

**ACTION BULLETIN**

**TO:** All WIOA Service Providers

**DATE:** 05/22/2018

**SUBJ:** **Grievance and Complaint Procedures – Delivery and Retention of Notice to Participants with Visual Impairments in Alternate Formats**

**Purpose of Bulletin:**

The purpose of this Bulletin is to transmit the Alameda County Workforce Development Board's (ACWDB) amendment to the formal Grievance and Complaint Procedures issued December 1, 2008.

During the annual Employment Development Department (EDD) Equal Employment Opportunity (EEO) review, ACWDB was notified that we must advise our subcontractors that the Workforce Innovation and Opportunity Act (WIOA) of 2014 Section 188 specifies that notice must be provided in appropriate alternate formats to individuals with visual impairments, and where notice has been given in an alternate format to a participant with a visual impairment, a record that such notice has been given must be made a part of the participant's file.

**Citations:**

Section 188 of the Workforce Investment Act (WIA) of 1998  
WIA Sec. 181(c)  
DOL Code of Federal Regulations (CFR) Title 20 Parts 658.400, 667.600 and 667.275  
Title 41 CFR Subparts 101-19.6  
Americans with Disabilities Act of 1990, Title II, Subpart A  
Age Discrimination Act of 1975 as amended  
Section 504 of the Rehabilitation Act 1973  
Title IX of the Education Amendments of 1972  
Title VI and VII of the Civil Rights Act of 1964, as amended  
DOL Code of Federal Regulations Title 29 CFR Parts 31, 32, and 37.35  
WIA D02-3 Incident Reporting  
WIA D04-20 Limited English Proficiency  
WSD 07-II Data Verification Requirements –WIA Customer Data Collection  
WSD WIAD05-17 Audit Resolution  
Fair Employment and Housing Act (Gov. Code, Title 2, Div 3, Part 2.8), Chapters 1-6  
Dymally-Alatorre Bilingual Services Act, Gov. Code Sec. 7290-7299.8

## **Policy and Procedures:**

The Department of Labor (DOL) Code of Federal Regulations Title 20 Sec. 667.600 requires each State, Local Workforce Investment Area (LWIA), and other direct recipients of Workforce Innovation and Opportunity Act (WIOA) funds to establish and maintain procedures for grievances and complaints from participants and other interested parties affected by the local workforce system, including one-stops, service providers, partners, employers, et al.

Any participant or other interested party adversely affected by a decision or an action by the local workforce system, including decisions by one-stop operators, their partners, youth program operators, et al has the right to file a grievance or complaint with the ACWDB.

Within the code is the WIOA Section 188 Disability Checklist -- from Federal Legislation Reference to 29 CFR 37.31(a) that states:

- a. At a minimum, the notice of Grievance and Complaint procedures must be:
  - 1) Posted prominently, in reasonable numbers and places;
  - 2) Disseminated in internal memoranda and other written or electronic communications;
  - 3) Included in handbooks or manuals; and
  - 4) ) Made available to each participant, and made part of each participant's file.

The checklist goes on to state:

- b. The notice must be provided in appropriate formats to individuals with visual impairments. Where notice has been given in an alternate format to a participant with a visual impairment, a record that such notice has been given must be made a part of the participant's file.

## **Action:**

This Action Bulletin revises AB #8 issued December 1, 2008 and a subsequent revision issued May 15, 2013. The new ACWDB Grievance and Complaint Procedures also replaces those issued prior to 2018 independently of AB #8.

To comply with Section 188 of WIOA and the Department of Labor Code of Federal Regulations 29 CFR 37.31 (b), on non-discrimination to individuals with disabilities, the following provisions for delivery of notice in alternate formats must be followed as outlined below:

- a. Large print and Braille versions of the notice are available or the notice is read to individuals with visual impairments. Where notice has been provided in an alternative format to individuals with a visual impairment, a record is made that such notice has been given and is made part of the participant's file.
- b. Readers are made available to the visually impaired for use with websites where the notice is electronically posted at DOL and all sites, including One-Stop Centers.

- c. Individuals filing for unemployment benefits by telephone can receive information about the notice via the TDD/TYY number (a copy of the notice is provided in the unemployment insurance handbook).

Please ensure all appropriate program staff, partners, employees, and employers with WIOA trainees onsite are aware of these procedures. Please destroy and replace the 2008 and 2013 ACWDB Grievance and Complaint Procedures with the new documents. Technical assistance is available by calling your assigned ACWDB Program Liaison if you have questions about the notification requirements.

**Information & Inquiries:**

For questions about the ACWDB Grievance and Complaint Procedures document or the content of this bulletin, please contact Rhonda Boykin, Assistant WDB Director at [rboykin@acgov.org](mailto:rboykin@acgov.org) or at (510) 259-3844.

For grievances or complaints, unresolved at the program level, please contact Patti Castro, WDB Director at [PCastro@acgov.org](mailto:PCastro@acgov.org) or at (510) 259-3843.