	<b>New Jersey Workforce Innovation Notice</b>		<b>WD-PY22-9</b>
	<b>Issued By:</b>	Workforce Development Division of Career Services	
	<b>Approved By:</b>	Dr. Yolanda Allen, Assistant Commissioner Workforce Development	
	<b>Issued Date:</b>	March 24, 2023	

**SUBJECT: Unified Complaint Procedure**

**EFFECTIVE DATE:** This NJWIN is effective **Immediately**.

**POLICY RESCISSIONS:** This policy rescinds and replaces NJWIN 12-16 immediately.

**FOR MORE INFORMATION:** Questions about this policy may be directed to [WIOAPOLICY@dol.nj.gov](mailto:WIOAPOLICY@dol.nj.gov).

#### **PURPOSE**

The purpose of this policy is to create a uniform One Stop Career Center (One Stop) customer complaint process that is part of standard practice across all Local Workforce Development Boards and One Stop partners. The unified procedure details steps that One Stop management and staff must follow to publicize, document, and process complaints that allege:

- Discrimination, inappropriate actions, and/or omissions by One Stop staff
- Violations of the Workforce Innovation and Opportunity Act (WIOA)
- Violations of labor standards among employers interacting with the public workforce system, including specifically through work-based learning opportunities and the Migrant Seasonal Farmworker (MSFW) program.

Local Workforce Development Boards must ensure that all local entities that are funded through WIOA funds – including Title I and Wagner Peyser funds – establish and maintain complaint procedures consistent with this document. Any additional locations in which One Stop partners are providing services outside of the formal One Stop location must also adhere to the standards highlighted in this policy.

#### **OVERVIEW**

NJ's Unified Complaint Procedure is critical for ensuring the accountability of the One Stop system and all its partners and stakeholders to the customers that the system is designed to serve. All customers must be informed of their rights and complaint processes.

This policy provides an overview of specific requirements that NJDOL, Local Workforce Development Areas, and all One Stop partners must adhere to. All staff and partners must work together to:

1. Publicize the Unified Customer Complaint procedure
2. Utilize the customer complaint form



3. Establish a complaint specialist that serves as the point of contact for all One Stop partners and customers
4. Establish local procedures aligned with this policy for the receipt, resolution, and disposition of customer complaints including an appeal process.
5. Establish general plans for regular training and review among all One Stop staff regarding the role of the complaint specialist and all staff in implementing the Unified Complaint Procedure
6. Monitor compliance with the processes established
7. Ensure that the information regarding complaint procedures will be understood by all affected participants and other individuals, including youth and those who are limited-English speaking individuals.

The policy provides details about these various elements to support One Stops in setting up local procedures that follow the Unified Customer Complaint procedure. The attachments in this policy include the common form, as well as additional resources, such as handouts, scripts and logs used to implement this policy.

### **STATE AND LOCAL COMPLAINT SPECIALISTS AND EQUAL OPPORTUNITY OFFICERS**

Each One Stop must designate a Complaint Specialist, a backup Complaint Specialist, and an Equal Opportunity Officer (EEO). Local Workforce Development Boards must consult with One Stop partners to identify staff members that will serve in these roles. The Complaint Specialist and EEO may be the same person. If for some reason no specific designation or selection is in place the default Complaint Specialist is the acting Employment Services manager. Please note: the name, business address, telephone number, and email address of the designated Complaint Specialist and EEO must be publicized and included in all customer information describing how to file a complaint.

All complaints are referred to the Complaint Specialist who is responsible for navigating customers through the entirety of the process. Complaints alleging discrimination necessitate the involvement of the EEO. These local roles are the first point of contact for all One Stop complaints. A list of Local Complaint Specialists/EEOs at the time of this issuance can be found in Appendix A.

State complaint roles provide guidance to support local complaint processes, gather information state-wide, and support appeals processes. Staff currently operating in these roles are also included in the contact lists found in Appendix A.

Finally, in addition, NJDOL also supports a State Monitor Advocate who supports complaints related to the Migrant Seasonal Farmworker Program (MSFW). Any complaints that are logged locally with regards to the MSFW program must be immediately elevated to the State Monitor Advocate who will then ensure that complaints are logged with the proper federal enforcement agency. Specific contact information for the State Monitor Advocate is also included in Appendix A.

LWDBs must communicate changes in local Complaint Specialists and EEO immediately to the State Complaint Specialist and EEO. Additionally, NJDOL will notify all LWDBs when any changes occur in state roles.

### **TYPES OF COMPLAINTS**

State and federal law highlight a variety of specific complaint types. Different complaint types have different requirements related to the time within which complaints must be logged, the timeframe



within which a response is required, and the processes for appealing complaint decisions based on the unique policies under which they are modeled. These complaint procedures apply to all One Stop partner staff – including individuals operating onsite or through virtual mediums. This specifically includes NJDOL Employment Services staff and Career and Youth service providers funded through Title I funds within each Local Workforce Development Area (LWDA).

A full overview of these complaint types and details are included in Appendix B.

Types of complaints include those related to:

- **Discrimination:** Complaints alleging discrimination because of race, color, religion, sex, national origin, age, disability, political affiliation, belief, or citizenship status as a lawfully admitted immigrant authorized to work in the US.
- **Workforce Innovation and Opportunity Act (WIOA) Services:** Complaint alleging violation of WIOA and/or provisions of a related agreement
- **Job Service/Labor Exchange:** Complaint about One Stop Job Service actions or omissions
- **Employer/Labor Standards:** Complaint from customer placed into a work-based learning opportunity, including On-the- Job Training, alleging labor standards violations under 29 USC § 2931(b)
- **Employer/Job Service Referral:** Complaint against an employer about the specific job that an applicant was referred to by the Job Service at the One-Stop
- **Trade Assistance Act:** Complaints regarding petitions and determinations of eligibility to apply for worker adjustment assistance and appeal for redetermination of TRA benefits

In addition to the complaints above that are processed and logged locally, the following complaints may be processed and logged at the local level and elevated immediately to state Complaint Specialists and the State Monitor Advocate, if related to MSFW.

- **Migrant and Seasonal Farmworkers (MSFWs):** Complaints alleging Violations of Laws enforced by United States Department of Labor (USDOL) Wage and Hour or Occupational Safety and Health Administration (OSHA)<sup>1</sup>
- **Employer/Labor Standards in Another State:** Complaints about labor standards affecting customers in another state, e.g., through work-based learning, MSFW programs
- **Multiple One Stop Career Centers:** Complaints that are related to more than One Stop Career Center
- **Statewide Violations:** Complaints that allege statewide violations
- **Violations of Unemployment Insurance (UI), Vocational Rehabilitation (VR) or Temporary Assistance for Needy Families (TANF) Law/Regulations:** Complaints related to any of these state-driven services and staff

### **PUBLICIZING COMPLAINT PROCEDURES**

All direct recipients of WIOA/Wagner-Peyser funds including LWDBs, One Stop Career Centers, WIOA service providers, and WIOA Fiscal Agents are required to prominently display and provide information related to these complaint procedures including displaying required posters and providing information to individual customers. The following actions must be integrated into operations and procedures to ensure that all customers are made aware of the customer complaint procedure (see next page).

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<sup>1</sup> Including housing and living conditions as highlighted in 20 CFR 654 Subpart E



1. **Complaint Poster:** Prominently place in a public area of the One Stop and any other provider locations a “One Stop Career Center Complaint Poster” that contains the name and contact information for the local Complaint Specialist. In addition to English and Spanish, if the One Stop serves significant populations of other language speakers, the poster should be displayed in these languages as well. Copies of the Complaint Poster can be ordered through the local Employment Services Manager.
2. **Equal Opportunity is the Law Poster:** Prominently display in a public area of the One Stop and any other provider locations in both English and Spanish. Must contain the name and contact information for the and state Employment Opportunity Officers. Copies of the “Equal Opportunity is the Law” poster can be ordered through the local Employment Services Manager.
3. **Orientation Materials:** Include information about filing a complaint in orientation presentations and materials whether these are staff-directed, self-directed, online, or in person. A script sample can be found in Appendix C. All customers must be informed of the complaint process through a standard script to ensure that complete and accurate complaint procedures are shared consistently.
4. **Handouts and Acknowledgement:** Have each new One Stop customer acknowledge receipt during the registration process of the handouts summarizing the types of complaints/how to file a complaint and advising them of the Equal Opportunity is the Law language. This may happen in a group or individual setting. Customers should sign an acknowledgment form. Appendix D contains the handouts and acknowledgement form templates. Each One Stop must insert the name and contact information of the Complainant.

Please note that an “EEO Activity” must be recorded in AOSOS for each customer recording that the customer has been notified of the complaint procedures through these various steps.

### **INITIATING THE COMPLAINT PROCESS**

A complainant may file a complaint or grievance at the local, state, or federal level. A complainant must be provided with an opportunity for informal resolution prior to the submittal of a written complaint and a hearing to be completed within 60 days of filing the complaint.

Complainants may elect to initially file a complaint at the state level by submitting the complaint to the State Complaint Specialist who may choose to process the complaint at the state level or remand the complaint back to the local level for adjudication.

Regardless of the level at which the complaint is logged, type of complaint, or the One Stop partner to which the complaint is directed, one standard customer complaint form (Appendix E - ETA 8429 adapted for use in New Jersey) will be used to capture the complainant’s information and the description and nature of the complaint. The complainant must sign the complaint form for the complaint to be considered valid.

When a customer indicates a desire to file a complaint, the Complaint Specialist should first attempt to resolve the issue to the customer’s satisfaction before a written complaint is filed. The Complaint Specialist should listen and offer to help remediate the cause of the complaint. This informal resolution



should first be offered to the customer as an alternative to the formal filing of a written complaint using the ETA 8429 form.

Although informal complaints and their resolution should be documented locally, they do not have to be included on the complaint log. Only written and signed complaints go on the log. (Note the exception for apparent violations involving an MSFW.)

Checklist:

- ✓ Complaint Specialist should first attempt an informal resolution of the customer complaint.
- ✓ If informally resolved, the Complaint Specialist must document the resolution and maintain a file on the complaint, but should not include the complaint as part of the formal complaint reporting and resolution process found in this document (Excel Complaint Log). However, apparent violations involving MSFWs do need to be logged in the Complaint Log. See the Apparent violations section later in this document for more information.
- ✓ Customers who choose to file a formal complaint need to complete and sign Form ETA 8429.
- ✓ Part II of Form 8429 should be completed by the One Stop Complaint Specialist.
- ✓ An original copy will be kept on file by the local office, one copy will be given to the complainant, one copy will be sent to the State Complaint Officer
- ✓ All written and signed complaints must be logged, recorded, and reported in accordance with the procedures contained in this document (Complaint Log, Timelines and Appeal Process).
- ✓ The Complaint Specialist must involve the local EOO in all complaints alleging discrimination.

### **FILING A COMPLAINT**

Each Local Workforce Development Board (WDB) shall adopt this Unified One Stop Career Center Customer Complaint Procedure and incorporate the procedures into their local One Stop's standard operating procedures.

Customers with complaints should be directed to the local Complaint Specialist who will listen to the complainant in order to determine the nature of the complaint, whether informal resolution is possible, and what actions will be taken to address the complaint.

The One Stop must ensure that the complaint process is initiated in a timely manner when a customer expresses a desire to file a complaint.

Customer complaints against the One Stop often take the form of one of the following:

1. **Service delivery complaints** for poor service, lack of access to specific services, and adverse decisions
2. **Discrimination complaints** alleging discrimination such as based on race, color, religion, national origin, age, genetic information, disability, political affiliation or belief, or on the basis of citizenship/status as a lawfully admitted immigrant authorized to work in the United States.
3. **Labor violation standards** when an individual working with an employer feels their rights as a worker have been violated

The Complaint Specialist will determine the course of action based on the specific type of complaint and the appropriate processes and timeline for addressing the complaint as outlined in Appendix B.

All formal complaints must be submitted using form using ETA Form 8429 (Appendix E). Either through:

- Submission of a completed and signed ETA 8429 Form, or



- Submission of a written letter signed by the complainant (Complaint Specialist should staple the complaint letter to an ETA 8429 that references the attached)

All complaints must include the complainant's full name, telephone number and address and the date of filing. Written complaints must also provide a clear, brief statement of the facts of the alleged violation, relevant dates, and other information to assist in the investigation and resolution of the complaint. One Stop staff must offer and provide assistance to any customer seeking to file a complaint including assistance with completing all associated forms and developing written statements.

The Complaint Specialist will consult with different complaint stakeholders to determine the correct path for addressing and resolving the complaint, whether through the Complaint Specialist, EEO, and/or complaint procedures associated with a specific program, for example UI or DVRS. If the Complaint Specialist turns the complaint over to other program areas for action, the Complaint Specialist will maintain communication with the program area to ensure the timely and satisfactory resolution of the complaint and update the Complaint Log and related records accordingly.

### **DOCUMENTING AND RECORDING COMPLAINTS**

Each One Stop Career Center must establish procedures for the use and maintenance of the Unified One Stop Career Center Customer Complaint forms, logs, and procedures consistent with guidance provided.

The Local Workforce Development Board will be accountable for ensuring that the duties of the Complaint Specialist are being performed as defined in this document. A copy of the Complaint Log is included in Appendix F and available online here:

<http://highpoint.state.nj.us/intranets/labor/assets/PDFs/Workforce%20Development/WIA-WP%20Complaint%20Log%207-20-2011.xls>

When documenting complaints please ensure the following:

- ✓ The Complaint Log must clearly identify each individual complaint.
- ✓ Each complaint must have a unique identification number (Last two digits of the Program Year followed by a sequential three-digit number beginning with 001.)
- ✓ A copy of the Excel Complaint Log that clearly indicates all newly filed and all resolved complaints for the calendar quarter must be promptly submitted (through email) to the State Complaint Specialist and Equal Opportunity no later than the 15th day of the month following the end of each quarter. If there are no complaints, an empty copy of the log must be submitted.
- ✓ A copy of the complaint and all related documents needs to be kept on file with the local office and also provided to the Director, Career Services
- ✓ The Complaint Log is available in and is to be completed and maintained in an Excel format.
- ✓ Local area Complaint Logs will be maintained on an annual basis consistent with the state fiscal year (July 1 – June 30).
- ✓ Each annual complaint log will be kept for a period of three years following the end of the fiscal year for which the log was kept.
- ✓ The Director will compile and maintain a statewide Complaint Log from the submitted local Complaint Logs and share this on a quarterly basis with the USDOL Boston Regional Office.
- ✓ Discrimination complaints will be reported to the USDOL Civil Rights Center by the State EEO Officer.



Please note that through this process a complainant's confidentiality must be protected to the greatest extent possible, and when consent has been provided for the release of the complainant's identity, such disclosures must be made under conditions that will promote confidentiality.

Additionally, complaint-related written materials must be saved in a secure file for a period of three years and include safeguards for ensuring the confidentiality of these materials.

In addition to confidentiality, the local One Stop complaint procedures must ensure that processes are in place for protecting and ensuring that there is not retaliation against any person or entity that files a complaint, or any individuals that provide information or testimony regarding a complaint.

### **COMPLAINT RESOLUTION**

All formal complaints require a written determination to the complainant within specified time frames (refer to Appendix B).

The local Complaint Specialist may make a determination:

- Resolve based solely on the information included in the filed complaint
- Conduct further investigation independently
- Hold a hearing to collect and hear additional details about the complaint

If the local Complaint Specialist requests additional information from the complainant or the complainant's authorized representative and does not receive a response within 20 days from the date the request was made (or, in the case of an MSFW initiated complaint, within 40 days), the complaint is considered resolved. The request for additional information temporarily stops the clock on the response timeframes given in Appendix B. The clock begins again on the date that the additional information is received by the Complaint Specialist.

In addition, it is important to note that a complainant or respondent always has the opportunity to request a hearing.

If a hearing is conducted, the Complaint Specialist must inform all parties involved of the hearing process, including:

- The date, time and location of the hearing.
- Instruction that the local Complaint Specialist will conduct and regulate the course of the hearing to assure full consideration of all relevant issues and that actions necessary to ensure an orderly hearing are followed.
- Instruction that the local Complaint Specialist must rule on the introduction of evidence and afford the parties the opportunity to present, examine, and cross-examine witnesses

For clarity it must be stated that an administrative hearing is not the same as a Court of Law. Technical rules of evidence do not apply. It is up to the local Complaint Specialist to follow principles and procedures that are designed to assure credible evidence that can be tested through cross-examination.

Procedure for One-Stop Career Center System Complaints

All complainants and respondents (object of the complaint) must be informed of and provided the right to due process including the right to:

- Representation by an attorney or other individual of his/her choice.



- Present evidence.
- Question others who present evidence.
- Receive an impartial decision made strictly on recorded information.

The local Complaint Specialist must provide the complainant and all implicated parties with a written determination within 60 days of the initial complaint date and include the procedures for appeal within that determination.

In addition, all local determinations must be shared with the State Complaint Specialist and EEO. For complaints involving Migrant and Seasonal Farmworkers, these must also be shared with the State Monitor Advocate. Please share all documentation by certified mail and include a return receipt:

State Complaint Specialist New Jersey Department of Labor and Workforce Development P.O. Box 055, 7 <sup>th</sup> Floor Trenton, New Jersey 08625	Equal Opportunity Officer New Jersey Department of Labor and Workforce Development P.O. Box 110, 4 <sup>th</sup> Floor Trenton, New Jersey 08625	State Monitor Advocate New Jersey Department of Labor and Workforce Development P.O. Box 110, 5th Floor Trenton, NJ 08625
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### **DISCRIMINATION COMPLAINTS**

If a customer reaches out about filing a discrimination complaint specifically, the local Complaint Specialist and EEO must be involved in all aspects of the complaint.

The procedures for addressing discrimination complaints include:

- Assessing who has jurisdiction regarding the complaint
- Engaging in additional fact-finding activities
- Offering and conducting “Alternative Dispute Resolution” process
- Developing a Settlement Agreement
- Issuing a Notice of Final Action within 90 days of the complaint date

As an initial step, in all possible instances involving a discrimination complaint, the designated local EEO should personally meet with the complainant in an area of the agency’s offices that ensures confidentiality. The purpose of this preliminary interview is to:

- Determine the complainant’s name, address and means of contact.
- Determine the basis of the complaint.
- Develop a detailed description of the allegation(s).
- Determine the date of the most recent alleged event of discrimination.
- Identify the proper respondent (object of the complaint).

EEO must ask the complainant whether they would like the complaint handled locally or referred to the USDOL Civil Rights Center in Washington, D.C. The EEO should stress that a local resolution would likely happen more quickly and that the complainant’s right to file again with the USDOL would still be available should the resolution be unsatisfactory to the complainant.





If the complainant would like their complaint referred directly to the USDOL Civil Rights Center, the Center's Complaint Information and Privacy Act Consent Form must be filled out as a supplement to the Unified One Stop Career Center Complaint Form (ETA 8429). The Civil Rights Center's form can be found at <https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/compliant-information-form/privacy-notice>.

Once the USDOL discrimination complaint form is completed, the document must be signed and dated by the complainant. The signed/dated Consent Form should indicate whether the complainant allows the EOO to disclose the complainant's identity, if necessary to investigate his or her complaint. The complaint and/or any appeals regarding discrimination complaints should be addressed to:

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

If the complainant elects to have their discrimination complaint resolved at the local level, the EOO must request that the customer allow one (1) day for preparation of a written letter to either acknowledge receipt of the complaint or to provide a Notice of Final Action (for Lack of Jurisdiction).

A Notice of Final Action (for Lack of Jurisdiction) is provided when the EOO determines that they do not have jurisdiction over the complaint based on one or more of the following reasons:

- The basis for the complaint is not covered by the prohibitions set forth in proposed 29 CFR Part 38.
- The complaint was not filed with the prescribed timeframes within 180 days of the date that the discriminatory act (s) allegedly occurred.
- The complaint is against an agency/employer/organization/program, or individual within an entity that is not a recipient of WIOA Title I financial assistance as defined in proposed 29 CFR Part 38.4.

If it is determined that the One Stop Career Center does not have jurisdiction in the particular matter, a Notice of Final Action citing one or more of the above reasons shall immediately be provided in writing. The written notice must include the specific phrase "lack of jurisdiction" in describing why the One Stop is not the appropriate entity to resolve the complaint.

Furthermore, the EOO must refer the complainant to an agency that has been identified as more appropriate and/or UDSOL's Civil Rights Center.

If the discrimination complaint is within the EOO's jurisdiction, an Acknowledgement Letter must be prepared. The Acknowledgement Letter should contain the following:

- ✓ Restatement of the issues raised in the complaint.
- ✓ Notice of which issues have been accepted.
- ✓ Explanation, if necessary, of issues that will not be investigated.



- ✓ A notice that the complainant has a right to representation by any individual they choose during the complaint process. The notice should specify that if an attorney is chosen to represent the complainant, all legal fees are the sole responsibility of the complainant.
- ✓ A notice that a preliminary period of fact-finding or investigation will occur and may take approximately 15 days to complete. Preliminary fact-finding describes the issues raised by the complainant and the respondent (object of the complaint).
- ✓ A statement that a “Notice of Final Action” will be issued to the complainant within 90 days of the filing date of the complaint.
- ✓ A notice that the complainant has the right to file their complaint with the USDOL if the EEO fails to issue said “Notice of Final Action” within the 90 days cited below.
- ✓ A choice of “Alternate Dispute Resolution” (ADR) as an appropriate option for resolution.
- ✓ Assignment of a distinct complaint number (e.g. YY-001 – last two digits of physical year (PY) and consecutive 3 digit number).

Read receipts or signed receipts must be secured to document the complainant has received and reviewed the Acknowledgement Letter documenting the local complaint that will move forward or the Notice of Final Action (for the Lack of Jurisdiction), depending on the assessment that the EEO has made.

As noted, if the EEO assesses that the discrimination complaint is within the One Stop Career Center’s jurisdiction, the EEO can offer “Alternate Dispute Resolution” (ADR) as an option for resolution. ADR includes “mediation” as a way of resolving the issues or differences between the parties to the complaint. The option of ADR and a brief explanation of the process should be included in the initial Acknowledgement Letter. If the complainant chooses to pursue ADR, the State Complaint Officer and State EEO must be notified immediately, and if the discrimination complaint is related to the Migrant Seasonal Farmworker Program, then the State Monitor Advocate must also be notified.

Furthermore, after sending the Acknowledgement Letter, the respondent (object of the complaint such as ES, UI, DVRS, etc.) to the complaint must also be notified that a complaint alleging discrimination has been filed and is being processed. The respondent must be provided a summary or copy of the complaint and give written notice that any form of retaliation or intimidation is against the law. The respondent must also be notified if ADR has been offered to the complainant as a means of resolution. ADR should not be considered as an appropriate mechanism for resolution when the complaint is of a high-profile nature and/or impacts other members of a protected group.

As with other complaints, documentation of the process must be shared with the State Complaint Specialist and EEO, as well as the State Monitor Advocate, if relevant.

### **MIGRANT SEASONAL FARMWORKERS – APPARENT VIOLATIONS**

Apparent violations are informal complaints about employers received from individuals (customers or staff) or agencies that are not documented or handled as part of the formal Unified One Stop Career Center Customer Complaint Procedure process described in this document.<sup>2</sup> Apparent violations can be recorded and processed using the Field Check/Apparent Violations Form that is included as Appendix G.

<sup>2</sup> Reporting suspected or apparent violations by employers when no formal complaint has been filed is allowable under regulations found at 20 CFR 653 et al., covering services to MSFWs, specifically §653.107 and §653.108.



One Stop Career Center staff must submit information about violations on behalf of a migrant seasonal farmworker if they have evidence that a violation has taken place, even if the individual does not formally file a complaint. Apparent violations are handled separately from the Unified One Stop Career Center Customer Complaint Procedure to protect the confidentiality of an MSFW.

Examples of Apparent Violations include (but are not limited to):

- A local staff person speaks with a MSFW who complains about unfair treatment by an employer, and though the individual provides credible information alleging an employer violation, the person chooses not to file a complaint (through the formal Complaint Process). The staff person still suspects a violation occurred.
- One Stop Career Center staff person visiting a farm labor job site observes a possible violation of housing standards, but no complaint has been filed.

While Apparent Violations are logged on the Complaint Log, they are processed separately and are an exception to the formal Complaint Process. Apparent Violations must, however, be reported in writing to the One Stop Operator. Upon receipt of a report of an Apparent Violation, the One Stop Operator must determine:

- ✓ If the employer filed a job order with the New Jersey One Stop system within the previous 12-month period; and
- ✓ If the apparent violation involves Wagner-Peyser Job Service regulations, terms/conditions of the job order or employment related law(s).

If the employer has not filed a job order within the previous 12 months, the One Stop Operator need only refer the matter to the State Monitor Advocate as Job Service regulations are not considered to have been violated if a job order had not been listed within the 12-month time frame.

If it is determined the employer has filed a job order within the previous 12 months, the One Stop Operator must contact the employer and attempt to achieve informal resolution within five working days.

If the issue is not resolved and there is an apparent violation of Wagner-Peyser Job Service regulations, the One Stop Operator must refer the matter to the State Complaint Specialist, the State EOO, and the State Monitor Advocate for investigation. If a violation is found to have occurred, the One Stop Career Center may have to initiate Discontinuation of Services to the employer under the terms of §658.501(a)(b)(c).

Regardless of whether the employer has filed a job order within the previous 12 months, the State Monitor Advocate will forward a copy of all apparent violations involving MSFWs to the Regional Monitor Advocate (RMA) assigned to the USDOL Regional Office and the USDOL Wage and Hour Division.

Apparent violations of Child Labor Law must also be reported in writing to the State Monitor Advocate for action by the local office of the Wage and Hour Division of the USDOL.



## **APPEALS**

A local level decision may be appealed to NJDOL when:

- No decision is reached within 60 days; or
- Either party is dissatisfied with the decision regarding a complaint

Appeals must be submitted within 60 days of either situation to NJDOL. All appeals must be submitted by certified mail, return receipt requested, to the:

Assistant Commissioner, Workforce Development  
 New Jersey Department of Labor and Workforce Development  
 1 John Fitch Plaza, 7th Floor  
 P.O. Box 055  
 Trenton, New Jersey 08625-0055

This information will be shared with the State Complaint Specialist and State EEO. Upon receipt of an appeal, complaint procedures consistent with this policy will be conducted at the state level.

The State must make a final decision on an appeal no later than 60 days after receiving the appeal.

As part of the process for appeals to the state regarding local determinations, as at the local level, a complainant or respondent have the right to request an impartial hearing. Upon receipt of a request for a hearing, the NJDOL shall transmit the matter to the Office of Administrative Law for hearing, pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq. and the Uniform Administrative Procedures Rules, N.J.A.C. 1:1.

If either party still is not satisfied with the final decision at the state level, they may further appeal the decision to United States Department of Labor.

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

Secretary of Labor  
 Attention: ASET  
 U.S. Department of Labor  
 200 Constitution Ave. NW  
 Washington, DC 20210

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

While the steps highlighted above offer a standard appeal process, specific situations may warrant unique appeals process as highlighted in Appendix B. This includes the following:

- Discrimination complaints must be appealed to the USDOL – Civil Rights Center and not to the State.
- Complaints against entities that have established processes for addressing customer complaints are appealed outside of the scope of this Unified Procedure. Examples of One Stop entities or programs with established appeal processes include UI and DVRS, for example.



Finally, all determinations that are made through the appeals process must be shared with any offices that have been a part of the complaint process in prior rounds.

### **COMPLAINTS NOT COVERED BY THIS POLICY**

**Complaints Alleging Federal Contractor Violations** - Federal contractors must adhere to a number of wage and labor standard requirements mandated under a variety of federal statutes. Complaints alleged against federal contractors should be forwarded to the appropriate federal agency. This type of complaint is not logged on the Unified One Stop Career Center Customer Complaint Log.

**One Stop Career Center Staff Personnel Complaints** - Staff complaints (other than discrimination complaints) should be handled through the appropriate employer of record Human Resource office or union grievance procedure. This type of complaint is not logged on the Unified One Stop Career Center Customer Complaint Log.

**Criminal Complaints** – All information and complaints alleging criminal fraud, waste, abuse or other criminal activity under WIOA must be reported immediately to the USDOL's Office of Inspector General (Please see Appendix A for contact information). A copy of the complaint must simultaneously be provided to NJDOL's Office of Internal Audit. This type of complaint is not logged on the Unified One Stop Career Center Customer Complaint Log.

**Complaints of Discrimination by an Employer** – All complaints regarding discrimination by an employer must be referred to the New Jersey Division on Civil Rights for adjudication. Simultaneously a copy of the complaint must be forwarded to the U.S. Equal Employment Opportunity Commission (EEOC). A local file should be maintained in order to document the complaint. This type of complaint is not logged on the Unified One Stop Career Center Customer Complaint Log.



## Appendix A: State and Local Complaint Roles and Contact

### State Contacts

Role	Contact	Email
Complaint Specialist	John Bicica	<a href="mailto:John.Bicica@dol.nj.gov">John.Bicica@dol.nj.gov</a>
Equal Opportunity Officer	Michael Ayles	<a href="mailto:Michael.Ayles@dol.nj.gov">Michael.Ayles@dol.nj.gov</a>
State Monitor Advocate	Allyson Carvajal	<a href="mailto:Allyson.Carvajal@dol.nj.gov">Allyson.Carvajal@dol.nj.gov</a>

### Local Contacts

County	Complaint Specialist	Phone	Equal Opportunity Officer	Phone
Atlantic	Paul McClellan	609-813-3901	Daniel Adams	609-485-0052 x4817
Bergen	Viviana Mastrobuoni	201-329-9600	Tara Bohan	201-343-6000 x4079
Burlington	Yvonne Payton	609-518-3969	Steve Mader	609-265-5603
Camden	Kristi Connors	856-549-0550		856-384-6943
Cape May	Elizabeth Reed	609-729-0997	Thomas Halligan	609-729-2234 x102
Cumberland	Joel Bermudez	856-238-6723	Sandi Scalese	856-238-6784
Essex (East Orange)	Margaret Tyson	856-238-6784	Curtia Orr	973-733-4792
Essex (Newark)	Morris Murray	973-648-3370		
Gloucester	Robert DeMarco	856-251-6810		856-384-6943
Hudson (Jersey City)	Sharita Brown	201-217-7008		201-795-8711
Hunterdon	Peter Curley	908-704-3000		
Mercer	Veronica Jones	609-633-2410	John Raines	609-989-6824
Middlesex (New Brunswick)	Poo Lin	732-937-6206	Hilda Alonso	732-745-3951
Middlesex (Perth Amboy)	Gwendolyn Wiggins	732-293-5016		
Monmouth	John Brown	732-775-1566	Yolanda Taylor	732-683-8850 x2211
Morris	Leslie Drew	862-397-5731	Kelly O'Neil McGuire	973-829-8115
Ocean	Maria Gonzalez	732-286-5616	Sylvia Hernandez	732-240-5995 x5610
Passaic	Marcia McNeel	973-742-9226 x7319	Duwan Bogert	973-569-4020
Salem	Quincy Lee	856-935-7007	Kate Wistar	856-299-7200 x206
Somerset	Peter Curley	908-704-3000		
Sussex	Peter Curley	973-383-2775	Kelly O'Neil McGuire	973-829-8115
Union (Elizabeth)	Juanito Chiluisa	908-965-3929	John Boles	908-527-4230
Union (Plainfield)	David Moskowitz	908-412-7980		
Warren	Anand Sumaithangi	908-329-9190	Kelly O'Neil McGuire	973-829-8115

Please refer to the NJDOL website for additional updated information regarding local and state contacts: <https://www.nj.gov/labor/career-services/contact-us/eo-officers/>



<b>One Stop Complaint Contacts</b>	
<b>Federal Complaint Offices</b>	Secretary of Labor Attention: ASET U.S. Department of Labor 200 Constitution Ave. NW Washington, DC 20210
	Regional Administrator Employment and Training Administration U.S. Department of Labor, Room 350 JFK Building Boston, MA 02203
	Director, Civil Rights Center U.S. Department of Labor 200 Constitution Avenue, NW Room N-4123" Washington, DC 20210
<b>State Complaint Offices</b>	Assistant Commissioner, Workforce Development New Jersey Department of Labor and Workforce Development P.O. Box 055, 7 <sup>th</sup> Floor Trenton, New Jersey 08625-0055
	Equal Opportunity Officer New Jersey Department of Labor and Workforce Development P.O. Box 110, 4 <sup>th</sup> Floor Trenton, New Jersey 08625-0110
	State Complaint Specialist Department of Labor and Workforce Development P.O. Box 055, 7 <sup>th</sup> Floor Trenton, New Jersey 08625
	State Monitor Advocate New Jersey LWD P.O. Box 110, 5 <sup>th</sup> Floor Trenton, NJ 08625

<b>Other Complaint Contacts</b>		
<b>Type of Complaint</b>	<b>Contact Information</b>	<b>Details</b>
<b>Criminal Complaints</b>	Office of Inspector General 200 Constitution Avenue, NW, Room S-5506 Washington, D.C. 20210 Online: <a href="http://www.oig.dol.gov/hotlinemain.htm">http://www.oig.dol.gov/hotlinemain.htm</a> Toll free: 1-800-347-3756 FAX: 202-693-5210	Complaints filed with Office of Inspector General
	Dept. of Labor and Workforce Development Office of Internal Audit, 2nd Floor PO Box 110 Trenton, NJ 08625 Phone: 609-984-1779	Copies of complaints filed with state
<b>Complaints of Discrimination of an Employer</b>	Offices of the NJ Division on Civil Rights Trenton Regional Office 140 East Front Street, 6th floor Trenton, NJ 08625-0090	Complaint filed with NJ Division on Civil Rights
	Federal EEOC Offices: U.S. Equal Opportunity Commission 801 Market Street, Suite 1300 Philadelphia, PA 19107-3127 U.S. Equal Opportunity Commission	Complaints also forwarded to Equal Opportunity Commission

## Appendix B: Types of Complaints and Procedure Details

Type of Complaint	How to File a Complaint	What happens Next	Appealing a Decision	Secondary Appeals	Applicable Policy
<p><b><u>Discrimination</u></b> Complaints alleging discrimination because of race, color, religion, sex, national origin, age, disability, political affiliation, belief, or citizenship status as a lawfully admitted immigrant authorized to work in the US.</p>	Within 180 days of the alleged act of discrimination, a complaint can be filed with the Local or State EOO or Complaint Specialist	The recipient of the complaint has 90 days to respond to the complainant with a Notice of Final Action	The complainant has 30 days after the Notice of Final Action to file an appeal with the USDOL - Civil Rights Center. If no Notice of Final Action is received, the complainant has 30 days from the end of the 90 days to file an appeal.	n/a	29 CFR Part 38
<p><b><u>Workforce Innovation and Opportunity Act (WIOA) Services</u></b> Complaint alleging violation of the WIOA and/or provisions of a related agreement</p>	Complaints should be filed with the local One Stop Complaint Specialist. There is no time limit for filing a complaint.	Within 60 days of filing the complaint, the recipient of the complaint will conduct a hearing and offer a written decision	If complainant does not receive a decision within 60 days, or receives an adverse decision, complainant has 30 days to file an appeal to the NJDOL Assistant Commissioner of Workforce Development	When complainant has exhausted the local and State complaint process, complainant may appeal to the Secretary of the U.S. Department of Labor	NJAC § 12:42-1.1 et seq
<p><b><u>Job Service/Labor Exchange Complaint</u></b> about One-Stop Job Service actions or omissions</p>	Within 1 year of the alleged occurrence, a complaint can be filed with the local One- Stop Complaint Specialist	Complaint specialist will attempt to resolve complaint within 15 working days (5 days for complaints by MSFWs)	If the local complaint specialist does not resolve the complaint, it is sent to the State Complaint Specialist who has 30 days (20 days for complaints by MSFWs) to respond	When complainant has exhausted the local and State complaint may appeal to the US Department of Labor	20 CFR § 658.400 et seq
<p><b><u>Employer/Labor Standards</u></b> Complaint from customer placed into a work-based learning opportunity, including On-the- Job Training, alleging labor standards violations under 29 USC § 2931(b)</p>	Complaints should be filed in writing with the local One-Stop Complaint Specialist	Within 60 days of filing the complaint, the recipient of the complaint will complete a hearing and offer a written decision	If complainant does not receive a decision within 60 days, or receives an adverse decision, complainant has 30 days to appeal to the NJDOL Assistant Commissioner of Workforce Development	When complainant has exhausted the local and State complaint process, complainant may appeal to the Secretary of Labor	NJAC § 12:42-1.1 et seq.
<p><b><u>Employer/Job Service Referral</u></b> Complaint against an employer about the specific job that an applicant was referred to by the Job Service at the One Stop</p>	Within 1 year of the alleged occurrence, a complaint can be filed with the local One Stop Complaint Specialist	Complaint specialist will attempt to resolve complaint within 15 working days (5 days for complaints by MSFWs)	If the local complaint specialist does not resolve the complaint, it is sent to the State Complaint Specialist who has 30 days (20 days for complaints by MSFWs)	When complainant has exhausted the local and State complaint process, complaint may appeal to the Regional Administrator	20 CFR § 658.400 et seq
<p><b><u>Trade Assistance Act</u></b> TAA/TGAAA of 2009 Petitions and determinations of eligibility to apply for worker adjustment assistance and appeals for redetermination of TRA benefits</p>	A TAA Program Complaints should be filed in writing with the local One-Stop TAA staff/ Complaint Specialist in writing within 30 days.	Complaint Specialist will route reconsideration request /complaints to the appropriate enforcement agency (USDOL) and also a Judicial Review	The certifying officer shall make and issue a determination granting or denying reconsideration within 15 days after the receipt of the application.	Workers who are denied certification may seek Judicial Review. Appeals must be filed with the case management supervisor of US Court of International Trade in NY. Within 60 days	20 CFR, Part 617 29 CFR, Part 90
<p><b><u>Other Complaints</u></b></p>	Complaints should be filed in writing with the local One- top Complaint Specialist	Complaint Specialist will route complaints to the appropriate enforcement agency, another public agency, or other appropriate assistance	Complaints will be handled according to each agency's established complaint resolution process	Complaints will be handled according to each agency's established complaint resolution process	



## Appendix C: Complaint Procedure Script

If you have a complaint about the One Stop Career Center, a job that you were referred to by the OneStop Career Center, or about other employment-related issues, we have a Complaint Specialist who can assist you.

We may be able to informally resolve your complaint to your satisfaction or you may want to file a written complaint.

If you have a complaint, please contact insert Local Complaint Specialist's name here at insert email and phone number here.

You can ask any One Stop staff member for a copy of the One Stop Customer Complaint form and for assistance in contacting the Complaint Specialist.

If you don't feel comfortable about asking to file a complaint at the One-Stop Career Center, you may contact insert State Complaint Specialist at insert email and phone number here.

## Appendix D: Complaint Procedure Handout and Acknowledgement Form

### Equal Opportunity is the Law

It is against the law for the New Jersey LWD and all recipients of Workforce Investment Act financial assistance to discriminate on the following bases:

Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and

Against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIA Title I-financially assisted program or activity.

The recipient must not discriminate in any of the following areas:

Deciding who will be admitted, or have access, to any WIA Title-I financially assisted program or activity; Providing opportunities in, or treating any person with regard to, such a program or activity; or Making employment decisions in the administration of, or in connection with, such a program or activity.

If you think you have been subjected to discrimination under a WIA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either: The recipient's EEO (or the person whom the recipient has designated for this purpose); or Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-4123, Washington, DC 20210.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above). The recipient must offer you alternative dispute resolution in an effort to resolve your complaint.

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action (29 CFR Part 37.30).

### For more information, contact:

**State EO Officer:** \_\_\_\_\_

Full Address \_\_\_\_\_

Street, City, State, Zip \_\_\_\_\_

Tel #: \_\_\_\_\_

Fax #: \_\_\_\_\_

TDD #: 1-800-949-4232

URL:

Email:

**Local EO Officer:** \_\_\_\_\_

Full Address \_\_\_\_\_

Street, City, State, Zip \_\_\_\_\_

Tel #: \_\_\_\_\_

Fax #: \_\_\_\_\_

TDD #: 1-800-949-4232

URL:

Email:

## Customer Acknowledgement Form

I have been provided copies of the following handouts explaining my rights as an OSCC customer including the right to file a complaint:

Your Right to File a Complaint

Types of Complaints and Filing Requirements Equal  
Opportunity is the Law

OSCC staff explained these rights to me, gave me the opportunity to ask questions, and included the name, address, and telephone number for the OSCC Complaint Specialist and the State EEO.

---

Customer Signature

---

Date

---

Customer Name

**Appendix E: One Stop Customer Complaint Form (ETA 8429)**



U.S. Department Labor  
Employment and Training Administration

OMB Approval No. 1205-0039  
Expiration Date: 07/31/2023

**For Official Use Only Complaint/Apparent Violation Form<sup>1</sup>**

Complaint/Apparent Violation No.		Date Received
<b>Part I. Contact Information<sup>2</sup></b>		<b>Respondent's Information<sup>3</sup></b>
1. Name of Complainant/(Last, First, Middle Initial) <sup>4</sup>		4. Name of Person, Company, or Agency the Complaint is Made Against
2a. Permanent Address (No., St., City, State, ZIP Code)		5. Name of Employer (if different from Part I #4 above) /One-Stop Office
b. Temporary Address (if Appropriate)		6. Address of Employer/One-Stop Office
3a. Permanent Telephone ( ) -	b. Temporary Telephone ( ) -	7. Telephone Number of Employer/One-Stop Office ( ) -
8a. Description of Complaint or Apparent Violation (if additional space is needed, use separate sheet(s) of paper and attach to this form)		

8b.  I hereby give authorization to: \_\_\_\_\_ to act on my behalf regarding this complaint.  
Phone #: \_\_\_\_\_ Address: \_\_\_\_\_

**Certification**

I CERTIFY that the information furnished is true and accurately stated to the best of my knowledge. I AUTHORIZE the disclosure of this information to other enforcement agencies for the proper investigation of my complaint. I UNDERSTAND that my identity will be kept confidential to the maximum extent possible, consistent with applicable law and a fair determination of my complaint.

9. Signature of Complainant <sup>5</sup>	10. Date Signed / /
--	------------------------

<sup>1</sup> For information regarding complaints that are covered through the Employment Service and Employment-Related Law Complaint System see 20 CFR 658 Subpart E.  
<sup>2</sup> If the Complaint/Apparent Violation Form is used to submit an Apparent Violation, the name of the Complainant is not necessary and may remain anonymous. Parts 2a and 2b also do not need to be filled out if the form is used for an Apparent Violation.  
<sup>3</sup> For definition of "Respondent" see 20 CFR 651.10.  
<sup>4</sup> Pursuant to 658.400(d), "A complainant may designate an individual to act as his/her representative." If the complainant has a designated representative, the name and contact information of the designated representative must be provided in 8b.  
<sup>5</sup> No signature is required at Part 9 if this form is submitted as an Apparent Violation. If the form is submitted as a complaint and a designated representative is acting on behalf of the complainant, the designated representative must sign here.

**Part II. For Official Use Only**

<p><b>1. Migrant or Seasonal Farmworker?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <hr/> <p><b>2. Complaint or Apparent Violation Employment Service Related ("X" Appropriate Box(es))</b>  <input type="checkbox"/> Complaint against the Employer  <input type="checkbox"/> Apparent violation involving the Employer  <input type="checkbox"/> Complaint against the Local Employment Service Office  <input type="checkbox"/> Apparent violation involving the Employment Service Office</p> <p><b>2a. Job Order No, if available:</b>          _____</p> <p><b>3. Complaint or Apparent Violation Employment-Related Law:</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No</p>	<p><b>4. Issue(s) Involved in Complaint or Apparent Violation ("X" Appropriate Box(es)):</b></p> <table style="width:100%; border: none;"> <tr> <td><input type="checkbox"/> Wage Related</td> <td><input type="checkbox"/> Housing</td> </tr> <tr> <td><input type="checkbox"/> Child Labor</td> <td><input type="checkbox"/> Pesticides</td> </tr> <tr> <td><input type="checkbox"/> Health/Safety</td> <td><input type="checkbox"/> Discrimination</td> </tr> <tr> <td><input type="checkbox"/> Transportation</td> <td><input type="checkbox"/> Trafficking</td> </tr> <tr> <td><input type="checkbox"/> Sexual harassment/coercion/assault</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Other (Specify) _____</td> <td></td> </tr> </table>	<input type="checkbox"/> Wage Related	<input type="checkbox"/> Housing	<input type="checkbox"/> Child Labor	<input type="checkbox"/> Pesticides	<input type="checkbox"/> Health/Safety	<input type="checkbox"/> Discrimination	<input type="checkbox"/> Transportation	<input type="checkbox"/> Trafficking	<input type="checkbox"/> Sexual harassment/coercion/assault		<input type="checkbox"/> Other (Specify) _____		<p><b>5. If employer is an H-2A/Criteria Employer, is the complainant a:</b>          ("X" Appropriate Box):</p> <p><input type="checkbox"/> U.S. Worker  <input type="checkbox"/> H-2A Worker</p>
<input type="checkbox"/> Wage Related	<input type="checkbox"/> Housing													
<input type="checkbox"/> Child Labor	<input type="checkbox"/> Pesticides													
<input type="checkbox"/> Health/Safety	<input type="checkbox"/> Discrimination													
<input type="checkbox"/> Transportation	<input type="checkbox"/> Trafficking													
<input type="checkbox"/> Sexual harassment/coercion/assault														
<input type="checkbox"/> Other (Specify) _____														

<p><b>6a. Referrals To Other Agencies ("X" Appropriate Box(es))</b>  <input type="checkbox"/> WHD. U.S. DOL.    <input type="checkbox"/> OSHA U.S. D.O.L.  <input type="checkbox"/> EEOC    <input type="checkbox"/> Other _____</p>	<p><b>7. Address of Referral Agency (No., St., City, State, ZIP Code and Telephone No.)</b>          _____          _____          ( ) - _____</p>
<p><b>6b. Next Follow-up Date if complainant is an MSFW</b>          ____/____/____</p>	

**8. Actions Taken on Complaint/Apparent Violation (If additional space is needed for multiple actions taken, use a separate paper):**

Action Taken By: \_\_\_\_\_ On: \_\_\_\_\_  
 (First and Last Name) (Date)

Action Taken: \_\_\_\_\_

**9. Complaint resolved at the local level**     Yes     No If "No," explain" \_\_\_\_\_

**10. Apparent violations resolved at the local level**     Yes     No, if "No," explain" \_\_\_\_\_


**11. Provided other American Job Center Services**     Yes     No If "No," explain" \_\_\_\_\_

\*If additional space is needed for explanations, use a separate paper.

<b>12a. Name and Title of Person Receiving Complaint</b>	<b>12b. Office Address (No., St., City, State, ZIP Code)</b>	
<b>12c. Phone Number</b> ( )	<b>12d. Signature</b>	<b>12e. Date</b> / /

**Public Burden Statement**  
 Persons are not required to respond to this collection of information unless it displays a currently valid OMB Control Number. Obligation to reply is required to obtain or retain benefits (44 USC 5301). Public reporting burden for this collection is estimated to average 2 hours and 30 minutes per response, including the time to review instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection of information. Send comments regarding this burden estimate or any other aspect of this collection, including suggestions for reducing this burden, to the U.S. Department of Labor, Employment and Training Administration, Office of Workforce Investment, Room C-4510, 200 Constitution Avenue, NW, Washington, DC 20210.

### Appendix F: Complaint Log

	New Jersey Department of Labor and Workforce One-Stop Career Center _____	<h2 style="margin: 0;">Unified Workforce Investment System Complaint Log</h2>																		
WIB / SDA / OSGC _____		Program Year: _____																		
Complaint Officer: _____		Quarter Ending: 30-Sep _____ 31-Dec _____ 31-Mar _____ 30-Jun _____																		
Complaint Number	Date Filed	Complainant Name	Respondent Name	Type				MSFW	Status of Complaint				Comments (add pages as needed)	Resolved						
				1	2	3	4		1	2	3	4		1	2	3	4			
				1	2	3	4	YES	1	2	3	4					1	2	3	4
				5	6	7	8	NO	5	6	7	8					5	6	7	8
				1	2	3	4	YES	1	2	3	4					1	2	3	4
				5	6	7	8	NO	5	6	7	8					5	6	7	8
				1	2	3	4	YES	1	2	3	4					1	2	3	4
				5	6	7	8	NO	5	6	7	8					5	6	7	8
				1	2	3	4	YES	1	2	3	4					1	2	3	4
				5	6	7	8	NO	5	6	7	8					5	6	7	8
				1	2	3	4	YES	1	2	3	4					1	2	3	4
				5	6	7	8	NO	5	6	7	8					5	6	7	8
				1	2	3	4	YES	1	2	3	4					1	2	3	4
				5	6	7	8	NO	5	6	7	8					5	6	7	8
				1	2	3	4	YES	1	2	3	4					1	2	3	4
				5	6	7	8	NO	5	6	7	8					5	6	7	8
				1	2	3	4	YES	1	2	3	4					1	2	3	4
				5	6	7	8	NO	5	6	7	8					5	6	7	8
				1	2	3	4	YES	1	2	3	4					1	2	3	4
				5	6	7	8	NO	5	6	7	8					5	6	7	8
				1	2	3	4	YES	1	2	3	4					1	2	3	4
				5	6	7	8	NO	5	6	7	8					5	6	7	8

**CAREER CENTER COMPLAINT LOG INSTRUCTIONS**

**Complaint Number:** Last two digits of Program Year + consecutive 3 digit ID number. (Example, first complaint of PY 2010 will be: **10-001**, the next **10-002**)

**Type:** Highlight the numeric identifier to indicate type of complaint: **1** Career Center Service; **2** Non-Career; **3** Employer; **4** Training; **5** Crime, Fraud, Waste; **6** Discrimination; **7** Apparent

**MSFW:** If complaint is filed by a Migrant/Seasonal Farm Worker highlight **YES**, if not, highlight **NO** (response must be entered, do not leave blank)

**Status of Complaint:** Highlight the numeric identifier to indicate: **1** in process, local; **2** Info Request, local; **3** In-process, State; **4** Info Request, State; **5** Hearing; **6** Enforcement Agency; **7** Appeal to USDOL Regional Administrator; **8**. Remanded to local level

**The appropriate status identifier should be circled on a timely basis as the complaint reaches each new status level.**

**Resolved:** Highlight the numeric identifier to indicate: **1** Local Level; **2** State Level; **3** Hearing Level; **4** Enforcement Agency; **5** Did Not Appeal; **6** Fail to Respond; **7** USDOL Regional

**COPY MUST BE SUBMITTED TO THE STATE MONITOR ADVOCATE WITHIN 15 DAYS AFTER THE END OF THE QUARTER.**

## Appendix G: Field Check/Apparent Violations Form

# FIELD CHECK/APPARENT VIOLATION FORM

Date Received:

**20 CFR 653.503** states: "(a) If a worker is placed on a clearance order, the SWA must notify the employer in writing that the SWA, through its ES offices, and/or Federal staff, must conduct random, unannounced field checks to determine and document whether wages, hours, and working and housing conditions are being provided as specified in the clearance order.

(b) Where the SWA has made placements on 10 or more agricultural clearance orders ... during the quarter, the SWA must conduct field checks on at least 25 percent of the total of such orders. Where the SWA has made placements on nine or fewer job orders during the quarter (but at least one job order), the SWA must conduct field checks on 100 percent of all such orders. This requirement must be met on a quarterly basis.

(c) Field checks must include visit(s) to the worksite at a time when workers are present. When conducting field checks, ES staff must consult both the employees and the employer to ensure compliance with the full terms and conditions of employment.

(d) If SWA or Federal personnel observe or receive information, or otherwise have reason to believe that conditions are not as stated in the clearance order or that an employer is violating an employment-related law, the SWA must document the finding and attempt informal resolution where appropriate (for example, informal resolution must not be attempted in certain cases, such as E.O. related issues and others identified by the Department through guidance.) If the matter has not been resolved within 5 business days, the SWA must initiate the Discontinuation of Services ... and must refer apparent violations of employment-related laws to appropriate enforcement agencies in writing."

In addition to the employer's name, address and phone number, to the extent possible, please include addresses and phone numbers of any persons involved in or able to corroborate the information alleged in the apparent violation.

**A. Employer:**

**B. Employer's Address and Telephone Number (include e-mail address, if available):**

**C. Source of Information (customer, outreach, consultant observation, telephone call, field check, etc.):**

**D. Indicate what happened &/or describe the situation:**

**E. Identify and attach all documentation and related materials:**

**VIOLATION**

Available online at:

[https://www.nj.gov/labor/wioa/documents/resources/Attachment%205%20Field%20Check Apparent%20Violations%20Form.pdf](https://www.nj.gov/labor/wioa/documents/resources/Attachment%205%20Field%20Check%20Apparent%20Violations%20Form.pdf)

a. Does this employer have a current listing with NJLWD? NO YES

b. Has this employer had a listing with NJLWD within the last 12 months? NO YES

c. Does the current situation suggest violations of the job listing? NO YES

d. Does the current situation suggest violations of Job? Service regulations? NO YES

e. Does the current situation suggest violations of employment related laws?

2. If **1.a.** is NO check the Non-JS related box NO – **Non-JS-Related** YES – **JS-Related**  
If **1.a.**, **1.b.** and **1.c.** are BOTH YES, check the JS- Related box

3. Does the violation involve a MSFW? Non-MSFW MSFW

4. Indicate all the issues involved and/or alleged:

Wages- Field Sanitation- Health/Safety- Child Labor- Migrant Seasonal Protection Act- State FLC license-

5. Does the complaint involve Temporary Labor Certification, Agricultural (H2A) or other workers?

**H2A Worker H2A Employer Other Worker Other Employer**

If **H2A** related, please indicate all of the issues involved and/or alleged:

Transportation- Housing- Wages- H2A Job Listing Assurances- Meals- Working Conditions- Other-

Available online at:

[https://www.nj.gov/labor/wioa/documents/resources/Attachment%205%20Field%20Check Apparent%20Violations%20Form.pdf](https://www.nj.gov/labor/wioa/documents/resources/Attachment%205%20Field%20Check%20Apparent%20Violations%20Form.pdf)