

EXECUTIVE SUMMARY

The work2future Workforce Development Board (WDB), provides program services and/or training made possible by the Workforce Innovation and Opportunity Act. The work2future WDB staff, its partner staff, its contractors, and any person or agency receiving funding from work2future must comply with the procedures and reporting requirements of this Directive. All providers of services must establish, document, and implement procedures as specified in this Directive. Persons filing a complaint (complainants) shall be free from restraint, coercion, reprisal, or discrimination; both state and federal law prohibit retaliation against a complainant.

If you would like to file a complaint, please contact the Equal Opportunity (EO) Officer Dat Luu at 408-794-1139. The Equal Opportunity Officer will provide technical assistance to the complainant regarding how to file or amend the complaint and will, additionally, provide clarifications and interpretations of relevant provisions. ADA/Equal opportunity /programs Auxiliary Aid and Services are available upon request to individuals with disabilities. For TTY (text Telephone) please use the Telecommunications Relay Service (TRS – call 711). With TRS, a special operator types whatever you say so that the person you are calling can read your words on his or her TTY display. He or she will type back a response, which the TRS operator will read aloud for you to hear over the phone. Toll free TRS services are available 24 hours a day, 365 days a year.

Nondiscrimination and Equal Opportunity Notice:

It is against the law for any recipient of federal financial assistance to discriminate:

- Against any individual in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief.
- Against any beneficiary of programs financially assisted under Title I of the Workforce Innovation Opportunity Act (WIOA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in an WIOA Title I, financially assisted program or activity.

As recipients, work2future, its contractors, and its vendors may not discriminate in any of the following areas: (1) deciding who will be admitted, or have access to, any WIOA Title I financially assisted program or activity; (2) providing opportunities in, or treating any person with regard to such a program or activity; or (3) making employment decisions in the administration of, or in connection with, such a program or activity.

If you think you have been subjected to discrimination under a WIOA Title I financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with work2future's Customer Relations Manager for immediate referral to the City of San Jose's Equal Opportunity (EO) Officer, or you may file your complaint with:

The Civil Rights Center (CRC) - U. S. Department of Labor - 200 Constitution Avenue, NW, Room N-4123 – Washington, DC 20210

If you file your complaint with work2future the Local Workforce Development Board is allowed 90 days to issue a written Notice of Final Action before you file a complaint with the CRC. If the work2future WDB does not give you a written Notice

of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the work2future WDB to issue that 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 the day on which you filed your complaint with the work2future WDB).

If the work2future WDB *does* give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

Alternate Dispute Resolution (ADR) Process:

(c) The procedures the recipient adopts must provide for alternative dispute resolution (ADR). The recipient's ADR procedures must provide that:

- The complainant may attempt ADR at any time after the complainant has filed a written complaint with the recipient, but before a Notice of Final Action has been issued.
- The choice whether to use ADR or the customary process rests with the complainant.
- A party to any agreement reached under ADR may notify the Director in the event the agreement is breached. In such circumstances, the following rules will apply: (i) The non-breaching party may notify with the Director within 30 days of the date on which the non-breaching party learns of the alleged breach; and (ii) The Director must evaluate the circumstances to determine whether the agreement has been breached. If the Director determines that the agreement has been breached, the complaint will be reinstated and processed in accordance with the recipient's procedures.
- If the parties do not reach an agreement under ADR, the complainant may file a complaint with the Director as described in §§ 38.69 through 38.71

EXCEPTIONS

Any exceptions to this policy must be approved by the work2future-Director, Program Manager, or the authorized representative of the WIOA Service Provider and documented in the participant file.

INQUIRIES

Please contact the work2future Administrator, work2future.mis@sanjoseca.gov, for any questions regarding this policy.

My signature below certifies that I have read and understand the Nondiscrimination and Equal Opportunity procedure for WIOA programs administered by work2future WDB; if requested, I have received a copy of the referenced Employment Development Department's Nondiscrimination and Equal Opportunity Procedures Directive.

Participant's Printed Name: _____

Participant's Signature: _____ **Date:** _____