



**DEPARTMENT OF HUMAN SERVICES
EMPLOYMENT SERVICES OF WELD COUNTY**

315B NORTH 11TH AVENUE

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Responsibility: Weld County Workforce Development Board
Subject: Employment Services Complaint System and Reporting Requirements
Policy Number: WCWDB-8-2018-1
Revises Policy Number: 8 – Grievance Complaint Policy
Implementation Date: May 21, 2019
Scheduled Review Date: January 2021

PURPOSE:

The purpose is to provide information and guidance to Employment Services of Weld County (ESWC) staff regarding requirements of the Employment Service Complaint System and the processing of the system reporting forms, to include the revised ETA-8429 for formal complaints to ensure continued compliance. The guidance ensures compliance with Colorado Department of Labor and Employment Policy Guidance Letter (PGL) ADM-2017-01; WIOA Final Rule – 20 CFR 658.400-504: Employment Service and Employment-Related Law Complaint System and USDOL TEN 1-17: Updated ETA 8429 – Complaint/Apparent Violation Form.

POLICY:

Employment Services of Weld County establishes the general policies and procedures in accordance with Employment Services Complaint System and Reporting Requirements PGL ADM-2017-01. All staff will ensure clients are informed of their rights and those who believe their rights have been negatively affected can get access appropriate complaint agency information or file a complaint directly with ESWC staff.

PROCEDURES:

Employment Services of Weld County staff will follow the general policies and procedures for the Employment Service Complaint System. To ensure compliance with the associated regulations, staff should reference the appropriate PGL and the attachments for further guidance, clarification, and information regarding the required complaint process.

General Complaint Duties

Employment Service of Weld County is responsible for establishing a complaint system to

maintain central complaint logs to record ES and non-ES related complaints. All complaint posters and flyers must be displayed prominently at every office within the local area. All offices must educate the public on the complaint process and ensure there is a trained complaint taker available during office hours. The Employment Service Complaint System Report and copy of complaint logs, must be completed by the Weld County Department of Human Services (WCDHS) Complaint Officer and is due to Colorado Department of Labor and Employment's Monitor Advocate on the tenth day of the month following the end of the reporting quarter. The report is to be submitted to Olga Ruiz, State Monitor Advocate at olga.ruiz@state.co.us.

Migrant Seasonal Farmworker (MSFW) complaints which cannot be resolved at the local level that are Employment Service (ES) related and involve referral to a Job Order, will be referred to the State Monitor Advocate:

Colorado Department of Labor and Employment
Attn: Olga Ruiz, State Monitor Advocate
633 17th Street, Suite 700
Denver, CO 80202-3627
olga.ruiz@state.co.us

All other complaints will be forwarded to WCDHS Complaint Officer:

Weld County Department of Human Services
Carrie Becker
315 N 11th Avenue, Building C
Greeley, CO 80631
beckerca@weldgov.com

Non-ES Related Complaints-Jobs not found through Connecting Colorado

Employment Service of Weld County is responsible for logging all non-employment services related complaints and refer the client to appropriate enforcement agencies that may be able to assist, for example, attorneys, consumer advocates and/or other assistance where appropriate.

ES Related Complaints

Employment Services of Weld County is responsible for taking Employment Services related complaints up to two years of the alleged violation. An ES related complaint is any job referred and recorded in Connecting Colorado. ESWC must compile full documentation of all complaints, conducted follow up, attempt to resolve all wage and hour complaints locally, record all successful outcomes, or escalate unsuccessful complaints or non-wage and hour complaints to Weld County's Complaint Officer who will forward the complaint to the Colorado Department of Labor and Employment's (CDLE) Monitor Advocate.

Migrant and Season Farmworker Complaints

Employment Services of Weld County is responsible for taking all alleged complaints made by migrant and seasonal farmworkers if the job is considered ES related or not. ESWC must compile full documentation of all complaints, conducted follow up, attempt to resolve all wage and hour complaints locally and record all successful outcomes. All locally resolved MSFW complaints are logged on the reception logs and sent to the WCDHS Complaint Officer on a quarterly basis. If ESWC is unable to resolve the MSFW wage and hour complaint, it will be referred to CDLE's Monitor Advocate.

All non-wage and hour complaints will be immediately forwarded to CDLE's Monitor Advocate and WCDHS Complaint Officer, who will then forward to the proper complaint agency.

The Service to Migrant and Seasonal Farmworkers report must be completed by the WCDHS Complaint Officer and is due to CDLE's Monitor Advocate on the tenth day of the month following the end of the reporting quarter. The report is to be submitted to Olga Ruiz, State Monitor Advocate at olga.ruiz@state.co.us.

Workforce Center Complaints

If a client claims discrimination against any local ESWC WP staff, the manager will take the complaint information and send it to the Division Head and the WCDHS Complaint Officer. If the complaint cannot be resolved with the EO officer, it will be referred to the EEO Officer at Colorado Department of Labor and Employment.

Note: If a complaint is reported against Workforce Innovation and Opportunity Act (WIOA) staff, please refer to the WIOA Complaint Procedure policy (WCWDB-23-2018-1) for more information.

Apparent Violations

The Local Office Manager of the workforce agency (Registration Unit Manager) is responsible for processing apparent violations if an WFC employee observes, has reason to believe, or has received information regarding a suspected violation of employment related law or ES regulations against a Migrant and Seasonal Farmworker. The Local Office Manager will then take the apparent violation information and send it to the Division Head, who will decide if the violation should be pursued. If approval to pursue is received, Registration staff will process the violation and send it to the State Monitor Advocate for MSFW related complaints or the WCCDHS Complaint Officer for distribution to the appropriate agencies.

Discontinuation of Services

Employment Services of Weld County must initiate procedures for discontinuation of services to employers who: refuse to alter or withdraw job orders containing specifications which are contrary to employment-related laws; Submit job orders and refuse to provide assurances, in accordance with the Agricultural Recruitment System for U.S. Workers that the jobs offered are in compliance with employment-related laws, or to withdraw such job orders; 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; 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; Are found to have violated ES regulations pursuant to § 658.411; Refuse to accept qualified workers referred through the clearance system; Refuse to cooperate in the conduct of field checks conducted pursuant to § 653.503 of this chapter; or repeatedly cause the initiation of the procedures for discontinuation of services.

Other Non-ES Related Complaints

Any complaints alleging violations under the Unemployment Insurance program, under Workforce Innovation and Opportunity Act (WIOA) title I programs, or complaints by veterans alleging employer violations of the mandatory listing requirements under 38 U.S.C. 4212 are not covered under the Employment Services and Employment Related Law Complaint System and must be referred to the appropriate administering agency which would follow the procedures set forth in the respective regulations.

ATTACHMENTS TO THIS POLICY:

ETA-8429: Complaint/Apparent Violation Form

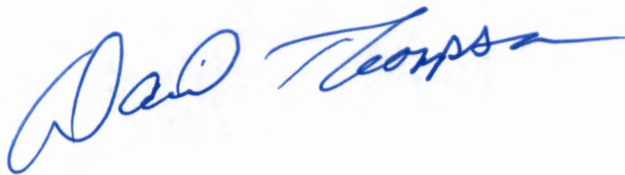
ETA-8429: Complaint/Apparent Violation Form – Instructions for Completing ES Complaint System Logging Instructions and Log

ETA-5148, Part I: Service to Migrant and Seasonal Farmworkers Report

ETA-5148, Part I: Instructions for Migrant and Seasonal Farmworker Report

ETA-5148, Part III: Employment Service Complaint System Report

ETA-5148, Part III: Instructions for ES Complaint System Report

A handwritten signature in blue ink, reading "Dan Thompson". The signature is fluid and cursive, with the first name "Dan" and last name "Thompson" clearly legible.