

HR Policy # 306 – EO Complaint Processing Policy

Approved by Executive Committee: May 5, 2022

Approved by Board: June 16, 2022

Lancaster County Workforce Development Board (WDB)

Equal Opportunity and Complaint Processing Policy

It is the policy of the Lancaster County Workforce Development Board (WDB) that no customer/staff experience discrimination within programs funded through the WDB or within the PA CareerLink® Lancaster County on any of the following bases:

- Race, color, religion, sex, national origin, age, disability, political affiliation or belief, gender or sexual orientation; or
- Against any beneficiary of programs financially assisted under Title I of the Workforce Innovation and Opportunity Act of 2014 (WIOA) on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or on his or her participation in any WIOA Title I financially-assisted program or activity; or
- In deciding who will be admitted, or have access, to any WIOA Title I financially-assisted program or activity; or
- In providing opportunities in, or treating any person with regard to, such a program or activity; or
- In making employment decisions in the administration of, or in connection with, such a program or activity.

Further the Lancaster County Workforce Development Board prohibits retaliation or reprisal against a customer/staff that:

- Has filed a complaint;
- Opposed a practice prohibited by the nondiscrimination and 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; and
- Otherwise exercised any rights and privileges under the WIOA nondiscrimination and EO provisions.

The Lancaster County Workforce Development Board will provide initial and continuing notice that they do not discriminate through:

- Applicable signage and posted notices within the PA CareerLink® Lancaster County and any other site receiving funding
- The inclusion of applicable notices in customer/staff handbooks, etc.
- The inclusion of the applicable required tag line on all applicable documentation, advertisement, notifications provided to the general population and customers/staff

The definition of customer/staff shall include the following:

- Applicants/registrants
- Eligible applicants/registrants
- Participants
- Applicants for employment
- Employees

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- Unions or professional organizations holding collective bargaining or professional agreements with the WDB
- Sub-recipients of WIOA Title I Funds
- Members of the public, including those with impaired vision or hearing

The WDB has developed and adopted procedures for processing complaints alleging violations of the equal opportunity and nondiscrimination provisions of WIOA Title I assisted programs and/or activities. All recipients of WIOA Title I financially assisted programs or activities will be required to comply with this procedure as provided.

Complaint forms for filing allegations of discrimination can be obtained from the EO Liaison, the EO Officer, the Office of Equal Opportunity, or directly from CRC. 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 CRC. The Director of CRC, for good cause shown, may extend the filing time beyond 180 days.

Individuals, specific classes of individuals, or authorized representatives may file complaints/allegations of discrimination about LWDA programs or services with the WDB Equal Opportunity Officer, or directly with the State Equal Opportunity Officer. Complainants are also made aware of their right to file allegations directly with the USDOL Civil Rights Center (CRC).

NOTE: Complaints/allegations do not have to be submitted on the prescribed complaint form in order for them to be considered valid complaints or allegations. Discrimination complaints may be submitted to:

WDB Equal Opportunity Officer

Anna Ramos

Executive Director

1046 Manheim Pike

Lancaster, PA 17603

717-735-0333

TTY 717-391-3570

or

James Kayer

Director, Office of Equal Opportunity

Department of Labor & Industry

Room 1402, Labor & Industry Building

651 Boas Street

Harrisburg, PA 17121

Jkayer@pa.gov

Toll Free 1-800-622-5422

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

or

Director, Civil Rights Center

U.S. Department of Labor

200 Constitution Avenue, NW

Room N-4123

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Washington, DC 20210

<https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center>

(202) 219-7026

TDD (202) 219-7003

Complaints filed by the complainant or his/her authorized representative must be filed in writing and must contain the complainant's and respondent's name and address, date alleged incident of discrimination occurred, a description of the allegations with enough detail to allow a determination by the Civil Rights Center (CRC) or Department of Labor & Industry about jurisdiction over the complaint, whether or not the complaint was filed in a timely manner, apparent merit, and, if true, whether the allegations would violate any of the nondiscrimination and equal opportunity provisions of WIOA, and the complainants or his/her authorized representative's signature.

Procedures for Complaint Processing by the WDB Equal Opportunity Officer

Upon notification of a discrimination complaint, the WDB EO Officer will inform the complainant of their right to file a complaint and have it investigated at the local, state or federal level. All complaints filed with the WDB Equal Opportunity Officer will be immediately reported to the EO Officer in the Department of Labor & Industry.

If the complainant elects to attempt resolution at the local level, the WDB EO Officer, based on consultation with the State OEO, will conduct fact-finding/investigation in consonance with procedures outlined in the WIOA.

The WDB Equal Opportunity Officer shall meet with the complainant or his/her 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 WDB 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 WDB EO Officer and the EO Officer at the State level within five (5) business days of receipt of the unsatisfactory decision and request a formal investigation by the State Equal Opportunity Office.

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

Procedures for Complaint Processing at the Local Workforce Development Area State Equal Opportunity Office Level.

Acceptance of Complaint

If it is determined that the OEO has jurisdiction over the complaint/allegation filed, within ten (10) days of receipt, the State Equal Opportunity Officer will send an acknowledgment 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

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(4) The right to seek resolution through the Alternate 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 Equal Opportunity Officer 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 informal 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 180 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 180-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 180-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*.

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 the 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 Office of Equal Opportunity 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 PA CareerLink® Lancaster County, 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.

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- 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



Jodi Pace

Chairperson

Lancaster County Workforce Development Board