**Equal Opportunity and Discrimination Complaint Policy and Procedure**

**Background**

In compliance with the Workforce Innovation and Opportunity Act (WIOA) of 2014, the Pennsylvania Department of Human Services Employment Advancement and Retention Network (EARN) Program contract and all other federal or state contracts passed through the Workforce Board Lehigh Valley (WBLV) and has implemented this Equal Opportunity Complaint Policy and procedure.

**Non-Discrimination**

In accordance with WIOA Sec. 188, it is unlawful for any WIOA recipient to be discriminated against. WBLV requires non-discrimination at all times for all WIOA funded programs, Department of Human Services funded programs and all other programs administrated by WBLV, including delivery of all Services funded programs and all other programs administered by WBLV, including delivery of all services through the PA CareerLink® system. Equal opportunity will be afforded to all, and discrimination based on one or more of the following is expressly prohibited:

.Race .Disability, including impaired vision or hearing

.Color .Political affiliation of belief

.Religion .Gender Identity

.Sex .Gender expression

.National origin .Sexual orientation

.Age .Citizenship/lawful residency/work status

.Program participation eligibility/status

**Notice of Non-Discrimination**

Notice of non-discrimination will continually be given to:

* Applicants/registrants
* Eligible applicants/registrants
* Participants
* Applicants for employment
* Employees
* Unions or professional organizations holding collective bargaining or professional agreements with WBLV
* Sub-recipients of WIOA Title I Funds
* Members of the public, including those with impaired vision or hearing

**WIOA Recipient**

For purposes of WIOA, the term “recipient” is defined to include the following:

* State level agencies that administer, or are financed in whole or in part with WIOA Title I funds;
* State Employment Security Agencies
* State and Local Workforce Development Boards
* WBLV Grant Recipients
* PA CareerLink® Operator
* Service providers, including eligible training providers
* On-the-job training (OJT) employers
* Job Corps contractors, center operators, and national training contractors
* Outreach and admissions agencies, including Job Corps contractors that perform these functions
* Placement agencies, including Job Corps contractors that perform these functions
* PA CareerLink® partners, to the extent they participate in the PA CareerLink® system

# Equal Access

Physical access and program access will both be assured.

Physical Access is the act or opportunity of approaching or entering a physical space or area, including a site building, or facility, or parts thereof.

Program Access is the act or opportunity of participating in and benefiting from programs and Services.

Physical access and program access are not mutually exclusive. For instance, special devices and auxiliary aids, as well as other forms of assistive technology, might reasonably fit under either definition. Physical access generally refers to both the physical space, and the physical equipment necessary for an individual to approach or enter the physical space, in which the program or service activity is available. Examples of building elements that can have physical access issues include areas from the point of arrival through the interior of the facility, and encompass parking, passenger drop-off and loading zones, exterior routes of travel, entrances and exits, walks and sidewalks, curb ramps, ramps, stairs, elevators, access lifts, doors and gates, access to and through rooms and spaces, restrooms, signs, alarms, and equipment such as computer desks or tables or the placement of chairs.

Program access generally refers to ways in which information, programs and services are presented and delivered, allowing individuals to interact with and fully benefit from them. Printed information, computer systems and programs, telephone devices for persons with hearing impairments, and the oral delivery of instructions or information are all program access items.

# Equal Opportunity Statements

Materials made available to the public, including all newspaper advertisements, e-mail, correspondence, and brochures originating from a PA CareerLink® must contain the following language:

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

# Equal Opportunity Liaison

Each PA CareerLink® site has designated an individual to act as the Equal Opportunity (EO) Liaison.

Site Locations:

**David Dopkin**

**Employment & Training Centers Supervisor**

Phone: (610) 841-1022

Email: ddopkin@pa.gov

**Allentown Employment & Training Center**

718 Hamilton Street

Allentown, PA 18101

Phone: 610-799-1205

**PA CareerLink® Lehigh Valley at
St. Luke’s Sacred Heart**

325 North 5th Street

Allentown, PA 18102
Phone: 610-440-4430

Their duties are as follows:

* Ensure EO/ADA literature and equipment is current.
* Distribute any and all required posters and documentation regarding Equal Opportunity provisions.
* Be in possession of and understand the most current Central Pennsylvania Workforce Development Corporation (CPWDC) Equal Opportunity Policy, and CPWDC Discrimination Complaint policy and Procedure.
* Act as “the reader” for customers requiring assistance-reading materials. This is to ensure that all customers are afforded the same opportunity to receive information, regardless of sight ability, as others who have the ability to see (and read) the brochures, pamphlets, etc. In the state plan the federal government has been assured that this service is readily available as it is considered to be an “auxiliary service”, which falls under the tagline of “Auxiliary aids and services are available upon request”.
* Furnish complaint forms to PA CareerLink® staff members and others upon request.

Maintain a site complaint log to submit to the local WDA EO Officer on a quarterly basis; the EO Officer will then forward them to the Office of Equal Opportunity (OEO) at the Department of Labor and Industry in Harrisburg.

**Discrimination Complaints**

The LV Discrimination Complaint policy and procedure must be provided to all participants.

## Who May File A Discrimination Complaint

Complaints can be brought by a participant, an employee, an applicant for employment, PA CareerLink® partner, a service provider, a contractor, the PA CareerLink® Operator, a participating Employer (such as an on-the-job training (OJT) employer), eligible training providers, and any other interested party affected by the Local Workforce Development system.

## Reason(s) A Discrimination Complaint can be Filed

Anyone who believes that they have been discriminated against on the basis of their race, color, religion, sex, national origin, age, political affiliation or belief, disability including impaired vision or hearing, gender identity, gender expression, sexual orientation, citizenship/lawful residency/work status, program participation eligibility/status may file a complaint of discrimination.

Please note complaints or grievances regarding how services are delivered, rather than complaints related to discrimination based on who you are, should be submitted in accordance with the CPWDC Program Complaint Policy and Procedure.

## Confidentiality

The identity of any person who has given information relating to or assisting in an investigation of a possible complaint shall be kept confidential to the extent that a fair determination of the Issue(s) can be made. In the event such information is required to be submitted under order of a local, state or federal entity, such information may be disclosed.

## Complaint Timeline

Complaints must be filed within 180-daysfrom the date of the alleged occurrence of discrimination. Complaints filed after the 180-day time period will be forwarded to the OEO, Office of Equal Opportunity for the Department of Labor and Industry for the Commonwealth of PA and/or Civil Rights Center (CRC), US Department of Labor, at the instruction of the Complainant. The Director of OEO or CRC, for good cause shown, may extend the filing time beyond 180-days.

## Individual Choice

Individuals, specific classes of individuals, or authorized representatives have a choice between initially ringing their complaints/allegations of discrimination about WIOA programs or services to the following:

* + WBLV Equal Opportunity Officer (Local EO Officer)
	+ Office of Equal Opportunity in Harrisburg (OEO)
	+ Civil Rights Center in Washington, D.C. (CRC)

Detail regarding submittal of a complaint is provided in the Discrimination Complaint ` Proceduressection below. Note that Commonwealth employees may co-file with multiple other agencies as well depending on the situation including the following: Pennsylvania Human Resources Commission, Civil Service Commission, and/or US Equal Opportunity Commission, EEOC, but please note that other deadline dates may apply to other agencies. Additionally, everyone is able to file to the PHRC or the US EEOC. Only those who are Commonwealth employees or applicants for Commonwealth positions can file to the Civil Service Commission or the CWOPA Office of Administration.

## Prohibition on Retaliation/Reprisal

WBLV prohibits retaliation or reprisal against an individual who:

* + Has filed a complaint.
	+ Opposed a practice prohibited by the nondiscrimination and EO Provisions of WIOA.
	+ Furnished information to, or assisted or participated in any manner in, an investigation, review, hearing, or any other activity related to the administration of the WIOA nondiscrimination and EO provisions.
	+ Otherwise exercised any rights and privileges under the WIOA nondiscrimination and EO provisions.

# Discrimination Complaint Procedures

All discrimination complaints must be filed wihin 180-days of the alleged issue to the EO Officer. All complaints must describe the alleged violation and the complaints requested equitable relief (resolution).

**Step #1**

Write a complaint by obtaining a complaint form or by writing a letter without the complaint form according to A-B below.

## Obtain a complaint form and fill it out completely.

The federal complaint form DL 1-2014A may be used for filing allegations of discrimination at the local, state and federal levels. Forms can be obtained by requesting one from any of the following:

* Equal Opportunity Liaison at the PA CareerLink®
* Ask any staff member at the PA CareerLink® to speak with the EO Liaison, or
* Mail a request for a form to the address of the PA CareerLink® site in which services are provided or where services were requested (see back page for a listing of PA CareerLink® offices and addresses). The letter must be sent to the attention of the EO Liaison as follows:

**Attention: EO Liaison**. Local EO Officer (contact information is provided in Step #2.) Office of Equal Opportunity (OEO) (contact information is provided in Step. #2.)

* Civil Rights Center (CRC) contact information is provided in Step. #2.

## B. Write a complaint in a letter without a complaint form.

Complaints/allegations do not have to be submitted on prescribed complaint forms in order for them to be considered valid complaints or allegations. All complaints filed by the complainant (person reporting the alleged discrimination) or his/her authorized representative must be filed in writing and must contain the following:

* + Complainant’s name and address (and authorized representative’s name and address if applicable)
	+ Identify the respondent (the individual or entity that the complainant alleges is responsible for the discrimination)
	+ The date(s) alleged incident(s) of discrimination occurred
	+ A description of the complainant’s allegations with enough detail to allow a determination by the Office of Equal Opportunity (OEO) or Civil Rights Center (CRC) or recipient to decide who has jurisdiction over the complaint, whether or not the complaint was filed on time and merit of the complaint (whether the complainants allegations, if true, would violate any of the nondiscrimination and equal opportunity provisions), and the requested equitable relief (resolution).
	+ Complainant’s signature or the signature of the complainant’s authorized representative.

**Step #2**

## Submit the complaint

Individuals, specific classes of individuals, or authorized representatives have a choice between initially bringing their complaints/allegations of discrimination about program or services to any of the following: the Local Equal Opportunity Officer, the Office of Equal Opportunity, or the Civil Rights Center as detailed in A-C below.

## A. Local Opportunity (EO) Officer

Complaints may be mailed, emailed, or faxed as follows:

MAIL: Workforce Board Lehigh Valley

555 Union Blvd.

Allentown, PA 18109

Email EqualOpportunity@careerlinklv.org

FAX: 610-437-3527

**Local Area Procedures**

Upon notification of a discrimination complaint, the Workforce Board Lehigh Valley EO Officer will immediately report it to the Office of Equal Opportunity in the Department of Labor & Industry in Harrisburg (OEO). The Local EO Officer will acknowledge the complaint and inform the complaint or authorized representative of their right to file and have it investigated at the local, state or federal level and to be represented in the complaint process, including via Mediation/Dispute Resolution (ADR).

If the individual chooses to proceed with the Workforce Board Lehigh Valley the EO Officer will determine if they have jurisdiction over the complaint/allegation filed, and within ten (10) days of receipt, the EO Officer will send an acknowledgement of receipt of the letter to the complainant and advise him/her of the following:

(1) Their right to be represented in the complaint process;

(2) A list of the issues raised in the complaint;

(3) A statement of whether the issue will be accepted for investigation or rejected by the
 EO Officer; if rejected, the reason for the rejection; and

(4) The right to seek resolution through the Mediation/Alternate Dispute Resolution (ADR)
 process.

NOTE: If the complainant elects resolution through ADR, the complaint will be forwarded to a Mediator.

The Respondent will be notified that a complaint alleging discrimination has been filed and is being processed. He/she will also be advised if the complainant elects mediation as the means of resolution.

Otherwise, the Equal Opportunity Officer/Investigator will meet with the complainant and/or his/her authorized representative and the respondent, within 15-days from the date of receipt of the written allegations, to initiate a fact finding or investigation of the circumstances underlying the allegations, and attempt to informally resolve the issue(s). If the complaint is resolved informally, the resolution will be documented and maintained in the EO Officer files.

If the Complainant is dissatisfied with the attempted informal resolution or prefers to have a formal investigation, an investigator will be assigned to the case. The investigator will interview the complainant, respondent and witnesses for both parties as identified by the parties.

At the conclusion of the investigation, a Notice of Final Determination will be issued. The Notice of Final Determination will be strictly based on the evidence obtained during the investigation. The notice will be issued within 90-days of filing the complaint. The written notice will include, for each issue raised, a decision on the issues(s) an explanation of the reasons underlying the decision, or a description of the way the parties resolved the issue(s) and notification of recourse.

If by the end of the 90-days, the EO Officer has not completed processing the complaint or fails to issue a notice of Final Determination, the complainant may file with the Office of Equal Opportunity, Department of Labor and Industry, or the Director, Civil Right Center (CRC).

If the Notice of Final Determination is issued during the 90-day period and the Complainant is dissatisfied with the decision, the complainant is advised of his/her right to file a complaint with the OEO or the CRC within 30-days of the date on which the complainant received the Notice of Final Determination.

Workforce Board Lehigh Valley Non-Acceptance of Complaint.

If a complaint is not within the jurisdiction of the Workforce Board Lehigh Valley, is not timely filed, or does not have apparent merit, the complainant will be immediately notified in writing stating the reason for the lack of jurisdiction, i.e.

* The basis for the complaint is not covered by the prohibition set forth by 20 CFR part37;
* The complaint was not filed within the prescribed 180-day time-frame or;
* The complaint is against an entity that is not a recipient of WIA/WIOA Title 1 financial assistance as defined by 29 CFR Part 38.

All complaints filed at the local level must be documented on the WIOA/SESA local complaint log that is submitted to the State Equal Opportunity Office on a quarterly basis.

**B. OFFICE OF Equal Opportunity (OEO)**

 (OEO in Harrisburg)

Complaints may be mailed, emailed or faxed as follows:

Mail: Director

PA Department of Labor & Industry Office of Equal Opportunity

651 Boas Street, Room 1402

Harrisburg, PA 17121-0750

Email: jkayer@pa.gov or RA-LI-fed-Comp-Acct@pa.gov

Fax: 717-772-2321

In addition, the complainant may ask the Local EO Officer to submit the completed complaint to OEO on their behalf. The process for the OEO will be provided at the time of the filing of the complaint. It can also be found on the internet at <https://www.dli.pa.gov/about-dli/EO/Documents/WIOA%20NDP%202020.pdf> Section 8.

**C. Civil Right Center**

 Complaints can be submitted as follows:

 Sent by postal mail to:

 Director
 Civil Right 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 CRCExternalComplaint@dol.gov

The complaint has the right to be represented in the complaint process by an attorney or other representative. Written notice from the complaint must be provided to CRC, identifying the representative.