

**Lancaster County Workforce Development Board
(LCWDB)
Equal Opportunity and Complaint Processing Policy**

Approved by OEO 8/25/23

Background:

Lancaster WDB complaint policies and procedures comply with the nondiscrimination and equal opportunity provisions in Section 188 of the Workforce Innovation and Opportunity Act (WIOA) and Department of Labor regulations 29 CFR Part 38.

Non-Discrimination

It is the policy of the Lancaster County Workforce Development Board (LCWDB) that no recipient shall be subject to discrimination within programs funded through the LCWDB or within the PA CareerLink® Lancaster County on any of the following bases:

- Race, color, religion, sex, national origin (including Limited English Proficiency), 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.

Prohibition on Retaliation/Reprisal

Further the Lancaster County Workforce Development Board prohibits retaliation or reprisal against a recipient 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.

Notice of Non-Discrimination

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, agency websites, etc.
- The inclusion of the applicable required tag line on all applicable documentation, advertisement, notifications provided to the general population and customers/staff

WIOA Recipient

The definition of recipient shall include the following:

- Applicants/registrants
- Eligible applicants/registrants
- Participants
- Applicants for employment
- Employees
- Unions or professional organizations holding collective bargaining or professional agreements with the LCWDB
- Service providers
- Eligible service providers
- Sub-recipients of WIOA Title I Funds
- Members of the public, including those with impaired vision or hearing

Discrimination Complaints

The LCWDB 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 Timeline

Complaint forms for filing allegations of discrimination can be obtained from the EO Liaison, the EO Officer, the L&I Office of Equal Opportunity, or directly from the Civil Rights Center (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.

Discrimination Complaint Procedure

Step 1:

Formal 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, the date the 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. Written complaints must be signed and dated by the complainant.

NOTE: Complaints/allegations do not have to be submitted on the prescribed complaint form (DL 1-2014A) for them to be considered valid complaints or allegations. Complaints can be formal or informal. Complaints can be filed by telephone, email, or in person. Formal complaints must be in writing and must be signed by the complainant or their legal representative.

Step 2: Submit the Complaint

Individual Choice

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

Discrimination complaints may be submitted to:

LCWDB Equal Opportunity Officer
Carrie McCullough
Equal Opportunity Officer
1046 Manheim Pike
Lancaster, PA 17601
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
Washington, DC 20210
<https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center>
(202) 219-7026
TDD (202) 219-7003

Or

Equal Employment Opportunity Commission District Offices
Main: 1-800-669-4000
ASL: 1-844-234-5122
TTY: 1-800-669-6820
Website: <https://www.eeoc.gov/contact-eeoc>
Email: info@eeoc.gov

<p>Philadelphia District EEOC Office 801 Market Street, Suite 1300 Philadelphia, PA 19107-3127 215-440-2600 (voice) Phone Number: 800-669-4000 Alternative Phone Number: 866-408-8075 (voice) 215-440-2606 (fax) 800-669-6820 (TTY)</p>	<p>Pittsburgh Area EEOC Office William S. Moorhead Federal Building Suite 1112 1000 Liberty Avenue Pittsburgh, PA 15222 Phone Number: 800-669-4000 412-664-2728 (voice) 412-395-5749 (fax) 412-395-5904 (TTY)</p>
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Procedures for Complaint Processing at the Local Workforce Development Area Equal Opportunity Officer Level

Upon notification of a formal or informal discrimination complaint, the LCWDB EO Officer will inform the complainant of their right to file a complaint, that they are entitled to representation, and have it investigated at the local, state or federal level. All complaints filed with the LCWDB EO Officer will be immediately reported to the L&I Equal Opportunity Officer, including any request for mediation/alternative dispute resolution (ADR).

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

Within ten (10) days of receipt, the LCWDB EO Officer will send an acknowledgment of receipt of the complaint to the complainant and advise him/her of the following:

- (1) Their right to be represented in the complaint process;
- (2) Notice that complainant has right to request and receive, at no cost, auxiliary aids, services, language assistance services, and translation of notice
- (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 LCWDB; if rejected, the reason for the rejection; and
- (4) The right to seek resolution through the Alternate Dispute Resolution (ADR) process.
- (5) The right to request a formal investigation by the L&I EO Officer if a satisfactory resolution is not accomplished at the local level.

Evaluation of the Complaint by the LCWDB EO Officer

Upon receipt of a complaint, the LCWDB EO Officer shall conduct an evaluation of the complaint to determine (1) whether there is sufficient information to adjudicate the complaint; (2) whether the complaint is timely filed; (3) whether the LCWDB EO Officer has jurisdiction to adjudicate the complaint; and (4) whether the complaint, on its face, has “apparent merit,” meaning whether the allegations, if true, would indicate noncompliance with any of the nondiscrimination and equal opportunity provisions of WIOA or its regulations.

- (1) **Insufficient Information.** The LCWDB EO Officer may close the complainant’s file, without prejudice, for insufficient information if:
 - (i) The LCWDB EO Officer makes reasonable efforts to try to find the complainant, but is unable to reach them; or
 - (ii) The complainant does not provide the needed information to the LCWDB EO Officer within the time specified in the request for more information.

If the LCWDB EO Officer closes the complainant’s file for lack of information, the LCWDB EO Officer must send a Notice of Determination to the complainant’s last known address, email address (or another known method of contacting the complainant in writing), which shall include:

- (i) notice that the complainant’s file may be reopened upon delivery of the required information to the LCWDB EO Officer; and

- (ii) notice that the complainant has the right to file a complaint with L&I OEO or with the CRC within thirty (30) days of the date on which the Notice of Determination is received if the complainant is dissatisfied with the Final Determination and shall include contact information for L&I OEO and CRC as set forth in this Policy.
- (2) **Lack of Jurisdiction and Timeliness.** If a complaint is not within the jurisdiction of the LCWDB EO Officer or is not timely filed, the LCWDB EO Officer shall issue a Notice of Lack of Jurisdiction, within five (5) business days of receipt of the complainant stating one or more of the following reasons for non-acceptance:
- (i) the basis for the complaint is not covered by the prohibitions set forth by 29 CFR Part 38;
 - (ii) the complaint was not filed within the prescribed 180-day time-frame;
 - (iii) the complaint has previously been decided by the LCWDB EO Officer; or
 - (iv) 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 LCWDB EO Officer, but may be within the jurisdiction of another federal agency, the complaint will be returned to the complainant within five (5) business days of receipt along with Notice of Lack of Jurisdiction providing the following:

- (i) an explanation why the complaint falls outside the coverage of the nondiscrimination and equal opportunity provisions of WIOA or its regulations; and
- (ii) where possible, transfer the complaint to the appropriate Federal, State or local authority.

If a complaint alleges discrimination by an entity that provides a WIOA Title I financially-assisted program or activity other than the USDOL, but the entity participates as a partner in the PA CareerLink® Lancaster County, the following will apply:

- (i) If the complaint alleges discrimination on a basis prohibited by WIOA or one or more other civil rights laws or regulations enforced by the federal grant maker, the complaint will be forwarded by the LCWDB EO Officer to the L&I OEO, who will have dual jurisdiction over the complaint along with the federal grant making agency.
- (ii) If the complaint alleges discrimination on a basis that is prohibited by WIOA but not by any civil rights laws or regulations enforced by the federal grant making agency, the complaint will be forwarded by the LCWDB EO Officer to CRC who shall have sole jurisdiction over the complaint.

The Notice of Lack of Jurisdiction shall contain notice that the complainant has the right to file a complaint with the L&I OEO or with CRC within thirty (30) days of the date on which the Notice of Lack of Jurisdiction is received if the complainant is dissatisfied with

the Notice of Lack of Jurisdiction and shall include contact information for L&I OEO and CRC as set forth on page 3 of this Policy.

- (3) **Lack of Apparent Merit.** If the LCWDB EO Officer determines that a complaint is does not have apparent merit, the LCWDB EO Officer shall issue a Notice of Final Determination within five (5) business days of receipt of the complaint stating all of the reasons why the allegations contained in the complaint, if true, would not indicate noncompliance with any of the nondiscrimination and equal opportunity provisions of WIOA or its regulations.

Notice of Final Determination shall contain notice that the complainant has the right to file a complaint with the L&I OEO or with CRC within thirty (30) days of the date on which the Notice of Final Determination is received if the complainant is dissatisfied with the Final Determination, which shall include contact information for L&I OEO and CRC.

- (4) **Conflict of Interest** – If the complaint directly involves concerns regarding the LCWDB Equal Opportunity Officer, the complaint will be referred to L&I OEO or CRC.

Acceptance of Complaint by LCWDB

Upon acceptance of a complaint by the LCWDB EO Officer, the person who is the subject of the complaint (the “respondent”) will be notified that a complaint alleging discrimination has been filed and is being investigated and will be provided a copy of the complaint. The respondent will also be advised if the complainant has elected ADR as the means of resolution.

The complainant may request ADR at any time after the complainant has filed a written complaint, but before a Final Determination has been issued by the LCWDB EO Officer. The choice whether to use ADR or the process described above rests with the complainant.

- The ADR process may be in the form of mediation or arbitration as agreed between the complainant, the respondent, and LCWDB.
- The ADR process shall be conducted following consultation with L&I OEO, who may serve as mediator.
- If L&I OEO does not serve as mediator, the ADR process may be conducted by a mediator or arbitrator(s) as the parties agree.
- A party to any agreement reached under ADR may notify the LCWDB EO Officer in the event the agreement is breached. In such circumstances, the following rules will apply:
 - (1) The non-breaching party may notify the LCWDB EO Officer within 30 days of the date on which the non-breaching party learns of the alleged breach; and
 - (2) The LCWDB EO Officer must evaluate the circumstances to determine whether the agreement has been breached. If the LCWDB EO Officer determines that the agreement has been breached, the complaint will be reinstated and processed in accordance with the procedures set forth herein.

If the parties do not reach an agreement under ADR, the complaint will be processed in accordance with the procedures set forth herein.

In the event that the complainant does not choose ADR, or the LCWDB EO Officer determines that an ADR agreement has been breached, the LCWDB EO Officer will consult with L&I OEO, and then schedule a meeting with the complainant and/or their authorized representative and the respondent within ten (10) business days from the date of receipt of the complaint to initiate an investigation of the circumstances underlying the allegations and attempt to informally resolve the issue(s) alleged in the complaint. If the complaint or ADR agreement breach is resolved informally, the LCWDB EO Officer will issue a Final Determination to the complainant and respondent no later than ninety (90) days from the date that the complaint or allegation of ADR agreement breach was received by the LCWDB EO Officer. The LCWDB EO Officer shall maintain a copy of the Final Determination LCWDB in accordance with WIOA regulations.

If the complaint or ADR agreement breach cannot be resolved informally, or the parties do not reach an agreement under ADR, the LCWDB EO Officer will conduct such additional investigation as the LCWDB EO Officer deems necessary in consultation with the L&I OEO and shall issue a Final Determination no later than ninety (90) days from the date that the complaint was received by the LCWDB EO Officer. The Final Determination shall contain the following information:

- (1) For each issue raised in the complaint, a statement of either:
 - (a) The LCWDB EO Officer’s decision on the issue and an explanation of the reasons underlying the decision; or
 - (b) A description of the way the parties resolved the issue; and
 - (c) Notice that the complainant has a right to file a complaint with the L&I OEO or with CRC within thirty (30) days of the date on which the Final Determination is received if the complainant is dissatisfied with the Final Determination, which shall include contact information for L&I OEO and CRC.

Procedures for Complaint Processing at the State Equal Opportunity Officer Level

Acceptance of Complaint

If it is determined that the L&I OEO has jurisdiction over the complaint/allegation filed, within ten (10) days of receipt, the 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 L&I OEO; if rejected, the reason for the rejection; and,
- (4) The right to seek resolution through the Mediation/Alternate Dispute Resolution (ADR) process. NOTE: If the complainant elects resolution through ADR, the complaint will be forwarded to a Mediator.

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 L&I 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 L&I OEO files.

If the Complainant is dissatisfied with the attempted informal resolution or prefers 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. After 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 L&I 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 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.

Non-Acceptance of Complaint

If a complaint is not within the jurisdiction of the L&I 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 L&I 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 PA CareerLink®, the following will apply:

- If the complaint alleges discrimination on a basis prohibited by Section 188 or Civil Rights laws, L&I 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.



Jodi Pace
Chairperson
Lancaster County Workforce Development Board

Name	Date	Revision Level	Description of Change	Effective Date
Anna Ramos	5/5/2022	A	Updated Policy	6/16/2022
Valerie Hatfield	8/14/2023	B	EO Updates	8/17/2023
Carrie McCullough	4/30/2024	B	Update EO Contact	4/23/2024