

# Southern Alleghenies Workforce Development Board Equal Opportunity and Discrimination Complaint Policy and Procedure

## **Background**

In compliance with the Workforce Innovation and Opportunity Act of 2014 and all other federal or state contracts passed through the Southern Alleghenies Planning & Development Commission (SAPDC) and Southern Alleghenies Workforce Development Board (SAWDB), this **Equal Opportunity Discrimination Complaint Policy and Procedure** has been implemented.

## **Non-Discrimination**

In accordance with WIOA Sec. 188, it is unlawful for any WIOA recipient to be discriminated against. The SAPDC/SAWDB always requires non-discrimination for all WIOA funded programs, and all other programs administered by the SAWDB, including delivery of all services through the PA CareerLink® system. Equal opportunity will be afforded to all, and discrimination based on one or more of the following is expressly prohibited:

- Race
- Color
- Religion
- Sex
- National origin
- Age
- Disability, including impaired vision or hearing
- Political affiliation or belief
- Gender identity
- Gender expression
- Sexual orientation
- Citizenship/lawful residency/work status
- Program participation eligibility/status

## **Notice of Non-Discrimination**

Notice of non-discrimination will continually be given to:

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

## **WIOA Recipient**

For purposes of WIOA, the term “recipient” is defined to include the following:

- State level agencies that administer, or are financed in whole or in part, with WIOA Title I funds.
- State Employment Security Agencies
- State and Local Workforce Development Boards
- LWDA Grant Recipients
- PA CareerLink® Operator
- Service providers, including eligible training providers

- On-the-job training (OJT) employers
- Job Corps contractors, center operators, and national training contractors
- Outreach and admissions agencies, including Job Corps contractors that perform these functions
- Placement agencies, including Job Corps contractors that perform these functions
- PA CareerLink<sup>®</sup> partners, to the extent they participate in the PA CareerLink<sup>®</sup> system.

### **Equal Access**

Physical access and program access will both be assured.

**Physical access** is the act or opportunity of approaching or entering a physical space or area, including a site, building, or facility, or parts thereof.

**Program access** is the act or opportunity of participating in and benefiting from programs and services.

Physical access and program access are not mutually exclusive. For instance, special devices and auxiliary aids, as well as other forms of assistive technology, might reasonably fit under either definition. Physical access generally refers to both the physical space, and the physical equipment necessary for an individual to approach or enter the physical space, in which the program or service activity is available. Examples of building elements that can have physical access issues include areas from the point of arrival through the interior of the facility, and encompass parking, passenger drop-off and loading zones, exterior routes of travel, entrances and exits, walks and sidewalks, curb ramps, ramps, stairs, elevators, access lifts, doors and gates, access to and through rooms and spaces, restrooms, signs, alarms, and equipment such as computer desks or tables or the placement of chairs.

Program access generally refers to the ways in which information, programs, and services are presented and delivered, allowing individuals to interact with and fully benefit from them. Printed information, computer systems and programs, telephone devices for persons with hearing impairments, and the oral delivery of instructions or information are all program access items.

### **Equal Opportunity Statements**

Materials made available to the public, including all newspaper advertisements, e-mail, correspondence, and brochures originating from a PA CareerLink<sup>®</sup> must contain the following language:

**Auxiliary aids and services are available upon request to individuals with disabilities. Equal Opportunity Employer/Program.**

### **Equal Opportunity Liaison**

Each PA CareerLink<sup>®</sup> site has designated an individual to act as the Equal Opportunity (EO) Liaison. Their duties are as follows:

- Ensure EO/ADA literature and equipment is current.
- Distribute all required posters and documentation regarding Equal Opportunity provisions. Be in possession of and understand the most current SAPDC/SAWDB Equal Opportunity Policy, and SAPDC/SAWDB Discrimination Complaint Policy and Procedure.
- Act as "the reader" for customers requiring assistance reading materials. This is to ensure that all customers are afforded the same opportunity to receive information, regardless of sight ability, as others who can see (and read) the brochures, pamphlets, etc. In the state plan, the federal

government has been assured that this service is readily available as it is an "auxiliary service", which falls under the tagline of "Auxiliary aids and services are available upon request".

- Furnish complaint forms to PA CareerLink® staff members and others upon request.
- Maintain a site complaint log to submit to the Local WDA EO Officer on a quarterly basis; the EO Officer will then forward them to the Office of Equal Opportunity at the Department of Labor and Industry in Harrisburg (OEO).

The EO Liaisons for each PA CareerLink® in the Southern Alleghenies Region are:

PA CareerLink® Site	EO Liaison	E-mail Address
Bedford County	John Gardner	<a href="mailto:johgardner@pa.gov">johgardner@pa.gov</a>
Blair County	Stephanie Romagna	<a href="mailto:sromagna@pa.gov">sromagna@pa.gov</a>
Cambria County	Jeff Grandas	<a href="mailto:jgrandas@pa.gov">jgrandas@pa.gov</a>
Huntingdon County	Dana Rogers	<a href="mailto:darogers@pa.gov">darogers@pa.gov</a>
Somerset County	Vincente Rodriguez	<a href="mailto:virodrigue@pa.gov">virodrigue@pa.gov</a>

### **Discrimination Complaints**

This SAPDC/SAWDB Discrimination Complaint Policy and Procedure must be provided to all participants.

#### **Who May File a Discrimination Complaint**

Complaints can be brought by a participant, an employee, an applicant for employment, PA CareerLink® partner, a service provider, a contractor, the PA CareerLink® Operator, a participating employer (such as an on-the-job training (OJT) employer), eligible training providers, and any other interested party affected by the Local Workforce Development system.

#### **Reason(s) a Discrimination Complaint can be Filed**

Anyone who has been discriminated against on the basis of: race, color, religion, sex, national origin, age, political affiliation or belief, disability including impaired vision or hearing, gender identity, gender expression, sexual orientation, citizenship/lawful residency/work status, program participation eligibility/status.

Please note complaints regarding how services are delivered, rather than complaints related to discrimination based on who you are, should be submitted in accordance with the SAPDC/SAWDB Program Complaint Policy and Procedure.

#### **Confidentiality**

The identity of any person who has given information relating to or assisting in an investigation of a possible complaint shall be kept confidential to the extent that a fair determination of the issue(s) can be made. In the event such information is required to be submitted under order of a local, state, or federal entity, such information may be disclosed.

#### **Complaint Timeline**

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 Civil Rights Center (CRC). The Director of CRC, for good cause shown, may extend the filing time beyond 180 days.

## Individual Choice

Individuals, specific classes of individuals, or authorized representatives have a choice between initially bringing their complaints/allegations of discrimination about WIOA programs or services to the following:

- The Southern Alleghenies Workforce Development Area Equal Opportunity Officer (Local EO Officer)
- Office of Equal Opportunity in Harrisburg (OEO)
- Civil Rights Center in Washington, D.C. (CRC).

Detail regarding submittal of a complaint is provided in the **Discrimination Complaint Procedures** section below.

Note that Commonwealth employees may co-file with multiple other agencies as well depending on the situation including: Pennsylvania Human Resources Commission, Civil Service Commission, and/or Equal Opportunity Commission but please note that other deadline dates may apply to other agencies.

## Prohibition on Retaliation/Reprisal

The SAPDC/SAWDB prohibits retaliation or reprisal against an individual who:

- 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.
- Otherwise exercised any rights and privileges under the WIOA nondiscrimination and EO provisions.

## Discrimination Complaint Procedures

All discrimination complaints must be filed within **180 days** of the alleged issue. All complaints must describe the alleged violation and the complainant's requested equitable relief (resolution).

### Step #1

#### **Write the complaint**

Write a complaint by obtaining a complaint form or by writing a letter without the complaint form according to A-B below.

#### **A. Obtain a complaint form and fill it out completely.**

The federal complaint form DL1-2014A may be used for filing allegations of discrimination at the local, state, and federal levels. Forms can be obtained by requesting one from any of the following:

- Equal Opportunity Liaison at the PA CareerLink®
  - Ask any staff member at the PA CareerLink® to speak with the EO Liaison, or
  - Mail a request for a form to the address of the PA CareerLink® site in which services are provided or where services were requested (see back page for a listing of PA CareerLink® offices and addresses). The letter must be sent to the attention of the EO Liaison as follows:  
**Attention: EO Liaison.**

- Local EO Officer (contact information is provided in Step #2)
- Office of Equal Opportunity (OEO) (contact information is provided in Step #2)
- Civil Rights Center (CRC) (contact information is provided in Step #2)

**B. Write a complaint in a letter without a complaint form.**

Complaints/allegations do not have to be submitted on prescribed complaint forms for them to be considered valid complaints or allegations. All complaints filed by the complainant (person reporting the alleged discrimination), or his/her authorized representative must be filed in writing and must contain the following:

- Complainant's name and address (and authorized representative's name and address if applicable)
- Identify the respondent (the individual or entity that the complainant alleges is responsible for the discrimination)
- The date(s) alleged incident(s) of discrimination occurred
- A description of the complainant's allegations with enough detail to allow a determination by the Office of Equal Opportunity (OEO) or Civil Rights Center (CRC) or recipient to decide who has jurisdiction over the complaint, whether the complaint was filed on time, and merit of the complaint (whether the complainants allegations, if true, would violate any of the nondiscrimination and equal opportunity provisions), and the requested equitable relief (resolution).
- Complainant's signature or the signature of the complainant's authorized representative

**Step #2**

**Submit the complaint**

Individuals, specific classes of individuals, or authorized representatives have a choice between initially bringing their complaints/allegations of discrimination about programs or services to any of the following: Local Equal Opportunity Officer, Office of Equal Opportunity, or Civil Rights Center as detailed in A-C below.

**A. Local Equal Opportunity (EO) Officer**

Complaints may be mailed, emailed, or faxed as follows:

Mail: Local EO Officer  
 Southern Alleghenies Planning & Development Commission  
 3 Sheraton Drive  
 Altoona, PA 16601

Email: [dshaffer@sapdc.org](mailto:dshaffer@sapdc.org)

Fax: (814)949-6513

**Local Area Procedures**

Upon notification of a discrimination complaint, the Local EO Officer will immediately report it to the Office of Equal Opportunity in the Department of Labor & Industry in Harrisburg (OEO). The Local EO Officer will acknowledge the complaint and inform the complainant or authorized representative of their

right to file and have it investigated at the local, state, or federal level and to be represented in the complaint process, including via Mediation/Alternate Dispute Resolution (ADR).

If the complainant elects to attempt resolution at the local level, the Local EO Officer, based on consultation with the OEO, will conduct fact-finding/investigation at the local level.

The Local EO Officer shall communicate with the complainant or 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 Local 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 OEO 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 Local EO Officer and the OEO within five (5) business days of receipt of the unsatisfactory decision and request a formal investigation by the OEO.

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

## **B. Office of Equal Opportunity (OEO)**

As noted in Step #1 above, a complaint may be sent directly to the state Office of Equal Opportunity (OEO) in Harrisburg.

Complaints may be mailed, emailed, or faxed as follows:

Mail: Director  
PA Department of Labor & Industry  
Office of Equal Opportunity  
651 Boas Street, Room 1402  
Harrisburg, PA 17121-0750

Email: [jkayer@pa.gov](mailto:jkayer@pa.gov) or [RA-LI-Fed-Comp-Acct@pa.gov](mailto:RA-LI-Fed-Comp-Acct@pa.gov)

Fax: (717) 772-2321

In addition, the complainant may ask the Local EO Officer to submit the completed complaint to OEO on their behalf.

### **OEO Acceptance of a Complaint**

If the OEO determines that they have jurisdiction over the complaint/allegation filed, within ten (10) days of receipt, the state OEO 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

- (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 OEO 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 90 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 90-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 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.

#### **OEO 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 prohibition set forth by 29 CFR Part 37;
- the complaint was not filed within the prescribed 180-day timeframe or;
- the complaint is against an entity that is not a recipient of WIA/WIOA Title I financial assistance as defined by 29 CFR Part 37.

If the complaint is not within the jurisdiction of the state 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<sup>®</sup>, 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.

- If the complaint alleges discrimination on a basis that is prohibited by Section 188 of WIA/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.

### **C. Civil Rights Center (CRC)**

As noted in Step #1, complaints may be sent directly to the CRC, who will respond to the Complainant directly.

Complaints may be mailed, emailed, or faxed as follows:

Mail: Director  
Civil Rights Center  
U.S. Department of Labor  
200 Constitution Avenue NW  
Room N-4123  
Washington, D.C. 20210

Fax: (202) 693-6505

Email: [CRCEXternalComplaints@dol.gov](mailto:CRCEXternalComplaints@dol.gov)

### **Corrective Actions/Sanctions**

Corrective actions may be instituted whenever any person is found to have discriminated against another or any partner, sub-recipient, on-the-job trainer, service provider or other recipient who is not compliant with the nondiscrimination, training and compliance procedures as outlined in 29 CFR part 38. The corrective action plan must address the act of discrimination and must include timetables by which the corrective action will be implemented. A written assurance must accompany a corrective action, to help ensure that the discrimination does not reoccur stating that the entity will cease in its discriminatory practices. The EO officer will conduct a follow-up review within 30 days to ensure that the corrective action plan has been implemented. Training rosters, written assurances, along with documentation of on-site inspections or other appropriate documentation may be required to confirm correction of violations.

Sanctions will be considered as a last resort and imposed when the offending party will not agree to or take voluntary corrective action. Failure to meet corrective action deadlines will initiate the writing of a strong letter stating that if correction action isn't taken, further action may be initiated which could affect program funding.

After all attempts to provide assistance and correction of deficiencies fail, the imposition of sanctions will be considered. The sanctions imposed for noncompliance will be on a case-by-case basis, and may include any or all of the following:

- Make whole remedies for discriminatory practices
- Establishment and issuance of policies as applicable to the violation
- Placement into a training program or hire into a vacant position for which one may have been qualified but denied.



- Discontinue referral of participants to sites against which discrimination allegations have been alleged and proven.
- Removal of participants from sites refusing to implement corrective actions
- Termination or reduction of funding
- Disallowance of selected costs
- Restriction from bidding on competitive funds

The ultimate sanction will be the referral to the US Department of Labor, Civil Rights Center for enforcement or recommendation for suspension of funds until compliance is met.

### **Southern Alleghenies Workforce Development Area PA CareerLink® Locations**

#### **PA CareerLink® Bedford County**

One Corporate Drive, Suite 103  
Bedford, PA 15522

#### **PA CareerLink® Blair County**

1600 5<sup>th</sup> Avenue, Suite 200  
Altoona, PA 16602

#### **PA CareerLink® Cambria County**

248 Main Street, Suite 100  
Johnstown, PA 15901

#### **PA CareerLink® Huntingdon County**

54 Pennsylvania Avenue  
Huntingdon, PA 16652

#### **PA CareerLink® Somerset County**

6022 Glades Pike, suite 100  
Somerset, PA 15501