An individual **must** file this grievance/complaint request for a hearing in writing within six (6) months of the alleged occurrence or violation they are reporting.
3. All formal submissions must meet the following guidelines
 - a. Submissions should be concise and clearly written or typed
 - b. State the facts of the situation
 - c. State the laws or procedures of alleged violation
 - d. Any additional information believed to be relevant for review
 - e. The grievance must be signed and dated
 - f. Must include a legible address where official notices may be mailed to the grievant/complainant
 - g. Include the words **REQUEST FOR HEARING** at the top of the first page in capital letters of the formal complaint letter
 - h. Specifically state the type of violation nature of the action that is the subject of the grievance.
 - i. The grievance can be no longer than five (5) pages. Exhibits and attachments are not included in the five-page limit (i.e., emails, procedures, etc.).

- j. CSS will receive, review, and attempt to resolve the grievance/complaint informally, proceeding with the formal process. The President/CEO has fifteen (15) calendar days after receipt of the complaint to satisfactorily resolve the complaint.
- k. If the grievance/complaint cannot be resolved informally within fifteen days, then a hearing shall be set.
- l. The individual will be sent notice of hearing by certified mail w/ return receipt with at least fifteen (15) days in advance notice of the hearing date. The notice will advise them of the following:
 - i. The date, time, and location of the hearing
 - ii. The applicable sections of the law and any federal regulations involved
 - iii. That the individual may present witnesses and documentary evidence at the hearing
 - iv. That the individual may be represented by an attorney or other representative at the hearing
 - v. Notice that the individual will receive the Board's decision within sixty (60) calendar days after the official filing of the grievance/complaint.
4. CSS will record or transcribe the hearing to maintain an accurate and complete record of the hearing and documentation in the event the decision is appealed.
5. CSS will review the information presented at the hearing and notify the complainant of the board's official decision via certified return receipt mail.
6. Complainants who allege a labor standard violation will submit the complaint for binding arbitration if the collective bargaining agreement covers the parties involved.
7. Individuals with a disability needing special accommodations, or if an individual is a non-English speaker and require an interpreter, please call CSS at 941-358-4200 ext. 3112 at least five(5) business days prior to the hearing and state what special accommodation requirements are needed in order to participate in the hearing.

Note: Do NOT phone in the request. All Formal Grievances must be submitted in writing.

Filing an Appeal of CSS Decision or Lack of Action to the State (FloridaCommerce):

An individual has the right to file an appeal to Florida Commerce if/when the following occur:

- The grievance/complaint is not for reasons of unlawful discriminations.
- After CSS has conducted a hearing but the grievant/complainant, are dissatisfied with or have been adversely affected by the Hearing Officer's decision
- CSS has not conducted a hearing within the required 60-day timeframe
- CSS conducted the hearing but has not issued a decision within the mandated sixty (60) calendar day timeframe
- CSS has been non-responsive to the complaint; the required 60-day period for CSS to act has elapsed

If one of the above applies, an individual may appeal the decision with FloridaCommerce. To file an appeal:

1. An individual must make a written request for a formal hearing/appeal within 30 days of the CSS Hearing Officer's decision, or within thirty (30) days after the required sixty (60) day timeframe for CSS to act has elapsed. This request must be sent by certified mail, return receipt, to:

FloridaCommerce
Office of General Counsel
Caldwell Building - Suite 150
107 East Madison Street
Tallahassee, Florida 32399.

2. The request for a hearing/appeal must be clearly titled "Request for Hearing/Appeal."
3. The grievance can be no longer than five (5) pages. Exhibits and attachments are not included in the five-page limit (i.e., emails, procedures, etc.)
 - a. Include the written decision made by CSS from the local hearing
 - b. Submissions should be concise and clearly written or typed
 - c. State the facts of the situation
 - d. State the laws or procedures of alleged violation
 - e. Any additional information believed to be relevant for review
 - f. The grievance should be signed and dated
 - g. Must include a legible address where official notices may be mailed to the grievant/complainant
4. The State can return the grievance/complaint to the CSS to hold a hearing or impose other remedies to resolve the grievance/complaint.

Review and Hearing Process at State Level:

The state administrative entity will hear initial complaints or grievances regarding actions taken or decisions made by the state administrative agency for reasons other than alleged unlawful discrimination. Upon receipt, the state shall review and attempt to informally resolve the WIOA, TAA, TANF/WT, and SNAP grievance/complaint.

At the state administrative entity level, the Agency Head or his/her designee is the presiding officer and shall conduct all hearings of original state level complaints.

- 1) Within five (5) business days of receipt of appeal notice, FloridaCommerce agency heads, or their designee will notify the complainant and CSS that an appeal has been filed.
- 2) The state will review the submission and attempt to find an informal solution for the complaint.
- 3) If an informal resolution cannot be made, then the Agency Head or designee will act as Presiding Officer and begin the formal grievant process, and a hearing will be scheduled.
- 4) Each party shall be given a hearing notice to formally attempt to resolve the complaint.

- 5) The hearing notice shall advise the following:
 - a. The date, time, and place of the hearing
 - b. The pertinent sections of WIOA, TAA, WT/TANF, SNAP, or any other federal regulations involved
 - c. Affected parties may present witnesses or documentary evidence at the hearing
 - d. Affected parties may be represented at the hearing by an attorney or other representative
- 6) FloridaCommerce agency heads, or their designee shall issue a decision within sixty (60) calendar days of receipt of the appeal request.

The hearing shall be conducted in compliance with rules of procedure as contained in Chapter 28-106, Parts I, II, and III, Florida Administrative Code, incorporated herein by reference. The Presiding Officer will schedule a hearing, complete the hearing, and issue a decision within the required sixty calendar days of receipt of complaint/grievance.

Individuals with a disability needing reasonable accommodations shall call the State Administrative Entity Process Manager at (850) 245-7105 at a minimum of five (5) business days prior to the hearing and indicate what special accommodations are needed in order to participate in the hearing.

Remedies

The remedies that may be imposed under WIOA grievances/complaints (other than those alleging unlawful discrimination) shall be limited to:

- Suspension or termination of payments under WIOA Title I
- Prohibition of placement of a client with an employer that has violated any requirement under WIOA Title I
- Reinstatement of an employee, payment of lost wages and benefits, and re-establishment of other relevant terms, conditions, and privileges of employment, where applicable
- Other equitable relief, where appropriate

State (FloridaCommerce) Appeal Review of Local Hearing Officer's Decision:

A grievant/complainant may file an appeal of CSS's decision/final order if they are dissatisfied with or have been adversely affected by CSS's Hearing Officer's decision for reasons other than unlawful discrimination. The grievant/complainant must make a written request for an appeal within 30 days of the CSS Hearing Officer's decision. This request must be sent by certified mail, return receipt, to:

FloridaCommerce
Office of General Counsel
Caldwell Building - Suite 150
107 East Madison Street
Tallahassee, Florida 32399

Within (5) five business days of receipt of appeal notice, the States Agency Head or their designee will notify each party that an appeal has been filed. Each party will be given fifteen calendar days from the date of the notice to submit written argument and provide supporting documentation. Only unaltered, verbatim transcripts of the original hearing evidence and other proof introduced at the initial hearing will be considered for purposes of the appeal.

The party submitting the transcript must bear all expenses of the transcription and deliver a copy of the transcript to the Agency Head and the opposing party. If a stenographer authorized to administer oaths has not recorded the proceedings and prepared the transcript, an exact copy of the tape recording, video, or other recording must also be delivered to the Agency Head and the parties, along with the transcript. The party submitting the transcript and the recording must include a certification that the transcript is verbatim, and the recording is of the entire proceeding and has not been altered. The Agency Head will not consider a transcript when the foregoing procedure has not been followed.

The Agency Head or his/her designee shall issue a decision within sixty calendar days of receipt of the appeal request.

Judicial Review Period of Final Order:

The FloridaCommerce designee will issue a final order, which will be subject to a judicial review period and the Florida Rules of Appellate Procedure, Rules 9.110 and 9.190. An individual can file an appeal of the State (FloridaCommerce) decision if they are dissatisfied with or have been adversely affected by the FloridaCommerce Hearing Officer's decision; or the State has not conducted a hearing; or has conducted the hearing but has not issued a decision within the mandated sixty (60) calendar day timeframe.

The appeal must be filed within thirty (30) calendar days of receipt of the State's decision; or after the mandated sixty (60) calendar days have elapsed for the State to have issued a decision. The Request for Review/Appeal shall be filed with the following agency/entity:

1. WIOA and TAA appeals of state decisions may be filed with the U.S. Department of Labor (USDOL) using the Federal Level Appeal Procedures noted in the *Federal Level Appeal Process* section below.
2. TANF work activity and support services appeals may be filed according to the Rules of Appellate Procedure, Rules 9.110 and 9.190(b).

Federal Level Appeal Process:

Under WIOA regulations, 20 CFR Section 683.600, if the State has not issued a decision on a case that does not deal with allegations of unlawful discrimination within the required sixty (60) calendar-day timeframe, the grievant can file an appeal to the USDOL. The appeal must be filed with the USDOL no later than one hundred and twenty (120) calendar days of the filing of the grievance with the State, or the filing of the appeal of a local grievance with the State.

An appeal must be filed within sixty (60) days of the receipt of the decision being appealed in cases where a decision has been reached and the party to which such a decision has been adversely impacted wishes to appeal to the Secretary.

All appeals must be submitted by certified mail, return receipt requested to:

Secretary, U.S. Department of Labor
200 Constitution Avenue NW
Washington, D.C. 20210
Attention: Assistant Secretary of ETA

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

Atlanta Regional Office
61 Forsyth St, SW, Ste 7B54
Atlanta, GA 30303
Attn: Florida ETA Regional Administrator

The secretary must make a final decision on an appeal no later than one hundred and twenty (120) days after receiving the appeal request. Grievances or complaints filed directly with the Secretary that were not previously filed with the Local Area and/or state will be remanded to the Local Area or State, as appropriate.

Wagner-Peyser Employment Service Complaints:

Federal regulations [20 CFR Part 658.410](#) provide that each state shall establish and maintain an employment service complaint system that includes procedures at the local, State and Federal level for processing complaints related to Wagner-Peyser Employment Service (ES) that do not allege unlawful discrimination. Employment Services (ES) Complaints may be accepted in any CSS one-stop center, or elsewhere by outreach staff.

These complaints are handled by the Career Services manager or assigned Complaint Specialist. The Manager/Specialist will maintain a separate file for each complaint and enter the complaint on the Complaint Log. The complaint log includes the following information:

- The name of the complainant
- The name of the respondent (employer or State agency)
- The date the complaint was filed
- If the complaint is by or on behalf of a migrant seasonal farmworker (MSFW)
- Type of Complaint (employments-related law or the ES regulations)
- The action taken, formal or informal, to include the resulting resolution. When a client presents an ES complaint the following will occur:
 - CSS staff will request all the information perceived to be necessary to investigate the complaint
 - Request that the complainant indicate all the physical addresses, email, and telephone numbers through which they might be contacted during the investigation of the complaint
 - Request that the complainant contact the Complaint System Representative before leaving the area if possible and explain the need to maintain contact during the investigation

CareerSource Suncoast will work to resolve the complaint related to Migrant Seasonal Farm Workers (MSFW) within five (5) days through an informal process. Any complaint not related to MSFW must be elevated to the appropriate authorities.

The complaint is considered to be resolved when the complainant is satisfied with an acceptable outcome; the complainant chooses not to elevate to the next level; or when the complainant has not responded within twenty (20) business days after correspondence has been mailed for ES complaints and within forty (40) business days for MSFW complaints.

If the ES complaint is not resolved within five (5) business days, then the complaint and associated file documents are forwarded to the:

FloridaCommerce
Office of Career Center and Program Support
Caldwell Building–Suite 150
107 East Madison Street
Tallahassee, Florida 32399-4133
Attention: ES Complaint Coordinator

The complaint logs must be submitted within five days after the end of the quarter; the local Career Services managers will mail the Complaint Logs to the Senior Monitor Advocate at the address listed below:

FloridaCommerce
State Monitor Advocate Office
Attention: Senior Monitor Advocate
Caldwell Building – Suite 150
107 East Madison Street
Tallahassee, Florida, 32399-4133

The staff must ensure the complainant (or their representative) submits the complaint on the Complaint/Referral Form or another complaint form prescribed or approved by FloridaCommerce or submits complaint information which satisfies the parameters outlined in [20 CFR Part 658.410](#).

The complaint and associated file documents will be forwarded the address below for resolution at the state level:

FloridaCommerce
Office of Career Center and Program Support
Caldwell Building - Suite 150
107 East Madison Street
Tallahassee, Florida 32399
Attention: ES Complaint Coordinator

Special handling procedures are required for complaints filed by Migrant Seasonal Farm Workers (MSFW) that do not allege unlawful discrimination. The Sate Monitor Advocate are designated to handle MSFW complaints. (20CFR 658.40 (6)(h)) CSS will forward the complaint form and copies of all documents to the Senior Monitor Advocate. MSFW complaints involving an allegation of noncompliance with assurances regarding wage and hour law, or other employment conditions are to be forwarded to the nearest USDOL Wage and Hour office.

U.S. Department of Labor
Wage and Hour Division
4200 W Cypress Street, Suite 444.
Tampa, FL 33607

Alternately check the USDOL web site [Local Offices | U.S. Department of Labor \(dol.gov\)](https://www.dol.gov) to find the nearest office.

MSFW violations of Occupational Safety and Health Administration (OSHA) Directive's complaints should be forwarded to USDOL, Occupational Safety and Health Administration to the address listed below:

U.S. Department of Labor
Occupational Safety and Health Administration
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Employment Related Law Complaints:

When a complaint is filed regarding an employment-related law concern, CSS must determine if the complainant is an MSFW. If the complainant is a non-MSFW, the office must immediately refer the complainant to the appropriate enforcement agency, another public agency, a legal aid organization, and/or a consumer advocate organization, as appropriate, for assistance. Upon completing the referral, the local or State representative is not required to follow up with the complainant.

Discontinuation of Services to Employers:

The following conditions are identified in [20 CFR 658.501\(a\)](#) as the basis for discontinuation of services to employers:

1. Employer Submit and refuse to alter or withdraw job orders containing specifications which are contrary to employment-related laws
2. Employer Submit job orders and refuse to provide assurances, in accordance with the Agricultural Recruitment System for U.S. Workers at part 653, subpart F, of this chapter, that the jobs offered are in compliance with employment-related laws, or to withdraw such job orders
3. Are found through field checks or otherwise to have either misrepresented the terms or conditions of employment specified on job orders or failed to comply fully with assurances made on job orders
4. Are found by a final determination by an appropriate enforcement agency to have violated any employment-related laws and notification of this final determination has been provided to the Department or the SWA by that enforcement agency
5. Are found to have violated ES regulations pursuant to [20 CFR 658.411](#)
6. Refuse to accept qualified workers referred through the clearance system
7. Refuse to cooperate in the conduct of field checks conducted pursuant to [CFR 20 653.503](#)
8. Repeatedly cause the initiation of the procedures for discontinuation of services pursuant to [20 CFR 658.501\(a\)\(1-7\)](#)

CSS may discontinue services immediately if, in the judgment of the State Administrator, exhaustion of the administrative procedures outlined above would cause substantial harm to a significant number of workers. In such instances, procedures at [§§ 658.503](#) and [658.504](#) must be followed.

More detail on the ES Complaint System (20 CFR sections 658.411-418) can be found in the [Complaint Resolution Handbook](#), e.g., the completion of the complaint filing, assigning, and handling ES related complaints, complaint resolution, referrals, hearings, etc. Also, a list of referral agencies is available in the Complaint Resolution System Handbook that has been provided to each Regional Workforce Board, local Representative, and Career Center.

Note: Nothing included in this policy precludes a grievant or complainant from pursuing a remedy authorized under another Federal, State, or local law.

Criminal Fraud and Abuse:

In Accordance with 20 CFR 683.620 the process for reporting criminal fraud and abuse. Information and grievances involving criminal fraud, waste, abuse, or other criminal activity must be reported immediately through the U.S. Department of Labor’s (USDOL) Incident Reporting System. The complaint should be mailed or phoned:

USDOL Office of Inspector General
Office of Investigations
Room S-5514
200 Constitution Avenue NW
Washington, D.C. 20210
<i>Or</i>
USDOL Hotline: 1-800-347-3756

The complaint can also be made to the corresponding Regional Inspector General for Investigations, with a copy simultaneously provided to the Employment and Training Administration. Procedures for reporting such incidents and instructions for completing the incident reporting form can be found at the following web site: [General Complaint Form - FloridaJobs.org](http://FloridaJobs.org).

USDOL Southeast Regional Inspector General for Investigations
Office of Investigations
Sam Nunn Atlanta Federal Center
61 Forsyth Street SW, Suite 6T1
Atlanta, Georgia 30303.

These complaints should also be reported at the local level to the CareerSource Suncoast Board Chair. Any such concern can be reported to the: **Integrity Hotline at 941-479-6321** to the attention of the Board Chair.

In addition to the Integrity Hotline, to facilitate reporting of suspected violation where the reporter wishes to remain anonymous, a written statement may be submitted to the Chief Executive Officer (CEO) by mailing to:

ATTN: President/CEO
CareerSource Suncoast
3660 N. Washington Blvd.
Sarasota, FL 34234

Discrimination Grievances:

The complaint procedures for charges of discrimination are separate and distinct from the grievance procedures outlined elsewhere in this document.

Discrimination on the basis of race, color, ethnic characteristics, disability, actual or perceived religion, sex, national origin, shared ancestry, age, marital status, political affiliation or belief, participation in any WIOA Title I financially assisted program or activity, or on the basis of citizenship or status as a lawfully admitted immigrant authorized to work in the United States is prohibited under federal and/or state laws.

A complaint of alleged discrimination may be filed by any person, including (but not limited to) any employee, applicant for employment, or customer of a Center, Center operator, training provider, or other program or activity that is offered through the Center system, who feels he or she, or any specific “class of individuals” (group of people), has been subjected to unlawful discrimination by a program or activity offered through the Center system, or by the FloridaCommerce or CSS.

If an individual believes they or someone they know has been subjected to unlawful discrimination, complaints may be filed with the CSS Equal Opportunity Officer (EOO). The contact information for the current CSS Equal Opportunity Officer can be found on the CSS website at [Policies – CareerSource Suncoast](#) under the Equal Opportunity and Non-Discrimination Notice section. Instructions for filing a complaint are posted on the website. CSS will attempt to resolve the complaint within five (5) days of receipt of the complaint.

To file complaints directly with the state, the complaint must be filed in accordance with FloridaCommerce Discrimination-Complaints Procedures. The discrimination complaint procedures are available on the FloridaCommerce Website [Home - FloridaJobs.org](#) at [Time Limits for Filing a Discrimination Complaint - FloridaJobs.org](#).

For reporting to the federal level, the appropriate program contacts are outlined below.

WIOA and Wagner Peyser Programs:

In accordance with [20 CFR 658.411](#), Under Wagner-Peyser, discrimination complaints may be filed directly with a local-office equal opportunity officer (EEO), when such has been designated and trained, with the state agency having administrative responsibility for Wagner-Peyser programs, or with the Civil Rights Center, U.S. Department of Labor.

The CSS office Equal Opportunity Officer contact information is noted on page #13 of this policy. Questions about or complaints alleging a violation of the non-discrimination provisions of WIOA sec.188 may be directed or mailed, faxed, or emailed to the Civil Rights Center (CRC):

Director, Civil Rights Center
ATTENTION: Office of External Enforcement
U.S. Department of Labor
Room N4123
200 Constitution Avenue NW.
Washington, DC 20210

Fax: (202)693-6505
ATTENTION: Office of External Enforcement
Email: CRCEXternalComplaints@dol.gov

If an individual is a person with a disability and require auxiliary aids and services in order to file a complaint, to access the CRC complaint form, or during the CRC complaint process, please contact the office of Civil Rights at CRCEXternalComplaints@dol.gov or by phone at (202)-693-6500 or TTY/TRS 1-800-877-8339.

SNAP- Discrimination Complaints

Any person who believes he or she, or any specific class of individuals (including employees of and applicants for employment with an agency administering the SNAP program), has been subjected to unlawful discrimination under SNAP program may file a complaint in accordance with FloridaCommerce Discrimination-Complaint Procedures. Under the SNAP program, in accordance with [7 CFR part 15](#) individuals who believe that they have been subject to discrimination may file a written complaint to:

United States Department of Agriculture
Office of the Hearing Clerk
Room 112
Administration Building
Washington, D.C. 20250

Under Florida law, employees or applicants may also choose to file employment complaints with the Florida Commission on Human Relations. (Reference: Section 760.06, F.S.)

Health and Safety Grievances:

Health and safety standards which have been established under both Federal and/or State law which apply to the working conditions of employees are also applicable to clients of programs and activities under WIOA Title I and clients in employment activities. **CSS does not hear complaints related to health and safety.** If an individual has a complaint related to a health or safety matter, they may file the complaint with:

FloridaCommerce
Office of General Counsel
Caldwell Building, MSC 110
107 East Madison Street
Tallahassee, Florida 32399-4128
(850) 245-7150

They may also file a health and safety complaint with:

U.S. Department of Labor
Occupational Safety and Health Administration
200 Constitution Avenue, N.W.
Washington, D.C. 20210

The OSHA website [File a Complaint | Occupational Safety and Health Administration \(osha.gov\)](http://www.osha.gov) provides additional information on the various methods in which an individual can file a complaint. (i.e., mail, fax, phone, in person, etc.). For more information regarding health and safety issues, visit the Occupational Safety and Health Administration’s Website at <http://www.osha.gov> or the Florida Department of Health Website at <http://www.doh.state.fl.us>. **Local, State, and Federal Agency**

Contacts:

Contact the following entities for discrimination, employment, health and safety, or Florida law violations/complaints:

<p>Florida Commission on Human Relations Florida Law Violations 4075 Esplanade Way, Room 110 Tallahassee, Florida 32399 Phone:(850) 488-7082 Toll free:1-800-342-8170 Florida Relay Service Voice (statewide) 711 Contact Us — Florida Commission on Human Relations (myflorida.com)</p>	<p>U. S. Department of Labor, Civil Rights Center Discrimination Complaints 200 Constitution Avenue NW Room N-4123 Washington, D. C. 20210 How to File a Complaint with External Enforcement U.S. Department of Labor (dol.gov)</p>
<p>U. S. Equal Employment Opportunity Commission (EEOC) Employment Complaints Miami District Office Miami Tower 100 SE 2nd Street, Suite 1500 Miami, FL 33131 Phone: (305) 808-1763 Toll Free: 1-800-669-4000 TTY: 1-800-669-6820 Miami District Office U.S. Equal Employment Opportunity Commission (eeoc.gov)</p>	<p>USDOL Occupational Safety and Health Administration (OSHA) Safety and Health Violations 200 Constitution Avenue NW Washington, D.C. 20210 Phone:1-800-321-6742 TTY 1-877-889-5627 File a Complaint Occupational Safety and Health Administration (osha.gov)</p> <p>Regional Office Sam Nunn Atlanta Federal Center 61 Forsyth Street, SW Room 6T50 Atlanta, GA 30303 Phone: (678) 237-0400</p> <p>Local Office: Tampa Area Office 5807 Breckenridge Parkway, Suite A Tampa, FL 33610-4249 Phone: (813) 626-1177</p>
<p>U. S. Equal Employment Opportunity Commission (EEOC) Employment Complaints Tampa Area Office 501 East Polk Street, Suite 1000 Tampa, Florida 33602 Phone:(813) 228-2310 Toll Free: 1-800-669-4000 Toll Free: 1-800-669-4000 TTY: (813) 228-2003 Tampa Field Office U.S. Equal Employment Opportunity Commission (eeoc.gov)</p>	<p>USDOL Office of Inspector General, Office of Investigations 200 Constitution Avenue NW Room S-5014 Washington, D.C. 20210 Office of Inspector General U.S. Department of Labor - Contact OIG (dol.gov)</p>

Attachments(s):

None: All forms associated with this Policy are stored on CSS SharePoint folders.

AUTHORITY:

- Office of Inspector General [Office of Inspector General U.S. Department of Labor - Contact OIG \(dol.gov\)](#)
- [20Code of Final Rule- What local are, State , and Direct recipient grievance procedures must establish](#)
- [eCFR: 20 CFR Chapter V -- Employment and Training Administration, Department of Labor](#)
- [FloridaCommerce Final Guidance Grievance/Complaint and Hearing/Appeal Procedures](#)
- TANF State Plan [TANF-Plan.pdf \(myflfamilies.com\)](#)
- Florida Administrative Code [60BB-1: WORKFORCE PROGRAMS' GRIEVANCE, COMPLAINT, HEARING AND APPEAL PROCEDURES - Florida Administrative Rules, Law, Code, Register - FAC, FAR, eRulemaking \(flrules.org\)](#)

Supersession:

This policy supersedes and replaces Policy# 1-06R5 Customer Grievance/Complaint, Hearing/Appeal, and Criminal Fraud/Abuse Incident Reporting Procedures dated 02/10/2014.

Inquiries:

Any questions about this policy should be directed to the CEO, COO, CFAO and/or their designee.