

D-R-A-F-T for Public Review



Workforce Investment Act Administrative Policy #201

Subject: Equal Opportunity and Processing of Grievance and Complaints

Effective Date: July 1, 2012

Part 1 – Equal Opportunity Provisions

Policy Statement:

No individual shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under federally-assisted Title I programs and activities of the Workforce Investment Act of 1998 in Virginia's Region 2000 based on the grounds of race, color, national origin, disability, age, sex, political affiliation or belief, or religion.

Virginia State WIA Policy 01-02 serves as the source reference for this local policy and is incorporated by reference in its entirety: <http://myfuture.vccs.edu/Portals/0/ContentAreas/Workforce/VCCS%20WIA%20policy%2001-02%20Discrimination%20Complaint%20Policy.pdf>

General Requirement:

All Region 2000 WIA-funded service providers are required to make the information in this policy known to potential and enrolled customers. Enrolled customer shall sign an acknowledgement form developed by the service provider indicating that the policy has been explained to them and/or a copy made available. The form shall be maintained in the customer file.

Notification Requirements:

All service providers delivering WIA Title I activities funded by the Region 2000 Workforce Investment Board (WIB) must display "Equal Opportunity Is The Law" posters in English and Spanish in prominent locations, which are accessible to applicants, eligible applicants, participants, terminees, applicants for employment and employees, applicants for funding and other interested parties. The poster shall contain a nondiscrimination and equal opportunity statement, as well as

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information about filing a complaint as further established in this policy. Recipients shall include in orientations to employees and/or participants a discussion of their rights under the nondiscrimination and equal opportunity provisions of WIA and the right to file a complaint of discrimination with the recipient, State Level EO Officer, or the Civil Rights Center of the US Department of Labor.

Equal Opportunity Officer:

In order to ensure that equal opportunity provisions are established and communicated for the programs and services under the purview of the Region 2000 WIB and to process any complaints that may be filed, the equal opportunity officer contact information is established as follows:

*Executive Director, Region 2000 Workforce Investment Board
828 Main Street, 12th floor
Lynchburg, VA 24504
Phone: 434-845-1932*

Complaints:

1. General Provisions -

Any person who believes he or she has been subjected to discrimination based on race, color, religion, sex, national origin, age, disability, political affiliation or belief, and, for beneficiaries only, citizenship, or participation in WIA, has the right to file a complaint within 180 days of the alleged discrimination. The person has the right to file a complaint with the WIB's Equal Opportunity Officer identified above or directly with the **Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N-4123, Washington, D.C. 20210**. If the complainant elects to file a complaint with the WIB, the WIB shall have 90 days to process a complaint and issue a decision. If the WIB does not provide a written decision within 90 days of the filing of the complaint, the complainant need not wait for a decision to be issued, but may file a complaint with CRC within 30 days of the expiration of the 90-day period. If a complainant is not satisfied with the WIB's resolution, the complainant may file a complaint with CRC. Such complaint must be filed within 30 days of the date the complainant received notice of the WIB's proposed resolution.

In instances where the WIB is named in a complaint, the complaint will be handled by the State Level EO Officer or referred to CRC.

In the event that the WIB EO officer determines that a One-Stop partner has jurisdiction, the complaint shall be recorded in the complaint log and referred to the appropriate One-Stop partner for resolution in accordance with that partner's complaint processing procedures.

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2. Filing -

The complaint document must contain the following information:

- ✓ Complainant's name and address, or other means by which the complainant may be contacted;
- ✓ Identification of individual(s) and /or organization(s) responsible for the alleged discrimination;
- ✓ Descriptions of the complainant's allegations to (1) determine recipient's jurisdiction of the complaint, (2) timelines of the complaint, (3) specific prohibited basis or bases of the alleged discrimination (i.e., race, sex, etc.) and (4) apparent merit of the complaint.

3. Processing –

Upon the filing of a complaint, the following procedures shall be followed:

- ✓ Initial, written notice to the complainant, and a notice that the complainant has the right to be represented in the complaint process;
- ✓ A written statement provided to the complainant that contains a list of the issues raised in the complaint and, for each issue, a statement whether the WIB accepts or rejects the issue, and the reasons for each rejection;
- ✓ A period for fact-finding or investigation of the issues;
- ✓ A written Notice of Final Action provided to the complainant within 90 days of the date on which the complaint was filed, that contains the determination.

Part 2- Processing of Complaints or Grievances other than Equal Opportunity
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Policy Statement:

This part of the policy sets forth the procedures required under the Workforce Investment Act (WIA) to address grievances or complaints alleging a violation of the requirements of WIA by the Region 2000 WIB or its service providers. This portion of policy does not address the procedures for processing complaints alleging discrimination under WIA section 188 and/or 29 CFR part 37. Such complaints must be handled in accordance with the procedures set forth in Part 1.

For purposes of Part 2 of this policy the following definitions shall apply:

***Complainant* - an individual, group or agency that files a formal complaint alleging violation of the WIA and/or provisions of a related agreement/service.**

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Direct Recipient - any person or governmental department, agency or establishment that receives WIA funds through a local area in order to carry out WIA programs, but does not include an individual who is a beneficiary of such a program.

Grievant- an individual, group or agency that files a formal grievance alleging violation of the WIA and/or provisions of a related agreement/service.

Participant - an individual who has been determined to be eligible to participate in and who is receiving services (except follow-up services authorized under the WIA) under a program authorized by the WIA. Participation commences on the first day, following determination of eligibility, on which the individual begins receiving subsidized employment, training or other services provided under WIA.

Filing a Grievance or Complaint under Part 2:

Grievances or complaints may be filed in writing to: Executive Director, Region 2000 Workforce Investment Board, 828 Main Street, 12th floor, Lynchburg, VA 24504. (Telephone: 434-845-1932)

Examples of who may file a grievance or complaint include the following:

1. Applicants and/or registrants for aid, benefits, services or training,
2. Eligible applicants/registrants,
3. Participants,
4. Employers,
5. Applicants for employment with an entity receiving WIA from the Region 2000 WIB,
6. Service providers or
7. Eligible providers of service (training or otherwise).

Each grievance or complaint must be filed, in writing, within 30 calendar days of the alleged situation and must contain the following information:

1. The name, address and phone number of the person filing the grievance or complaint;
2. The date of the alleged situation and the date the grievance or complaint was filed;
3. The identity of the respondent (i.e. the individual or entity against whom the grievance or complaint is alleged);
4. A description of the allegations. This description must include enough detail to allow the reviewer to decide whether the allegations, if true, would violate any of the provisions of WIA; and
5. The signature of the person filing the grievance or complaint.

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Methods of Resolution/Disposition of Complaints:

Upon receipt of the grievance or complaint, the reviewer will provide written notice to the grievant or complainant. This correspondence will be sent within five (5) business days and will include the following:

1. A summary of the allegations submitted;
2. The date, time and place of the meeting or hearing with the reviewer and/or committee of the WIB as may be established/designated for such purposes;
3. Notice of the opportunity for an informal resolution process conducted by the WIB Director or their designee as opposed to a formal hearing.
3. A notice that the grievant or complainant may be represented by an attorney; and
4. A notice that the grievant or complainant may present witnesses and documentary evidence.

The Region 2000 WIB has a maximum of 30 calendar days to conduct an investigation of the allegations and offer a resolution, either informally or as a result of a formal hearing.

Notice of Final Action:

Once the investigation is complete and a decision has been reached, a Notice of Final Action will be sent to the grievant or complainant. A Notice of Final Action will be issued after the informal resolution process or formal hearing is complete, and will include:

1. The reviewer/committee's decision and the reasons supporting the decision;
2. A brief description of the investigation process implored to reach the decision;
3. A notice that, if dissatisfied with the decision, the grievant or complainant may appeal to the Commonwealth of Virginia within 10 business days of receipt of the Notice of Final Action; and
4. A notice that the grievant or complainant may seek a remedy authorized under another Federal, State or local law.

Record Keeping Requirements:

Records regarding grievances and complaints must be maintained for at least three years from the date of resolution of the grievance or complaint. All records must include the following:

1. The name and address of the grievant or complainant;
2. A description of the grievance or complaint;
3. The date the grievance or complaint was filed;
4. The disposition (final action);

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5. The date of disposition of the grievance or complaint; and
6. Any other pertinent information

To the maximum extent possible, the identity of any person who has furnished information relating to, or assisting in, an investigation of a possible violation of the WIA will be kept confidential. The information may only be used for purposes of:

1. Record-keeping and reporting;
2. Determining the extent to which an entity is operating its WIA-funded programs or activities in a nondiscriminatory manner; or
3. Other use authorized by the nondiscrimination and equal opportunity provisions of WIA.