

WIOA Program Participant Rights, Benefits, and Complaint Procedures

CFWDB Procedure No. PR-WDB-003-2018

Effective Date: February 28, 2018

EQUAL OPPORTUNITY/NONDISCRIMINATION COMPLAINTS

Any person who believes that he or she or any specific class of individuals has been or is being:

1. excluded from participation in;
2. denied the benefits of;
3. subjected to discrimination under; or
4. denied employment in the administration of or in connection with any Workforce Innovation and Opportunity Act (WIOA) funded activity or program, on the grounds of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.

An Equal Opportunity/Nondiscrimination Complaint can be filed with the following individuals:

- The WIOA Contractor's/Career Center's EO Officer
- The Local Area Equal Opportunity Officer
- The State Equal Opportunity Officer
- Or the Director of the Civil Rights Center

A complaint filed based on the above grounds must be filed within 180 days of the alleged discrimination, unless extended by the Director of the Civil Rights Center for good cause shown. Each complainant and respondent has the right to be represented by an attorney or other individual of his or her choice.

Complaints filed at the Contractor/Career Center Level

Any person/class of individuals receiving WIOA Title I services who believes they are or have had their Equal Opportunity Rights violated has the right to complain to the agency or Career Center that provides those services. You can obtain the contact information for the agency's or Career Center's Equal Opportunity Officer through the WIOA Case Managers, Career Center Personnel, or by calling the agency that is providing those services. If the complainant is uncomfortable with bringing their complaint to the agency, they can file their complaint at another level.

Complaints at the contractor level must first exhaust available remedies established in contractor procedures before being subject to Local Area review. Hearings on any program complaint must be conducted by the contractor and a written decision rendered within 10 days of filing. If a complaint does not receive a decision at the contractor level within 10 days of the filing or receives an unsatisfactory decision, the complainant may request a review of the complaint by the CFWDB Local Area. Such request must be filed within 5 days of receipt of the contractor decision or within 5 days of the date a decision should have been received, whichever is earlier.

Complaints filed at the Local Area Level

Any person who elects to file his or her complaint with the Local Area must allow 40 days (inclusive of time at the contractor level) to process the complaint and allow 50 days for the State (Division of Workforce Solutions) to receive and review the complaint, if applicable.

1. All complaints must be filed in writing, signed by complainant or authorized representative. The Cape Fear Complaint Form is to be used that includes the following information:
 - a. The full name, address and telephone/TTY number of the complainant (or specify another means of contact);
 - b. The full name and address of the person or agency against whom the complaint is made;
 - c. A clear, concise statement of the act or acts considered to be a violation;
 - d. Other information that will help to explain and resolve the complaint.

Complaints filed with the Local Area should be sent to:

<p>Karen Schraml Compliance/EO Officer Cape Fear Council of Governments 1480 Harbour Drive Wilmington, NC 28401 910-395-4553 (telephone) 910-395-2684 (fax) kschraml@capefearcog.org (email)</p>
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2. Hearings on any complaint filed with the Local Area must be conducted and a decision issued within 30 days of filing.
3. Complaint hearing procedures include the following:
 - a. Reasonable notice to all parties by email, or registered or certified mail;
 - b. A statement of the date, time and place of the hearing;
 - c. A statement of the authority and jurisdiction under which the hearing is to be held;
 - d. A reference to the particular section of the Act, regulations, grant or other agreement

- under the Act involved;
 - e. Notice to the parties of the specific charges involved;
 - f. The right of both parties to be represented by legal counsel or other individuals of his or her choice;
 - g. The right of each party to present evidence, both written and through witnesses;
 - h. The right of an impartial decision maker who has not been directly involved in the events from which the complaint arose; and
 - i. A written decision made strictly on the recorded evidence must be rendered within the prescribed time frame.
4. Complete records and documentation will be kept in each contested case, including minutes of testimony, data submitted, findings, appeals and final decisions.
 5. Decisions will be made not later than 40 days from the filing of the complaint at the first level.

Complaints filed at the State Level

If a complainant does not receive a decision at the local level within 25 days of the filing of the complaint or receives an unsatisfactory decision, the complainant has the right to request a review of the complaint by the State (Division of Workforce Solutions). Requests for such review must be submitted to:

Mail: Jessica Englert
Assistant Secretary
NC Department of Commerce
Division of Workforce Solutions
4316 Mail Service Center
Raleigh, NC 27699-4316
Physical Address: 313 Chapanoke Road, Suite #120
Attention: Mose Dorsey
Email: mdorsey@nccommerce.com
Phone: (919) 814-0419

Such requests must be filed within 5 days of receipt of the adverse decision or 5 days from the date on which the complainant should have received a decision, whichever is earlier. The Division will conduct a review of the complaint and issue a decision within 30 days from the date of receiving the review request.

Complaints filed at the Federal Level

Should the State Level provide a decision unsatisfactory to the complainant or fail to provide one, the complainant may file a complaint with the Director of the Civil Rights Center of the U.S. Department of Labor. Such requests must be submitted within 30 days of the State Level decision, or 90 days from the date the complaint was initially filed at the local level, whichever is earlier.

Complaints filed with the Director of the Civil Rights Center must be sent to:

Mail: Director Civil Rights Center
ATTENTION: Office of External Enforcement
U.S. Department of Labor
200 Constitution Avenue NW, Room N-4123
Washington, DC 20210
Fax: (202) 693-6505
ATTENTION: Office of External Enforcement (limit of 15 pages)
Email: CRCEXternalComplaints@dol.gov

Local Area Record Keeping Regarding Complaints

The Local Area will maintain a log of complaints filed. The log will include:

- the name and address of the complainant;
- the grounds of the complaint;
- a description of the complaint;
- the date the complaint was filed;
- the disposition and date of disposition of the complaint; and
- other pertinent information.

Information that could lead to a particular individual as having filed a complaint shall be kept confidential. Records regarding complaints and actions taken will be maintained for a period not less than 3 years from the date of resolution of the complaint and made available to the Director of Civil Rights Center or the State upon request. Information concerning all complaints will be kept confidential.

Alternative Dispute Resolution (29 CFR 38.85)

The complaint processing procedures provide for alternative dispute resolution (ADR). The complainant shall have the choice of pursuing the customary investigation process of using the alternative dispute resolution process. In North Carolina, the Division of Workforce Solutions has selected the mediation process as its alternative dispute resolution (ADR).

If the complainant chooses to use ADR procedures, 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 will apply:

- 1) 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;
- 2) the Director of the Civil Rights Center must evaluate the circumstances to determine whether the agreement has been breached. If he or she determines that the agreement has been breached, the complainant may file a complaint with the CRC based on his/her original allegation(s), and the Director of the Civil Rights Center will waive the time deadline for filing such a complaint; and
- 3) if the parties do not reach agreement under ADR, the complainant may file a complaint with the Director of the Civil Rights Center.

Corrective and Remedial Actions

Corrective and remedial actions are designed to completely correct EO violations and include:

- Potential findings discussed during an exit interview after Equal Opportunity Monitoring of the Career Center and WIOA Contractor, or after an EO complaint has been addressed;
- If not fully resolved at that time, the finding is documented in a written report provided to the WIOA Contractor and Career Center with a designated deadline for compliance with individualized corrective action requirements designed to completely correct each violation and a written response/documentation to the Local Area; or
- As appropriate, corrective action requirements would include retroactive relief and an action plan to minimize the likelihood of future violations.

Cape Fear Workforce Development Board Grievance & Complaints Procedures

I hereby, certify that I have been explained the Grievance and Complaints Procedures related to Equal Opportunity and Non-Discrimination Complaints and Non-Criminal Program Complaints and do notate by my signature below that I have also been given a copy of this document.

Participant's Signature

Date

Parent's Signature
(required for youth under age 18)

Date

Contractor / Case Manager's Signature

Date

NOTE: WIOA staff must ensure that this page is signed and a copy is given to the participant.