

**GLOW One-Stop System – EO IS THE LAW**  
**Equal Opportunity Discrimination Complaint Procedure**  
**Complaint Procedure Overview – Customer Copy**

Who may file a complaint:

Any person who believes that either he or she, or any specific class of individuals has been or is being subjected to discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief and; for beneficiaries citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIOA Title I financially assisted program or activity, may file a complaint. Complaints filed by the complainant or his/her authorized representative must be filed in writing and must contain the complainants and respondents name and address, date of occurrence, a description of the allegations with enough detail to establish WIOA Title I funding jurisdiction over the complaint, whether or not the complaint was timely filed, apparent merit, and if true, whether the allegations would violate any of the nondiscrimination and equal opportunity provisions of WIOA, and the complainant or his/her authorized representatives signature.

Where to file:

Complaints may be filed with the Equal Opportunity Officer for the local area, **Jay Lazarony, GLOW WDB Executive Director, 587 East Main Street, Suite 100, Batavia, NY 14020, (585) 344-2042 x 4212 or 1-866-674-4560; or email: jlarazony@co.genesee.ny.us**; or directly with the Director, Civil Rights Center, US Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, D.C. 20210; or for complaints related to programs administered directly by the New York State Department of Labor, either the NYSDOL Equal Opportunity Liaison at the One-Stop Center, or WIOA State Administrative Agency, Equal Opportunity Officer for WIOA, New York State Department of Labor, Division of Equal Opportunity Development, State Campus Building 12, Room 540, Albany, NY 12240. Phone (518)457-1984, TDD 1-800-662-1220, VOZ 1-800-421-1220.

When to file:

Complaints must be filed within 180-days from the initial date of occurrence. Complainants who file with an EO Officer must wait until a written Notice of Final Action is received or until 90 days has passed (whichever is sooner) before filing with CRC. The Director or CRC, for good cause shown, may extend the filing time beyond 180 days.

Information the complaint must contain:

All complaints must be in writing, and must contain the following:

- ❑ The complainant's name and address or another means of contact;
- ❑ The identity of the respondent, including the individual/entity that the complainant alleges is responsible for the discrimination;
- ❑ A description of the allegations in sufficient detail to determine whether or not the complaint is within the jurisdiction of the EO Officer, whether or not the complaint was timely filed, has apparent merit, and if true, whether the allegations would violate the non-discrimination and equal opportunity provisions of WIA;
- ❑ The complaint must be signed by the complainant or his/her authorized representative. If it is determined that the EO Officer does not have jurisdiction over a complaint, the complainant will be notified of the lack of jurisdiction. The notification will include a reason(s) for the determination and notice that he/she has the right to file the complaint with CRC within 30 days from the date on which the jurisdiction notice was received. If it is determined that the EO Officer has joint jurisdiction of the complaint, the complaint will be forwarded to the appropriate equal opportunity officer and the complainant will be notified that the complaint was received and forwarded for processing in accordance with the complaint procedures established by the recipient having joint jurisdiction. All parties to the complaint are entitled to representation of their own choosing and at their own expense. Upon receipt by the EO Officer, complaints are assigned a case number, recorded on the complaint log and forwarded to the appropriate Equal Opportunity Officer. All complaints are handled and maintained as strictly confidential.

### Retaliation/Intimidation/Reprisal:

No person shall be discharged, intimidated, retaliated against, threatened, coerced or otherwise discriminate against for having filed a complaint, furnished information to, assisted or participated in any manner in an investigation, review, hearing or any other activity related to the administration of, or exercise of authority under, or privileges secured by 29 CFR Part 37.

### Discrimination Complaint Processing Procedural Steps:

#### STEP 1: The Opportunity to File a Complaint

All complaints must be in writing. The individual, specific class of individuals, or authorized representative, hereafter referred to as complainant, who believes he or she has been discriminated against must submit the allegations in writing to the Equal Opportunity Officer. The EO Officer will, within five (5) days of the receipt of the complaint, send an acknowledgement letter to the complainant and advise him/her of their rights to be represented in the complaint process.

#### STEP 2: The Opportunity for an Informal Resolution Conference

The Equal Opportunity Officer may meet with the complainant or his/her authorized representative, within fifteen (15) days from the date of receipt of the written allegations, to conduct a preliminary investigation and to discuss the circumstances underlying the allegations and attempt to informally resolve the issue(s). If the complaint cannot be resolved informally, the Equal Opportunity Officer will, within the 15 days of receipt of the complaint, advise the complainant of a list of issues raised in the complaint and a statement whether the issues will be accepted for investigation or rejected by the EO Officer; if rejected, the reason for the rejection. If any portion of a complaint is accepted, the EO Officer will further advise the complainant of his or her right to seek resolution through mediation or to continue with a formal investigation.

#### STEP 3: The Opportunity for Mediation or Investigation

If the complainant is dissatisfied with the attempted informal resolution, he/she must so inform the Equal Opportunity Officer within ten (10) days of the receipt of the written acknowledgement containing the statement of issues and indicate whether or not he/she wishes to elect the mediation option. If no response is received, the EO Officer will continue to investigate the complaint. If the complainant selects the mediation option, an impartial mediator will be appointed. The mediation will be conducted within sixty (60) days from the date of such election. Written notification of the mediation conference will be sent to parties involved by the impartial decision-maker within ten (10) days of the date of mediation. The notice will state the date, time and place of the mediation, the specific issues to be heard and that the mediation is voluntary and confidential. Each party (complainant/respondent) has the right to representation by an attorney or other individual of his/her own choice, at his/her own expense. If the parties reach agreement on some or all of the issues presented, the mediator will assist the parties in drafting an agreement to be submitted for resolution of such issues. If any or all issues remain unresolved at the end of mediation, the mediator will send a notice of failure to reach an agreement to the EO Officer within sixty (60) days of the complainant's election for mediation. A Notice of Final Action will be issued by the EO Officer within ninety (90) days of the filing of the complaint. The written notice must include, for each issue raised, a decision on the issue, an explanation of the reasons underlying the decision or a description of the way the parties resolved the issue, and notice of resource as provided below.

#### STEP 4: Notice of Recourse

If the resolution offered to the complainant or his/her representative is not satisfactory to the complainant, the complainant or his/her representative may, within 30 days of the date on which the Notice of Final Action is issued, file a complaint with the Director of the Civil Rights Center (CRC). The Director may extend the 30-day time limit for good cause shown.

**GLOW One-Stop System  
Equal Opportunity Discrimination Complaint Procedure  
For Customer File**

CERTIFICATION

I, \_\_\_\_\_  
Print name here

certify that I have read and understand the Equal Opportunity Discrimination Complaint Procedure as described above. If I am subjected to discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and; for beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or for participation in any WIOA Title I financially assisted program or activity, I may file a complaint. I also certify that I am aware this document contains the name, address, and telephone number of the GLOW EO Complaint Officer.

\_\_\_\_\_  
Customer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent Signature (if applicable)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witnessed By

\_\_\_\_\_  
Date

**GLOW One-Stop System  
Non-Criminal Program Complaint and Grievance Procedures  
Customer Copy**

**INTRODUCTION:**

The Workforce Innovation and Opportunity Act (WIOA) requires the establishment of a complaint/grievance procedure by each local area, state and direct recipient of funds under Title I.

As a customer, service provider, or interested party, this document serves to inform you of the procedure whereby you may settle any differences or non-criminal complaints that may arise, free from coercion, restraint, interference, discrimination or reprisal.

**PROCEDURE:**

This is a multi-stage procedure, whose goal shall be to settle complaints on as low an administrative level as possible.

Time extensions beyond those noted below may be arrived by mutual agreement of the parties concerned. Should either party not adhere to the following timetable, choose not to elevate a request to the next level, fail to respond to a written request by the GLOW Complaint Resolution Officer within 10 calendar days, or agree to satisfaction with the outcome of a complaint, the complaint will be considered resolved.

You will have up to one (1) year from the date of the incident to file the complaint. Your identity, and anyone who furnishes information or assists in the investigation of the complaint, will be kept confidential to the maximum extent possible, consistent with applicable law and fairness in handling the complaint. Once a complaint has been filed, the timeframes outlined in this procedure are as follows:

**STEP 1:** If your complaint alleges a violation by the Local Area, then the Local Area Complaint Officer (LACO) performs the actions outlined above. The list of Local Area Officers is listed below:

Teresa Van Son, Director, Genesee County Career Center  
Ryan Snyder, Director, Livingston County Office of Workforce Development  
Kelly Kiebala, Director, Orleans County Job Development  
Rosemary Shader, Director, Wyoming County Community Action

**STEP 2:** When you file your written complaint, the LACO and/or the GLOW Complaint Resolution Officer (GCRO) will help you to ensure that all documents are properly filed, gather facts necessary, and attempt to resolve your complaint. If your complaint can be resolved in a manner that is mutually acceptable to all parties involved, the GCRO will notify each party in writing of the agreed upon resolution. The GCRO information is listed below:

\_\_\_\_\_ (in process)

**STEP 3:** If you are unable to resolve your complaint, you may request a formal hearing through the GCRO. This hearing must be requested on or before the 30<sup>th</sup> day of your initial complaint. You will receive by certified mail notification of the date, time, and place of the hearing and will also be advised of the following:

- ❑ The hearing may be rescheduled if you so request and the GCRO agrees;
- ❑ You have the right to be represented by an attorney, as may the LACO and/or the GCRO;
- ❑ You may produce witnesses and/or documentation, as may the LACO and/or the GCRO;
- ❑ You, your attorney, representative, or the GCRO will be allowed to cross examine opposing witnesses or parties in accordance with the procedurally equitable agenda explained before the hearing by the Hearing Committee;
- ❑ You may withdraw your complaint prior to the hearing. This would constitute an admission of no contest;
- ❑ You will receive a final written decision within 60 days of the filing of your complaint. The decision will include a synopsis of facts, statement of reason for the decision, statement of remedies to be applied, statement that all applicable procedures have been followed, and an explanation of the appeal procedure noted below.

STEP 4: If by the 60<sup>th</sup> day of the initial filing of your complaint you have not received your written final decision, you may file a request for review by the Governor. The request must be filed within 15 days from the date on which you should have received the written decision. If you do not agree with your written final decision, you may file a request for review by the Governor. The request must be filed within 10 days from the date on which the adverse decision was received. The Governor will have 30 days to issue a decision.

Your appeal should contain the same basic elements as your original local complaint. These are: your name, address, phone number, respondent's name, address, phone number, nature of the complaint, information regarding the decision rendered at the formal hearing, your signature and the date. You should send this information to:

NYS Workforce Investment Act Hearing Officer  
New York State Department of Labor  
State Office Building Campus, Building 12, Room 446  
Albany, NY 12240

NOTE TO EMPLOYERS IN RECEIPT OF GLOW WIB TRAINING FUNDS:

If you are an employer, you may operate your own grievance system or utilize the grievance system established by the Genesee, Livingston, Orleans, Wyoming Workforce Development Board. You must inform all participants of the grievance procedures they are to follow, should they need them. If you opt to use your own system, you must provide copies of this grievance procedure for review and comment by the GCRO to ensure that WIA guidelines and requirements are not compromised. Your system must provide for, upon request by the complainant, a review of an employer's decision by the Local Area and the Governor, if necessary. The procedure must also have a process that allows the individual alleging a labor standard violation to submit the grievance to a binding arbitration process if a collective bargaining agreement covering the parties to the grievance provides for it.

**GLOW One-Stop System  
Non-Criminal Program Complaints and Grievance Procedures  
For Customer File**

CERTIFICATION

I, \_\_\_\_\_  
                                Print name here

certify that I have read and understand the Program Complaint Procedures as described above. I also certify that I am aware this document contains the name, address, and telephone number of the GLOW Complaint Resolution Officer.

\_\_\_\_\_  
Customer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent Signature (if applicable)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witnessed By

\_\_\_\_\_  
Date