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Ozark Region

DISCRIMINATION AND PROGRAM COMPLAINT & GRIEVANCE POLICY

2020



Discrimination and Program Complaint & Grievance Policy

Discrimination Complaints

No staff member of the Missouri Job Center shall discriminate

“Against any individual 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, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual’s citizenship status or participation in any WIOA Title I-financially assisted program or activity.

“The recipient must not discriminate in any of the following areas:

“Deciding who will be admitted, or have access, to any WIOA Title I-financially assisted program or activity; providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

“Recipients of federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.” 29 CFR 38.35.

In the event an individual or party believes an act of discrimination has occurred, the following policy shall be followed.

Timeframe

Complainants may file within one hundred and eighty (180) days of the alleged discrimination

Who May File

Any person who believes that either he or she, or any specific class of individuals, has been or is being subjected to discrimination prohibited by WIOA or its implementing regulations may file a written complaint, either by him/herself or through an authorized representative.

Process

Discrimination complaints may be filed with a state or local administrative entity, service provider, One-Stop operator or with:

Missouri Job Center, 2900 East Sunshine
Springfield, MO 65804

Phone: 417-887-4343

Fax: 417-887-1892

The Ozark Region Missouri Job Center is an equal opportunity employer/program. Auxiliary aides and services are available upon request to individuals with disabilities. Mo TTY users may call 800-735-2966 or contact Missouri Relay at 7-1-1.



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Karen Dowdy, Local EO Officer
2900 E. Sunshine
Springfield, MO 65804
E-mail: kdowdy@springfieldmo.gov
Tel: (417) 841-3349

Danielle Smith, State Equal Opportunity Officer/Complaint and Grievance Officer
Department of Higher Education & Workforce Development
PO Box 1087
Jefferson City, MO 65102
E-mail: danielle.smith@dhewd.mo.gov
Tel: (573) 751-2428 | Missouri Relay Services at 711, or with

The Civil Rights Center (CRC) Director,
U.S. Department of Labor,
200 Constitution Ave. NW, Room N-4123,
Washington D.C. 20210

The Office of Workforce Development (OWD) must complete its discrimination complaint processing procedures and issue a written notice of final action within ninety (90) calendar days from the date the complaint was filed.

Jurisdiction of the Discrimination Complaint

OWD's State WIOA EO Office has jurisdiction over complaints that:

- Are filed against a WIOA recipient;
- Allege a basis for discrimination that is prohibited by WIOA; and
- Are filed within one hundred and eighty (180) calendar days of the alleged discrimination.

Program Complaints

Timeframe

Complaints may be made up to one (1) year from the date the alleged discrimination event occurred. Complaints may be filed with the local administrative entity or service provider.

Process

General Complaints

General complaints may be accepted in writing or by utilizing the DWD General Complaint Form. The complaint should provide a clear and complete explanation. Staff may provide assistance to individuals who have difficulty completing a written explanation due to literacy issues. If the DWD General Complaint Form is not utilized, staff should ensure that the written complaint contains the full name, telephone number, and address of the individuals making the complaint, full name of the respondent; and the statement of the facts (including dates) of the alleged violation(s).

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Accommodations shall be provided to individuals with disabilities who need assistance filing a complaint and need assistance throughout the resolution period.

Who May File

Any applicant, employee, participant, service provider, program recipient, or other interested party, may file a complaint alleging a violation of the local WIOA programs, agreements or Local Workforce Development Board's (WDB) policies and activities.

Resolution

Review & Log-Step 1

Once the complaint is received, it shall be reviewed and logged on the appropriate log form. A file shall be created that shall contain:

- Application and enrollment forms:
- Completed General Complaint Form or written statement
- Chronological log of events or conditions alleged to be in violation of WIOA;
- Any relevant correspondence; and
- Record of the attempted informal resolution

Informal Resolution-Step 2

An attempt will be made to resolve the complaint informally to the satisfaction of all parties within ten business days from the date of the filing of the complaint. If in agreement, the complaint shall be considered resolved. This shall be documented in the file. If not in agreement, the complaint will be elevated to a formal resolution.

Formal Resolution-Step 3

The complaint shall be reviewed and a determination made within 20 days from the date the complaint was filed. The complainant shall have the right to request an appeal of the determination. If no appeal is requested, the complaint shall be considered resolved, which shall be documented in the file. Any party dissatisfied with the determination may request a hearing within seven calendar days of the date of the determination.

Hearing-Step 4

A complainant may amend or withdraw his/her complaint at any time prior to the scheduled hearing. If the complaint is not withdrawn, an impartial hearing officer shall be designated and the hearing shall be conducted within 45 calendar days from the date the complaint was filed. The complainant, the respondent, and any other interest party shall receive a written notice by mail at least seven business days prior to the hearing. The notice will include the date, time, and place of the hearing.

As this is a formal hearing, parties may present witness and documentary evidence, and question others who present evidence and witnesses. The complainant may request that records and documents be

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produced. Attorneys or another designated representative(s) may represent each party. All testimony shall be taken under oath or affirmation. The hearing will be recorded either in writing or by audiotape. The hearing officer's recommended resolution shall include a summary of factual evidence presented and the conclusion on which the recommendation is based. The hearing officer will also consult with the Chair for the Chief Local Elected Officials (CLEO) toward reaching a consensus on the recommended resolution to the complaint. If consensus cannot be reached, the hearing office will initiate a request to the state for resolution.

Final Decision-Step 5

Once the recommendation is received from the hearing officer, a final decision will be issued within 60 calendar days from the date the complaint was filed.

Appeal-Step 6

If any party to the decision is dissatisfied, or has not received a final decision or resolution within the 60-day timeframe, they may request an appeal. The appeal must be made within 90 calendar days from the date the complaint was filed at the following address:

Danielle Smith, State Equal Opportunity Officer
Missouri Department of Higher Education and Workforce Development –
Office of Workforce Development
301 W. High Street
PO Box 1087
Jefferson City, MO 65102
danielle.smith@dhewd.mo.gov
Phone: (573) 751-2428 | Fax: (573) 751-4088
Missouri Relay Services at 711

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