Compliant and Apparent Violation Flow Chart

This tool is intended to provide an overview of the steps for processing Complaints and Apparent Violations under the Employment Service and Employment-Related Law Complaint System. Users should refer to the regulations at 20 CFR 658 Subpart E for complete processing requirements.
I am the Outreach Staff, Complaint System Representative, or State Monitor Advocate and the individual I am assisting wants to file a complaint.

Complete the Complaint/Apparent Violation Form and log complaint.

Is it related to laws enforced by EEOC or CRC?

YES

Log immediately and refer to EEOC or CRC as appropriate. Notify complainant in writing of referral.

NO

Is complainant an MSFW?

YES

Refer to appropriate enforcement agency. Notify complainant of referral. No follow-up required.

NO

Is complaint related to an employment-related law?

YES

Attempt informal resolution.

Resolved in 5 business days?

YES

Log resolution, notify the complainant in writing of the resolution, and close case. Excellent work!

NO

NO

Follow up monthly until resolved.

Resolve in 5 business days?

YES

Refer to appropriate enforcement agency. Follow-up monthly. When resolved, notify complainant in writing.

NO

Is complainant an MSFW?

YES

Notify complainant of referral in writing. No follow up required.

NO

Move to page 2 for Employment Service (ES) related complaints.

Complete the Complaint/Apparent Violation Form and log complaint.

If it also relates to ES regulations, follow page 2 in addition to steps on this page.
I am the State Workforce Agency (SWA) representative, Employment Services (ES) office employee, or outreach staff and I have observed, have reason to believe, or am in receipt of information regarding a suspected violation of employment-related laws or ES regulations by an employer.

Is the source of the information a person?

YES

Offer to explain the operation of the Complaint System and offer to take the complaint in writing.

NO

Document the suspected violation as an “apparent violation” (AV) on the Complaint/Apparent Violation Form, log the AV on the Complaint System log, and refer it to the ES Office Manager

Does the individual want to make a complaint?

YES

Go to page 1 of this tool and follow the steps for processing a complaint.

NO

If the AV involves an employment-related law, it must be referred to the appropriate enforcement agency in writing. Document the referral. No follow up is required.

Has the employer filed a job order with the ES office within the past 12 months?

YES

See page 1 of this tool and follow the steps as appropriate. You may disregard where the flow chart refers to notifying the complainant in writing (because there is no complainant). However, all other steps must be followed accordingly.

NO

You may disregard where the flow chart refers to notifying the complainant in writing (because there is no complainant). However, all other steps must be followed accordingly.