

EQUAL OPPORTUNITY

000-027a

Effective Date: July 1, 2000

PURPOSE: To transmit the New Hampshire Workforce Opportunity Council's (WOC) policies and procedures for accepting, handling, and processing a complaint of illegal discrimination.

POLICY: It is the policy of the WOC to assure nondiscrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship or status of lawfully admitted immigrants authorized to work in the United States. A third party may file a complaint on behalf of the complainant.

PROCEDURES:

1. **Who may file:** Any covered individual who believes that he or she has been discriminated against based on race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship or status of lawfully admitted immigrants authorized to work in the United States..
2. **When to file:** A formal complaint must be filed within 180 days of the alleged discriminatory act(s). Complaints initiated more than 180 days from the date of the alleged discrimination may be extended for good cause by the Director of CRC.
3. **Where to file:** Complaints may be filed with the WOC EO Officer, 64 Old Suncook Rd., Concord, NH, 03301, Telephone: (603) 228-9500 TDD: 1-800-622-9180. With respect to Title I WIA-funded organizations, complaints may also be filed with the One-Stop Partner or WIA-recipient, who will forward it to the WOC EO Officer for proper logging.

Complaints may alternatively be filed directly with the Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue, NW, Rm N-4123, Washington, D.C. 20210. Telephone: (202) 219-7026, TDD: 1-800-326-2577.

4. **How to file:** Each complaint shall be in writing and shall:
 - a) Be signed by the complainant or his/her authorized representative;
 - b) Contain the complainant's name and address, or specify another means of contact;
 - c) Identify the person(s) and/or legal entity complained against (the respondent); and

- d) Describe the complainant's allegations in sufficient detail to allow determination of whether the complaint
 - falls under WOC, One-Stop Partner, or WIA-Recipient jurisdiction
 - was timely filed, and
 - has apparent merit.
- e) Upon receipt of a written complaint alleging discrimination, the WOC EO Officer shall promptly log the complaint and forward it to the appropriate One-Stop Partner or WIA-Recipient to
 - initiate review and/or investigation of the complaint, or;
 - provide notice, as appropriate, to all parties including the complainant and the respondent of the specific charges;
 - inform the complainant and respondent of their right to representation;
 - inform the complainant and respondent of their right to present evidence;
 - inform the complainant and respondent of their right to rebut evidence presented by others;
 - inform the complainant of their right to select an alternative method of dispute resolution, such as mediation; and
 - make a decision strictly on the evidence.
6. The identity of the complainant shall be kept confidential except to the extent necessary to carry out the purposes of 29 CFR 37, including the conduct of any investigation, hearing or judicial proceeding arising hereunder. When consent has been provided for release of complainant's identity, disclosure should be under the conditions which will promote receipt of confidential information.
7. No person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Equal Opportunity policies or because he/she has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing in this part.
8. WOC, the One-Stop Partner, or WIA-Recipient shall process the complaint within 90 days and offer a resolution to the complainant. If by the end of 90 days, complaint processing has not been completed, or the complainant has not been notified of the resolution, the complainant or his/her representative may, within 30 days of the expiration of the 90-day period or upon notification of resolution, file with CRC.
9. WOC, the One-Stop Partner, or WIA-Recipient shall notify the complainant immediately in writing upon determining that it does not have jurisdiction over a complaint that alleges a violation of the nondiscrimination and equal opportunity provisions of WIA. The notification shall include the basis for such determination, as well as a statement of the complainant's right to file a written complaint with the Director of CRC within 30 days of receipt of the notification.

10. The complainant has the choice of an Alternative Dispute Resolution rather than the customary process. The complainant must request ADR within 10 days of filing the complaint. If an agreement is not reached under ADR, the complainant may file with the CRC. In the event that the ADR agreement is breached, the non-breaching party may file a complaint with the CRC within 30 days of the date on which the party learns of the alleged breach. If the CRC determines that there has been a breach, the complainant may file a complaint with the CRC based upon his/her original allegation(s), and the CRC will waive the time deadline for filing such a complaint.

ACTION: All staff must be knowledgeable of the contents of this directive.