



KINGS COUNTY JOB TRAINING OFFICE

124 North Irwin Street • Hanford, California 93230
Phone (559) 852-4932 • Fax (559) 585-7395 • TDY Relay Number 1-800-735-2922
www.kingsworkforce.org

Workforce Development Board
Kings County Government Center
Administration Building, Multi-Purpose Room
1444 W. Lacey Blvd.
Hanford, CA 93230
March 7, 2019, 10:00 a.m.

AGENDA

- 10:00 **Call to Order/ Introduction**
- 10:05 **Approval of Minutes** –November 1, 2018 **ACTION**
- 10:10 **Public Comment and Unscheduled Appearances**
Any person may directly address the Board at this time on any item on the agenda, or on any other items of interest to the public, that is within the jurisdiction of the Board. Five (5) minutes are allowed each item.
- 10:15 **Reports**
 - Career Center Usage Report - Page 8
- 10:20 **County Representation on Workforce Development Board page 9**
- 10:25 **Funds Utilization Analysis Period Ending June 30, 2018, For PY16-17 and PY 17-18 pages 10 through 14**
- 10:30 **Grievance and Complaint Procedures Policy pages 15 through 27** **ACTION**
- 10:35 **Personal Identifiable Information Policy (Privacy Policy) Policy Pages 28 through 29** **ACTION**
- 10:50 **Economic Development Report**
- 10:55 **Member Roundtable**
- 11:00 **Unemployment Rate**
- 11:05 **Public Comment**
- 11:10 **Adjournment**

Workforce Investment Board Meetings
Kings County Government Center
Administration Building, Multi-Purpose Room
First Thursday of every other month at 10:00 a.m.

May 2	July 11	Sept. 5	Nov. 7
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If reasonable accommodations due to a disability are needed please contact Vince Velo at (559) 585-3562
no less than 3 days prior to the scheduled meeting date

Information relating to open session items is available for review at 124 N. Irwin St, Hanford, CA 93230





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Workforce Development Board

March 7, 2018

10:00 a.m.

AGENDA BACKUP INFORMATION

Reports

- **Career Center Usage Report** the Career Center usage report is contained on page 8. This report will be reviewed at your meeting.

County Representation on Workforce Development Board page 9

Pursuant to the Workforce Innovation and Opportunity Act § 107, Richard Valle-Supervisor District 2 has been appointed to the Kings County Workforce Development Board. Supervisor Valle was born in Corcoran, California. In May 1990, Supervisor Valle was sworn into the United States Marine Corps, where he served proudly for six years before being honorably discharged as a Sergeant. Supervisor Valle represents Avenal, Corcoran, Home Garden & Kettleman City.

Funds Utilization Analysis Period Ending June 30, 2018, For PY 16-17 and PY 17-18 pages 10 through 14

Pursuant to the Workforce Innovation and Opportunity Act, statutory guidelines are established for expenditure of funds. Among these expenditure guidelines is the following requirements:

- Expend a Minimum of 75 percent of Youth funds on out-of-school youth activities.
- Expend a minimum of 20 percent of Youth funds on work experience activities.
- Expend no more than 20 percent of combined Adult and Dislocated Worker allotments on Incumbent Worker Training.
- Expend no more than 10 percent of combined Adult and Dislocated Worker allotments on Transitional Jobs activities.
- Expend no more than 10 percent of combined Adult and Dislocated Worker allotments on Pay-for-Performance contracts.

Grant period PY 16/17 ending June 30, 2018, was compliant in all aspects with the exception of youth work experience. Youth work experience only achieved 8% of the 20% required expenditures, which necessitated an explanation on modification of youth operations to bring the program compliant.

Grievance and Complaint Procedures Policy pages 15 through 27

Recently, a program monitoring was conducted by the California Employment Development Department. The program monitoring did not identify any findings, however modifications were suggested to bring the Grievance and Complaint Procedures Policy compliant. This policy/procedure has been modified so that it is Workforce Innovation and Opportunity Act compliant, and all reference to the Workforce Investment Act have been removed.

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Personal Identifiable Information Policy (Privacy Policy) pages 28 through 29

At the recent program monitoring, it was identified that the Kings County Workforce Development Board does not have a separate Personal Identifiable Information Policy. The Personal Identifiable Information Policy is intended to protect the privacy of clients and specifically addresses the collection of personal information, and the security of the information. This policy will apply to Kings County Job Training Office programmatic operations, and is consistent with the policy of other workforce entities in the Central Valley.

Economic Development Report

Staff will provide a review of local and regional economic development activity at your meeting.

Member Roundtable

Members are encouraged to share information from their areas of representation.

Unemployment Rate

The unemployment rate is as follows:

	December 2017	November 2018 Revised	December 2018 Prelim
Labor Force	56,900	57,600	57,900
Employed	52,100	53,500	53,200
Unemployed	4,800	4,000	4,700
Rate	8.4%	7%	8.2%

JC





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Workforce Development Board
Kings County Government Center
Administration Building, Multi-Purpose Room
1444 W. Lacey Blvd.
Hanford, CA 93230
November 1, 2018
10:00 a.m.

Minutes

Members Present

Nancy Silva, Chairperson, Silva Dental
Buzz Felleke, B&D Quality Cleaners
Ronny Jungk, IBEW Local 100
Wendy Lomeli, Employment Development Department
Janet Long, Bank of the West
Antonio Martin, Aqua Azul Corporation
Dan Ramirez, Proteus
Dr. Kristin Robinson, College of the Sequoias

Staff Present

Lance Lippincott, Director
Vince Velo, Program Manager
Jessica Cervantes, Executive Secretary

Guests Present

Rosendo Flores, Employment Development Department

Call to Order/Introduction

Chairperson Nancy Silva called the meeting to order at 10:00 am and introductions were made.

Approval of Minutes

M/S/C Ronney Jungk/Janet Long to approve the minutes of the September 13, 2018, Workforce Development Board meeting.

Public Comment and Unscheduled Appearances

None





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Reports

- **Career Center Usage Report**, Director Lippincott discussed the September 2018, Career Center Usage Report. The Kings County One-Stop has fully launched the state mandated VOSGreeter check-in kiosk system. Director Lippincott explained the new report format. The Kings One-Stop is working on bringing down wait times. Director Lippincott reported the Kings One-Stop reception is now shared with EDD and JTO staff.

Negotiated Performance Measures

Director Lippincott explained the performance measures have been set for program year 2018/2019. They are not substantially different from previous program years with the exception of the Youth Program where Performance Measures have dropped. Kings County has been consistent in Performance Measures while serving a population with barriers. Director Lippincott explained what is being done to meet the performance measures.

M/S/C Ronny Jungk/Dan Ramirez to accept Negotiated Performance Measures.

Regional/Local Plan Update

Director Lippincott provided attendees with a flyer to the Regional Workforce Development Strategies Public Forum and invited everyone to attend. The forum will take place November 6, 2018, at 10:00 am at the Kings County Public Health Department Auditorium. Our Regional Contractor David Schinder will be the presenter.

Grants

- **Recent Awards**

Director Lippincott reported Staff has been working hard on grants and have brought in \$290,000 in new grant money. Director Lippincott explained one of the new grants serves dislocated workers. Many companies in the area such as Kmart, OSH, Zacky Farms among others have liquidated and 220 workers will be affected. The dislocated Worker Grant will help in serving those affected.

- **Pursuing the next grant application Disability Employment Accelerator \$350,000**

Director Lippincott explained the Kings Job Training Office in partnership with EDD is pursuing the Disability Employment Accelerator Grant. The total grant is \$350,000, however only \$175,000 will be pursued. Kings County has a population of about 150,000, we do not have the population to hit the highest award level. This grant is hard to serve as 50% of the population must be persons with disabilities that are college graduates. The disability will be self-attested. The grant is specifically for job placement. Our population to serve on this grant is about 25 individuals. If anyone is willing to write a letter of support let Lance know.

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The next funding opportunity will be a Veterans Grant. Negotiations are taking place now with local Veterans Departments, College of Sequoias and West Hills Lemoore. The hope is to get about \$200,000 to aid Veterans in finding jobs.

Youth

Director Lippincott reported the Kings County Job Training Office is in the process of bringing the Youth Program back internally. In 2002, the Kings County Office of Education was contracted to run this program. In 2014 the model switched over to an out of school youth, 18-24 year olds which is harder to serve. On January 16, 2019, Kings County Office of Education will turn over operations to the Kings County Job Training Office. Director Lippincott explained what the Kings County Job Training Office is doing in preparation to take over the program. Wendy reported EDD was given a new charging code to market on behalf of AJCC for their Youth Employment Opportunity Program (YEOP). This brings an opportunity for EDD and JTO to work together and market the Youth Programs.

Economic Development Report

Director Lippincott reviewed the Economic Development Report and discussed current prospects. Director Lippincott discussed the importance of attraction and retention of business and the efforts of the Kings One-Stop to increase business services. Kings County leads have increase from one or two per month to about eight per month.

Member Roundtable

Linda Thomas-West Hills Community College is having their Annual Essential Elements Gathering on November 8, 2018 at Harris Ranch. This conference brings leaders to discuss issues in Kings and Fresno Counties. This year's topic is Healthcare in the Valley. The conference is free and open to the public.

Wendy Lomeli-EDD reported there is new direction from the state regarding their Honor a Hero Hire a Vet Job Fair. The state would like to have the job fairs held at the AJCC's. Wendy reported that the AJCC's she oversee do not have the space to hold these types of job fairs. As far as Kings County they will hold a job fair in March 2019 at the Hanford Civic Auditorium, but there will be no reference to their Honor a Hero Hire a Vet Slogan.

Buzz Felleke, B&D Quality Cleaners- extended an invitation to have the next Workforce Development Board Meeting at his place of business.





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Unemployment Rate

Rosendo Flores – provided the current unemployment rate for September 2018, at 6.0%. Down from August and down from September of last year. This is the lowest September unemployment rate record since 1990.

	September 2017	August 2018 Revised	September 2018 Prelim
Labor Force	57,800	57,500	57,500
Employed	53,900	53,700	54,100
Unemployed	3,900	3,800	3,500
Rate	6.8%	6.6%	6.0%

Public Comment

None

Adjournment

The meeting was adjourned by Chairperson Silva at 10:36 am.



VOSGreeter® - by Visit Reason

- Region/Lwia: Kings County Job Training Office
- Office: KNG Job Training Office
- Visit Reason Status: Active
- Start Date: 1/1/2019
- End Date: 1/31/2019

Parent Reason	Visit Reason	Individuals	Percent	Average Wait Time
N/A	I am here to see a specific staff member	165	10.65%	10 minutes
		165		
State - Dept. of Rehabilitation	Dept. of Rehabilitation/Goodwill	9	0.58%	2 minutes
		9		
State - EDD: Veterans Assistance	Veteran Service Navigator	21	1.36%	8 minutes
		21		
State - Employer Services: Business Services	I am an Employer	6	0.39%	11 minutes
		6		
State - Other	JTO - Orientation	39	2.52%	2 minutes
		39		
State - Resource Room: Self Service	Resource Center	422	27.24%	0 Minutes
		422		
State - Unemployment Insurance Assistance	Disability and Paid Family Leave Assistance	91	5.87%	8 minutes
	EDD - Unemployment Insurance Assistance	736	47.51%	42 minutes
		827		
State - Workshop	RESEA Workshop	59	3.81%	7 hours, 1 minute
		59		
State - Youth Services	YEOP	1	0.06%	2 minutes
		1		
Parent Reason	Visit Reason	Individuals	Percent	Average Wait Time
	Total Visit Reason Count:	1,549	100.00%	52 minutes
	Grand Total Number of Individuals:	1,530		
Total Rows: 10				

VOSGreeter was unavailable from January 15-31, 2019, front line staff checked-in 1,131 individuals during this period.



COUNTY OF KINGS BOARD OF SUPERVISORS

KINGS COUNTY GOVERNMENT CENTER
1400 W. LACEY BOULEVARD, HANFORD, CA 93230
(559) 582-3211, EXT. 2362, FAX: (559) 585-8047
Web Site: <http://www.countyofkings.com>

JOE NEVES – DISTRICT 1
LEMOORE & STRATFORD

RICHARD VALLE – DISTRICT 2
AVENAL, CORCORAN, HOME GARDEN &
KETTLEMAN CITY

DOUG VERBOON – DISTRICT 3
NORTH HANFORD, ISLAND DISTRICT &
NORTH LEMOORE

CRAIG PEDERSEN – DISTRICT 4
ARMONA & HANFORD

RICHARD FAGUNDES – DISTRICT 5
HANFORD & BURRIS PARK

January 30, 2019

Workforce Development Board - JTO
Attn: Lance Lippincott, Committee Coordinator
124 N Irwin Street
Hanford, CA 93230

Re: County Representation on Workforce Development Board

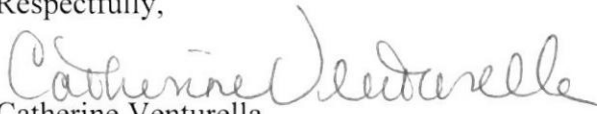
Dear Lance;

At a regular meeting of Kings County Board of Supervisors on January 29, 2019 the following member was appointed to the Workforce Investment Board:

Primary Appointment
Richard Valle, Supervisor Dist. 2
1400 W. Lacey Blvd
Hanford, CA 93230
(559) 852-2365
richard.valle@co.kings.ca.us

Please direct staff to coordinate directly with the Board member concerning meeting dates, times and other issues.

Respectfully,


Catherine Venturella,
Clerk to the Board of Supervisors



Edmund G. Brown Jr.
Governor

November 21, 2018

Mr. Lance Lippincott
Kings County
124 North Irwin Street
Hanford CA, 93230

Dear Mr. Lippincott:

Funds Utilization Analysis Period Ending June 30, 2018, For PY 16-17 and PY 17-18

This letter is to provide a funds utilization analysis of your Local Area's Adult, Youth, and Dislocated Worker formula funds for Program Year (PY) 2016-17 and PY 17-18. A similar letter is being sent to all Local Area administrators to assist them with the management of their formula funds. Each Local Area is responsible for ensuring that the following expenditure requirements are met by the end of the grant term dates:

- Expend a minimum of 75 percent of the Youth 'program' funds on out-of-school (OS) youth activities.
- Expend a minimum of 20 percent of the Youth 'program' funds on work experience activities.
- Expend no more than 20 percent of combined Adult and Dislocated Worker allotments on Incumbent Worker Training.
- Expend no more than 10 percent of combined Adult and Dislocated Worker allotments on Transitional Jobs activities.
- Expend no more than 10 percent of combined Adult and Dislocated Worker allotments on Pay-for-Performance contracts.

Local Areas are also required to obligate at least 80 percent of their program dollars by the end of the first program year for which they were allotted. However, this requirement was waived for PY 17-18 funds per Information Notice *Waiver of 80 Percent Obligation Requirement for PY 17-18* (WSIN 17-44), dated June 8, 2018. We are including benchmark data regarding this requirement in Enclosure 1 for reference only. Please refer to Workforce Services Directive *Funds Utilization Requirements for WIOA Funds* (WSD15-08), dated November 18, 2015, for more information on this requirement.

RECEIVED

NOV 30 2018

Mr. Lance Lippincott

Page two

Enclosure 2 reflects your expenditure levels for OS youth activities and work experience within your Local Area for PY 16-17. Each Local Area is responsible for meeting the 75 percent OS youth minimum expenditure level and the 20 percent youth work experience minimum expenditure level (see Workforce Services Directive *WIOA Youth Program Requirements* (WSD17-07), dated January 16, 2018). Expenditure levels are calculated based on "program" funds (total allotment less administrative expenditures).

If your Local Area did not meet the 75 percent OS youth expenditure requirement, you must submit a corrective action plan to your assigned Regional Advisor within six months after the end of the program year. A corrective action plan is included as Attachment 2 to Workforce Services Directive *WIOA Youth Program Requirements* (WSD17-07), dated January 16, 2018.

Enclosure 3 reflects expenditure levels for Incumbent Worker Training, Transitional Jobs, and Pay-for-Performance contracts.

All data enclosed is as of the June 30, 2018, reporting period and was obtained from expenditure reports submitted by each Local Area through CalJOBSSM. Please review the data and make adjustments, if necessary, within your program to ensure meeting the expenditure requirements going forward into the subsequent program years.

If you have any questions or require assistance with financial reporting, please contact Michael Garcia at Michael.Garcia@edd.ca.gov or (916) 654-6202. If you have questions or require technical assistance relative to the programs, please contact your Regional Advisor.

Sincerely,



for Julia Williams
Financial Management Unit
Central Office Workforce Services Division

Enclosures

cc: David Hinojosa, MIC 50
Michael Garcia, MIC 69

ANALYSIS
PY 17/18 FORMULA FUNDS UTILIZATION - 80% REQUIREMENT
DATA FOR REFERENCE ONLY - 80% REQUIREMENT WAIVED FOR PY 17/18 YEAR FUNDS

KNG
KINGS COUNTY

Formula Fund	Total Allocation	Allowable "Program" Funding 90% (-10% Admin)	80% Required Obligation Amount	Total Program Obligations Reported Period End June 30, 2018	Percentage of Total "Program" Obligations to 80% Requirement	Additional Obligations Needed
Adult	\$ 888,933.00	\$ 800,039.70	\$ 640,031.76	\$ 824,885.25	128.88%	\$ -
Youth	\$ 710,172.00	\$ 639,154.80	\$ 511,323.84	\$ 642,166.90	125.59%	\$ -
Dislocated Worker	\$ 509,041.00	\$ 458,136.90	\$ 366,509.52	\$ 472,459.62	128.91%	\$ -

**ANALYSIS
Out-Of-School Youth & Work Experience Expenditures
PY 16/17 - Report Period June 30, 2018**

**KNG
KINGS COUNTY**

Out-of-School Youth

Grant Code	Total Youth Allocation	Admin Expenditures	Program Expenditures	75% Out-of-School Requirement on "Program" Funding	Out-of-School Expenditures as of June 30, 2018	Additional Expenditures Needed to meet 75% Requirement	Current % Spent
301 / 302	\$ 641,789.00	\$ 26,824.19	\$ 614,964.81	\$ 461,223.61	\$ 592,049.52	\$ -	96%

Work Experience - Youth

Grant Code	Total Youth Allocation	Admin Expenditures	Program Expenditures	20% Work Experience Requirement on "Program" Funding	Work Experience Expenditures as of June 30, 2018	Additional Expenditures Needed to meet 20% Requirement	Current % Spent
301 / 302	\$ 641,789.00	\$ 26,824.19	\$ 614,964.81	\$ 122,992.96	\$ 48,230.51	\$ 74,762.45	8%

ANALYSIS
WIOA Formula Funds Expenditures Review
PY 16/17 - Report Period June 30, 2018

KINGS COUNTY (KNG)

KNG Expense Category / Type	Reported Category Expenditures			Allocation	Requirement		
	Adult Expenses <small>Grant Codes: 201, 202, 499, 500</small>	Dislocated Worker (DW) Expenses <small>Grant Codes: 501, 502, 200, 299</small>	Total Expenses <small>(Adult + DW)</small>	Total Allocation <small>(Adult + DW)</small>	Percent Spent	Max Expenditure Allowed	Within Requirement
Incumbent Worker Training (ICWT)	\$ -	\$ -	\$ -	\$ 1,347,150	0.00%	20%	YES
Transitional Jobs	\$ -	\$ -	\$ -	\$ 1,347,150	0.00%	10%	YES
Pay-for-Performance (PFP)	\$ -	\$ -	\$ -	\$ 1,347,150	0.00%	10%	YES

GRIEVANCE AND COMPLAINT PROCEDURES POLICY

Purpose:

This policy addresses the development, maintenance, and implementation of the local grievance and complaint procedures for complaints and alleged noncriminal violation in the operation of Workforce Innovation and Opportunity Act (WIOA) programs and activities provided by the Kings County Workforce Development Board.

Scope:

This policy incorporates The Workforce Innovation and Opportunity Act Directive WSD 18-05 into the local compliance policy governing the grievance and complaint provisions of WIOA. The Directive and local policy applies to programmatic grievances and complaints pursuant to WIOA Section 181 (c) and does not address the procedures for processing complaints alleging discrimination under WIOA Section 188 and/or Title 29 Code of Federal Regulations (CFR) Part 38. Information and complaints involving allegations of fraud, abuse, or other criminal activity must be reported directly to the Department of Labor's (DOL) Office of Inspector General and the Employment Development Department's (EDD) Compliance Review Division (CRD) through the procedures for reporting incidents described in WSD17-05.

References:

- Workforce Services Directive (WSD) 18-05, WIOA Grievance and Complaint Resolution Procedures, September 4, 2018
- Title 20 Code of Federal Regulations (CFR), Sections 683.600 and 683.610
- Title 29, CFR, Sections 38.9
- Title 22, California Code of Regulations (CCR) Division 1, Subdivision 2, Chapter 2, Sections 5050-5070
- Workforce Services Directive (WSD) 17-05, Oversight and Monitoring of Nondiscrimination and Equal Opportunity Procedures, August 29, 2018

Background:

Under WIOA Section 181(c), each state, Local Workforce Development Area (Local Area), and direct recipient of Title I funding is required to establish and maintain procedures for

participants and other interested parties to file grievances and complaints alleging violations of WIOA Title I requirements. These procedures must be made available to all relevant parties within the Local Area, including America's Job Center of California (AJCC) partners, service providers, and program participants.

Grievances or complaints must be filed within one year of the alleged violation. All grievances, complaints, amendments, and withdrawals must be in writing. All persons filing grievances or complaints shall be free from restraint, coercion, reprisal, and discrimination.

Furthermore, all recipients and subrecipients of WIOA Title I funds must make reasonable efforts to ensure their policies and corresponding information will be understood by affected participants and individuals, including youth and individuals with limited English proficiency. These efforts must comply with the language requirements of Title 29 CFR Section 38.9.

WIOA Title I Governor's Discretionary and Rapid Response subrecipients (except Local Areas) are not required to develop procedures for responding to grievances and complaints from participants and interested parties. Rather, these subrecipients must adopt the Employment Development Department's (EDD) state level grievance and complaint procedures, and must designate an individual who will be responsible for publishing the procedures.

Definitions:

Complainant – any participant or other interested or personally affected party alleging a noncriminal violation of WIOA Title I requirements.

Complaint file – a file that is maintained in a central location within each office, which includes a copy of each complaint filed along with pertinent documentation.

Compliance Review Office – the organization within the EDD that oversees the administrative resolution of WIOA programmatic complaints.

Days – consecutive calendar days, including weekends and holidays.

Grievance or complaint – a written expression by a party alleging a violation of WIOA Title I, regulations promulgated under WIOA, recipient grants, subgrants, or other specific agreements under WIOA.

Hearing Officer – an impartial person or group of persons that shall preside at a hearing on a grievance or complaint.

Local Area – the Local Area administrative entity and its subrecipients to whom the administrative entity has delegated the grievance and complaint resolution process.

Participant – an individual who has been determined to be eligible to participate in and who is receiving services under a program authorized under WIOA.

Participant case file – either a hard copy or an electronic file.

Recipient – an entity to which a WIOA grant is awarded directly from the U.S. Department of Labor (DOL) to carry out a program under WIOA Title I.

Service Provider – a public agency, private nonprofit organization, or private-for-profit entity that delivers educational, training, employment, or supportive services to WIOA participants.

State Review Panel – an entity within the EDD composed of representatives from EDD's Compliance Review Office, Legal Office, and Director's Office. This panel shall review and approve or disapprove decisions and recommendations regarding grievances or complaints.

Subrecipient – an entity to which a recipient awards funds and is accountable to the recipient (or higher tier subrecipient) for the use of the funds provided.

Policy:

It is the policy of the Kings County Workforce Development Board that:

- The principles and procedures set forth in this policy shall be identical to those established by WSD 18-05; and
- The principles and procedures set forth in this policy shall govern the treatment and handling of all grievances or complaints in connection with all WIOA Title I grant programs and activities conducted by the State, local area, or pursuant (directly or indirectly) to subgrants from the State.
- This policy incorporates all WIOA funding sources including the Governor's 15 and 25 percent programs and projects.
- The Job Training Program Manager is the individual designated to publish the EDD grievance and complaint procedures.

Procedures:

I. GENERAL PRINCIPLES AND REQUIREMENTS

These procedures will guide the receipt, hearing, and resolution of noncriminal grievances and complaints relating to WIOA Title I grant programs and activities that are funded with WIOA Title I grant monies provided to the local area through the State of California by the DOL. These procedures will be available for use by all individuals and entities, including WIOA Title I grant participants. The Kings County procedures include the opportunity for an individual alleging a labor standards violation to submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties so provides [Title 20 CFR Section 667.600(c)(3)]. Additionally, the Kings County Workforce Development Area,

including subrecipients of WIOA Title I grant funds will make reasonable efforts to assure that information about the content of the grievance and complaint procedures is understood by affected participants and individuals, including youth and those who are limited English-speaking individuals. Although a significant proportion of limited English-speaking individuals of the total eligible population has not been demonstrated, such efforts will comply with the language requirements of Title 29 CFR Section 38.9.

At all levels of the grievance or complaint process, complainants have the right to be represented, at their own expense, by a person(s) of their choosing.

Grievances or complaints must be filed within one year of the alleged violation. All grievances or complaints, amendments, and withdrawals must be in writing. All persons filing a grievance or complaint shall be free from restraint, coercion, reprisal, or discrimination.

II. KINGS COUNTY GRIEVANCE AND COMPLAINT PROCEDURES

Pursuant to Title 20 CFR Sections 683.600 and 683.610, the Kings County Workforce Development Board has established these procedures for resolving grievances and complaints alleging a violation of Title I, regulations, grants, or other agreements under WIOA. The following outlines the procedures for resolving issues arising in connection with WIOA Title I grant programs operated by the Kings County Workforce Development Board or its subrecipients. Any participant or other interested party adversely affected by a decision or action by the Kings County system, including decisions by One-Stop partners and service providers, has the right to file a grievance or complaint with the Kings County Job Training Office Program Manager, Director or another designated WIOA staff member.

A. Notice to Affected Parties

Initial and continuing notice of the local grievance and complaint procedures and instructions on how to file a complaint is as follows:

1. Posted in a public location and will be made available to any interested parties and members of the public.
2. Made available to each participant. A copy of a written description of Kings County grievance and complaint procedure shall include:
 - a. Notification that the participant has the right to file a grievance or complaint at any time within one year of the alleged violation;
 - b. Timelines for filing a grievance or complaint; and
 - c. Notification that the participant has the right to receive technical assistance from Kings County in filing the grievance or complaint.
 - d. Notification that the participant may file an appeal or request a separate review by EDD if they experience an incident or restraint, coercion, or reprisal as a result of filing a complaint.

Such information shall be modified, as needed, whenever the Procedures are changed.

3. Included in each participant's file. A copy of acknowledgement or receipt shall be signed by the participant. If an electronic case file is maintained, staff must either: (1) enter a case note indicating that this notification did occur, the date of the notification, and the name of the staff person who provided it, or (2) scan a signed copy of an acknowledgement of receipt of the local grievance and complaint procedures and attach it to the participant's case file.

Staff of the Kings County Workforce Development Area will provide technical assistance to the complainants, including grievances or complaints against the local area. Such technical assistance includes providing instructions on how to file a grievance or complaint, providing relevant copies of documents such as the Workforce Innovation and Opportunity Act, regulations, local rules, contracts, etc.; and providing clarifications and interpretations of relevant provisions. This requirement shall not be interpreted as requiring the Kings County Workforce Development Board or the One-Stop staff to violate rules of confidentiality.

B. Form and Filing of Grievance or Complaint

The official filing date of the grievance or complaint is the date the written grievance or complaint is received by the Kings County One-Stop staff, the Kings County service providers, One-Stop partners, or subrecipients in a form which satisfies all major items listed in B 1-6 below. The filing of the grievance or complaint will be considered a request for a hearing, and the Kings County One-Stop Staff will issue a written decision within 60 days of the filing of the grievance or complaint.

The grievance or complaint must be in writing, signed, and dated. For resolution purposes, Kings County One-Stop Staff will obtain the following information for all complaints:

1. Full name, telephone number, and mailing address of the complainant;
2. Full name, telephone number, and mailing address of the respondent;
3. A clear and concise statement of the facts and dates describing the alleged violation;
4. The provisions of the Workforce Innovation and Opportunity Act, the WIOA regulations, grant, or other agreements under the WIOA, believed to have been violated;
5. Grievances or complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with the WIOA law, regulation, or contract; and
6. The remedy sought by the complainant.

The absence of any of the requested information shall not be a basis for dismissing the grievance or complaint.

A grievance or complaint may be amended to correct technical deficiencies at any time up to the time of the hearing. Grievances or complaints may not be amended to add new issues. The one-year time period in which a grievance or complaint may be filed is not extended for grievances or complaints that are refiled with amendments. Grievances or complaints may be withdrawn at any time prior to the issuance of the hearing officer's decision. The Kings County One-Stop Staff will send a copy of the grievance or complaint and any decision to the respondent.

C. Informal Resolution

The Kings County One-Stop will notify the complainant and the respondent of the opportunity for an informal resolution. Respondents must make good faith efforts to resolve all grievances or complaints prior to the scheduled hearing. Failure on the part of the either party in the grievance or complaint to exert good faith efforts shall not constitute a basis for dismissing a grievance or complaint, nor shall this be considered to be a part of the facts to be judged in the resolution process. Where a complaint alleges a violation of WIOA Title I, grant or any agreements under WIOA, the Kings County One-Stop Staff will assure that every grievance or complaint not resolved informally or not withdrawn is given a hearing, regardless of the grievance or complaint's apparent merit or lack of merit.

If a complainant and Kings County are able to reach an informal resolution, Kings County One-Stop staff will send a a notice of resolution to the complainant and enter it into the complaint file. If the informal resolution leads to an impasse between the complainant and Kings County, the complainant may choose to not proceed to a hearing. If this occurs, a notice of impasse will be sent by Kings County to the complainant and entered into the complaint file. In the event of resolution or impasse, Kings County will request the complainant to provide a written withdrawal of the complaint within 10 days of receipt of the notice of resolution or impasse

D. Notice of Hearing

Hearings on any grievance or complaint will be conducted within 30 days of filing of a grievance or complaint. The complainant and the respondent must be notified in writing of the hearing ten (10) days prior to the date of the hearing. The ten-day notice may be shortened with the written consent of both parties. The hearing notice will be in writing and contain the following information:

1. The date of the notice, name of the complainant, and the name of the party against whom the grievance or complaint is filed.
2. The date, time, and place of the hearing before an impartial hearing officer.
3. A statement of the alleged violations. These statements must accurately reflect the content of the grievance or complaint as submitted by the complainant. Clarifying notes, however, may be added to assure that the grievance or complaint is addressed accurately.
4. The name, address, and telephone number of the contact person issuing the notice.

E. Conduct of Hearings

An impartial hearing officer shall conduct the hearing. All members of the Local Workforce Development Board and the local Chief Elected Official(s) are considered interested parties and cannot conduct an impartial hearing. The Kings County One-Stop will secure impartial hearing officers from among the staff of legal offices or personnel departments of municipalities or counties that will not be directly affected by, or will not implement the final resolution of, a specific grievance or complaint.

The hearing will be conducted in an informal manner with strict rules of evidence not being applicable and according to the procedures established through this procedure. Both parties will have the right to present written and/or oral testimony and arguments; the right to call and question witnesses in support of their position; the right to examine records and documents relevant to the issues; and the right to be represented. The hearing will be recorded electronically or by a court reporter.

F. Decision

Not later than 60 days after the filing of the grievance or complaint, the hearing officer shall mail a written decision to both parties by first class mail. The hearing officer's decision shall contain the following information:

1. The names of the parties involved;
2. A statement of the alleged violations(s) and issues related to the alleged violation;
3. A statement of facts;
4. The hearing officer's decision and the reasons for the decision;
5. A statement of corrective action or remedies for violation, if any, to be taken; and
6. Notice of the right of either party to request a review of the decision by the State Review Panel within thirty (10) days of the receipt of the decision.

G. Appeal

If a complainant does not receive a decision from the Kings County One-Stop within 60 days of the filing of the grievance or complaint, or receives an adverse decision, the complainant then has the right to file an appeal with the State.

The complainant may request a State hearing by submitting a written notice of appeal to:

Chief, Compliance Review Division, MIC 22-M
Employment Development Department
P.O. Box 826880
Sacramento, CA 94280-0001

III. STATE-LEVEL GRIEVANCE AND COMPLAINT RESOLUTION PROCEDURES

Title 20 CFR Section 683.600(d) requires the State to provide procedures for resolving appeals of decisions issued at the local level, grievances or complaints regarding statewide workforce programs, and grievances or complaints alleging state violations of WIOA Title I requirements.

A. Appeals of Local Level Decisions or Requests for EDD Review

1. If Kings County has issued an adverse decision or failed to follow the procedures in this Directive, the complainant may file an appeal with the state. Additionally, if Kings County has not issued a decision within the 60 day time limit, or if there has been any incident(s) of restraint, coercion, or reprisal at the local level as a result of filing a grievance or complaint, the complainant may file a request for EDD review.
2. The appeal or request for EDD review must be in writing, signed, and dated by the complainant. The state will attempt to obtain the following information. However, the absence of any of the requested information will not be used as a basis for dismissing the appeal or request for EDD review. The appeal or request for EDD review must include the following:

- a. The full name, telephone number, and mailing address of the complainant;
 - b. The Kings County Workforce Development Area's full name, telephone number and mailing address;
 - c. A statement of the basis of the appeal or request for EDD review;
 - d. Copies of relevant documents, such as the complaint filed with Kings County and their decision, if any was received.
3. Appeals must be filed or postmarked within 10 days from the date on which the complainant received an adverse decision from Kings County. Requests for EDD review must be filed or postmarked within 15 days from either of the following:
 - a. The date on which a complainant should have received a decision regarding a locally filed complainant, which is defined as five days from the date the decision was due.
 - b. The date on which an instance of restraint, coercion, or reprisal was alleged to have occurred as a result of filing the complaint.

Complainants must submit appeals or requests for EDD review to the following address:

Chief, Compliance Review Office, MIC 22-M
Employment Development Department
P.O. Box 826880
Sacramento, CA 94280-0001

4. If an evidentiary hearing was held by Kings County, the Compliance Review Office shall request the record of the hearing from Kings County and the State Review Panel shall review the record without scheduling an additional hearing. Kings County will provide written transcripts of any audio or visual recordings of the hearings via overnight mail. Within 10 days of receipt of the grievance or complaint, the Compliance Review Office shall notify the complainant and respondent of the opportunity for an informal resolution and proceed with the informal resolution process.
5. If an evidentiary hearing was not held by Kings County, the Compliance Review Office shall instruct Kings County to hold a hearing within 30 days of receipt of the appeal or request for EDD review. If Kings County refuses to hold a hearing within the required timeframe, the EDD shall schedule an evidentiary hearing before an impartial hearing officer within the 30 day timeframe.

B. State Level Grievances and Complaints

1. All grievances or complaints alleging noncriminal, state violations of WIOA Title I requirements, or grievances or complaints by individuals or interested parties affected by statewide workforce programs shall be filed in writing with the Chief of the Compliance Review Office. The official filing date of the grievance or complaint is the date it is received by the Compliance Review Office. The filing shall be considered a request for a hearing and the State Review Panel shall issue a written decision within 60 days of the official filing date. The Compliance Review Office shall send a copy of the grievance or complaint to the respondent.
2. The grievance or complaint must be in writing, dated, and signed by the complainant. The state will attempt to obtain the following information for all complaints. However, the absence of any of the requested information will not be used as a basis for dismissing the grievance or complaint. The grievance or complaint must include the following:
 - a. Full name, telephone number, and mailing address of the complainant and respondent.
 - b. A clear and concise statement of the facts and dates describing the alleged violation.
 - c. The provision(s) of WIOA, federal regulations, state laws or regulations, grant, or other agreements under WIOA believed to have been violated.
 - d. Grievances or complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with WIOA law, regulation, or contract.
 - e. The remedy sought by the complainant.
3. The Chief of the Compliance Review Office or their designee shall review the grievance or complaint and notify the complainant and respondent of the opportunity for an informal resolution within 10 days of receipt. If the state cannot resolve the grievance or complaint informally, a hearing will be held.

C. EDD Hearing

1. Hearings on any grievance or complaint shall be conducted within 30 days of the filing of the grievance or complaint. The complainant, respondent, and Kings County (in cases of local level appeals and requests for EDD review) shall be notified in writing of the hearing at least 10 days prior to the hearing. The hearing shall be conducted by an impartial officer. The hearing notice shall contain the following information:
 - a. The date of the notice, name of complainant, and the name of the party against whom the grievance is filed.
 - b. The date, time, and location of the hearing.

- c. A statement of the alleged violations. These statements must accurately reflect the content of the grievance or complaint as submitted by the complainant. However clarifying notes may be added to assure that the grievance or complaint is addressed accurately.
 - d. The name, address, and telephone number of the contact person issuing the notice.
 2. The EDD hearing shall be conducted in an informal manner without the application of strict rules of evidence. Both parties shall have the right to be represented, present written and/or oral testimony under oath and arguments, call and question witnesses, and request and examine records and documents relevant to the issues. The hearing shall be recorded either electronically or by a court reporter.
 3. Title 22 CCR regulates the responsibilities and processes of EDD administrative law judges and hearings and as such, applies to the EDD hearings and hearing officers described in this Directive. Title 22 CCR Sections 5050 through 5070 outline all applicable state laws and must be adhered to by the EDD hearing officers. Examples of subjects addressed include special hearing accommodation, electronic hearings, ex parte communications, and consolidation of similar cases. All references to “administrative law judge” hold the same meaning as “hearing officer” in regard to these regulations.

D. EDD State Review Panel

1. Following completion of the EDD hearing, the EDD hearing officer shall make a written recommendation to the State Review Panel. The hearing officer’s recommendation shall contain the following information:
 - a. The names of the parties involved;
 - b. A statement of the alleged violation(s) and issues related to the alleged violation;
 - c. A statement of facts;
 - d. The EDD hearing officer’s decision and the reasons for the decision; and
 - e. A statement of the corrective action, if any, to be taken.
2. The State Review Panel shall not conduct a new evidentiary hearing, but shall review the record established by either the local hearing or the EDD hearing. The State Review Panel shall issue a decision on the basis of the information contained in the record. The State Review Panel may accept, reject, or modify the EDD hearing officer’s recommendation or the decision of the local area, and shall issue a

written decision to the concerned parties within 60 days of receipt by the EDD of the request for hearing or review.

3. The State Review Panel shall mail a written decision to both the complainant and the respondent by certified mail. The decision shall contain the following information:
 - a. The names of the parties involved;
 - b. A statement of the alleged violation(s) and issues related to the alleged violation;
 - c. A statement of facts;
 - d. The State Review Panel's decision and the reasons for the decision;
 - e. A statement of the corrective action, if any, to be taken; and
 - f. A notice of the right of either party to file an appeal to the U.S. Secretary of Labor.

E. Remanded Local Grievance or Complaints

Grievances or complaints filed directly with the State related to the Kings County Workforce Development Area programs will be remanded to the Kings County grievance process in accordance with the local Grievance and Complaint Procedures. Reviews that reveal a trial issue, such as the hearing officer being an interested party, will be remanded to Kings County for a retrial of the grievance or complaint.

F. Remedies

1. Remedies that may be imposed for a violation of any requirement under WIOA Title I shall be limited to:
 - a. Suspension or termination of payments under WIOA Title I;
 - b. Prohibition of placement of a participant with an employer that has violated any requirement under WIOA Title I;
 - c. Reinstatement, where applicable, of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment; and
 - d. Where appropriate, to other equitable relief.
2. Nothing in paragraph one shall be construed to prohibit a complainant from pursuing a remedy authorized under another federal, state, or local law for a violation of WIOA Title I.

G. Federal-Level Appeal Process

1. If the State Review Panel has issued an adverse decision regarding a grievance or has not issued a decision within 60 days of receipt of a Kings County

appeal, request for EDD review, or grievance or complaint, the complainant may file an appeal with the Secretary. This appeal process applies to grievances and complaints that originated at Kings County or state level.

2. Appeals of an adverse decision must be filed within 60 days of receipt of the adverse decision from the State Review Panel. In cases where the State Review Panel did not issue a decision, the complainant must file an appeal within 120 days of either of the following:
 - a. The date on which the complainant filed the appeal of Kings County's decision or request for EDD review with the state.
 - b. The date on which the complainant filed the grievance or complaint with the state.
3. All appeals to the Secretary must be sent to the DOL National Office via certified mail with return receipts requested. Copies of the appeal must simultaneously be provided to the DOL Employment and Training Administration (ETA) Regional Administrator and the respondent. Mailing addresses for the DOL National Office and ETA Regional Administrator are included below:

DOL National Office Secretary of Labor
Attn: Assistant Secretary of ETA
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

ETA Regional Administrator Office of Regional
Administrator
U.S. Department of Labor
P.O. Box 193767
San Francisco, CA 94119-3767

4. Grievances or complaints filed directly with the Secretary that were not previously filed with Kings County and/or state will be remanded to the Local Area or state, as appropriate.
5. The Secretary shall issue a final determination no later than 120 days after receiving the appeal.

With the incorporation of this policy, the Kings County Workforce Development area ensures that the local policies and procedures are in accordance with the requirements disseminated in WSD18-05.

Personal Identifiable Information Policy (Privacy Policy)

Policy: The Kings County Workforce Development Board (KCWDB) is committed to protecting privacy and uses systems/technology that provides a safe experience. This policy applies to the Kings County Job Training Office (JTO), web site and governs data collection and usage. Accessing the JTO Resource Center, website, or services, participants consent to the data practices described in this statement. Participants shall include job seekers and employers.

Password Protection

Unique passwords are used by employees to access client information in CalJOBS and/or the CalJOBS Customer Relations Management (CRM). Passwords are to be kept confidential and will not be shared with anyone but the Kings County CalJOBS Management Information Systems Administrator or Director/designee as necessary.

Collection of Personal Information

The Kings County Job Training Office collects personally identifiable information, such as e-mail address, name, home or work address or telephone number. JTO also collects anonymous demographic information, which is not unique to participants, such as ZIP code, age, gender. This information is used by the Job Training Office for the operation of the service, to maintain quality of service, and to provide general statistics regarding usage of services through JTO.

Security of Personal Information

The Kings County Job Training Office secures personal information from unauthorized access, use or disclosure. JTO secures the personally identifiable information provided on computer servers in a controlled, secure environment, protected from unauthorized access, use or disclosure.

All client information submitted over the internet is protected, at a minimum, by 128-bit Secure Socket Layer (SSL) encryption. Participant's social security numbers are stored in a separate database within the subcontractor's network of servers, and protected by a firewall and a secondary database server firewall or AES1 data encryption. JTO may receive participant social security numbers or other confidential information in the course of business. An image of the social security card and other identifying documents may be contained in the participant's hard-copy file for the duration of enrollment plus any mandatory retention period (typically three to five years) after the last date of service, unless duration is specified in a contract. Some contracts may specify an initial retention period of up to five years after the last service.

If a subcontractor obtains confidential information as an agent of JTO, the subcontract must specifically state the purpose for the data collection and the term of records retention must be stated, and directly related, to the purpose and use of the information.

The Kings Count Workforce Development Board will:

- (a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that the Kings County Job Training Office is managing the Federal/State award in compliance with Federal/State statutes, regulations, and the terms and conditions of the Federal award. These internal controls are in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States and the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Tread way Commission (COSO).
- (b) Comply with Federal/State statutes, regulations, and the terms and conditions of the Federal awards.
- (c) Evaluate and monitor the subcontractor’s compliance with statute, regulations and the terms and conditions of Federal awards.
- (d) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
- (e) Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass through entity designates as sensitive or the non-Federal entity considers sensitive consistent with applicable Federal, state and local laws regarding privacy and obligations of confidentiality.
- (f) Client information (personal information that identifies a client such as name and social security number) and/or demographic information of a client (such as wage history, address, and previous employment) shall not be used as a basis for commercial solicitation during the time the client or agency is using the subcontractor's services. Client information and/or demographic information shall not be used for any purposes other than those specific program purposes set forth in the subcontracts.

References: Uniform Guidance 2 CFR Part 200 and DOL Exceptions 2 CFR Part 2900, Proposed Rules Section 683.220.