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## STATE INSTRUCTION NUMBER 25-07

**To:** Local Workforce Area Signatory Officials  
Local Workforce Area Board Chairs  
Local Workforce Area Administrators  
DEW Area Directors  
DEW Regional Managers

**Subject:** **Employment Services and Employment-Related Law Complaint System**

**Issuance Date:** January 5, 2026

**Effective Date:** Immediately

**Purpose:** To establish the procedures for the timely investigation, resolution, and tracking of all complaints under Wagner-Peyser Employment Services (ES).

**References:**

- Wagner-Peyser Act, Public Law 73-30
- 20 CFR § 653.107; 20 CFR §§ 658.400–658.427
- Training and Employment Guidance Letters (TEGLs) 23-19, Change 1; 14-18; 08-17
- Training and Employment Notices (TENs) 01-17; 08-23; 10-23; 20-17; 27-23, Change 2
- State Instruction Letters (SILs) 24-10; 25-02

**Background:** The Department of Employment and Workforce (DEW) has implemented the Employment Services and Employment-Related Law (ES and ERL) Complaint System as a formal mechanism to process complaints from customers who believe their employment-related rights have been violated, denied, or that they have been unjustly treated in an employment-related situation. The ES and ERL Complaint System was established to serve all customers, including the public, jobseekers, employers, veterans, and migrant or seasonal farm workers (MSFWs).

The ES and ERL Complaint System falls under DEW's ES Division in the Agribusiness Department. The following staff are involved in the complaint process:

- Agribusiness Department: Collect the monthly Complaint/Apparent Violations Log and track the complaints that are under a timeline

- Regional Managers: Document and log complaints as well as ensure all DEW staff in the SC Works center know about and understand the Complaint Process. See the *Regional Manager Responsibilities* attachment for a detailed breakdown.
- Staff in the SC Works Centers: Two center staff are appointed by the Regional Manager to process complaints in the managers absence
  - All center staff must understand the process
- Complaint Coordinator: The Agribusiness Department has designated staff to maintain the Central Complaint Log, including collection of complaints from Regional Managers, Agribusiness staff, and community members and partners. See the *Complaint Coordinator Responsibilities* attachment for a detailed breakdown.
- State Monitor Advocate: Provides guidance and monitoring for the ES division on the provision of services to agricultural workers and the functioning of the complaint system

The process for complaints and updates to the processes is on the DEWConnect ES page 'Complaint System'. Communication to ES staff is conducted through email, teams, and by phone.

The ES and ERL Complaint System classifies complainants either MSFWs or non-MSFWs.

- MSFWs are categorized in the following manner:
  - Seasonal Farmworker: An individual currently employed or previously employed in the past 12 months, in seasonal or temporary farmwork and who is not required to be absent overnight from their permanent place of residence. The labor is seasonal or performed exclusively at certain seasons/periods of the year and may not be continuous or carried on throughout the year.
    - Seasonal Nature: Workers who move from one seasonal farmwork activity to another, though possibly employed during a major portion of the year
    - Temporary Basis: Workers who are employed for a limited time or for a particular piece of work, usually of short duration. Generally, employment meant to continue indefinitely is not temporary
  - Migrant Farmworker: A seasonal farmworker who travels to the job site and is not reasonably able to return to their permanent residence within the same day
- Non-MSFWs: Individuals who have never worked in agriculture and have not worked in farmwork in the last 12 months

**Policy:** Staff in the SC Works centers must accept all complaints from individuals (both MSFW and non-MSFW), employers, organizations, associations, and other entities, or from the complainant's designated representative.

## Complaint Requirements

*Representation.* Complainants may designate an individual to act as their representative throughout the filing and processing of a complaint.

*Origin of a Complaint.* Complaints may originate from multiple sources, such as SC Works centers, employer locations, during ES-related field checks, and other outreach activities. Complainants/representatives may call, write, email, or report a complaint during outreach.

*Statute of Limitation.* A complaint must be received, processed, and resolved within 24 months of the alleged occurrence. If the violation occurred more than 24 months ago, the complaint cannot be filed. The timeline to investigate and resolve complaints is faster than the 24 months limitation, as outlined in the “Processing Timeline” section below.

*Assistance to Complainants.* The following assistance is given to complainants by ES staff:

- a. Assisting with completion of the Complaint/Apparent Violation Form (Form ETA-8429) and provide the complainant a copy of the completed form
- b. If necessary, following up with an email or letter to request additional information
- c. Providing the State Complaint Coordinator with a copy of the complaint file
- d. Maintaining a separate, physical file for each complaint. Staff must record correspondence between ES staff and the complainant, keeping the documentation in the file

## **Complaint Process**

Regional Managers are responsible for the operation of the Complaint System. The Regional Manager or designated staff must be available during normal business hours to take a complaint.

Staff who receive a complaint must ensure the following occurs during the initial conversation:

- Provide information about the full range of services in the SC Works centers
- Offer language assistance in alignment with State Instruction Letter 24-04, Change 1, *Language Access Services for Limited English Proficiency (LEP) Individuals*
- Explain the ES and ERL Complaint System and offer to take the complaint in writing
- Provide Form ETA-8429 or attach the complainant’s statement to the form, and assist in completing the form
  - A complaint may also be taken by an Agricultural Outreach Coordinator or Foreign Labor Consultant (FLC)
- Make every effort to obtain all information that would be relevant to an investigation
- Obtain physical addresses, email addresses, and phone numbers of complainant to be contacted during the investigation

During the complaint process, staff must determine if the complainant is an MSFW (including H-2A visa holders) or is representing an MSFW. After reviewing the complaint, staff must determine the type of complaint. Complaints fall into three categories:

1. **Employment-Related Law Violations:** Employment-related laws dealing with employment relationships, such as those enforced by Wage and Hour, Occupational Safety and Health Administration (OSHA), or other federal and state agencies
2. **ES Regulation Violations:** Employment services provided by DEW or ES staff in the SC Works centers
3. **Apparent Violations:** Observation, suspicion, or receipt of information by ES staff regarding a violation of employment-related laws or ES regulations by an employer

ES staff must then take the appropriate action according to the determined type of complaint.

*Employment-Related Law Violations:*

1. For non-MSFW complaints:
  - a. Immediately refer the complaint/representative to the appropriate enforcement agency, such as Wage and Hour or OSHA, another public agency, a legal aid organization, and/or a consumer advocate organization, as appropriate
  - b. Inform the complainant/representative in writing of the agency and/or organization that is receiving the complaint referral
  - c. Log the complaint on the Complaint/Apparent Violation Log
2. For MSFW complaints:
  - a. If the issue is not resolved within 5 business days, the Complaint Coordinator or Regional Manager must refer the complaint to the appropriate enforcement agency, another public agency, a legal aid organization, and/or a consumer advocate organization, as appropriate, for further assistance
  - b. Offer to refer MSFW to other employment services if they are interested
  - c. Inform the complainant/representative in writing of the agency and/or organization that is receiving the complaint referral
  - d. Log the complaint on the Complaint/Apparent Violation Log

*ES Regulation Violations:*

1. Employer-Related Complaints:
  - a. Complainant/representative must complete Form ETA-8429
  - b. Regional Manager and Complaint Coordinator conducts the investigation
  - c. Log the complaint on the Complaint/Apparent Violation Log
2. Agency-Related Complaints:
  - a. Complainant/representative must complete Form ETA-8429
  - b. Area Director, Regional Manager, and Complaint Coordinator conducts the investigation. If the investigation involves DEW staff, DEW Human Resources (HR) is also involved
  - c. Log the complaint on the Complaint/Apparent Violation Log

**NOTE:** Informal resolution is the preferred method for all ES Regulation Violations

*Apparent Violations:*

1. Check if the employer filed a job order in the past 12 months. If yes, it is treated as an ES Regulation Violation. If not, it is treated as an Employment-Related Law Violation.
2. Document suspected violations using Form ETA-8429
3. Log the complaint on the Complaint/Apparent Violation Log
4. The complaint must be sent to the Regional Manager and [ESSolutions@dew.sc.gov](mailto:ESSolutions@dew.sc.gov)

*Non-ES-Related Complaints:*

1. The ES and ERL Complaint System does not cover complaints under the Unemployment Insurance (UI) program, the Workforce Innovation and Opportunity Act (WIOA) Title I programs, or complaints by veterans alleging employer violations under 38 U.S.C. 4212
2. Non-ES-related complaints must be referred to the correct complaint group. For example, equal opportunity (EO) complaints are referred to the EO Coordinator

*Complaint Submission.* All complaints and apparent violations must be submitted in writing, in-person, by postal mail deliver, by email, or over the phone. Apparent Violations do not require the complainant's signature—only the phone number.

**Complaint Log**

*Local Complaint Log.* All complaint types must be recorded on the Complaint/Apparent Violations Log. Instructions for completing the log, a template with examples on how to fill it out, and the blank document for use is available for download here: [Download the Complaint Log here](#)

*Centralized Complaint Log.* The State Complaint Coordinator maintains the centralized complaint log, accessible to state office staff. The log lists all complaints taken by ES staff, outreach staff, DEW, and apparent violations identified by ES staff.

**Processing Timeframes**

*Local-Level Determinations.*

	<b>Response</b>	<b>Resolution</b>
<b>Non-MSFW</b>	20 business days	15 business days
<b>MSFW</b>	40 business days	5 business days

*State-Level Determinations.* Complaints that are not resolved within the above local-level time frame must be sent to the State Complaint Coordinator, who will conduct their own investigation.

For non-MSFW, a determination is made within 30 business days; for MSFW, a determination is made within 20 business days. Once made, the State Complaint Coordinator will send the determination in a letter to the complainant and respondent through certified US Postal Service.

## **Rights and Protections for Complainants**

Customers who make a complaint, give information related to, or assist in an investigation will be kept as confidential as possible and as necessary to determine the complaint fairly. Employers are prohibited from retaliating against employees who report employment-related complaints. Customers who experience retaliation from an employer are to notify a Complaint Coordinator.

## **Complaint System Poster**

All SC Works centers must prominently display the ES Complaint Poster where all customers can view it. The poster can be found here: <https://scworks.org/escomplaint>.

## **Monitoring**

MSFW complaints under employment-related law violations, ES regulation violations, and apparent violations are reported to the State Monitor Advocate's (SMAs) office by the Agribusiness Department and the SMA monitors the performance of the ES an ERL Complaint System. The SMA reviews the SC Works center's informal resolution of complaints and apparent violations relating to MSFWs and ES regulation violations and ensures that the Regional Manager transmits copies of the Complaint/Apparent Violations Log to DEW.

The State Complaint Coordinator monitors the ES and ERL Complaint System, its processes, and the Centralized ES Complaint System log.

**Action:** Please ensure that all appropriate staff receive and understand this policy.

**Inquiries:** Questions may be directed to [WorkforcePolicy@dew.sc.gov](mailto:WorkforcePolicy@dew.sc.gov).

*Diana Goldwire*

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Diana Goldwire, Assistant Executive Director  
Employment Services Division

Attachment:

- Employment Service and Employment-Related Law Complaint System Process Guide
- Regional Manager Responsibilities
- Complaint Coordinator Responsibilities



# Employment Service and Employment-Related

## Law Complaint System

## Process Guide

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### OVERVIEW

The Employment Services (ES) Complaint System is a formal mechanism for processing complaints from customers who believe their employment-related rights have been violated, denied, or that they have been unjustly treated in an employment-related situation. The ES Complaint System was established to serve all customers, including the public, job seekers, employers, veterans, and MSFWs.

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### STAFF INVOLVED IN THE COMPLAINTS PROCESS

- **Agribusiness Department:** Collects the monthly Complaint Log and Complaints under a timeline
- **Regional Managers:** Responsible for documenting and logging complaints and ensuring all DEW staff in the SC Works center know about the Complaint Process
- **Staff in the SC Works Center:**
  - All staff should understand the process
  - Regional Manager appoints 2 staff that can process complaints in the managers absence
- **Complaints Coordinator:** The Agribusiness Department has a designated staff to maintain the Central Complaint log that includes collect complaints from the Regional Managers, Agribusiness staff, and from the community and partners.
- **State Monitor Advocate:** Provides guidance and monitoring for the ES Division

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### ORGANIZATIONAL CHART LOCATION

The ES Complaint System falls under the Employment Services Division in the Agribusiness Department. This Department works and communicates directly with the State Monitor Advocate. Questions should be directed to [ESSolutions@dew.sc.gov](mailto:ESSolutions@dew.sc.gov)



**Monitoring:** The ES Complaint System aligns the mission and responsibilities of the State Monitor Advocate's (SMA) office. ES-related complaints, MSFW complaints, as well as apparent violations, will be reported to the SMA office by the Agribusiness Department. The SMA monitors the performance of the Complaint System, as set forth at [§§ 658.400](#) and [658.401 of this chapter](#). The SMA must review the ES office's informal resolution of complaints relating to MSFWs and must ensure that the ES office manager transmits copies of the Complaint System logs pursuant to part 658, subpart E, of this chapter to the SWA. ed with monitoring the ES complaint system, its processes, and Centralized ES Complaint System log.

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## COMPLAINT SYSTEM INFORMATION LOCATION

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ES Staff will be communicated with by email, teams, and phone. The process for complaints and updates for field staff to processes are placed on DEW Connect's Employment Services Page 'Complaint System'. Staff are directed to this website for updated information for the Complaint system:

- [https://scdewgov365.sharepoint.com/sites/dewconnect\\_es/SitePages/ES-Solutions.aspx](https://scdewgov365.sharepoint.com/sites/dewconnect_es/SitePages/ES-Solutions.aspx)

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## WHO CAN FILE A COMPLAINT?

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Individuals (farmworkers and non-farmworkers), employers, organizations, associations, and other entities can file complaints. A complainant may also designate an individual to act as their representative.

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## TYPES OF WORKERS:

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- **Non-MSFW Worker:** Worker that does not fall under the definitions of MSFW.
- **Migrant or Seasonal Farm Worker (MSFW):** migrant farmworker and/or a seasonal farmworker.
  - **Migrant Farmworker:** seasonal farmworker who travels to the job site so that the farmworker is not reasonably able to return to their permanent residence within the same day.
  - **Seasonal Farmworker:** individual who is employed, or was employed in the past 12 months, in farmwork of a seasonal or other temporary nature and is not required to be absent overnight from their permanent place of residence. Labor is performed on a seasonal basis where, ordinarily, the employment pertains to or is of the kind exclusively performed at certain seasons or periods of the year and which, from its nature, may not be continuous or carried on throughout the year. Workers who move from one seasonal activity to another, while employed in farmwork, are employed on a seasonal basis even though they may continue to be employed during a major portion of the year. Workers



are employed on a temporary basis where they are employed for a limited time only or their performance is contemplated for a particular piece of work, usually of short duration. Generally, employment which is contemplated to continue indefinitely is not temporary.

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## WHAT COMPLAINTS DOES ES COLLECT?

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- 1. Employment-Related Law Violations:** Employment-related laws deal with the employment relationship, such as those enforced by Wage and Hour, Occupational Safety and Health Administration, or by other federal and state agencies.
- 2. ES Regulation Violations:** Employment Services provided by a State Workforce Agency or Employment Service office (one-stop center or American Job Center).
- 3. Apparent Violations (20 CFR 658.419):** DEW Employee (Working in the SC Works Center, AOC, outreach, etc.) a SWA, an ES office employee, or outreach staff observes, has reason to believe, or is in receipt of information regarding a suspected violation of employment-related laws or ES regulations by an employer.

Note, the *Employment Service and Employment-Related Law Complaint System* does not cover complaints alleging violations under the [Unemployment Insurance](#) program, the [Workforce Innovation and Opportunity Act \(WIOA\)](#) title I programs, or complaints by veterans alleging employer violations of the mandatory listing requirements under [38 U.S.C. 4212](#). However, American Job Centers can help direct complainants to find information about how to file complaints involving those topics.

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## RIGHTS AND PROTECTIONS FOR THE COMPLAINANT

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- If a customer makes a complaint or gives information related to, or assist in, an investigation of a complaint, identity will be kept confidential to the fullest extent possible under current law and as necessary to determine the complaint fairly.
- Federal laws prohibit employers from retaliating (taking negative actions) against employees who report employment-related complaints.
- If a customer experiences retaliation from an employer, notify an American Job Center complaint representative.
- A complainant may designate an individual to act as his/her representative throughout the filing and processing of a complaint.



## HOW A CUSTOMER FILES A COMPLAINT?

Complaints may originate from multiple sources. The source may occur within the SC Works Center, employer's location, during ES-related field checks and other outreach activities. Complainants may write, e-mail, or report a complaint during outreach. All complaints must be submitted in writing. Only Apparent violations do not require the complainant's signature only the phone number is required. An ES Complaint or Employment-Related Laws can be submitted through the following methods:

- a. In-Person
- b. U. S. Postal Service mail delivery
- c. E-Mail
- d. Telephone

## SC WORKS CENTER POSTER REQUIREMENTS

- **ETA-approved Complaint System:** Each American Job Center must prominently display the ETA-approved Complaint System posters pursuant to Training Employment [Training Employment Notice 8-23](#) in both English and Spanish.
  - ES Complaint Poster are located at: <https://scworks.org/escomplaint> for your region (Any old posters should be removed)
    - Posters are required to be hung in customers view in all SC Works Centers and on the [SC Works Center website](#)
- **SCHAC poster, both English and Spanish:**
  - <https://schac.sc.gov/about-us/affirmative-action/publications/schac-employment-poster>
- **LLR Workplace Poster Legal Size - Includes OSHA (Occupational Safety and Health) and the Labor Law Abstract (Payment of Wages and Child Labor):**
  - Website Poster Location: <https://www.llr.sc.gov/wage/posters.aspx>

## PROCESSING COMPLAINTS REQUIREMENTS

ES related complaints are accepted, designated to the appropriate office, investigated, and resolved when the alleged incident is reported to ES within 24 months of the occurrence.

Assist the complainant:

- (a) Assist the complainant with completing the Complaint/Apparent Violation Form (ETA 8429) form and provide the complainant a copy of the form.
- (b) If necessary, follow up with an email or letter to request additional information.
- (c) Provide copies of the complaint file to the state Complaint Coordinator
- (d) A separate file will be maintained for each complaint. Staff must record any correspondence between ES and the complainant and keep documentation in the file.



#### Key Processing Timeframes for Complaints:

	Response	Resolution
Non-MSFWs	20 business days	15 business days
MSFW	40 business days	5 business days

**Complaint Resolution:** If resolution for ES-related complaints is not achieved at the local area level within the allotted time frame set for the complainant based on the above chart, the complaint must be forwarded to the state Complaint Coordinator. The State Complaint Coordinator will decide, within 30 working days (20 working days for MSFW's) based on the results of the investigation conducted by the State Complaint Coordinator and/or ES Regional Manager. Once a determination is made, the Complaint Coordinator will generate a determination letter and send a copy to the complainant and the respondent via certified U.S. Postal Service.

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## COMPLAINTS PROCESS

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The ES Regional Manager is responsible for the operation of the complaint system. The Regional Manager and/or the designated staff must be available during normal business hours to take a complaint.

### General Rules in How to Handle Complaints:

Staff receiving complaint must ensure the following during their initial conversation with the complainant:

- Provide complainant with information about the full range of One-Stop services.
- [Language assistance](#) must be provided for complainants who are not fluent in English.
- Offer to explain the operation of the complaint system and offer to take the complaint in writing.
- Provide a Complaint/Apparent Violation Form ETA 8429 ([Microsoft Word](#)) ([PDF](#)) or attach the statement to the form, and/or assist in completing the form.
- A complaint/apparent violation may also be taken by an Agricultural Outreach Coordinator or FLC while on outreach.
- Make every effort to obtain all information that would be relevant to an investigation.
- Request the complainant provide all the physical addresses, email addresses, and telephone numbers through which he or she can be contacted during the investigation.

#### Step One: Determine if the complainant is a MSFW (including H-2A Visa Holders) or behalf of a MSFW.

- A migrant farmworker is someone who moves for seasonal agricultural work, making it impossible to return to his or her permanent residence within the same day during the period of employment. (includes H2-A)
- A seasonal farmworker, on the other hand, stays in one area year-round and engages in temporary farm work.



**Step Two:** After reviewing the complaint, decide the type of complaint

- 1.) Employment-related law
- 2.) ES Related Complaint
- 3.) Apparent Violation

**Types of Complaints:**

**1.) Employment-Related Law Violations:** An Employment-related law complaint is a complaint alleging an employment-related law was violated. Employment-related laws are laws that relate to the employment relationship, such as those enforced by U.S. DOL's OSHA, Wage and Hour, or other Federal, State, or local agencies. *Examples:* wages, housing, transportation, harassment, and discrimination

**a. For non-MSFW complaints:**

1. Refer immediately to the appropriate enforcement agency.
2. Inform complainant or his/her representative where the complaint has been referred to in writing.
3. Log the complaint on the Complaint/Apparent Violation Log.

**b. For MSFW complaints:**

1. If the issue is not resolved within 5 business days, the Complaint Coordinator and/or the ES Regional Manager must refer the complaint to the appropriate enforcement agency for further assistance.
2. Offer to refer MSFW to other employment services should the MSFW be interested.
3. Inform complainant or their representative where complaint has been referred to in writing.
4. Log the complaint on the Complaint/Apparent Violation Log

**2.) ES Regulation Violations:** ES related complaints involve complaints against an employer that works with SC Works and/or Complaints against ES Staff and/or process in the SC Works Center. The Regional Manager and/or the Complaint Coordinator will work with the complainant and associated respondent to gain complaint resolution. Informal resolution is the preferred method (if not resolved it is escalated to the Complaint Coordinator).

**a. Employer-related Complaints:**

1. A Complaint/Apparent Violation Form ETA 8429 ([Microsoft Word](#)) ([PDF](#)) must be completed by the complainant while in the One-Stop location (SC Works Center).
2. The Regional Manager and the Complaint Coordinator conducts the investigation
3. The complaint is added to the complaint log.
4. Informal resolution is the preferred method.

**b. Agency Related Complaints:**



1. A Complaint/Apparent Violation Form ETA 8429 ([Microsoft Word](#)) ([PDF](#)) must be completed by the complainant.
2. The Regional Manager, Area Director, and the Complaint Coordinator conducts the investigation. If a DEW staff is involved, HR will need to be involved.
3. The complaint is added to the complaint log.
4. Informal resolution is the preferred method.

**3.) Apparent Violations (20 CFR 658.419):** If a DEW Employee (Working in the SC Works Center, AOC, outreach, etc.) If a SWA, an ES office employee, or outreach staff observes, has reason to believe, or is in receipt of information regarding a suspected violation of employment-related laws or ES regulations by an employer, the suspected violation must be documented using Form ETA 8429 and entered in the online Employment Service Complaint Log and sent to [ESSolutions@dew.sc.gov](mailto:ESSolutions@dew.sc.gov) and the Regional Manager for the region.

Examples Include:

- If the employer has filed a job order with the ES office within the past 12 months, the ES office must attempt informal resolution as provided at 20 CFR 658.411.
- If the employer has not filed a job order with the ES office during the past 12 months, the suspected violation of an employment-related law must be referred to the appropriate enforcement agency in writing.
- Apparent violations of nondiscrimination laws must be processed according to the procedures described in 20 CFR 658.411(c).
- Employers must ensure that there are not sufficient U.S. workers qualified and available to perform the labor involved in the petition for H-2A and H-2B and that employment of the foreign worker will not have an adverse effect on the wages and working conditions of similarly employed U.S. workers. Instances of qualified U.S. workers not being hired should be processed as Apparent Violations.

**4.) Non-ES-related Complaint Types:** Non-ES-related complaints should be softly referred to the correct complaint group. For example, local EO complaint referred to the local EO Coordinator.

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## COMPLAINT LOGS

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### Centralized ES Complaint System Log:

The State Complaint Coordinator maintains the centralized complaint log accessible to state office staff and SMA. The complaint log will list all complaints taken by the ES office staff, outreach staff, SWA, and apparent violations identified by ES staff.

Local ES Office Complaint System Log: [Download the Complaint Log here](#)



Regional Managers are responsible for maintaining and updating the local Complaint log and emailing it monthly to the State Complaint Coordinator ([ESSolutions@dew.sc.gov](mailto:ESSolutions@dew.sc.gov)) The Local ES Office Complaint System Log will be submitted to the Complaint Coordinator no later than the first Friday of the month for the previous month. Monthly Complaint Logs are submitted indicating zero complaints for that quarter if there are no complaints.

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## ADDITIONAL FEDERAL RESOURCES

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### **U.S. Equal Employment Opportunity Commission (EEOC)**

Enforces federal statutes prohibiting employment discrimination based upon race, color, religion, sex, national origin, age, gender, or disability.

Telephone: 1-800-669-4000

Website: <https://www.eeoc.gov/>

### **U.S. Department of Labor Wage & Hour Division (WHD)**

Enforces Fair Labor Standards Act, Migrant and Seasonal Agriculture Worker Protection Act, Medical Leave Act, Consumer Credit Protection Act, Polygraph Protection Act, and the Davis Bacon Act.

Telephone: 1-866-487-9243

Website: <https://www.dol.gov/agencies/whd>

### **U.S. Department of Labor Occupational Safety and Health Administration (OSHA)**

Promotes work place safety and health through inspections, OSHA safety training, and accident prevention programs.

General Information: 1-800-321-6742

Website: <https://www.osha.gov/>

### **U.S. Department of Labor Veterans' Employment & Training Services**

Protects the rights of veterans and members of the National Guard and Reserve called to duty or training to return to their civilian jobs with all the benefits accrued during their military service.

Telephone: 1-866-487-2365

Website: <https://www.dol.gov/agencies/vets>

### **U.S. Department of Labor Office of Federal Contract Compliance Programs (OFCCP)**

Administers and enforces three federal contract-based civil rights laws that require most federal contractors and subcontractors, as well as federally assisted construction contractors, to provide equal employment opportunity.



Toll Free: 1-800-397-6251

Website: <https://www.dol.gov/agencies/ofccp>

#### **U.S. Department of Labor Employee Benefits Security Administration**

Assists employers and plan participants in understanding and complying with requirements of private employee pension and health benefit plans.

General Information: 1-866-444-3272

Website: <https://www.dol.gov/agencies/ebsa>

#### **SC DEW Office of Equal Opportunity Administrator**

Assists customers who feel they have been discriminated against by SC Works staff, programs, or services under the Workforce Innovation and Opportunity Act.

Valerie McMellan – State Level EO Officer

[VMcMellan@dew.sc.gov](mailto:VMcMellan@dew.sc.gov)

803-737-1909

#### **Additional Resources:**

- [National Farmworker Jobs Program](#)
- [Environmental Protection Agency \(EPA\) - Agricultural Worker Protection Standards](#)
- [U.S. Department of Homeland Security Blue Campaign](#)
- [U.S. Department of Health and Human Services](#)
- [Department of Justice BJA-Funded Human Trafficking Services Grantees and Task Forces](#)
- [Migrantworker.gov](#)
- [Worker.gov](#)
- Citations: [Laws and Regulations | U.S. Department of Labor](#)

# REGIONAL MANAGER RESPONSIBILITIES

The responsibilities of Regional Managers within the ES and ERL Complaint System, and the regulation that outlines the responsibilities are as follows:

- *20 CFR §§ 653.107(b)*
  - Receive referrals from outreach staff
- *20 CFR § 658.410(b)*
  - In the SC Works centers, responsible for the operation of the ES and ERL Complaint System
  - Ensure the Complaint/Apparent Violation log is maintained, listing all complaints taken by the SC Works center or DEW and apparent violations identified by ES staff, specifying the following:
    - Name of the complainant and respondent (employer or DEW)
    - The date the complaint was filed, or the apparent violation was identified
    - Whether the complaint was made by or on behalf of an MSFW or whether the apparent violation affects an MSFW
    - Whether the complaint or apparent violation concerns an employment-related law or ES regulation
    - The actions taken and whether the complaint or apparent violation has been resolved, including informally
  - Within one month after the end of the calendar quarter, transmit an electric copy of the quarterly Complaint/Apparent Violation log to the SMA
- *20 CFR § 658.411*
  - Maintain contact with complainant/representative during the investigation
  - Receive the completed complaint form after a copy has been given to the complainant/representative
- *20 CFR § 658.419(a)*
  - Ensure apparent violations brought by ES staff are documented in the Complaint/Apparent Violations log

# COMPLAINT COORDINATOR RESPONSIBILITIES

The responsibilities of Complaint Coordinators within the ES and ERL Complaint System, and the regulation that outlines the responsibilities are as follows:

- *20 CFR § 658.410*
  - Receive complaints and are assigned complaints received by DEW
  - Document action taken on complaints; ensure complaints are fully documented and contain all relevant information; maintain copies of the original complaint form, any ES-related reports, any relevant correspondence, a list of actions taken, and a record of pertinent communication
  - Follow-up on any unresolved complaints.
    - When an MSFW submits a complaint, the Complaint Coordinator must follow up monthly on the processing of the complaint and inform the complainant of the status of the complaint
    - No follow-up is required for non-MSFW complaints
- *20 CFR § 658.411*
  - Request additional information from the complainant if they have not provided sufficient information to investigate the matter

## Employment-Related Law Violations

- *20 CFR § 658.411(b): For MSFW complaints only*
  - In writing, take the complaint and attempt to resolve the issue informally at the local level, unless:
    - The complaint was submitted to DEW and the Complaint Coordinator determined they must take immediate action
    - An informal resolution at the local level would be detrimental to the complainant, in which case immediately refer the complaint to the appropriate enforcement agency and other ES services, if interested
  - If the issue is not resolved within five days, refer the complaint to the appropriate enforcement agency, another public agency, legal aid organization, or consumer advocate organization, as appropriate
  - If determined that the complaint must be referred to a State or Federal agency, refer the complaint immediately to the appropriate agency for prompt action
    - Notify the complainant of the agency to which the complaint was referred

### ES Regulation Violations

- *20 CFR § 658.411(d):*
  - *For non-MSFW complaints*—filed with DEW or referred from an SC Works center:
    - If the complaint is not transferred to an enforcement agency, investigate and attempt to resolve the complaint immediately
    - If DEW has not resolved the issue within 30 business days of receipt (or after submission of all necessary information), make a written determination, and send copies to the complainant and the respondent
  - *For MSFW complaints*—filed with DEW or referred from an SC Works center,
    - Investigate and attempt to resolve the complaint immediately upon receipt and, if necessary, conduct a further investigation
    - If DEW has not resolved the issue within 20 business days after receipt (or after submission of all necessary information), make a written determination, and send copies to the complainant and respondent