

**Southern Nevada Workforce Investment Board
General Policy & Procedure
EQUAL OPPORTUNITY and GRIEVANCE PROCESS**

EFFECTIVE DATE: May 29, 2008

NUMBER: 3.5r#2

**Supersedes SNWIB General Policies and Procedures
3.5R#1 dated February 28, 2008**

AUTHORIZATION: SNWIB

I. BACKGROUND:

Section 188 of the Workforce Investment Act of 1998 provides that: registrants; participants in WIA funded activities; applicants for employment and employees; unions or professional organizations that hold collective bargaining or professional agreements with the recipient; sub-recipients that receive WIA Title I funds from the recipient; and members of the public, including those with impaired vision or hearing have rights available under applicable Federal, State and local laws prohibiting discrimination, including, but not limited to: The Civil Rights Act of 1964 (42 U.S.C. 2000d); The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) (29 CFR 37.7 through 37.9); The Rehabilitation Act of 1975 (Section 504)(29 U.S.C. 794); and The Americans with Disabilities Act of 1990 (ADA)(42 U.S.C. 12101 et seq.). The Civil Rights Act of 1964, as amended, states that no individual in the United States shall be excluded from participating in, or subjected to discrimination under any program or activity which receives federal financial assistance on the basis of race, sex, color, religion, age, national origin, disability, political affiliation or belief.

This policy addresses the general provisions for Equal Opportunity rights and will communicate the Grievance Process.

II. GENERAL PROVISIONS FOR COMMUNICATION OF EQUAL OPPORTUNITY

A. **SNWIB** WIA Title I Service Providers shall provide initial and continuing notice that they do not discriminate on any prohibited ground, to: registrants; applicants, eligible applicants; applicants of employment; participants, employees, and members of the public.

B. The **SNWIB** Service Provider will take reasonable steps to provide information to individuals who do not speak English; and shall take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others.

C. The following methods of notification must be adhered to:

1. **Notice – “Equal Opportunity is the Law”** – Program participants shall be provided the notice for signature at the time of registration. The original signature copy of the notice shall be included in the registration package. A copy shall be given to the participant.

The notice must contain specific wording pursuant to State Policy 4.1, and must be made available in English and Spanish. Alternate formats for other languages and the visually impaired shall be provided by the Service Provider, when appropriate. When an alternate format has been used for the visually impaired, a comment shall be included in the individual's file documenting how he/she was informed of the contents of the notice.

2. **Poster – “Equal Opportunity is the Law”** – This poster shall be provided by the SNWIB and prominently displayed in various locations in English and Spanish. Alternate formats should also be provided for the visually impaired and other non-English speaking populations, if appropriate.
3. **Publications, Media Messages and Other Materials** – Materials or information that are distributed or broadcasted to the public to describe WIA programs or participation requirements shall include the following: “equal opportunity employer/program; auxiliary aids and services are available upon request to individuals with disabilities.”

D. NONDISCRIMINATION ASSURANCES

- A. Any recipient of WIA funds shall provide a statement that the WIA-funded program or activity is or will be conducted in compliance with the nondiscrimination and equal opportunity provisions of WIA and 29 CFR 37.30.
- B. Each application for Federal financial assistance under WIA shall include an assurance. This assurance shall contain information listed in 29 CFR 37.20(a)(1). The assurance may be incorporated by reference in grants, cooperative agreements, contracts or other arrangements.
 1. All registered participants in a WIA Title I program shall be provided the Nondiscrimination Signature Notice which identifies the right to file a grievance and the time frames.
 2. The signature notice shall include the STATE and SNWIB EO Officer's name, address and phone number.
 3. No person filing a complaint shall be the victim of harassment, reprisal, coercion or any form of discrimination or retaliation for having filed a complaint or having furnished information to or assisted or participated in an investigation, review or hearing. It is a person's right to file a complaint and express their opinion in a legal allegation.

E. EQUITABLE SERVICES

Service Providers shall take appropriate action to ensure they are providing universal access to their WIA Title I financially assisted programs and activities. Such efforts shall include but not limited to outreach efforts to broaden the composition of the pool of those considered for participation to include members of both sexes; the various race/ethnicity and age groups, and individuals with disabilities.

III. GENERAL PROVISIONS FOR FILING EQUAL OPPORTUNITY GRIEVANCES

The SNWIB shall adopt procedures providing the prompt and equitable resolution of complaints alleging violations of WIA nondiscrimination/equal opportunity provision that are consistent with the WIA State Compliance Policies 4.1 and 4.3.

- A. Obtain Grievance/Complaint Policies: Any person wishing to file a grievance may acquire a copy of the SNWIB's Equal Opportunity and Grievance Process Policy & Procedure from the SNWIB office.
- B. Forward to SNWIB EO Officer: Written documentation of grievance should be immediately forwarded to the SNWIB EO Officer. The EO Officer will log (attached) the complaint filed, stamp date of receipt on grievance documentation. The documentation must contain the following:
 - 1. name and address of the complainant;
 - 2. identify the nature and basis of each complaint;
 - 3. lists the dates the complaint was filed and the investigation was completed; and
 - 4. the date and nature of the final disposition.
- C. Review and Classification: The SNWIB EO Officer will determine whether the complaint is a program or a discrimination complaint. When a participant or employee alleges unfair treatment and does not initially allege that the treatment was due to one of the prohibited factors, it is appropriate to ask the question directly.
- D. If the complainant alleges that the unfair treatment was due to a prohibited factor, then the complaint must be processed in accordance with this policy which incorporates CRC regulations. NOTE: A complaint cannot be processed as both a program complaint and as a discrimination complaint.
- E. Initiate Action Based on Classification: Once a determination of classification has been made, the SNWIB EO Officer will initiate the appropriate action required by the WIA State Compliance policies that are only directly related to EEO issues and are identified as follows:

Establishment of Complaint

Applicable State Policies

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|----|---------------------------|------------|
| 1. | Discrimination | Policy 4.3 |
| 2. | Noncriminal | Policy 4.4 |
| 3. | Labor Standards Violation | Policy 4.4 |
| 4. | Sexual Harassment | Policy 4.5 |
| 5. | Nepotism | Policy 4.6 |

F. The procedure described in this policy will be used for obtaining prompt corrective action or, as necessary, applying sanctions when noncompliance is found. Taking prompt and appropriate action to effect compliance is one of the ways that may reduce liability for noncompliance and avoid the imposition of sanctions.

IV. GENERAL PROVISIONS FOR PROCESSING EQUAL OPPORTUNITY GRIEVANCES

A. **Initial Hearings:** For written employee, participant or programmatic equal opportunity grievances, a copy will be forwarded to the appropriate service provider or department head. The service provider or department head shall take action to resolve the grievance in an informal manner. This process will only occur with the concurrence of the SNWIB EO Officer. Should concurrence be given by the SNWIB EO Officer, the service provider or department head shall have five (5) working days from the time in which the complaint was filed to attempt informal resolution.

B. **Informal Hearings:** If the grievance cannot be resolved during the initial hearing process, the SNWIB will make every effort to conduct an Informal Hearing and provide an impartial grievance officer to attempt a resolution of the problem(s) within thirty (30) calendar days that is inclusive of the five (5) days set aside for the "Initial" hearing as described in paragraph "A" above of receipt of the grievance. The service provider or department head shall notify the complainant and the respondent of the Notice of Hearing not less than ten (10) days prior to the date of the hearing by certified mail (return receipt requested). The time of the hearing may be earlier if mutually agreed to by both parties. The "Notice of Hearing" shall be in writing and include the following information:

- 1) Grievance/complaint case number, name and complainant, name of respondent, date of grievance/complaint;
- 2) Date, time and location of the hearing before and impartial hearing officer and an opportunity to present evidence;
- 3) A statement of the alleged violation(s).

Note: Rules of the Hearing and Conduct of Hearing will be in accordance of WIA State Compliance Policy 4.3.

- C. Decision/Resolution: The service provider or department head is required to issue a written decision not later than ninety (90) days of the filing of the grievance. The decision must be delivered by certified mail, return receipt requested, to both complainant and respondent and include the following:
- a. Grievance/complaint case number, names of complainant and respondent;
 - b. Statement of alleged violations;
 - c. Decision and reason(s) for decision;
 - d. Statement of corrective action, if any, to be taken; and,
 - e. Notice of the right to request a review by the Board; the request must be made within ten (10) days of receipt of the adverse decision.
- D. Appeal of Decisions: If the decision is not given within the ninety (90) day period or if an unsatisfactory decision was made, the complainant has the right to request a review by the Board. The request must be made in writing, within fifteen (15) days from the date on which the complainant should have received the decision. Notwithstanding the foregoing, nothing in this process shall preclude the complainant from appealing any and all decisions and resolutions by the SNWIB and/or the State to the United States Department of Labor.

ATTACHMENTS

Discrimination Complaint Log
WORKFORCE INVESTMENT SUPPORT SERVICES (WISS)
WIA STATE COMPLIANCE POLICIES 4.1, 4.2, 4.3, 4.4, 4.5 AND 4.6