

Workforce Connections General Policies Equal Opportunity Standards and Complaint Processing	<h1>GEN-050-01</h1>
	Revision No. 6 Effective 03-30-2021
Policy Approved By: WC Executive Director Policy Adopted on: March 2015	

Purpose

To communicate established requirements and to ensure that all Workforce Innovation and Opportunity Act (WIOA) Title I funded programs, services, and activities will be conducted in compliance with applicable Equal Opportunity and Nondiscrimination provisions under Title I of WIOA.

Background

Section 188 of WIOA provides that for the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded or otherwise financially assisted in whole or in part under WIOA are considered to be programs and activities receiving Federal financial assistance.

No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any WIOA financially assisted program or activity, because of race, color, religion, sex (except as otherwise permitted under Title IX of the Education Amendments of 1972), national origin, age, disability, or political affiliation or belief. Participation in programs and activities or receiving funds under Title I of WIOA shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.

Policy

It is the policy of Workforce Connections to ensure nondiscrimination and equal opportunity in the administration and operation of all programs, services, and activities funded in whole or in part by WIOA Title I funds. Any individual who believes he or she has been discriminated against has the right to file a complaint in accordance with the procedures set forth herein.

References

29 U.S.C § 3248 (a); Public Law (P.L.) 113-128 WIOA Sec. 181 (c)(1); Sec. 188; 29 CFR Part 38; 20 CFR Part 667.600, 20 CFR Part 683.285, 20 CFR Part 683.600; TEN 01-15, TEN 24-18; TEGL 10-14, TEGL 11-14, TEGL 37-14; State Compliance Policies (SCPs) 4.1 – 4.5.

Applicability - All recipients, sub-recipients, training providers, or any other organization providing services or activities funded in whole or in part under Title I of WIOA.

Workforce Connections Policy GEN-050-01	WC General Policies
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I. General Provisions for Communication and Dissemination of Nondiscrimination and Equal Opportunity Notice.

- A.** Consistent with 29 CFR §38.38 recipients/sub-recipients must indicate that WIOA Title I financially assisted 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”, in recruitment brochures and other materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or paper, to staff, clients, or the public at large, to describe programs financially assisted under Title I of WIOA or the requirements for participation by recipients and participants. Where such materials indicate that the recipient/sub-recipient may be reached by telephone, the materials must state the telephone number of the TDD/TYY or relay services used by the recipient, as required by 29 CFR §38.15 (b).
- B.** Also, all recipients, sub-recipients, training providers or any other organization providing services or activities funded in whole or in part by Title I of WIOA that publish or broadcast information in the news media must ensure that such publications and broadcasts state that the WIOA Title I financially assisted program, service or activity in question is an equal opportunity employer/program (or otherwise indicate that discrimination in the WIOA Title I financially assisted program, service or activity is prohibited by Federal law), and indicate that auxiliary aids and services are available upon request to individuals with disabilities.
- C.** All recipients, sub-recipients, training providers or any other organization providing services or activities funded in whole or in part by Title I of WIOA must not communicate any information that suggest, by text or illustration, that the recipient, sub-recipient, training provider or any other organization treats beneficiaries, registrants, applicants, participants, employees or applicants for employment differently on any prohibited basis specified in 29 CFR Part 38.5, except as such treatment is otherwise permitted under Federal law or associated regulation.
- D.** All recipients, sub-recipients, training providers or any other organization providing services or activities funded in whole or in part by Title I of WIOA must provide initial and continuing notice that they do not discriminate, on any prohibited ground to registrants; applicants; eligible applicants; applicants for employment and employees; program participants; and members of the public in general, including those with impaired vision or hearing and those with limited English proficiency.
- E.** All recipients, sub-recipients, training providers or any other organization providing services or activities funded in whole or in part by Title I of WIOA must take reasonable steps to provide services and information to individuals who do not speak English. This information must include the initial and continuing notice as previously addressed Item I (A) and must take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others.
- F.** Poster “Equal Opportunity is The Law” – This poster will be provided by Workforce Connections and must be prominently displayed, in reasonable numbers and places, in available and conspicuous physical locations and on the recipient, sub-recipient or training providers’ web site pages in English and Spanish, as appropriate. Alternate formats should also be provided for the visually impaired and other non-English speaking populations, as applicable or appropriate.

G. Communication of Notice During Orientations, 29 CFR Part 38.39.

During each presentation to orient new participants, new employees, and/or the public in general to its WIOA Title I financially assisted programs or activities, the recipient, sub-recipient, or training provider must include a discussion of rights and responsibilities under the nondiscrimination and equal opportunity provisions of WIOA and 29 CFR Part 38, including the right to file a complaint for discrimination. This information must be communicated in appropriate languages and in formats accessible for individuals with disabilities as required and appropriate.

H. Notice of “Equal Opportunity is the Law” –must be provided to new participants, new employees for signatures at the time of registration in the WIOA Title I financially assisted program, activity, or training. A copy of the properly signed and dated notice must be included in the registration package and the program participant’s file. Also, a copy must be given to the program participant or trainee. The notice must be made available in English and Spanish. Alternate formats for other languages and the visually impaired shall be provided by the recipient, sub-recipients, or training providers, whenever appropriate. Whenever an alternate format has been used for the visually impaired, a comment shall be included in the individual’s electronic or paper file documenting how and when she/he was informed of this notice.

I. Initial Notice of “Equal Opportunity is the Law” and continuing notice of nondiscriminatory practices and the right to file a complaint must be:

1. Posted in a public location and be made available to any interested parties and members of the public,
2. Disseminated in internal memoranda and other written or electronic communications,
3. Included in handbooks and manuals, brochures, broadcasts, and other communications,
4. Included in each program participant’s file. The program participant must sign acknowledgement of receipt. Where the participant’s file is maintained electronically, a record of such notice shall be documented in the participant’s file, and
5. The notice shall be provided in appropriate formats to individuals with visual impairments.

II. Affirmative Outreach

A. All recipients, sub-recipients, training providers or any other organization providing services or activities funded in whole or in part by Title I of WIOA must take appropriate steps to ensure that they are providing equal access to their WIOA Title I financially assisted programs, services, or activities.

B. These steps should involve reasonable efforts to include members of the various groups protected by these regulations including but not limited to persons of different sexes, various racial and ethnic/national origin groups, various religions, individuals with limited English proficiency, individuals with disabilities, and individuals in different age groups. Such efforts may include, but are not limited to:

1. Advertising the recipient's programs and/or activities in media, such as newspapers or radio programs, that specifically target various populations,

2. Sending notices about openings in the recipient's programs and/or activities to schools or community service groups that serve various populations, and
3. Consulting with appropriate community service groups about ways in which the recipient may improve its outreach and service to various populations.

III. General Prohibitions on Discrimination

A. No individual in the United States may, 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 or participation in any WIOA Title I financially assisted program or activity, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any WIOA Title I financially assisted program, training, or activity.

B. Effect on Other Laws and Policies

The obligation to comply with the nondiscrimination and equal opportunity provisions of WIOA Title I or 29 CFR Part 38 are not excused or reduced by any State or local law or other requirement that, on a prohibited basis, prohibits or limits an individual's eligibility to receive aid, benefit, service, or training, to participate in any WIOA Title I financially assisted program, training, or activity, to be employed by any recipient, or to practice any occupation or profession.

C. The obligation to comply with the nondiscrimination and equal opportunity provisions of WIOA Title I financially assisted program or activity and 29 CFR Part 38 is not excused or reduced by any rule or regulation of any private organization, club, league, or association that, on a prohibited basis, prohibits or limits an individual's eligibility to participate in any WIOA financially assisted program, training or activity to which Part 38 of the 29 CFR applies.

D. A recipient must not exclude any individual from, or restrict any individual's participation in, any program or activity based on the recipient's belief or concern that the individual will encounter limited future employment opportunities because of the individual's race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship status, or participation in a WIOA Title I financially assisted program, training, or activity.

E. A Grant Applicant's Obligation to Provide a Written Assurance

Each application for financial assistance under Title I of WIOA, as defined in 29 CFR Part 38.4, must include the following assurance:

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 will comply with the nondiscrimination and equal opportunity provisions of the following laws and will remain in compliance for the duration of the award of the Federal financial assistance:

1. Section 188 of 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, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I financially assisted program, training or activity,

2. Title VI of the Civil Rights act of 1964, as amended, which prohibits discrimination on the basis of race, color and national origin,
 3. Section 504 of the rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities,
 4. The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age, and
 5. Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.
- F.** 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, training or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I financially assisted program, training or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.
- G.** 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, 29 CFR Subpart B §38.25 (a)(2).

IV. Accessibility Requirements

A. Physical accessibility

1. No qualified individual with a disability may be excluded from participation in, or be denied the benefits of a recipient's service, program, training, or activity or be subjected to discrimination by any recipient because a recipient's facilities are inaccessible or unusable by individuals with disabilities. Recipients that are subject to Title II of the ADA must also ensure that new facilities or alterations of facilities that began construction after January 26, 1992, comply with the applicable federal accessible design standards, such as the ADA Standards for Accessible Design (1991 or 2010) or the Uniform Federal Accessibility Standards.
2. In addition, recipients that receive federal financial assistance must meet their accessibility obligations under Section 504 of the Rehabilitation Act and the implementing regulations at 29 CFR part 32. Some recipients may be subject to additional accessibility requirements under other statutory authority, including Title III of the ADA, that is not enforced by Civic Rights Commission (CRC). As indicated in 29 CFR §38.3(d)(10), compliance with this part does not affect a recipient's obligation to comply with the applicable ADA Standards for Accessible Design.

B. Programmatic accessibility

All WIOA Title I financially assisted programs, training 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 to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the program, training or activity.

C. Reasonable Accommodations and Reasonable Modifications for Individuals with Disabilities

1. With regard to any aid, benefit, service, training, and employment, a recipient must provide reasonable accommodations to qualified individuals with disabilities who are applicants, registrants, eligible applicants/registrants, participants, employees, or applicants for employment, unless providing the accommodation would cause undue hardship. See the definitions of “reasonable accommodation” and “undue hardship” in 29 CFR Part 38.4.
 - a) In those circumstances where a recipient believes that the proposed accommodation would cause undue hardship, the recipient has the burden of proving that the accommodation would result in such hardship.
 - b) The recipient must make the decision that the accommodation would cause such hardship only after considering all factors listed in the definition of “undue hardship” in 29 CFR Part §38.4. The decision must be accompanied by a written statement of the recipient’s reasons for reaching that conclusion. The recipient must provide a copy of the statement of reasons to the individual or individuals who requested the accommodation.
 - c) If a requested accommodation would result in undue hardship, the recipient must, after consultation with an individual with a disability (or individuals with disabilities), take any other action that would not result in such hardship, but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the aid, benefit, service, training, or employment provided by the recipient.
2. With regard to any aid, benefit, service, training, and employment, a recipient must also make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless making the modifications would fundamentally alter the nature of the service, program, or activity. See the definition of “fundamental alteration” in 29 CFR Part 38.4(z).
 - a) In those circumstances where a recipient believes that the proposed modification would fundamentally alter the program, activity, or service, the recipient has the burden of proving that the modification would result in such an alteration.
 - b) The recipient must make the decision that the modification would result in such an alteration only after considering all factors listed in the definition of “fundamental alteration” in §38.4(z). The decision must be accompanied by a written statement of the recipient's reasons for reaching that conclusion. The recipient must provide a copy of the statement of reasons to the individual or individuals who requested the modification.

c) If a modification would result in a fundamental alteration, the recipient must take any other action that would not result in such an alteration, but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the aid, benefits, services, training, or employment provided by the recipient.

D. Recipients of Federal financial assistance must take reasonable steps to ensure that individuals having limited English proficiency (LEP) receive the language assistance necessary to afford meaningful access to programs, services, and general information provided by the recipients. Program documents, when appropriate, will be published in languages other than English to convey program information to limited English speaking applicants, program participants, and members of the public interested in job training information and programs, as appropriate.

E. Fair employment practices shall be maintained in recruiting, hiring, transferring, promoting, training, and compensating all staff. These principles shall apply to layoffs and terminations.

F. All WIOA Title I programs, services, or activities shall be open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, lawfully admitted refugees and parolees.

V. Data Collection Responsibilities

A. Each recipient of federal financial assistance must collect such data and maintain such records, in accordance with established requirements and procedures for a period of no less than five (5) years, as it is found necessary to determine whether the recipient has complied or is complying with the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR Part 38. The system and format in which the records and data are kept must be designed to allow the CRC, the State or Workforce Connections to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with section 188 of WIOA and 29 CFR Part 38.

B. Such records must include, but are not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. Each recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, terminee, applicant for employment, and employee.

C. Beginning on January 3, 2019, each recipient must also record the limited English proficiency and preferred language of each applicant, registrant, participant, and terminee. Such information must be stored in a manner that ensures confidentiality and must be used only for the purposes of:

1. Recordkeeping and reporting,
2. Determining eligibility, where appropriate, for WIOA Title I financially assisted programs, training, or activities,
3. Determining the extent to which the recipient is operating its WIOA Title I financially assisted program or activity in a nondiscriminatory manner, and
4. Any other use as authorized by law or associated regulation.

- D.** Any medical or disability-related information obtained about a particular individual, including information that could lead to the disclosure of a disability, must be collected on separate forms. All such information, whether in hard copy, electronic, or both, must be maintained in one or more separate files, apart from any other information about the individual, and treated as confidential. Whether these files are electronic or hard copy, they must be locked or otherwise secured, e.g., through password protection.
- E.** Maintain, and submit to the State or CRC upon request, a log of complaints filed alleging discrimination on the grounds of race, color, religion, sex (including pregnancy, childbirth, or related medical conditions, transgender status, and gender identity), national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIOA Title I financially assisted program and/or activity. The log must include but shall not be limited to: a) name and address of the complainant; b) grounds for the complaint; c) description of the complaint; d) date complaint was filed; e) disposition and date of disposition of complaint; f) any other pertinent information.
- F. Confidentiality Responsibilities**
All records must be kept confidential to the extent possible, consistent with a fair determination of the issues, the identity of any individual who furnishes information relating to, or assist in, an investigation or a compliance review, including the identity of any individual who files a complaint.

VI. Intimidation and Retaliation Prohibited

- A.** A recipient must not discharge, intimidate, retaliate, threaten, coerce, or discriminate against any individual because the individual has:
 - 1. Filed a complaint alleging a violation of Section 188 of WIOA or 29 CFR Part 38,
 - 2. Opposed a practice prohibited by the nondiscrimination and equal opportunity provisions of WIOA or this part,
 - 3. Furnished information to, or assisted or participated in any manner in, an investigation, review, hearing, or any other activity related to any of the following:
 - a) Administration of the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR Part 38,
 - b) Exercise of authority under those provisions, or
 - c) Exercise of privilege secured by those provisions, or
 - 4. Otherwise exercised any rights and privileges under the nondiscrimination and equal opportunity provisions of WIOA or this part.
- B.** The sanctions and penalties contained in Section 188(b) of WIOA, or 29 CFR Part 38 may be imposed against any recipient that engages in any such retaliation or intimidation or fails to take appropriate steps to prevent such activity.
- C.** WIOA applicants, program participants, and staff shall be free to file a complaint and participate in hearings, alternative dispute resolution, investigations, or compliance reviews without threat of intimidation, coercion, or discrimination. There shall be no retaliation or reprisal against an individual who has opposed a practice prohibited by the Nondiscrimination and Equal Opportunity provisions of WIOA or an individual who has

otherwise exercised any rights and privileges under WIOA nondiscrimination and equal opportunities provisions.

VII. Coordination with Other Agencies

- A.** Whenever a compliance review or complaint investigation under this part reveals possible violation of one or more of the laws listed in paragraph (B) of this section, or of any other Federal civil rights law, that is not also a violation of the nondiscrimination and equal opportunity provisions of WIOA or this part, the Director must attempt to notify the appropriate agency and provide it with all relevant documents and information.
- B.** This section applies to the following:
1. Executive Order 11246, as amended,
 2. Section 503 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 793),
 3. The affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 U.S.C. 4212),
 4. The Equal Pay Act of 1963, as amended (29 U.S.C. 206d),
 5. Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e *et seq.*),
 6. The Age Discrimination in Employment Act of 1967, as amended (29 U.S.C. 621),
 7. The Americans with Disabilities Act of 1990, as amended (42 U.S.C. 12101 *et seq.*),
 8. The anti-discrimination provision of the Immigration and Nationality Act, as amended (8 U.S.C. 1324b), and
 9. Any other Federal civil rights law.

VIII. Complaint Filing

- A.** Any person or the person's representative who believes that any of the following circumstances exist may file a written complaint:
1. A person, or any specific class of individuals, has been or is being discriminated against 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, political affiliation or belief, citizenship status, or participation in any WIOA Title I financially assisted program or activity as prohibited by WIOA or 29 CFR Part 38,
 2. Either the person, or any specific class of individuals, has been or is being retaliated against as described in 29 CFR Part 38.19,
 3. A person or the person's representative may file a complaint with either the recipient, sub-recipient, or training provider's Equal Opportunity Officer (EOO) or designee, and
 4. Generally, a complaint must be filed within 180 days of the alleged discrimination or retaliation. However, for good cause shown, the EOO may extend the filing time.

B. Required Content of a Complaint

Each complaint must be filed in writing, submitted electronically. Also, must be properly signed/dated, and indicate with accuracy the following:

1. Name, address, contact information of the party filing the complaint,
2. Name, address, contact information of the individual or entity that the complainant alleges is responsible for the violation,
3. A detailed description of the complainant's allegations, i.e., the fact(s) including date(s) the alleged violation,
4. Any support documentation, considered to be needed or relevant, to validate the basis of the complaint.
5. In order to facilitate the expeditious processing of filed complaints Workforce Connections established a complaint form which can be accessed at:
[WC-Complaint-Form-Revised-03-18-2021-1.pdf \(nvworkforceconnections.org\)](#)
6. All complaints must be submitted electronically to equal-opp@snvwc.org
7. Verbal complaints will not be accepted.

C. In all cases, the description of fact(s) must include enough detail to allow the EOO to determine whether:

1. The provider of WIOA Title I Services or Workforce Connections, as applicable, has jurisdiction over the complaint,
2. The complaint was filed in accordance with the requirements set forth in this policy, and
3. The complaint has apparent merit, i.e., whether the allegations are true, actually indicate a violation or noncompliance with established requirements, policies and procedures, and the nondiscrimination and equal opportunity provisions of WIOA and its associated regulations.

D. Acknowledgement of a Complaint

1. Providers of WIOA Title I services or Workforce Connections, as appropriate, must provide written receipt or acknowledgment of the complaint to the complainant within five (5) business days. Consistent with SCP 4.4 Workforce Connections will forward to the State a copy of all filed complaints.
2. Please note that if a complaint is first filed with a provider of WIOA Title I services, the complainant must wait until either the provider of WIOA Title I services issues a written notice of final action or until 90 days has passed (whichever is sooner), before filing a complaint with Workforce Connections.
3. If, by the end of the 90-day period from the date on which the complainant filed a complaint with the provider of WIOA Title I services, no notice of final action is issued, the complainant may file a complaint with Workforce Connections within 30 days of the expiration of the 90-day period.

4. If notice of final action is issued by the provider of WIOA Title I services and the complainant is dissatisfied with the resolution or decision, the complainant may file a complaint with Workforce Connections within 30 days of receipt of notice of final action from the provider of WIOA Title I services.
5. Providers of WIOA Title I services must inform Workforce Connections immediately upon receipt of a formal complaint and shall, within 72 hours, submit to Workforce Connections a copy of such complaint to equal-opp@snvwc.org

E. Preliminary Review

Workforce Connections' EOO will ensure that:

1. Filed complaint is within the jurisdiction of Workforce Connections, as appropriate,
2. An initial determination is made on the validity or merit of filed complaint,
3. Filed complaint clearly demonstrates that an apparent violation of established nondiscrimination provisions has occurred,
4. Required complaint form is properly completed, and
5. After a careful assessment of the filed complaint, Workforce Connections will take necessary steps to resolve it, as applicable and appropriate.

F. In the event the provider of WIOA Title I services or Workforce Connections, as appropriate, determines that it does not have jurisdiction over the complaint, the complainant will be notified in writing within 10 business days of such determination. The written notice must include, at a minimum, the following:

1. A statement of the reason(s) for the determination; and
2. Notice that the complainant has the right to file a complaint with the State EOO in compliance with established State compliance policies, which can be found at [WIOA-StateCompliancePolices \(nv.gov\)](http://WIOA-StateCompliancePolices.nv.gov) Section 4, or with the CRC in any of the following ways:

State Office

Nevada Equal Rights
Commission (NERC)
1820 East Sahara Ave., Ste., 314
Las Vegas, NV 89104
Phone (702) 486-7161
www.nvdetr.org

Or

National Office

Director, Civic Rights Center
Attention: Office of External Enforcement
U.S. Department of Labor
200 Constitution Ave, NW Room N-4123
Washington, DC 20210
Faxed to: (202) 693-6505, Attention: Office of
External Enforcement (*limit of 15 pages*) Emailed to
CRCEternalComplaint@dol.gov

G. Workforce Connections' Informal Resolution Process

1. Following the determination to resolve a filed complaint, a meeting will be set between Workforce Connections' EOO and the claimant with the sole purpose of informally resolving a filed complaint,
2. The informal meeting shall be scheduled within 15 business days after the complaint is filed,

3. Workforce Connections' EOO shall, at its own discretion, determine the appropriate set of actions or remedies for the informal resolution of a filed complaint,
4. If, as a result of the informal meeting the parties agree that the complaint is meritorious of further action, Workforce Connections' EOO will take the necessary steps as applicable or appropriate to remedy the situation, including but not limited to, further investigating submitted allegations within the complaint, and
5. If, as a result of the informal meeting the parties agree that matters are resolved no further action shall be taken and the claimant shall withdraw its complaint.

H. Workforce Connections' Formal Process, in compliance with 29 CFR Part 38

1. If, as a result of the informal meeting, it is determined that filed allegations in fact present issues meritorious to be best resolved by holding a hearing, the EOO will then set a hearing within 30 business days after the informal meeting.
2. A written notice that sets the time, date, and location will be furnished to the claimant within 10 business days prior to the date of the hearing,
3. All hearings conducted under these procedures will be conducted by Workforce Connections' EOO which shall determine, but will not be limited to, the following:
 - a) Set the overall parameters of the hearing including, but not limited to, the imposition of reasonable time limits,
 - b) Regulate the course of the hearing,
 - c) Secure assistance from advisors,
 - d) Review the facts pertinent to the complaint,
 - e) Review and assess additional documentation related to the complaint,
 - f) Assess factual areas of agreement or disagreement,
 - g) Provide full opportunity for the presentation of testimony and evidence,
 - h) Decide on any additional or alternative way to resolve the complaint,
 - i) Interview any witness named in the complaint regarding the factual allegations allegedly surrounding the witness,
 - j) Review the applicable laws, regulations, policies, or procedures which were allegedly violated as cited in the complaint, and
 - k) Recommend further investigation as necessary or appropriate.

I. Resolution Time Frame

1. To the maximum extent practicable, Workforce Connections shall provide for the expeditious resolution of grievance/complaint under this process. The claimant shall allow 90 days for the EOO to conduct further investigation.
2. At the end of the investigation Workforce Connections will issue a written decision to the complainant; however, the time for conclusion/decision may be extended by Workforce Connections as appropriate or necessary.
3. The decision of Workforce Connections shall be considered final with no provision for reconsideration with respect to this matter.

IX. Appeal to the State

- A. After the complainant has exhausted all the administrative remedies outlined in this process, the complainant may submit its appeal to the State in compliance with SCPs which can be found by accessing the State website at [WIOA-StateCompliancePolicies \(nv.gov\)](http://WIOA-StateCompliancePolicies.nv.gov).
- B. Workforce Connections shall follow the applicable Nevada State complaint policies and procedures for non-criminal and/or non-EEO complaint filed with Workforce Connections.
- C. Further guidance related to WIOA Title I programs and services, and the Nevada State compliance policies may be found at [WIOA-StateCompliancePolicies \(nv.gov\)](http://WIOA-StateCompliancePolicies.nv.gov). Section 4: Equal Opportunity/Grievance.

X. Effect on Other Obligations

Compliance with nondiscrimination provisions of WIOA, 29 CFR Part 38, State and Workforce Connections' Policies does not affect, in any way, any additional obligations that the recipient, sub-recipient, or training provider may have to comply with applicable Federal laws and their implementing regulations, such as the following:

- Executive Order 11246, as amended,
- Executive Order 13160,
- Sections 503 and 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 793 and 794)
- The affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 U.S.C. 4212),
- The Equal Pay Act of 1963, as amended (29 U.S.C. 206d),
- Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e *et seq.*),
- The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101),
- The Age Discrimination in Employment Act of 1967, as amended (29 U.S.C. 621),
- Title IX of the Education Amendments of 1972, as amended (Title IX) (20 U.S.C. 1681),
- The Americans with Disabilities Act of 1990, as amended (42 U.S.C. 12101 *et seq.*), and
- The anti-discrimination provision of the Immigration and Nationality Act, as amended (8 U.S.C. 1324b).