



TITLE: Southern Indiana Works Equal Opportunity
Nondiscrimination and Complaint Procedures

ISSUE DATE: July 1, 2006

REVISED DATE: July 1, 2021; February 6, 2023, March 12th, 2024

Purpose

It is the policy of **Southern Indiana Works** to provide initial guidance regarding the observance and enforcement of the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act (WIOA) and its implementing regulations found at 29 CFR Part 38.

References

- WIOA Section 188
- 29 CFR Part 38, “Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act” Final Rule (January 3, 2017).

Required Action

WIOA Title I Program Providers/Southern Indiana Works staff must adhere to this policy.

Background

All WIOA Title I recipients (Recipients), defined at 29 CFR 38.4, are responsible for ensuring equal opportunity (EO) and nondiscrimination in programs and activities funded in whole or in part under WIOA. Specifically, recipients must comply with all nondiscrimination requirements in the administration and operation of programs, activities, and employment as provided by WIOA Section 188 and its implementing regulations under the 29 CFR Part 38 (Final Rule). The requirements apply to all programs and activities that are operated by One-Stop partners, as defined in WIOA section 121(b), as part of the One-Stop delivery system (the Southern Indiana Works system).

The Final Rule became effective on January 3, 2017. This Guidance is intended to provide an initial summary of the major content areas covered in the Final Rule and includes important procedures recipients must follow to maintain compliance. Additional guidance will be issued as available.

Contents

WIOA Section 188 prohibits discrimination on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title I-financially assisted program or activity.

The following requirements are found in the Final Rule:

A. Notice and Communication (38.34 – 38.40)

- a. EO Poster.** Each Recipient must provide initial and continuing notice that it does not discriminate on any prohibited basis. Appropriate steps must be taken to ensure that communications with individuals with disabilities are as effective as communications with others and that this notice is provided in appropriate languages to ensure meaningful access for limited English proficient (LEP) individuals.

The Final Rule provides exact language for the *Equal Opportunity Is the Law* notice/poster (the EO Poster). This language cannot be altered except to include the Recipient's Local EO Officer information. **The EO Poster must be initially published within 90 days of January 3, 2017.** The language of the new EO Poster is included in this Guidance for convenience as **Attachment A**. The EO Poster can be found in multiple languages on the Civil Rights Center's website in a fillable, printable pdf format.

The direct link to the English EO Poster is:

https://www.dol.gov/oasam/programs/crc/pdf/EO_Notice_WIOA_English.pdf

Links to the EO Poster in other languages can be found at:

<https://www.dol.gov/oasam/programs/crc/external-compliance-assistance.htm>

The EO Poster must:

- be posted prominently, in reasonable numbers and places, in available and conspicuous physical locations and on recipients' website pages;
 - disseminated in internal memoranda and other written or electronic communications with staff;
 - included in employee handbooks or manuals;
 - provided to each participant and employee and made a part of each participant and employee file;
 - provided in appropriate formats for the visually impaired and record of such alternate format in participant or employee file; and
 - provided in appropriate languages other than English.
- b. EO Tagline and Relay Service.** All publications, broadcasts, and other communications must include that the program or activity in question is an "equal opportunity employer/program" and that "auxiliary aids and services are available upon request to individuals with disabilities."

Where such communications indicate that the Recipient may be reached by telephone, the materials must provide the telephone number of the text telephone (TTY) number or equally

effective telecommunications system, such as a relay service, videophone, or captioned telephone.

- c. **Orientations.** Any WIOA Title I orientation for new participants, employees, or the general public must include a discussion of rights and responsibilities under the EO and nondiscrimination provisions of WIOA and the Final Rule, including the right to file a complaint. This information must be communicated in appropriate languages and accessible formats.
- d. **Affirmative Outreach.** Recipients must take appropriate steps to ensure that they are providing equal access to WIOA Title I-financially assisted programs and activities. These steps should involve reasonable efforts to include members of the various protected groups, including, but not limited to persons of different sexes, various racial and ethnic/national origin groups, various religions, LEP individuals, individuals with disabilities, and individuals in different age groups.

Examples of affirmative outreach efforts:

- Targeting specific populations when advertising programs/services
- Sending information to schools or community service groups that serve various populations
- Consulting with community service groups on ways to improve outreach and service

B. Equal Opportunity Officers (38.28 – 38.33)

Every Recipient, except small recipients (defined as serving fewer than 15 beneficiaries during an entire grant year and employing fewer than 15 employees on any given day) and service providers, must designate an EO Officer with adequate knowledge, skills, and abilities to ensure EO/Nondiscrimination in the administration and operation of programs and services. An EO Officer must be a senior level employee with sufficient authority, staff, resources, and training to fulfill his/her responsibilities and maintain competency. The EO Officer must not have other responsibilities that create a conflict or the appearance of a conflict with EO responsibilities.

The State EO Officer's responsibilities include, but are not limited to:

- Overseeing the development and implementation of the state's Nondiscrimination Plan (NDP);
- Serving as the state's liaison with CRC;
- Monitoring compliance of WIOA Title I EO and nondiscrimination requirements;
- Undergoing training and providing training and technical assistance to Local EO Officers; and
- Developing procedure for and investigating discrimination matters that rise to the state level.

The Local EO Officer's responsibilities include, but are not limited to:

- Reporting EO/Nondiscrimination matters to the State EO Officer;
 - Processing and investigating regional discrimination complaints;
 - Monitoring compliance of regional WIOA Title I recipients;
 - Undergoing training and providing training for staff and service providers (participation required for quarterly conference calls and training sessions conducted by DWD's State EO Officer);
 - Surveying Southern Indiana Works offices to ensure compliance with applicable accessibility requirements;
 - Reviewing the Region's policies to ensure they are nondiscriminatory;
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- Conducting outreach and education about EO and nondiscrimination requirements and how an individual may file a complaint; and
- Ensuring overall implementation of the NDP.

The EO Officer's name, position title, address, and telephone number (voice and TDD/TTY) must be made public, with the EO Officer's identity and contact information listed on all internal and external communications about the Recipient's nondiscrimination and equal opportunity programs. Changes regarding a Recipient's EO Officer must be updated in all areas where the information is published. Updated contact information must also be forwarded to the State EO Officer at EO@dwd.in.gov.

C. Language Services (38.9)

Recipients must take reasonable steps to ensure meaningful access to LEP individuals via every delivery method (written, electronic, and in person). Such steps may include, but are not limited to:

- Assessment to determine language assistance needs
- Outreach to LEP communities to improve service delivery in needed languages
- Oral interpretation or written translation

Recipients must provide adequate notice to LEP individuals of the existence of interpretation and translation services and that these services are available free of charge. Language assistance services must be accurate and provided in a timely manner.

Recipients shall not require an LEP individual to provide their own interpreter, nor rely on an LEP individual's minor child or adult family or friend except in emergency situations. An accompanying adult may interpret or facilitate communication when the information conveyed is of minimal importance or when the LEP individual specifically requests the accompanying adult to provide language assistance.

When the Recipient permits the accompanying adult to provide such assistance, it must be documented that the LEP individual decided to use their own interpreter.

Even where an LEP individual elects to use their own interpreter, a Recipient has the option to provide an independent interpreter where precise, complete, and accurate information is critical, or where the competency of the LEP individual's requested interpreter is not established.

For languages spoken by a significant amount of the eligible population to be served, or likely to be encountered, Recipients must translate vital information in written materials and have them readily available in hard copy, upon request, or electronically. Even where languages are not spoken by a significant amount of the eligible population, Recipients must take reasonable steps to meet the particularized language needs of LEP individuals. The Final Rule does not specify what constitutes a "significant amount", but rather stresses that providing meaningful access to the LEP population should be handled at the Recipient level based upon the circumstances found in their local area. The Appendix to Section 38.9 of the Final Rule provides further insight into strategy and practice and is a valuable resource surrounding this topic.

Vital information means information that is necessary for an individual to understand how to obtain any aid, benefit, service, and/or training; necessary to obtain any aid, benefit, service, and/or training;

or required by law. Examples include, but are not limited to applications, consent and complaint forms, and notices of rights and responsibilities.

All communications of vital information must include a “Babel notice,” which is a short notice included in a document or electronic medium in multiple languages informing the reader that the communication contains vital information, and explaining how to access language services to have the contents of the communication provided in other languages.

D. Assurances (38.25 – 28.27)

Each application for financial assistance under WIOA Title I must include the assurance language found included in this Guidance as **Attachment B**.

The assurance is considered incorporated by operation of law in the grant, cooperative agreement, contract or other arrangement whereby Federal financial assistance under Title I of WIOA is made available, whether it is explicitly incorporated in such document and whether there is a written agreement between the Department and the recipient, between the Department and the Governor, between the Governor and the recipient, or between recipients. The assurance also may be incorporated in such grants, cooperative agreements, contracts, or other arrangements by reference.

In lieu of including the assurance language in its entirety for smaller contracts or agreements (such as OJT contracts, etc.), the following reference to the language may be used:

“The equal opportunity and nondiscrimination assurances at 29 CFR Part 38.25 apply to this contract/agreement.”

E. Accessibility and Reasonable Accommodation (38.12 – 38.14)

- a. Physical Accessibility.** Recipients must ensure that their facilities are accessible and usable by individuals with disabilities. Recipients must meet applicable accessibility obligations under Section 504 of the Rehabilitation Act and the implementing regulations at 29 CFR Part 32 and the Americans with Disabilities Act (ADA).
- b. Programmatic Accessibility.** All WIOA Title I programs and activities must be programmatically accessible, which includes providing reasonable accommodations for individuals with disabilities, making reasonable modifications to policies, practices, and procedures, administering programs in the most integrated setting appropriate, communicating with persons with disabilities as effectively as with others, and providing appropriate auxiliary aids or services, including assistive technology devices and services, where necessary.
- c. Reasonable Accommodations and Modifications.** Recipients must provide reasonable accommodations to qualified individuals with disabilities unless providing the accommodation would cause undue hardship.

A qualified individual with a disability, with respect to aid, benefits, services, or training, is an individual who, with or without auxiliary aids and services, reasonable accommodations, and/or reasonable modifications in policies, practices and procedures, meets the essential eligibility requirements; or, with respect to employment, an individual who satisfies the requisite skill,

experience, education, and other job-related requirements, with or without reasonable accommodation can perform the essential functions of such position.

Reasonable accommodation includes, but is not limited to:

- Making existing facilities readily accessible and usable;
- Restructuring of a job or service, or of the way in which aid, benefits, services, or training is/are provided;
- Part-time or modified work or training schedules;
- Acquisition or modification of equipment or devices;
- Appropriate adjustment or modifications of examinations, training materials, or policies;
- Provision of readers or interpreters

Undue hardship means significant difficulty or expense incurred by a Recipient. Factors to be considered in determining whether a reasonable accommodation would impose an undue hardship on a Recipient include:

- Nature and cost of accommodation needed;
- Overall financial resources of the facility;
- Overall financial resources of the Recipient;
- Type of operations of the Recipient; and
- Impact of the accommodation upon the operation of the facility

F. Data and Information Collection and Maintenance (38.41 – 38.45)

- a. Data Collection.** Recipients must collect EO data for applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment and record the race/ethnicity, sex, age, and where known, disability status. Beginning on January 3, 2019, each Recipient must also record LEP and preferred language.

Data collected must be stored in a manner that ensures confidentiality and used only for purposes of:

- Recordkeeping and reporting;
- Determining eligibility for WIOA Title I programs or activities;
- Determining the extent to which the recipient is operating its WIOA programs and activities in a nondiscriminatory manner; or
- Other uses authorized by law.

Any medical or disability-related information must be collected on separate forms and maintained in separate files apart from any other information about the individual. This information must be treated as confidential and locked or otherwise secured (for example, through password protection).

Records must be maintained for a period of not less than three years from the close of the applicable program year.

- b. Complaint Logs.** Recipients must maintain a log of complaints filed with the Recipient that allege discrimination on the basis(es) of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin, age, disability, political affiliation or belief, citizenship, and/or participation in a WIOA

Title I- financially assisted program or activity.

The log must include the name and address of complainant, basis of complaint, a description of the complaint, the date the complaint was filed, the disposition and date of disposition of the complaint, and other pertinent information. Recipients must submit their complaint logs on a quarterly basis to DWD's EO Officer at EO@dwd.in.gov. Logs must cover the Recipient's entire Region and are due on or before the following dates: April 5, July 5, October 5, and January 5.

G. Complaint Processing Procedures (38.69 – 38.85)

- a. Complaints.** A complainant may file a complaint by completing and submitting CRC's Complaint Information and Privacy Act Consent Forms, which may be obtained either from the Recipient's EO Officer or from CRC. Complaints must be filed in writing, either electronically or in hard copy, and must contain the following information within **30 calendar days**:

 - Complainant's name, mailing address, and if available, email address (or another means of contact);
 - Identity of respondent;
 - Description of allegations;
 - Written or electronic signature of the complainant or complainant's representative;

- b. Complaint Processing.** A Recipient's procedures must state that the Recipient will issue a written Notice of receipt within **30 days** from the date on which the complaint is filed. The procedure must include, at a minimum, the following elements:

 - Initial, written notice to complainant acknowledging receipt of complaint, notice of complainant's right to representation, notice of rights contained in the EO Poster, and notice that complainant has the right to request and receive, at no cost, auxiliary aids and services, language assistance services, and that this notice will be translated as required;
 - Written statement of the issue(s), provided to complainant, that includes a list of issues raised in the complaint and whether the Recipient will accept or reject each issue;
 - Period for fact-finding or investigation;
 - Period for attempt to resolve complaint, including provision for alternative dispute resolution (ADR); The respondent will be notified, and a mediator will be assigned. The mediator must be a third-party individual. If possible, the ADR process should be complete within 30 days of receipt of the discrimination complaint. This will keep us within the 90-day timeframe of the written NFA if ADR is unsuccessful.

- c. Begin the Investigation.** The Local EO Officer must begin an investigation of the discrimination complaint immediately after issuance of the Notice of Receipt. The total time allowed for processing the discrimination complaint is 90 calendar days from the date on which the complaint was filed. If by the end of the 90 days from the filing date, the recipient has failed to issue a Notice of Final Action, the complainant may file a complaint with the CRC Director within 30 days of the expiration of the 90-day period (i.e., within 120 days of filing date). If the complainant elects to file with the CRC, the complainant must be informed that the local area has 90 calendar days to process the discrimination complaint and that CRC will not investigate the complaint until the 90 calendar-day period has expired.

If the Recipient issues its Notice of Final Action before the 90-day period ends, but the complainant is dissatisfied with the Recipient's decision; the complainant may file a complaint with the CRC Director within 30 days after the date on which the Complainant receives the Notice.

"If, by the end of 90 days from the filing date, the Recipient has failed to issue a Notice of Final Action, the complainant may file a complaint with the CRC Director within 30 days of the expiration of the 90-day period (i.e., within 120 days of filing date).

ACTION: Local areas must develop discrimination complaint procedures as required in 29 CFR 38.72 and 29 CFR

38.73."

H. Compliance Monitoring (38.51)

EO Officers, at both the State and Local level, are responsible for annually monitoring all services, programs, and activities to ensure compliance with WIOA Section 188 and the Final Rule. Such monitoring must include:

- A statistical or other quantifiable analysis of records and data kept by Recipients, including analyses by race/ethnicity, sex, LEP, age, and disability status;
- An investigation of any significant differences noted in the analyses to determine whether these differences appear to be caused by discrimination; and
- An assessment to determine whether the Recipient has fulfilled its administrative obligations under WIOA Section 188 and the Final Rule (e.g., recordkeeping, notice and communication), and any duties assigned to it under the NDP.

I. Corrective Actions/Sanctions (38.86 – 38.115)

Corrective actions, or sanctions if voluntary efforts in seeking compliance fail, may be imposed for violations of the EO/Nondiscrimination requirements. Corrective actions are to be designed to completely address each violation and may result from an EO/Nondiscrimination monitoring review, a discrimination complaint, or both. Recipients must have procedures in place for obtaining prompt corrective action. Local EO Officers must notify the State EO Officer of violations discovered, corrective actions implemented, and timeframes for completion.

If the State EO Officer determines a violation has occurred, the Recipient will be notified and a corrective action plan will be developed. Corrective actions should be completed by the date(s) provided by the State EO Officer. If a Recipient does not undertake the corrective actions specified, a conciliation agreement should be initiated and completed based on the model outlined in the Final Rule.

Sanctions will be considered as a last resort. Sanctions may be necessary when a Recipient refuses to implement voluntary corrective action, submit requested data or documentation, or refuses to provide access to premises or records during an EO/Nondiscrimination compliance review.

Sanctions that may be imposed include, but are not limited to:

- Termination of future funding;
- Disallowance of selected costs;
- Restriction from bidding on competitive or discretionary funds; and
- Reduction in funding.

At the Local level, Recipients and Local EO Officers will follow the above procedures for applying corrective actions and sanctions.

Effective Date

Immediately

Additional Information

Questions regarding the content of this publication should be directed to Shilese Stover VP of Operations., at (812) 941-6422 or shilese@soinworks.com

Attachment A

EQUAL OPPORTUNITY IS THE LAW

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases: against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I–financially assisted program or activity.

The recipient must not discriminate in any of the following areas: deciding who will be admitted, or have access, to any WIOA Title I–financially assisted program or activity; providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

Recipients of federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

If you think that you have been subjected to discrimination under a WIOA Title I–financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either: the recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose);

ShiLese Stover, Vice Pres. of Ops.; Region 10 Workforce Board, Inc.; 2125 State St., Suite 16; New Albany, IN 47150 812-941-6422

or

Director, Civil Rights Center (CRC), U.S. Department of Labor 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210 or electronically as directed on the CRC website at www.dol.gov/crc.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above). If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient). If the recipient does give you a written Notice of Final Action on your complaint, but

you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

Attachment B

Required Assurance Language (38.25)

(P) Each application for financial assistance, under Title I of WIOA, as defined in § 38.4, must include the following assurance:

(P) As a condition to the award of financial assistance from the Department of Labor under

Title I of WIOA, the grant applicant assures that it has the ability to comply with the nondiscrimination and equal opportunity provisions of the following laws and will remain in compliance for the duration of the award of federal financial assistance:

- (P) Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I financially assisted program or activity;
- (B) Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;
- l Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
- (D) The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and
- l Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

(ii) The grant applicant also assures that, as a recipient of WIOA Title I financial assistance, it will comply with 29 CFR part 38 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIOA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.



2125 State Street, Ste. #16, New Albany, IN 47150 • 812.941.6422

Example: Initial Written Notice of Receipt Letter
NOTICE OF RECEIPT

Date:

Attorney or Complainant Name
Attorney or Complainant Address
Attorney or Complainant City, State, Zip
Re: WIOA Complaint by (name of complainant)

Dear

The (recipient) received the discrimination complaint ("Complaint") dated XXXXXX, submitted by name of complainant ("Complainant") by counsel XXXXXX.

Notices required by 29 CFR § 38.72(b)(1)

Pursuant to 29 CFR §38.72(b)(1)(i), the Department acknowledges that the Complaint has been received.

Pursuant to 29 CFR §§ 38.71 and 38.72(b)(1)(ii), Complainant has the right to be represented by an attorney or other individual of their choice.

Pursuant to 29 CFR § 38.72(b)(1)(iii), find enclosed a notice of rights.

Pursuant to 29 CFR § 38.72(b)(1)(iv), Complainant has the right to request and receive, at no cost, auxiliary aids and services, language assistance services, and this notice will be translated into the non-English languages as required in 29 CFR §§ 38.4(h) and (i), 38.34, and 38.36.

The Complaint

The Complaint alleges the (Recipient) discriminated against Complainant due to Complainant's xxxxxxx. Specifically, the Complaint alleges the following:

Issue #1 – On (date), at the (location), xxxxxxx.

Acceptance of Issues for Investigation & Procedure

The (recipient) accepts the issue in the Complaint for investigation.

The (recipient) will conduct a 60-day fact finding and attempt a satisfactory resolution with Complainant, by counsel. At any point within those 60 days, any party can request the use of an Alternative Dispute Resolution (ADR) process, such as mediation.

The (recipient) will issue a Notice of Final Action on the complaint within 90 days of the date the Complaint was filed. Therefore, the (recipient) may issue a Notice of Final Action in this matter on or before (date). If Complainant is dissatisfied with the (recipient's) decision or resolution, the Complainant may file a complaint with the Director of the Civil Rights Center (CRC) for the U.S. Department of Labor at: [https:// www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/external/how-to-file-complaint](https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/external/how-to-file-complaint). You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

If the Department does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that

Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

Sincerely,

(Shilese Stover)
Equal Opportunity Officer
Address: 2125 State Street New Albany IN 47150
Phone: 812-941-6404
shilese@soinworks.com



Example: Notice of Final Action Letter

Complainant or Representing Attorney

Date:

Name and Address

Re: WIOA Complaint by (complainant)

Dear (Complainant or representing attorney):

Notice of Final Action (NFA)

By Notice of Acceptance dated (enter date), the parties were notified of an accepted complaint of discrimination filed by (Name of Complainant”), against the (recipient’s name).

The Complainant alleges that the (recipient) discriminated against the Complainant on the basis of XXXXX, in violation of Section 188 of the Workforce Innovation and Opportunity Act (“WIOA”). The complaint was filed in a timely manner, and all other jurisdictional requirements were met.

Issues Accepted

The following issues were accepted for investigation in the Notice of Acceptance and are the subject of this Notice of Final Action:

Issue #1 – On (date), at the (location of complaint), XXXXXXXX.

Findings of Fact

Based on documentation during the investigation, the (recipient) makes the following findings of fact:

- 1. XXXXXXXX.

Conclusion


Regarding the Issues Accepted for this investigation, and based on the foregoing Findings of Fact, it is concluded that XXXXXXXX.

Remedies

The (recipient) is committed to providing equal opportunity and equal access to all individuals in programs and activities funded by Title I of the Workforce Innovation and Opportunity Act (WIOA) (29 USC 3248) and its implementing Regulations (Final Rule, 29 CFR Part 38). Based on our investigation, the following actions have been or will be taken to ensure those remedies are addressed.

Notice of Right to File with Civil Rights Center

If the Complainant is dissatisfied with this Notice of Final Action, you may file a complaint with



the Civil Rights Center, U.S. Department of Labor, 200 Constitution Avenue, Washington, DC 20210. (The complaint must be filed within 30 days of the date on which you receive this Notice of Final Action.)

Sincerely,

ShiLese Stover
Equal Opportunity Officer
(Name of Recipient)
(Recipient address, phone, email,
and web address)

SOUTHERN INDIANA WORKS COMPLAINT PROCEDURES

1. Southern Indiana Works Staff, Southern Indiana Works Partner Staff, and WIOA-Title I Service Providers must make “Southern Indiana Works Participant Complaint Procedures” available to all clients upon request. Copies will be available at all Southern Indiana Works and Southern Indiana Works affiliate locations. Providers must have the participant complete and execute both the procedures and the Record of Complaint Information Form and maintain a copy for the Southern Indiana Works Complaint file.

2. If a complaint is provided or forwarded to a SIW Affiliate or WIOA-Title I Service Provider location, regarding any provision of services at these locations, it must be forwarded within 24 hours to ShiLese Stover, E.O Officer, Southern Indiana Works, P.O. Box 6712, New Albany, IN 47150, and emailed to shilese@soinworks.com to log for compliance and monitoring review. The Local EO Officer will provide a written notice to the complainant acknowledging receipt of complaint within 10 days of the filing date to include: notice of complainant’s right to representation, notice of rights contained in the EO Poster, and notice that complainant has the right to request and receive, at no cost, auxiliary aids and services, language assistance services, and that this notice will be translated as required. A list of the issues raised & for each a statement whether it will be accepted for investigation or rejected and why. If a complaint is forwarded to the SIW board, staff will proceed with #3, referenced below.

3. The SIW EO Officer will log the complaint and will request fact-finding information and documentation within 30 days of complaint. A list of the issues raised by the complainant and; for each issue a statement whether the recipient will accept the issue for investigation or reject the issue, and the reason for each rejection. A complete copy of the original complaint document will be included in this correspondence. A proposed resolution will be provided to complainant within 60 days of original complaint filing. The Local EO officer must begin their investigation of the alleged discrimination immediately after issuing the Notice of Receipt. The Local EO Officer will have 30 days to investigate the alleged discrimination, determine the outcome and then issue a Notice of Final Action (NFA).

4. If the complainant chooses to participate in ADR (alternativer dispute resolution) to mediate the complaint, they or their designee must respond in writing and it must be dated and signed by the complainant, as well as include their anticipated resolution. Complainants may request ADR at any time after they have filed a written complaint, but it must be prior to the issuance of the NFA. The choice whether to use ADR or the customary investigative process is determined by the complainant. If the complainant chooses ADR, the respondent will be notified, and a mediator will be assigned. Mediators must be a neutral third-party individual that holds no interest in either the complainant or respondent.

-A copy of the agreement will be provided to the complainant and respondent from the conclusion of the mediation session and the agreement will contain the signatures of mediator, complainant, and respondent and a description of the settlement of the issues.

-If possible, the ADR process should be completed within the 30 calendar days of receiving the discrimination complaint. This will assist in keeping within the 90 calendar-day timeframe of the written NFA if the ADR does not have a successful outcome.

-If resolution is reached under ADR, the agreement will be in writing. A copy of the signed agreement will be sent to the State-Level EO Officer. If an agreement is reached under ADR but a party to the agreement believes the agreement has been breached, the non-breaching party may file a complaint with the CRC within 30 calendar days of the date on which the non-breaching party learns of the alleged breach.

-If the parties do not reach resolution under ADR, the Local EO Officer will continue with the investigation, or the complainant may file a complaint with the CRC.

6. The Notice of Final Action to conclude the **written resolution** of this complaint must be provided to the complainant within 90 days of the original complaint. The local EO officer will resolve the complaint, either through the investigation and/or the ADR, within 60 days of the complaint being filed. Once the local EO office has completed the discrimination complaint investigation and/or ADR proceedings, a written notice of Final Action must be provided to the complainant within 90 days of the date on which the complaint was filed. The notice will list each issue raised by the complainant and provide the following:

- The recipient's decision on each issue and an explanation of the reasons underlying the decision; whether the issue is being investigated or rejected and why
- A description of the way the parties resolved the issue; and

A statement that the NFA was issued during the 90-day period, and the complainant was dissatisfied with the decision. The complainant, or his or her representative, has a right to file a complaint with the Director, Civil Rights Center (CRC), U.S. Department of Labor 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210 or electronically as directed on the CRC website at www.dol.gov/crc. Civil Rights Center within 30 days of the date on which the complainant receives the NFA. Only the Director of the Civil Rights Center may extend the 30-day time limit for good cause. The complainant has the burden of proving, to the Director of the Civil Rights Center, that the time limit should be extended.

A copy must be retained for the customer file, mailed to EO Officer Complaint file: E.O. Officer, Southern Indiana Works, P.O. Box 6712, New Albany, IN 47150, or can be emailed to shilese@soinworks.com

7. Final report, including resolution, is documented in the Complaint File at the SIW Board EO Officer File, and a copy is to be forwarded to the state EO officer.

As SIW is monitored by the state, the board reserves the right to periodically monitor all Southern Indiana Works Service Provider and WIOA Title I agencies to see that these requirements are being met.

Questions: ShiLese Stover; SIW EO Officer & VP of Operations 812-941-6422

APPLICANT/PARTICIPANT COMPLAINT PROCEDURES (Southern Indiana Works Service Area)

Southern Indiana Works Service

Provider Name _____

Street Address _____

City, State, Zip _____

Telephone Number _____

This is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Interpreter services are available free of charge to persons with limited English proficiency.

All WIOA Title I recipients (Recipients), defined at 29 CFR 38.4, are responsible for ensuring equal opportunity (EO) and nondiscrimination in programs and activities funded in whole or in part under WIOA. Specifically, recipients must comply with all nondiscrimination requirements in the administration and operation of programs, activities, and employment as provided by WIOA Section 188 and its implementing regulations under the 29 CFR Part 38 (Final Rule). The requirements apply to all programs and activities that are operated by One-Stop partners, as defined in WIOA section 121(b), as part of the One-Stop delivery system (the Southern Indiana Works system).

COMPLAINT PROCESS

Any individual, designated representative or organization may file a complaint. Southern Indiana Works Services include Workforce Innovation and Opportunity Act (WIOA) or other federal, state, local service program operated at a Southern Indiana Works, Southern Indiana Works Affiliate, or WIOA Service Provider location.

Any person or group who wishes to file a complaint must do so in writing within 180 days of the alleged occurrence. Complainants have the right to representation. In the event any Southern Indiana Works program participant, applicant or other affected party feels he/she has been subjected to discrimination under a Workforce Innovation and Opportunity Act Title I financially assisted program or activity, they may file a complaint within 180 days from the date of the alleged violation with either:

**ShiLese Stover, EO Officer; Southern Indiana Works; 2125 State St., Suite 16;
New Albany, IN 47150**

or

**Director, Civil Rights Center (CRC), U.S. Department of Labor 200 Constitution Avenue
NW, Room N-4123, Washington, DC 20210** or electronically as directed on the CRC website
at www.dol.gov/crc.

Complaints should include:

- ✓ Your full name and address (you must keep the organization with whom you filed your complaint advised of changes in your address, your name or phone number)
- ✓ The names and addresses (if known) of other persons involved
- ✓ A clear and concise statement of the facts (with sufficient detail)
- ✓ A daytime telephone number where you may be reached and email address.
- ✓ The **Attached “RECORD OF COMPLAINT INFORMATION”** form may be completed and used for your complaint.

Complaints filed with the Southern Indiana Works EO Officer must be logged immediately, with a written confirmation provided to complainant of receipt of the complaint. Timelines are as follows:

- The fact-finding process should be concluded within approximately 30 days
- Proposed resolution targeted for conclusion within 60 days of the original complaint. A summary of the issue resolution must be documented in the participant’s file, and in the EO Officer’s Regional Complaint Log/file.
- Complaints/grievances may be appealed to the Southern Indiana Works, Chair when no decision is reached after 60 days at the local level.
- A Notice of Final Action must be issued to Complainant within 90 days of the original complaint filed, and a copy must be maintained for file.
- If Southern Indiana Works gives you a Notice of Final Action, but you are dissatisfied with the decision, you may file a complaint with the Civil Rights Center, Washington, DC. You must file your Civil Rights Center complaint within 30 days of the date on which you received the Notice of Final Action.

The above has been explained to me or read by _____
Southern Indiana Works Service Provider Representative

On ___/___/___ and I have been offered a copy for my records.

Individual Requesting EO/Complaint Information
