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Title 22@ Social Security

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Division 1@ Employment Development Department

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Subdivision 1@ Director of Employment Development

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Division 3@ Employment Services Programs

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Part 1@ Employment and Employability Services

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Chapter 2@ JOB TRAINING PARTNERSHIP ACT COMPLAINTS

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Article 3@ PROCEDURES FOR REQUESTS FOR EDD REVIEW OR APPEALS OF SERVICE DELIVERY AREA DECISIONS

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(a) Section 4503-1@ Appeals or Requests for EDD Review

4503-1 Appeals or Requests for EDD Review

A complainant may file a request for review with EDD if no decision has been issued at the service delivery area level within the 60-day time limit or if there has been an incident of restraint, coercion or reprisal as the result of filing a policy or audit complaint. A complainant may file an appeal if the service delivery area has issued an adverse decision. The request for an EDD review or appeal shall be filed or postmarked (if mailed) within 10 calendar days from the date on which the complainant received an adverse decision from the service delivery area or 15 calendar days from: (1) The date on which a complainant should have received a decision regarding a locally filed complaint, which is defined as five calendar days from the date the decision was due, or (2) The date on which an instance of restraint, coercion or reprisal was alleged to have occurred as a result of filing the complaint.

(1)

The date on which a complainant should have received a decision regarding a locally filed complaint, which is defined as five calendar days from the date the decision was due, or

(2)

The date on which an instance of restraint, coercion or reprisal was alleged to have occurred as a result of filing the complaint.

(b)

All requests for review or appeals shall include the following: (1) The full name, telephone number, and mailing address of the complainant; (2) The full name, telephone number, and mailing address of the service delivery area; (3) A statement of the basis of the request or appeal; and (4) Copies of relevant documents, such as the complaint filed at the service delivery area and the local decision, if any.

(1)

The full name, telephone number, and mailing address of the complainant;

(2)

The full name, telephone number, and mailing address of the service delivery area;

(3)

A statement of the basis of the request or appeal; and

(4)

Copies of relevant documents, such as the complaint filed at the service delivery area and the local decision, if any.

(c)

If an evidentiary hearing was held at the service delivery area level, the EDD shall request the record of the hearing from the service delivery area and shall review the record without scheduling an additional hearing. If an evidentiary hearing was not held at the service delivery area level, the EDD shall instruct the service delivery area to hold a hearing within 30 days of receipt of the appeal or request for an EDD review. If the service delivery area refuses to hold a hearing within the required time-frame, the EDD shall, within 30 days of receipt of the appeal or request for hearing, schedule an evidentiary hearing before a hearing officer. The Chief of the Compliance Review Division shall notify the concerned parties and

the service delivery area by first class mail, certified with a return receipt, of the following information at least ten calendar days before a scheduled hearing: (1) The date of the notice, name of the complainant, and the name of the party against whom the complaint is filed. (2) The date, time, and place of the hearing before a hearing officer. (3) A statement of the alleged violations. This statement shall accurately reflect the content of the complaint as submitted by the complainant. (4) The name, address, and telephone number of the contact person issuing the notice.

(1)

The date of the notice, name of the complainant, and the name of the party against whom the complaint is filed.

(2)

The date, time, and place of the hearing before a hearing officer.

(3)

A statement of the alleged violations. This statement shall accurately reflect the content of the complaint as submitted by the complainant.

(4)

The name, address, and telephone number of the contact person issuing the notice.