
NORTH CENTRAL
COUNTIES CONSORTIUM

**NONDISCRIMINATION/EQUAL OPPORTUNITY
AND GRIEVANCE/COMPLAINT
PROCEDURES MANUAL**

Revised:

June 2007

TABLE OF CONTENTS

	<u>Page</u>
I. Statement of Purpose.....	1
II. Scope.....	1
III. References.....	1
IV. Background.....	1
V. Definitions	1
A. Auxiliary Aides of Services.....	2
B. Complaint.....	2
C. Recipient	2
D. Respondent	2
VI. General Provisions for Nondiscrimination and Equal Opportunity Procedures.....	2
A. Designation of Local Level Equal Opportunity Officer.....	2
B. Notice and Communication Requirements.....	3
C. Review Assurances in Job Training Plans, Contracts, and Policies and Procedures....	4
D. Universal Access	4
E. Compliance With Section 504 of the Rehabilitation Act of 1973.....	5
F. Data and Information Collection and Maintenance.....	6
G. Monitor Recipients for Compliance	7
H. Complaint Processing Procedures	7
I. Corrective Actions/Sanctions.....	8

VII.	General Provisions for Unlawful Harassment Procedure	8
A.	Unlawful Harassment	9
B.	Sexual Harassment	9
VIII.	General Provisions for Grievance and Complaint Procedure	9
IX.	Attachments	10
A.	Equal Opportunity is The Law	
B.	What To Do If You Believe You Have Experienced Discrimination	
C.	NCCC Civil Rights and Grievance/Complaints Summary	
D.	Attachment to WIA Application Form	
E.	NCCC Nondiscrimination and Equal Opportunity Complaint Processing Procedures	
F.	NCCC Unlawful Harassment Complaint Processing Procedures	
-	Unlawful Harassment Complaint Form	
G.	NCCC Grievance and Complaint Processing Procedures	

North Central Counties Consortium
Nondiscrimination/Equal Opportunity and Grievance/Complaint Procedures

I. Purpose

This procedure establishes the North Central Counties Consortium's (NCCC) nondiscrimination and equal opportunity procedures, including unlawful harassment and the NCCC Grievance and Complaint procedures for the Workforce Investment Act (WIA) Title I-financially assisted programs or activities.

II. Scope

This procedure applies to all NCCC One Stop Career Centers and all mandated One Stop partners, to the extent that they participate in the One Stop delivery system.

III. References

- WIA Section 188
- WIA Section 181(c)
- Americans with Disabilities Act of 1990, Title II, Subpart A
- 20 CFR Section 667.600-630
- 20 CFR Part 37
- WIA Directive WIAD01-21, Subject: Nondiscrimination and Equal Opportunity Procedures
- WIA Directive WIAD04-20, Subject: Limited English Proficiency

IV. Background

The WIA Section 188 contains the nondiscrimination and equal opportunity provisions, which prohibit discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for those who benefit only, citizenship or participation in a WIA Title I-financially assisted program or activity. Title 29 CFR Part 37 implements the nondiscrimination and equal opportunity provisions specified in Section 188 of WIA.

Each local area receiving funds under Title I of WIA must establish and maintain a procedure for grievances and complaints (other than discrimination complaints) according to 20 CFR Section 667.600.

V. Definitions

- A. *Auxiliary Aids or Services*, includes (1) qualified interpreters, notetakers, transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDDs/TTYs), videotext

displays, or other effective means of making aurally delivered materials available to individuals with hearing impairments; (2) qualified readers, taped texts, audio recordings, brailled materials, large print materials, or other effective means of making visually delivered materials available to individuals with visual impairments; (3) acquisition or modification of equipment or devices; and (4) other similar services and actions.

- B. Complaint, for this directive only, means an allegation of a violation of the nondiscrimination and equal opportunity provisions.
- C. Recipient, taken from Title 29 CFR Part 37, means any entity to which financial assistance under WIA Title I is extended, either directly from the Department of Labor (DOL) or through the Governor or another recipient (including any successor, assignee, or transferee of a recipient), but excluding those who benefit from WIA Title I-funded program or activity. In addition, One-Stop partners, as defined in Section 121(b) of WIA, are treated as “recipients” and are subject to the nondiscrimination and equal opportunity requirements of Title 29 CFR Part 37, to the extent that they participate in the One-Stop delivery system.
- D. Respondent, the individual or entity that the complainant alleges is responsible for the discrimination. (20 CFR 37.73)

VI. **General Provisions for Nondiscrimination and Equal Opportunity Procedures**

Title 29 CFR Section 37.54(a) requires that each LWIA adhere to a Methods of Administration (MOA). The MOA is a state-level document that reflects the Governor’s commitment to nondiscrimination and equal opportunity. It outlines the activities required to comply with the provisions of WIA and Title 29 CFR Part 37. The provisions of the MOA apply to California Job Service, Unemployment Insurance, and WIA Title I-financially assisted programs, activities, and recipients.

The MOA contains nine distinct elements. This procedure outlines these elements and highlights compliance requirements that are significant to NCCC and its One Stop career Centers and service providers:

A. MOA #1 Designation of Local Level Equal Opportunity (EO) Officer

NCCC has a designated EO Officer who is responsible for coordinating its obligations under these regulations. NCCC will notify the Workforce Investment Division (WID) Local Policy Guidance Unit Manager whenever the designation of the EO Officer changes. NCCC will assign sufficient staff and resources to the EO Officer to ensure compliance with the nondiscrimination and equal opportunity provisions of WIA and Title 29 CFR Section 37.23.

The EO Officer’s responsibilities include:

1. Informing employees and participants of their rights and responsibilities;
2. Adopting, publishing, and overseeing procedures for processing complaints pursuant to Title 29 CFR Sections 37.76 through 37.79 and ensuring those procedures are followed;
3. Hearing, answering, and advising individuals on complaints of discrimination;
4. Explaining to NCCC subrecipient employees or participants how the equal opportunity complaint system works; and
5. Serving as liaison with the Civil Rights Center (CRC).

The EO Officer's name, position title, business address (including e-mail address if applicable) and telephone number (voice and Telecommunications Device for the Deaf [TDD], which is also known as teletypewriter [TTY] will be publicized at the local level through a variety of means including posters, handouts, and listings in local directories.

The EO Officer will attend periodic training, through the Local Training Response Unit of the WID and other appropriate resources, to keep abreast of equal opportunity issues.

B. MOA #2 Notice and Communication Requirements

The Initial and continuing notice of nondiscriminatory practices and the right to file a complaint (see EQUAL OPPORTUNITY IS THE LAW, **Attachment A** and WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION, **Attachment B**) will be:

1. Posted in prominent locations;
2. Disseminated in internal memoranda and other written or electronic communications;
3. Included in handbooks and manuals, brochures, broadcasts, and other communications;
4. Made available to each participant (see NCCC CIVIL RIGHTS AND GRIEVANCE/COMPLAINTS SUMMARY, **Attachment C**); and
5. Included in each participant's file (see ATTACHMENT TO WIA APPLICATION FORM, **Attachment D**).

The notice shall be provided in appropriate formats to individuals with visual impairments. A record of this notice shall be documented in the participant's file.

Distributed publications, broadcasts, and other communications, which promote WIA Title I financially assisted programs or activities will include the following taglines: “This program or activity is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.” This requirement also applies to any program information that is required by law or regulation to be published or broadcasted in public media. Where appropriate, information and services should be additionally provided in languages other than English.

Where materials indicate that the NCCC EO Officer may be reached by telephone, the California Relay Service (CRS) telephone number will be indicated, (1-800/735-2922). The CRS relays messages to deaf persons via the telephone. A caller can contact the relay service by voice or TDD, and an operator will contact the party to be called using voice or TDD/TTY.

C. MOA #3 *Review Assurances in Job Training Plans, Contracts, and Policies and Procedures*

To ensure that all contracts, job training plans, and policies and procedures contain the nondiscrimination assurance as required by Title 29 CFR Section 37.20, the NCCC EO Officer will be required to review the above documents for compliance before they are finalized. The nondiscrimination assurance will state that *the grant applicant will “comply fully with the nondiscrimination and equal opportunity provisions” of WIA and acknowledge the government’s right to seek judicial enforcement of the nondiscrimination assurance.*

D. MOA #4 *Universal Access*

As required in Title 29 CFR Section 37.42, NCCC will ensure universal access to its WIA Title I-financially assisted programs and activities by:

1. Outreaching and recruiting all potentially WIA Title I-eligible applicants in the entire locale;
2. Ensuring that outreach and recruitment efforts include specific target populations through media, schools, and community services groups;
3. Tracking program demographics to ensure that individuals for participation includes members of both sexes, various race/ethnicity/age groups, and individuals with disabilities;
4. Contracting with a local Office of Education for administrative services to ensure that the hiring and eligibility process are accessible to qualified applicants with disabilities; and

5. Utilizing facilities designed to provide reasonable access to individuals with disabilities in the following areas: training, job structure, work schedule, work procedure, and work equipment and auxiliary aids accommodations.

E. MOA #5 *Compliance With Section 504 of the Rehabilitation Act of 1973, as Amended and Title 29 CFR Part 37*

NCCC, its One Stop Career Centers and service providers will ensure the accessibility to its training programs and activities for all individuals, and will administer its training programs and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities. This includes employment tests or other selection criteria used by NCCC and its subrecipients that do not screen out individuals with disabilities, and training programs accessible to individuals with visual, hearing, or speech impairments. NCCC and its subrecipients will provide means for individuals with disabilities to receive information about availability of facilities accessible to them. Additionally, NCCC and its subrecipients will provide auxiliary aids and services and reasonable accommodation to qualified individuals with disabilities to enable them to perform duties of the job (e.g., special aids, modified work sites, or restructuring of jobs).

NCCC, its One Stop Career Centers and service providers will also provide:

1. Designated parking for the disabled that is accessible to the building entrance, free of any barriers (e.g., steps, steep slopes, low spots in ground or pavement, buckled concrete, gravel);
2. Signage at a primary entrance to each of their inaccessible facilities, directing users to a location at which they can obtain information about accessible facilities;
3. The international symbol for accessibility at each primary entrance of an accessible facility,
4. Building entrance doors that can be opened with one hand;
5. Accessible information/public counter areas;
6. Facility elevators that are accessible from the entrance meeting the above criteria;
7. Elevator control panel and entrance buttons with raised numbers and Braille symbols at an accessible height;
8. At least one accessible public telephone;
9. Accessible meeting rooms with Braille symbols at an accessible height;

10. Restroom facilities that have at least one toilet stall with an accessible doorway. The stall should have grab bars and the toilet stool should be accessible for the disabled individual after the door is closed (access to the grab bars should not be obstructed by such things as toilet paper dispensers, etc.); and
11. Alternative methods to ensure that training, job structure, work schedule, work procedure, and work equipment are available to individuals with disabilities when the facilities are not physically accessible to individuals with disabilities.

Title 29 CFR Section 37.9—*What are a recipient's responsibilities to communicate with individuals with disabilities?*—states: “In those circumstances where a recipient believes that the proposed action would fundamentally alter the WIA Title I-financially assisted program, activity, or service, the recipient has the burden of proving that compliance with this section would result in such an alteration.” The definition of “fundamental alteration” incorporates the concept of “undue financial and administrative burdens” in Title 29 CFR Part 37.

F. MOA #6 *Data and Information Collection and Maintenance*

In compliance with Section 188 of WIA, NCCC and its subrecipients will:

1. Collect data on race/ethnicity, sex, age, and, where known, disability status, of each applicant, registrant, eligible applicant/registrator, participant, terminee, applicant for employment, and employee;
2. Maintain records of data, through the State's JTA-MIS system for WIA individuals, in order to allow the State and CRC to conduct statistical or other quantifiable analyses to verify compliance;
3. Safeguard the confidentiality of the required information by restricting its use to record keeping and reporting purposes; determining eligibility, where appropriate, for WIA Title I programs or activities; determining if NCCC and its subrecipients are operating its WIA programs in a nondiscriminatory manner, or other use authorized by law;
4. NCCC will promptly notify the CRC of any administrative enforcement actions or lawsuits filed against NCCC alleging discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for those who benefit only, citizenship or participation in a WIA Title I program or activity. The notification will include a brief description of the findings in any civil rights compliance review where the applicant or recipient was found in noncompliance. Additionally, NCCC will keep a log containing certain information regarding complaints filed in accordance with procedures set by CRC;

5. Retain records, including records of complaints, for a period of not less than three years from the close of the applicable program year or date of resolution of complaint; and
6. The NCCC shall respond to complaints of discrimination in accordance with the procedures outlined in the NCCC Nondiscrimination and Equal Opportunity Complaint Processing Procedures, **Attachment E**.

G. MOA #7 *Monitor Recipients for Compliance*

In accordance with Title 29 CFR Sections 37.54(d)(2)(ii) and 37.54(d)(2)(iii), the Compliance Review Division (CRD) of EDD's Program Review Branch monitors LWIAs for compliance with WIA provisions and related regulations.

The CRD requires that each LWIA complete and submit to the CRD a Nondiscrimination and Equal Opportunity Self-Evaluation annually. The CRD will review the self-evaluations, along with other equal opportunity-related data, and coordinate with EDD's Equal Opportunity Office in determining if the LWIA will be monitored on-site during a given program year.

The NCCC will conduct self-evaluations as required by the CRD in order to identify the compliance status of NCCC and its One Stop Career Centers programs, activities, and areas in which technical assistance may be needed.

H. MOA #8 *Complaint Processing Procedures*

In compliance with nondiscrimination and equal opportunity provisions of the WIA and Title 29 CFR Section 37.76, the EO Officer will:

1. Adopt and publish procedures for resolving allegations within the NCCC for noncompliance with applicable nondiscrimination and equal opportunity provisions;
2. Adopt and publish procedures for resolving allegations against NCCC One Stop Career Centers and service providers for noncompliance with applicable nondiscrimination and equal opportunity provisions. The One Stop Career Centers and service providers will be required to follow those procedures;
3. Although NCCC does not have the same contractual jurisdiction with vendors as with its One Stop Career Centers and service providers, NCCC *shall document the facts of an alleged complaint. The facts should be used to advise the participant of any recourse available and to determine if NCCC should continue to utilize the services of the vendor.*); and
4. Establish a system to record discrimination complaints.

5. See **Attachment E** for NCCC's Nondiscrimination and Equal Opportunity Complaint Processing Procedures.

6. Complaints filed with NCCC:

NCCC will mail a copy of the complaint, as required by The Equal Employment Opportunity Office and WID, to each of the following addresses:

*Chief Equal Employment Opportunity Office
Employment Development Department
800 Capitol Mall, MIC 49
P. O. Box 826880
Sacramento, CA 94280-0001*

*Local Policy Guidance Unit Manager
Workforce Investment Division
Employment Development Department
800 Capitol Mall, MIC 69
P.O. Box 826880
Sacramento, CA 94280-0001*

I. MOA #9 *Corrective Actions/Sanctions*

A Letter of Findings, Notice to Show Cause, or Initial Determination issued pursuant to Title 29 CFR Sections 37.62 or 37.63, 37.66 and 37.67, or 37.91, respectively, will include the steps and the specific time period it will take NCCC to achieve voluntary compliance. (See Section 37.94 for corrective action steps.)

Monetary corrective action may **not** be paid from federal funds.

If the NCCC receives a finding of noncompliance, the following sections of Title 29 CFR Part 37 may be referred to for detailed information:

1. Final Determinations, Sections 37.90-37.101
2. Breaches of Conciliation Agreements, Sections 37.102-37.105
3. Subpart E-Federal Procedures for Effecting Compliance, Sections 37.110-37.115

VII. Unlawful Harassment Policy

The North Central Counties Consortium ("NCCC") is committed to providing a work environment free of unlawful harassment of employees and participants because of their sex, race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal, state, or local laws. All such harassment is unlawful. Irrespective of law, the NCCC believes that all

such harassment is offensive, and it will not be tolerated. NCCC prohibits such harassment of its employees by anyone in or from the work environment, including harassment by any of the following persons: employees of the NCCC; Governing Board and Workforce Investment Board (WIB) members; any subcontractor staff, and any individual taking part in a Workforce Investment Act (WIA) funded program or activity, such as enrolled participants; classroom training providers, and worksites staff. Unlawful harassment in any form, including verbal, physical, and visual conduct, threats, demands, and retaliation is prohibited. Any employee who violates this policy may be disciplined, up to and including discharge, based on the seriousness of the violation.

A. Unlawful Harassment

Unlawful harassment on the basis of sex, race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal, state, or local laws or any other protected basis can include, but is not limited to:

1. Verbal conduct such as epithets, derogatory comments, slurs, or unwanted sexual advances, invitations, or comments;
2. Visual conduct such as derogatory posters, photography, cartoons, drawings, or gestures;
3. Physical conduct such as assault, unwanted touching, blocking normal movement, or interfering with work performance or progress directed at an employee because of the employee's sex, race or any other protected basis;
4. Retaliation for having reported or threatened to report harassment or for participation in the investigation of such a report.

B. Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone from or in the work or educational setting when:

1. Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment;
2. Submission to, or rejection of, the conduct by the individual is used as the basis of employment decisions affecting the individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment.

Note: To file an unlawful or sexual harassment complaint, see **Attachment F**, NCCC Unlawful Harassment Complaint Processing Procedures.

VIII. General Provisions for Grievance and Complaint Procedure

Each local Workforce Investment Area funded under Title I of WIA, must establish and maintain a procedure for grievances and complaints.

The NCCC is required to:

- Provide information about the content of the grievance and complaint procedures to participants and other interested parties affected by the local Workforce Investment System, including One Stop partners and service providers;
- Require that every NCCC Stop One Career Center to which it awards Title I funds must provide information about the content of NCCC’s grievance and complaint procedures to participants receiving Title I funded services from the One Stop; and
- Make reasonable efforts to assure that the information referred to in grievance and complaint procedures will be understood by affected participants and other individuals, including youth and those who are limited English-speaking individuals. Such efforts must comply with the language requirements of 29 CFR 37.35 regarding the provision of services and information in languages other than English. (See MOA #2 “Notice and Communication Requirements” regarding the specific language requirements)

Note: See **Attachment G** for NCCC’s Grievance and Complaint Processing Procedures.

IX. Attachments

- A. Equal Opportunity is the Law
- B. What To Do If You Believe You Have Experienced Discrimination
- C. NCCC Civil Rights and Grievance/Complaints Summary
- D. Attachment to WIA Application Form
- E. NCCC Nondiscrimination and Equal Opportunity Complaint Processing Procedures
- F. NCCC Unlawful Harassment Complaint Processing Procedures
 - Unlawful Harassment Complaint Form
- G. NCCC Grievance and Complaint Processing Procedures

EQUAL OPPORTUNITY IS THE LAW

It is against the law for the North Central Counties Consortium (NCCC), a 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, national origin, age, disability, political affiliation or belief; and

Against any one who benefits from programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA) on the basis of the individual's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIA Title I or program or activity.

The NCCC must not discriminate in any of the following areas:

Deciding who will be admitted or have access to any WIA Title I 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.

**Equal Opportunity and Complaint Resolution Officer
North Central Counties Consortium
1215 Plumas Street, Suite 1800
Yuba City, CA 95991
(530) 822-7145
TDD to Voice (800) 735-2929
Voice to TDD (800) 735-2922**

WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

If you think that you have been subjected to discrimination under a Workforce Investment Act (WIA) 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 NCCC Equal Opportunity Officer (or the person designated for this purpose), 1215 Plumas Street, Suite 1800, Yuba City, CA 95991; 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 NCCC, you must wait either until the NCCC issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the CRC.

If NCCC 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 NCCC 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 filed your complaint with NCCC).

If the NCCC 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.

**North Central Counties Consortium
Civil Rights and Grievance/Complaints Summary**

Equal Opportunity is the Law

It is against the law for the North Central Counties Consortium (NCCC), a recipient of federal financial assistance to discriminate on the following basis:

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 anyone who benefits from programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA) on the basis of the individual's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIA Title I program or activity.

The NCCC must not discriminate in any of the following areas:

- Deciding who will be admitted, or have access, to any WIA Title I 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.

What To Do If You Believe You Have Experienced Discrimination

If you think that you have been subjected to discrimination under a WIA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

EO & Complaint Resolution Officer
North Central Counties Consortium
1215 Plumas Street, Suite 1800
Yuba City, CA 95991

OR

The Directorate, Civil Rights Center
U.S. Department of Labor
200 Constitution Avenue, N.W., Rm. N-4123
Washington, D.C. 20210

If you file your complaint with NCCC, you must wait either until the NCCC issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center.

If NCCC 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 NCCC 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 filed your complaint with NCCC).

If the NCCC 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.

All complaints, whether filed with NCCC or directly with the CRC, must be filed in writing and shall:

1. Contain the complainant's name, address, or other means of contacting him or her;
2. Identify the respondent;
3. Describe the complainant's allegation in sufficient detail to allow NCCC or the CRC, as applicable, to determine whether (1) NCCC or CRC has jurisdiction over the complaint; (2) the complaint was filed timely; and (3) the complaint has apparent merit, i.e., whether the allegations, if true, would violate any of the nondiscrimination and equal opportunity provisions of WIA; and
4. Be signed by the complainant or his or her representative. Or
5. The complainant may file a complaint by completing and submitting the CRC's Complaint Information and Privacy Act Consent Forms. A copy of the form may be obtained either from the NCCC EO Officer or from the CRC at the addresses stated above.

Grievance/Complaint Summary

NOTICE TO PARTICIPANTS

If you want to file a complaint regarding an action, policy or treatment that impacts your participation in a Workforce Investment Act (WIA) One Stop program, please contact your WIA One Stop Case Manager or Counselor. A copy of the NCCC Grievance and Complaint Processing Procedures can be requested from your Case Manager or Counselor, or from the Equal Opportunity & Complaints Resolution Officer listed below.

As stated in the Grievance/Complaint Procedure, attempts will be made to resolve the complaint informally. If the complaint is not resolved informally, you have the right to file a formal complaint and be heard by a Hearing Officer.

The following rules apply to all complaints:

1. Hearings on any grievance shall be conducted within 30 days of filing a grievance and decisions shall be made not later than 60 days after filing.
2. All complaints must be made in writing within one year of the alleged occurrence. Persons filing a complaint have the right to receive technical assistance.
3. All persons filing a complaint shall be free from restraint, coercion, reprisal or discrimination. Persons complaining have the right to withdraw their complaints (in writing) at any time before the hearing. A complaint can be amended to correct technical deficiencies but not to add issues.
4. Complainants can be represented at their expense by a person(s) of their choice at all levels of the process.
5. Complainants must exhaust LWIA level hearing procedures before appealing to the State except where the state determines that the local area's procedures do not comply with the State procedures.

WIA participants who do not receive a written decision within 60 days of filing their complaint or who receive an unsatisfactory decision may file a complaint with:

Chief, Compliance Review Division, MIC 22M
Employment Development Department
P.O. Box 826880
Sacramento, CA 94280-0001

The filing of the complaint with the local area shall be considered as a request for a hearing and a decision must be issued within 60 days. A copy of the complaint must be sent to the Contractor (e.g. One Stop Center) and both parties notified of the opportunity for an informal resolution. At each step of the complaint process, the participant must be notified in writing of the next procedural step.

A participant has the right to request a State hearing within 10 days. The State review will be limited to violations of the WIA, implementing regulations or this grant agreement. The review shall be limited to the record established at the local area hearing.

Direct all questions and complaints filed with North Central Counties Consortium to:

**Equal Opportunity & Complaints Resolution Officer
North Central Counties Consortium
1215 Plumas Street, Suite 1800
Yuba City, CA 95991
(530) 822-7145; TDD to Voice (800) 735-2929; Voice to TDD (800) 735-2922**

Auxiliary aids and services are available upon request to individuals with disabilities.



ATTACHMENT TO WIA APPLICATION FORM

Application Number	Applicant Last Name	First	Middle

My signature means that I have received a Civil Rights and Complaints Summary Form.

Signature

Date

NEPOTISM

1. Is a member of your immediate family (spouse, parent, child, brother, sister, in-law, uncle, aunt, nephew, niece, first cousin, step-parent, step-child) an elected City or County official? Yes No

If yes, what is his/her name, elected title and relationship to you?

2. Is a member of your immediate family (spouse, parent, child, brother, sister, in-law, uncle, aunt, nephew, niece, first cousin, step-parent, step-child) an employee of a City, County or Workforce Investment Act-funded agency? Yes No

If yes, what is his/her name, organization, position and relationship to you?

The North Central Counties Consortium (NCCC), as a recipient of federal and state funds, is an equal opportunity employment program and is subject to Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA).

Auxiliary aids and services are available upon request to individuals with disabilities.

Hearing-impaired persons can reach NCCC through the California Relay Service; TDD to Voice 1-800-735-2929, Voice to TDD 1-800-735-2922.

**North Central Counties Consortium
Nondiscrimination and Equal Opportunity Complaint Processing Procedures**

I. Who May File a Complaint

Any person who believes that he or she or any specific class of individuals, e.g. race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for those who benefit only, citizenship or participation in a WIA Title I program or activity has been or is being subjected to discrimination prohibited by the nondiscrimination and equal opportunity provisions of the Workforce Investment Act (WIA) may file a written complaint, or a representative may file the complaint on his or her behalf.

All persons filing a complaint shall be free from restraint, coercion, reprisal or discrimination.

II. Where to File the Complaint

The complaint may be filed either with the NCCC Equal Opportunity (EO) and Complaint Resolution Officer, North Central Counties Consortium, 1215 Plumas Street, Suite 1800, Yuba City, CA 95991 or directly with the Director, Civil Rights Center, U.S. Department of Labor, 200 Constitution Avenue N.W., Room N-4123, Washington, D.C. 20210.

III. Timeline for Filing a Complaint

A complaint filed pursuant to Title 29 CFR 37 must be filed within 180 days of the alleged discrimination. The Civil Rights Center (CRC), for good cause shown, may extend the filing time. In order to receive an extension, the complainant must file a waiver letter with the CRC at the above address. The waiver letter should include the reason the 180-day time period elapsed.

Note: This time period for filing is for the administrative convenience of CRC and does not create a defense for the respondent.

IV. How to File the Complaint

- A. All complaints, whether filed with NCCC or directly with the CRC, must be filed in writing and shall:
1. Contain the complainant's name, address, or other means of contacting him or her;
 2. Identify the respondent;
 3. Describe the complainant's allegation in sufficient detail to allow NCCC or the CRC, as applicable, to determine whether (1) NCCC or CRC has jurisdiction over the complaint; (2) the complaint was filed timely; and (3) the complaint has apparent merit, i.e., whether the allegations, if true, would violate any of the nondiscrimination and equal opportunity provisions of WIA; and

4. Be signed by the complainant or his or her representative. Or,
5. The complainant may file a complaint by completing and submitting the CRC's Complaint Information and Privacy Act Consent Forms. A copy of the form may be obtained either from the NCCC EO Officer or from the CRC at the addresses stated in Section II above.

V. Methods of Complaint Resolution

When filing a complaint with NCCC, the complainant has the choice whether to use the customary process or the alternative dispute resolution (ADR) process to resolve the complaint.

A. Customary Process for Complaint Resolution

The customary process for filing a complaint with NCCC is described in Section VI below.

B. Alternative Dispute Resolution (ADR) Process

- (1) By electing the ADR process, the complainant has the option of mediating the complaint. The mediation will be conducted under the guidance issued by the NCCC EO Officer.
- (2) A party to any agreement reached under ADR may file a complaint with CRC in the event the agreement is breached. In such circumstances, the following rules will apply:
 - (a) The non-breaching party may file a complaint with the CRC within 30 days of the date on which the non-breaching party learns of the alleged breach.
 - (b) The CRC must evaluate the circumstances to determine whether the agreement has been breached. If the CRC determines that the agreement has been breached, the complainant may file a complaint with the CRC based upon his or her original allegation(s), and the CRC will waive the time deadline for filing such a complaint.
- (3) If the parties do not reach an agreement under ADR, the complainant may file directly with the CRC as described in Sections II, III, and IV above.

VI. Complaints filed with NCCC:

- A. Upon receiving the written complaint, the NCCC EO Officer will issue a written notice to the complainant that contains the following information:
 1. An acknowledgment that the complaint was received;
 2. Notice that the complainant has the right to be represented an attorney or another individual of his or her own choice during the complaint process;

3. A list of the issues raised in the complaint;
 4. For each issue, a statement whether the NCCC will accept the issue for investigation or that it does not have jurisdiction over a complaint that alleges a violation of the nondiscrimination and equal opportunity provisions of WIA. The Notice of Lack of Jurisdiction will also include the basis for such determination, as well as a statement of the complainant's right to file a written complaint with CRC within 30 days of receipt of the Notice.
 5. Notification that the complainant has the choice whether to use alternative dispute resolution (ADR) or customary process to resolve his or her complaint.
- B. A period for fact-finding or investigation of the circumstances underlying the complaint;
 - C. A period during which the recipient attempts to resolve the complaint.
 - D. A written Notice of Final Action will be provided to the complainant within 90 days of the date on which the complaint was filed with the NCCC. The notice will contain the following information:
 1. For each issue raised in the complaint, a statement of either:
 - (a) The NCCC's decision on the issue and an explanation of the reasons underlying the decision, or
 - (b) A description of the way the parties resolved the issue; and
 - (c) Notice that the complainant or his or her representative has a right to file a complaint with the CRC within 30 days of the date on which the Notice of Final Action is issued if the complainant is dissatisfied with the NCCC's final action on the complaint.
 2. If the 90 days expire and the complainant does not receive a Notice of Final Action from NCCC, or NCCC failed to issue a Notice of Final Action, the complainant or his or her representative may, within 30 days of the expiration of the 90-day period, file a complaint with CRC. In other words, the complaint must be filed with CRC within 120 days of the date on which the complaint was filed with NCCC.
 3. The CRC may extend the 30-day time limit if the NCCC does not include in its Notice of Final Action that the complainant has a right to file a complaint with the CRC within 30 days of the date on which the Notice of Final Action is issued if he or she is dissatisfied with the NCCC's final action on the complaint, or for other good cause shown. In which case the complainant has the burden of proving to the CRC that the time limit should be extended.

VII. Actions by the CRC

- A. The CRC determines acceptance of a complaint filed pursuant to Title 29 CFR Section 34.82. When CRC accepts a complaint for investigation, it shall:

1. Notify NCCC and the complainant of the acceptance of the complaint for investigation; and
 2. Advise NCCC and complainant on the issues over which CRC has accepted jurisdiction.
- B. NCCC, the complainant, or a representative may contact CRC for information regarding the complaint filed.
- C. When a complaint contains insufficient information, CRC will seek the needed information from the complainant. If the complainant is unavailable after reasonable efforts have been made to reach him or her, or the information is not provided within the time specified, the complaint file may be closed without prejudice upon written notice sent to the complainant's last known address.
- D. The CRC, per WIA Section 183(c), may issue a subpoena to the complainant to appear and give testimony and/or produce documentary evidence, before a designated representative, relating to the complaint being investigated. Issuing a subpoena can be done any place in the United States, at any designated time and place.
- E. Where CRC lacks jurisdiction over a complaint, CRC shall:
1. Notify the complainant, explaining why the complaint is not covered by the nondiscrimination and equal opportunity provisions of WIA or Title 29 CFR Part 37; and
 2. Refer the complainant to the appropriate federal, state, or local authority, when possible.
 - (a) The CRC will refer complaints governed by the Age Discrimination Act of 1975 to mediation as specified in Title 45 CFR Section 90.43(c)(3).
 - (b) If the complainant alleges more than one kind of complaint, "joint complaint," e.g., individual employment discrimination, age discrimination, equal pay discrimination, etc., CRC shall refer such joint complaint to the Equal Employment Opportunity Commission for investigation and conciliation under the procedures described in Title 29 CFR, Parts 1690 or 1691, as appropriate. The CRC will advise the complainant and NCCC of the referral.
 - (c) Under the One-Stop delivery system where the complainant alleges discrimination by an entity that operates a program or activity financially assisted by a federal grantmaking agency other than DOL, but participates as a partner in a One-Stop delivery system, the following procedures apply:

- (1) If the complainant alleges discrimination on a basis that is prohibited both by Section 188 of WIA and by a civil rights law enforced by the federal grantmaking agency, CRC and the grantmaking agency have dual jurisdiction over the complaint. The CRC will refer the complaint to the grantmaking agency for processing. The grantmaking agency's regulation will govern the processing of the complaint.
 - (2) If the complainant alleges discrimination on the basis that is prohibited by Section 188 of WIA, but not by any civil rights laws enforced by the federal grantmaking agency, CRC has sole jurisdiction over the complaint and will retain and process the complaint pursuant to Title 29 CFR Part 37. The CRC will advise the complainant and NCCC of the referral.
- F. The CRC will notify the complainant when a claim is not to be investigated and explain the basis for that determination.
- G. The CRC may offer the parties of a complaint the option of mediating the complaint. In such circumstances, the following rules apply:
1. The mediation is voluntary; the parties must consent before the mediation process will proceed.
 2. The mediation will be conducted under the guidance issued by CRC.
 3. If the parties are unable to reach resolution of the complaint through the mediation, CRC will investigate and process the complaint under Title 29 CFR Sections 37.82 through 37.88.
- H. If the CRC finds reasonable cause to believe that the respondent has violated the nondiscrimination and equal opportunity provisions of WIA or 20 CFR Part 37, the CRC shall issue an Initial Determination. The Initial Determination shall notify the complainant and NCCC, in writing, of:
1. The specific findings of the investigation;
 2. The proposed corrective or remedial action and the time by which the respondent must complete the corrective or remedial action;
 3. Whether it will be necessary for NCCC to enter into a written agreement; and
 4. The opportunity to participate in voluntary compliance negotiations.
- I. Where a no cause determination is made, CRC must issue a Final Determination to the complainant and NCCC. The Final Determination represents the Department of Labor's (DOL) final agency action on the complaint.

If you have any questions or desire assistance to file a complaint in accordance with the above procedures, you may contact:

Equal Opportunity and Complaint Resolution Officer
North Central Counties Consortium
1215 Plumas Street, Suite 1800
Yuba City, CA 95991
(530) 822-7145
Voice to TDD: 1-800-735-2922
TDD to Voice: 1-800-735-2929

North Central Counties Consortium Unlawful Harassment Complaint Processing Procedures

NCCC Policy Statement

The North Central Counties Consortium ("NCCC") is committed to providing a work environment free of unlawful harassment of employees and participants because of their sex, race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal, state, or local laws. All such harassment is unlawful. Irrespective of law, the NCCC believes that all such harassment is offensive, and it will not be tolerated. NCCC prohibits such harassment of its employees by anyone in or from the work environment, including harassment by any of the following persons: employees of the NCCC; Governing Board and Workforce Investment Board (WIB) members; any subcontractor staff, and any individual taking part in a Workforce Investment Act (WIA) funded program or activity, such as enrolled participants; classroom training providers, and worksites staff. Unlawful harassment in any form, including verbal, physical, and visual conduct, threats, demands, and retaliation is prohibited. Any employee who violates this policy may be disciplined, up to and including discharge, based on the seriousness of the violation.

What is Unlawful Harassment?

Unlawful harassment on the basis of sex, race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal, state, or local laws or any other protected basis can include, but is not limited to:

- A. Verbal conduct such as epithets, derogatory comments, slurs, or unwanted sexual advances, invitations, or comments;
- B. Visual conduct such as derogatory posters, photography, cartoons, drawings, or gestures;
- C. Physical conduct such as assault, unwanted touching, blocking normal movement, or interfering with work performance or progress directed at an employee because of the employee's sex, race or any other protected basis;
- D. Retaliation for having reported or threatened to report harassment or for participation in the investigation of such a report.

What is Sexual Harassment?

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone from or in the work or educational setting when:

- A. Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment;

- B. Submission to, or rejection of, the conduct by the individual is used as the basis of employment decisions affecting the individual; or
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment.

Who May File a Complaint?

An employee who believes he or she is being or has been sexually harassed or harassed because of his or her sex, race, or other protected basis should use the procedure outlined in this policy to file a complaint and have it investigated. The same applies to a WIA participant who believes he or she is being or has been harassed while participating in or because of any WIA activity.

An employee or WIA participant who feels that he or she has been or is being harassed, or who is aware of or suspects the occurrence of harassment should immediately contact his or her supervisor, the NCCC EO/Complaint Resolution Officer, or the NCCC Executive Director. A WIA participant should immediately contact the NCCC EO/Complaint Resolution Officer or contact his or her WIA case manager, who in turn should immediately contact the NCCC EO/Complaint Resolution Officer.

How to File the Complaint?

In either of the above cases, the individual should complete an Unlawful Harassment Complaint form.

- A. The complaint should provide the details of the incident or incidents, the names of the individuals involved, and the names of any witnesses.
- B. Each complaint will be investigated quickly and discreetly in order to determine if harassment has occurred.

All investigations will be conducted in a manner designed to ensure the privacy of all parties concerned. When the investigation is completed and a determination regarding the alleged harassment is made, it will be communicated to the complainant and the alleged harasser as soon as practical.

If, upon completion of the investigation, the NCCC determines that unlawful harassment has occurred, it will take remedial action commensurate with the severity of the offense. Appropriate action will also be taken to deter any future harassment.

The NCCC will not retaliate against the complainant for filing a complaint and will not tolerate retaliation against the complainant, any witness or other participant in the investigation process.

The NCCC encourages all employees and participants to report any incidents of harassment forbidden by this policy immediately so that complaints can be quickly and fairly resolved.

If you have any questions or desire assistance to file a complaint in accordance with the above procedures, you may contact:

Equal Opportunity and Complaint Resolution Officer
North Central Counties Consortium
1215 Plumas Street, Suite 1800
Yuba City, CA 95991
(530) 822-7145
Voice to TDD: 1-800-735-2922
TDD to Voice: 1-800-735-2929

North Central Counties Consortium
1215 Plumas Street, Suite 1800
Yuba City, CA 95991
(530) 822-7145, FAX (530) 822-7150

Unlawful Harassment Complaint
(Please Print)

NAME _____ Date _____

ADDRESS _____

Home Phone _____ Other Phone _____

I am a (please check one): ___ Program Participant ___ Employee ___ Other
(Please specify) _____

I WISH TO COMPLAIN AGAINST:

Name of person, program or activity _____

Address _____

I BELIEVE I WAS HARASSED BECAUSE OF MY:

- | | | |
|--|---------------------|-------------------------|
| ___ race | ___ national origin | ___ marital status |
| ___ religion | ___ age over 40 | ___ physical disability |
| ___ sex (including
sexual harassment) | ___ ancestry | ___ mental disability |
| ___ medical condition | ___ color | ___ sexual orientation |

I HAVE BEEN HARASSED IN THE FOLLOWING WAY:

(Please specify what happened, when, where, and how it happened, and who was there.)

_____ (Attach additional pages if necessary.)

Date of alleged harassment _____

If there are any witnesses to the alleged harassment or if there is anyone else who could provide more information regarding this, please list names, addresses, and telephone numbers.

What do you think would be an appropriate remedy or resolution for this complaint?

I certify under penalty of perjury that the foregoing is true and correct. Executed on this ___ day of _____, 20___, at _____, California.

Signature of Complainant _____

231071.1

**North Central Counties Consortium (NCCC)
Grievance and Complaint Processing Procedures**

I. Who can file a grievance or complaint?

Participants or his or her representative and other interested parties, who have been affected by the local WIA Title I funded Workforce Investment System, including One Stop partners and service providers.

The requirements set forth in this procedure do not apply to discrimination complaints. Such complaints must be handled in accordance with the NCCC Nondiscrimination and Equal Opportunity Complaint Processing Procedures.

All persons filing a complaint shall be free from restraint, coercion, reprisal or discrimination.

II. Where to file the grievance or complaint?

The grievance or complaint must be filed with the NCCC Equal Opportunity (EO) and Complaint Resolution Officer, North Central Counties Consortium, 1215 Plumas Street, Suite 1800, Yuba City, CA 95991.

III. How to file the grievance or complaint?

The EO and Complaint Resolution Officer will be available to assist the complainant, if needed, with the preparation and completion of his or her complaint. The complaint must be filed within one year of the alleged occurrence.

A. All grievances and complaints must be filed in writing and contain the following information:

1. Grievant or complainant's name, address, telephone number, or other means of contacting him or her;
2. Identify the respondent;
3. A clear and concise description of the allegations, including dates;
4. Remedy sought by the grievant or complainant; and
5. Signature of the complainant or his or her representative.

B. The official filing of the complaint will be the date that the complaint is received by the NCCC.

C. The complainant or his or her representative may file the complaint by mail or deliver it in person to NCCC.

IV. Methods of Complaint Resolution

Complainant may choose either of the complaint resolutions processes described below.

A. NCCC's standard grievance and complaint process as discussed in Section V below.

B. Informal Complaint Resolution

If the complainant and respondent agree to an attempt to resolve the issue(s) without a formal hearing, the EO and Complaint Resolution Officer will hold an informal conference about the complaint.

1. The EO/Complaint Resolution Officer will review the complaint and determine the issue(s) of the complaint prior to the informal conference, so that an appropriate resolution can take place at the time of the conference, if possible.
2. Although the complainant will be encouraged to attend the informal conference, his or her failure to do so will not be grounds to dismiss the complaint.
3. If a mutually satisfactory resolution results from the informal conference, the EO/Complaint Resolution Officer will write a report for the file stating the issues and resolution. A copy of this report will be sent to the complainant, the respondent and the NCCC Executive Director. At this time the complaint will be considered closed.

C. Binding Arbitration

A complainant alleging a labor standards violation may submit his or her grievance to a binding arbitration procedure, if the collective bargaining agreement covers the parties to the grievance.

V. Complaints Filed with NCCC

All complaints filed with NCCC must be in writing.

- A. Within five (5) days following receipt of the complaint, the EO/Complaint Resolution Officer will send a copy of the complaint to the respondent and will notify both parties of the opportunity for an informal conference or hearing to resolve the complaint.
- B. A complainant may withdraw the request for a hearing, or for good cause, reschedule a hearing at any time before the date of the hearing.
- C. Notice of Hearing. Hearings on any grievance or complaint shall be conducted within 30 days of filing of a grievance or complaint. The complainant and the respondent must be notified in writing of the hearing 10 days prior to the date of the hearing. The 10-day notice may be shorted with the written consent of both parties. The hearing notice shall be in writing and contain the following information:
 - The date of the notice, name of the complainant, and the name of the party against whom the grievance or complaint is filed.
 - The date, time, and place of the hearing before an impartial hearing officer.

- A statement of the alleged violations. These statements must accurately reflect the content of the grievance or complaint as submitted by the complainant. However, clarifying notes may be added to assure that the grievance or complaint is addressed accurately.
 - The name, address, and telephone number of the contact person issuing the notice.
- D. The complainant may amend the complaint prior to a hearing if the amendments are to correct technical deficiencies relevant to the original allegations, but not to add issues. The amendment must be received by the NCCC within five (5) days after the complainant has received the notice for a formal hearing.
- E. If a decision is not reached within 60 days from the date the complaint was filed or the parties involved are dissatisfied with the decision, an appeal can be made to the appropriate State agency, as designated by the State of California. Such appeal must be made within 60 days of receipt of the decision being appealed.

VI. Remedies

Remedies that may be imposed for a violation of any requirement of this title shall be limited:

- A. To suspension or termination of payments under this title;
- B. To prohibition of placement of a participant with an employer that has violated any requirement under this title;
- C. Where applicable, to reinstatement of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment; and
- D. Where appropriate, to other equitable relief.

Nothing in this subpart precludes a grievant or complainant from pursuing a remedy authorized under another Federal, State, or local law.

If you have any questions or desire assistance to file a complaint in accordance with the above procedures, you may contact:

Equal Opportunity and Complaint Resolution Officer
 North Central Counties Consortium
 1215 Plumas Street, Suite 1800
 Yuba City, CA 95991
 (530) 822-7145
 Voice to TDD: 1-800-735-2922
 TDD to Voice: 1-800-735-2929