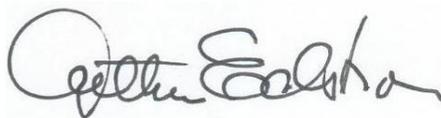


Pima County One-Stop  
WIOA Equal Opportunity And Discrimination Complaint Policy

Department Director Approval: \_\_\_\_\_



**DATE:** December 2, 2015

**Who May File**

Any person, either by him/herself or through a representative, who believes that either he/she, or any specific class of individuals has been or is being subjected to discrimination prohibited by the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act (WIOA), may file a written complaint. The discrimination may be on the basis of color, religion, sex, national origin, age, disability, political affiliation or belief and against the beneficiaries on the basis of citizenship/immigrant status to work in the United States, or in participation in programs funded under WIOA, or in connection with any WIOA funded program or activity.

**Where to File**

A complaint can be filed with the Pima County One Stop, Equal Employment Opportunity Officer at the local level. A complaint may also be filed at the state and federal level through the EEO Officer or the Director of Civil Rights Center.

1. Local Area Complaints

The complainant may file a complaint with the Pima County EO Officer. Contact information is readily available and posted in the one stop locations, as well as at the contracted sites.

Rosemary Cora-Cruz  
Pima County One-Stop  
Equal Employment Opportunity Officer  
2797 East Ajo Way  
Tucson, Arizona 85713  
Telephone: 520-724-7700  
Email: [Rosemary.CoraCruz@pima.gov](mailto:Rosemary.CoraCruz@pima.gov)

2. State level complaints

The complainant may file at the state level with the State WIOA EO Officer:

Equal Employment Opportunity Officer  
Department of Economic Security, Employment Administration  
1789 W. Jefferson, Site Code 920Z  
Phoenix, Arizona 85007  
Telephone: 602-542-2484

3. Federal Level Complaints

If the complainant elects to file at the federal level, the complaint will be referred to:

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Director, Civil Rights Center (CRC)  
US Department of Labor  
200 Constitution Avenue NW Room N-4123  
Washington, DC 20210  
Telephone: 202-219-7026

Should the complainant choose to file directly with the CRC Director, the LWIOA EO Officer will assist the complainant (if requested) in completing the Complaint Information Form. For those individuals not requesting assistance, but needing forms, addresses, etc., LWIOA EO Officer will provide the necessary IS Department of Labor Discrimination Information Form. Forms may be found at the following website:

English: <http://www.dol.gov/oasam/programs/crc/Cife.pdf>

Spanish: <http://www.dol.gov/oasam/programs/crc/Cifs.pdf>

### **When to File**

Generally, a complaint must be filed within 180 days of the alleged discrimination. However, for good cause shown, the CRC Director may extend the filing time. The time period for filing is for the administrative convenience of CRC and does not create defense for the respondent.

### **Computation of time**

In computing any time period as prescribed under these rules, the first day will be excluded and the last included completing the period. In addition, the time periods are counting in calendar days, not work days.

### **Discrimination Complaint Contents**

Each complaint must be filed in writing, and must contain the following information:

1. Complainant's name and address (or another means of contacting the complainant):
2. Identity of the respondent (individual or entity that the complaint alleges is responsible for the discrimination.)
3. Description of the complainant's allegations. This description must include enough detail to allow the EO Officer or Director of CRC to decide whether:
  - a. WIOA jurisdiction over the complaint exists;
  - b. The complain was filed on time; and
  - c. The complaint has apparent merit, or in other words, whether the complainant's allegations, if true, would violate any of the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR Part 37; and
4. The complaint has been signed by either the complainant or the complainants authorized representative. The complaint may be filed on any form, including State of Arizona WIOA Discrimination Complainant for (Attachment B), but the contents of the complaint must still contain the requirements listed in this section.

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**Right of Representation**

Both the complainant and the respondent have the right to be represented by an attorney or other individual of their choice. Each person will bear their own costs of representation

**Discrimination Complaint Processing Procedures**

All complaints will be date stamped upon receipt and forwarded to the appropriate EO Officer for processing.

1. In the event that the complaint involves a program or staff member managed or supervised by the EO Officer, the former EO Officer or other staff member trained in EO/ADA laws, procedures, policies and means of resolution shall instead take action on the complaint.
2. The EO Officer will provide written acknowledgement of receipt of the complaint to the complainant within 5 days with notice that the complainant has the right to be represented in the complaint proves.
3. Upon receipt of a complaint or information alleging discrimination, the EO Officer will:
  - a. Review the complaint for accuracy and completeness;
  - b. Initiate an investigation or fact-finding of the circumstances underlying the complaint that shall last at least 14 calendar days;
  - c. Provide written notice to all parties of the specific issues raised in the complaint;
  - d. Provide a statement for each issue, wither accepting the issue for investigation or rejecting the complaint and the reason for each rejection;
  - e. Inform all parties of their right to representation by an attorney or other individual of their choice;
  - f. Inform all parties of their right to present evidence;
4. The EO Officer will contact the complainant in writing no later than 14 calendar days of receipt of the complaint to determine the complainant willingness to mediate using the following alternative dispute resolution (ADR)
  - a. The choice whether to use the ADR or the customary process rests with the complainant;
  - b. A party to any agreement reached under ADR may file a complaint with the CRC Director in the even the agreement is breached. In such circumstances, the following rules will apply:
    - c. The non-breaching party may file a complain with the CRC Director within 30 days if the date on which the non-breaching party learns of the alleged breach;
    - d. The CRC Director will evaluate the circumstances to determine whether the agreement has been breached. If determined that

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the agreement has been breached, the complainant may file a complaint with the CRC Director as described in Section CFR Section 37.871 through 37.74.

5. The EO Officer will provide written notice of final action to the complainant within 90 days of the date on which the complaint was filed that contains the following information:
  - a. For each issue raised in the complaint, as statement of either:
    - i. The decision on the issue and an explanation of the reasons underlying the decision, or
    - ii. A description of the way the parties resolved the issue; and
  - b. Notice that the complainant has a right to file a complaint with the CRC Director within 30 days of the date on which the Notice of Final Action is issued if he/she is dissatisfied with the recipient's final action on the complaint.

**Alternative Dispute Resolution (ADR)/Mediation Process**

During the 90 calendar day's period, complaints may elect to participate in mediation. If the complainant selects mediation, it allows disputes to be resolved in a less adversarial manner.

The EO Officer will coordinate with a pre-approved mediator. The individual conducting the mediation must be a neutral and impartial third party who will act as a facilitator. The mediator must be a person who is acceptable to all parties including the EO officer and who will assist the parties in resolving their disputes.

1. If the complainant chooses to participate in mediation, he/she or the authorized representative must respond to the EO Officer in writing within ten calendar days of the date of the request. This written acceptance must be dated and signed by the complainant or authorized representative and must also include the relief sought.
2. A written confirmation identifying the date, time and location of the initial mediation conference will be sent to all appropriate parties.
3. A Consent form will be signed by all parties at the initial mediation conference affirming that the contents of mediation will be kept confidential.
4. If the resolution is reached under ADR/mediation by a party to the agreement believes his/her agreement has been breached, the non-breaching party may file a complaint with the CRC Director.
5. If the parties do not reach resolution under ADR/mediation, the agreement will be in writing. A copy of the signed agreement will be sent to the EO Officer.

**If No WIOA Jurisdiction Over a Complaint Exists**

Based on information provided by the complainant, the EO Officer may declare that there is no jurisdiction over the complaint for one or more of the following reasons:

1. The basis for the complaint is not covered by the prohibitions of 29 CFR Part 37.
2. The complaint is against an agency, employer, organization, program or individual within an entity that is not a recipient of WIOA Title 1 financial

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assistance as defined in 29 CFR Part 37.4. The EO Officer will provide contact information of the appropriate agency or agencies which may have jurisdiction over the complaint, if known.

A Notice of Lack of Jurisdiction (With one or more of the above reasons) will be provided in writing immediately upon the EO Officer discovering the lack of jurisdiction. This written notice shall also inform the complainant that he/she has the right to file a complaint with CRC within n 320 days from the date of receiving notice.

**If the EO Officer issues a notice of Final Action with which the complainant is Dissatisfied**

If, during the 90 days period, the EO Officer issues its notice of Final Action, but the complainant is dissatisfied with the decision on the complaint, the complainant or his/her representative may file a complaint with the CRC director within 30 days after the date on which the complainant receives the Notice of Final Action.

**If the EO Officer Fails to Issue a Notice of Final Action within 90 Days of when complaint was filed**

If by the end of 90 days from the date on which the complaint was filed, the EO Officer has failed to issue a Notice of Final Action, the complainant to his/her representative may file a complaint with the CRC Director within 30 days of the expiration of the 90 day period. In other words, the complaint must be filed with the CRC Director within 120 days of the date on which the complaint as filed with the EO Officer.

**Confidentiality**

The EO Officer is required to keep the following information confidential to the maximum extent possible, consistent with applicable law and filed determination of the complaint:

1. The fact that the complaint has been filed;
2. The identity of the complainant(S);
3. The identity of individuals respondents to the allegations; and
4. The identity of any person(S) who furnished the information relating to, or assisting in, a complaint investigation a compliance review will only be released to the extent necessary to investigate and fairly determine issues raised in the complaint or as otherwise required by law.

**Confidentiality of Complaint**

All parties, against whom the complaint is filed, will receive a copy of the complaint during the course of the investigation or alternative dispute resolution in order to allow the individual or entity the opportunity to respond to the allegations (S). The name of the complainant will only be released to the extent necessary to investigate and fairly determine the issues raised in the complaint.

**Intimidation and Retaliation Prohibited**

It is prohibited to discharge, intimidate retaliate threaten, coerce, or discriminate against any person because such person has:

1. Filed a complaint alleging a violation of WIOA or the regulations;

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2. Opposed a practice prohibited by the nondiscrimination and equal opportunity provisions of WIOA or the regulations;
3. Furnished information to, assisted or participated in any manner in, an investigation, review, hearing or any other activity related to administration of, or exercise of authority under, or privilege secured by, the nondiscrimination and equal opportunity provisions of WIOA regulations; or
4. Exercised authority under privileges secured by the nondiscrimination and equal opportunity provisions of WIOA or the regulations.

The sanctions and penalties contained in Section 188(b) of WIOA or regulations will be imposed against any LWIOA that engages in any such retaliation or intimidation, or fails to take appropriate steps to prevent such activity.

Equal Opportunity Employer/Program. Under Titles VI and VII of the Civil Rights Act of 1964 (Title VI and Title VIII) and the Americans with Disabilities Act of 1990 (ADA), Section 504 of the rehabilitation Act of 1973, and the Age Discrimination Act of 1975, the Department prohibits discrimination in admissions, programs, services, activities, or employment based on race, color, religion, sex, national origin, age, or disability. The Department must make a reasonable accommodation to allow a person with a disability to take part in a programs service or activity. For example, this means if necessary, the Department must provide auxiliary aids and services upon request to individuals with disabilities such as language interpreters for people who are deaf, wheelchair accessible location, or enlarged print to materials. It also means the Department wills take any other reasonable action that allows you to take apart in and understand a program or activity, including making reasonable changes to an activity. If you believe that you will not be able to understand or the part in a program or activity because of your disability, please let us know of you needs in advance if at all possible. To request this document in alternative formation or for further information about this policy content your local office manager, TTY/TDD Services: 7-1-1.