

# INSTRUCTION LETTER



**INSTRUCTION NUMBER:** WIOA 16-18

**TO:** To Upstate WB Staff and All Contractors

**SUBJECT:** Rights to File a Grievance or Complaint under WIOA

**DATE ISSUED:** June 20, 2017      **DATE EFFECTIVE:** Immediately      **DATE EXPIRES:** Indefinitely

**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.

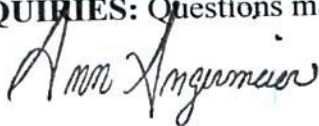
29 CFR 38.69 requires that any person or any specific class of individuals may file a written complaint who believe(s) that they have been or are being discriminated against on one or more prohibited bases or believe they have been or are being retaliated against (as described in 29 CFR 38.19). The SC 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:** This policy is to transmit the attached Rights Handout to all contractors. Program staff are required to 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 (Ms. Dana Wood) 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, and audio files). Ensure that all appropriate staff receive and understand this policy. Also, ensure all old forms are discarded and new forms as utilized.

**INQUIRIES:** Questions may be directed to Dana Wood [wood@upstateworkforceboard.org](mailto:wood@upstateworkforceboard.org).



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Ann Angermeier, Director

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**Source: State Instruction 16-14 also replace local instruction letter 15-03**