



COUNTY OF LOS ANGELES WORKFORCE DEVELOPMENT, AGING AND COMMUNITY SERVICES



WORKFORCE DEVELOPMENT PROGRAMS DIRECTIVE

DATE: August 1, 2018

NUMBER: WDP D18-06

Title V-Senior Community Service Employment Program (SCSEP) Grievance Policy

EXECUTIVE SUMMARY

This directive provides Los Angeles County America's Job Centers of California (AJCCs) operating the Title V SCSEP with the grievance procedure for the disposition of any SCSEP participant formal complaints against the SCSEP along with the required levels of complaint resolution.

REFERENCES

- Title 20 CFR 641.910
- Title 22 CCR §7400-7406
- CDA PM 11-06 *Revised U.S. Department of Labor Regulations, Code of Federal Regulations, Title 20, Part 641 Senior Community Service Employment Program, Grievance and Termination Policy Changes*

BACKGROUND

Title 20 Code of Federal Regulations (CFR) Section 641.910 (a) states as follows: "Each grantee must establish, and describe in the grant agreement, grievance procedures for resolving complaints ... arising between the grantee, employees of the grantee, sub-recipients, and applicants or participants."

In accordance with the federal regulations, California Department of Aging (CDA) mandates that all SCSEP operators comply with the grievance procedure detailed in Title 22, California Code of Regulations, Sections 7400-7406 (22 CCR §7400-7406).

As such, all AJCCs operating Title V SCSEP must follow the grievance procedures detailed herein when addressing all formal complaints from participants and provide all active participants with the grievance procedure information.

GRIEVANCE POLICY AND PROCEDURES

COMPLAINT PROCESS:

Discrimination Complaint Process:

Written complaints alleging discrimination on the basis of race, creed, color, sex

(including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), religion, ancestry, age, disability, marital status, political affiliation or belief, national origin (including limited English proficiency) shall be mailed to:

Civil Rights Center
U.S. Department of Labor
200 Constitution Avenue, NW., Room N-4123
Washington DC 20210

General Complaint Process:

In the event a participant has a complaint about the application of the Title V SCSEP rules, guidelines or policies or a complaint that a SCSEP staff violated any provision of the rules, guidelines or policies, a formal complaint may be submitted following the guidelines specified below.

Participant formal complaints must include all of the following information:

1. The name, mailing address, telephone number, and email, if available, of the complainant or person authorized to act on behalf of the complainant;
2. The host agency name and when different from the host agency, the training site name and location;
3. The names and if applicable, titles of the individuals involved;
4. The issue of concern or dispute (detail the actual complaint);
5. The date, time and place that the issue of concern or dispute occurred;
6. Names of any witnesses, if applicable; and
7. Signature of the participant and date of complaint.

If the complainant cannot submit a written complaint, a verbal complaint can be made to the AJCC with the above listed information. AJCC staff must prepare a written complaint to be signed by the participant/complainant.

First Level of Complaint Resolution

AJCCs shall be the first level for the resolution of complaints from participants. AJCCs must have an established written grievance process for reviewing and attempting to resolve participant complaints which, at minimum, shall include the following parameters:

- Specific timeframes within which a complaint will be acted upon;
- Provides for written notice to the complainant of the results of the first level of review, including a statement that the complainant may request an Administrative Hearing if dissatisfied with the results of the AJCC management's review; and

- Contains confidentiality provisions to protect the complainant's rights to privacy, which specifies that only information relevant to the complaint may be released by the AJCC to the responding party *without* the complainant's consent.

Any complaints sent directly to the WDACS SCSEP Staff shall be forwarded to the appropriate AJCC for the first level of review. In the event the complaint is about the current AJCC Case Manager, the first level of complaint resolution may be handled by another AJCC representative designated by AJCC management.

Informal Administrative Review:

After 10 calendar days from the receipt of a participant complaint, AJCC staff shall commence an informal review of the complaint. The informal review shall involve an impartial investigation of the complaint and the facts relating thereto and an attempt to resolve the issue(s) with the parties involved in an informal manner; i.e., an in person meeting with all persons involved and the AJCC Case Manager.

The informal review shall last no more than 30 calendar days and at completion thereof, the AJCC staff shall prepare a written report of the results of the informal review, including any agreements reached by the parties. A copy of this report shall be provided to all parties involved. The Complainant shall receive both the report and notice of his/her right to a formal administrative hearing if dissatisfied with the results of the informal review.

Final Level of Complaint Resolution

Any complainant dissatisfied with the results of the first level of review has the right to request a formal administrative hearing to present her/his complaint orally before an impartial hearing officer/panel.

In order to exercise this right, the complainant must complete and submit the Grievance and Complaint Administrative Hearing Request Form (Attachment I) within thirty (30) calendar days from the receipt of the written report from the first level of review to the Los Angeles County PSA 19 Grievance Hearing Panel as instructed on the form.

The timeline for the hearing process is as follows:

1. Within 30 calendar days after receipt of the first level report, Complainants must submit the completed Grievance and Complaint Administrative Hearing Request Form to request a hearing.
2. Within 45 calendar days after submission of a completed Grievance and Complaint Administrative Hearing Request Form, a hearing shall be held.
3. The complainant shall be notified in writing 10 calendar days prior to the date of the hearing.

4. This hearing notice shall include:
 - a. The date, time and location of the hearing
 - b. Complainant's right to be present and right to have another person present and act on their behalf

Administrative Hearing:

Participant/Complainant must be in attendance at the hearing and has the right to present evidence, witnesses, and other sources of relevant information.

The Administrative Hearing parameters:

1. Conducted by an impartial hearing panel, consisting of two impartial hearing officers;
2. Testimony and evidence presented must be relevant to the issues requiring resolution as detailed in the Grievance and Complaint Administrative Hearing Request Form;
3. The hearing shall be recorded verbatim, either electronically or stenographically;
4. All persons testifying at the hearing shall be placed under an oath to tell the truth;
5. An informal hearing in which technical rules of evidence and procedure do not apply.

The Los Angeles County PSA 19 hearing panel shall prepare a written proposed final decision based on all relevant evidence presented, the applicable policies, procedures, regulations and laws for SCSEP by 30 calendar days after the hearing date.

The written proposed final decision shall include:

1. Description of each issue/complaint;
2. Determination of whether the complaint is valid or not. The basis for this determination.
3. If the complaint is determined to be valid, provide remedial action(s) needed; and
4. Citation of the relevant and applicable policies, procedures, regulations and laws;

The proposed final decision shall be forwarded to the AAA Director. In the event the complaint involves the AAA Director, then the chairperson of the governing board will conduct the final review.

Within 30 calendar days of receipt of the proposed final decision, there shall be a final determination to either:

1. Approve the decision as the final decision *or*
2. Prepare a new final decision

Final Result of Complaint Resolution:

Within 60 calendar days of the hearing, Los Angeles County PSA 19 will provide the AJCC and complainant with a final decision and if applicable, detail the implementation for any remedial action.

Final decisions made by Los Angeles County PSA 19 are final and not subject to appeal.

The Department of Labor (DOL) will only review a final decision to ensure that the grievance policy and procedures were followed, not to revise, overrule or approve the final decision.

ACTIONS

Los Angeles County AJCCs must ensure that the policies and procedures described herein are communicated throughout the operations, management and governance structure of the contractor organization and that this Directive is appropriately maintained until further notice. The AJCC Case Managers shall provide all SCSEP participants with a copy of this Grievance Policy.

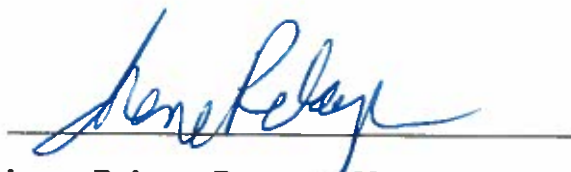
Los Angeles County AJCCs must develop and implement written internal controls and procedures incorporating all the requirements pursuant to Section 7406(a)(2).

REQUIRED POSTINGS

AJCCs must maintain and display the grievance process notification in visible and accessible areas, such as the bulletin boards in the Resource room with translation available upon request.

INQUIRIES

Inquiries regarding this directive and the policies and procedures described herein should be directed to SCSEP@wdacs.lacounty.gov



Irene Pelayo, Program Manager

Workforce and Community Services Branch

Attachment I: Grievance and Complaint Administrative Hearing Request Form



**LOS ANGELES COUNTY PSA 19
TITLE V SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM (SCSEP)**

Grievance and Complaint Administrative Hearing Request Form

Any Title V participant or person authorized to act on behalf of a participant that is dissatisfied by the result of the informal review of the participant's formal complaint has thirty (30) calendar days from the receipt of the informal review report to request a formal Complaint Administrative Hearing to present his/her complaint orally before an impartial hearing officer/panel from Los Angeles County Planning Service Area (PSA) 19.

A formal Administrative Hearing will be scheduled within 30 calendar days of submission of this form, which the participant will be notified in writing ten (10) calendar days prior to the date of the hearing. Keep a copy of this completed form until you receive the notice of the scheduled hearing date, time and location.

Complainant - Complete the below section to request an Administrative Hearing and submit this completed form and any related documents to:

**Title V SCSEP
Los Angeles County PSA 19 Grievance Hearing Panel
3175 West 6th Street
Los Angeles, CA 90020
Phone: (213) 716-0472
Fax: (213) 383-6970
Email: SCSEP@WDACS.lacounty.gov**

Complainant Name: _____

Title V Participant Name (if different from above): _____

Mailing Address: _____

Telephone Number: _____

Email (if any): _____

Provide a copy of the following documents with this form:

1. The original complaint, if written and
2. The written report of the results of the informal review

