

Southwest Workforce Investment Board Complaint Policy

The nondiscrimination and equal opportunity provisions of the Workforce Innovation Act (WIOA) prohibit discrimination against applicants, beneficiaries, and employees on the basis of race, color, national origin, age, disability, sex, religion, and political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIOA Title I-financially assisted program or activity.

The Southwest WIB will follow DWD Issuance 01-2014, Change 1 Equal Opportunity and Complaint & Grievance, Notice and Dissemination, which includes attachment(s) 1-8 in the Issuance.

Notification

Any person (employee, former employee, customer, non-customer, and employers) must be made aware of their equal opportunity rights and responsibilities, as well as their complaint and grievance rights under the Workforce Innovation Act. In order to ensure equal opportunity for customers within the Workforce System, the Southwest Region WIB and all of its sub-recipients must provide initial and continuing notice that they do not discriminate on any prohibited grounds, and that there is a process to resolve any complaints or grievances.

Recipients must provide a copy of both the *Equal Opportunity Notice* DWD-120, and the *Complaint & Grievance Notice* DWD-121 to each employee, applicant, registrant, eligible applicant/registrant, and participant; and retain original signed copies in that individual's file. This applies to WIOA Adult and Dislocated Worker (for participants who progress to the Intensive Service level), WIOA Youth, National Emergency Grant, Trade Adjustment Assistance, and any other program for which a hard-copy participant file is required. who believes he or she has been subjected to unlawful discrimination by a recipient of the One-Stop system who receives federal financial assistance may file a discrimination complaint with this recipient. (DWD, LWIB, One-Stop Program or Operator)

Determining the type of complaint

A program complaint and a discrimination complaint can look alike. Both types of complaints include an issue, something the individual is complaining about. The ingredient that makes a discrimination complaint different from a program complaint is that, in addition to an issue, a discrimination complaint includes a basis. A basis is the complainant's reason for his/her treatment. A complaint is a discrimination complaint if it includes, as a reason for the mistreatment, one of the prohibited factors listed in WIOA Section 188 (e.g., race, color, sex, etc.). A complaint cannot be processed as both a program complaint and as a discrimination complaint.

Discrimination Complaint

If a complainant chooses to file a discrimination complaint with the local area, the Complaint and Grievance Form (not required) and/or written statement should be completed and submitted to the Functional Leader of the Career Center or the EO Officer for the region. A complaint must be filed within 180 days of the alleged discrimination and all written complaints must contain the following information:

1. Full name, address and telephone number (or message number) of the person making the complaint (complainant);
2. Full name and address of the entity or individual against whom the complaint is made (respondent)
3. Description of the complainant's allegations in sufficient detail to allow determinations to be made regarding jurisdiction, timeliness, and whether the complaint has apparent

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merit -- in other words, whether the complainant's allegations, if true, would violate any of the nondiscrimination and equal opportunity provisions of the WIOA.

4. The complaint must be signed and dated by the complainant or complainant's authorized representative.

Staff may assist a customer in completing the information where needed. A copy of the form and/or statement should be provided for the customer and the original should be delivered to the Local EO Officer.

The Local EO Officer will review the complaint to assure completeness and may also assist the complainant with any additional filing procedures. The Local EO Officer provides coordination of discrimination complaints by determining whether the complaints are covered by 29 CFR Part 37 and promptly conferring with the State EO Officer. A copy of the complaint will be faxed to the State EO Officer within 24 hours by the Local EO Officer and the State EO Officer must notify the complainant, in writing within 10 days of the receipt of the complaint.

Upon receipt of a complaint, the EO Officer will log the complaint. The log includes the name and address of the complainant, the basis for the complaint, a description of the complaint, the disposition and date of the disposition of the complaint and any other pertinent information. Local complaint logs are submitted to the State EO Officer on a quarterly basis.

Danielle Smith, State WIOA,
Equal Opportunity Officer
State WIOA EO Officer
Division of Workforce Development
(573)751-2428
P.O. Box 1087
421 E. Dunklin Street
Jefferson City, MO 65102-1087
Missouri TTY User: 800.735.2966 or 711
www.ded.mo.gov/wfd/eo.htm

Sherri Rhuems, SW EO Officer
105 N Rangeline,
Joplin MO 64801
(417)-206-1717 Ext 222
TTY 711

In the event the complainant is dissatisfied, he or she may file his or her complaint with the USDOL Civil Rights Center.

The Director, Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue NW, Room N-4123
Washington, DC 20210
Voice: 202.693.6502 TTY: 202.693.6515

Complaints Not Based on Discrimination

Any person that receives services, benefits, aid or training at the Career Center is considered a participant for the purposes of the nondiscrimination and equal opportunity provisions of WIOA.

Specific steps must be taken before the complaint can be filed.

- The participant can file the grievance in writing within one year of the event to the program operator. The program operator has seven days to investigate and provide written a response to the participant and all parties involved including the Local EO officer.

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- If the decision fails to be resolved, the participant has 5 days to present a written request for an impartial hearing. And a hearing will be held within 30 days. A decision will be made within 60 days.
- If the results are non-satisfactory the participant has the choice of requesting a state review within 10 days.
- To request a State review, the disappointed party must submit its request, in writing, to:

Division of Workforce Development (DWD)
WIOA Equal Opportunity
421 E. Dunklin, P.O. Box 1087
Jefferson City, MO 65102-1087

- This request must be received by DWD not more than ten (10) days after the disappointed party received the written decision from the program operator or, if no decision was rendered, within fifteen (15) days of the date the decision should have been received. The review process by DWD may be conducted by DWD staff, an impartial hearing or by any other means of independent review or investigation. DWD will provide a written final decision to the parties within sixty (60)

Informal Resolution of Program Complaint

An attempt should be made by the local administrative entity or the service provider to informally resolve the complaint to the satisfaction of all parties. The informal resolution process must be completed within ten business days from the date the complaint is filed. If all parties are satisfied, the complaint is considered resolved and the terms and conditions of the resolution must be documented in the complaint file. When a service provider attempts the informal resolution, the service provider will forward the complaint file to the local administrative entity. The local administrative entity will review the complaint file and investigate it further if necessary.

Formal Resolution

When an informal resolution is not possible, the local administrative entity will issue a determination within 20 calendar days from the date the complaint was filed. If an appeal of the determination is not requested, the complaint is considered resolved and the complaint file should be documented accordingly. Any party dissatisfied with the determination may request a hearing within 14 calendar days of the date of the determination.

It is a violation for the recipient to intimidate or retaliate against any individual who...

- Files a discrimination complaint;
- Opposes a practice prohibited by the nondiscrimination and EO provisions of WIOA;
- Provides information to or assists or participates in any manner in an investigation.



Missouri Division of Workforce Development
DWD Issuance 01-2014, Change 1

Issued: July 22, 2014
Effective: July 22, 2014

Subject: Equal Opportunity and Complaint & Grievance, Notice and Dissemination

1. Purpose: This Issuance has been changed to clarify that that all employees, former employees, customers, non-customers or employers must be made aware of their equal opportunity rights and responsibilities, as well as their complaint and grievance rights under the Workforce Investment Act. In order to ensure equal opportunity for customers within the Workforce System, the Missouri Division of Workforce Development (DWD) and all of its sub-recipients must provide initial and continuing notice that they do not discriminate on any prohibited grounds, and that there is a process to resolve any complaints or grievances.
2. Background: The nondiscrimination and equal opportunity provisions of the Workforce Investment Act (WIA) prohibit discrimination against applicants, beneficiaries, and employees on the basis of race, color, national origin, age, disability, sex, religion, and political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIA Title I-financially assisted program or activity.
3. Substance: Recipients must provide a copy of ***both*** the *Equal Opportunity Notice* DWD-120, and the *Complaint & Grievance Notice* DWD-121 to each employee, applicant, registrant, eligible applicant/registant, and participant; and retain original signed copies in that individual's file.

This applies to WIA Adult and Dislocated Worker (for participants who progress to the Intensive Service level), WIA Youth, National Emergency Grant, Trade Adjustment Assistance, and any other program for which a hard-copy participant file is required.

This new requirement ***does not apply*** to participants in programs for which there is no hard-copy file required. Examples include: WIA Adult and Dislocated Worker Core level enrollments, Required Job Service (RJS), Worker Profiling, or Jobs for Veterans State Grant (JVSG).
4. Action: Effective immediately. Please distribute this Issuance to appropriate individuals.

5. Contact: Direct questions or comments regarding this Issuance to Danielle Smith, State Equal Opportunity Officer at 573-751-2428 or email danielle.smith@ded.mo.gov.
6. Reference: 29 CFR Part 37
<http://www.gpo.gov/fdsys/pkg/CFR-2013-title29-vol1/pdf/CFR-2013-title29-vol1-part37.pdf>
7. Rescissions: This Issuance supersedes and replaces DWD Issuance 01-2014 dated July 1, 2014.
8. Attachments:
1) Equal Opportunity and Complaint & Grievance Notice and Dissemination
2) [Equal Opportunity is the Law Poster, DWD-102 \[English\]](#)
3) [La Ley Exige Oportunidades Igualitarias, DWD-102-\[Spanish\]](#)
4) [Equal Opportunity Notice, DWD-120 \[English\]](#)
5) [Notificación de oportunidad igualitaria, DWD-120-S \[Spanish\]](#)
6) [WIA Program Complaint & Grievance Notice, DWD-121 \[English\]](#)
7) [Programa de la ley de inversión en la fuerza laboral \(WIA, por su sigla en inglés\) Notificación de quejas y denuncias, DWD-121-S \[Spanish\]](#)
8) [Division of Workforce Development \(DWD\): Equal Opportunity Complaint and the WIA Nondiscrimination Policies Process—New Staff Orientation \[PowerPoint\]](#)

The Missouri Division of Workforce Development is an equal opportunity employer/program.
Auxiliary aids and services are available upon request to individuals with disabilities.
Missouri TTY Users can call (800) 735-2966 or dial 711.



Julie Gibson
Director
Missouri Division of Workforce Development