



DATE:	August 27, 2009
PWC GUIDANCE LETTER #:	09-004
SUBJECT:	Nondiscrimination Complaint Procedures – Revised Equal Opportunity Forms
ISSUED BY:	Krista Rippee
REFERENCE:	Information Update from Arizona Department of Economic Security dated July 30, 3009.

This PWC Guidance Letter supersedes PWC Guidance Letter 08-009, dated June 25, 2009.

BACKGROUND:

Equal opportunity is the Law. The Workforce Investment Act (WIA) provides that participants, employees, subgrantees, subcontractors, and other interested parties may file a complaint if they believe that they have been discriminated against, or that the Act, regulations, grant, and/or other agreements under the Act have been violated.

ACTION REQUIRED:

Effective immediately, replace all hard copy forms and signs with the updated forms attached to this guidance letter. No carbon copy forms of the complaint procedure will be made and old forms may not be used.

ATTACHMENTS:

EEO Is the Law English - AZ Rev. 8-19-09
EEO Is the Law Spanish – AZ Rev. 8-19-09
Complaint Procedures – Rev. 8-19-09

Equal Opportunity Is the Law

It is against the law for the State of Arizona, as a recipient of Federal financial assistance, to discriminate on the following bases:

- Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and
- Against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), 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 any WIA Title I-financially assisted program or activity.

The State of Arizona must not discriminate in any of the following areas:

- Deciding who will be admitted, or have access, to any WIA Title I-financially assisted program or activity;
- Providing opportunities in, or treating any person with regard to, such a program or activity; or
- Making employment decisions in the administration of, or in connection with, such a program or activity.

What to Do If You Believe You Have Experienced Discrimination

If you think that you have been subjected to discrimination under a WIA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

The Local Office

Krista Rippee
Local Area EO Officer
Phoenix Workforce Connection
200 W. Washington
Phoenix, Arizona 85003
(602) 534-0548
fax (602) 534-3915
krista.rippee@phoenix.gov

or

The State of Arizona

State WIA EO Officer
Employment Administration/WIA Section
Arizona Department of Economic Security
1789 West Jefferson (Site Code 920Z)
Phoenix, AZ 85007
(602) 542-2487 fax (602) 542-2491

or

The Civil Rights Center

Ramón Surís-Fernández, Esq.
Director
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 the **State of Arizona**, you must wait either until the **State of Arizona** issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).
- If the **State of Arizona** 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 **State of Arizona** 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 **State of Arizona**).
- If the **State of Arizona** 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 from the **State of Arizona**.

Igualdad de Oportunidad es la Ley

Es contra la ley que el Estado de Arizona, siendo recipiente de asistencia financiera federal, discrimine por las siguientes razones:

- En contra de cualquier individuo en los Estados Unidos por razón de raza, color, religión, sexo, edad, impedimento mental o físico, origen nacional, afiliación política o credo; y
- En contra de cualquier beneficiario de programas asistidos financieramente bajo el Título I del "Workforce Investment Act" del 1998 (WIA), por razón del estado legal de ciudadanía siendo un inmigrante legalmente autorizado para trabajar en los Estados Unidos o de su participación en cualquiera de los programas o actividades financieramente asistidos por el Título I de WIA

El Estado de Arizona no discriminará en ninguna de las siguientes áreas:

- Decidiendo quien será admitido o tendrá acceso a cualquiera de los programas o actividades asistidos financieramente por el Título I de WIA;
- Proveyendo oportunidades en o el trato de cualquier persona con relación a dicho programa o actividad; o
- En la toma de decisiones sobre el empleo en la administración de, o en conexión con dicho programa o actividad.

¿Que hacer si usted cree que ha experimentado discriminación?

Si usted cree que ha sido objeto de discriminación bajo cualquiera de los programas o actividades asistidos financieramente por el Título I de WIA, usted puede presentar una querrela dentro de los primeros 180 días después de la alegada violación, a través de:

<u>La Oficina Local</u>	o	<u>El Estado de Arizona</u>	o	<u>El Centro de Derechos Civiles</u>
Krista Rippee Local Area EO Officer Phoenix Workforce Connection 200 W. Washington Phoenix, Arizona 85003 (602) 534-0548 fax (602) 534-3915 krista.ripee@phoenix.gov		State WIA EO Officer Administración de Empleo/Sección WIA Departamento de Seguridad Económica de Arizona 1789 West Jefferson (Site Code 920Z) Phoenix, AZ 85007 (602) 542-2487 fax (602) 542-2491		Ramón Surís-Fernández, Esq. Director Centro de Derechos Civiles (CRC) Departamento de Trabajo de los Estados Unidos 200 Constitution Avenue NW Room N-4123 Washington, DC 20210

- Si usted presenta una querrela ante el **Estado de Arizona**, deberá esperar hasta que el **Estado de Arizona** extienda una Notificación de Acción Final por escrito o hasta que pasen 90 días de haber iniciado la querrela (lo primera que suceda), antes de presentar su querrela ante el Centro de Derechos Civiles (vea la dirección arriba).
- Si el **Estado de Arizona** no le provee una Notificación de Acción Final por escrito durante los 90 días de la fecha en que usted presentó su querrela, usted no tiene que esperar que el **Estado de Arizona** expida la notificación para presentar su querrela al CRC. Sin embargo, usted deberá presentar su querrela durante los 30 días después de expirar la fecha límite de 90 días (en otras palabras, 120 días después de haber presentado la querrela ante el **Estado de Arizona**).
- Si el **Estado de Arizona** le emite una Notificación de Acción Final por escrito respondiendo a su queja pero usted no está satisfecho con la decisión o resolución, usted puede presentar su querrela al CRC. Su queja deberá ser presentada al CRC durante los 30 días a partir de la fecha en que usted reciba su Notificación de Acción Final del **Estado de Arizona**.

**CITY OF PHOENIX
WORKFORCE INVESTMENT ACT
NONDISCRIMINATION COMPLAINT PROCEDURES**

Equal opportunity is the Law. The Workforce Investment Act (WIA) provides that participants, employees, subgrantees, subcontractors, and other interested parties may file a complaint if they believe that they have been discriminated against, or that the Act, regulations, grant, and/or other agreements under the Act have been violated. Should an individual or organization wish to file a complaint, the following procedures shall be followed.

- A. Complaints alleging discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief and for beneficiaries only, citizenship or participation in WIA, may be filed with any of the three entities listed below. Such complaints must be filed in writing, within 180 days of the alleged violation, unless the Directorate of Civil Rights grants an extension.

<u>City of Phoenix</u>	<u>The State of Arizona</u>	<u>The Civil Right Center</u>
Krista Rippee Equal Opportunity Officer 200 W. Washington, 20 th Floor Phoenix, AZ 85003-1611 (602) 534-0548 TDD (602) 256-3194	State WIA EO Officer Employment Administration/WIA 1789 West Jefferson (Site Code 920Z) Phoenix, AZ 85007 (602) 542-2484	The Director Civil Rights Center (CRC) U.S. Department of Labor 200 Constitution Avenue NW Room N-4123 Washington, DC 20210

- B. Complaints, other than complaints of discrimination as described in Section A, which allege a VIOLATION OF THE ACT, REGULATIONS, GRANT, AND/OR OTHER AGREEMENTS UNDER THE ACT shall be filed with the City of Phoenix. Non-criminal complaints must be filed within one year of the alleged violation. Complaints of criminal fraud, waste and abuse will be handled as specified in Subsection 667.600 of the WIA Regulations.

Upon receipt of a complaint, an investigation will take place and informal resolution will be attempted where practical. If informal resolution is not achieved, the complainant will be given the opportunity to request a hearing before an impartial hearing officer. Such hearing shall be scheduled within thirty (30) days of the filing of the complaint.

Following the hearing, and within sixty (60) days of the filing of the complaint, all parties of interest will receive a copy of the final decision that will include the reasons for the decision.

If the complainant does not receive a decision within sixty (60) days or receives a decision which he or she finds unsatisfactory, the complainant may request a review of the complaint by the Governor's Administrative Entity. Such request must be submitted in writing within ten (10) days of receipt of the final decision or of the expiration of the sixty (60) day period.

- C. All participants who are employees (i.e. OJT participants) and wish to file a complaint which relates to the terms and conditions of their employment and which does not fall into the categories covered by Section A and B above, shall utilize the complaint procedures of the employer for whom they work. Employers shall inform participants of the procedures they are to follow.

The employer's systems shall provide for, upon request of the complainant, a review of the employer's decision by the City of Phoenix and the Governor's Administrative Entity, if necessary. Such requests for review must be submitted in writing within ten (10) days of receipt of the employer's final decision.

Received and understood by:

Signature: _____

Date: _____

EQUAL OPPORTUNITY EMPLOYER/ PROGRAM
AUXILIARY AIDS AND SERVICES ARE AVAILABLE UPON REQUEST
TO INDIVIDUALS WITH DISABILITIES