



EQUAL OPPORTUNITY GRIEVANCE PROCEDURES

It is against the law for this recipient of federal financial assistance to discriminate on the following basis: *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 recipient 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 Santa Ana Workforce Investment Board (Santa Ana WIB):** Anita Queen, Equal Opportunity Officer, 20 Civic Center Plaza, City Hall – 5th Floor, M-24, Santa Ana, CA 92701 (714) 647-5157, TDD/TTY (714) 565-2669.
- **The Civil Rights Center (CRC),** U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.

How to File Your Complaint:

Complaints must be filed in writing by completing the Discrimination Complaint Form. This form is available at the Santa Ana WIB website at www.santaanawib.com or at the reception area of the Santa Ana W/O/R/K Center. Each complainant and respondent has the right to be represented by an attorney or other individual of his or her own choice. A dispute resolution alternative will be offered upon receipt of any complaint submitted to the Santa Ana WIB.

Complaints submitted to the Santa Ana WIB/Equal Opportunity Officer will adhere to the following process: The WIA administrative entity shall issue a written decision within 30 days of the filing of the complaint. If you file your complaint with the Santa Ana Workforce Investment Board, you must wait until a written Notice of Final Action is issued before filing with the Civil Rights Center or until 90 days have passed (whichever is sooner). If the Santa Ana Workforce Investment Board 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:

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

If the Santa Ana Workforce Investment Board 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 Santa Ana Workforce Investment Board 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 recipient).

Our organization prohibits retaliation or reprisal against an individual that has filed a grievance against the W/O/R/K Center or the Workforce Investment Board.

PARTICIPANT GRIEVANCE PROCEDURES

Complaint Grievance Policy

Job training funds are provided to the City of Santa Ana, the Local Workforce Investment Area (LWIA), under an agreement with the State of California Workforce Investment Act Division/Employment Development Department. The City of Santa Ana has assured the WIB/EDD that a complaint resolution procedure is available to all individuals who have a complaint alleging a non-criminal violation of the Workforce Investment Act (activities and programs), its regulations, grant or any agreements under the Workforce Investment Act.

If you believe you have a problem constituting a complaint and/or grievance against this LWIA or any other element of the job-training program, you have the right to file a complaint. Your rights also include the right to receive technical assistance from the LWIA during the grievance process. "Such technical assistance includes providing instructions on how to file a grievance or complaint, providing relevant copies of documents such as the WIA, regulations, local rules, contracts, etc., and providing clarifications and interpretations of relevant provisions" WIAD03-12.

There are two phases of complaint resolutions, the informal and the formal:

INFORMAL PROCESS: Prior to filing a formal complaint, you should first try to resolve the problem by discussing it with your Case Manager and/or the Program Supervisor. If, following any of these discussions, the problem has not been satisfactorily resolved you have the right to file a formal complaint with the LWIA.

FORMAL PROCESS:

1. The complaint must be in writing, dated, and signed by the complainant or his/her authorized representative and should contain:
 - Your full name, mailing address and telephone number;
 - A statement of facts including dates relevant to the complaint;
 - A statement to what provisions of the Act are believed to have been violated, if known;
 - The complaint or grievance against individuals, including staff or participants, shall indicate how these individuals did not comply with the law, regulation or contracts, and
 - State the remedy sought by the complainant.

The absence of any of the above information shall not be a basis for dismissal of the complaint. Complaint must be sent to:

**Anita Queen, Complaint Resolution, City of Santa Ana, City Hall – 5th Floor,
20 Civic Center Plaza, M-24, Santa Ana, CA 92701**

2. Grievances or complaints must be filed within **one year** of the alleged violation.
 3. If the complaint is resolved prior to the LWIA's formal fact-finding conference, the LWIA will notify the complainant in writing of the final resolution and the reasons for the action. The complainant will provide a written withdrawal of the complaint 10 days of the receipt of the notice of resolution.
 4. A hearing will be conducted within (30) days of receipt of a formal written complaint.
 5. A written decision from the hearing officer shall be issued within (60) days of filing of the complaint unless this period is extended by mutual consent of all parties. A grievance or complaint may be amended to correct technical deficiencies at any time up to the time of the hearing. The LWIA will send a copy of the grievance or complaint to the respondent. Grievances or complaints may not be amended to add new issues. The one year period in which a grievance or complaint may be filed is not extended for grievance and complaints that are refiled with amendments. Grievances or complaints may be withdrawn at any time prior to the issuance of the hearing officer's decision.
 6. If during the 60 day period, the LWIA offers the complainant a resolution of the complaint, but the resolution offered is not satisfactory to the complainant, the complainant, or his/her representative may file an appeal with the State of California Compliance Resolution Department within 30 days. This also applies if the LWIA has not completed its processing of the complaint or has failed to notify the complainant of the resolution. The complainant, or his/her representative, may file a complaint with the State of California/EDD Compliance Review Division, MIC 22, Employment Development Department, P.O. Box 826880, Sacramento, CA 94280-0001.
 7. The final disposition of the complaint at the LWIA level will be issued to the complainant in writing along with a listing of further options, i.e., filing with the State of California, WIBD Compliance Resolution Department.
- Our organization prohibits retaliation or reprisal against an individual that has filed a grievance against the W/O/R/K Center or the Workforce Investment Board.

4. Tell us about the incident(s):

- Explain briefly what happened and how you were discriminated against.
- Provide the date(s) when the incident(s) occurred.
- Indicate who discriminated against you. Include names and titles if possible.
- If other people were treated differently than you, tell us how they were treated differently.
- Attach any documents that you think might help us better understand your complaint.

5. Please list below any person(s) (witnesses) that we may contact for additional information to support or clarify the complaint.

Name	Address	Phone

6. Basis for the discrimination:

- Check the type of discrimination you experienced, such as age, race, color, national origin, disability, etc.
- If you believe more than one basis was involved, you may check more than one box:

- | | |
|--------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Age- <i>provide date of birth:</i> | <input type="checkbox"/> Citizenship or status as alien US Worker |
| <input type="checkbox"/> Color | <input type="checkbox"/> Disability |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Political Affiliation |
| <input type="checkbox"/> Political Belief | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Retaliation | <input type="checkbox"/> Sexual Harassment |
| <input type="checkbox"/> Gender - <i>Specify</i> <input type="checkbox"/> F <input type="checkbox"/> M | <input type="checkbox"/> Status as a program participant under the Workforce Investment Act of 1998 |
| <input type="checkbox"/> Race - <i>indicate race:</i> | <input type="checkbox"/> Other (<i>Specify</i>): |
| <input type="checkbox"/> of Hispanic or Latino origin | <input type="checkbox"/> not of Hispanic or Latino origin |

10. Alternate Dispute Resolution (ADR) also known as mediation.

Notice: You must indicate if you wish to mediate your case. The EEO Office cannot begin to process your complaint until you have made a selection. Please check **YES** or **NO** in the spaces below.

- Mediation is an alternative to having your complaint investigated.
- Neither party loses anything by mediating.
- The parties to the complaint review the facts, discuss opinions about the facts, and strive for an agreement that is satisfactory for both.
 - Agreement to mediate is not an admission of guilt by the person(s)/entity that you claim discriminated against you.
 - Mediation is conducted by a trained, qualified and impartial mediator.
 - You (or your Personal Representative) have control to negotiate a satisfactory agreement.
 - **Terms of the agreement are signed by the complainant and the person(s)/entity that you claim discriminated against you.**
 - **Agreements are legally binding on both parties.**
 - If an agreement is not reached, a formal investigation will start.
 - Failure to keep an agreement will result in a formal investigation.
 - A formal investigation will be opened if retaliation is reported.

- **Do you wish to mediate your complaint?**
(Please check only one box)

YES, I want to mediate.

NO, please investigate.

If you select "YES" you will be contacted within five business days with more information.

11. Complainant's signature:

You must sign this form for your complaint to be processed!

- Faxed or otherwise electronically delivered complaints will be logged into our system; however, an official investigation cannot begin until the original, signed copy is received.

Signature:

Date: