



# **Employment Services Complaint System Policy**

2025 Overview of U.S. DOL  
Required Revisions and L&I  
Policy Improvements





# Presentation Outline

Employment Services Complaint System Policy, Change 1

Main Discussion Points:

- Background and History
- Revision Overview
- Policy Overview
  - ❖ Purpose, Statement, Scope, Policy Elements
  - ❖ LWDB and One-Stop Operator roles





# Background and History

- Improving Protections for Workers in Temporary Agricultural Employment in the United States
  - Published: April 29, 2024
  - Effective: June 28, 2024
- L&I's internal policy review
  - 20 CFR Part 651 - Terms
  - 20 CFR Part 658 - Discontinuance and Reinstatement of ES Services





# Policy 2025 Revision Overview

## Part 1

- Updated policy statement with an expanded outline to improve readability.
- **Definitions** section - Added new key FLC related definitions affecting the ES Complaint System and removed some WIOA common knowledge definitions. Revised certain definitions (i.e., **Discontinuation of Services** {added period of up to 3 years the SWA can discontinue services}, **MSFW** {modified to increase understanding of acronym} and **Farm labor contractor** {added PA Office of Labor Law Compliance}) per the request of the Office of the State Monitor Advocate.
- **SWA Distribution of Responsibilities** section – minor language edits were added.
  - Revised *State-level ES Complaint System Representative (item e)* to increase term use consistency.
  - Revised State Monitor Advocate to align with ES Final Rules.
  - Revised *State-level Coordination* by adding language to allow a designee to act on behalf of the State-level ES Complaint System Representative.
- **ES Complaint System Notices, Posters and Communication Requirements** section –
  - Moved *English Language Learner Requirements* narrative to this section to improve readability.
  - Moved *Confidentiality* narrative to this section to improve readability.





# Policy 2025 Revision Overview

## Part 2

- **Local Office and Centralized ES Complaint System forms and logs section** strengthened by collecting and moving all forms and logs into this section, narrative updated to align with ES Final Rules, revised to account for key BWPO operational processes and edited to improve readability.
- **Complaint Types** section strengthened by collecting and moving all complaint types into this section. Narrative revised to align with the ES Final Rule and improve readability.
  - **Complaints Involving Out-of-State Employment Service Agencies** narrative was aligned with ES Final Rules.
  - **ES-related Complaints** was cited (20 CFR 658.400(a)).
  - **Employment-related Law Complaints** edited to reflect current ES Final Rules.
  - **Complaints alleging unlawful discrimination or reprisal for protected activity** narrative was aligned with ES Final Rule and SWA operations.
  - **Non-ES-related Complaint Types (Office of Equal Opportunity - item f)** was updated with new ES Final Rules language.





# Policy 2025 Revision Overview

## Part 3

- ***Accepting, Processing and Resolving Complaints*** is a new section designed to improve organizational flow and readability. Existing policy/guidance language was moved into this section, vetted to ensure alignment with ES Final Rules and BWPO operations and lightly edited to ensure language consistency, use of proper form terms and correct roles of BWPO staff.
- ***Discontinuation of ES Services*** (20 CFR 658.500 - 504) section was greatly expanded by U.S.DOL in the recent ES regulations. A note explaining this action was added to the policy for the benefit of readers. The section is highly aligned with the new ES regulations.
- ***Request for Hearings or Appeals*** was aligned with the new ES regulations.
- ***Local Workforce Development Board Requirements*** was edited to maintain language consistency.
- ***Supporting Information*** section was updated with current regulations and guidance applicable to the ES Complaint System and no longer applicable citations were removed.
- ***History*** section was revised to reflect policy has been updated to align with current Wagner-Peyser's Final Rules.
- ***Public Comment*** section was revised to account for why the policy will not be posted for public comment.





# Policy Overview

## General Information

- Employment Service and Employment-Related Law Complaint System
- Effective Date: February 24, 2025
- Policy Owner: PA Department of Labor & Industry's Bureau of Workforce Partnership and Operations (BWPO)
- Policy Contact: BWPO Complaint System Representative [RA-LIBWPO-PROGCOORD@pa.gov](mailto:RA-LIBWPO-PROGCOORD@pa.gov)





# Policy Overview

## Policy Purpose

... It is accepted in a complex public workforce delivery system that a wide spectrum of complaints can occur. This **policy authorizes the establishment, staffing, operation and maintenance** of the commonwealth's Employment Service and Employment-Related Law Complaint System A.K.A. the ES Complaint System that is focused upon the acceptance, resolution and/or referral of Wagner-Peyser Act-based complaints.





# Policy Overview

## Policy Statement

- Cites Wagner-Peyser Act; 20 CFR Part 658 specifically.
- Requires each State Workforce Agency to establish and maintain an ES Complaint System. L&I is the designated SWA and the grant recipient of Wagner-Peyser Act funds.
- L&I's Bureau of Workforce Partnership and Operations (BWPO) has been tasked with the administrative, financial, and operational responsibilities associated with the ES Complaint System.
- Provides an outline detailing major sections of the policy.





# Policy Overview

**Scope:** indicates the parties the policy applies to and/or affects

- Direct recipients of Wagner-Peyser Act funds such as the State Workforce Agency (L&I); State Monitor Advocate and BWPO.
- Affects Local Workforce Development Area CEOs; Local Workforce Development Boards; Local Area administrative entities; Operators; PA CareerLink<sup>®</sup> program partners; WIOA service providers and Eligible Training Providers
- Customers - Applicants - Registrants
- Program participants
- Employers





# Policy Elements : Key Terms

Primary sources are WIOA Title I Section 3 and 20 CFR 651.10

**Complaint** means a representation made or referred to a State or ES office of an alleged violation of the ES regulations and/or other Federal laws enforced by the Department's Wage and Hour Division or Occupational Safety and Health Administration, as well as other Federal, State, or local agencies enforcing employment-related law.





# Policy Elements : Key Terms

Primary sources are WIOA Title I Section 3 and 20 CFR 651.10

- **Complainant** means the individual, employer, organization, association, or other **entity filing a complaint.**
- **Respondent** means the individual or entity **alleged to have committed the violation described in the complaint,** such as the employer, service provider, or state agency.





# Policy Elements : Key Terms

Primary sources are WIOA Title I Section 3 and 20 CFR 651.10

- **Complaint System Representative or CSR,** means a trained ES staff individual who is responsible for processing complaints.
- **Employment Service (ES) Office Manager** means the ES staff person in charge of ES services provided in a one-stop center.





# Policy Elements: Key Terms

Primary sources are WIOA Title I Section 3 and 20 CFR 651.10

- 1.** Employment Service Complaint System is established and maintained by the SWA and is operated by ES staff and/or managers to process complaints involving **failure to comply with Wagner-Peyser ES regulations** and **complaints against an employer** about the specific job to which the applicant was referred through the ES.





# Policy Elements: Key Terms

Primary sources are WIOA Title I Section 3 and 20 CFR 651.10

**2. Employment-related laws** means those laws that relate to the employment relationship, such as those enforced by the U.S. DOL's WHD, OSHA, or by other Federal, State, or local agencies as defined within 20 CFR 651.10.





# Policy Elements: Key Terms

Primary sources are WIOA Title I Section 3 and 20 CFR 651.10

**3. Apparent Violation** means a suspected violation of employment-related laws or employment service regulations by an employer, which an ES staff member observes, has reason to believe, or regarding which an ES staff member receives information.





# Policy Elements

## General Policy Provisions: Introduction

Complaints may take the form of an expression of dissatisfaction, protest, distress, grief, or pain.

The source of the issue may come from a variety of scenarios found within our workforce delivery system.





# Policy Elements

General Policy Provisions: Introduction continued

Each LWDB has ensured a method exists so that a customer's complaint is **accepted, filed, processed or referred** to the appropriate agency, program partner or service provider and **resolved** as efficiently as possible.





# Policy Elements

## General Policy Provisions: Introduction continued

An Employment Service based complaint is a representation made or referred to a State or ES office of an alleged violation of the ES regulations and/or other Federal laws enforced by Federal, State, or local agencies enforcing employment-related law.





# Policy Elements

General Policy Provisions: Introduction continued

**Any individual, employer, organization, association, or other entity may file a complaint.** This policy supports practices and procedures so that PA CareerLink<sup>®</sup> customers or other stakeholders that supply potential Wagner-Peyser Act-based complaints are made aware of the ES complaint system and how to express complaints to a trained PA CareerLink<sup>®</sup> complaint system representative.





# Policy Elements

## General Policy Provisions: Introduction continued

ES complaints may be accepted in all one-stop center locations, by the SWA's assigned entity (i.e., BWPO) that operates and manages the ES Complaint System, or elsewhere by outreach staff.





# Policy Elements

## General Policy Provisions: Distribution of Responsibilities

**Complaint System Representative:** Complaints filed through the local ES office **must be processed by a trained Complaint System Representative, or CSR**

Complaints received by a SWA must be assigned to a trained Complaint System Representative designated by L&I's BWPO staff.





# Policy Elements

## General Policy Provisions: Distribution of Responsibilities

**ES Office Manager:** At the local area level, the ES Office Manager is responsible for the **day-to-day management** of the local ES complaint system. The ES Office Manager, or other BWPO representative, may identify a designee, referred to as a “Complaint System Representative”, or CSR.





# Policy Elements

General Policy Provisions: Distribution of Responsibilities

## State-level ES Complaint System Representative:

The state-level ES Complaint System Representative, or state-level CSR, is assigned **overall responsibility** for the operation of the ES Complaint System.





# Policy Elements

## General Policy Provisions: Non-ES Complaint Referral

**Non-ES-related complaints** can be delineated into sub-groups. CSRs may collect non-ES complaints.

Non-ES complaint types each have distinct recording, resolution, and appeal procedures as well as different time frames to accept, act and complete the resolution associated with them.





# Policy Elements

General Policy Provisions: Non-ES Complaint Referral continued

Complaint(s) may be referred **per the LWDB's and/or Operator policy, or in absence of said policy,** to appropriate PA CareerLink<sup>®</sup> program partner(s), the local area EO Officer or referred to other local area organizations that may be of assistance to the complainant.





# Policy Elements

General Policy Provisions: Non-ES Complaint Referral continued

In absence of a LWDB and/or Operator policy that directs how complaints are referred the CSR will promptly refer non-Wagner-Peyser-based complaints to the PA CareerLink<sup>®</sup> respondent(s) associated with resolving the complaint **if the program is noted within the ES Complaint System policy program list.**





# Policy Elements

## General Policy Provisions: Non-ES Complaint Referral continued

- Certain complaints may be referred to the following partner programs:
  - **WIOA Title I:** referred to the PA CareerLink® Operator.
  - **Trade Adjustment Assistance Program:** Complaints alleging violations under the Trade Act of 1974 will be referred either to local office TAA staff or to Central Office Trade Act Services.
  - **Unemployment Insurance (UI):** referred to L&I's Office of UC, Customer Service Unit.
  - **Veterans:** Complaints by veterans alleging employer violations of the mandatory listing requirements under 38 U.S.C. 4212 will be referred either to the local office veteran representative or to the state-level CSR.
  - **Office of Equal Opportunity (OEO):** Complaints regarding WIOA Title I Section 188 or 29 CFR 38 violations shall be referred promptly, depending upon the availability, to the local area's Equal Opportunity (EO) officer and/or L&I's OEO state-level EO Officer.





# Policy Elements

## General Policy Provisions: Request for Hearings/Appeals

A request for a hearing can be made by either a **complainant** who is not satisfied with the outcome of their complaint, or by a **business** who has had, or is in danger of having, ES services discontinued.





# Policy Elements

## General Policy Provisions: Discontinuance of ES Services

When U.S. DOL or another authorized enforcement agency determines that a violation of Wagner-Peyser administrative regulations or employment related laws has occurred, the **discontinuance of services** must be initiated.





# Policy Elements

General Policy Provisions: Discontinuance of ES Services continued

Only when every effort has been exhausted, and thoroughly documented, the discontinuation of services be initiated.





# Policy Elements

General Policy Provisions: Discontinuance of ES Services continued

1. Basis for Discontinuance of ES Services
2. Notification for Discontinuance of ES services to Businesses
3. Reinstatement of ES Services





# Policy Elements

## General Policy Provisions: LWDBs & One-Stop Operators

- LWDBs will ensure their local area complaint policy and procedures align with this policy and associated guidance.
- LWDBs/Operators ensure customers are notified of the ES complaint system.
- All Wagner-Peyser Act based complaints are to be recorded.
- LWDBs/Operators will ensure all local area staff are knowledgeable of the content of this policy and the local board's complaint policy.



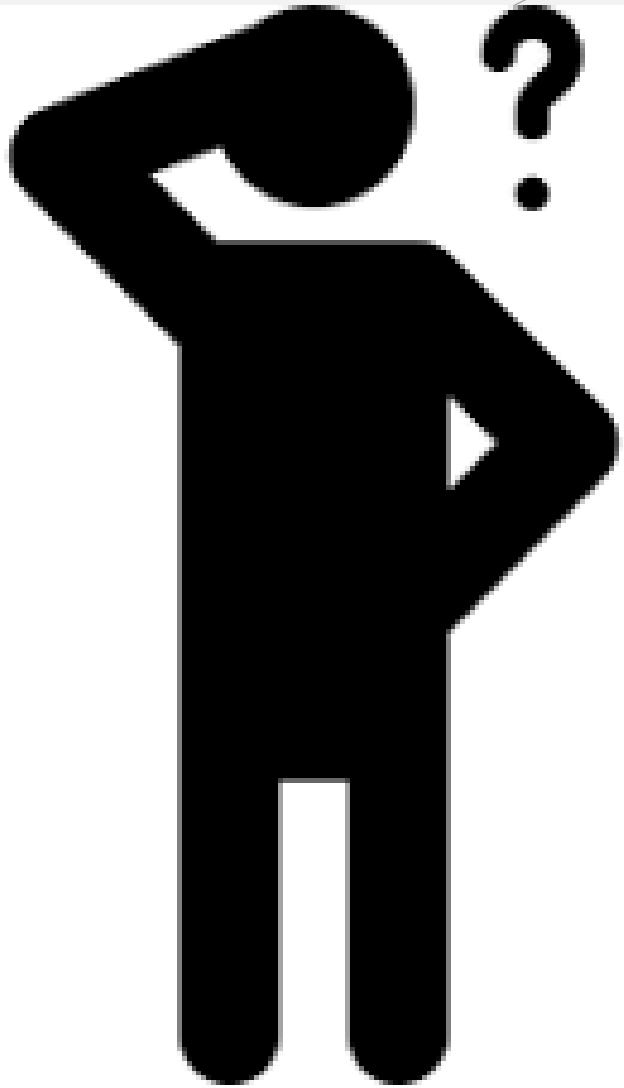


# L&I Workforce Development Policy Website

You may find policies and guidance at:

- **Website title: “Workforce Development”**
- <https://www.dli.pa.gov/Businesses/Workforce-Development/Pages/default.aspx>
- **Website title: “Workforce System Policy”**
- <https://www.dli.pa.gov/Businesses/Workforce-Development/Pages/Pennsylvania's-Workforce-System-Directives.aspx>
- **List of policies includes “Employment Service Complaint System”**
  - ❖ Activate drop down arrow to view the Policy and Guidance





**Send your questions  
to our resource  
account.  
Thank you!**



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