

Workforce Development Board

Upper Savannah Council of Governments
430 Helix Road
Greenwood, SC 29646-2324

Telephone 864-941-8050
Toll-Free 1-800-922-7729
FAX 864-941-8090
www.upp savannah.com
e-mail: work@upp savannah.com
www.upperseworks.com

UPPER SAVANNAH WDA INSTRUCTION NUMBER: PY'17-04

TO: Upper Savannah Grantees

ISSUANCE DATE: July 1, 2017

EFFECTIVE DATE: Immediately

SUBJECT: Rights to File a Grievance of Complaint Under WIOA

PURPOSE: To issue State Instructions Number 16-14 and Number 16-14, Change 1.

State Instruction Number 16-14 provides procedures for handling noncriminal complaints under the Workforce Innovation and Opportunity Act (WIOA) and issues the Rights Handout form.

State Instruction Number 16-14, Change 1 transmits electronic, word-fillable versions of the Workforce Innovation and Opportunity Act Rights Handout for Registrants, Applicants, and Participants in both English and Spanish. This guidance does not change policy and procedures for handling noncriminal complaints under WIOA as outlined in State Instruction 16-14.

Any person or any specific class of individuals may file a written complaint who believe(s) that they have been or are being discriminated against on one or more prohibited bases or believe they have been or are being retaliated against (as described in 29 CFR 38.19).

Notice of Equal Opportunity rights must be provided to each registrant, applicant, and participant and made part of each participant's file. It must be part of both paper and electronic files, if both are maintained.

No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any program or activity because of race, color, religion, sex (including gender identity, gender expression, and sex stereotyping), national origin, age, disability, or political affiliation or belief. No beneficiary of programs receiving money under Title I of the WIOA will be discriminated against on the basis of citizenship/status as a lawfully admitted

immigrant authorized to work in the United States or his or her participation in any program or activity receiving money from WIOA Title I.

ACTION:

Upper Savannah, along with grantees, must ensure programmatic staff provide initial and continuing notice to registrants, applicants and participants that the program does not discriminate on any prohibited ground and that they have the right to file a complaint of discrimination or grievance/complaint. The attached Rights Handout forms have been completed with the appropriate contact information. The electronic, word-fillable versions of the WIOA Rights Handout forms are provided to facilitate completion (included as electronic attachment).

At the completion of eligibility determination, the applicant will complete and sign the Rights Handout that includes the contact information of the Deputy Workforce Development Director, who will receive initial complaints regarding treatment during the registration, application, and/or certification process.

At the time of enrollment, the participant will complete and sign the Rights Handout that includes the contact information of the Grantee staff, who will receive initial complaints regarding treatment as a WIOA participant.

A signed copy of the appropriate Rights Handout should be placed in each applicant's/participant's file after completion of eligibility determination and at time of enrollment. Copies will be part of both paper and electronic files, if both are maintained.

Please review, distribute and ensure all appropriate staff understand the policy.

Questions regarding this instruction should be directed to the Workforce Development Staff at 864-941-8050.



Ann Skinner
Director of Workforce Development

UPPER SAVANNAH COUNCIL OF GOVERNMENTS

/sl

Attachments

WORKFORCE INNOVATION AND OPPORTUNITY ACT

Rights Handout for Registrants, Applicants, and Participants

EQUAL OPPORTUNITY IS THE LAW

Under the Workforce Innovation and Opportunity Act (WIOA), no individual may be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of, or in connection with, any program or activity because 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, political affiliation or belief. It is also unlawful to discriminate against any beneficiary of programs receiving money under Title I of the WIOA on the basis of citizenship/status as a lawfully admitted immigrant authorized to work in the United States or his or her participation in any program or activity receiving money from WIOA Title I.

The program or activity 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.

HOW TO FILE A COMPLAINT OF DISCRIMINATION

You must file your complaint, in writing, within 180 days from the date you believe the alleged discriminatory action happened. You may file your complaint with the State-level EO Officer or the Director of the Civil Rights Center (CRC) of the US Department of Labor.

If you choose to file at the State level, you may use the Office of Equal Opportunity Complaint Form available at: <https://www.scworks.org/docs.asp>. Mail, email, or fax your complaint to:

Ms. Stephani Frese, EO Officer
S.C. Department of Employment and Workforce
Post Office Box 908
Columbia, SC 29202
Email: sfrese@dew.sc.gov
Fax: (803) 737-0124

If you choose to file at the CRC level, you may use the Complaint Information Form available at: <https://www.dol.gov/oasam/programs/crc/DL1-2014a-English.pdf>. Address your complaint to:

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

If you file your written complaint with the State-level EO Officer, you must wait until you receive a written Notice of Final Action or until 90 days have passed (whichever is sooner) before filing with the Civil Rights Center. In the event you receive a Notice of Final Action and are dissatisfied with the decision contained therein, you may file a written complaint with CRC within 30 days of the date on which you received the Notice of Final Action. In the event you do not receive a Notice of Final Action within 90 days of your complaint, you do not have to wait for the written Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after you filed your original complaint).

NOTE: You may request assistance in preparing your written complaint. You may have legal representation and/or witnesses to support your position. You may present evidence.

RIGHT TO FILE A GRIEVANCE/COMPLAINT

You also have the right to file a grievance/complaint over matters that do not involve discrimination. For example, you may file a grievance if you feel that you have been treated unfairly, denied access to any WIOA program or activity, or if you feel that there has been a violation of the WIOA, its regulations, or any applicable grant or training agreement.

HOW TO FILE A GRIEVANCE/COMPLAINT

If you wish to complain about your treatment during the registration, application, and certification process or as a WIOA program participant, you must file your written grievance/complaint within 180 days of the alleged occurrence. You should contact the following person for help in the use of the appropriate grievance/complaint procedures:

Name: _____ Title: _____

Service Provider/Operator: _____ Email: _____

Telephone Number: _____ TTY: _____

If your grievance/complaint is not resolved to your satisfaction, you can contact the Local EO Officer, as follows:

Name: _____ Title: _____

Address: _____ Email: _____

Telephone Number: _____ TTY: _____

If you don't receive a decision from the local EO officer within 60 days, you may file a written appeal to the State EO Coordinator within 15 days of the date the decision was due. If you are dissatisfied with the decision of the local EO Officer, you may file a written appeal to the State EO Coordinator within 15 days of receipt of the adverse decision. Use the Grievance/Complaint Form found at: <https://www.scworks.org/docs.asp>. Mail, email, or fax your complaint to:

Ms. Tudy Newsom, EO Coordinator
S.C. Department of Employment and Workforce
Post Office Box 908
Columbia, SC 29202
Email: tnewsom@dew.sc.gov
Fax: (803) 737-0124

The State EO Coordinator will issue a decision within 60 days after receiving your written appeal. If you do not receive a decision within 60 days after filing your appeal to the State EO Coordinator, you may appeal to the United States Department of Labor (USDOL). If you are dissatisfied with the decision of the State EO Coordinator, you may appeal to the USDOL within 60 days of receipt of the decision. You can contact the Department of Labor, as follows:

Regional Administrator
Employment and Training Administration, U.S. Department of Labor
Sam Nunn Atlanta Federal Center
Room 6M12 – 61 Forsyth Street, S.W.
Atlanta, GA 30303

I certify that I have read, understand, and have received a copy of this handout explaining the grievance procedures.

_____	_____	_____
Signature	Customer Name (Print)	Date

I certify that I have explained this handout to the above customer.

_____	_____
Staff Signature	Date

_____	_____
Staff Name (Print)	Service Provider/Operator

LEY DE INNOVACIÓN Y OPORTUNIDADES PARA LA FUERZA LABORAL

Folleto sobre los derechos para
inscritos, solicitantes y participantes

LA IGUALDAD DE OPORTUNIDADES ES LA LEY

De acuerdo con la Ley de Innovación y Oportunidades para la Fuerza Laboral (WIOA, por sus siglas en inglés), ninguna persona puede ser excluida de su participación en, no se le pueden negar los beneficios de, no puede ser sometida a discriminación bajo, o no se le puede negar el empleo en la administración de, o en conexión con, cualquier programa o actividad por motivos de su raza, color, religión, sexo (lo cual incluye embarazo, parto y condiciones médicas relacionadas, aplicación de estereotipos sexuales, condición de persona transgénero e identidad de género), nacionalidad (lo cual incluye un dominio limitado del idioma inglés), edad, discapacidad, afiliación o creencia política. También es ilegal discriminar a cualquier beneficiario de programas que reciba dinero bajo el Título I de la WIOA por motivos de ciudadanía/estatus de inmigrante admitido legalmente y autorizado para trabajar en los Estados Unidos o por su participación en cualquier programa o actividad que reciba dinero del Título I de la WIOA.

El programa o la actividad no debe discriminar en ninguna de las siguientes áreas: decidir quién será admitido o tendrá acceso a cualquier programa o actividad asistido financieramente por el Título I de la WIOA; ofrecer oportunidades en, o tratar a cualquier persona con respecto a, dicho programa o actividad; o tomar decisiones de empleo en la administración de, o en conexión con, dicho programa o actividad.

CÓMO PRESENTAR UNA QUEJA POR DISCRIMINACIÓN

Usted tiene que presentar su queja, por escrito, dentro de los 180 días posteriores a la fecha en la cual cree que sucedió la acción presuntamente discriminatoria. Usted puede presentar su queja ante el Funcionario de EO (Igualdad de oportunidades) del Estado o ante el Director del Centro de Derechos Civiles (CRC, por sus siglas en inglés) del Departamento de Trabajo de los EE.UU.

Si escoge presentar la queja a nivel del estado, puede usar el Formulario de Queja de la Oficina de Igualdad de Oportunidades, que se encuentra disponible en: <https://www.scworks.org/docs.asp>. Envíe su queja por correo, correo electrónico o fax a:

Ms. Stephani Frese, EO Officer
S.C. Department of Employment and Workforce
Post Office Box 908
Columbia, SC 29202
Correo electrónico: sfrese@dew.sc.gov
Fax: (803) 737-0124

Si escoge presentar la queja a nivel del CRC, puede usar el Formulario de Información de la Queja, que se encuentra disponible en: <https://www.dol.gov/oasam/programs/crc/DL1-2014a-English.pdf>. Dirija su queja a:

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

Si presenta su queja por escrito al Funcionario de EO del Estado, tiene que esperar hasta recibir un Aviso de Acción Final por escrito o hasta que hayan pasado 90 días (lo que ocurra antes) para poder presentar la queja ante el Centro de Derechos Civiles. En caso de que reciba un Aviso de Acción Final y no esté satisfecho con la decisión incluida en dicho aviso, usted puede presentar una queja por escrito ante el CRC dentro de los 30 días

posteriores a la fecha en la cual recibió el Aviso de Acción Final. En caso de que no reciba un Aviso de Acción Final dentro de los 90 días posteriores a su queja, no tiene la obligación de esperar por el Aviso por escrito para presentar una queja ante el CRC. Sin embargo, tiene que presentar su queja en el CRC dentro de los 30 días posteriores a su fecha límite de 90 días (en otras palabras, dentro de los 120 días posteriores a la presentación de su queja original).

NOTA: Usted puede solicitar asistencia para preparar su queja por escrito. Su posición puede estar respaldada por una representación legal y/o testigos. Usted puede presentar pruebas.

DERECHO A PRESENTAR UNA RECLAMACIÓN/QUEJA

Usted también tiene derecho a presentar una reclamación/queja sobre asuntos que no se relacionen con la discriminación. Por ejemplo, puede presentar una reclamación si siente que ha sido tratado de manera injusta, que se le ha negado el acceso a cualquier programa o actividad de la WIOA, o si siente que ha existido una violación de la WIOA, sus reglamentaciones, o cualquier acuerdo de subvención o capacitación que sea aplicable.

CÓMO PRESENTAR UNA RECLAMACIÓN/QUEJA

Si desea quejarse por la forma en la cual fue tratado durante el proceso de inscripción, presentación de solicitudes y certificación o como participante de un programa de la WIOA, usted tiene que presentar su reclamación/queja por escrito dentro de los 180 días posteriores al supuesto incidente. Para recibir ayuda con respecto a los procedimientos correctos para la presentación de una reclamación/queja, debe contactar a la siguiente persona:

Nombre: _____ Título: _____

Proveedor de servicios/operador: _____ Correo electrónico: _____

Número de teléfono: _____ TTY: _____

Si su reclamación/queja no se resuelve de una manera satisfactoria para usted, puede comunicarse con el Funcionario de EO local, de la siguiente manera:

Nombre: _____ Título: _____

Proveedor de servicios/operador: _____ Correo electrónico: _____

Número de teléfono: _____ TTY: _____

Si no recibe una decisión de parte del Funcionario de EO local dentro de 60 días, usted puede presentar una apelación por escrito ante el Coordinador de EO del Estado dentro de los 15 días posteriores a la fecha en la cual se tomó esa decisión. Si no está satisfecho con la decisión del Funcionario de EO local, puede presentar una apelación por escrito ante el Coordinador de EO del Estado dentro de los 15 días de la recepción de la decisión adversa. Use el Formulario de reclamación/queja que se encuentra en: <https://www.scworks.org/docs.asp>. Envíe su queja por correo, correo electrónico o fax a:

Ms. Tudy Newsom, EO Coordinator
S.C. Department of Employment and Workforce
Post Office Box 908
Columbia, SC 29202
Correo electrónico: tnewsom@dew.sc.gov
Fax: (803) 737-0124

El Coordinador de EO del Estado emitirá una decisión dentro de los 60 días posteriores a la recepción de su apelación por escrito. Si no recibe una decisión dentro de los 60 días posteriores a la presentación de su apelación ante el Coordinador de EO del Estado, usted puede apelar ante el Departamento de Trabajo de los Estados Unidos (USDOL, por sus siglas en inglés). Si no está satisfecho con la decisión del Coordinador de EO del Estado, usted puede apelar ante el USDOL dentro de los 60 días posteriores a la recepción de la decisión. Puede contactar al Departamento de Trabajo, de la siguiente manera:

Regional Administrator
Employment and Training Administration, U.S. Department of Labor
Sam Nunn Atlanta Federal Center
Room 6M12 – 61 Forsyth Street, S.W.
Atlanta, GA 30303

Certifico que he leído, que entendí y que he recibido una copia de este folleto explicativo de los procedimientos de reclamación.

_____	_____	_____
Firma	Nombre del cliente (letra molde)	Fecha

Certifico que le he explicado este folleto al cliente arriba mencionado.

_____	_____
Firma del miembro del personal	Fecha

_____	_____
Nombre del miembro del personal (letra molde)	Proveedor de servicios/operador

P.O. Box 995
1550 Gadsden Street
Columbia, SC 29202
dew.sc.gov



Henry McMaster
Governor

Cheryl M. Stanton
Executive Director

STATE INSTRUCTION NUMBER 16-14

TO: Local Workforce Development Board Chairs
Local Workforce Area Signatory Officials
Local Workforce Area Administrators

SUBJECT: Rights to File a Grievance or Complaint Under WIOA

ISSUANCE DATE: May 26, 2017

EFFECTIVE DATE: Immediately

Purpose: To establish procedures for handling noncriminal complaints under the Workforce Innovation and Opportunity Act (WIOA) and to transmit the attached handout. Nothing contained in the handout shall be deemed to prejudice the separate exercise of other legal rights in pursuit of remedies and sanctions available outside of WIOA.

Background: Section 188 of WIOA prohibits discrimination 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, political affiliation or belief, or (against any beneficiary, applicant, or participant in programs financially assisted under Title I of WIOA) on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.

Section 181 of WIOA requires the establishment of procedures for grievances or complaints alleging violations of the requirements of Title I from participants and other interested or affected parties.

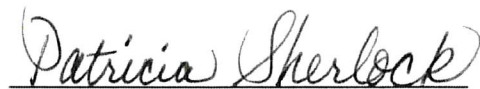
29 CFR 38.69 requires that any person or any specific class of individuals may file a written complaint who believe(s) that they have been or are being discriminated against on one or more prohibited bases or believe they have been or are being retaliated against (as described in 29 CFR 38.19). The SC Department of Employment and Workforce, Office of Equal Opportunity, develops and publishes the complaint processing procedures required in 29 CFR 38.72.

Notice of Equal Opportunity rights must be provided to each registrant, applicant, and participant and made part of each participant's file. It must be part of both paper and electronic files, if both are maintained. [29 CFR 38.36(a)(4) and 29 CFR 38.38(b)]

Policy: No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any program or activity because of race, color, religion, sex (including gender identity, gender expression, and sex stereotyping), national origin, age, disability, or political affiliation or belief. No beneficiary of programs receiving money under Title I of the WIOA will be discriminated against on the basis of citizenship/status as a lawfully admitted immigrant authorized to work in the United States or his or her participation in any program or activity receiving money from WIOA Title I.

Action: The Local Equal Opportunity Coordinator/Officer for the local workforce area must ensure programmatic staff provide initial and continuing notice to registrants, applicants and participants that the program does not discriminate on any prohibited ground and that they have the right to file a complaint of discrimination or grievance/complaint. Each Local Equal Opportunity Coordinator/Officer will ensure the attached handout is completed with the contact information applicable for the area. A signed copy of the handout must be placed in each applicant's/participant's file. Copies will be part of both paper and electronic files, if both are maintained. The handout must be provided in suitable formats to individuals with visual impairments (e.g., san-serif fonts, audio files). Ensure that all appropriate staff, operators, and service providers receive and understand this policy guidance.

Inquiries: Questions may be directed to Stephani Frese at sfrese@dew.sc.gov or 803-737-2381.

A handwritten signature in cursive script that reads "Patricia Sherlock". The signature is written in dark ink and is positioned above the printed name and title.

Patricia Sherlock, Director
Policies and Procedures

Attachment

WORKFORCE INNOVATION AND OPPORTUNITY ACT

Rights Handout for Registrants, Applicants, and Participants

EQUAL OPPORTUNITY IS THE LAW

Under the Workforce Innovation and Opportunity Act (WIOA), no individual may be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of, or in connection with, any program or activity because of race, color, religion, sex (including gender identity, gender expression, and sex stereotyping), national origin, age, disability, political affiliation or belief. It is also unlawful to discriminate against any beneficiary of programs receiving money under Title I of the WIOA on the basis of citizenship/status as a lawfully admitted immigrant authorized to work in the United States or his or her participation in any program or activity receiving money from WIOA Title I.

The program or activity 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.

HOW TO FILE A COMPLAINT OF DISCRIMINATION

You must file your complaint, in writing, within 180 days from the date you believe the alleged discriminatory action happened. You may file your complaint with the State-level EO Officer or the Director of the Civil Rights Center (CRC) of the US Department of Labor.

If you choose to file at the State level, you may use the Office of Equal Opportunity Complaint Form available at: <https://www.scworks.org/docs.asp>. Mail, email, or fax your complaint to:

Ms. Stephani Frese, EO Officer
S.C. Department of Employment and Workforce
Post Office Box 908
Columbia, SC 29202
Email: sfrese@dew.sc.gov
Fax: (803) 737-0124

If you choose to file at the CRC level, you may use the Complaint Information Form available at: <https://www.dol.gov/oasam/programs/crc/DL1-2014a-English.pdf>. Address your complaint to:

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

If you file your written complaint with the State-level EO Officer, you must wait until you receive a written Notice of Final Action or until 90 days have passed (whichever is sooner) before filing with the Civil Rights Center. In the event you receive a Notice of Final Action and are dissatisfied with the decision contained therein, you may file a written complaint with CRC within 30 days of the date on which you received the Notice of Final Action. In the event you do not receive a Notice of Final Action within 90 days of your complaint, you do not have to wait for the written Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after you filed your original complaint).

NOTE: You may request assistance in preparing your written complaint. You may have legal representation and/or witnesses to support your position. You may present evidence.

RIGHT TO FILE A GRIEVANCE/COMPLAINT

You also have the right to file a grievance/complaint over matters that do not involve discrimination. For example, you may file a grievance if you feel that you have been treated unfairly, denied access to any WIOA program or activity, or if you feel that there has been a violation of the WIOA, its regulations, or any applicable grant or training agreement.

HOW TO FILE A GRIEVANCE/COMPLAINT

If you wish to complain about your treatment during the registration, application, and certification process or as a WIOA program participant, you must file your written grievance/complaint within 180 days of the alleged occurrence. You should contact the following person for help in the use of the appropriate grievance/complaint procedures:

Name: _____ Title: _____

Service Provider/Operator: _____ Email: _____

Telephone Number: _____ TTY: _____

If your grievance/complaint is not resolved to your satisfaction, you can contact the Local EO Officer, as follows:

Name: _____ Title: _____

Address: _____ Email: _____

Telephone Number: _____ TTY: _____

If you don't receive a decision from the local EO officer within 60 days, you may file a written appeal to the State EO Coordinator within 15 days of the date the decision was due. If you are dissatisfied with the decision of the local EO Officer, you may file a written appeal to the State EO Coordinator within 15 days of receipt of the adverse decision. Use the Grievance/Complaint Form found at: <https://www.scworks.org/docs.asp>. Mail, email, or fax your complaint to:

Ms. Tudy Newsom, EO Coordinator
S.C. Department of Employment and Workforce
Post Office Box 908
Columbia, SC 29202
Email: tnewsom@dew.sc.gov
Fax: (803) 737-0124

The State EO Coordinator will issue a decision within 60 days after receiving your written appeal. If you do not receive a decision within 60 days after filing your appeal to the State EO Coordinator, you may appeal to the United States Department of Labor (USDOL). If you are dissatisfied with the decision of the State EO Coordinator, you may appeal to the USDOL within 60 days of receipt of the decision. You can contact the Department of Labor, as follows:

Regional Administrator
Employment and Training Administration, U.S. Department of Labor
Sam Nunn Atlanta Federal Center
Room 6M12 – 61 Forsyth Street, S.W.
Atlanta, GA 30303

I certify that I have read, understand, and have received a copy of this handout explaining the grievance procedures.

_____	_____	_____
Signature	Customer Name (Print)	Date

I certify that I have explained this handout to the above customer.

_____	_____
Staff Signature	Date

_____	_____
Staff Name (Print)	Service Provider/Operator

P.O. Box 995
1550 Gadsden Street
Columbia, SC 29202
dew.sc.gov



Henry McMaster
Governor

Cheryl M. Stanton
Executive Director

STATE INSTRUCTION NUMBER 16-14, Change 1

TO: Local Workforce Development Board Chairs
Local Workforce Area Signatory Officials
Local Workforce Area Administrators

SUBJECT: Rights to File a Grievance or Complaint Under WIOA

ISSUANCE DATE: June 23, 2017

EFFECTIVE DATE: Immediately

Purpose: This guidance transmits electronic, word-fillable versions of the *Workforce Innovation and Opportunity Act Rights Handout for Registrants, Applicants, and Participants* in both English and Spanish.

Policy: This guidance does not change policy and procedures for handling noncriminal complaints under the Workforce Innovation and Opportunity Act (WIOA), as outlined in State Instruction 16-14.

Action: Each Local Equal Opportunity Coordinator/Officer will ensure that a Rights Handout is completed with the contact information applicable for the area. A signed copy must be placed in each applicant's/participant's file. Copies will be part of both paper and electronic files, if both are maintained. The Rights Handout must be provided in suitable formats to individuals with visual impairments (e.g., sans-serif fonts, audio files). Ensure that all appropriate staff, operators, and service providers receive the attached electronic versions of the Rights Handout.

Inquiries: Questions may be directed to Stephani Frese at sfrese@dew.sc.gov or 803-737-2381.

Patricia Sherlock, Director
Policies and Procedures

Attachments

WORKFORCE INNOVATION AND OPPORTUNITY ACT

Rights Handout for Registrants, Applicants, and Participants

EQUAL OPPORTUNITY IS THE LAW

Under the Workforce Innovation and Opportunity Act (WIOA), no individual may be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of, or in connection with, any program or activity because 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, political affiliation or belief. It is also unlawful to discriminate against any beneficiary of programs receiving money under Title I of the WIOA on the basis of citizenship/status as a lawfully admitted immigrant authorized to work in the United States or his or her participation in any program or activity receiving money from WIOA Title I.

The program or activity 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.

HOW TO FILE A COMPLAINT OF DISCRIMINATION

You must file your complaint, in writing, within 180 days from the date you believe the alleged discriminatory action happened. You may file your complaint with the State-level EO Officer or the Director of the Civil Rights Center (CRC) of the US Department of Labor.

If you choose to file at the State level, you may use the Office of Equal Opportunity Complaint Form available at: <https://www.scworks.org/docs.asp>. Mail, email, or fax your complaint to:

Ms. Stephani Frese, EO Officer
S.C. Department of Employment and Workforce
Post Office Box 908
Columbia, SC 29202
Email: sfrese@dew.sc.gov
Fax: (803) 737-0124

If you choose to file at the CRC level, you may use the Complaint Information Form available at: <https://www.dol.gov/oasam/programs/crc/DL1-2014a-English.pdf>. Address your complaint to:

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

If you file your written complaint with the State-level EO Officer, you must wait until you receive a written Notice of Final Action or until 90 days have passed (whichever is sooner) before filing with the Civil Rights Center. In the event you receive a Notice of Final Action and are dissatisfied with the decision contained therein, you may file a written complaint with CRC within 30 days of the date on which you received the Notice of Final Action. In the event you do not receive a Notice of Final Action within 90 days of your complaint, you do not have to wait for the written Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after you filed your original complaint).

NOTE: You may request assistance in preparing your written complaint. You may have legal representation and/or witnesses to support your position. You may present evidence.

RIGHT TO FILE A GRIEVANCE/COMPLAINT

You also have the right to file a grievance/complaint over matters that do not involve discrimination. For example, you may file a grievance if you feel that you have been treated unfairly, denied access to any WIOA program or activity, or if you feel that there has been a violation of the WIOA, its regulations, or any applicable grant or training agreement.

HOW TO FILE A GRIEVANCE/COMPLAINT

If you wish to complain about your treatment during the registration, application, and certification process or as a WIOA program participant, you must file your written grievance/complaint within 180 days of the alleged occurrence. You should contact the following person for help in the use of the appropriate grievance/complaint procedures:

Name: _____ Title: _____

Service Provider/Operator: _____ Email: _____

Telephone Number: _____ TTY: _____

If your grievance/complaint is not resolved to your satisfaction, you can contact the Local EO Officer, as follows:

Name: _____ Title: _____

Address: _____ Email: _____

Telephone Number: _____ TTY: _____

If you don't receive a decision from the local EO officer within 60 days, you may file a written appeal to the State EO Coordinator within 15 days of the date the decision was due. If you are dissatisfied with the decision of the local EO Officer, you may file a written appeal to the State EO Coordinator within 15 days of receipt of the adverse decision. Use the Grievance/Complaint Form found at: <https://www.scworks.org/docs.asp>. Mail, email, or fax your complaint to:

Ms. Tudy Newsom, EO Coordinator
S.C. Department of Employment and Workforce
Post Office Box 908
Columbia, SC 29202
Email: tnewsom@dew.sc.gov
Fax: (803) 737-0124

The State EO Coordinator will issue a decision within 60 days after receiving your written appeal. If you do not receive a decision within 60 days after filing your appeal to the State EO Coordinator, you may appeal to the United States Department of Labor (USDOL). If you are dissatisfied with the decision of the State EO Coordinator, you may appeal to the USDOL within 60 days of receipt of the decision. You can contact the Department of Labor, as follows:

Regional Administrator
Employment and Training Administration, U.S. Department of Labor
Sam Nunn Atlanta Federal Center
Room 6M12 – 61 Forsyth Street, S.W.
Atlanta, GA 30303

I certify that I have read, understand, and have received a copy of this handout explaining the grievance procedures.

_____ Signature	_____ Customer Name (Print)	_____ Date
--------------------	--------------------------------	---------------

I certify that I have explained this handout to the above customer.

_____ Staff Signature	_____ Date
--------------------------	---------------

_____ Staff Name (Print)	_____ Service Provider/Operator
-----------------------------	------------------------------------

LEY DE INNOVACIÓN Y OPORTUNIDADES PARA LA FUERZA LABORAL

Folleto sobre los derechos para
inscritos, solicitantes y participantes

LA IGUALDAD DE OPORTUNIDADES ES LA LEY

De acuerdo con la Ley de Innovación y Oportunidades para la Fuerza Laboral (WIOA, por sus siglas en inglés), ninguna persona puede ser excluida de su participación en, no se le pueden negar los beneficios de, no puede ser sometida a discriminación bajo, o no se le puede negar el empleo en la administración de, o en conexión con, cualquier programa o actividad por motivos de su raza, color, religión, sexo (lo cual incluye embarazo, parto y condiciones médicas relacionadas, aplicación de estereotipos sexuales, condición de persona transgénero e identidad de género), nacionalidad (lo cual incluye un dominio limitado del idioma inglés), edad, discapacidad, afiliación o creencia política. También es ilegal discriminar a cualquier beneficiario de programas que reciba dinero bajo el Título I de la WIOA por motivos de ciudadanía/estatus de inmigrante admitido legalmente y autorizado para trabajar en los Estados Unidos o por su participación en cualquier programa o actividad que reciba dinero del Título I de la WIOA.

El programa o la actividad no debe discriminar en ninguna de las siguientes áreas: decidir quién será admitido o tendrá acceso a cualquier programa o actividad asistido financieramente por el Título I de la WIOA; ofrecer oportunidades en, o tratar a cualquier persona con respecto a, dicho programa o actividad; o tomar decisiones de empleo en la administración de, o en conexión con, dicho programa o actividad.

CÓMO PRESENTAR UNA QUEJA POR DISCRIMINACIÓN

Usted tiene que presentar su queja, por escrito, dentro de los 180 días posteriores a la fecha en la cual cree que sucedió la acción presuntamente discriminatoria. Usted puede presentar su queja ante el Funcionario de EO (Igualdad de oportunidades) del Estado o ante el Director del Centro de Derechos Civiles (CRC, por sus siglas en inglés) del Departamento de Trabajo de los EE.UU.

Si escoge presentar la queja a nivel del estado, puede usar el Formulario de Queja de la Oficina de Igualdad de Oportunidades, que se encuentra disponible en: <https://www.scworks.org/docs.asp>. Envíe su queja por correo, correo electrónico o fax a:

Ms. Stephani Frese, EO Officer
S.C. Department of Employment and Workforce
Post Office Box 908
Columbia, SC 29202
Correo electrónico: sfrese@dew.sc.gov
Fax: (803) 737-0124

Si escoge presentar la queja a nivel del CRC, puede usar el Formulario de Información de la Queja, que se encuentra disponible en: <https://www.dol.gov/oasam/programs/crc/DL1-2014a-English.pdf>. Dirija su queja a:

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

Si presenta su queja por escrito al Funcionario de EO del Estado, tiene que esperar hasta recibir un Aviso de Acción Final por escrito o hasta que hayan pasado 90 días (lo que ocurra antes) para poder presentar la queja ante el Centro de Derechos Civiles. En caso de que reciba un Aviso de Acción Final y no esté satisfecho con la decisión incluida en dicho aviso, usted puede presentar una queja por escrito ante el CRC dentro de los 30 días

posteriores a la fecha en la cual recibió el Aviso de Acción Final. En caso de que no reciba un Aviso de Acción Final dentro de los 90 días posteriores a su queja, no tiene la obligación de esperar por el Aviso por escrito para presentar una queja ante el CRC. Sin embargo, tiene que presentar su queja en el CRC dentro de los 30 días posteriores a su fecha límite de 90 días (en otras palabras, dentro de los 120 días posteriores a la presentación de su queja original).

NOTA: Usted puede solicitar asistencia para preparar su queja por escrito. Su posición puede estar respaldada por una representación legal y/o testigos. Usted puede presentar pruebas.

DERECHO A PRESENTAR UNA RECLAMACIÓN/QUEJA

Usted también tiene derecho a presentar una reclamación/queja sobre asuntos que no se relacionen con la discriminación. Por ejemplo, puede presentar una reclamación si siente que ha sido tratado de manera injusta, que se le ha negado el acceso a cualquier programa o actividad de la WIOA, o si siente que ha existido una violación de la WIOA, sus reglamentaciones, o cualquier acuerdo de subvención o capacitación que sea aplicable.

CÓMO PRESENTAR UNA RECLAMACIÓN/QUEJA

Si desea quejarse por la forma en la cual fue tratado durante el proceso de inscripción, presentación de solicitudes y certificación o como participante de un programa de la WIOA, usted tiene que presentar su reclamación/queja por escrito dentro de los 180 días posteriores al supuesto incidente. Para recibir ayuda con respecto a los procedimientos correctos para la presentación de una reclamación/queja, debe contactar a la siguiente persona:

Nombre: _____ Título: _____

Proveedor de servicios/operador: _____ Correo electrónico: _____

Número de teléfono: _____ TTY: _____

Si su reclamación/queja no se resuelve de una manera satisfactoria para usted, puede comunicarse con el Funcionario de EO local, de la siguiente manera:

Nombre: _____ Título: _____

Proveedor de servicios/operador: _____ Correo electrónico: _____

Número de teléfono: _____ TTY: _____

Si no recibe una decisión de parte del Funcionario de EO local dentro de 60 días, usted puede presentar una apelación por escrito ante el Coordinador de EO del Estado dentro de los 15 días posteriores a la fecha en la cual se tomó esa decisión. Si no está satisfecho con la decisión del Funcionario de EO local, puede presentar una apelación por escrito ante el Coordinador de EO del Estado dentro de los 15 días de la recepción de la decisión adversa. Use el Formulario de reclamación/queja que se encuentra en: <https://www.scworks.org/docs.asp>. Envíe su queja por correo, correo electrónico o fax a:

Ms. Tudy Newsom, EO Coordinator
S.C. Department of Employment and Workforce
Post Office Box 908
Columbia, SC 29202
Correo electrónico: tnewsom@dew.sc.gov
Fax: (803) 737-0124

El Coordinador de EO del Estado emitirá una decisión dentro de los 60 días posteriores a la recepción de su apelación por escrito. Si no recibe una decisión dentro de los 60 días posteriores a la presentación de su apelación ante el Coordinador de EO del Estado, usted puede apelar ante el Departamento de Trabajo de los Estados Unidos (USDOL, por sus siglas en inglés). Si no está satisfecho con la decisión del Coordinador de EO del Estado, usted puede apelar ante el USDOL dentro de los 60 días posteriores a la recepción de la decisión. Puede contactar al Departamento de Trabajo, de la siguiente manera:

Regional Administrator
Employment and Training Administration, U.S. Department of Labor
Sam Nunn Atlanta Federal Center
Room 6M12 – 61 Forsyth Street, S.W.
Atlanta, GA 30303

Certifico que he leído, que entendí y que he recibido una copia de este folleto explicativo de los procedimientos de reclamación.

_____	_____	_____
Firma	Nombre del cliente (letra molde)	Fecha

Certifico que le he explicado este folleto al cliente arriba mencionado.

_____	_____
Firma del miembro del personal	Fecha

_____	_____
Nombre del miembro del personal (letra molde)	Proveedor de servicios/operador