



TEXAS WORKFORCE SOLUTIONS
DISCRIMINATION COMPLAINT PROCEDURES

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INTRODUCTION

The purpose of this document is to provide information regarding the standard procedures used to receive and resolve complaints of discrimination.

Individuals who believe that the Texas Workforce Commission (TWC) or recipients who receive federal financial assistance from or through TWC has subjected them or any specific class of individuals to unlawful discrimination may file a complaint of discrimination. Complaints are processed as outlined in these procedures.

Nondiscrimination under the Workforce Innovation and Opportunity Act

[Reference: *Workforce Innovation and Opportunity Act (WIOA), Section 188*, and *Code of Federal Regulations (CFR), 29 CFR 38*]

The forms of discrimination that are prohibited under WIOA include race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in any WIOA Title I program or activity. Retaliation for opposing unlawful discrimination is also prohibited. Specific, prohibited actions related to these forms of discrimination are listed in *29 CFR §38.35*.

All recipients of WIOA funds and one-stop partners must effectively communicate that they do not discriminate on any of these prohibited grounds. This notice must be given to all subrecipients, applicants for and participants in programs and services, applicants for employment, and employees and members of the public. The notice must contain instructions on the specific discriminatory actions that are prohibited as well as instructions on complaint procedures. Specific wording required in the notice can be found at *29 CFR §38.35*.

Responsibilities of the Equal Opportunity Officer

Every recipient must designate an Equal Opportunity (EO) Officer except small recipients as defined in *29 CFR §38.4(hhh)*. The EO Officer is responsible for coordinating the recipient's obligations and compliance activities under the nondiscrimination and equal opportunity provisions of WIOA. Those responsibilities include, but are not limited to, the following:

- Serving as the liaison with TWC or the US Department of Labor (DOL), Civil Rights Center (CRC)
- Monitoring the recipient's activities and the activities of the entities that receive WIOA funds from the recipient to ensure that they are not violating nondiscrimination and EO provisions of *WIOA §188*
- Reviewing the recipient's written policies to ensure that policies are not discriminatory
- Developing and publishing procedures for processing discrimination complaints and ensuring those procedures are followed
- Reporting directly to the appropriate official (TWC, governor, or other appropriate authority) about EO matters
- Undergoing training to maintain competency

Who May File

A complaint of discrimination may be filed by individuals, or their representative, who believe that they, or any specific class of individuals has been or is being subjected to discrimination prohibited by WIOA by a policy, program, activity, or employee of TWC or a recipient that receives federal funding through TWC. This includes applicants and/or participants for aid, benefits, services, or training; employees; applicants for employment; and service providers.

Where to File

Individuals who wish to file a complaint of discrimination have several choices when filing the complaint, depending on whether the individual is an employee or a customer, and also depending on the specific funding source for the program or activity. The choice of where to file a complaint of discrimination is left completely to the complainant. The local EO Officer or other staff trained in EO procedures should be prepared to explain the differences and answer any questions a potential complainant has regarding various options.

Generally, under *WIOA §188* nondiscrimination and equal opportunity provisions, complaints may be filed at the federal, state, or local level. A complainant may file a complaint at the local or state level by completing and submitting a Discrimination Complaint Form (EO-13 or EO-13S), available from a local level EO Officer (separate attachment). The complainant may file a complaint at the federal level with the CRC by submitting a completed Complaint Information Form available at <http://www.dol.gov/oasam/programs/crc/EO.htm>. Complaints may also be filed with other federal agency one-stop partners according to each agency's discrimination complaint process.

It should be noted that nothing in this directive precludes a complainant from pursuing a remedy authorized under another federal, state, or local law.

When to File

In most cases, a complaint of discrimination must be filed within 180 calendar days of the alleged act of discrimination. Filing means a written complaint must be *received* before the expiration of the 180-day period. Complaints received more than 180 days following the act of alleged discrimination cannot be processed and will be returned to the complainant with a notice of options for filing with either a federal or state enforcement agency.

Required Elements of a Complaint

In order to be processed, a complaint must be filed in writing, either electronically or in hard copy, and contain the following information:

- The complainant's name and address, and, if applicable, e-mail address (or other means of contacting the complainant)
- The identity of the respondent
- A description of the complainant's allegations. The description must include enough detail to allow the EO Officer to decide:
 - where jurisdiction lies;
 - whether the complaint was filed in time; and

- whether the complaint states a case of discrimination; in other words, the allegations, if true, would violate a federal or state nondiscrimination law.
- The written or electronic signature of the complainant or the complainant's representative

A complainant may also submit a written and signed complaint narrative containing the information above.

Incomplete Complaints

Within five working days of receiving the complaint, the recipient must notify the complainant in writing of any further information that is needed in order to determine jurisdiction or to process the complaint. If reasonable efforts to reach the complainant are unsuccessful or if the complainant does not respond within the time specified in the request, the recipient may close the complainant's file without prejudice. The complainant may resubmit the complaint as long as it is filed within the original 180-day deadline.

If the case is closed for lack of required information, the recipient must send a written notice of closure to the complainant's last known address. In the event the complainant submits the missing information after the file has been closed, the complaint may be reopened provided it has not been more than 180 days since the date of the alleged discriminatory action. The complaint should be logged as received on the date the file is reopened and the 90-calendar day resolution period will commence with the later date.

Retaliation Is Prohibited

Complainants have a right to file a complaint of discrimination, have an inquiry conducted, have witnesses participate in the process, and obtain a determination as to whether or not discrimination occurred. Respondents are prohibited by law from retaliating against an individual because the individual has:

- opposed an unlawful discriminatory employment practice;
- opposed an unlawful discriminatory nonemployment practice; or
- made a complaint, testified, assisted, or participated in an inquiry.

Any individual who feels that a respondent has violated this prohibition may file a complaint alleging retaliation. Retaliation is a separate complaint and a respondent can be found responsible for retaliation and thus subject to sanctions and penalties pursuant to *40 TAC §802, Subchapter G* (relating to Sanctions), and *WOIA §188(b)*, even if there is no finding of discrimination on the underlying complaint.

Complaints under Programs Other Than WIOA

A complaint of discrimination under programs other than WIOA programs administered by one-stop partners participating in the one-stop delivery system are subject to the equal opportunity and nondiscrimination provisions of *WIOA §188*. One-stop partners can include entities that carry out programs or activities related to Child Care, Employment Service (ES), Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T), Choices program, Trade Adjustment Assistance (TAA), Unemployment Insurance (UI), and Wagner-Peyser 7(b). In general, complainants have the option of filing a program or employment-related complaint with

the local EO Officer, with TWC, or with CRC under WIOA nondiscrimination provisions, or filing with the non-WIOA program funding agency. If the complaint is employment related, the complainant may also file with the TWC Civil Rights Division or the US Equal Employment Opportunity Commission (EEOC).

More specifically, discrimination complaints in employment or program services funded in whole or in part through non-DOL programs can be filed with the local EO Officer, with TWC, or with CRC using the WIOA discrimination complaint procedures set forth in this document. Additionally, discrimination complaints related to other funding sources may be filed as follows:

- **Child Care and Choices:** Instructions for filing with the US Department of Health and Human Services can be found at <http://www.hhs.gov/ocr/index.html>.
- **SNAP E&T:** Instructions for filing with the US Department of Agriculture can be found at http://www.ascr.usda.gov/complaint_filing.html.
- **Migrant and Seasonal Farmworkers:** Refer complaints to the Texas Monitor Advocate Officer.

Discrimination in employment practices and/or wage-related complaints against employers not subject to the nondiscrimination and equal opportunity provision of WIOA may be referred to the appropriate authority as follows:

- **Wage Related:** Wage-related complaints should be referred to the TWC Labor Law section using instructions and claim forms found at <http://www.twc.state.tx.us/files/jobseekers/How-to-File-Wage-Claim-Online-Tutorial-twc.pdf>.
- **Employment Practices:** Complaints alleging discrimination in employment practices may be referred to the TWC Civil Rights Division or to the nearest EEOC district office.

Complaints Not Based on Discrimination

Each Board and Board subcontractors should have a written policy on complaint resolution for complaints not based on discrimination as set forth in *20 CFR §683.600*. If a complaint is not based on discrimination, but on program or customer service issues, process the complaint in accordance with local policies and procedures. Examples might include complaints of discourteous treatment by Workforce Solutions Office or Vocational Rehabilitation (VR) staff or violations of the terms and conditions of a job posting in WorkInTexas.com. Once received, attempt to resolve the complaint at the Workforce Solutions Office or VR office level. If this is not possible, refer the complaint to the Board level for resolution. In the event that the complaint cannot be resolved at the Board level, the complaint should be referred to the TWC ombudsman.

WORKFORCE INNOVATION AND OPPORTUNITY ACT DISCRIMINATION COMPLAINT PROCESSING PROCEDURES

Process Overview

The required elements of a discrimination complaint process are outlined in 29 *CFR* §38.72–§38.76. For purposes of illustrating the process, the following example of a discrimination complaint received at a Workforce Solutions Office is provided:

- Complainant expresses a desire to file a discrimination complaint.
- The Workforce Solutions Office representative provides the complaint form.
- A written and signed complaint is received.
- A copy of the completed and signed complaint form is provided to the complainant.
- The Workforce Solutions Office representative logs the complaint on the Discrimination Complaint Log.
- The complaint form is immediately forwarded to the Board EO Officer.
- The Board EO Officer:
 - Determines jurisdiction by considering the basis of the complaint, the timeliness of the complaint, and whether the respondent is a recipient of WIOA funds or participates in the one-stop delivery system.
 - If it is determined that the Board lacks jurisdiction, the complainant is provided with an initial written notice within five days of receipt of the complaint stating the reasons for the determination and providing notice that the complainant has the right to file a complaint with CRC within 30 days from the date the complainant receives the notice.
 - If the Board has jurisdiction, the recipient provides the complainant with an initial written notice within five working days of receiving the complaint. The initial written notice acknowledges receipt of the complaint, gives notice of the right to representation, provides a list of issues identified by the complainant, and indicates whether the Board will accept or reject each issue with reasons for rejection. The notice also offers the complainant Alternative Dispute Resolution (ADR) services in lieu of the complaint processing procedures.
 - If the complainant agrees to ADR, the ADR process is completed according to Board procedures. This process should be completed within 40 days from the date of the initial written notice.
 - If ADR is not elected, or is unsuccessful, the fact-finding process is initiated. The fact-finding process is completed within 45 days from the date of the initial written notice or 30 days from the date of the failed ADR.
 - A Notice of Final Action is provided to the complainant within 90 days from the date on which the complaint was filed.
- Records regarding complaints and corresponding actions must be maintained for not fewer than three years from the date of resolution.

Steps in the Process

Step 1 – Complete Written Complaint

Complainants may file a written complaint of discrimination themselves or through a representative. In the event a complaint is received by phone, notify the complainant that the complaint must be submitted in writing and signed. If a written complaint does not contain all

the information required in 29 CFR §38.70, offer to mail (or e-mail) the form or ask the complainant to pick up the form.

In the event complainants present themselves in person, Workforce Solutions Office staff or the VR liaison escorts the complainant to the representative designated to receive complaints.

The Workforce Solutions Office or VR representative provides the complainant with the Discrimination Complaint Form (EO-13 or EO-13S). A supply of forms should be maintained locally. When meeting with the complainant, the Workforce Solutions Office or VR representative should:

- Explain the form to the complainant and provide instructions for returning the form by mail or in person.
- Not provide legal advice or advocate a position.
- Not complete the form for the complainant, unless providing reasonable accommodation to individuals with disabilities.
- Explain the discrimination complaint process to the complainant.
- Explain to the complainant that a written acknowledgment will be sent within five working days.

The Workforce Solutions Office or VR representative may attempt to resolve the situation. However, if the complainant desires to submit a written complaint, it must be completed and processed. The Workforce Solutions Office or VR representative must never attempt to dissuade the participant from filing a written complaint.

Step 2 – Log Complaint and Forward to Equal Opportunity Officer

When the written complaint is received, the Workforce Solutions Office or VR representative immediately forwards the complaint. If the discrimination complaint originated within the VR program, the complaint is forwarded by e-mail to TWC EO staff at EO.Reports@twc.state.tx.us. All other discrimination complaints are forwarded to the Board EO Officer. The Board EO Officer or TWC EO staff may attempt to resolve the situation at any time during the process. The Board EO Officer or TWC EO staff logs the complaint on the discrimination complaint log.

Step 3 – Determine Jurisdiction

The Board EO Officer initiates the fact-finding process to determine whether the Board has jurisdiction to process the complaint. There are three criteria that determine jurisdiction:

- **BASIS** – The Board may accept and process only those complaints that allege discrimination on the basis of race, color, religion, national origin, sex, political affiliation or belief, age or disability, or (for beneficiaries only) citizenship or participation in WIOA;
- **TIMELINESS** – The Board may accept and process a complaint only if it is filed within 180 days of the alleged violation; and
- **PROGRAM TYPE** – The Board may accept and process only those complaints in which the program or activity against which the complaint is filed is financially assisted by WIOA funds. This includes all WIOA programs as well as all one-stop partner programs. One-stop partners are also subject to the nondiscrimination and equal opportunity provisions of WIOA to the extent that they participate in the one-stop delivery system.

Step 4 – Provide Initial Written Notice to Complainant

Provide an initial written notice to the complainant within five working days of the receipt of the complaint.

- a. If it is determined that the Board has jurisdiction, then:
 - The notice should acknowledge receipt of the written complaint and advise complainants of their right to representation (without cost to the Board).
 - The notice should also list each issue identified by the complainant and whether the Board will accept the issue for investigation or reject the issue, with the reason listed for each rejection.
 - The notice should advise complainants that they may choose to use the Board’s ADR procedure rather than the complaint processing procedure. *Note: 29 CFR §38.72(c) requires that each Board establish a written ADR procedure. The notice must advise complainants that they must file notice of the election to use ADR procedures within seven calendar days of receipt of notification.*
- b. If it is determined that the Board lacks jurisdiction, then:
 - The notice should acknowledge receipt of the complaint and advise the complainant that the Board lacks jurisdiction. The notice should also state the reason for the determination and provide notice that the complainant may file a complaint with the CRC Director within 30 days of the receipt of the notification.
 - Where possible, the Board EO Officer should then refer the complaint to the state or federal agency that has jurisdiction in the matter and provide the complainant with the agency name and address or a copy of the referral letter.

Step 5 – Complete Alternative Dispute Resolution Process, if Elected

If the complainant elects to resolve the complaint through ADR, proceed with the Board’s written ADR procedures. If ADR is not elected, proceed to Step 6. The following are guidelines for the ADR process:

- If the complainant elects to use the Board’s written ADR procedures, the complainant must submit a notice of this election within seven calendar days of the complainant’s receipt of the Board’s initial written notice.
- The ADR process should be completed within 40 days from the date of the initial written notice.
- The EO Officer coordinates the scheduling of the mediation with a qualified mediator at a location convenient to the complainant and the respondent.
- If the parties are able to resolve the dispute at mediation, a written settlement agreement must be prepared and signed by all parties. A copy of the agreement is given to all parties.
- The EO Officer should send the TWC EO a copy of the final agreement or the notice of failure to reach an agreement within five working days of reaching that determination.
- If the parties reach an agreement, the EO Officer provides the complainant with a Notice of Final Action.
- In the event that a mediation agreement is subsequently breached, the nonbreaching party should notify the EO Officer. The nonbreaching party may file a complaint directly with the CRC Director within 30 calendar days from the date the party learns of the alleged breach. If the CRC Director determines the agreement has been breached, the complainant may file a complaint with CRC based on the original allegations. The CRC Director will waive the 180-day deadline and process the complaint as an initial complaint.

Step 6 – Complete Fact-Finding Process if Alternative Dispute Resolution Is Not Elected or Is Unsuccessful

If ADR is not elected or is unsuccessful and the complainant elects to proceed with the complaint at the recipient level, initiate the fact-finding process.

- Complete the fact-finding process within 45 days from the date of the original written notice or 30 days from the date of the failed ADR.
- The EO Officer should attempt to resolve the complaint. At any point in the process, the EO Officer may request that the parties attempt conciliation. The EO Officer should act to facilitate such conciliation efforts.

Step 7 – Determine if Act of Discrimination Has Occurred and Notify Parties

At the completion of the fact-finding process, the EO Officer must determine whether there is reasonable cause to believe that the respondent has violated WIOA's nondiscrimination and EO provisions and notify the complainant and respondent, in writing, of that determination.

- If the EO Officer determines that no act of discrimination has occurred, the complainant must be provided with a written Notice of Final Action within 90 days from the date the complaint was received. The notice must include:
 1. The decision for each issue raised and reasons for the decision; and
 2. Notice that the complainant has the right to file a complaint with CRC within 30 days of the date on which the Notice of Final Action is issued if the complainant is dissatisfied with the final action on the complaint.
- If there is reasonable cause to believe a violation has occurred, the EO Officer should do the following:
 1. Notify the TWC Equal Opportunity Coordinator of this finding. The TWC EO Coordinator will assist in reviewing the file and the conclusions. (If reasonable cause is determined, the TWC EO Coordinator immediately notifies the State-Level EO Officer.)
 2. Provide the complainant with a Notice of Final Action within 90 days that includes the following:
 - a. The decision for each issue raised and reasons for the decision or a description of how the issues were resolved;
 - b. Any remaining remedial or corrective actions required of the respondent; and
 - c. Notice that the complainant has the right to file a complaint with CRC within 30 days of the date on which the Notice of Final Action is issued if the complainant is dissatisfied with the final action on the complaint.
 3. If violations are unresolved, issue an Initial Determination Notice to the respondent. The Initial Determination Notice must include the following:
 - a. The specific findings;
 - b. Corrective or remedial action required by the respondent;
 - c. The time by which the respondent must complete the corrective action;
 - d. A statement as to whether the respondent must enter into a written agreement; and
 - e. The opportunity for the respondent to engage in voluntary compliance negotiations.
- Note that if a Notice of Final Action is not issued within 90 days of the receipt of the complaint, the complainant may file a complaint with CRC within 30 days of the expiration of the 90-day period.

Step 8 – Complete Resolution Process

The respondent must file a notice within 10 calendar days of receipt of the Initial Determination Notice that states whether the recommended complaint resolution is accepted and whether the respondent will complete the required corrective actions. When the resolution process is complete, or the respondent has not agreed to or performed the corrective or remedial actions to resolve the violation, the EO Officer must issue a Final Determination Notice. The Final Determination Notice must include the following:

- Description of efforts to resolve the violation(s);
- Recap of the remaining unresolved violation(s);
- Description of corrective or remedial actions required to come into compliance; and
- Notice that if the respondent fails to come into compliance within 10 days of receiving the Final Determination Notice, sanctions may be imposed pursuant to *40 TAC* Chapter 802, Subchapter G (relating to sanctions), *WIOA §188(b)*, or other remedies prescribed by law.

EO and EEO Contacts

Note - Individuals who are deaf, hard of hearing, or speech impaired can call any office within Texas by using the toll-free Texas Relay service at 7-1-1.

Texas Workforce Commission

EO Coordinator

101 East 15th Street, Room 500-D

Austin, Texas 78778

E-mail Address: EO.Reports@twc.state.tx.us

(512) 936-0343

Relay Texas: 7-1-1

Texas Workforce Commission

Civil Rights Division

P.O. Box 13006

Austin, Texas 78711-3006

E-mail Address: eeointake@twc.state.tx.us

(512) 463-2642 or (888) 452-4778

Relay Texas: 7-1-1

US Department of Health and Human Services

Office for Civil Rights, Region VI

1301 Young Street, Suite 1124

Dallas, Texas 75202

E-mail Address: OASHRHA6@hhs.gov

(214) 767-3879 (voice) (214) 767-3209 (TDD)

Texas Health and Human Services Commission

Civil Rights Office

701 W. 51st Street, W206

Austin, Texas 78751

E-mail Address: HHSCivilRightsOffice@hpsc.state.tx.us

(512) 438-4313 (voice) (512) 438-3087 (TDD)

(888) 388-6332 (voice)

Ombudsman: (877) 787-8999

US Department of Agriculture

Office of Civil Rights

1400 Independence Avenue, SW, Mail Stop 94

Washington, DC 20250-9410

E-mail Address: program.intake@usda.gov

(800) 795-3272 (voice) (202) 720-2600 (voice and TTY)

Equal Employment Opportunity Commission

San Antonio District Office

Legacy Oaks, Building A

5410 Fredericksburg Road, Suite 200

San Antonio, Texas 78299

E-mail Address: info@EEOC.gov

(800) 669-4000 (voice) (800) 669-6820 (TTY)

ASL Video Phone: (844) 234-5122

**Equal Employment Opportunity Commission
Dallas District Office**

207 South Houston, Third Floor
Dallas, Texas 75202

E-mail Address: info@EEOC.gov

(800) 669-4000 (voice) (800) 669-6820 (TTY)

ASL Video Phone: (844) 234-5122

**Equal Employment Opportunity Commission
El Paso District Office**

100 Stanton Towers
100 N. Stanton Street, Suite 600
El Paso, Texas 79901

E-mail Address: info@EEOC.gov

(800) 669-4000 (voice) (800) 669-6820 (TTY)

ASL Video Phone: (844) 234-5122

**Equal Employment Opportunity Commission
Houston District Office**

Mickey Leland Federal Building
1919 Smith Street, Sixth Floor

E-mail Address: info@EEOC.gov

(800) 669-4000 (voice) (800) 669-6820 (TTY)

ASL Video Phone: (844) 234-5122

Checklist for Establishing Jurisdiction for WIOA EO Discrimination Complaints

(Failure of the complainant to establish any one of the following items shall result in notification of lack of jurisdiction.)

File Number: _____ **Completed By:** _____

- Yes No The complaint is in writing.
- Yes No The complainant's name and address (or other means of contacting the complainant) are provided.
- Yes No The complaint is *signed* by the complainant or authorized representative.
Does the complainant have an authorized representative?
 Yes No
- Yes No The respondent is identified.
Name: _____
Address: _____
- Yes No The respondent is a "recipient" of WIOA funds per the definition of recipient in 29 CFR §38.4(zz).
If a "recipient," explain the source of federal funding or other qualifying source (in other words, operates WIOA programs or services):

Is there documentation supporting "recipient" status? Yes No
- Yes No The complaint alleges a covered "basis" of discrimination: race, color, religion, national origin, sex, political affiliation or belief, age, disability or (for beneficiaries only) citizenship or participation in WIOA.
What is the covered "basis"? _____
- Yes No The complaint has "apparent merit" (in other words, the complainant alleges that the respondent took an "adverse action" against the complainant due to a prohibited "basis" of discrimination).
Brief statement of alleged "adverse action" or "issue."

- Yes No The complaint is filed within 180 days of alleged adverse action.

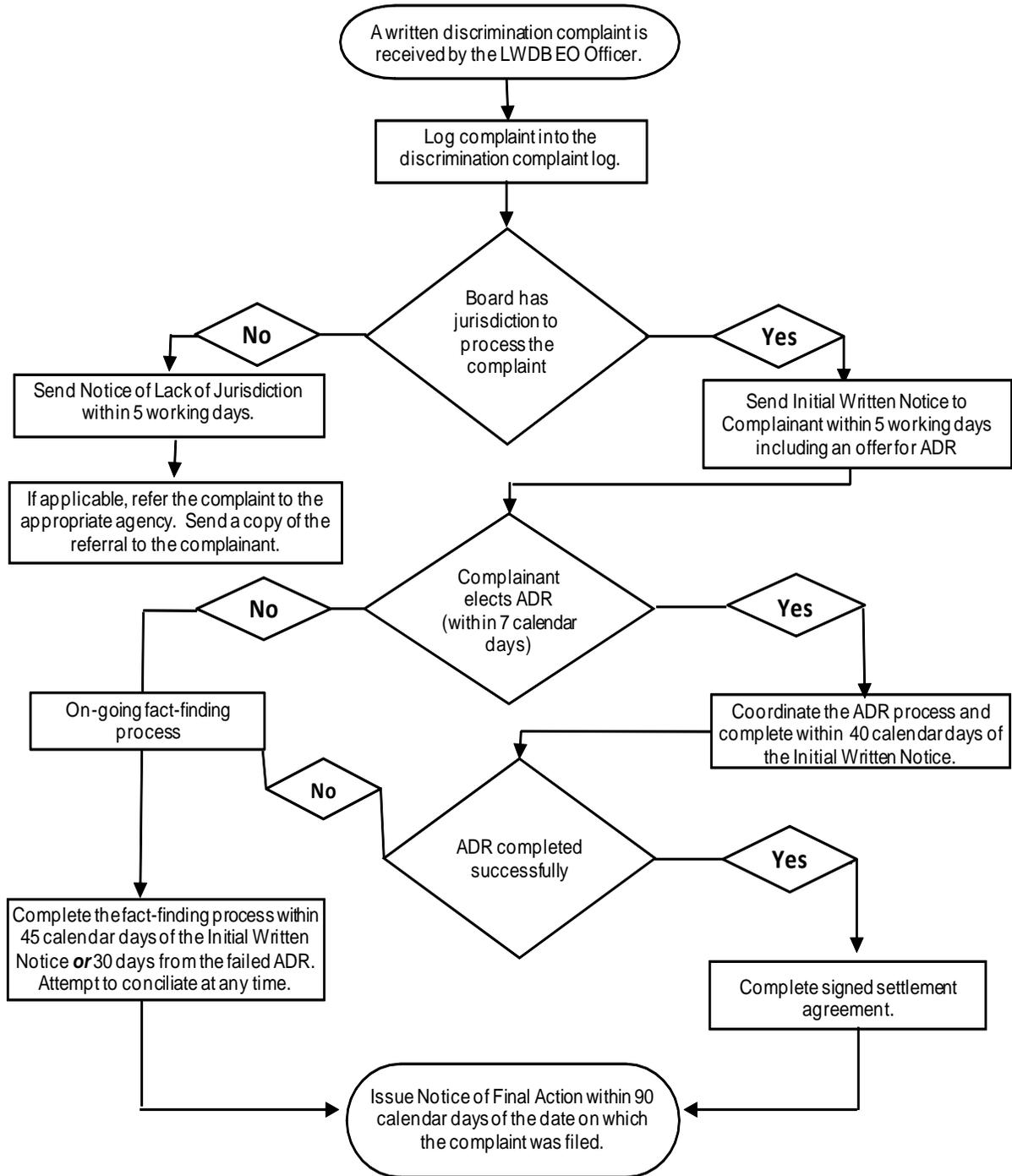
Date complaint filed: _____

Date of alleged adverse action: _____

Number of days between adverse action and complaint filing date: _____

Jurisdiction Is Established for the Complaint: **Yes** **No**

Discrimination Complaint Process Map



- I. A written discrimination complaint is received by the LWDB EO Officer.
- II. Log complaint into the discrimination complaint log.
- III. Decision: Does the Board have jurisdiction to process the complaint?
 - A. If no, then send notice of lack of jurisdiction within five working days.
 1. If applicable, refer the complaint to the appropriate agency. Send a copy of the referral to the complainant. End of process.
 - B. If yes, then send initial written notice to complainant within five working days, including an offer for alternative dispute resolution (ADR).
 1. Did the complainant elect ADR within seven calendar days?
 - a. If no, the complainant did not elect ADR within seven calendar days:
 - (1) Proceed to an ongoing fact-finding process to be completed within 45 calendar days of the initial written notice. Attempt to conciliate at any time.
 - (2) Issue notice of final action within 90 calendar days of the date on which the complaint was filed. End of process.
 - b. If yes, the complainant did elect ADR within seven calendar days, coordinate the ADR process and complete within 40 calendar days of the initial written notice.
 - (1) Is the ADR completed successfully?
 - (a) If no:
 - i. Proceed to an ongoing fact-finding process to be completed within 45 calendar days of the initial written notice or 30 days from the failed ADR. Attempt to conciliate at any time.
 - ii. Issue notice of final action within 90 calendar days of the date on which the complaint was filed. End of process.
 - (b) If yes:
 - i. Complete signed settlement agreement.
 - ii. Issue notice of final action within 90 calendar days of the date on which the complaint was filed. End of process.

I. EXAMPLES OF LETTERS AND NOTICES

Example 1

EXAMPLE – INITIAL WRITTEN NOTICE
(within Jurisdiction)

June 1, 20XX

Mr. John Doe
1111 First Avenue
Anytown, Texas 77777

Dear Mr. Doe:

The Anytown Workforce Development Board received your written complaint of discrimination dated May 30, 20XX. In your complaint, you raised the following issue:

- You state that you applied for WIOA Dislocated Worker Services on April 13, 20XX, but were denied these services because of your ethnicity (Hispanic).

We have determined that this issue is within our jurisdiction. Your complaint will be processed in accordance with our complaint processing procedure. You have the right to be represented, at your own expense, by an attorney or other individual of your choice during this process. Also, you may choose to use our Alternative Dispute Resolution (ADR) procedure rather than the complaint processing procedure. The ADR procedure is a service offered at no expense to you. If you elect to use the ADR process you must notify us of this, in writing, within seven calendar days of receipt of this notice. If we do not receive such notification within seven days, we will initiate our complaint processing procedure. Regardless, we will issue you a Notice of Final Action within 90 days from the date on which we received your complaint.

If you have questions, please contact me at (XXX) XXX-XXXX.

Sincerely,

Equal Opportunity Officer

Example 2

EXAMPLE – INITIAL WRITTEN NOTICE
(Not within Jurisdiction – Failure to Meet 180-day Deadline)

June 1, 20XX

Mr. John Doe
1111 First Avenue
Anytown, Texas 77777

Dear Mr. Doe:

The Anytown Workforce Development Board received your written complaint of discrimination dated May 30, 20XX. In your complaint, you raised the following issue:

- You state that you applied for WIOA Dislocated Worker Services on April 13, 20XX, but were denied these services because of your ethnicity (Hispanic).

We have determined that this issue is not within our jurisdiction because your complaint was not received within 180 days of the alleged discriminatory action [reference 29 CFR 38].

If you are dissatisfied with our determination that this issue is not within our jurisdiction, you may file a complaint with the US Department of Labor, Civil Rights Center (CRC). You must file your complaint with CRC within 30 days of receipt of this notification. The address for CRC is as follows:

Director, Civil Rights Center
US Department of Labor
200 Constitution Avenue, NW
Room N-4123
Washington, DC 20210

Sincerely,

Equal Opportunity Officer

Example 3

EXAMPLE – INITIAL WRITTEN NOTICE
(Not within Jurisdiction – Referral to another Agency)

June 1, 20XX

Mr. John Doe
1111 First Avenue
Anytown, Texas 77777

Dear Mr. Doe:

The Anytown Workforce Development Board received your written complaint of discrimination dated May 30, 20XX. In your complaint, you raised the following issue:

- You state that you were referred to and applied for a position with XYZ, Inc. However, the complaint alleged that the employer did not hire you because of your race (African American).

We have determined that the issue you raised falls under the jurisdiction of the Texas Workforce Commission (TWC) Civil Rights Division. We made this determination based on the following: Your complaint alleges violation of equal employment opportunity law. (See Texas Labor Code, Chapter 21.) We have referred your complaint to the TWC Civil Rights Division, and a copy of our referral letter is enclosed.

If you are dissatisfied with our determination that this issue is not within our jurisdiction, you may file a complaint with the US Department of Labor, Civil Rights Center (CRC). You must file your complaint with CRC within 30 days of receipt of this notification. The address for CRC is as follows:

Director, Civil Rights Center
US Department of Labor
200 Constitution Avenue, NW
Room N-4123
Washington, DC 20210

Sincerely,

Equal Opportunity Officer

Enclosure

Example 4

EXAMPLE – REFERRAL LETTER

June 1, 20XX

Intake Specialist
Texas Workforce Commission Civil Rights Division
P.O. Box 13006 Austin, Texas 78711-3006

RE: Complainant John Doe

The Anytown Workforce Development Board Equal Opportunity Officer received the enclosed complaint of employment discrimination. In accordance with 20 CFR §658.411, the complaint is being referred to the Texas workforce Commission Civil Rights Division for appropriate action.

If this office may be of further service, please contact me at (XXX) XXX-XXXX.

Sincerely,

Equal Opportunity Officer

Enclosure

Example 5

EXAMPLE – NOTICE OF FINAL ACTION

June 1, 20XX

Ms. Jane Doe
1111 First Avenue
Anytown, Texas 77777

Dear Ms. Doe:

We have completed a review of your complaint against XYZ Workforce Solutions Office (Office), alleging that you were discriminated against on the basis of your gender (female). In your complaint, you stated that the Office representative would not refer you for a job listing because it is a construction job and you are a female. Our review included an assessment of all the information/documentation submitted by you and by the Office.

Based on our review of the available evidence, we have determined that it cannot be established that the Office has discriminated against you. The available evidence indicates that you were not referred to the construction job because the employer was no longer taking applications because all positions had been filled.

This letter is our Notice of Final Action regarding your complaint.

If you are dissatisfied with our determination, you may file a complaint with the US Department of Labor, Civil Rights Center (CRC). You must file your complaint with CRC within 30 days of receipt of this notification. The address for the CRC is as follows:

Director, Civil Rights Center
US Department of Labor
200 Constitution Avenue, NW
Room N-4123
Washington, DC 20210

If you have any questions, please contact me at (XXX) XXX-XXXX.

Sincerely,

Equal Opportunity Officer