



MOA Element 8

COMPLAINT PROCESSING PROCEDURES

Agenda

- **Presentation:** Review of Learning Objectives
- **Presentation:** General Requirements for Complaint Processing Procedures
- **Presentation:** Recipient Complaint Processing Procedures
- **Activity:** Distinguishing Complaints of Discrimination From Program Complaints
- **Presentation:** Handling Complaints Against One-Stop Partners Financially Assisted By Agencies Other Than DOL
- **Activity:** Procedures for Handling Complaints Against One-Stop Partners Not Funded by DOL
- **Presentation:** Required Record Keeping
- **Presentation:** Complaint Processing Procedures' Supporting Documentation
- **Presentation:** State's Implementation of Complaint Processing Procedures

LEARNING OBJECTIVES

- The participant will be able to explain the general requirements for complaint processing procedures.
- The participant will be able to convey the required recipient complaint processing procedures.
- The participant will be able to distinguish between discrimination complaints and program complaints.
- The participant will be able to inform complainants of their rights and the appropriate process in filing complaints.
- The participant will be able to define how the state guarantees that compliance with Complaint Processing Procedures will be achieved

GENERAL REQUIREMENTS

Each state must adopt and publish procedures for processing complaints alleging discrimination against any WIOA recipient. (29 CFR 38.76)

Specifically, the

- Governor,
- Local Workforce Investment Area (LWSA), or the
- EO Officer,

are responsible for developing and publishing complaint procedures.

These procedures must provide the complaint with the option to file with the recipient or directly with CRC.



Term to Know – Recipient

Any entity to which financial assistance under WIOA Title I is extended, either directly from the USDOL or through the Governor or another recipient; excluding the ultimate beneficiaries of the WIOA Title I funded programs or activities.

All recipients must comply with the complaint procedures. (29 CFR 38.77) These recipients include, but are not limited to:

- State-level agencies that administer or are financed in whole or in part with WIOA Title I funds
- State Employment Security Agencies (Unemployment Insurance-UI)
- State and Local Workforce Investment Boards
- LWSA Grant recipients

- One-Stop Operators
- Providers of services, and benefits, or training funded, or authorized under WIOA, including eligible training providers
- On-the-Job (OJT) employers
- Job Corps contractors and center operators, excluding the operators of federally operated Job Corps centers
- Job Corps national training contractors
- Outreach and admissions agencies, including Job Corps contractors that perform these functions
- Placement agencies, including Job Corps contractors that perform these functions
- One-Stop partners to the extent that they participate in the One-Stop delivery system

RECIPIENTS' COMPLAINT PROCESSING PROCEDURES (29 CFR 38.70 –38.75) and (29 CFR 38.76)

The regulatory requirements, for a recipient's discrimination complaint processing procedure, have been grouped under five general categories:

- Jurisdiction
- Methods of Resolution/Disposition
- Notice of Final Disposition
- Processing Timeframes
- Recordkeeping

Jurisdiction

The following are the specific areas covered under Jurisdiction:

- Types of Complaints
- Who May File a Complaint
- Information Required for a Complaint
- Complaint Form To Be Used
- Time Frames for Filing a Complaint

Types of Complaints

If someone is alleging a discriminatory practice has occurred, the complaint falls into one of three categories, depending on its source:

- **Individual Complaint.** A complaint alleging that the person filing the complaint has been or is being subjected to discrimination.
- **Class Action Complaint.** A complaint filed by one or more individuals alleging discrimination, not only against themselves, but also against a group of similarly situated individuals.
 - Must have the signed consent of all individuals in the complaint in order to process the complaint.
- **Third Party Complaint.** A complaint filed by a group or individual alleging discrimination against another group or individual.
 - Must have the signed consent of all individuals in the complaint in order to process the complaint.

The majority of WIOA complaints, taken from the categories above, can be determined to be either a:

- **Discrimination Complaint** which is processed according to WIOA/CRC regulations, or a
- **Program Complaint**, which is processed according to DOL Employment and Training Administration's (ETA) regulations.

Who May File a Complaint? (29 CFR 38.70)

Any person who believes that he or she, or any specific class of individuals, has been or is being subjected to discrimination prohibited under WIOA has the option to file with the recipient or directly with CRC.

The complainant(s) may file a written complaint by his or herself, or through a representative with the recipient or the CRC.

Examples of who may file:

- Applicant/registrant for aid, benefits, services or training
- Eligible applicants/registrants
- Participants
- Employees
- Applicants for employment
- Service providers (the organization involved is one which may be attributed a racial, national origin or other characteristic entitled to protection under WIOA)
- Eligible service providers (same definition as above applies)

Information Required for a Complaint (29 CFR38.73)

A complaint must be filed in writing and contain the following information:

- Complainant's name/address or another means of contacting the complainant
- The identity of the respondent (including the individual or entity alleged to have discriminated)
- The complaint is signed by the complainant or an authorized representative
- The allegations, described in sufficient detail to determine whether:
 - Complaint is covered as applicable under CRC's or the Recipient's jurisdiction
 - Complaint was filed within specified time
 - Complaint has apparent merit



Term to Know – Apparent Merit

Apparent merit means that the allegation of discrimination, or complaint, if proven to be true, would violate WIOA regulations. There is no apparent merit if the allegation of discrimination does not reference a basis prohibited under Section 188 of WIOA.

What Form May Be Used for Filing a Complaint

The complainant may:

- Complete a form that has been developed by the state for this purpose, providing that the form is designed to provide all the information the complainant should have for filing a complaint.
- Complete and submit CRC's Complaint Information Form (CIF).
- Choose to file a complaint with the Recipient, using the CRC's CIF, or a complaint form that the Recipient has developed. Like the state form, the Recipient's document must be designed to allow the complainant to record all of the information required for filing.

NOTE:

Filing using a form is not required. If a complaint is submitted with all the required information, but is not recorded on an 'official' form, it must still be accepted.

If a Recipient or the state, decides to use the CRC Complaint Information Form, the OMB number, on the bottom of the form, should be removed before reproduction.

Time Frame for Filing a Complaint

The filing time period, for a complaint is:

- 180 days from the date of the alleged discrimination
 - An extension of the 180-day filing period may be granted for good cause shown by the complainant.
 - ◆ Only the Director of CRC can grant this extension.

Due Process Guarantees

29 CFR 38 has imbedded due process guarantees into the required procedures for receiving and processing discrimination complaints. For example:

- Agencies receiving and processing complaints are required to provide notice to all parties who have a legitimate interest in the complaint.
- The regulations require that an “impartial decision-maker” investigate and process complaints. For example, the person investigating the case should not be the person who has allegedly committed the adverse action against the complainant.
- Agencies are required to notify complainants of their rights, including the right to representation, to present evidence, to question others who present evidence, and file with CRC when they are not satisfied with an agency’s decision.
- Decisions should be made strictly on the basis of evidence gathered.

Specific Required Elements (29 CFR 38.76)

The regulations require that recipients' processing procedures for discrimination complaints must include the following elements:

- **Initial written notice.** The recipient must provide an initial written notice to the complainant that contains the following:
 - Acknowledgement of the written complaint
 - Notice to the complainant of his or her right to be represented in the complaint process

- **Written statement of issues.** The recipient must provide, to the complainant, a written statement of the issues, to include the following information:
 - A list of the issues raised in the complaint.
 - For each issue, a statement whether the recipient will accept the issue for investigation or reject the issue and the reasons for each rejection.

- **Process for fact-finding.** The recipient must develop a process for investigation or fact-finding.
 - The choice to use customary process rests with complainant.

- **Alternative Dispute Resolution Process.** The recipient must develop a procedure for resolving the complaint through alternative dispute resolution (ADR). The methods of ADR must include:
 - A choice for the complainant to use ADR or the customary process.
 - A provision for any party to file a complaint with the CRC Director in the event an ADR agreement is breached.

- **Written Notice of Final Action.** The recipient must provide to the complainant a notice of final action within 90 days from the date when the complaint was filed. The notice must include the following information:
 - The recipient's decision on each issue and an explanation of the reason behind the decision (if used investigation or fact-finding process) or a description of the way the parties resolved the issues (if ADR process is used). (See appendix for more information on ADR)
 - A notice stating that if the complainant is dissatisfied with the recipient's resolution of the complaint, he or she has the right to file a complaint with CRC within 30 days from the date of issuance of the notice of final action.

ACCEPTANCE FOR INVESTIGATION OR REJECTION BY THE RECIPIENT

Determining Jurisdiction

The recipient may conduct an investigation only if they have jurisdiction over the complaint issue. To determine jurisdiction, it must be established that:

- The Respondent is a WIOA Recipient as defined in 29 CFR Subpart A 38.54(3).
- The complaint has been filed within the required 180-day time period, or the Director of CRC has granted an extension waiver.
- The complaint issue (basis) is covered under Section 188 of WIOA.

No Jurisdiction

Where the recipient determines that it has no jurisdiction over a complaint, they have the obligation to *immediately* send the complainant a *Written Notice of Lack of Jurisdiction*. This document must include:

- The reason(s) for the determination
- A notice that the complainant has a right to file a complaint with CRC within 30 days of receiving the *Written Notice of Lack of Jurisdiction*

Program and Discrimination complaints are examined in more detail further on this element.

	DISCRIMINATION COMPLAINT	PROGRAM COMPLAINT
Elements included	<ul style="list-style-type: none"> • An issue • A prohibited basis 	<ul style="list-style-type: none"> • An issue • A non-prohibited basis
Procedures to follow	<ul style="list-style-type: none"> • CRC regulations at 29 CFR 38 	<ul style="list-style-type: none"> • ETA regulations at 20 CFR Subpart F, Sec. 667.600 [a] [b]

PROCESSING TIMEFRAME REQUIREMENTS

Below is a summary of timeframes established by the Section 188 of WIOA 29 CRF 38 for the processing of discrimination complaints:

- **Recipient's 90-Day Processing Timeframe.** The agency receiving the complaint must perform one of the following actions within 90 days from the date the complaint is received:
 - Issue a *Written Notice of Lack of Jurisdiction*
 - Refer the complaint to another federal grant-making agency for investigation where there is dual jurisdiction
 - Issue a *Written Notice of Final Action*
- **Complainant's 30-Day Timeframe for Appeals.** The complainant has 30 days to file with CRC when any of the following occurs:
 - The recipient issues a *Written Notice of Lack of Jurisdiction*. In this case, the 30 days is counted from the date of receipt of the notice.
 - The complainant is not satisfied with the decision in the *Written Notice of Final Action*. In this case, the 30 days is counted from the date of receipt of the notice.
 - The recipient fails to issue either a *Written Notice of Lack of Jurisdiction*, a *Written Notice of Final Action*, or a referral to another federal grant-making agency for investigation in case of dual jurisdiction by the end of 90 days after receipt of the complaint. In this case, the 30 days is counted at the end of the initial 90-day period.
 - A party to an agreement breaches the agreement. In this case, the 30 days is counted from the date the complainant learns of the alleged breach.
 - An ADR process fails to produce an agreement. In this case, the 30 days is counted from the date on which the process terminates.
- **Extension of Complainant's 30-Day Timeframe.** The CRC Director may extend the complainant's 30-day timeframe to file with CRC if the complainant can show good cause.

ACTIVITY: DISTINGUISHING COMPLAINTS OF DISCRIMINATION FROM PROGRAM COMPLAINTS

Purpose:

-  To identify acceptable discrimination complaints

Task:

- ✓ You are a member of the state's review team. You have been asked to review letters of complaint to determine whether an EO Officer has jurisdiction under Section 188 of WIOA.
- ✓ Read the letters or scenario on the next page.
- ✓ Take five minutes to review the prohibited bases for discrimination.
- ✓ Decide whether the complaint is covered under Section 188 of WIOA and why.
- ✓ Share your findings with the class.

Time:

-  20 minutes

COMPLAINTS OF DISCRIMINATION SCENARIOS

SCENARIO #1

Dear Madam:

As you are the Equal Opportunity Officer for our agency, I am writing to you to register my complaint. During the last election, I took time off to work on the Governor's campaign. I always took leave to do the campaign work and never did any campaign work on the job. Last week, I interviewed for my old supervisor's job and they gave it to someone who didn't even work in our unit. I know that they didn't give the job to me because of my work for the other political party.

Sincerely,

Mr. L. Thompson

SCENARIO #2

Dear Sir:

I have been in your government program for 16 months. I have performed multiple roles and all of my supervisors have stated that I do good work. Last week, my counselor, Miss Flowers, said that I was being terminated as my time had run out. She read me the state WIOA policy that says the maximum time a person can be in this program is 1 year, however, I would like to stay in the program. I am seeking your assistance with this problem.

Sincerely,
Jake Johnson

SCENARIO #3

A 35-year old White female has filed a complaint because she was terminated from a WIOA program. She stated that her counselor told her that her income had been improperly calculated and that she was not financially eligible. She believes that they didn't want her in the program because she is White and her counselor and most of the staff are African American.

SCENARIO #4

Dear Madam:

I am in an OJT program working as a logger. I have done a good job and my boss likes me. I need to get my teeth fixed and the dentist quoted me a cost of \$1,000. I will need assistance to pay for this dental work. My counselor, however, insisted that I don't need good teeth to work as a logger. I do not believe that his explanation is fair.

My wife was in your program and they fixed her teeth. She said that her counselor told her that she needed nice teeth to be a waitress. Well, she doesn't have to eat the food; she just has to carry it. Just because I don't eat logs doesn't mean I shouldn't have good teeth.

Sincerely,
J.J. Smalley

SCENARIO #5

A WIOA participant on an OJT contract believes that he is being treated unfairly and wants to file a complaint. He claims that his employer has refused to supply him with work uniforms and safety shoes that are provided, free of charge, to other employees doing similar work. Two of the employees who have received free uniforms and shoes are also WIOA OJT participants.

SCENARIO #6

A WIOA participant completed a career assessment and is in the process of working with an Employment Specialist on a service plan. The participant has requested training as a massage therapist. The Employment Specialist has disputed this request stating that it is not work suited for males and no jobs are available in the local area. The WIOA participant had a female neighbor that received training through the LVSA as a masseur just a couple of months earlier and is currently employed as a massage therapist.

SCENARIO #7

A customer comes to the One-Stop Center and asks to take a typing test. The customer is noticeably visually impaired. The One-Stop Center's staff person advises the customer that the Center does not have the ability to provide a typing test to visually impaired individuals. The customer files a complaint alleging that he was treated unfairly.

SCENARIO #8

A female on-the-job training (OJT) participant has been complaining because her supervisor has been making sexual advances towards her.

HANDLING COMPLAINTS AGAINST ONE-STOP PARTNERS FINANCIALLY ASSISTED BY AGENCIES OTHER THAN DOL

Under Section 188 of WIOA 29 CFR 38.85 (c) (1) (2) (d), the following procedures apply for handling complaints filed against a One-Stop partner financially assisted by a federal grant-making agency other than DOL:

- **Dual Jurisdiction.** Where the complaint alleges discrimination on a basis that is prohibited by both Section 188 of WIOA and a Civil Rights law enforced by the federal grant-making agency, then CRC and the grant-making agency have dual jurisdiction over the complaint. In this case, the CRC Director or recipient will refer the complaint to the grant-making agency for processing following the grant-making agency's regulations.
- **Sole Jurisdiction.** Where the complaint alleges discrimination on a basis that is prohibited by Section 188 of WIOA (e.g., religion, political affiliation or belief, citizenship, and /or participation in WIOA Title I financially assisted activity) but not by any Civil Rights laws enforced by the federal grant-making agency, then CRC has sole jurisdiction over the complaint. In this case, the CRC or recipient will retain the complaint and process it following Section 188 of WIOA, 29 CFR 38.

The following are some examples of federal grant-making agencies that participate as a partner in a One-Stop delivery system and provide financial assistance to programs and activities that operate as part of a One-Stop system:

- Department of Education (DOE)
- Department of Health and Human Services (HHS)
- Department of Housing and Urban Development (HUD)
- Department of Agriculture (USDA)
- Department of Transportation (DOT)

**BASES OF DISCRIMINATION PROHIBITED BY
SECTION 188 OF WIOA AND CIVIL RIGHTS LAWS
ENFORCED BY FEDERAL GRANT –MAKING AGENCIES (FGA) AND/OR DOL-CRC**

	Section 188, WIOA	Title VI, Civil Rights Act of 1964	Section 504, Rehabilitation Act of 1973	Americans with Disabilities Act	Title IX, Education Amendments Act of 1972	Age Discrimination Act of 1975
Race	CRC	FGA & CRC				
Color	CRC	FGA & CRC				
National Origin	CRC	FGA & CRC				
Disability	CRC		FGA & CRC	FGA & CRC		
Sex	CRC				FGA & CRC	
Age	CRC					FGA & CRC
Religion	CRC					
Political Affiliation or belief	CRC					
Citizenship (WIOA beneficiaries only)	CRC					

	Section 188, WIOA	Title VI, Civil Rights Act of 1964	Section 504, Rehabilitation Act of 1973	Americans with Disabilities Act	Title IX, Education Amendments Act of 1972	Age Discrimination Act of 1975
Participation in any WIOA program/activity (Beneficiaries)	CRC					

Retaliation / Intimidation or reprisal. Sections 188 of WIOA and Civil Rights laws prohibit retaliation / intimidation or reprisal against any individual because they filed a complaint, opposed a practice, or furnished information on any of the prohibited bases.

STEPS IN DETERMINING TYPE OF JURISDICTION

The following are steps to take in determining whether dual or sole jurisdiction exists:

- **Step 1:** Identify the alleged discriminatory decision / action. (e.g., denied training, terminated from training, actions that may constitute sexual harassment, etc.).
- **Step 2:** Identify the entity (program or activity operated as part of a One-Stop) in which the alleged discriminatory decision/actions occurred, e.g., Job Service, Unemployment Insurance, Temporary Assistance for Needy Families [TANF], or other service providers including colleges and universities, hospitals, etc.
- **Step 3:** Identify the primary source of federal financial assistance of the entity against which the complaint is filed (e.g., DOE, HHS, DOL).
- **Step 4:** Determine whether the basis of the alleged discrimination involves one or more of the following bases: race, sex, national origin, color, disability or age, religion, political affiliation or belief, citizenship (beneficiaries only), participation in WIOA Title I program or activity (beneficiaries only).
- **Step 5:** Determine whether the allegations, if true, would violate Section 188 of WIOA or any of the following: Title VI, Title IX, Section 504, Title II of ADA, or the Age Discrimination Act.

Dual Jurisdiction

Dual jurisdiction exists when:

- The primary source of federal financial assistance of the entity against which the allegations are filed is a federal grant-making agency other than DOL.
- The basis of the allegation involves one or more of the following: race, sex, national origin, color, disability or age.
- The allegation, if determined to be true, would violate one or more of the following: Title VI, Title IX, Section 504, Title II of ADA, the Age Discrimination Act, or Section 188 of WIOA.

When dual jurisdiction exists, the agency receiving the complaint must take the following actions:

- Refer the complaint to the federal grant-making agency's Office of Civil Rights, National Office, Washington D.C. to be processed in accordance with the agency's complaint investigation procedures. (See the appendix for a sample letter of referral.)
- Notify the complainant and the respondent of the referral. (See the appendix for a sample notification letter.)

Once the referral is made, the CRC or recipient may follow-up to inquire as to the disposition of the complaint. (Note: there is no requirement on the part of the federal grant-making agency to send the completed investigative file to the referring agency for its review and concurrence.)

Sole Jurisdiction

Sole jurisdiction exists when:

- The primary source of federal financial assistance of the entity against which the allegations are filed is a federal grant-making agency other than DOL.
- The allegation(s), if true, would violate Section 188 of WIOA.
- The allegation is not based on a civil rights law enforced by the other grant-making agency (e.g., religion, political affiliation, and citizenship, participation in WIOA program or activity).

When sole jurisdiction exists, the agency receiving the complaint refers the complaint to CRC for processing according to section 188 of WIOA, 29 CFR 38 regulations and complaint investigation procedures.

NOTE:

In instances where the primary source of the financial assistance for the entity is neither DOL nor another federal grant-making agency, but involves, for example, state funding, these complaints would be retained and investigated according to section 188 of the WIOA, 29 CFR 38 regulations and complaint procedures.

MEMORANDUMS OF UNDERSTANDING (MOU) AGREEMENTS BETWEEN USDOL CRC AND OTHER FEDERAL GRANT-MAKING AGENCIES

Only one MOU agreement has been executed that sets out the procedures for processing complaints filed with another federal grant-making agency. The executed agreement is between the U.S. Department of Labor, Civil Rights Center (USDOL CRC) and the U.S. Department of Education, Office of Civil Rights (USDOE OCR). A copy of this agreement can be found in the addendum of this training manual.

CRC will continue to work with federal grant-making agencies to finalize. However, until such time as these agreements are executed, procedures set forth in the MOU agreement with USDOE OCR are to serve as the guidelines to be followed in making complaint referrals.

Questions regarding referral of complaints to another federal grant-making agency should be directed to the CRC Director.

ACTIVITY:
**PROCEDURES FOR HANDLING COMPLAINTS AGAINST
One-Stop Partners funded by an Agency other than DOL**

Purpose:

-  To determine if a complaint is Sole Jurisdiction or Dual Jurisdiction

Task:

- ✓ You are a member of the Civil Rights Center review team. You have been asked to review complaints against various One-Stop partners.
- ✓ Take five minutes to review the information on *Procedures for Handling Complaints* and *Steps in Determining Type of Jurisdiction*.
- ✓ Read the complaint scenarios on the following pages. For each complaint, record responses to the following:
 - Name the entity against which the complaint is filed.
 - Identify the primary source of the federal financial assistance of the entity you have named above (e.g., U.S. Department of Education, U.S. DOL, etc.).
 - Describe the basis (e.g., race, sex, etc.) of the alleged discrimination.
 - Identify the civil rights law(s) (e.g., Title VI, 504, etc.) that are being violated if the allegations are proven to be true.
 - Identify the federal Civil Rights Agency that should process the complaint and explain your rationale for selecting this agency.
 - Explain whether the complaint constitutes dual jurisdiction or sole jurisdiction under WIOA 29 CFR 38 and why.
 - Describe the action you would take to complete processing of this complaint.
- ✓ Share your findings with the class

Time:

🕒 25 minutes

COMPLAINT SCENARIOS

For purposes of this exercise, assume that these complaints were filed timely and that all other jurisdictional requirements have been met.

1. Ms. Peggy Potter, a Black female, alleges that she went into the TANF office in the Odessa, Texas, One-Stop Center to apply for an OJT work assignment as a nurse's aide. Ms. Campbell, the Counselor who assisted her, told her that the Methodist Hospital training program paid more money and offered a greater opportunity for permanent employment. Currently, there were no openings at the Methodist Hospital, however, she would be contacted when a position was available.

A week later, Ms. Potter ran into Ms. Norma Cantrell (White), one of the women she had met at the TANF office. Ms. Cantrell told Ms. Potter that two days ago she visited the TANF office in the One-Stop Center and Ms. Campbell had referred her to an OJT position for nurse aide training in the Methodist Hospital training program. Ms. Potter remembered the "EO Is The Law" notice she had been given at the One-Stop Office and filed a complaint with the One-Stop EO Officer alleging that she was denied a referral to the OJT nurses aide training program at the Methodist Hospital because of her race (Black).

2. Mr. Todd Brown was enrolled in a medical technology program at the University of Alabama Hospital (UAH). His training was funded through the Trade Adjustment Assistance Act, a DOL financially assisted program. He alleges that while enrolled at UAH he was denied tutoring assistance and mentoring that were provided to younger female trainees. Three weeks into the training program, Mr. Brown alleges that his instructor and the Hospital Training Coordinator met with him and informed him that they did not think that he would be successful in completing the program. He claims that they said that it would be difficult to find him a placement because he was older than the other students. Furthermore, they stated that most of the older male trainees who had previously participated in the program were unable to learn the necessary computer skills. To avoid the risk

of him being unsuccessful in completing the program, which could result in the program's failure to meet its placement goals, they were terminating him from the program. Mr. Brown alleges that he was not given a fair opportunity to complete the program because of his age and gender.

3. Ms. Maria Torres is an active member of the Popular Democratic Party (PDP) in Puerto Rico. She applied for services through the San Juan Dislocated Workers Program and was enrolled in the University of Puerto Rico's Continuing Education Program, pursuing an accounting degree. She alleges that the instructor, Ms. Carmen Ruiz, a member of the New Progressive Party (NPP), refused to provide her with tutoring after class. She provided this service to several of the other students in the class. Ms. Torres alleges that Ms. Ruiz intentionally excluded her from the study group sessions that assisted students in preparing for exams and never called on her in class, even when she raised her hand. Ms. Torres stated that she was ill with the flu on the day the final exam was given. She notified Ms. Ruiz that she was ill and was unable to take the exam. She asked Ms. Ruiz if she could be given a make-up exam but her request was denied. As a result she was given a failing grade. Ms. Torres further stated that she learned two weeks later that another student in the class, who is an active member of the NPP, did not take the final exam but was allowed to take a make-up exam. Ms. Torres believes she was treated differently because of her political affiliation with the PDP political Party.

4. Ms. Sandra Bell alleges that the Dislocated Workers Program did not refer her to the position of Home Health Worker, even though she met the qualifications of the position. She stated in her complaint that the assessment counselor explicitly asked her if she had experienced any back problems within the past five years. She responded yes, but was not given an opportunity to explain. Ms. Bell further alleges that the assessment counselor then told her that she could not refer her to the Home Health Worker position because the policy of the dislocated workers program is to not refer anyone who has ever had a back problem. Ms. Bell then filed a complaint with the One-Stop EO Officer alleging that she was denied a referral to the position of Home Health Worker based on the Counselor's perception that she was unable to perform that job because of a previous back injury.

RECORD-KEEPING REQUIREMENTS (29 CFR 38.37 [C])

Each recipient must maintain a log of complaints filed that allege discrimination based on race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship, and /or participation in a WIOA-financially assisted program or activity.

Each log must include the following information:

- The name and address of the complainant
- The basis of the complaint
- A description of the complaint
- The date when the complaint was filed
- The disposition of the complaint and the date the disposition was issued
- Other pertinent information

All records regarding complaints and actions taken on complaints must be maintained for a period of not less than three (3) years from the date of resolution of the complaint.

SUPPORTING DOCUMENTATION TO ACCOMPANY THE MOA

States are obliged to provide documentation, together with their MOA, to demonstrate compliance with the nondiscrimination and equal opportunity requirements of WIOA. Specifically, States must provide the following documents:

- A copy of the state's discrimination complaint procedures developed pursuant to the regulatory requirements of the regulations
- A copy of directives, memoranda, or any other instruments used to inform recipients of the complaint procedure
- A copy of the ADR procedures, if not included with the complaint processing procedures

THE STATE'S PROCEDURES FOR COMPLAINT PROCESSING

Your state's MOA describes:

- How the state will communicate policies, procedures and systems to all recipients
- How the recipients have made, and will continue making, efforts to ensure proper complaint processing
- How the state will support and evaluate the success of its recipients' complaint processing efforts