



Policy Letter #11

TO: All Mid-Carolina Workforce Development Service Providers
FROM: Mid-Carolina Workforce Development Staff
SUBJECT: Nondiscrimination Policy, Complaint Procedures & Non-Criminal Complaint Procedures

The Mid-Carolina Workforce Development Local Area has adopted the policies and procedures that were issued by the North Carolina Department of Commerce, Division of Workforce Solutions (DWS) in Policy Statement Number CPS 10-2021, dated August 11, 2021.

All posters, bulletins and advertisements will include the following statements: **“Equal Opportunity Employer/Program” and “Auxiliary aids and services are available upon request to individuals with disabilities.”**

Tamara Hodge has been designated as the Equal Opportunity Officer for the Mid-Carolina Workforce Development Local Area. She may be contacted at 6205 Raeford Road, Fayetteville, NC 28304 or (910) 323-4191, ext. 45.

The Workforce Innovation and Opportunity Act (WIOA) Nondiscrimination/ Equal Opportunity Standards and Complaint Procedures can be viewed at:

<https://www.commerce.nc.gov/commission-policy-cps-10-2021-workforce-innovation-and-opportunity-act-wioa-nondiscrimination-equal>

Nondiscrimination/Equal Opportunity Standards and Complaint Procedures

REFERENCES

CPS 10-2021, Change 1: WIOA Nondiscrimination-Equal Opportunity Standards and Complaint Procedures

CPS 10-2021, Change 1: Attachment 1 – NC WIOA Nondiscrimination-Equal Opportunity Standards and Complaint Procedures

CPS 10-2021, Change 1: Attachment 2 – USDOL Fact Sheet

ATTACHMENT

Attachment A: Nondiscrimination Policy, Complaint, And Non-Complaint Procedures

CREATION DATE

July 2022

REVISION DATE

April 2023

December 2024

June 2025

Non-Criminal Complaint Procedures

REFERENCES

PS 15-2015 Non-Criminal Program Complaints

ATTACHMENT


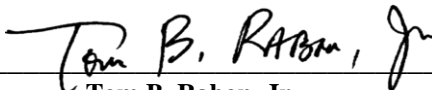
Attachment A: Nondiscrimination Policy, Complaint, And Non-Complaint Procedures

CREATION DATE

September 2024

REVISION DATE

December 2024

	NCWorks Commission
	NCWorks Commission Policy Statement Number: CPS 10-2021, Change 1
	Date: February 14, 2024
	Subject: Workforce Innovation and Opportunity Act (WIOA) Nondiscrimination/Equal Opportunity Standards and Complaint Procedures
	From: <div style="text-align: center;">  <hr style="width: 100%;"/> Tom B. Rabon, Jr. Chair, NCWorks Commission </div>

Purpose: To provide Local Area Workforce Development Boards (WDBs) and other subrecipients minimum standards and procedures designed to ensure that all WIOA programs will be conducted in accordance with applicable equal opportunity and nondiscrimination requirements.

This change incorporates the United States Department of Labor (USDOL) Fact Sheet: Protecting Individuals from Discrimination Based on Actual or Perceived Religion, Shared Ancestry, or Ethnic Characteristics issued in Training & Employment Guidance Letter (TEGL 05-23) on November 3, 2023 and provides current contact information for the Division of Workforce Solutions Equal Opportunity Officer. The Fact Sheet explains the legal authorities for the prohibitions, provides some examples that may be perceived to be prohibited discrimination, and suggests ways to prevent, identify and address discrimination.

This Commission Policy Statement rescinds CPS 10-2021 and the procedures herein supersede all previous policy, procedures, and guidelines regarding Nondiscrimination/Equal Opportunity Standards and Complaint Procedures.

Background: Programs and activities receiving federal financial assistance are prohibited from discriminating on the basis discussed in this policy. The attached procedures are designed pursuant to: Section 3.7 of the Grant Administration Agreement; Section .0412 of Title 04, Chapter 20 North Carolina Administrative Code; the Americans with Disability Act of 1990, as amended; the WIOA of 2014; the Non-traditional Employment for Women Act of 1991; Sections 403(a)(5)(J), 403(a)(5)(I)(iii), and 408(d) of Title IV of the Social Security Act, as amended; Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended, Title IX of the Education Amendments of 1972, as amended; and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR Part 38.

- Action:** Local Area WDBs and other subrecipients should utilize the USDOL Fact Sheet when reviewing existing policies and procedures and make any changes necessary to implement protections from discrimination under Title VI of the Civil Rights Act of 1964 (Title VI), protections from discrimination under Section 188 of WIOA, and religious accommodations under Section 188 of WIOA. Local Area WDBs are required to establish and maintain policies and guidelines that incorporate these minimum standards.
- Effective Date:** Immediately
- Expiration:** Indefinite
- Contact:** Mose Dorsey, Administrative Officer III; 984-236-4252; 1-800-735-2962 (TTY), 1-800-735-8200 (Voice)
- Attachments:**
1. NC Workforce Innovation and Opportunity Act (WIOA) Nondiscrimination/ Equal Opportunity Standards and Complaint Procedures
 2. USDOL Fact Sheet: Protecting Individuals from Discrimination Based on Actual or Perceived Religion, Shared Ancestry, or Ethnic Characteristics

**NC WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)
NONDISCRIMINATION/EQUAL OPPORTUNITY STANDARDS AND
COMPLAINT PROCEDURES**

I. Nondiscrimination and Equal Employment Opportunity Standards

- A. Subrecipients shall not discriminate against applicants, registrants, eligible applicants/registrants, participants, terminees, applicants for employment, employees, and members of the public because of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in any WIOA Title I-financially assisted program or activity. This applies to all programs, projects or activities funded in whole or in part with federal employment and training funds received directly or indirectly through the North Carolina Department of Commerce, Division of Workforce Solutions (hereinafter “DWS”).

Subrecipients shall not, directly or through contractual, licensing, or other arrangements, on a prohibited ground: 1) deny an individual any aid, benefits, services, or training provided under a WIOA Title I-funded program or activity; 2) provide to an individual any aid, benefits, services, or training that is different, or is provided in a different manner, from that provided to others under a WIOA Title I-funded program or activity; 3) subject an individual to segregation or separate treatment in any matter related to his or her receipt of any aid, benefits, services, or training under a WIOA Title I-funded program or activity; 4) restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any aid, benefits, services, or training under a WIOA Title I-funded program or activity; 5) treat an individual differently from others in determining whether he or she satisfies any admission, enrollment, eligibility, membership, or other requirement or condition for any aid, benefits, services, or training provided under a WIOA Title I-funded program or activity; 6) deny or limit an individual with respect to any opportunity to participate in a WIOA Title I-funded program or activity, or afford him or her an opportunity to do so that is different from the opportunity afforded others under a WIOA Title I-funded program or activity; 7) deny an individual the opportunity to participate as a member of a planning or advisory body that is an integral part of the WIOA Title I-funded program or activity; 8) aid or perpetuate discrimination by providing significant assistance to an agency, organization, or person that discriminates on a prohibited ground in providing any services, aid, benefit, or training to applicants, registrants or participants in WIOA Title I-funded program or activity; 9) refuse to accommodate a person's religious practices or beliefs, unless to do so would result in undue hardship; or 10) otherwise limit on a prohibited ground an individual in enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving any WIOA Title I-funded aid, benefits, services, or training.

In providing any aid, benefits, services or training under a WIOA Title I-financially assisted program or activity, a subrecipient shall not, directly or through contractual, licensing, or other arrangements, on the grounds of disability: 1) deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, service or training; 2) afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, service or training that is not equal to that afforded others; 3) provide a qualified individual with a disability with an aid, benefit, service or training that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others; 4) provide different, segregated, or separate aid, benefits, services, or training to individuals with disabilities or to any class of individuals with disabilities unless such action is necessary to provide qualified individuals with disabilities with aid, benefits, services or training that are as effective as those provided to others; 5) aid or perpetuate discrimination against a qualified individual with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefits, services or training to registrants, applicants, or participants; 6) deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards; 7) otherwise limit a qualified individual with a disability in enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving any aid, benefit, service or training.

Subrecipients will comply with applicable provisions of federal law and regulations regarding equal opportunity, will make such reports as may be required by the United States Department of Labor or the state, and shall make periodic assurances of compliance in applications, plans, and on request of the state.

- B. Each subrecipient is responsible for designating an equal opportunity officer who shall be responsible for assuring that discrimination does not occur in its programs or projects. All staff and participants shall be notified of this designation. The equal opportunity officer for a subrecipient is also responsible for the development of a complaint procedure. The equal opportunity officer is responsible for disseminating information to employees and participants concerning the subrecipient's nondiscrimination policy and the complaint procedure.

Subrecipients shall provide the DWS with the name, position, title, telephone number, supervisor, and job duties of their equal opportunity officer(s). Subrecipients shall describe the means by which the equal opportunity officer(s), name, position title, and telephone number are made public. Subrecipients shall also describe any staff and resources available to the equal opportunity officer(s). The DWS shall provide group and individual training to subrecipient equal opportunity officer(s) and staff.

- C. Subrecipients shall provide initial and continuing notice that it does not discriminate on any prohibited ground to applicants, registrants, eligible

applicants/registrants, participants, applicants for employment, employees, and members of the public including those with impaired vision or hearing, unions, or professional organizations holding collective bargaining or professional agreements with the subrecipient and contractor that receive WIOA Title I funds from the subrecipients. The subrecipient shall describe the methods and frequency of dissemination of the notice including initial dissemination. Subrecipients shall describe means by which notice is made available to individuals with hearing or visual impairments, as well as for persons of limited or non-English speaking ability. This communication with individuals with disabilities shall be as effective as communications with others. Subrecipients and their service providers shall, in regards to the notice, 1) post prominently, in reasonable numbers and places; 2) disseminate in internal memoranda and other written or electronic communications; 3) include in handbooks or manuals; and 4) make available to each participant and make a part of the participant's file or where files are maintained electronically. In regard to participants, the participant and the individual providing the notice shall sign the notice. Publications including recruitment brochures, broadcasts, and other materials routinely made available to the public shall include the statement "equal opportunity employer/program," and "auxiliary aids and services are available upon request to individuals with disabilities," and, where a telephone number is included on these materials, they shall indicate a TDD/TTY number or provide for an equally effective means of communication. North Carolina's current relay numbers are 1-800-735-2962 (TTY) and 1-800-735-8200 (Voice). Orientation to participants and new employees shall include equal opportunity rights under WIOA Title I-funded programs or activities. Information in language other than English shall be developed in areas where that language represents a five percent (5%) or more share of the spoken language.

- D. Subrecipients shall make efforts to provide employment and training opportunities and services on an equitable basis throughout all WIOA Title I-funded programs or activities. Such efforts shall include but not be limited to outreach efforts to broaden the composition of the pool of those considered for participation or employment, to include members of both sexes, the various race/ethnicity and age groups, and individuals with disabilities. Subrecipients must maintain sufficient records to document that programs, operators, and participants are selected equitably. All programs, to the maximum extent possible, shall contribute to the elimination of sex stereotyping, architectural barriers, and artificial barriers to employment and training. All Job Training Plans and applications will be evaluated for compliance with these requirements and for any adverse effects on equal opportunity.

Outreach efforts may include, but are not limited to: 1) advertising the programs and/or activities in media, such as newspapers or radio programs that specifically target various populations; 2) sending notices about openings in programs and/or activities to schools or community service groups that

serve various populations; and 3) consulting with appropriate community service groups about ways to improve outreach and service to various populations.

- E. Subrecipients must ensure that every application, contract document, agreement, or arrangement to carry out the WIOA Title I-funded program or activity include specific language related to compliance with the nondiscrimination requirements of WIOA in the following form:

As a condition to the award of financial assistance from the U. S. Department of Labor under Title I of WIOA, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

Section 188 of the Workforce Innovation and Opportunity Act of 2014 (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I-financially assisted program or activity;

Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, and national origin;

Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;

The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and

Title IX of the Education Amendments Act of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

The grant applicant also assures that it will comply with 29 CFR Part 38 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIOA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

- F. The Equal Opportunity Officer will collect and maintain records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. The race/ethnicity, sex, age, and where known, the disability status of each applicant, registrant, eligible applicant/registrant, participant, terminee, employee, and applicant for employment will be recorded. Records shall be maintained for a period of not less than three years from the close of the applicable program year.

Subrecipients must establish procedures for a regular review of WIOA programs to ensure that they promote equal opportunity and nondiscrimination. Such reviews should include a review of funding applications to assess their equal opportunity implications and their regulatory compliance; conducting on-site reviews to ensure that programs have been implemented in compliance with the regulations, to see that complaint procedures are in place, and to determine that services are being provided equitably to all eligible clients; and requiring corrective action, providing technical assistance and conducting follow-up where necessary. All monitoring activities, findings, and responses must be documented.

The Equal Opportunity Officer, on an annual basis, shall coordinate the monitoring of every subrecipient for compliance with administrative obligations under WIOA Section 188 and 29 CFR Part 38. Monitoring shall involve, at a minimum: 1) analysis of the data and records collected regarding the race/ethnicity, sex, age, and where known, disability status of every applicant, registrant, eligible applicant/registrant, participant, terminee, applicant for employment, and employee and 2) where significant differences are found, follow-up investigations to determine, through records review, interviews, and other appropriate investigative techniques, whether the differences are due to discrimination.

The monitoring review shall: 1) evaluate the extent to which subrecipients are complying with the assurances requirement of 29 CFR 38.25 through 38.27; 2) ensure that equal opportunity officers are complying with 29 CFR 38.31 through 38.33; 3) ensure that initial and continuing notice that discrimination on any prohibited ground will not be tolerated; 4) take appropriate steps to ensure that universal access is available to all WIOA Title I-financially assisted programs and activities; 5) ensure that complaint processing procedures are followed; and 6) ensure that all aspects of the state's methods of administration are being followed. Written reports of each monitoring review shall be prepared and made available to the subrecipient.

- G. In accordance with regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended, all subrecipients must operate each program activity so that the program or activity, when viewed in its entirety, is readily accessible to qualified persons with disabilities. This does not mean that each existing facility (or every part of an existing facility) must be accessible to and usable by persons with disabilities. It does mean that when all aspects of a program or activity are analyzed, equal opportunities for participation must exist for persons with disabilities.

All subrecipients shall periodically analyze, with the assistance of persons with disabilities or other representatives, their current programs, policies, and practices to determine the level of accessibility and compliance with Section 504 of the Rehabilitation Act of 1973, as amended. Evidence of such analysis should be available for review.

The Americans with Disabilities Act (ADA) mandates state and local governments give civil rights protection to individuals with disabilities that are like those provided to individuals on the basis of race, sex, national origin, and religion. The law also guarantees equal opportunity for individuals with disabilities in employment, public accommodation, transportation, state and local government services, and telecommunications.

As outlined in ADA, the subrecipient will adhere to the following provisions:

- Make reasonable accommodations for qualified applicants or employees;

- Protect qualified persons with disabilities who can perform the essential functions of the job with or without reasonable accommodation;

- Protect individuals with a history of disabilities and those assumed to have a disability; and

- Prohibit discrimination against people with disabilities in all employment practices including recruitment, hiring, training, job assignment, pay, layoffs, firing, promotions, leave, benefits, and all other employment-related activities.

The subrecipient shall ensure that all its buildings, programs and activities are physically and programmatically accessible to individuals with disabilities in the most integrated setting possible. The subrecipient shall further ensure that: 1) pre-employment/employment medical inquiries are limited to those permitted by and in accordance with laws and regulations; 2) the confidentiality of medical information provided by registrants, applicants, eligible applicants or registrants, participants, employees, and applicants for employment; 3) communications with persons with disabilities are as effective as with others; and 4) that reasonable modification of policies, practices, and procedures will be provided.

- H. All subrecipients will be subject to periodic review for compliance with these standards and procedures. The DWS will complete the review. DWS staff may recommend corrective measures to assure nondiscrimination, and, in the event of failure to correct deficiencies, the DWS may impose such sanctions as are available under the contract or grant administration agreement for failure to comply with a term of the contract or grant administration agreement.

II. Equal Opportunity/Nondiscrimination Complaint Procedure

Any person who believes that either he or she or any specific class of individuals has been or is being 1) excluded from participation in; 2) denied the benefits of, 3) subjected to discrimination under; or 4) denied employment in the administration of or in connection with any WIOA Title I-funded program or activity, on the ground of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in the Workforce Innovation and Opportunity Act (WIOA) may file a written complaint. The person or a representative may file the complaint. The complaint may be filed either with the subrecipient or with the Director of the Civil Rights Center (CRC), U.S. Department of Labor (USDOL). Complaints filed with the Director should be sent to the address listed below. Any person who elects to file his or her complaint with the subrecipient must allow the subrecipient 40 days to process the complaint and allow 50 days for the DWS to receive and review the complaint, if applicable. A complaint filed based on the above grounds must be filed within 180 days of the alleged discrimination, unless extended by the Director of CRC for good cause shown. Each complainant and respondent has the right to be represented by an attorney or other individual of his or her own choice.

1. All complaints must be filed in writing, signed by the complainant or authorized representative, and include the following information:
 - a. The full name, address, and telephone/TTY number of the complainant (or specify another means of contacting him or her);
 - b. The full name and address of the person or agency against which the complaint is made;
 - c. A clear, concise statement of the act or acts considered to be a violation;
 - d. In regard to disability, a statement or supporting evidence that the complainant is disabled; and
 - e. Other information that will help explain and resolve the complaint.
2. Hearings on any complaint filed must be conducted within 30 days of filing.
3. Complaint hearing procedures should include the following provisions:
 - a. Reasonable notice to all parties by registered or certified mail;
 - b. A statement of the date, time, and place of hearing;
 - c. A statement of the authority and jurisdiction under which the hearing is to be held;

- d. A reference to the particular section of the Act, regulations, grant, or other agreements under the Act involved;
 - e. Notice to the parties of the specific charges involved;
 - f. The right of both parties to be represented by legal counsel or other individuals of his or her own choice;
 - g. The right of each party to present evidence, both written and through witnesses;
 - h. The right of each party to cross examination;
 - i. The right of an impartial decision maker who has not been directly involved in the events from which the complaint arose; and
 - j. A written decision made strictly on the recorded evidence must be rendered within the prescribed time frame.
4. Complete records and documentation should be kept in each contested case, including minutes of testimony, data submitted, findings, appeals, and final decisions.
5. Decisions must be made not later than 40 days of filing the complaint. If a complainant does not receive a decision at the local level within 40 days of the filing of the complaint or receives an unsatisfactory decision, the complainant has a right to request a review of the complaint by the DWS. Requests for such review should be submitted to:

Assistant Secretary
NC Department of Commerce
Division of Workforce Solutions
313 Chapanoke Road, Suite 120
4316 Mail Service Center
Raleigh, North Carolina 27699-4316
ATTENTION: DWS WIOA EEO Officer

Such requests must be filed within 10 days of receipt of the adverse decision or 10 days from the date on which the complainant should have received a decision, whichever is earlier. The DWS will conduct a review of the complaint and issue a decision within 40 days from the date of receiving the review request. The Assistant Secretary for the DWS may extend the 10 days if: 1) the subrecipient does not notify the complainant of his or her right to request a review by the DWS, or 2) for other good cause shown. Under no circumstances shall the time limit be extended for more than 30 days. However, if an extension is not granted, the complainant may follow the procedures listed in number 6 below. The complainant has the burden of proving to the DWS that the time limit should be extended.

6. Should the DWS provide a decision unsatisfactory to the complainant or fails to provide one, the complainant may file a complaint with the Director of the Civil Rights Center of the U.S. Department of Labor. Such requests

must be submitted within 30 days of the DWS's decision or 120 days from the date the complaint was initially filed at the local level, whichever is earlier.

7. Complaints filed with the Director of the Civil Rights Center shall be mailed to:

Director of the Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue, N.W., Room N-4123
Washington, DC 20210

Each subrecipient shall maintain a log of complaints filed. The log shall include: 1) the name and address of the complainant; 2) the grounds of the complaint; 3) a description of the complaint; 4) the date the complaint was filed; 5) the disposition and date of disposition of the complaint; and 6) other pertinent information. Information that could lead to identification of a particular individual as having filed a complaint shall be kept confidential. Records regarding complaints and actions taken thereunder shall be maintained for a period of not less than three years from the date of resolution of the complaint and made available to the Director of the Civil Rights Center (CRC) or the state upon request. Information concerning all complaints shall be kept confidential.

8. The complaint processing procedures shall provide for alternative dispute resolution (ADR). The complainant shall have the choice of pursuing the customary investigation process or using the alternative dispute resolution process. If the parties do not reach an agreement under alternative dispute resolution at the subrecipient or state level, the complainant may file a complaint with the Director of the Center for Civil Rights (CRC) at the address listed in number 7 above. The DWS has selected the mediation process as its alternative dispute resolution. See North Carolina Department of Commerce, Division of Workforce Solutions Alternative Dispute Resolution Mediation Guidelines for additional information.
9. Corrective and remedial actions must be designed to completely correct each violation. For each corrective action, a time frame must be established and a minimum of time must be allowed for compliance. The procedures must provide, where appropriate, for retroactive relief (including, but not limited to, back pay) and prospective relief (e.g., training, policy development, and communication) to ensure that the discrimination does not recur. The subrecipient shall develop procedures for follow-up monitoring to ensure that commitments to take corrective action and remedial action are fulfilled. The subrecipient shall describe reports required from the violating agency regarding actions to correct the violation(s). Sanction procedures to be followed where voluntary compliance cannot be achieved shall be developed.



FACT SHEET: Protecting Individuals from Discrimination Based on Actual or Perceived Religion, Shared Ancestry, or Ethnic Characteristics

The Department of Labor (DOL) Civil Rights Center's (CRC) Role:

CRC promotes equal opportunity by assessing, investigating, and adjudicating discrimination complaints and conducting compliance reviews to administer and enforce equal opportunity laws. CRC enforces several laws that protect individuals from discrimination, including Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, *et seq.*, and its implementing regulations at 29 C.F.R. Part 31; and Section 188 of the Workforce Innovation and Opportunity Act (WIOA), 29 U.S.C. § 3248, and its implementing regulations at 29 C.F.R. Part 38. This fact sheet describes ways these protections cover individuals who are or are perceived to be Jewish, Christian, Muslim, Sikh, Hindu, Buddhist, or of another religious group.

Protection from Discrimination under Title VI:

Title VI applies to recipients of federal financial assistance, including grantees under programs administered by DOL agencies such as the Mine Safety and Health Administration (MSHA), the Occupational Safety and Health Administration (OSHA), the Veterans' Employment and Training Service (VETS), and the Employment & Training Administration (ETA).

Title VI prohibits discrimination based on race, color, or national origin, which includes discrimination (including harassment) based on actual or perceived: (i) shared ancestry or ethnic characteristics; and (ii) citizenship or residency in a country with a dominant religion or distinct religious identity. Although Title VI does not expressly protect individuals from discrimination based solely on

religion (*i.e.*, religious beliefs, observances, or practices), discrimination against individuals of any religion may constitute discrimination based on race, color, or national origin when it involves or is based on, for example:

- racial, ethnic, or ancestral slurs or stereotypes;
- a person's appearance, including their skin color, physical features, or style of dress that reflects both ethnic and religious traditions or heritage;
- a person's foreign accent or foreign name (including names commonly associated with particular shared ancestry or ethnic characteristics); or
- the fact that a person speaks a language other than English, such as Hebrew or Arabic.

Protection from Discrimination under Section 188 of WIOA:

Section 188 of WIOA applies to recipients of federal funds under WIOA Title I, including, for instance, state workforce agencies, one-stop operators or American Job Centers (AJC), On-the-Job Training employers, and Job Corps contractors and center operators. *See* 29 C.F.R. § 38.4(zz).

Like Title VI, Section 188 of WIOA prohibits discrimination based on race, color, or national origin. In addition, Section 188 prohibits discrimination based on religion in connection with WIOA Title I-funded programs and activities. In the context of covered programs or activities, this prohibition includes, for instance, denying or limiting an individual with respect to any opportunity to participate; subjecting an individual to segregation or separate treatment; treating an individual differently from others in determining whether they satisfy any eligibility or other requirements; or providing an individual with any aid, benefit, service, or training that is different or provided in a different manner from that provided to others. *See* 29 C.F.R. § 38.6(b).

WIOA regulations also explicitly prohibit harassment based on religion, including, in certain circumstances, offensive remarks about a person's religion or other unwelcome verbal or physical conduct based on religion. *See* 29 C.F.R. § 38.10.

Religious Accommodations under Section 188 of WIOA:

WIOA regulations provide that covered entities must not refuse to accommodate an individual's religious practices or beliefs unless doing so would result in "undue hardship." *See* 29 C.F.R. § 38.6(c)(2). Religious accommodation requests can involve, *e.g.*, schedule changes or leave for religious observances, exemptions from or modifications to uniform, dress, or grooming requirements that conflict with religious practices, or providing a quiet area for prayer during break time.

Who is protected?

As noted above, Title VI and WIOA Section 188 protect individuals (including, but not limited to beneficiaries, applicants, and participants) of all religions, including, but not limited to, Jewish, Christian, Muslim, Sikh, Hindu, and Buddhist individuals, from discrimination based on race, color, or national origin. Additionally, protection from religious discrimination under WIOA Section 188 extends not only to people who belong to traditional, organized religions, but also to others who have sincerely held religious, ethical or moral beliefs.

Examples of incidents that could, depending on the circumstances, raise Title VI and/or WIOA Section 188 concerns:

A Catholic employee requests a schedule change from his On-the-Job Training employer so that he can attend a church service on Good Friday. The employer refuses, even though there is another qualified employee available to cover the shift.

An Arabic-speaking woman calls her state workforce agency to request assistance, but the agency representative she speaks to ends the call abruptly because she assumes the woman is Muslim and believes the woman's Muslim faith and strong accent will make it impossible for her to find work.

A clerk working for a DOL grantee that provides services to veterans with disabilities refuses to process the application of a Jewish applicant because she believes Jewish people don't need financial help and preference should be given to other applicants.

A woman who practices Haitian Vodou tells her career counselor at a covered reentry program that she is interested in pursuing a career as a certified nurse assistant (CNA). The counselor discourages her and refuses to connect her with training resources, stating that since she "believes in magic," she is not suited for a career in medicine.

A participant in a covered job training program reports to her instructor that she heard another participant making jokes about the Holocaust during an orientation event, and later, saw him drawing swastikas and other antisemitic graffiti on the stalls of a shared bathroom. The job training program staff orders the graffiti removed but takes no further action.

A Rastafarian individual, who styles their hair in observance of their religious beliefs, is denied an opportunity to submit an application to enroll in a career training program. The admissions counselor impermissibly assumes that this applicant presents in an unprofessional manner which might discourage prospective employers from hiring them upon completion of the career training program.

A Sikh young adult participating in a covered career transition program is questioned at length by a staff member who does not recognize him and perceives him as a security threat due to his religiously mandated beard and turban. The staff member demands to

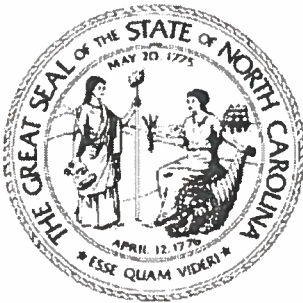

know where the young man is from and what his religious background is, refusing to allow him to begin the program until his supervisor intervenes.

What can a person do if they experience discrimination based on religion, shared ancestry, or ethnic characteristics?

Anyone who believes that discriminatory actions have been taken by a covered entity may file a complaint with CRC. For more information about filing a complaint, please visit www.dol.gov/oasam/programs/crc/external-enforc-complaints.htm.

For assistance and additional resources, please visit CRC's homepage at www.dol.gov/oasam/programs/crc/, or contact CRC by phone at 202-693-6502 or by email at CRCEXternalComplaints@dol.gov. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

Please note that this resource does not have the force and effect of law. CRC's enforcement of Title VI and WIOA stems from these statutes and their implementing regulations.

	North Carolina Department of Commerce Division of Workforce Solutions
	DWS Policy Statement Number: PS 14-2015
	Date: August 14, 2015
	Subject: Non-Criminal Program Complaints
	From:  William H. Collins, Jr. Assistant Secretary of Workforce Solutions

Purpose: To provide local Workforce Development Boards and other Workforce Innovation and Opportunity Act (WIOA) subrecipients the minimum standards and procedures for processing non-criminal program complaints and to rescind Local Area Issuance No. 2009-06.

Background: WIOA Section 181(c) requires the State and each local Workforce Development Board (WDB) receiving funds under Title I to establish and maintain a procedure for grievances or complaints alleging violations of the requirements of this Title regarding its programs and activities from participants and other interested or affected parties. The attached procedures are designed pursuant to Section 3.10 of the State of North Carolina and local WIOA Grant Administration Agreements and WIOA Section 181(c).

Local Workforce Development Boards and other WIOA subrecipients are required to establish and maintain policies and procedures that incorporate these minimum standards.

Effective Date: Immediately

Expiration Date: Indefinitely

Contact: Director of Field Operations

Attachment: Non-Criminal Program Complaints

Non-Criminal Program Complaints

In accordance with WIOA Section 181(c) subrecipients of Workforce Innovation and Opportunity Act (WIOA) funds shall establish and maintain a procedure for grievances or complaints about its programs and activities from participants, subgrantees, subcontractors, and other interested persons. The grievances or complaint procedures shall also provide for resolution of complaints arising from actions taken by the subrecipients with respect to investigations, audits, or monitoring reports of their subgrantees, contractors, and other subrecipients.

1. Grievances arising at the local level must first exhaust available remedies established in local procedures before being subject to state review. When such grievances stem from an alleged act that also violates a federal statute other than WIOA or a state or local law, the individual or agency may, with respect to the non-WIOA cause of action, institute a civil action or pursue other remedies authorized under other federal, state, or local law against the subrecipient or its agency without first exhausting the remedies under WIOA.
2. Except for complaints alleging fraud or criminal activity, complaints shall be made within one year of the alleged occurrence.
3. Local Workforce Development Boards must make reasonable efforts to assure that the information provided 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 requirements of 29 CFR 37.35 about the provision of services and information in languages other than English.
4. All complaints must be filed in writing, signed by the complainant or authorized representative, and include the following information:
 - a. The full name, address, and telephone number of the complainant;
 - b. The full name and address of the person against whom the complaint is made, if applicable;
 - c. A clear and concise statement of the acts considered to be a violation;
 - d. The provisions of WIOA, regulations, grant or other agreement under WIOA believed to have been violated; and
 - e. Other information that will help to explain and resolve the complaint.
5. Hearings on any program complaint filed must be conducted within 30 days of filing.
6. Grievance hearing procedures should include the following provisions:
 - a. Reasonable notice to all parties by registered or certified mail;
 - b. A statement of the date, time and place of hearing;
 - c. A statement of the authority and jurisdiction under which the hearing is to be held;
 - d. A reference to the particular section of WIOA, regulations, grant or other agreements under WIOA involved;
 - e. Notice to the parties of the specific charges involved;
 - f. The right of both parties to be represented by legal counsel;

- g. The right of each party to present evidence, both written and through witnesses;
 - h. The right of each party to cross examination;
 - i. The right of an impartial decision maker who has not been directly involved in the events from which the complaint arose; and
 - j. A written decision must be rendered with the prescribed time frame.
7. Complete records and documentation should be kept in each contested case, including minutes of testimony, data submitted, findings, appeals, and final decisions.
8. Decisions must be made within 60 days of filing the complaint. If a complainant receives an unsatisfactory decision or does not receive a decision at the local level within 60 days of the filing of the complaint, the complainant has a right to request a review of the complaint by the N.C. Division of Workforce Solutions. Request for such review should be submitted to:

N.C. Division of Workforce Solutions
313 Chapanoke Road, Suite 120
4316 Mail Service Center
Raleigh, North Carolina 27699-4316
ATTENTION: Director of Field Operations

Such requests must be filed within 10 days of receipt of the adverse decision or 15 days from the date on which the complainant should have received a decision, whichever is earlier. The Division of Workforce Solutions will conduct a review of the complaint and issue a decision within 30 days from the date of receiving the review request.

With the exception of complaints alleging violations of the labor standards, the Division of Workforce Solutions decision is final unless the Director of the U.S. Department of Labor (USDOL) Civil Rights Center exercises the authority for Federal-level review in accordance with federal law.

9. Should the Division of Workforce Solutions fail to provide a decision as required, the complainant may request from the Director of the USDOL Civil Rights Center a determination as to whether reasonable cause exists to believe that the Act or its regulations have been violated. The request for a determination must be submitted in writing within 120 days of the date the Division of Workforce Solutions decision should have been issued.

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

The complaint shall contain the following:

- a. The full name, address, and telephone number of the complainant;
- b. The full name and address of the person against whom the complaint is made, if applicable;
- c. A clear and concise statement of the acts considered to be a violation including the date filed with the Division of Workforce Solutions and the date on which the decision should have been issued and an attestation that no decision was issued;
- d. The provisions of WIOA, regulations, grant or other agreement under WIOA believed to have been violated; and
- e. Other information that will help explain and resolve the complaint such as information concerning remedies and sanctions sought outside WIOA.

The Director of the USDOL Civil Rights Center must act within 120 days of receipt of a request and, where appropriate, direct the Division of Workforce Solutions to take further action pursuant to State and local procedures. The Division of Workforce Solutions has 60 days to comply.

10. Subrecipients shall assure that other employers, including private-for-profit employers of participants under WIOA, have a grievance procedure relating to the terms and conditions of employment available to their participants. Employers may operate their own grievance system or may utilize the grievance system established by the subrecipient. Employers shall inform participants of the grievance procedures they are to follow when the participant begins employment.

An employer grievance system shall provide for, upon request by the complainant, a review of an employer's decision by the subrecipient and the Division of Workforce Solutions, if necessary.



NONDISCRIMINATION, COMPLAINT, and NON-COMPLAINT PROCEDURES

Nondiscrimination Procedures

The Mid-Carolina Local Area's NCWorks Career Centers comply with the following: Section 3.7 of the Grant Administration Agreement; Section .0412 of Title 04, Chapter 20 North Carolina Administrative Code; the Workforce Innovation and Opportunity Act of 2014 (WIOA), including the Non-traditional Employment for Women Act of 1991; Section 403(a)(5)(J) and 408(d) of Title IV of the Social Security Act, as amended September 1997; Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; Title IX of the Education Amendments of 1972, as amended; and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including, but not limited to 29 CFR Part 38.

It is the policy of the Mid-Carolina Local Area's NCWorks Career Centers to foster, maintain, and promote equal employment opportunities for its residents. The local area applies fair treatment of applicants, participants, and enrollees in all aspects of program administration. Discrimination against any person in recruitment, enrollment, retention, discipline, or any other aspect of program administration is prohibited. All training and services provided by the Mid-Carolina Local Area's NCWorks Career Centers are based on established guidelines and policies. All incidences of fraud, abuse, or other activity should be reported to Tamara Hodge, EEO Officer, at 6205 Raeford Rd, Fayetteville, NC 28304.

Complaint Procedures

Any person who believes that he or she or any specific class of individuals has been or is being 1) excluded from participation in, 2) denied the benefits of, 3) subject to discrimination under, or 4) denied employment in the administration of or in connection with any WIOA Title I funded activity or program on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (included limited English proficiency), age, disability, political affiliation or belief, and for any beneficiaries only, citizenship or participation in the Workforce Innovation and Opportunity Act (WIOA), may file a written complaint. The person or a representative may file the complaint.

The complaint may be filed either with the Local Area or with the Director of the Civil Rights Center (CRC), US Department of Labor (USDOL). Any person who elects to file his or her complaint with the Mid-Carolina Local Area's NCWorks Career Centers must allow the Center 40 days to process the complaint and allow 50 days for the Division to receive and review the complaint, if applicable. A complaint filed based on the above grounds must be filed within 180 days of the alleged discrimination unless extended by the Director of CRC for good cause shown. Each complainant and respondent have the right to be represented by an attorney or other individual of his or her own choice.

Any person who believes that he/she has been or is being subjected to discrimination by a service provider is advised to follow the procedures of the service provider (training facility, employer, or program operator). Issues may be resolved informally.

1. All complaints must be filed in writing, signed by the complainant, or authorized representative, and include the following information:
 - a. The full name, address, and telephone/TTY number of the complainant (or specify another means of contacting him or her).
 - b. The full name and address of the person or agency against which the complaint is made.
 - c. A clear, concise statement of the act(s) is considered to be a violation.
 - d. Regarding a disability, a statement or supporting evidence that the complainant is disabled.
 - e. Other information that will help explain and/or resolve the complaint.

Complaints filed with the Local Area shall be mailed to:
Equal Employment Opportunity Officer (EEO)
6205 Raeford Rd
Fayetteville, NC 28304

Complaints filed with the Director of the Civil Rights Center shall be mailed to: Director of the
Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue, N.W., Room N-4123
Washington, DC 20210

2. Upon receipt of a written complaint, the EEO Officer will attempt to resolve the issue informally by conducting an impartial investigation and meeting with the complainant and a representative of the facility or employer within 15 days.
3. If a resolution is not reached informally, the EEO Officer will call a hearing before the Workforce Development Board Director within 30 days of filing the written complaint. Complaint hearing procedures will be provided to all parties at this time.
4. Complaint records and documentation will be kept in each contested case, including minutes of testimony, data submitted, findings, appeals, and final decisions.
5. Decisions must be made no later than 40 days of filing the complaint. If a complainant does not receive a decision at the local level within 40 days of filing the complaint or receives an unsatisfactory decision, the complainant has a right to request a review of the complaint by the Division of Workforce Solutions. Requests for such review should be submitted to:

Assistant Secretary
NC Department of Commerce Division of Workforce Solutions
313 Chapanoke Road, Suite 120 4316 Mail Service Center
Raleigh, NC 27699-4316
Attention: DWS WIOA EEO Officer

Such requests must be filed within 10 days of receipt of the adverse decision or 10 days from which the complainant should have received a decision, whichever is earlier. The Division will conduct a review of the complaint and issue a decision within 40 days from the date of receiving the review request. The Assistant Secretary for the Division may extend the 10 days if: 1) the NCWorks Career Center does not notify the complainant of his or her right to request a review by the Division, or 2) for other good cause shown. Under no circumstances shall the time limit be extended for more than 30 days. However, if an extension is not granted, the complainant may follow the procedures limited in number 6 below. The complainant has the burden of proving to the Division that the time limit should be extended.

6. Should the Division provide a decision unsatisfactory to the complainant or fail to provide one, the complainant may file a complaint with the Director of the Civil Rights Center of the U.S. Department of Labor (CRC); the address is listed above. Such requests must be submitted within 30 days of the Division's decision or 120 days from the date the complaint was initially filed at the local level, whichever is earlier.

Non-Criminal Complaint Procedures

In accordance with 29 CFR 38.35 of the regulations, WIOA programs establish procedures for concerned participants, program operators, contractors, or other interested persons to file grievances or complaints about its programs and activities. The procedures outlined below are to be used by any person or party which takes issue with policies and procedures utilized in the operation and administration of WIOA programs by Mid-Carolina Workforce Development Board (MCWDB) Region; or any other agency or person who is paid to provide services to applicants or participants of WIOA programs operated or administered by or through the Mid-Carolina Workforce Development Board Local Area. Complaints may also be filed by persons taking issue with actions taken or decisions made by the MCWDB, or any other agency or person who is paid to provide services to applicants or participants of WIOA programs operated or administered by or through the Mid-Carolina Workforce Development Board Region. This includes complaints arising from investigations, audits, or monitoring reports of individuals or agencies who provide services to applicants or participants of WIOA programs through employment, or contractual relationship, with the MCWDB Region. These procedures will not be used by individuals, agencies, or groups which allege that illegal discrimination, fraud, or other criminal activity has taken place in the provision of WIOA services. Such allegations of criminal activity will utilize other grievance and complaint procedures established in the non-discrimination complaint procedures. When grievances stem from an alleged act that also violates a federal statute other than WIOA or a state or local law, the individual or agency may, with respect to the non-WIOA cause of action, institute a civil action or pursue other remedies authorized under other federal, state, or local law without first exhausting the remedies under WIOA.

Filing Deadline

Non-criminal program complaints as described in this section of this document must be filed within one year of the alleged occurrence. Complaints arising at the local level (MCWDB Region) must be filed at the local level using local procedures before being forwarded to the State of North Carolina for review.

Complaint Procedures

All complaints must be signed by the complainant or authorized representative and filed in writing with the Equal Opportunity (EO) Officer of the administrative entity for MCWBD Region's WIOA programs.

- The full name, address, and telephone number of the person, agency, or group who is filing the complaint.
- The full name and address of the person or agency against whom the complaint is made.
- A clear and concise statement of the nature of the complaint, including the specific act or acts which are thought to be a violation.
- The provisions of the Act, regulations, grant or other agreement believed to have been violated (to the extent this is applicable and can be determined); and
- Other information that will help explain and resolve the complaint.

The person or group filing the complaint will be provided with a dated receipt acknowledging delivery of the complaint to the EO Officer of the MCWDB. The date of filing will be the date the complaint is received by the EO Officer.

The EO Officer will work with the complainant throughout the complaint process to ensure an understanding of the procedures to be followed and to assist in the preparation of the complaint, if necessary. The EO Officer may, at the option of the complainant, serve as an intermediary between the complainant and the person, agency or group against whom the complaint is filed.

Hearing Procedures

The Executive Committee of the MCWDB serves as the WIOA Grievance Committee for the Local Area. No later than thirty (30) days following the date the complaint is filed; this committee shall conduct a hearing of the complaint.

All parties involved in the complaint will be given reasonable notice of the hearing by registered or certified mail, or by hand delivery supported by an assigned receipt. This notice shall specify:

- The date, time, and place of the hearing;
- The authority and jurisdiction under which the hearing is to be held;
- The particular section of the Act, regulation, grant or other agreements under the Act involved in the complaint (to the extent this is applicable and can be determined);
- The specific charges contained in the complaint;
- The right of both parties involved in the complaint to be represented by legal counsel or other individuals of their choosing;
- The right of each party to present evidence, both written and through witnesses;
- The right of each party to cross examination; and
- The right of each party to a decision by an impartial party who has not been directly involved in the events from which the complaint arose.

The hearing will be tape recorded. The EO Officer shall maintain complete records and documentation of all aspects of the contested case, including minutes of testimony, data submitted, findings, appeals, and final decisions. Copies of such records and documentation shall be provided to either party upon submission of a written request to the EO Officer.

A written decision made strictly on the recorded evidence will be rendered by the Grievance Committee, as defined above, and provided to both parties within sixty days of the date the complaint was initially filed.

Appeal Procedures

If a complainant receives an unsatisfactory decision or does not receive a decision at the local level within 60 days of the filing of the complaint, the complainant has a right to request a review of the complaint by the North Carolina Division of Workforce Solutions. Request for such review shall be submitted to:

Mose Dorsey
NC Division of Workforce Solutions
4316 Mail Service Center
Raleigh, North Carolina 27699-4316

A request must be filed within 10 days of receipt of the adverse decision, or, in the event the complainant has not received a written decision within the 60 day-time period or within 75 days of the date of the complaint was filed with the MCWDB.

The Division of Workforce Solutions will conduct a review of the complaint and issue a decision within 30 days from the date of receiving the review request.

Apart from complaints alleging violations of labor standards, the Division of Workforce Solutions decision is final unless the Secretary, United States Department of Labor, exercises the authority for Federal-level review.

Should the Division of Workforce Solutions fail to provide a decision as specified above, the complainant may request a determination from the Secretary, United States Department of Labor, as to whether reasonable cause exists to believe that the WIOA or its regulations have been violated. This request must be submitted in writing no later than 45 days following the date the Division of Workforce Solutions received the request to review the complaint. This request must contain the following information:

- The full name, address, and telephone number of the complainant;
- The full name and address of the person against whom the complaint is made, if applicable;
- A clear and concise statement of the acts considered to be a violation including the date filed with the Division of Workforce Solutions and the date on which the decision should have been issued and an attestation that no decision was issued;
- The provisions of the Act, regulations, grant, or other agreement under the Act believed to have been violated; and
- Other information that will help explain and resolve the complaint such as information concerning remedies and sanctions sought outside the Act.

The Secretary, United States Department of Labor, shall act within 90 days of the receipt of the request for a determination.

Where appropriate, the Secretary, United States Department of Labor, will direct the Division of Workforce Solutions to take further action pursuant to State and local procedures. The Division of Workforce Solutions has 60 days to comply with the Secretary's directive(s).

Record Keeping

The Administrative Entity of WIOA programs in the MCWDB region shall maintain a log of complaints filed. The log shall include:

- The name and address of the complainant
- The grounds of the complaint;
- The date the complaint was filed;
- The disposition and date the disposition of the complaint, and;
- Other pertinent information.

Records regarding complaints and actions taken thereunder shall be maintained for a period of not less than three years from the date of resolution of the complaint and made available to the Division of Workforce Solutions upon request. Information concerning all complaints shall be kept confidential.

I hereby acknowledge that I have read or been read the above information and have been provided with a copy of this document. Additionally, a copy will be uploaded in NCWorks Online.

Printed Name

Date

Signature

Witness Signature

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