

Regional Program Standards

Focus: ☒ WorkSource Centers ☒ Youth Program Services ☒ Economic Opportunity Program
☒ Other: All Discretionary Grants

Topic: Non-Discrimination and Grievance – Complaints Related to Discrimination

Date: January 1, 2025

☐ New

☒ Revised

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WorkSource Portland Metro and its partners are dedicated to a policy of nondiscrimination in the administration of programs and the provision of services. In the operation of any program, no person shall be discriminated against or denied benefits as a participant, administrator or staff person by WorkSource Center staff, partners, or Workforce Innovation and Opportunity Act Title IB (WIOA) or other Federal or discretionary grant subrecipients based on age, disability, sex (including gender, sexual orientation, and gender identity), race/ethnicity, national origin, citizenship or status as a lawfully admitted immigrant authorized to work in the United States, political affiliation or religious belief.

Appropriate efforts shall be made by Worksystems for outreach to Training, placement, and advancement of disabled individuals in employment and training programs. Auxiliary aids and services must be made available upon request to persons with disabilities.

If a customer or program administrator or staff person of the Portland Metro Workforce Development system believes they have been denied services or discriminated against due to any of the above reasons, they have a right to file a Grievance as noted below in these Regional Program Standards. Rights and grievance-filing procedures will be made available at orientation, registration or enrollment for customers and upon employment for staff.

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Overview

Workforce Innovation and Opportunity Act (WIOA), Economic Opportunity and discretionary grant funded services are subject to Equal Opportunity (EO) rules and regulations. Services must be available to eligible participants without regard to status in a protected class – age, disability, sex (including gender, sexual orientation, and gender identity), race/ethnicity, national origin, political affiliation or religious belief.

These Regional Program Standards implement the WorkSource Portland Metro local area Nondiscrimination and Grievance Policy as it relates to complaints concerning discrimination. The procedures and related forms will be used by all Worksystems' subrecipients when processing complaints.

Customer Notification

The *Equal Opportunity is the Law Grievance and Disclosure* notice with the contact information for the subrecipients' Equal Opportunity Coordinator (EOC) contact information is to be provided to each applicant at the time of initial eligibility determination. Reasonable efforts should be made to assure that the information and complaint procedures are understood by applicants. These efforts must comply with the language requirements of 29 CFR 37.35 regarding the provision of services and information in languages other than English therefore, the notice is available in six languages. The applicant's signature (and parent signature for participants under age 18) on the Application for program services acknowledges receipt and understanding of the notice. No copies of the forms need to be maintained in the applicant file.

Additionally, a version of the notice which includes the contact information for the Worksystems' Regional EOC is to be posted in the public area of the organization where all customers can easily access it.

An EO statement must be present on printed materials given publicly and/or to applicants and participants. The EO tagline to be used: In accordance with Federal Law providers are prohibited from discriminating on the basis of race/ethnicity, national origin, sex (including gender identity and sexual orientation), age, religious belief, political affiliation, or disability. Providers are an equal opportunity program/employer. Auxiliary aids are available upon request to individuals with disabilities. TTY 1-800-735-2900. To place a free relay call in Oregon, dial 711.

Regional EOC

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503-478-7300



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Subrecipient EOC Designation

All subrecipients will designate an EOC who is in a management level position; the designation will be submitted each program year to the Worksystems Contract Manager and the Worksystems' Regional EOC. The designation should be updated as appropriate (for example if staff changes impact the designation).

Responsibilities

At the local service delivery level, the subrecipient EOC manages the informal complaint resolution process. Complaints that are not resolved through the informal resolution process and are submitted in writing are managed by the Regional EOC in coordination with the State Equal Opportunity Officer (EOO). Any complaint related to the application process for inclusion on the Eligible Training Provider List will be the responsibility of the Regional EOC.

When a complaint is filed against a co-located partner in a WorkSource Center, the Regional EOC will notify the co-located partner that a complaint has been received and the basis for the complaint without revealing confidential information. The Regional EOC will also notify the State EOO and Worksystems Executive Director.

Who May File Complaints and When

Complaints may be filed by an applicant for or participant receiving aid, benefits, services or Training; employees; applicants for employment; and eligible subrecipients. All complaints must be filed within 180 calendar days of the alleged incident. Generally, there are three types of complaints:

- Individuals filing on their own behalf
- Individuals or a group filing on a class basis
- A third-party complaint authorized by the complainant in writing

Complaint Process

Informal Resolution

Ideally complaints and issues will be resolved at the local level where they are received. Immediately upon notification that someone wishes to lodge a complaint, the staff member will involve the subrecipient EOC (or Program Manager if the EOC is not available). The subrecipient EOC should personally meet with the complainant in an area of the organization that provides confidentiality. At this meeting, the subrecipient EOC should conduct a preliminary interview to determine the basis of the complaint, a description of the incident or allegation, and the circumstances under which the incident occurred (including identifying program or organization staff who may have been involved).

The subrecipient EO should use this, and any further meetings with the participant, to determine if the issue may be the result of miscommunication or misunderstanding and may not involve discriminatory acts and negotiate a resolution. Every attempt will be made to resolve the complaint or issue at the local level.



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This informal resolution cannot take more than 60 calendar days of the filing of the grievance or complaint. If a resolution is not reached within 60 days, or either party is dissatisfied with the informal resolution decision either party may appeal to the State of Oregon Higher Education Coordinating Commission Office of Workforce Investments (OWI). Complaints and appeals must be submitted directly to OWI via physical letter. Letters should be sent to:

Workforce Programs Director
Office of Workforce Investments
3225 25th Street SE Salem, OR 97302

All complaints must include:

- A description of the nature of the complaint, including all relevant details (location, date, etc.).
- A description of any prior efforts to resolve the complaint.
- A return mailing address.

OWI will issue resolutions within 60 days of receipt of complaint. If OWI does not render a decision within 60 days, or if any party to the decision wishes to appeal the state-level decision, appeals will be directed to the Secretary of Labor, U.S. Department of Labor.

Formal Resolution

If the informal resolution process does not address the issues of the complainant, the subrecipient EOC will assist them in filing a written complaint. All complaints must be submitted in writing. The complaint should be submitted on the Workforce Innovation & Opportunity Act Complaint Form (Worksystems Grievance 1a-2018), or should contain the following information:

- The complainant's name and address (or another means of contacting the complainant).
- The identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination).
- A description of the complainant's allegations. This description must include enough detail to allow the Regional EOC to decide whether:
 - There is jurisdiction over the complaint.
 - The complaint was filed in time.
 - The complaint has apparent merit (in other words, whether the complainant's allegations, if true, would violate any of the nondiscrimination and equal opportunity provisions of WIOA).

The information the subrecipient EOC collected during the informal resolution process should be used to inform the completion of this requirement.

- The complainant's signature or the signature of the complainant's authorized representative.

The subrecipient EOC must log the complaint on the Center or locations Discrimination Complaint Log and forward the complaint to the Regional EOC within one day of receipt. The Regional EOC will forward a copy to the State EOC.



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Jurisdiction

Upon receipt of the written complaint, the Regional EOC will review it for jurisdiction with assistance, if appropriate, from the State EOO. Any complaint alleging discrimination must meet the following criteria to be considered under these Regional Program Standards:

- The individual making the complaint believes that they, or any class of individuals, has been subjected to discrimination on a basis prohibited by the WIOA.
- The individual or entity against which the complaint is filed receives financial assistance under WIOA or other Federal or discretionary grants overseen by the Local Workforce Development Board.
- The written complaint is filed within 180 calendar days of the alleged discriminatory act. If received later than 180 days from when the discriminatory action took place, the complaint may be closed as being untimely.
- The complaint is filed in writing, is signed by the complainant or their authorized representative, contains the complainant's name and address (or gives other specific means of contact), identifies the respondent, and describes the complainant's allegations in sufficient detail to allow the Regional EOC to determine if the complaint has merit.

If there is no jurisdiction, or multiple jurisdictions, the Regional EOC will notify the complainant immediately in writing of the reason(s) why this determination was made, and note the complainant has the right to file a complaint with the US Department of Labor Civil Rights Center within 30 calendar days of the date on which the complainant receives the notice.

Director, Civil Rights Center
US Department of Labor
Room N4123
200 Constitution Avenue NW
Washington, DC 20210

If the complaint does not involve a program that falls under a WIOA, Federal or discretionary grant-funded program or falls outside the scope of the Methods of Administration guidelines, the Regional EOC/State EOO will assist the complainant in forwarding the complaint to the most appropriate agency for resolution. The agency assigned jurisdiction will process the complaint through its appropriate complaint policies and procedures.

Complaint Acknowledgement

When the complaint falls within the scope of the Methods of Administration or is alleged against the subrecipient, the Regional EOC will send a written notice to the complainant that includes:

- An acknowledgment that the complaint has been received.
- Notice that the complainant has the right to be represented in the complaint process.
- Information about alternative dispute resolution options.
- A complaint process timeline, including that an Initial Notice will be provided within 20 calendar days and a written Notice of Final Action is due 90 calendar days after the complaint is filed.
- Information as to the option of direct filing with US Department of Labor Civil Rights Center.

The State EOO may assist, if appropriate, in developing this written notice.



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Alternative Dispute Resolution

The first choice for formal complaint resolution is Alternative Dispute Resolution (ADR). The complainant must be offered ADR options immediately upon receipt of the written complaint. The choice of whether to use ADR rests with the complainant; the preferred form of ADR is mediation. The Oregon Dispute Resolution Commission operates a clearinghouse to point disputants toward ADR resources. The ODRC website can be found at:

<http://www.odrc.state.or.us/mediators.php>

Mediation is a voluntary process during which a neutral third party assists both parties (complainant and respondent) in communicating their concerns and come to an agreement about how to resolve a dispute. The mediator does not make decisions, rule as to who is right or wrong, take sides or advocate for one side or the other. The role of the mediator is to help with communication, so the parties can reach an understanding about how to best resolve their differences. As the law allows, mediation proceedings and the information shared are confidential and no information divulged during this mediation may be used in court or any legal or administrative proceedings.

A party to any agreement reached under ADR may file a complaint with the Director, US Department of Labor Civil Rights Center in the event the agreement is breached. If the parties do not reach an agreement under ADR the complainant may also file a complaint with the Director, Civil Rights Center. If ADR fails, the complaint will be processed through the regional dispute resolution process.

Regional Dispute Resolution

If an ADR process is declined by the complainant or does not resolve the complaint, the Regional EOC and State EOO open an investigation. The Regional EOC has 30 days in which to resolve the complaint.

Investigation: The Regional EOC has up to 20 days to prepare an Initial Notice to the complainant. All available information relating to the alleged discriminatory actions will be gathered and reviewed. At a minimum this fact finding will include:

- Discussion with the complainant to verify and record all elements of the complaint.
- Interviews with any witnesses or others who have knowledge of the issue involved.
- Review of written and electronic files and records which pertain to the complainant and the alleged discrimination.
- Interviews with the person(s) accused of the act (the respondent).

All aspects of the investigation interviews and research will be documented to assure nothing is missed and to help with the resolution of the complaint.

Initial Notice: As soon as possible, and not more than 20 days from the receipt of the complaint (or from the end of the ADR process), the Regional EOC will prepare and send the Initial Response to the Complainant, which includes:

- A list of the issues raised in the complaint.
- For each issue, a statement that this issue has been accepted for investigation.
- Or a statement that the issue has been rejected and the reasons for the rejection.

If the complaint is not resolved within the first 20 days of filing, the Initial Response is issued and the Regional EOC continues to investigate and attempt to resolve the complaint for up to 10 additional days.



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Resolution: Resolution means that legitimate complaints (those complaints with merit) are resolved to the satisfaction of the complainant. If the Regional EOC is unable to reach resolution within 30 days of the complaint, then all information gathered during the local-level investigation will be passed to the State EEO. An extension may be requested by Regional EOC, in consultation with the State EEO, if it appears that the Regional EOC and the complainant are close to resolution.

Resolution may include such actions as:

- Disciplinary action against the party found responsible for discriminatory action(s).
- Corrective actions.
- Sanctions, including the withdrawal of Federal funding.

Notice of Final Action: Within 90 days of the receipt of a complaint a written Notice of Final Action must be provided to the complainant. If the complaint has been resolved within the first 30 days (see above), the Regional EOC prepares a draft Final Notice for review by the State EEO. The draft Final Notice includes:

- For each issue raised in the complaint, a statement of either the decision on the issue and an explanation of the reasons underlying the decision; or a description of the way the parties resolved the issue.
- Notice that if dissatisfied with the Final Action, the complainant has a right to file a complaint with the US Department of Labor Civil Rights Center within 30 days of the date on which the Notice of Final Action is issued.

The State EEO may take up to 30 days to provide technical support on the Final Notice before the Regional EOC returns the Final Notice to the complainant. If the complaint was not resolved within 30 days and referred to the State EEO, the development of the Notice of Final Action will be managed by the State EEO.

Corrective Actions

If during the complaint investigation discriminatory actions are discovered, corrective action as described in the State Methods of Administration will be taken immediately, regardless of whether the complaint is resolved at the Regional or State level or is filed with US Department of Labor Civil Rights Center.

Record Maintenance

The subrecipient and Regional EOC will maintain records regarding complaints and actions taken in accordance with the subgrant terms and conditions and State policy requirements. The records will be maintained in a secure area and made available only to those with authorization.

The complaint and any information gathered during the investigation may not be discussed or revealed to anyone not legitimately entitled to access. The identity of any individual who furnishes information relating to or assisting in an investigation, including the identity of any individual who files a complaint, must be kept confidential to the extent possible. An individual whose identity it is necessary to disclose must be protected from retaliation.

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Investigators from the US Department of Labor Civil Rights Center will have appropriate access to any information collected during a complaint investigation and resolution.

Reference

WIOA Regulations 20 CFR 683.600

WIOA Public Law Section 188

29 CFR 37.35