

WIA COMPLAINT PROCEDURE

For program participants, recipients, service providers, applicants, labor unions, community-based organizations or any individual or organization alleging a WIA based complaint: Complaints must be in writing and be signed by the complainant or by an authorized representative.

Section 188 of the Workforce Investment Act of 1998 prohibits any individual from being excluded from participation in, denied the benefits of; subjected to discrimination under or denied employment in any organization or program receiving WIA financial assistance on the basis of race, color, religion, national origin, sex, political affiliation or belief, age, disability, or (for beneficiaries only) citizenship status, as a lawfully admitted immigrant authorized to work in the United States or WIA participant status.

This policy and the procedures issued hereunder apply to participants in WIA-funded programs and activities who bring complaints of discrimination against any employee of a LWIA or sub-area recipient receiving USDOL financial assistance. Complaints regarding terms and conditions of employment, brought by LWIA or other sub-area recipient staff are to be handled under other applicable grievance or complaint procedures.

It is the policy of the recipient to assure equal opportunity for all employees and participants at all LWIAs and sub-area recipient locations. Any participant or employee who believes that she or he has been discriminated against on any of the bases covered under Section 188 of the Act may file a complaint in accordance with the procedures described as follows.

FILING A DISCRIMINATION COMPLAINT

Any person may file who believes that he or she or any protected class or group of individuals has been or is being subjected to discrimination, as previously defined in this brochure.

The recipient shall notify the complainant immediately, in writing, upon determining that it does not have jurisdiction over the complaint. The notice shall include reasons for the determination and state the complainant's right to file with the Civil Rights Center (CRC), U.S. Department of Labor, within 30 days of the receipt of the notice.

A complaint must be filed within 180 days of any alleged discrimination. The complainant may file with the LWIA/Ohio option sub-area recipient EO Officer; the Ohio Department of Job and Family Services' (ODJFS) Bureau of Civil Rights; or with the Director, USDOL Civil Rights Center (addresses to follow). Persons who have vision or hearing impairments may use the Ohio Relay Service at: 1-800-750-0750.

If the complainant elects to file with the recipient, he or she shall allow the recipient 90 days to process the complaint. Alternative dispute resolution procedures required by 29CFR37 will be made available to the parties to mediate the complaint in an attempt to resolve the issues. Within 90 days, the recipient shall offer the complainant a resolution of the complaint and shall notify the complainant of his or her right to file a complaint (not an appeal) with the Director, CRC, and that this right must be exercised within 30 days.

If, at the end of 90 days, the recipient has not completed its processing of the complaint or has failed to notify the complainant of the offered

resolution, or the complainant is not satisfied with the resolution offered in the recipient's Notice of Final Action, the complainant or his/her representative may, within 30 days of the expiration of the 90-day period, file with the Director of the Civil Rights Center.

The Director of CRC may extend the 30-day time limit for good cause shown. Complaints to the Civil Rights Center shall be forwarded immediately to:

**The Director, Civil Rights Center,
U.S. Department of Labor,
200 Constitution Ave., N.W. Room N-4123,
Washington, DC 20210.
(202) 693-6500,6502**

FILING A PROGRAMMATIC COMPLAINT

The statute of limitations for filing a programmatic complaint is **ONE YEAR**; however, it is recommended that a written complaint be filed within **10 DAYS** of the alleged occurrence. Programmatic complaints are those which allege unfair treatment but do not charge that it is due to unlawful discrimination. The EO Officer shall be available to provide assistance to the complainant. Within 10 days after filing a complaint, an informal conference will be held. If the complaint is not resolved, the complainant will be notified in writing of his or her right to request a hearing.

Within 16 days from the date the complaint was filed, the complainant has the opportunity to request a hearing. Any amendments to the original complaint must be submitted in writing at that time.

Within 30 days after the complaint is filed, a hearing will be conducted. The complainant shall be advised, in writing, of all procedural rights.

Within 60 days after the filing of the complaint, a final written decision shall be rendered by the Hearing Officer, and mailed to the complainant (certified mail - return receipt requested). The decision shall include, but shall not be limited to the following:

1. The reason(s) for the decision.
2. A statement as to whether or not the local area complaint procedure, as specified in the WIA Complaint Procedure Manual, has been properly followed
3. Notice of the right to request a review at the state recipient level (ODJFS Bureau of Civil Rights) when any party disagrees with any aspect of the Hearing Officer's decision.

STATE LEVEL REVIEW OF THE DECISION

The parties have 10 days after the receipt of the Hearing Officer's decision or 10 days from the date on which the decision should have been received to request a review with the:

**Ohio Department of Job and Family Services
Bureau of Civil Rights,
Columbus, Ohio 43215,
(614) 644-2703
Ohio Relay Service: 1-800-750-0750**

The Hearing Officer may uphold the local area level decision in whole or in part, or provide a hearing and a final written decision within 30 days from the date of receipt of the request for review. Conforming with delegated authority, this Hearing Officer's decision serves as *the Governor's* final decision. The Secretary of Labor investigates allegations arising through these grievance procedures when: (1) A state level decision has not been reached within 60 days of receipt of the grievance or complaint or within 60 days of receipt of the request for appeal of a local level grievance and either party appeals to the Secretary; or (2) A decision relating to a grievance or complaint has been reached and the party to which such decision is adverse appeals to the Secretary. Appeals must be submitted by certified mail, return receipt requested, to the Secretary, U.S. Department of Labor, Washington, DC 20210, Attention: ASET. A copy of the appeal must be simultaneously provided to the appropriate ETA Regional Administrator and the opposing party. Regardless of the basis for a complaint (programmatic or discrimination), a copy of each complaint **MUST BE FORWARDED** to the ODJFS Bureau of Civil Rights within 10 days of the date of the filing.

**FILING A FRAUD,
ABUSE OR CRIMINAL
ACTIVITY REPORT**

All information and complaints alleging fraud, abuse or criminal activity shall be reported directly and immediately to the

**U.S. Department of Labor,
Office of Inspector General,
200 Constitution Avenue, N.W.,
Washington, DC 20210.**

EQUAL OPPORTUNITY IS THE LAW

It is against the law for this recipient to discriminate on the following bases: Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998(WIA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIA Title I-financially assisted program or activity. The recipient must not discriminate in any of the following areas: Deciding who will be admitted, or have access to, any WIA Title I-financially assisted program or activity. Providing opportunities in, or treating any person with regard to, such a program or activity.

What to Do if You Believe You Have Experienced Discrimination

If you think that you have been subjected to discrimination under a WIA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either: the recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or the Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210. If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above). If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient). If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

I hereby acknowledge that I have received a copy of the WIA Complaint Procedure Brochure.

Name		Date
Signature		
EO Officer (or person giving orientation)		
LWIA/ sub-area recipient		

The Ohio Department of Job and Family Services is an equal opportunity employer . All programs operated by the Department are equal opportunity programs. Auxiliary aids and services are available upon request to individuals with disabilities.

Workforce Investment Act



COMPLAINT
PROCEDURE
BROCHURE

Ohio Department of
Job and Family Services

Bob Taft
Governor

Barbara Riley
Director