

Northern Tier Workforce Development Board

Equal Opportunity Discrimination Complaint Policy

Northern Tier Workforce Development Board Equal Opportunity Discrimination Complaint Policy

Purpose

The Northern Tier Workforce Development Board (NT WDB) has established complaint processing procedures for violations of equal opportunity and nondiscrimination under the Workforce Innovation and Opportunity Act (WIOA) Section 188 and the Department of Labor's federal regulations, 29 CFR Part 38.

Non-Discrimination

Under Section 188 of WIOA, all recipients of WIOA Title I funded programs or activities are prohibited from discrimination:

- on the basis of race, color, religion, sex (including pregnancy, childbirth and related medical conditions, sex stereotyping, transgender status and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or against any beneficiary, applicant, or participant based on the individual's citizenship status or participation in any WIOA Title I funded program or activity.

A "recipient" of WIOA Title I funded programs or activities is defined as:

- State level agencies that administer or are financed, in whole or in part, with WIOA Title I funds;
- State Employment Security Agencies (SESA);
- State and Local Workforce Development Boards;
- Local Workforce Development Area (LWDA) Grant recipients;
- PA CareerLink® operators;
- Service providers, including eligible training providers;
- On-the-Job Training (OJT) employers;
- Job Corps contractors and center operators, excluding the operators of federally operated Job Corps Centers;
- Job Corps national training contractors;
- Outreach and admissions agencies, including Job Corps contractors that perform these functions;
- Placement agencies, including Job Corps contractors that perform these functions;
- Other national program recipients; and
- PA CareerLink® partners, to the extent that they participate in the One Stop system.

Notice of Nondiscrimination

Continuing notice of nondiscrimination will be provided to:

- Applicants/registrants;
- Eligible applicants/registrants;
- Participants;
- Applicants for employment and employees;
- Unions or professional organizations that hold collective bargaining or professional agreements with the NT WDB;
- Sub-recipients of WIOA Title I funds; and

- Members of the public, including those with impaired vision or hearing and those with limited English proficiency.

WIOA Title I Discrimination Complaints

The NT WDB Equal Opportunity Discrimination Complaint Policy must be provided to all participants.

Who may file a discrimination complaint?

A WIOA Title I discrimination complaint may be filed by a participant, employee, applicant for employment, PA CareerLink® partner, service provider, contractor, PA CareerLink® operator, participating employer (such as an on-the-job employer), eligible training provider and any other interested party affected by the local workforce development system. All parties involved in the complaint are entitled to representation of their own choice and at their own expense.

Reason(s) a WIOA Title I discrimination complaint can be filed

Anyone who has been discriminated against on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship status, retaliation or program participation eligibility/status in a WIOA program or activity.

Confidentiality

The identity of any person who has given information relating to or assisting in an investigation of a possible complaint shall be kept confidential to the extent that a fair determination of the issue(s) can be made. In the event such information is required to be submitted under order of a local, state or federal entity, such information may be disclosed.

Complaint Timeline

WIOA Title I Complaints must be filed within **180-days** from the date of the alleged occurrence of discrimination. Complaints filed after the 180-day time period will be forwarded to Civil Rights Center (CRC). The Director of CRC, for good cause shown, may extend the filing time beyond 180 days.

Where to file a WIOA Title I discrimination complaint

Individuals, specific classes of individuals, or authorized representatives may file complaints/allegations of discrimination regarding PA CareerLink® issues with the Equal Opportunity (EO) Liaison in the CareerLink who forwards them directly to the State Equal Opportunity Officer.

Individuals, specific classes of individuals, or authorized representatives have a choice to bring their initial complaints/allegations of discrimination about WIOA programs or services to the following:

- Northern Tier Equal Opportunity Officer (Local EO Officer)
- Office of Equal Opportunity in Harrisburg (OEO)
- Civil Rights Center in Washington, D.C. (CRC).

If the complaints/allegations of discrimination are against the EO Liaison or Local EO Officer, the complainant may file directly with the Office of Equal Opportunity.

See “WIOA Title I Discrimination Complaint Procedures” section below for detailed information on filing a complaint.

Retaliation Prohibited

The NT WDB prohibits retaliation or reprisal against an individual who:

- Has filed a discrimination complaint;
- Opposed a practice prohibited by the nondiscrimination and Equal Opportunity (EO) provisions of WIOA;
- Furnished information to, or assisted or participated in any manner in, an investigation, review, hearing, or any other activity related to the administration of the WIOA nondiscrimination and EO provisions; or
- Otherwise exercised any rights and privileges under the WIOA nondiscrimination and EO provisions.

Referral Of Non-WIOA Title I Related Complaints

During program operations, the NT EO Liaison or NT EO Officer may receive non-WIOA Title I related complaints. Non-WIOA Title I complaints each have distinct recording, resolution and appeal procedures as well as different time frames to accept, act, and complete the resolution associated with them. These complaints may be referred to the appropriate PA CareerLink® program partner or other agency/organization that may be of assistance as follows:

- **WIOA Title III:** Complaints alleging violations under Wagner-Peyser Act programs will be referred to the local Employment Services (ES) Complaint System Representative or to the state-level Complaint System Representative. See the Employment Service and Employment Related Law Complaint poster
- **Trade Adjustment Assistance (TAA) Program:** Complaints alleging violations under the Trade Act of 1974 and its amendments will be referred either to local office staff assigned to the TAA Program or to Central Office Trade Act Services program manager.
- **Unemployment Insurance:** Complaints alleging violations under the Unemployment Insurance Program will be referred to L&I's Office of Unemployment Compensation, Customer Service Unit.
- **Veterans:** Complaints by veterans alleging employer violations of the mandatory listing requirements under 38 U.S.C. 4212 will be referred either to the local office veteran representative or to the state-level Complaint System Representative.

WIOA Title I Discrimination Complaint Procedures

All WIOA Title I discrimination complaints must be filed within **180 days** of the alleged incident. All complaints must describe the alleged violation and the complainant's requested equitable resolution.

Step #1

Written Complaint

Write a complaint by obtaining a complaint form or by writing a letter without the complaint form according to A-B below.

A. Obtain a complaint form and fill it out completely.

The federal complaint form DL 1-2014A may be used for filing allegations of discrimination at the local, state and federal levels. The form can be obtained from one of the following:

- EO Liaison in the PA CareerLink® (see contact information in Step #2-A below).
 - Ask any staff member at the PA CareerLink to speak with the EO Liaison
- Local EO Officer (see contact information in Step #2-B below)
- Office of Equal Opportunity (OEO) (see contact information in Step #2-C below)
- Civil Rights Center (CRC) (see contact information in Step #2-D below).

B. Write a complaint in a letter without a complaint form.

Complaints/allegations do not have to be submitted on the prescribed complaint form in order for them to be considered valid complaints or allegations. Complaints filed by a complainant (or authorized representative) must be filed in writing and contain the following information:

- Complainant's name and mailing address (and authorized representative's name and mailing address if applicable);
- Respondent's (individual/entity responsible for discrimination violation) name and mailing address;
- Date(s) alleged incident(s) of discrimination occurred;
- Description of allegations with enough detail to allow a determination by the Recipient, Office of Equal Opportunity (OEO) or Civil Rights Center (CRC) to decide who has jurisdiction over the complaint, whether or not the complaint was filed on time, and merit of the complaint (whether allegations, if true, violate any nondiscrimination and equal opportunity provisions of WIOA);
- Complainant's requested equitable resolution; and
- Signature of complainant (or authorized representative)

Step #2

Submit a complaint:

PA CareerLink® Discrimination Issues

Individuals, specific classes of individuals, or authorized representatives may file complaints/allegations of discrimination regarding PA CareerLink® issues with the Equal Opportunity Liaison in the CareerLink who forwards them directly to the State Equal Opportunity Officer and notifies the Local EO Officer.

A. EO Liaisons

Complaints may be mailed or emailed as follows:

Mail: Sonya Metzger, EO Liaison
PA CareerLink® Bradford/Sullivan County
312 Main Street
Towanda, PA 18848
Email: smetzger@bradfordcountyaction.org
Phone: 570-265-2171
TDD/TTY: 570-265-5720

Joseph Lee, EO Liaison
PA CareerLink® Tioga County
56 Plaza Lane
Wellsboro, PA 16901
Email: jlee@trehab.org
570-724-1939
TDD/TTY: 570-724-6356

All complaints filed with the EO Liaison must be documented on the WIOA/SESA local complaint log that is submitted to the State Equal Opportunity Office on a quarterly basis.

NT WIOA Program or Service Discrimination Issues

Individuals, specific classes of individuals, or authorized representatives may file complaints/allegations of discrimination about WIOA programs or services with any of the following: Local Equal Opportunity Officer, Office of Equal Opportunity (OEO) or Civil Rights Center (CRC) as detailed in B-D below.

B. Local Equal Opportunity (EO) Officer

Complaints may be mailed, emailed or faxed as follows:

Mail: Bonnie Warner, Local EO Officer
Northern Tier Regional Planning & Development Commission
312 Main Street
Towanda, PA 18848
Email: eoofficer@northerntier.org
Fax: 570-265-0897
Phone: 570-265-9103 or toll free at 888-868-8800
TDD/TTY PA Relay 711

Local Procedures

Upon notification of a discrimination complaint, the Local EO Officer will immediately report it to the Office of Equal Opportunity (OEO), Department of Labor & Industry, in Harrisburg. The Local EO Officer will acknowledge receipt of the complaint in writing and inform the complainant (or authorized representative) of their right to have it investigated at the local, state or federal level and be represented in the complaint process. The complainant will also be notified of their right to request and receive auxiliary aids and services at no cost.

If the complainant elects to attempt informal resolution at the local level, the Local EO Officer, based on consultation with the State OEO, will conduct a fact-finding/investigation at the local level.

The Local EO Officer shall meet with the complainant (or authorized representative) within ten (10) business days from the date of receipt of the written allegations, to conduct a fact finding or investigation of the circumstances underlying the allegations and attempt to informally resolve the issue(s). The Local EO Officer’s findings will be submitted in writing to the complainant not later than

ten (10) business days following the fact-finding/investigation. The written notification shall include notice of the complainant's right to request a formal investigation by the EO Officer at the state level if a satisfactory resolution is not accomplished at the local level.

If the Complainant is dissatisfied with the attempted informal resolution, he/she must inform the Local EO Officer and the OEO within five (5) business days of receipt of the unsatisfactory decision and request a formal investigation by the OEO.

All complaints filed at the local level must be documented on the WIOA/SESA local complaint log that is submitted to the State Equal Opportunity Office on a quarterly basis.

C. State Office of Equal Opportunity (OEO)

As noted in Step #1 above, a complaint may be sent directly to the State Office of Equal Opportunity (OEO) in Harrisburg.

Complaints may be mailed, emailed or faxed as follows:

Mail: Mr. James J. Kayer, Director
Office of Equal Opportunity
Department of Labor & Industry
Room 1402, Labor & Industry Building
651 Boas Street
Harrisburg, PA 17121

Email: jkayer@pa.gov

Fax: 717-772-2321

Phone: Toll Free 1-800-622-5422

TDD/TTY 1-800-654-5984 or PA Relay 711

OEO Acceptance of Complaint

If it is determined that the OEO has jurisdiction over the complaint/allegation filed, within ten (10) days of receipt, the OEO will send an acknowledgement of receipt of the letter to the complainant and advise him/her of the following:

- (1) Their right to be represented in the complaint process;
- (2) A list of the issues raised in the complaint;
- (3) A statement of whether the issue will be accepted for investigation or rejected by the OEO; if rejected, the reason for the rejection; and
- (4) The right to seek resolution through the Alternative Dispute Resolution (ADR) process.

The Respondent will be notified that a complaint alleging discrimination has been filed and is being processed. He/she will also be advised if the complainant elects mediation as the means of resolution.

Otherwise, the OEO will meet with the complainant and/or his/her authorized representative and the respondent, within 15 days from the date of receipt of the written allegations, to initiate a fact finding or investigation of the circumstances underlying the allegations, and attempt to informally resolve the issue(s). If the complaint is resolved informally, the resolution will be documented and maintained in the OEO files.

If the Complainant is dissatisfied with the attempted resolution or prefers to have a formal investigation, an investigator will be assigned to the case. The investigator will interview the complainant, respondent and witnesses for both parties as identified by the parties. At the conclusion of the investigation, a Notice of Final Determination will be issued. The Notice of Final Determination will be strictly based on the evidence obtained during the investigation. The notice will be issued within 90 days of filing the complaint. The written notice will include, for each issue raised, a decision on the issue(s), an explanation of the reasons underlying the decision, or a description of the way the parties resolved the issue(s) and notification of recourse.

If by the end of the 90 days, the OEO has not completed processing the complaint or fails to issue a notice of Final Determination, the complainant or his/her representative may, within 30 days of the expiration of the 90-day period, file a complaint with the Director, Civil Rights Center (CRC) who may extend the 30-day time period for good cause shown.

If the Notice of Final Determination is issued during the 90-day period and the Complainant is dissatisfied with the decision, the complainant is advised of his/her right to file a complaint with the CRC within 30 days of the date on which the complainant received the Notice of Final Determination.

OEO Non-Acceptance of Complaint

If a complaint is not within the jurisdiction of the OEO or CRC, is not timely filed, or does not have apparent merit, the complainant will be immediately notified in writing stating the reason for lack of jurisdiction, i.e.,

- ✓ The basis for the complaint is not covered by the prohibitions set forth by 29 CFR Part 38
- ✓ The complaint was not filed within the prescribed 180-day time-frame; or
- ✓ The complaint is against an entity that is not a recipient of WIOA Title I financial assistance as defined by 29 CFR Part 38.

If the complaint is not within the jurisdiction of the OEO or the Civil Rights Center, but within the jurisdiction of another federal grant making agency, the complaint will be returned to the complainant, stating the reason(s) for the lack of jurisdiction. The complainant will be advised of the appropriate agency that handles the complaint.

If a complaint alleges discrimination by an entity that operates a program or activity financially assisted by a federal grant agency other than DOL but participates as a partner in a CareerLink, the following will apply:

If the complaint alleges discrimination on a basis prohibited by Section 188 or Civil Rights laws, the OEO and the grant making agency will have dual jurisdiction over the complaint.

If the complaint alleges discrimination on a basis that is prohibited by Section 188 of WIOA but not by any Civil Rights laws enforced by the federal grant-maker, the complaint will be referred to CRC who has sole jurisdiction over the complaint.

D. Civil Right Center (CRC)

As noted in Step #1, complaints may be sent directly to the Civil Rights Center, who will respond to the Complainant directly.

Complaints may be mailed, emailed, or faxed as follows:

Mail: Director, Civil Rights Center
U.S. Department of Labor
200 Constitution Avenue, NW
Room N-4123
Washington, DC 20210

Email: CRCEXternalComplaints@dol.gov

Fax: (202) 693-6505 ATTENTION: Office of External Enforcement (limit of 15 pages)

Phone: (202) 219-7026

TDD (202) 219-7003