

**TEXAS WORKFORCE COMMISSION**  
**Workforce Development Letter**

<b>ID/No:</b>	WD 19-19
<b>Date:</b>	August 15, 2019
<b>Keyword:</b>	WIOA
<b>Effective:</b>	Immediately

**To:** Local Workforce Development Board Executive Directors  
Commission Executive Offices  
Integrated Service Area Managers

*Sabri Carlson*  
for

**From:** Courtney Arbour, Director, Workforce Development Division

**Subject: Federal Appeals Process for WIOA Title I Noncriminal Grievances and Complaints**

---

**PURPOSE:**

The purpose of this WD Letter is to provide Local Workforce Development Boards (Boards) with guidance on the process for participants and interested parties to file grievances and complaints alleging violations of Workforce Innovation and Opportunity Act (WIOA) Title I requirements.

**BACKGROUND:**

Under 20 Code of Federal Regulations (CFR) §683.600, each state and direct recipient of WIOA Title I funds must establish and maintain procedures for participants and interested parties to file grievances and complaints alleging violations of WIOA Title I requirements. The Texas Workforce Commission's Chapter 823 Integrated Complaints, Hearings, and Appeals rules outline the requirements for local-level grievances and complaints, state-level complaints, and state-level appeals, including providing customers and other interested parties the opportunities:

- to file grievances and complaints at the local and state levels;
- for an informal resolution and a hearing to be completed within 60 days of filing a grievance or complaint; and
- for a local-level appeal to the state when no decision is reached within 60 days or when either party is dissatisfied with the local hearing decision.

Additionally, each state must provide participants and interested parties the opportunity to appeal decisions to the US Secretary of Labor (Secretary).

**PROCEDURES:**

**No Local Flexibility (NLF):** This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by "must" or "shall."

**Local Flexibility (LF):** This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”

**NLF:** Boards must ensure that Workforce Solutions Office staff informs customers and other interested individuals who wish to file a local-level grievance or complaint that the Secretary will investigate appeals under the following circumstances:

- Local-level grievances and complaints—when a state-level appeal is filed and within 60 days of that request, either party appeals to the Secretary.
- State-level complaints:
  - when no determination is made at the state level within 60 days of receipt of the state-level complaint; or
  - when a decision on a state-level grievance or complaint has been reached and the party to which the decision is adverse appeals to the Secretary.

**NLF:** Boards must ensure that Workforce Solutions Office staff informs customers and other interested individuals who wish to appeal a final state-level determination of the following:

- Appeals to the Secretary, that are based on a state-level determination not being made within 60 days of receipt of a grievance or complaint, must be filed within 120 days of filing the grievance or appeal with the state.
- Appeals to the Secretary that are based on a party’s dissatisfaction with the decision of the state-level appeal must be filed within 60 days of receipt of the state-level decision.
- Appeals to the Secretary must be submitted by certified mail with a return receipt requested. In addition to sending an appeal to the Secretary, the party must also simultaneously provide a copy of the appeal to the opposing party and the US Department of Labor Employment and Training Administration (DOLETA) regional administrator.

Mailing addresses to the Secretary and DOLETA regional administrator are provided below:

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

Regional Administrator, US Department of Labor Employment and Training  
Administration  
525 S. Griffin Street, Room 317  
Dallas, Texas 75202

**NLF**: Boards must be aware that the Secretary must make a final decision on an appeal no later than 120 days after receiving the appeal.

**INQUIRIES:**

Send inquiries regarding this WD Letter to [wfpolicy.clarifications@twc.state.tx.us](mailto:wfpolicy.clarifications@twc.state.tx.us).

**REFERENCES:**

WIOA §181—Requirements and Restrictions

20 CFR, Subpart F—Grievance Procedures, Complaints, and State Appeals Processes,  
§§683.600–683.610

Texas Workforce Commission Chapter 823, Integrated Complaints, Hearings, and  
Appeals Rules