Southwest Corner WORKFORCE Development Board

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Pennsylvania CareerLink℠

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Southwest Corner Workforce Development Board
Non-Discrimination/Equal Opportunity Policy

Developed/Instituted August 25, 2020

Updated October 7, 2026

Southwest Corner Workforce Development Board
351 West Beau Street, Suite 300
Washington, PA 15301

www.southwestcornerwdb.com

SCWDB serves Beaver, Greene, and Washington Counties
on behalf of the Southwest Corner Chief Local Elected Officials

Equal Opportunity Employer
Auxiliary aids and services are available upon request to individuals with disabilities

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SCWDB Non-Discrimination/Equal Opportunity Policy

The Washington Greene County Job Training Agency, Inc. (WGCJTA, Inc.), acting on behalf of the Southwest Corner Chief Local Elected Officials (CLEOs) as staff and Fiscal Agent for the Southwest Corner Workforce Development Board (SCWDB), has developed this Non-Discrimination/Equal Opportunity Policy (NDEO) to satisfy all guidance in relation to non-discrimination and equal opportunity in workforce program administration. All policies are developed with the guidance of the PA Department of Labor & Industry Bureau of Workforce Development Administration and the Workforce Innovation & Opportunity Act (WIOA).

The purpose of this policy is to protect employees and participants of activities in WIOA Title I funding, from discrimination. This nondiscrimination and EO policy specifies initial and continuing notice that SCWDB does not discriminate against:

- Applicants and registrants of workforce development;
- WIOA Participants; Applicants for employment;
- Local workforce development one-stop system employees or volunteers;
- Unions or professional organizations holding collective bargaining or professional agreements with SCWDB;
- Sub-recipients of WIOA Title I Funds;
- Members of the public, including those with impaired vision or hearing;
- Employers, staff, and volunteers.

This SCWDB NDEO policy strictly enforces that SCWDB, subrecpients, programs, and facilities will not discriminate on the following basis:

- Against any individual in the United States, on the basis of race, color, religion, sex, childbirth or related medical condition, gender identity, national origin, age, disability, or political affiliation or belief
- Against any beneficiary of programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIOA Title I financially assisted program or activity.

I. Designation of Local Workforce Development Agency (LWDA) level Equal Opportunity (EO) Officer and Local-Level EO Liaison.

(*References: WIOA Section 188; 29 CFR Part 38: §38.23, §38.24, §38.25, §38.26, §38.27, §38.28, §38.54*)

Locally, the Southwest Corner Workforce Development Area is comprised of Beaver, Greene, and Washington Counties. Within these counties, SCWDB oversees four PA

CareerLink® (PACL) centers. These centers are located in Monaca (Beaver County), Waynesburg (Greene County), Washington, and Donora (Washington County). Development of this policy at the SCWDB level will be instituted within local PACL centers.

- Local SCWDB Equal Opportunity (EO) Officer is designated as:
    - Cheryl Gordon WGCJTA, Inc. Program Monitor/Fiscal Clerk
      351 West Beau Street, Suite 300
      Washington, PA 15301
      724-229-5083 (PA RELAY 711)
      cgordon@washingtongreene.org
    - EO Officer will be main conduit of NDEO information between SCWDB and the Commonwealth, specifically the PA Office of Equal Opportunity. (Updated 05-25-2021)
    - EO Officer responsible for:
        - All EO complaints for the local workforce development Area (LWDA). The LWDA includes the LWDB staff, program services contractor(s), training provider(s) receiving funds from Title I, and employers who participate in the Title I On-the-job (OJT) or other programs.
        - Handling complaints of discrimination for the employees of the LWDA.
        - Handling complaints of discrimination made by PACL customers that are enrolled in LWDA programs.
        - Assuring that training providers and employers receiving Title I funds have nondiscrimination and equal opportunity policies for their organizations.
        - Investigating complaints concerning the LWDA office, training providers, and employers.
        - Ensuring that all EO posters, brochures, pamphlets, and advertising for the PACL distributed or communicated in written and/or oral form, electronically and/or on paper to staff, clients, or the public at large include the tagline “equal opportunity employer” and “auxiliary aids and services are available upon request to individuals with disabilities”.
        - Ensuring that all EO posters, the NDEO website, and SCWDB website contains the EO Officer’s name, title and TTY/TDD phone number.
        - Tracking and submitting all EO complaints in an EO Quarterly Complaint Log and submit to the state Office of Equal Opportunity. Reporting on a quarterly basis to the state.
- Each local PACL center will have an identified EO Liaison. These individuals will be responsible for reporting all EO information to EO Officer. These individuals are identified as:
    - PACL Beaver County – Rich Strother, Job Training for Beaver County, Inc. Deputy Director
    - PACL Greene County – Terri Taylor, PACL Greene Site Administrator
    - PACL Washington County – Carl North, BWPO Supervisor

- PACL Mon Valley – Dana Chambers, PACL Mon Valley Site Administrator
- EO Liaisons are responsible for:
    - Submitting complaints of discrimination made by staff or customers of the PACL to the EO Officer.
    - Ensuring that all posters, books, brochures, pamphlets, and advertising for the PACL that are distributed or communicated in written and/or oral form, electronically and/or on paper to staff, clients, or the public at large must include the tagline "equal opportunity employer" and "auxiliary aids and services are available upon request to individuals with disabilities". They must also list the EO Officer's name, title and TTY/TDD phone number.
    - Tracking all complaints in a Complaint Log and report on a quarterly basis to the Equal Opportunity Officer.

II. Notice and Communication of EO Policies and Procedures

(*References: WIOA Section 188; 29 CFR Part 38: §38.5, §38.11, §38.20, §38.26, §38.29, §38.30, §38.31, §38.32, §38.33, §38.34, §38.35, §38.36, §38.54*)

This NDEO Policy was accepted and enacted by the SCWDB at their quarterly meeting on August 25, 2020. These policies are shared with SCWDB Operator Consortium, SCWDB PACL Site Administrators, and EO Liaisons. The information will be available on SCWDB website. Information on customer complaint and report processes will be posted and available at each PACL center.

Communication of the contents and regulations stated in the SCWDB NDEO policy will be led by SCWDB Director and identified EO Officer. This communication will include, but not be limited to:

- Inclusion of policy and references in all SCWDB subrecipient agreements, memorandums of understanding, and procedures.
- Direct training with SCWDB Board Members, subrecipients, PA CareerLink® (PACL) Operators, PACL Site Administrators, and partners.
- Communications with individuals with disabilities will be as effective as communication with others.
- Translation services are qualified to provide interpreting services and confidential.
- "Equal Opportunity is the Law" notices will contain specific wording required by Title 29 CFR §38.30 and the notices will be:
    - Posted in prominent numbers and SCWDB locations;
    - Disseminated in the form of internal SCWDB/PACL/memoranda and other written or electronic communication;
    - Included in handbooks or manuals;
    - Given to each participant and a copy of the notice placed in each participant's file;
    - Provided to service providers who are under contract to the SCWDB;

    - Made available in formats that effectively communicate its message to individuals with visual impairments; and
    - Where the Notice has been given in an alternate format (i.e., for visually impaired customers), a record that such notice has been given is made a part of that participant's file.
- Publically distributed recruitment materials will state that the programs or activities are "equal opportunity employer/programs" and that "auxiliary aids and services are available upon request to individuals with disabilities".
- SCWDB PACL Centers will develop a written policy regarding effective communication with persons of Limited English Proficiency (LEP) to meet EO requirements.
- SCWDB subrecipients will be informed of their obligation to provide language assistance to LEP individuals to whom they give services or enroll in programs and activities.
- New SCWDB participants and employees will be provided with an orientation to inform them of their nondiscrimination and equal opportunity rights, including the right to file a complaint

III. Equal Opportunity Provisions and Nondiscrimination Assurances in all Contracts, Plans, and Agreements

(*References: WIOA Section 188; 29 CFR Part 38: §38.20, §38.21, §38.54*)

SCWDB has non-discrimination and equal opportunity clauses in all contracts, plans, and agreements. The Commonwealth reviews these annually. This implemented system ensures that all grants, cooperative agreements, contracts/agreements, job training plans, and policies and procedures entered with respect to the operation of the SCWDB WIOA Title I-funded programs or activities contain the assurances as specified in Title 29 CFR, §38.20. Assurances state that SCWDB will "comply fully with the nondiscrimination and equal opportunity provisions" of WIOA and acknowledge the government's right to seek judicial enforcement of the nondiscrimination assurance.

IV. Universal Access to WIOA Title-I Financially Assisted Programs and Activities

(*References: WIOA Section 188; 29 CFR Part 38: §38.7, §38.8, §38.9, §38.10, §38.42, §38.54*)

SCWDB strictly prohibits discrimination in employment, program access, and all WIOA/PACL activities on the basis of race, color, religion, ancestry, national origin, place of birth, sex, age, disability, non-job-related handicap, or sexual orientation. All SCWDB subrecipients must comply with the applicable provisions of federal, state, or local law and any amendments thereto. Subrecipients shall incorporate in any subcontracts which may be permitted under the terms of their agreement a requirement that said subrecipients also comply with the provisions of SCWDB policies and agreements. All

SCWDB facilities must provide reasonable access to individuals with disabilities in all areas, including with training, job structure, work schedule, work procedures, and work equipment and auxiliary aids accommodations.

V. Discriminatory Practices Prohibited Against Individuals with Disabilities

(*References: WIOA Section 188; The Rehabilitation Act of 1973, §504; Pennsylvania Building Code, Title 24 §1117; 29 CFR PART 32; 29 CFR Part 38: §38.4, §38.5, §38.7, §38.8, §38.9, §38.10, §38.38, §38.41, §38.54*)

All SCWDB subrecipients must comply with the applicable provisions of federal, state, or local law and any amendments thereto. Subrecipients shall also comply with the applicable provisions of Title I and Title II of the Americans with Disabilities Act, as amended, and any regulations issued thereunder. Subrecipients shall incorporate in any subcontracts which may be permitted under the terms of their agreement a requirement that said subrecipients also comply with the provisions of SCWDB policies and agreements.

This policy, EO Officer and liaisons will ensure:

- There is no discrimination in registration for and the provision of aid, benefits, services or training, including core, intensive, training, and support services, based on disability, including the types of discrimination listed in 29 CFR 38.7.
- Provision of any aid, benefits, services, or training, a recipient does not deny the opportunity to participate in or benefit from the aid, benefits, services, or training; afford an opportunity that is not equally effective; provide different, segregated or separate aid, benefits, services, or training unless such actions are necessary to provide effective opportunity; deny the opportunity to participate as a member of planning or advisory boards; or otherwise limit enjoyment of any right, privilege, advantage, or opportunity enjoyed by others.
- Activities do not aid or perpetuate discrimination by providing significant assistance to a person or an entity that discriminates based on disability.
- There is no denial of the opportunity to participate in WIOA Title I-financially assisted programs or activities despite the existence of permissibly separate programs or activities.
- Programs and activities are administered in the most integrated setting possible including settings appropriate to the needs of qualified individuals with disabilities.
- Programs do not use standards, procedures, criteria or administrative methods that have the purpose or effect of discrimination; defeating or substantially impairing the accomplishment of the objectives of the WIOA Title I-financially assisted programs or activities; or perpetuating discrimination of another entity if both entities are subject to common administrative control.
- Discriminatory criteria are not used in the selection of contractors
- Programs do not impose or apply eligibility criteria that screen out or tend to

screen out an individual with a disability or class of individuals with disabilities unless such criteria can be shown to be necessary for the provision of the aid, benefit, service, training, program or activity being offered.

- Programs will reject all job orders from any employer that specifies that it will not accept applications from qualified persons with disabilities or from qualified applicants with certain disabilities.
- Reasonable accommodations are provided regarding registration for and the provision of aid, benefits, services or training, including core, intensive, training, and support services to qualified individuals with disabilities.
- Reasonable modifications are provided regarding its policies, practices, and procedures for the registration for and provision of core, intensive, training, and support services to individuals with disabilities.
- Programs will not provide different, segregated, or separate aid, benefits, services, or training to individuals with disabilities or any class of individuals with disabilities unless such action is necessary to provide qualified individuals with disabilities with aid, benefits, services, or training that are as effective as those provided to others.
- Any qualified individual with a disability will be given the opportunity to participate in WIOA Title I-financially assisted programs and activities despite the existence of permissibly separate or different programs or activities.
- Steps are being taken to ensure that communications with individuals with disabilities are as effective as communications with others.
- Programs will furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the WIOA Title I-financially assisted program or activity.
- Program providers have established methodology for ensuring the confidentiality of medical information provided by participants and applicants for employment.

VI. Collection and Maintenance of EO Data

(*References: WIOA Section 188; 20 CFR PART 652: §663.105I; 29 CFR Part 38: §38.11, §38.38, §38.39, §38.41, §38.54*)

EO Officer will work with EO Liaisons to:

- Collect and maintain records and data necessary to determine its compliance with nondiscrimination and EO provisions.
- Develop and implement a system to respond to discrimination complaints.
- Records must be retained, including records of complaints, for a period of at least three years from the close of the applicable year or resolution of the complaint.
- EO Officer must maintain a log of complaints that allege discrimination on the ground(s) of race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship, retaliation or reprisal against participants in a Title I-financially assisted program or activity.

EO Liaisons will be responsible for submitting all EO documentation, reports, complaints, and updates on a quarterly basis to the EO Officer. In the event of a complaint or incident, EO Liaison will notify EO Officer immediately of incident and begin SCWDB complaint processes.

EO Officer will be responsible for collecting/compiling all data from the EO Liaisons and submit to the commonwealth. EO Officer will be single point of contact on all EO matters between the SCWDB and Commonwealth.

VII. Monitor Service Providers for Compliance

(*References: WIOA Section 188; 29 CFR Part 38: §38.25, §38.51, §38.52, §38.54*)

SCWDB EO Officer will ensure that monitoring of local PACL center EO regulations are included on all program oversight tools and policies. Oversight will ensure that SCWDB programs are conducting WIOA Title 1-funded programs, PACL centers, and activities in a nondiscriminatory way. Written monitoring reports must be completed. SCWDB Oversight Monitor will report all issues, concerns, and shortcomings to EO Officer for correction. These issues will be reported to SCWDB Director and SCWDB Board.

VIII. Discrimination Complaints (Updated 05-25-2021)

(*References: WIOA Section 188; 29 CFR Part 38: §38.70, §38.71, §38.72, §38.73, §38.74, §38.75, §38.76, §38.77, §38.78, §38.79, §38.54*)

This SCWDB requires all participants to be notified of their right to file a complaint.

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 allegedly 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 Local PA CareerLink® Complaint Policy where services originated.

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 SCWDB 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/allegation is provided in the **Discrimination Complaint Procedures** section below.

Prohibition on Retaliation/Reprisal

SCWDA 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.

IX. Complaint Resolution (Updated 05-25-2021)

(*References: WIOA Section 188; 29 CFR Part 38: §38.54*)

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 in order 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 or not 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
Southwest Corner Workforce Development Board
351 West Beau Street, Suite 300
Washington, PA 15301

Email: cgordon@washingtongreene.org

Fax: 724-229-5086

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). NOTE: If the complainant elects resolution through ADR, the local EO Officer will attempt to resolve the complaint. If mediation is unsuccessful, an investigation will then take place.

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 to the complainant will include any issues being accepted for investigation and/or rejected, if rejected, the reason for rejection. 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: sweiant@pa.gov or 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.

<u>OEO Non-Acceptance of Complaint</u>

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 38;
- the complaint was not filed within the prescribed 180-day time-frame 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 38.

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®, the following will apply:

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

These changes to the SCWDA NDEOP will be presented for approval at the May 2021 quarterly meeting. Please advise if these changes will not ensure that the requirements for the Complaint Handling Process are met.

References

- Workforce Innovation & Opportunity Act of 2014 (WIOA) Section 188

29 CFR Part 38: Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act

- Age Discrimination Act of 1975
- American With Disabilities Act, P.L. 101-336
- Civil Rights Act of 1991
- Civil Rights Act of 1964, Title VI, Title VII P.L. 88-352
- Education Amendments of 1972, Title IX,
- Equal Employment Opportunity Act of 1972, P.L. 92-261
- Equal Pay Act of 1963
- Family and Medical Leave Act of 1993
- PA Commonwealth Equal Opportunity Management Directives
    - Management Directive 505.30
    - Management Directive 410.3
    - Management Directive 410.10
- PA Executive Order 2002-5, Disability Related Policy
- PA Executive Order 2002-4, Sexual Harassment Policy
- PA Executive Order 2016-04, Equal Employment Opportunity Policy
- Pennsylvania Building Code, Title 24
- Pennsylvania Human Relations Act of October 17, 1955, As Amended
- Rehabilitation Act of 1973, Section 504
- US Federal Executive Order 11246, As Amended By E.O. 11375, E.O. 11478

Attachment I: U.S Department of Labor Complaint Information Form (DL 1-2014A)

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COMPLAINT FORM BEGINS ON NEXT PAGE

Complaint Information Form

U.S. Department of Labor
Office of the Assistant Secretary for Administration and Management
Civil Rights Center

DL 1-2014A (Rev 7/2015)

OMB Control Number 1225-0077 Expiration Date: 2/28/2021

Please read the form carefully. **Type or print your answers**. Answer each question as completely as possible. If you cannot fit your whole answer in the space on this form, you may add more pages.

If a question or field has a star next to it, you must answer that question. You do not have to answer the other questions, but if you do, it will help us to process your complaint. If you do not know the answer to a question, put "not known" in the space for the answer. If the question does not apply to your case, put "n/a."

***1. Are you the complainant or a representative of the complainant? Please check the correct box.** ☐ Complainant ☐ Representative

2. Please give your name and the other information we ask you for on the lines below.** ***If you are a representative, please give the complainant's name and contact information in this section, and your own name and contact information in section 2A.

*Complainant's Name

*Street Address

*City *State Zip Code

Telephone number(s) where we can reach you. *(Do not give your work number if you don't want CRC to call you there.)*

E-mail Address Best time to contact you.

Name and contact information for someone we can contact if we cannot get in touch with you

2A. If you are the complainant's representative, please give your name and contact information in this section, and attach a letter or other document signed by the complainant, authorizing you to serve as his or her representative.

Representative's Name Representative's Organization (if any)

Street Address

City State Zip Code

Telephone number(s) where we can reach you. *(Do not give your work number if you don't want the CRC to call you there.)*

E-mail Address Best time to contact you.

For the rest of the questions on this form, if you are filing this complaint on behalf of someone else, "you" means that person (the complainant), not you personally. Please give the answers the complainant would give if he or she was filling out the form.

***3. This complaint is about something that happened to (Please check the appropriate box):**

☐ Only me ☐ Me and other people ☐ Other people, but not me

***4. Please give the name of the agency, organization, or business that you are complaining about. If you have any contact information for the agency, organization, or business, and/or if you know the name of the person(s) who you think discriminated against you, please give that information as well.** If you need more space to give all of the information, please attach more pages to this form.

*Name of Agency, Organization, or Business _____ Telephone Number(s) _____

Street or Mailing Address _____ E-mail Address _____

Name of Person You Think Discriminated _____ Job Title _____ E-mail Address _____

***5. What program was involved in the discrimination you are complaining about?** If you do not know the name of the program, and your complaint does not involve an American Job Center or a state or local government agency, please check "Do not know."

☐ Workforce Investment Act and/or Workforce Innovation and Opportunity Act Program

☐ Job Corps Program ☐ Older Workers Program (Senior Community Service Employment Program)

☐ Unemployment Insurance ☐ Indian/Native American Program

☐ Employment Service or Job Service ☐ Migrant and Seasonal Farm Workers Program

☐ Trade Assistance Act Program ☐ Vocational Rehabilitation

☐ Other (what program? _____)

☐ American Job Center ☐ State or Local Government ☐ Do not know

***6. What do you think was the *basis* (reason) for the alleged discrimination?** Please check the boxes next to all of the *bases* (reasons) you think were involved in the discrimination, and answer any other questions that go along with that box.
In the next question, you will be asked to explain why you checked each box.

☐ **Because of my National Origin** (Please answer questions below.)

Are you Hispanic or Latino? ☐ Yes ☐ No

What is your national origin (the country from which you, your parents, your grandparents, or your earlier ancestors came)?

_____

☐ **Because of my Limited English Proficiency** (What is the language in which you feel most comfortable communicating? For example, Spanish, Croatian, Cambodian) _____

☐ **Because of my Race** (Please answer questions below.)

What is your race? Please check all that apply.

☐ White or Caucasian

☐ Black or African American

☐ American Indian or Alaska Native

☐ Native Hawaiian or Other Pacific Islander

☐ Asian

☐ **Because of my Sex** (What is your sex? _____)

☐ **Because of my Pregnancy**

☐ **Because of my Sexual Orientation** (What is your sexual orientation? _____)

☐ **Because of my Gender Identity** (What is your gender identity? _____)

☐ **Because of my Color** (What is your color? _____)

☐ **Because of my Religion** (What is your religion? _____)

☐ **Because of my Age** (What is your date of birth? _____)

☐ **Because of my Political Affiliation or Political Belief** (What is your political affiliation or political belief? _____)

☐ **Because of my Disability** (Please check one of the following three boxes.)

- ☐ I have a disability (which may be active or inactive right now). (What is your disability? _____)
- ☐ I have a record of a disability. (What was your past disability? _____)
- ☐ I do not have a disability, but the organization or program treats me as if I am disabled.

☐ **Because of my Citizenship** (What is your citizenship? _____)

☐ **Because of my participation in a program that receives Federal financial assistance** (Name the program: _____)

☐ **I was Retaliated Against (Retaliation)** because I complained about discrimination, or because I gave a statement or was involved in some other way with someone else's discrimination complaint.

7. For each of the bases (reasons for discrimination) you checked above, please explain what happened, how you were (or someone else was) harmed by what happened, and how or why you think what happened was because of the basis you checked.** For example, if you checked "Because of my Race," list the facts you think explain ***how or why you think what happened was because of the race of the persons who were harmed. *If you do not explain why you checked a particular basis, we may reject that part of your complaint.*

If other persons or groups were treated differently from you (or the other people who you think were discriminated against), please describe who was treated differently, how their treatment was different, and how the different treatment harmed you (or the other people you think were discriminated against). Please be specific and brief. Give the name(s) of and contact information for any of the people involved, if you can.

If your answer does not fit in the space below, please use more pages of paper to finish your answer, and attach those pages to this form.

***8. On what date(s) did the alleged discrimination take place?**

8A. Date of the first action: _____

8B. Date of most recent action: _____

8C. If the date of the most recent action was more than 180 days ago, please explain why you did not file a complaint before now.

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9. Please list below any other people (witnesses, coworkers, supervisors, or others) whom you have not already named and whom we should contact for information about your complaint. Attach additional pages if you need more space for this information.

Person's Name | Relationship to case (witness, coworker, etc.) | Best time to contact this person.

Telephone number(s) and/or e-mail address(es) where we can contact this person.

10. Have you filed a written complaint with anyone else, such as the Equal Employment Opportunity Commission (EEOC), or State Equal Opportunity Officer, about the same events or actions you describe on this Complaint Information Form? If yes, please answer these questions, as best you can, about *each* agency, department, organization, or business where you filed a written complaint (using additional pages if necessary):

10A. Where and when did you file your first written complaint? Date Filed _____

Name of Specific Office or Agency, Department, Organization, or Business | Phone Number | E-mail Address

Mailing or Street Address | City | State | Zip Code

Name and Contact Information for person working on your complaint, if known.

10B. Has the place where you filed your first written complaint given you a final decision about the complaint? ☐ Yes ☐ No

10C. *If yes*, what was the date of the final decision? _____ Was the decision in writing? ☐ Yes ☐ No

Include copies of written decisions, dismissals, or Right-to-Sue Letters, or other written responses to your complaint that you have received.

11. What remedies are you asking for? For example, getting benefits or training you did not receive, changes in policies, etc.
PLEASE NOTE: The laws that CRC enforces do not allow for punitive damages. Money may only be awarded to compensate victims of discrimination for actual losses.

***12. Please sign and date this form in the space below that applies to you. You must also read the notice on the next page entitled "How We Use Personal Information," and *sign and date the consent form*. CRC cannot accept a complaint for investigation unless both the Complaint Information Form and the Consent Form have been signed.**

_____ _____
Signature of Complainant Date

_____ _____
Signature of Complainant's Representative Date

Please mail, email, or fax a complaint to:

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

Fax: (202) 693-6505

Email: CRCExternalComplaints@dol.gov

Persons are not required to respond to a collection of information unless it displays a currently valid OMB control number. Completing this form is voluntary; however, answers to the starred questions and fields must be provided in order for the Department of Labor's Civil Rights Center (CRC) to accept your discrimination complaint. CRC will use the information to process, and where appropriate to investigate, your complaint. The estimated average time to complete this form is 60 minutes. Send comments regarding this estimate or any other aspects of this collection of information to the U.S. Department of Labor, Office of the Assistant Secretary for Administration and Management, Civil Rights Center, Room N-4123, Washington, D.C. 20210. Please reference OMB Control Number 1225-0077.

HOW WE USE PERSONAL INFORMATION

Two Federal laws govern personal information that is given to Federal agencies such as the **Civil Rights Center (CRC)**. These two laws are the Privacy Act of 1974 *(5* U.S.C. *552a)* and the Freedom of Information Act *(5* U.S.C. *552)*, known as "FOIA." This Notice describes how each of these laws applies to information connected with your complaint. Please read the Notice, sign the Consent Form on the next page, and give the Consent Form to CRC with your Complaint Information Form.

The PRIVACY ACT protects you from misuse of personal information that the Federal government has about you. This law applies to records that the Federal government keeps that can be located by a person's name, social security number, or other personal identification system. Anyone who submits personal information to CRC in connection with a discrimination complaint should know the following:

1. CRC enforces civil rights laws that cover State and local government agencies, programs conducted by DOL, recipients of financial assistance from DOL, and certain recipients of financial assistance from other Federal departments and agencies ("covered entities"). CRC has the authority to investigate and make determinations on complaints alleging that a covered entity has discriminated on the basis of race, color, national origin, age, disability, sex/gender, religion, political affiliation or belief, citizenship, and participation in a program or activity that receives financial assistance under Title I of the Workforce Investment Act of 1998 (WIA) and/or Title I of the Workforce Innovation and Opportunity Act of 2014. CRC is also authorized to conduct reviews of covered entities to evaluate whether they are complying with the civil rights laws that CRC enforces.

2. Information that CRC collects is analyzed by authorized personnel within the agency. This information may include personnel records or other personal information. CRC staff may need to reveal certain information to persons outside the agency in the course of verifying facts or gathering new facts to develop a basis for making a civil rights compliance determination. Such details could include the physical condition or age of a complainant. CRC also may be required to reveal certain information to any individual who requests it under the provisions of the Freedom of Information Act. (See below.)

3. Personal information will be used only for the specific purpose for which it was submitted, that is, for authorized civil rights compliance and enforcement activities. Except in the instances defined in DOL's regulation at 29 C.F.R. Part 71, CRC will not release the information to any other agency or individual unless the person who supplied the information submits a written consent. One of these exceptions is when release is required under the Freedom of Information Act. (See below.)

4. No law requires a complainant to give personal information to CRC, and no sanctions will be imposed on complainants or other individuals who deny CRC's request. However, if CRC fails to obtain information needed to investigate the ability of allegations of discrimination, it may be necessary to close the investigation.

5. The Privacy Act permits certain types of systems of records to be exempt from some of its requirements, including the access provisions. It is the policy of CRC to exercise authority to exempt systems of records only in compelling cases. CRC may deny a complainant access to the files compiled during the agency investigation of his or her civil rights complaint against a covered entity. Complaint files are exempt in order to aid negotiations between covered entities and CRC in resolving civil rights issues and to encourage covered entities to furnish information essential to the investigation.

6. CRC does not reveal the names or other identifying information about an individual unless it is necessary for the completion of an investigation or for enforcement activities against a covered entity that violates the laws, or unless such information is required to be disclosed under FOIA or the Privacy Act. CRC will keep the identity of complainants confidential except to the extent necessary to carry out the purposes of the civil rights laws, or unless disclosure is required under FOIA, the Privacy Act, or otherwise required by law.

The FREEDOM OF INFORMATION ACT gives the public access to certain files and records of the Federal Government. Individuals can obtain items from many categories of records of the Government -- not just materials that apply to them personally. CRC must honor requests under the Freedom of Information Act, with some exceptions. CRC generally is not required to release documents during an investigation or enforcement proceedings if the release could have an adverse effect on the agency to do its job. Also, any Federal agency may refuse a request for records compiled for law enforcement purposes if their release could be an "unwarranted invasion of privacy" of an individual. Requests for other records, such as personnel and medical files, may be denied where the disclosure would be a "clearly unwarranted invasion of privacy."

PLEASE READ THE CONSENT FORM ON THE NEXT PAGE, SIGN EITHER SECTION A OR SECTION B, AND GIVE THE SIGNED FORM TO THE CIVIL RIGHTS CENTER WITH YOUR SIGNED, COMPLETED COMPLAINT INFORMATION FORM.

CONSENT FORM

I have read the Civil Rights Center's notice entitled "How We Use Personal Information." I understand that the following conditions apply to personal information I disclose to CRC in connection with my complaint:

CRC may need to disclose my identity to staff of the agency, organization, or business I named in my complaint, in order to gather evidence or verify facts related to the complaint, or to complete enforcement proceedings against the agency, organization, or business;

I do not have to reveal any personal information to CRC, but CRC may close my case if it cannot get the information it needs to process or fully investigate my complaint;

I may request a copy of any of my personal information that CRC keeps in my complaint file; and

Under certain conditions, CRC may be required by the Freedom of Information Act or other laws to disclose my personal information to others.

SECTION A

☐ YES, CRC MAY DISCLOSE MY IDENTITY IF NECESSARY TO FULLY INVESTIGATE MY COMPLAINT. I have read and understand the notice "How We Use Personal Information," and I give consent for CRC to disclose my identity to the respondent, if necessary to fully investigate my complaint.

_____ _____
(Signature) (Date)

SECTION B

☐ NO, CRC MAY NOT DISCLOSE MY IDENTITY TO THE RESPONDENT, EVEN IF NECESSARY TO FULLY INVESTIGATE MY COMPLAINT. I have read and understand the notice "How We Use Personal Information," and I understand that **CRC may close my case** if it cannot get the information it needs to fully investigate my complaint without disclosing my identity to the respondent. Nonetheless, I do not give consent for CRC to disclose my identity to the respondent during the investigation of my complaint.

_____ _____
(Signature) (Date)

FOR DOL USE ONLY

CIF received by the CRC __ Accepted __ Not Accepted Case Number _____

By _____ Date _____