

## WIOA SUMMARY OF COMPLAINT RIGHTS

WIOA complaint procedures are for program applicants/registrants, participants, Workforce Development Area/Ohio Option sub area recipients and their sub-recipients/providers, labor unions/joint labor/management committees, community-based organizations or an individual or organization wishing to file a WIOA-based complaint. Complaints must be reduced to writing. They may be filed by mail (regular or electronic) or in person by the Complainant or his/her authorized representative.

Equal Opportunity Officer	Phone
Carmen Torrence	419. 774.5313
Alternate EO Officer	Phone
Kelly Anne Christiansen	419.774.5492
LWDA/Ohio Option sub area recipient	Address
Local Area #10 (Richland & Crawford Counties)	171 Park Avenue East Mansfield, Ohio 44902
	Phone
	(419) 774-5400

### Programmatic Complaints

#### Local Workforce Development Area (LWDA)/Ohio Option sub area recipient Level:

Persons who wish to file programmatic complaints have 365 days from the date of the incident or violation that caused the dispute or alleged unfair treatment to do so. It is recommended, however, that a complaint be filed **within TEN (10)** days of the incident/treatment. The Equal Opportunity Officer shall be available to provide assistance to the Complainant.

A programmatic complaint is deemed filed when the EOO, Carmen Torrence receives a written statement with sufficient details to identify the parties and to describe generally the alleged action(s), practice(s), or violation(s) that led to the filing of the complaint.

**Within ten (10) calendar days** of the filing of the complaint, an **informal conference** will be held to attempt resolution of the complaint. If no resolution is reached, the Complainant will be given written notice of his/her right to **Request a Hearing**.

**Within sixteen (16) calendar days** from the date the complaint was filed, the Complainant must provide a written **Request for Hearing**. If any amendment(s) to the original complaint are needed, they must also be submitted, in writing, with the Request for Hearing.

**Within thirty (30) calendar days** of the filing of the complaint, a **hearing** will be conducted. The Complainant and Respondent shall be advised, in writing, of all procedural rights (i.e., representation, presentation of evidence, witnesses, etc.)

**Within sixty (60) calendar days** of the filing of the complaint, a **written decision** shall be rendered by the Hearing Officer. The decision shall be mailed to the parties (Complainant and Respondent) by certified mail, return receipt requested. The decision shall include, but not

necessarily be limited to the following:

- (1) the reason(s) for the decision;
- (2) a statement as to whether LWDA/Ohio Option sub area complaint procedures have been complied with; and:
- (3) notice of the right to request a review at the State Recipient Level (Ohio Department of Job and Family Services, Bureau of Civil Rights) when any party disagrees with any aspect of the local Hearing Officer's decision.

### **State Recipient Level Review:**

Any party has **ten (10) calendar days** from the date of receipt of the local Hearing Officer's decision **or fifteen (15) calendar days** from the date on which the decision should have been received to request a review with the Ohio Department of Job and Family Services' Office of Workforce Development (OWD), 30 E. Broad Street, 37th Floor Columbus, Ohio 43215.

The appeal must set forth the specific reasons why an appeal is being filed and the relevant portion or portions of the local workforce development area hearing decision that form the basis of the appeal. In the event of an appeal to OWD, the local workforce development area shall forward the hearing decision, complaint, and all records related to the hearing and complaint to OWD within five business days of the notification of the appeal. The local workforce development area may make a written request to OWD for an extension of time to produce the record, and such request may be granted at the sole discretion of OWD upon good cause shown.

OWD shall conduct a review of the findings of the local workforce development area. OWD shall only reverse the local workforce development area hearing decision if the local workforce development area's findings are found to be arbitrary and not supported by the evidence or the law. The complainant and respondent shall be advised of the results of the appeal, not later than sixty days after the receipt of the appeal

Second level appeal to U.S. department of labor.

Whichever party is adversely affected by OWD's decision, whether the complainant or the respondent, may appeal to the department of labor, as described in section 181(c) of WIOA. The appellant shall file the appeal request with the "U.S. Department of Labor Secretary" by certified mail, return receipt requested. The appellant shall also send a copy of the appeal by U.S. mail to the:

- (a) "Employment and Training Regional Administrator," and
- (b) "Ohio Department of Job and Family Services, Office of Workforce Development."

### **Discrimination Complaints**

Any person who believes that he/she has been subjected to unlawful discrimination may file a complaint. It is unlawful for WIOA-funded programs to discriminate against any person or class

of individuals because of race, color, religion, national origin, sex, political affiliation or belief, age, disability or (for beneficiaries only) citizenship status, as a lawfully admitted immigrant, authorized to work in the United States. It is also unlawful to discriminate against individuals on the basis of their WIOA participant status.

A complaint must be filed **within 180 days** of any alleged discriminatory act or treatment. Only the Director of the USDOL Civil Rights Center, for good cause shown, may extend the filing time limit.

Discrimination complaints may be filed in any of the following ways:

- A complaint may be filed with the Ohio Department of Job and Family Services' Bureau of Civil Rights. The Bureau is located at 30 E. Broad St. 37 Floor Columbus, Ohio 43215. Toll free phone: 1-866-BCR-ODJF (227-6353). BCR will conduct an investigation of the complaint and issue its **Notice of Final Action** within **ninety (90) days** of receipt of the complaint, with applicable appeal rights. The Local Workforce Development Equal Opportunity Officer shall provide assistance to the Complainant, as needed or
- A complaint may be filed directly with the U. S. Department of Labor, Civil Rights Center. **CRC** is located at 200 Constitution Avenue, NW, Room N-4123, Washington, DC 20210. Their phone number is (202) 693-6500. If the Complainant chooses the federal process, the complaint is to be sent *directly* to the Civil Rights Center.

Upon receiving a complaint alleging discrimination, the Workforce Development Director shall do the following:

- (1) Forward the complaint to ODJFS-BCR within three working days of the date of receipt;
- (2) Make all persons or papers pertaining to a case being handled by ODJFS-BCR available at ODJFS-BCR's request, unless doing so would violate state or federal law;
- (3) Submit any information requested by ODJFS-BCR not later than fourteen working days from the date of receipt of the request unless otherwise agreed upon;
- (4) Cooperate fully with ODJFS-BCR during the course of any investigation;
- (5) Not initiate, conduct, or run concurrent investigation(s); and
- (6) Not retaliate against the complainant or any person(s) associated with any inquiry conducted by ODJFS-BCR.

### **Fraud, Abuse or Criminal Activity**

All information and/or complaints alleging program fraud, abuse or criminal activity are reported directly and immediately to the U. S. Department of Labor, Office of Inspector General, Room S-5514, 200 Constitution Avenue NW, Washington, DC 20210. The OIG Hotline Phone Number is: 1-800-347-3756.

### **Equal Opportunity is the Law**

It is against the law for this recipient to discriminate on the following bases: Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and against any beneficiary or programs financially assisted under Title I of the Workforce Innovation and Opportunity Act (WIOA) of 2014 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 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 financially assisted program or activity; providing opportunities in, or treating any person with regard to, such program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

### **What to do if you believe you have experienced discrimination**

If you think that you have been subjected to discrimination under a WIOA 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); or the Director, Civil Rights Center (CRC), U. S. Department of Labor, 200 Constitution Avenue, NW, Room N-4123, Washington, DC 20210. 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 do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. 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 file 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.

---

If you have questions regarding your rights, you may contact your local Equal Opportunity Officer or the ODJFS Bureau of Civil Rights.

I hereby acknowledge that I have received this summary of rights and the recipient's equal

opportunity/nondiscrimination policy statement.

Name	SS#
Signature	Program/Activity
Relationship to Program (Applicant, Participant, Registrant, Other)	Signature of EO Officer or Designee