

**Grievances and Appeals based on Complaints of Discrimination:**

1. This section applies to applicants for WIA participation or employment, participants or employees of any WIA, Title I-funded entity, and applicants for WIA funding.

2. Definitions. The following definitions apply to grievances and appeals filed under this section:

(a) "Beneficiary" means an individual intended by the United States Congress to receive aid, benefits, services, or training from a recipient;

(b) "Director" means the director of the Civil Rights Center, U.S. Department of Labor, Room N-4123, 200 Constitution Avenue, N.W., Washington, D.C. 20210; and

(c) "Recipient" means an entity that receives financial assistance under WIA Title I, either directly from the United States Department of Labor or through the Commonwealth of Kentucky or another recipient. "Recipient" includes, but is not limited to:

- (i) State agencies that administer, or are financed in whole or in part with, WIA Title I funds;
- (ii) The Office of Employment and Training;
- (iii) The Kentucky Workforce Investment Board;
- (iv) Local Workforce Investment Boards;
- (v) Local workforce investment area grant recipients;
- (vi) One-stop operators;
- (vii) Service providers, including eligible training providers;
- (viii) On-the-job training employers;
- (ix) Job Corps contractors and center operators, excluding the operators of federally-operated Job Corps centers;
- (x) Outreach and admissions agencies, including Job Corps contractors that perform these functions; and
- (xi) One-stop partners, as defined in WIA section 121 (b), to the extent that the one-stop partner participates in the one-stop delivery system.

3. (a) A person who believes that he or she or any specific class of individuals has been or is being subjected to discrimination prohibited under WIA on the basis of age, disability, sex, race, color, national origin, religion, or political affiliation or belief may file a written complaint with the recipient or with the Civil Rights Center, U.S. Department of Labor, Room N-4123, 200 Constitution Avenue, N.W., Washington, D.C. 20210 within 180 days of the alleged discrimination. The complaint may be filed by a representative. The Director of the Civil Rights Center may extend the filing date for good cause shown.

(b) A beneficiary who believes that he or she has been denied participation in programs or activities financially assisted in whole or in part under WIA Title I on the basis of citizenship may file a written complaint with the recipient or with the Civil Rights Center, U.S. Department of Labor, Room N-4123, 200 Constitution Avenue, N.W., Washington, D.C. 20210 within 180 days of the alleged discrimination. The complaint may be filed by a representative. Only the Director of the Civil Rights Center may extend the filing date for good cause shown.

4. A complaint shall contain the following information:

(a) The full name, address and telephone number (or message number) of the person making the complaint (the complainant);

(b) The full name and address of the entity or individual against whom the complaint is made (respondent);

(c) A description of the complainant's allegations in sufficient detail to allow determinations to be made regarding jurisdiction, timeliness, and apparent merit (whether the allegations, if true, would violate any nondiscrimination and equal opportunity provisions under WIA); and

(d) The complaint shall be signed and dated by the complainant or the complainant's authorized representative.

5. The recipient shall forward a copy of a complaint filed with the recipient to the EO officer of the state agency. If the complaint is filed with the Civil Rights Center (CRC), the complainant may complete and submit the CRC's Complaint Information and Privacy Act Consent Form, which may be obtained from the recipient's EO Officer, or from the Civil Rights Center at the U.S. Department of Labor, Room N-4123, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

6. The local workforce investment area shall designate an EO officer who is responsible for receiving, investigating, and offering resolutions of complaints, and for assuring all WIA Title I applicants are advised of their rights. Service providers shall follow the procedures established within the local workforce investment area. The local workforce investment area grievance procedures shall contain the following minimum requirements:

(a) Upon receipt of a complaint, the recipient shall provide written acknowledgment to the complainant that the recipient has received the complaint, and shall notify the complainant of the right to be represented in the complaint process.

(b) The recipient shall thereafter provide a written statement of the issue(s) to the complainant, that includes the following:

(i) A list of the issues raised in the complaint; and

(ii) For each such issue, a statement whether the recipient accepts the issue for investigation or rejects the issue, and the reasons for each rejection.

(c) A period for fact-finding or investigation of the circumstances underlying all complaints.

(d) A period during which the recipient attempts to resolve the complaint. The methods available to resolve the complaint shall include an alternative dispute resolution (ADR) method. The complainant shall be given the choice whether to use ADR or the customary process. If the recipient breaches an agreement reached under ADR, the complainant may file a discrimination complaint with the CRC Director within thirty days of the date on which the complainant learns of the alleged breach. If the parties cannot reach agreement under ADR, the complainant may file a discrimination complaint with the CRC Director;

(e) A written Notice of Final Action shall be provided to the complainant within ninety days of the date on which the complaint was filed. The Notice of Final Action shall include, for each issue raised in the complaint, a statement of either (i) the recipient's decision on the issue and an explanation of the reasons underlying the decision, or (ii) a description of the way the parties resolved the issue. The Notice of Final Action shall include notice that the complainant has a right to file a complaint with CRC within thirty days of the date on which the Notice of Final Action is issued if he or she is dissatisfied with the recipient's final action on the complaint;

(f) The EO officer shall notify the complainant in writing immediately if it is determined that the local workforce area does not have jurisdiction over a complaint. The notification shall include the basis for the determination as well as a statement of the complainant's right to file a written complaint with the Civil Rights Center within thirty days of the date on which the complainant receives the notice;

(g) The complainant shall be notified of the right to file a complaint with the Civil Rights Center if the local workforce investment area representative has not completed processing the complaint or if no resolution has been offered within ninety days following receipt of the complaint. The complainant may file a complaint with the Civil Rights Center within thirty days of the expiration of the ninety-day period.

7. The recipient shall maintain records of complaints for at least three years from the date of resolution of the complaint.