

# **NORTHWEST REGIONAL WORKFORCE INVESTMENT BOARD, INC.**



## **WORKFORCE INNOVATION & OPPORTUNITY ACT**

WIOA stand for the “Workforce Innovation and Opportunity Act.” WIOA was signed into law on July 22, 2014. WIOA is designed to help job seekers access employment, education, training and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy.

A participant may select any WIOA approved education and training program in the state, as listed on the current ETPL, if the participant meets all other criteria relating to initial and subsequent eligibility for such educational and/or training services. Individuals seeking WIOA funding assistance have the freedom of “customer choice” in selecting the educational and training program that best fits their personal and career needs.

While you are in training you will receive support and job placement services which will help you find and keep a job.

You will be working closely with us so we can help you to look at your skills and interests through education, training and employment.

Northwest Regional Workforce Investment Board  
Grievance Policy for Participants

The Northwest Regional Workforce Investment Board adopts the following policy regarding complaints and grievances:

Interested parties may file grievances and complaints alleging violations of the requirements of title I of WIOA (20 CFR 683.600).

Whenever any person, organization or agency believes that a WIOA grant recipient or other (e.g., service providers, contractors) has engaged in conduct that violates the Act and that such conduct also violates a Federal statute other than WIOA, or a State or local law, that person, organization or agency may, with respect to the non-WIOA cause of action, institute a civil action or pursue other remedies authorized under other Federal, State or local law against the Governor, WIOA grant recipient or other without first exhausting the remedies in this section. Nothing in the Act or WIOA regulations:

1. Allows any person or organization to join or sue the Secretary with respect to the Secretary's responsibilities under WIOA except after exhausting the remedies in this section;
2. Allows any person or organization to file a suit which alleges a violation of WIOA or these regulations without first exhausting the administrative remedies described in this section; or
3. May be construed to create a private right of action with respect to alleged violations of WIOA or the regulations.

I. Grievance and Complaints for Non-Criminal Complaints

This section deals with the handling of non-criminal complaints. Criminal complaints are to be handled as specified in 20 CFR 683.620

A. Introduction to Complaints and Grievances

1. Complaints

A complaint is an allegation of discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, or participation in the program, and is covered by the nondiscrimination and equal opportunity provisions at 29 CFR Part 38. An allegation of retaliation, intimidation or reprisal for taking action or participating in any action to secure rights protected under WIOA Section 188 will be processed as a complaint.

2. Grievances

A grievance is a complaint about services, working conditions, wages, work assignment, etc., arising in connection with WIOA programs operated by WIOA recipients including service providers, eligible training providers, and other contractors.

In order to direct a complaint or grievance properly, it shall be determined whether the complaint is a program or discrimination complaint. When a participant or employee alleges unfair treatment, find out what she or he believes to be the reason for the treatment. It is appropriate to ask the complainant if the alleged unfair treatment was due to one of the prohibited factors under the nondiscrimination and equal opportunity regulations at 29 CFR Part 38 or related to working conditions such as work scheduling or assignments.

If the individual alleging unfair treatment cannot or does not cite a reason that it is a prohibited factor, then the complaint shall be processed using the separate grievance procedure.

## B. Filing A Grievance

### 1. Who May File

Any individual, including WIOA program participants, applicants, staff, employers, board members or any other individual who believes they received unfair treatment in a Workforce Innovation and Opportunity Act employment and training program may file a grievance.

### 2. When Should a Grievance Be Filed

Grievances shall be filed within one (1) year of the alleged occurrence.

### 3. Where May a Grievance Be Filed

Grievances may be filed directly with the service provider or with the State Equal Opportunity (EEO).

### 4. The Grievance Process

a. The service provider may attempt to resolve the issue informally within fourteen (14) calendar days following the filing of the grievance. If the grievance is filed directly with the EEO, the EEO will work with the service provider and the grievant to attempt to resolve the issue informally. Whether or not conciliation occurs, a written agreement (the WIOA Conciliation Form is recommended for use, but is not mandatory and an appropriate substitute form may be used) shall be executed, signed by both the grievant and the service provider.

b. The grievant has the right to a due process hearing if informal resolution cannot be reached. The grievant shall be advised of the possibility of a due process hearing within thirty (30) days from the date the grievance was filed.

c. The grievant has the right to a receipt of a final decision within sixty (60) days from the date the grievance was filed.

## General Information Regarding Discrimination Complaints

All grant recipients/program providers (CT DOL and its partners) under Title I of WIOA are responsible for complying with the discrimination complaint procedures consistent with 29 CFR Part 38.

### Discrimination complaints:

A complaint cannot be processed as both a program complaint and a discrimination complaint. A discrimination complaint includes as a reason for mistreatment, one of the prohibited factors (each, a "Protected Class"): race, color, religion, sex (including pregnancy), age, LGBTQ status, disability, political affiliation or belief, citizenship status, or participation in any WIOA Title I-financially assisted program or activity as prohibited by WIOA.

### Who can file a complaint?

Any person who believes that he or she, or any specific class of individuals, has been or is being subjected to discrimination on the basis of being a member of a Protected Class (as defined above) has the right to file a written complaint within 180 calendar days of the alleged violation. The filing period may be extended for good cause in some limited circumstances. However, only the Director of the Civil Rights Center may extend the filing time.

### Where can an individual file a complaint?

Any individual wishing to file a discrimination complaint shall be given the option to file the complaint with a local American Job Center EO Officer, the State EO Officer and /or directly with the Director of the Civil Rights Center (CRC/USDOL):

Director/Civil Rights Center OR	Maria Lagasse State EO Officer
U.S. Department of Labor	Connecticut Department of Labor
200 Constitution Avenue NW	200 Folly Brook Blvd.
Washington, D.C. 20210	Wethersfield, CT 06109
Phone: (860) 263-6732	
TTY: (860) 263-6074	

### Complaint Forms:

The complaint be filed on both the ETA 8429 One Stop Career Center Complaint/Referral Record and DL1-2014A Complaint Information Form and Privacy Act Consent Form. (Both of these forms are available on the Equal Opportunity Intranet site) The complainant is also required to complete the JS WIOA 1 (English version) or JS WIOA 2 (Spanish) form. Please attach any supporting documentation to the complaint.

### Discrimination Complaint Procedure

#### 1. Receipt of Complaint

- If the complainant elects to file a written complaint with the local Equal Opportunity Officer in a CT American Job Center office or affiliate site, that employee will immediately accept the complaint, record information pertaining to the nature of the complaint on the Discrimination Complaint Log and immediately forward the complaint to the State EO Officer.

- The State EO Officer will determine jurisdiction and timeliness of the complaint. The local EO Officer is responsible for providing local intake services for discrimination complaints. If the complainant is interested in resolving the complaint through a mediation process, the local EO Officer will assist the complainant in completing the Mediation Request Form and attaching it to the complaint.
- If the State EO Officer determines that CT DOL does not have jurisdiction over the complaint, the State EO Officer shall immediately notify the complainant in writing, including reasons for the determination. This Notice of Lack of Jurisdiction shall include a statement of the reasons for that determination, and notice that the complainant has the right to file a complaint with CRC/USDOL within 30 days of the date on which the complainant receives such notice. If the State EO Officer determines that another entity has jurisdiction, he or she will promptly provide the complainant with a written referral to that entity.

Please Note: All Migrant and Seasonal Farm Workers (MSFW) complaints shall be logged and immediately forwarded to the Equal Opportunity Unit for referral or investigation.

## 2. Initial Letter/Contents and Timeframes for Processing a Complaint

Within 10 working days of receipt of the complaint, the State EO Officer shall issue an initial written notice to the complainant that contains the following information:

- Acknowledgement of receipt of the complaint. The complainant will be advised that he or she has the right to representation in the complaint process.
- A list of the issues raised in the complaint and a statement for each issue that identifies whether the CT DOL will accept the issue for investigation or reject the issue, and the reasons for each rejection.
- Advisement to the complainant of the timeframes for processing the complaint and providing a determination.
- A written Notice of Final Action will be provided to the complainant within 90 days of the date the complaint was filed. If the complainant elects to file with both the Civil Rights Center and CT DOL, the complainant shall be informed that the CT DOL has 90 calendar days to process the complaint and that the Civil Rights Center shall not investigate the complaint until the 90 calendar day period has expired.
- The complainant may choose the customary investigation/decision process or the Alternative Dispute Resolution (ADR) process of mediation. Participation in the ADR process is voluntary, confidential, to the extent allowable by law, and shall be agreed upon by both parties. An attorney with the Legal Division shall mediate disputes of the CT DOL. If the complainant elects the ADR process, an attorney from DOL would contact the complainant and respondent to confirm that they wish to participate in the mediation process and schedule a session. Both parties may choose to be represented by counsel at the time of mediation. If an agreement is reached as a result of mediation, that agreement is put in writing and signed by both parties.
- If the complainant chooses not to utilize the ADR process, the State EO Officer shall promptly initiate an investigation by contacting all witnesses and parties to the alleged discrimination and schedule interviews. The CT DOL may take up to 30 working days for fact-finding or investigation of the underlying issues.

### 3. Notice of Final Action

Upon completion of the investigation, the State EO Officer will issue a written Notice of Final Action to the complainant within 90 calendar days from the date the complaint was filed. This decision is based strictly on the recorded evidence in the case. The Notice of Final Action contains a statement regarding the disposition for the issue(s) raised in the complaint and the reason for the determination. If the complainant is dissatisfied with the decision or resolution, a complaint may be filed with the Civil Rights Center within 30 days of the date on which the complainant received the Notice of Final Action. If the State EO Officer fails to issue a written Notice of Final Action within 90 days from the day on which the complainant filed the complaint, the complainant does not have to wait for the State EO Officer to issue that Notice before filing a complaint with the Civil Rights Center. However, he or she shall file the CRC complaint within 30 days of the 90-day deadline.

### 4. Corrective Action

If discrimination is found through the process of a complaint investigation, the Respondent shall be requested to voluntarily comply with corrective action(s) or enter into a Conciliation Agreement to correct the discrimination.

### 5. No Resolution Under ADR/ Breach of ADR Agreement

A party to any agreement reached under ADR may file a complaint with the Director of the Civil Rights Center in the event the agreement is breached. In such circumstances, the following rules would apply:

- The non-breaching party may file a complaint with the Director of the Civil Rights Center within 30 days of the date on which the non-breaching party learns of the alleged breach. The Director shall evaluate the circumstances to determine whether the agreement has been breached. If he or she determines that the agreement has been breached, the complaint will be reinstated and processed in accordance with CT DOL's procedures.
- If the parties do not reach an agreement under ADR, the complainant may file a complaint with the Director of the Civil Rights Center.

### 6. Confidentiality

EO Officers are required to keep information confidential to the maximum extent possible, consistent with applicable law and fair determination of the complaint. This includes the following:

- The fact that the complaint has been filed;
- The identity of the complainant(s);
- The identity of individual respondents to the allegations; and
- The identity of any person(s) who furnish information relative to, or assisting in, a complaint investigation.

## 7. Recordkeeping

A separate system will be maintained both locally and at the state level for logging, tracking, and reporting on discrimination complaints. This system shall include the name and address of the complainant; basis of complaint; description of complaint; date filed; disposition and date; and any other pertinent information. All records regarding complaints and actions taken on complaints shall be maintained for a period of not less than 3 years from the final date of resolution of the complaint.

## 8. Monitoring

The State EO Officer will review complaint data on a routine basis and during monitoring visits. Should deficiencies be noted in the implementation of these complaint procedures by any local program provider, the State EO Officer will work with the Local EO Officer to review information and/or provide technical assistance in the complaint process. Complaint data will be available for review by the Civil Rights Center/USDOL upon request.

### A. Complaint Filing

1. Any person or the person's representative who believes that any of the following circumstances exist may file a written complaint.
  - a. A person, or any specific class of individuals, has been or is being discriminated against on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, citizenship status, or participation in any WIOA title I financially assisted program or activity as prohibited by WIOA or 29 CFR 38.
  - b. Either the person, or any specific class of individuals, has been or is being retaliated against as described in 29 CFR 38.19.
2. A person or the person's representative may file a complaint with either the recipient's Equal Opportunity Officer (or the person the recipient has designated for this purpose) or the Director, Civil Rights Center (CRC), USDOL. Complaints filed with the Director should be sent to the address listed in the notice in 29 CFR 38.35, or filed electronically as described in the notice.
3. Generally, a complaint shall be filed within 180 days of the alleged discrimination or retaliation. However, for good cause shown, the Director may extend the filing time. The time period for filing is for the administrative convenience of CRC, and does not create a defense for the respondent (the individual or entity that the complainant alleges is responsible for the discrimination).

### B. Required contents of complaint

Each complaint shall be filed in writing, either electronically or in hard copy, and shall contain the following information.

1. The complainant's name, mailing address, and if available, email address (or another means of contacting the complainant).
2. The identity of the respondent.

3. A description of the complainant's allegations. This description shall include enough detail to allow the Director or the recipient, as applicable, to decide whether:
  - a. CRC or the recipient, as applicable, has jurisdiction over the complaint;
  - b. The complaint was filed in time; and
  - c. The complaint has apparent merit, in other words, whether the complainant's allegations, if true, would indicate noncompliance with any of the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR 38.
4. The written or electronic signature of the complainant or the written or electronic signature of the complainant's representative.
5. A complainant may file a complaint by completing and submitting CRC's Complaint Information and Privacy Act Consent Forms, which may be obtained either from the recipient's Equal Opportunity Officer or from CRC. The forms are available electronically on CRC's web site, and in hard copy via postal mail upon request. The latter requests may be sent to CRC at the address listed in the notice contained in 29 CFR 38.35.

C. Right to Representation

Both the complainant and the respondent have the right to be represented by an attorney or other individual of their choice.

# NORTHWEST REGIONAL WORKFORCE INVESTMENT BOARD, INC.

## CUSTOMERS' RIGHTS AND BENEFITS

1. You cannot be denied benefits or be denied entrance into a program because of your race, color, religion, sex, age, national origin, disability or marital status, arrest record, sexual orientation or Vietnam era veteran status.<sup>3</sup>
2. The HATCH ACT is a Federal Law which says you may not be a part of political activities during WIOA training hours. You may be involved outside of training hours if you do not say you are in a government funded training program such as WIOA.<sup>4</sup>
3. Although you are eligible for the program, you may not receive WIOA services but may be referred to another organization.
4. Even though you are in a government program, you are not a federal employee.
5. You do not have to receive services, be trained or work in unsafe buildings. This comes under OSHA-Occupational Safety and Health Act.
6. If you have a problem with your program, you may attend a meeting to solve the problem

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<sup>3</sup> See Federal Regulations under customers' Rights and Benefits in Customer Service Manual.

<sup>4</sup> See Federal Regulations under the Hatch Act in Customer Service Manual.