



**OPERATIONS BULLETIN  
WORKFORCE INNOVATION AND  
OPPORTUNITY ACT**

**Policy Number ETP 01-1007**  
RWDB Board Approval  
DATE: 10-03-07  
REVISED: July 2016  
E&T General Policy

Pg. 1 of 1

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## EMPLOYMENT & TRAINING GENERAL POLICY

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It is the policy of the City of Richmond, Workforce Development Board (RWDB), under the Workforce Innovation and Opportunity Act (WIOA) of 2014, which repeals and supersedes the Workforce Investment Act (WIA) of 1998, to ensure that no WIOA funded services either directly delivered or delivered on contract are utilized for the following:

- Public service employment
- Relocation of a business or part of a business that results in the loss of employment at the original location
- Employment generating activities
- Political activities
- Duplication of facilities/services otherwise available in the area
- Employment or training of participants in sectarian activities
- Charging participants a fee for placement or referral into a training program
- Wages of incumbent employees
- Displacement of employees by any WIOA participants
- The promotion or deterrence of union organizing

Said policies are in accordance with the following laws and regulations: WIOA 195(10); 20 Code of Federal Regulations (CFR) 683.250; WIOA 181(d); 20 CFR 684.320; WIOA 181(e); 20 CFR 683.205; WIOA 195(6); WIOA 195(2); 20 CFR 684.630; WIOA 188(a)(3); 20 CFR 686.210; WIOA 195(5); WIOA 181(b)(1); 20 CFR 683.255; WIOA 181(b) (2) and (3); 20 CFR 683.200, 683.275; WIOA 181(b)(7); 20 CFR 653.107. If you suspect wrongdoing involving U.S. Department of Labor programs or operations, contact the OIG Hotline 1.800.347.3756 or [www.oig.dol.gov](http://www.oig.dol.gov).



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AND OPPORTUNITY ACT**

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E&T Description of Resolving  
Grievances and Complaint

Pg. 1 of 1

## DESCRIPTION OF PROCEDURES FOR RESOLVING GRIEVANCES AND COMPLAINTS

The City of Richmond Workforce Development Board (RWDB), the Workforce Innovations and Opportunity Act (WIOA) of 2014 has established procedures for resolving issues arising between it and any program participant, subcontractor or other interested party, in accordance with Code of Federal Relations (CFR) regulations governing WIOA funded programs. These procedures also apply to participants who lodge complaints against sub-grantees and/or associated Employment and Training Department programs and activities.

If you think there has been a violation of the WIOA Act, rules and regulations of the Act, Employment and Training Department Equality Assurance Officer – City of Richmond Workforce Development Board – WIOA Administrative policies, procedures, or contract agreements, you have (1) year in which to file a grievance with City of Richmond, Employment and Training Department’s Equal Opportunity (EO) Officer. You may obtain assistance in filing a complaint by contacting our EO Officer, Julie Viray, at (510) 307-8014. Listed below is a brief description of the procedures for resolving issues, however, before following these below-listed procedures, you must first exhaust whatever complaint process is in force at your employment or training agency.

1. **FILING A COMPLAINT** - A complaint will be accepted, in written form only, by the RWDB’s EO Officer. If necessary, the EO Officer or designated staff will be available to assist complainant in preparing this document. Once a complaint is filed, complete, detailed procedures for resolving issues at the recipient level and procedures for filing a complaint directly with the Department of Labor will be given to the complainant by the Officer.
2. **INFORMAL CONFERENCE** - An informal conference will be held between the complaining party and other parties involved, including the EO Officer, to review the matter and come to a solution.
3. **HEARING** - A hearing may be scheduled if an issue cannot be resolved informally. The hearing will be scheduled within (30) days of receipt of formal complaint. A hearing notice will be issued to the complainant at least (10) days prior to the hearing date. This involves a complete investigation into the matter by the EO Officer, as well as a taped meeting with the RWDB’s Ad Hoc Grievance/Complaint Committee who will, in following due process, attempt to resolve the issue during the hearing. The EO Officer will render a decision within sixty (60) days after the complaint was received. If the issue is not resolved, the committee will make a written determination based on the evidence presented and will forward that recommendation to the RWDB’s Executive Committee for a final decision.
4. **EXHAUSTION OF RECIPIENT LEVEL RESOLUTION PROCEDURES** - Exhaustion occurs once the RWDB has issued a written decision based on the findings of the hearing committee. If you are not satisfied with decision or fail to receive a decision within sixty (60) days, you have the right to request a review of the complaint by the Governor’s State Review Panel. If the complainant wishes to pursue the matter, a complaint may be filed directly with the Civil Rights Center (CRC), U.S., Department of Labor, 200 Constitution Avenue, N.W., Room N-4123, Washington, D.C. 20210.

No individual will be retaliated against for: filing a complaint; opposing a practice prohibited by the below listed laws and provisions; furnishing information to, assisting or participating in any manner an investigation, review, hearing, or any other activity related to the administration of the below listed provisions; or otherwise exercising any rights or privileges under the following equal opportunity and nondiscrimination laws: Section 188 of the Workforce Innovations and Opportunity Act of 2014; Americans with Disabilities Act of 1990, Title II, Subpart A, The Age Discrimination Act of 1975, as amended; Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; Titles VI and VII of the Civil Rights Act of 1964 and provisions of WIOA Section 188 and compliance with Equal Employment Opportunity (EEO) provision in Executive Order 11246, as amended by Executive Order 11375 and supplemented by the requirements of 41 CFR Part 60. Title 20 Code of Federal Regulations (CFR) Section 683.420; Title 29 CFR Parts 31, 32 and 38; Title 41 CFR Subpart 101-19.6; Dymally-Alatorre Bilingual Services Act, Government Code Section 7290-7299.8 and Chapter 2.50 Municipal Code of the City of Richmond. These procedures are as prescribed in Title 29 CFR Section 38 Complaint Processing Procedures.



**OPERATIONS BULLETIN  
WORKFORCE INNOVATION AND  
OPPORTUNITY ACT**

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DATE: 10-03-07  
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EEO/Nondiscrimination Policy  
Pg. 1 of 1

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## EQUAL OPPORTUNITY/NONDISCRIMINATION POLICY

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It is the general policy of the City of Richmond Workforce Development Board (RWDB) and specifically of the Employment and Training Department to deliberately seek, affirm and enforce equal opportunity and equal rights for all its staff and participants financially assisted under Title I of the Workforce Innovation and Opportunity Act (WIOA) of 2014 and related employment and training programs.

It is the City's policy that all Department of Labor assisted and WIOA related subcontractors shall be made aware of the City's Equal Opportunity/Nondiscrimination Policy and its plan for achieving same; and that all subcontractors shall have programs, to the maximum extent feasible, to contribute to the elimination of sex stereotyping. This includes recruiting and encouraging females to enter occupations with skill shortages where women represent less than 25% of the labor force, and recruiting and encouraging males to enter occupations with skill shortages where males represent less than 25% of the workforce.

Participation in programs and activities financially assisted in whole or in part under the WIOA shall be open to citizens and nationals of the United States, lawfully admitted permanent aliens, lawfully admitted refugees, parolees and other individuals authorized by the Attorney General to work in the United States. It is against the law for this recipient of federal financial assistance to discriminate against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the WIOA, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.

Further, it is against the law for this recipient of federal financial assistance to discriminate against any individual in the United States on the bases of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief.

Finally, it is against the law for this recipient to discriminate in deciding who will be admitted, or have access, to any WIOA 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.



**OPERATIONS BULLETIN  
WORKFORCE INNOVATION AND  
OPPORTUNITY ACT**

**Policy Number ETP 04-1007**

RWDB Board Approval

DATE: 10-03-07

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Discrimination/Complaint Process

Pg. 1 of 1

## DISCRIMINATION COMPLAINT PROCESS

The Workforce Innovation and Opportunity Act (WIOA) prohibits discrimination in any WIOA Title I financially-assisted programs or activities on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, citizenship, or participation in a WIOA Title I program or activity.

Any person that believes that he or she has been subjected to discrimination under a City of Richmond Workforce Development Board funded program or activity within the last 180 days, you have the choice of filing a complaint with one of the following:

- (1) The appropriate authority at your program training site,
- (2) the Equal Opportunity and Complaints Resolution Officer or
- (3) the Directorate of Civil Rights (DCR), U.S. Department of Labor, Room N-4123 200 Constitution Avenue N.W., Washington D.C. 20210.

You cannot, in any way, be retaliated against or punished for filing or making a complaint or grievance. Retaliation is prohibited by federal and state law. Any evidence of retaliation will be acted upon immediately.

If you choose to file your complaint with the Equal Opportunity and Complaints Resolution Officer, please complete the Complaint Discrimination Form (Exhibit A). Provide specific details of the incident(s), which prompted the complaint, and the remedy you want.

The EO Officer may recommend an informal resolution. If an informal resolution is not possible, the complaint will be investigated, this includes interviews with the alleged perpetrator(s) and witnesses, as well as reviews of any pertinent documentation. You have the right to be represented by any person(s) or organization(s) of your choosing; and if your representative may be present during any discussion. Confidentiality is imposed on all parties throughout the investigation.

The EO Officer will finish the investigation and render a decision within sixty (60 days) after the complaint was received. S/he will serve as an impartial fact –gather and decision-maker in reviewing and developing a finding based on evidence gather during the investigation. If the complaint is sustained, corrective action will be initiated to address the complaint. If the complaint is not sustained and you are not satisfied with this decision, or if a decision is not reached within (60) days of the filing of the complaint, you have the right to request a review by the Directorate of Civil Rights (see address above) within (30) days of the date that you received formal notice of the decision, or within thirty (30) days of the expiration of the 60-day period.

*Discrimination Process is to be used in conjunction with Discrimination form if client thinks he or she may have been subject to any form of discrimination.*



**OPERATIONS BULLETIN  
WORKFORCE INNOVATION AND  
OPPORTUNITY ACT**

**Policy Number ETP 05-1007**  
RWDB Board Approval  
DATE: 10-03-07  
REVISED: November 2017  
Incident Reporting

Pg. 1 of 3

## **INCIDENT REPORTING POLICY**

### **PROCEDURE FOR PROCESSING SUSPECTED CRIMINAL ACTIVITY IN WIOA PROGRAMS**

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#### **I. GENERAL INFORMATION**

The City of Richmond Workforce Development Board's goal is to fortify program systems and to place a high priority on eliminating program fraud and abuse. Consistent with this goal, systematic procedures for reporting alleged instances of suspected or actual fraud, abuse, or criminal conduct in WIOA programs are as follows:

These procedures are to be used for reporting criminal complaints and reports of fraud, waste, or program abuse related to RWDB WIOA programs. The scope of this policy will encompass actions by any staff or official of the, State of California Employment Development Department, Office of the Governor, Local Area, as well as staff, officials, and program participants of recipients, sub-recipients, and contractors.

The WIOA regulations, Title 20 CFR 683.620, requires that information and complaints involving criminal fraud, waste, abuse or other criminal activity must be reported immediately through DOL's Incident Reporting System to Office of the Inspector General (OIG) with a copy simultaneously provided to the Employment and Training Administration (ETA). The Incident Reporting System also processes non-criminal complaints regarding mismanagement and gross waste of funds.

The information requested in EDD's directive completes DOL's Incident Report Form (Exhibit B) and acknowledges the types of incidents that the OIG Hot Line seeks to identify. Reports may be submitted to the OIG at their Web site <http://www.oig.dol.gov/hotlinemain.htm>, by telephone at 1-800-347-3756, by fax to (202) 693-5210, or by mail to:

Office of Inspector General - United States Department of Labor  
200 Constitution Avenue, N.W., Room S-5506  
Washington, D.C. 20210

This directive ensures that all instances of fraud, abuse, or other criminal activity associated with WIOA-funded activities are concurrently reported to the Compliance Review Division (CRD). When an individual has knowledge or suspicion of a violation of the WIOA or its regulations, the individual must take prompt and appropriate action.

#### **POLICY AND PROCEDURES:**

##### **Definitions:**

*Complaint*, for this directive only, means criminal complaint and non-criminal complaints accepted by DOL as incidents, such as gross waste of funds, mismanagement and dangers to the public health and safety.

*Sub-recipient*, for this directive, means LWDA's and other recipients that receive WIOA funds directly from the State. *Lower-tier sub-recipient* means a recipient that does not receive WIOA funds directly from the State.



**OPERATIONS BULLETIN  
WORKFORCE INNOVATION AND  
OPPORTUNITY ACT**

**Policy Number ETP 05-1007**  
RWDB Board Approval  
DATE: 10-03-07  
REVISED: November 2017  
Incident Reporting

Pg. 2 of 3

**General:**

***All sub-recipients that receive WIOA funds shall promptly report to RWDB all allegations of WIOA-related fraud, abuse, and other criminal activity. Included are definitions related to reportable issues. Each sub-recipient shall establish appropriate internal program management procedures to prevent and detect fraud, abuse, and criminal activity. These procedures must include a reporting process to ensure that OIG and CRD are notified immediately of any allegations of WIOA-related fraud, abuse, or criminal activity. Internal management procedures must be in writing and include the designation of a person on the sub-recipients' staff who will be responsible for such notifications. Lower-tier sub-recipients will establish, document, and implement procedures to immediately notify the funding entity of any suspected or proven fraud, abuse, or other criminal activity involving WIOA-funded activities. Funding entities must provide written notification to lower-tier sub-recipients regarding their responsibilities to be alert for instances of fraud, abuse, and criminal activity committed by staff, contractors, or program participants and to report all such instances to the funding entity, OIG and CRD immediately. Proof of this notification must be maintained in the funding entity's files. Sub-recipients detecting the presence or appearance of fraud, abuse, or other criminal activity must obtain sufficient information to provide a clear, concise report of each incident. Reports must include a statement of all facts, known at the time, as well as any known or estimated loss of WIOA funds resulting from the incident. It is important that an initial report is made to OIG and CRD within one working day of the detection of the incident. The submission of an incident report should not be delayed even if all facts are not readily available. Any facts subsequently developed by the sub-recipient are to be forwarded in a supplemental incident report.***

The reporting procedures do not supersede the responsibility for sub-recipients to safeguard WIOA funds by taking prompt and appropriate corrective action when any evidence of a violation of WIOA or its implementing regulations is found.

**Reporting:**

***Within 72 hours of detection or discovery of information alleging fraud, abuse, or other criminal activity involving WIOA funds, a written incident report shall be prepared by the detecting entity. The report must be submitted on the attached form or similar document containing the requested information.***

Submit the report to:  
Julie Viray, EO Officer  
City of Richmond  
Employment & Training Department  
330 – 25<sup>th</sup> Street  
Richmond, CA 94804

Allegations considered to be of an emergency nature may be reported by telephone to, the RWDB WIOA Program Coordinator ***followed immediately thereafter by a written incident report.***



**OPERATIONS BULLETIN  
WORKFORCE INNOVATION AND  
OPPORTUNITY ACT**

**Policy Number ETP 05-1007**  
RWDB Board Approval  
DATE: 10-03-07  
REVISED: November 2017  
Incident Reporting

Pg. 3 of 3

The Workforce Development Division will forward any incident report it receives to CRD. The CRD will record any incident report it receives in the WIOA Incident Report System and forward the incident report to DOL/ETA, Region 6, within one working day of receipt. However, CRD may have to contact the reporting entity for clarification or additional details prior to forwarding it to Region 6. Concurrently with its transmittal of the incident report to Region 6, CRD will, when applicable, notify the reporting entity to take appropriate action to recover misspent funds, or to contain its financial liability. Upon receipt, ETA Region 6 will forward the incident report to DOL Regional OIG, San Francisco. Subsequently, Region 6 will advise EDD of the action to be taken by DOL Regional OIG. If OIG decides to investigate the incident, CRD will wait for OIG's results before commencing the state-level formal resolution. If OIG decides not to investigate the incident, CRD will request, when appropriate, a special monitoring review or an investigation by the appropriate state entities. Otherwise, CRD will require the sub-recipient to submit its fact finding and local resolution.

Whenever the entity reporting the allegation of an incident believes that immediate action to prevent further financial loss or other damage is necessary, or recovery of funds or property may be impeded if immediate action is not taken, the reporting entity has the responsibility to take any action it deems appropriate, including contacting the local law enforcement agency. ***Any immediate action taken or planned by the reporting entity must be reported to CRD when the incident report is submitted.***

Allegations of fraud, abuse, or other criminal activity in WIOA-funded programs may originate from sources other than sub-recipients. Such sources may include informants, independent auditors, or local law enforcement agencies. Whenever EDD receives an allegation from such source, CRD will prepare an incident report (DOL Form DL 1-156) and submit it to Region 6, in accordance with this directive. In such a case, CRD will, when appropriate, inform the subject sub-recipient of the incident reported and advise the latter of the need to take certain action. During an investigation, based on a report of fraud or abuse, RWDB, DOL and OIG investigators or auditors may contact a sub-recipient regarding an incident of which the sub-recipient was not previously aware. Upon learning of the incident from federal sources, the sub-recipient should contact CRD to determine whether the latter is aware of the incident. If the sub-recipient is not aware of the allegations but CRD is; then the latter will, when appropriate, inform the former of the specific allegations contained in the incident report.

#### **LOCAL AREA COMPLAINT PROCESSING PROCEDURE**

The RWDB Local Area shall abide by the procedures for reporting known or suspected instances of fraud, program abuse, or criminal conduct relating to programs funded by the U.S. Department of Labor.

Local Area Staff Designation. Each Local Area shall designate an individual or individuals to receive and assist in the preparation of Incident Reports. Such designation shall also include an individual other than a supervisor or manager to whom an individual can file an Incident Report where there is concern their position will be compromised by submitting information believed to indicate actual, potential, or suspected wrongdoing. This designation, and any subsequent change to this designation, should be reported to Assurances should be made that an Incident Report is completed in its entirety and forwarded for processing to the Local Area designated official if the report is made to any other staff member.



**OPERATIONS BULLETIN  
WORKFORCE INNOVATION AND  
OPPORTUNITY ACT**

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EO is the Law Policy

Pg. 1 of 1

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## EQUAL OPPORTUNITY IS THE LAW

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It is against the law for this recipient of Federal Financial assistance to discriminate on the following bases:

- ❖ Against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief; or,
- ❖ Against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovations & Opportunity Act (WIOA), on the basis of the individual's citizenship status or participation in any WIOA 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 WIOA Title 1-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.

### What to Do If You Believed You Have Experienced Discrimination

If you think that you have been subjected to discrimination under a WIOA Title 1-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

Julie Viray, EO Officer  
City of Richmond,  
Employment and Training Department      or  
330 -25th Street  
Richmond, CA 94804  
[jviray@richmondworks.org](mailto:jviray@richmondworks.org)  
(510) 307-8014

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

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.