



Category/Subject: Discrimination & Equal Opportunity
Colorado Policy Guidance Letter#: ADM-2002-05 (prior #02-07-L)
Revise/Replace PGL#: 01-02-L3
Date: January 25, 2002
Distribution: CDLE Management/Finance, State/Local Workforce Directors & Staff, Partners

I. REFERENCE(S):

29 CFR Part 37, Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998.

II. PURPOSE:

This Policy Guidance Letter (PGL):

Transmits information regarding the established Department of Labor and Employment=s guidelines for processing complaints of discrimination involving the U.S. Department of Labor funded programs, under 29 CFR Part 37, Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998; and, provides staff with updated Equal Opportunity Rights handouts and posters.

III. BACKGROUND:

The U.S. Department of Labor, Civil Rights Center (CRC), monitors equal employment opportunity compliance and enforcement from the National office. Their efforts are expended on ensuring non-discrimination in all programs under the Employment and Training Administration (ETA) jurisdiction, including the Employment Services (ES) and the Workforce Investment Act of 1998 (WIA).

DISCUSSION:

Complainants wishing to file discrimination complaints against a Workforce Center or other federally funded program, alleging unlawful discrimination by disability, race, color, national origin, age, sex, religion, political affiliation or belief, citizenship (beneficiaries only), or participation in any programs or activities funded by WIA, shall be informed of available remedies under 29 CFR Part 37. Applicants, eligible applicants for employment, claimants, employees, and members of the public may file a discrimination complaint under 29 CFR Part 37, and are protected from retaliation or reprisal under 29 CFR 37.11.

IV. POLICY/ACTION:

1. Complainant shall be informed that he or she can file the complaint with:

Colorado Department of Labor Scott Bowers, EEO Team Manager 633 17 th Street, Suite 1200 Denver, CO 80202 Phone: (303) 318-8206 TDD: (303) 318-9016 Toll free: 1-800-894-7730	or	Director, Civil Rights Center U.S. Department of Labor 200 Constitution Ave., N.W. Washington, DC 20210
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The Workforce Center Director or the designated complaint specialist for the office, will accept the discrimination complaint, log it into the discrimination log, which includes complainant's name and address, basis of complaint, description of complaint, date filed at local level, disposition of the complaint and any pertinent information.

The Workforce Center Director or designated complaint specialist will notify the complainant that such complaints must be filed within 180 days from the date of the alleged discriminatory act. The Director, Civil Rights Center (CRC), for good cause, may extend the filing time. Complaints alleging discrimination by participants in federally funded programs are to be handled in accordance with the regulations in 29 CFR Part 37 which provide for initial processing at the local level. The attached Complaint Information Form DL 1-2014a shall be made available to the complainant and assisted in completion. Each complainant and respondent has the right to be represented by an attorney or individual of his or her own choice. The complaint will be logged in the attached Local Office Complaint Log for Discrimination Complaints, under 29 CFR Part 37.

Forward all complaints alleging discrimination by participants in federally funded programs to Scott Bowers, EEO Team Manager. The complaint will be processed by the Colorado Department of Labor and Employment within 90 days of the date of filing. Complainant must be advised that if a complaint alleging discrimination is not resolved to the complainant's satisfaction within 90 days of the filing of the complaint, they need not wait for a decision to be issued, but may file a complaint with the Director, Civil Rights Center (CRC), within 30 days of the expiration of the 90 day period. **Note:** The complainant is given the option to choose mediation, and the State EO Officer is available for mediation to assist the party and/or agency jointly toward informal resolution.

If complainant is dissatisfied with the recipient's resolution of the complaint, complainant must file their complaint with the Director, Civil Rights Center (CRC) within 30 days of the date complainant received notice of the recipient's proposed resolution.

The Equal Opportunity Officer for the agency will notify the complainant in writing upon determining that this agency does not have jurisdiction over a complaint that alleges a violation of the nondiscrimination and equal opportunity provisions of WIA. The complainant will be notified as to the basis for the determination and the complainant's right to file a written complaint with the Director, Civil Rights Center (CRC), within 30 days of receipt of the notification.

Records on all discrimination complaints will be maintained for a period of not less than three years, and made available to the Director, Civil Rights Center (CRC) upon request. Any actions taken under these procedures shall remain confidential by the Department of Labor and Employment and any Workforce Centers receiving a complaint.

Employment Services related complaints that do not allege discrimination shall continue to be processed in accordance with the Federal regulations procedures in 20 CFR 658.411 (b) (2) which provide that complaints be handled by the local office Director.

The poster AEqual Opportunity is the Law is in English and Spanish with the Director, Civil Rights Center (CRC) address and the Colorado Department of Labor and Employment address should be posted in your office locations. These posters can be requested from the Equal Opportunity Administrator at (303) 318-8206.

Federal regulations require us to inform all applicants of their equal opportunity rights. To help ensure that we continue to comply with federal regulations, please:

- X Post the poster in a visible location in your office;
- X Make sure each applicant is provided a hard copy of the EO notice and reads the notice; and
- X Enter the EO (Equal Opportunity Notice) service on the Job Link record of each applicant.

Offices have the option of either reproducing the form and giving a copy to each applicant, or developing alternative methods that effectively present the material to applicants (e.g. encasing the notification in plastic and giving it to applicants to read as part of the registration process). Please notify the Equal Opportunity Administrator of which method your office will be utilizing.

Action: Area Directors, Job Service Center Directors, Workforce Center Directors, and staff should become familiar with these procedures to ensure compliance with the Director, Civil Rights Center (CRC) non-discrimination and equal opportunity requirements. In addition, please reproduce the posters and forms in sufficient quantities to meet local office needs. If you have any questions, please contact the Equal Opportunity Administrator at (303) 318-8206.

V. IMPLEMENTATION DATE:

Upon receipt.

VI. INQUIRIES:

Inquiries concerning this PGL should be directed to Scott Bowers, (303) 318-8206 or scott.bowers@state.co.us.

Elise Lowe-Vaughn, Director
Workforce Programs, Policy, and Strategic Initiatives

ATTACHMENTS:

1. Discrimination Complaint Log