

**LOUISIANA WORKFORCE COMMISSION**  
**DISCRIMINATION COMPLAINT PROCEDURES**

**Nondiscrimination Provision:** No individual in the United States shall, on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and, for beneficiaries only, citizenship or participation in WIOA, 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 LWC or WIOA-Title I funded program or activity.

**Who May File:**

Any person who believes that he or she, individually or as a member of a specific class of individuals, is being subjected to discrimination based on race, color, religion, sex, national origin, age, disability, political affiliation or belief, and, for beneficiaries only, citizenship or participation in WIOA may file a written complaint individually or through a representative.

Examples of who may file a complaint:

- Applicant for aid, benefits, services or training
- Eligible applicants
- Participants
- Employees
- Applicants for employment
- Service providers
- Eligible service providers

**Where to File:**

The complaint may be filed with either:

Louisiana Equal Opportunity Officer  
Ireyan J. Clark-Sam  
Compliance Programs Director  
Louisiana Workforce Commission  
Post Office Box 94094  
1001 North 23<sup>rd</sup> Street  
Baton Rouge, LA 70804-9094  
Phone: 225-342-3075  
Fax: 225-342-7961  
TDD: 1-800-259-5154

OR, With

The local Equal Opportunity Coordinator or Complaint Manager  
(Whose name is provided on the EO Poster)

OR, With

The Director of the Civil Rights Center  
US Department of Labor  
200 Constitution Avenue NW  
Room N-4123  
Washington, DC 20210

**When to File:**

A complaint must be filed within 180 days of the alleged discrimination. Only the Director of the U.S. Department of Labor Civil Rights Center (CRC), for good cause shown, may extend the filing time. The complainant has the burden of proving to the Director of the Civil Rights Center that the time limit should be extended.

**What Complaint Form to Use:**

The complainant files the complaint by completing and submitting LWC's Complaint Information Form (LWC-EOCD-CIF-01) which are on file at all LWC office complexes and all local WIOA offices. The form may also be obtained from LWC at the address listed on the notice. However, failure to use the form does not nullify the complaint. The complaint, whether or not on the form, must provide the information contained in the below section and must be signed by complainant.

**What to Include in the complaint:**

Each complaint must be filed in writing and must contain the following information:

- 1) The complainant's name and address (or another means of contacting the complainant).
- 2) The identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination).
- 3) A description of the complainant's allegations. This description must include enough detail to allow the Director or the recipient, as applicable, to decide whether:
  - a) CRC or the recipient, as applicable, has jurisdiction over the complaint,
  - b) The complaint was filed in time, and
  - c) The complaint has apparent merit. In other words, whether the complainant's allegations, if true, would violate any of the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR 38.
- 4) The complainant's signature or the signature of the complainant's authorized representative.

**Process for Handling Complaints:**

For each complaint the EO Coordinator shall submit a copy of the complaint to the State EO Officer, Equal Opportunity and Compliance Division within ten (10) days of the filing of the complaint. The State EO Officer/Compliance Programs Director or EO Coordinator shall follow the steps below for processing the complaint.

- 1) Within 10 calendar days of the filing of the complaint, there shall be an initial written notice sent to the complainant that contains the following elements:
  - An acknowledgement that the recipient has received the complaint.
  - Notice that the complainant has the right to be represented in the complaint process.
  - Notice that the recipient will initially attempt to resolve the complaint through mediation, which is an alternative dispute resolution (ADR). The mediation process will be explained to the complainant in the initial letter.
  - In addition, notice of the complaint shall be disseminated to all parties on the specific charges.

Note: If the complaint is filed with the EO Coordinator, then the EO Coordinator written notice and forwards a copy to the State EO Officer. All complaints filed with Complaint Managers are forwarded immediately to the State EO Officer who issues the initial written notice.

- 2) Within twenty (20) calendar days of the filing of the complaint, the complainant must accept or reject the offer of mediation. If mediation is accepted, it is held within thirty (30) calendar days of the filing of the complaint.
  - a) If an agreement is reached that is satisfactory to both parties, the complaint is resolved.

- b) A party to any agreement reached under ADR may file a complaint with the Director of the Civil Rights Center in the event the agreement is breached. In such circumstances, the following rules will apply:
  - i. The non-breaching party may file a complaint with the Director of the Civil Rights Center within 30 days of the date on which the non-breaching party learns of the alleged breach.
  - ii. The Director of the Civil Rights Center must evaluate the circumstances to determine whether the agreement has been breached. If it is determined that the agreement has been breached, the complainant may file a complaint with the Civil Rights Center based upon his/her original allegation(s), and the Director of the Civil Rights Center will waive the time deadline for filing such a complaint.
- c) If the parties do not reach an agreement under ADR, the complainant will be given a Notice of Final Action of the right to file a complaint with the Director of the Civil Rights Center within 30 days of receipt of such notice.

Note: If the complaint was filed with the EO Coordinator, the EOCD will conduct and handle the mediation. The State EO Officer will ensure compliance with the timelines in this step and will provide notice to the appropriate parties of the agreement reached.

- 3) If mediation is not accepted, then within thirty (30) calendar days of the filing of the complaint, a written notice will be provided to the complainant, that includes the following information:
  - A list of the issues raised in the complaint, and
  - For each such issue, a statement whether the recipient will accept the issue for investigation or reject the issue, and the reasons for each rejection.

Note: If the complaint was filed with the EO Coordinator and if the complainant rejects the offer of mediation, the EO Coordinator will comply with the timeline in this step. The State EO Officer will notify the EO Coordinator immediately upon being notified by the complainant that he/she rejects the offer of mediation. The Compliance Programs Specialist will receive assistance from the EO Coordinator in conducting the subsequent investigation. The State EO Officer/Compliance Programs Director will conduct the hearing.

- 4) Period for fact-finding or investigation of the circumstances underlying the complaint shall be completed within sixty (60) calendar days of the filing of the complaint. Within this period, a hearing will be conducted. The complainant and respondent shall be advised, in writing, of the established procedures, which include:
  - An impartial decision maker shall render decisions.
  - All parties have the right to representation.
  - All parties have the right to present evidence.
  - All parties specified in the complaint shall have the right to question others who present evidence.
  - Decisions shall be rendered strictly on the recorded evidence.

The Compliance Programs Specialist will provide the report on the investigation to the State EO Officer, who conducts all hearings.

- 5) A written Notice of Final Action, provided to the complainant, shall be completed within 90 days of the date on which the complaint was filed and will contain the following information:
  - For each issue raised in the complaint, a statement of either:
    - (a) The recipient's decision on the issue and an explanation of the reasons underlying the decision, or
    - (b) A description of the way the parties resolved the issue.

- Notice that the complainant has a right to file a complaint with CRC within 30 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.

The Written Notice of Final Action will be issued by the State EO Officer.

Notice about Time Lines:

If the complainant chooses to file his/her complaint with the LWC or local WIOA office, the Notice of Final Action is issued or until 90 days have passed, whichever ever is sooner, before filing with the CRC.

If the State EO Officer or the local office has not provided the complainant with a written decision within 90 days of the filing of the complaint, the complainant need not wait for a decision to be issued, but may file a complaint with CRC within 30 days of the expiration of the 90-day period. (In other words, within 120 days after the day on which the complainant filed his/her complaint with the recipient.)

If the State EO Officer does give the complainant a Written Notice of Final Action on the complaint, but the complainant is dissatisfied with the recipient's resolution of the complaint, he/she may file a complaint with CRC. Such complaint must be filed within 30 days of the date the complainant received the Written Notice of Final Action.

**No Jurisdiction Determination**

When the State EO Officer or EO Coordinator determines that it does not have jurisdiction, it will immediately (not less than within 10 days of the filing of the complaint) send complainant a written notice of Lack of Jurisdiction to include:

- Reason for determination
  - Notice of complainant's right to file complaint with CRC within 30 days of complainant's receipt of notice.
- The EO Coordinator will forward a copy of this notice to the State EO Officer.

**In cases of Joint Jurisdiction:** When the complaint alleges discrimination on a basis that is prohibited by Section 188 of WIOA and by a civil rights law enforced by Federal grant-making agency other than the United States Department of Labor, the complaint shall be referred to that grant-making agency for processing under that agency's procedures. The complainant shall be notified about the referral within ten (10) days of the filing of the complaint.

Examples of such Federal grant making agencies:

- Department of Health and Human Services (HHS)
- Department of Education (DOE)
- Department of Housing and Urban Development (HUD)
- Department of Agriculture (DOA)
- Department of Transportation (DOT)

However, where the complaint alleges discrimination on a basis that is prohibited by Section 188 of WIOA but is not covered by a civil rights law enforced by the Federal grant making agency (e.g., religion, political affiliation or belief, citizenship and/or participation in WIOA-Title I), the complaint shall be retained under CRC jurisdiction and processed under 29 CFR PART 38.

**In Cases of Program Complaints:** The recipient must distinguish between discrimination complaints and program complaints. Since the recipient does not have jurisdiction over program complaints and if recipient determines that the complaint is a program complaint, the recipient must notify the complainant within ten (10) days of the lack of jurisdiction. It is appropriate for the person with whom the complaint is being filed to counsel the complainant on the appropriate forum given the facts alleged.

Discrimination Complaint includes:

- An issue
- A prohibited basis
- Processed according to CRC Regulations at 29 CFR PART 38

Program Complaint includes:

- An issue
- No prohibited basis
- Processed accordant to ETA regulations (20 CFR Subpart F, Section 667.600 (a)(b))

**Retaliation Prohibited:** No person, organization, or agency may discharge or in any manner retaliate against any person because that person has filed a complaint, has testified or is about to testify in any proceeding or investigation, or has provided information or has assisted in an investigation.