



Advance Central PA Equal Opportunity Discrimination Complaint Policy and Procedures

Revised August 2024

Developed by:
Central Pennsylvania Workforce Development Corporation, dba Advance Central PA

Equal opportunity employer/program. Auxiliary aids and services available upon request to individuals with disabilities. Program funded with federal dollars. For more information, visit: <https://advancecentralpa.org/about-us/public-notices/>

Advance Central PA Equal Opportunity and Discrimination Complaint Policy and Procedure

Background

In compliance with the Workforce Innovation and Opportunity Act of 2014 (WIOA), the Pennsylvania Department of Human Services EARN Program contract and all other federal or state contracts passed through Advance Central PA, the Workforce Development Board for the Central Pennsylvania Local Workforce Development Area has implemented this **Equal Opportunity Discrimination Complaint Policy and Procedure**.

Non-Discrimination

Advance Central PA requires non-discrimination at all times for all WIOA funded programs, Department of Human Services funded programs and all other programs administered by Advance Central PA, including delivery of all services through the PA CareerLink® system.

Equal opportunity will be afforded to all, and discrimination based on one or more of the following is expressly prohibited:

- Race
- Color
- Religion
- Sex
- National origin
- Age
- Disability, including impaired vision or hearing
- Political affiliation or belief
- Gender identity
- Gender expression
- Sexual orientation
- Citizenship/lawful residency/work status
- Program participation eligibility/status

This is in accordance with the following:

- Title VI of the Civil Rights Act of 1964, which prohibits any program or activity receiving federal financial assistance (such as those administered under WIOA and/or the Wagner-Peyser Act) from excluding from participation in or denying the benefits of the program, or otherwise subjecting anyone to discrimination (including harassment) on the basis of race, color, or national origin based on actual or perceived: (i) shared ancestry or ethnic characteristics; and (ii) citizenship or residency in a country with a dominant religion or distinct religious identity.

Although Title VI does not expressly protect individuals from discrimination based solely on religion (*i.e.*, religious beliefs, observances, or practices), discrimination against individuals of any religion may constitute discrimination based on race, color, or national origin. For example, discrimination based on actual or perceived shared ancestry or citizenship in a country with a dominant religion could be considered national origin discrimination.

- WIOA Sec. 188, which states, “No individual in the United States may, on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or

participation in any WIOA Title I-financially assisted program or activity, 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 WIOA Title I-financially assisted program or activity.”

Therefore, like Title VI of the Civil Rights Act, Section 188 of WIOA prohibits discrimination based on race, color, or national origin. In addition, Section 188 prohibits discrimination based on religion in connection with WIOA Title I-funded programs and activities. In the context of covered programs or activities, this prohibition includes, for instance, denying or limiting an individual with respect to any opportunity to participate; subjecting an individual to segregation or separate treatment; treating an individual differently from others in determining whether they satisfy any eligibility or other requirements; or providing an individual with any aid, benefit, service, or training that is different or provided in a different manner from that provided to others. See 29 C.F.R. § 38.6(b).

WIOA regulations also explicitly prohibit harassment based on religion, including, in certain circumstances, offensive remarks about a person’s religion or other unwelcome verbal or physical conduct based on religion. See 29 C.F.R. § 38.10.

Notice of Non-Discrimination

Notice of non-discrimination will continually be given to:

- Applicants/registrants
- Eligible applicants/registrants
- Participants
- Applicants for employment
- Employees
- Unions or professional organizations holding collective bargaining or professional agreements with Advance Central PA
- Sub-recipients of WIOA Title I Funds
- Members of the public, including those with impaired vision or hearing

WIOA Recipient

For purposes of WIOA, the term “recipient” is defined to include the following:

- State level agencies that administer, or are financed in whole or in part, with WIOA Title I funds
- State Employment Security Agencies
- State and Local Workforce Development Boards
- LWDA Grant Recipients
- PA CareerLink® Operator
- Service providers, including eligible training providers
- On-the-job training (OJT) employers
- Job Corps contractors, center operators, and national training contractors
- Outreach and admissions agencies, including Job Corps contractors that perform these functions
- Placement agencies, including Job Corps contractors that perform these functions
- PA CareerLink® partners, to the extent they participate in the PA CareerLink® system.

Equal Access

Physical access and program access will both be assured.

Physical access is the act or opportunity of approaching or entering a physical space or area, including a site, building, or facility, or parts thereof.

Program access is the act or opportunity of participating in and benefiting from programs and services.

Physical access and program access are not mutually exclusive. For instance, special devices and auxiliary aids, as well as other forms of assistive technology, might reasonably fit under either definition. Physical access generally refers to both the physical space, and the physical equipment necessary for an individual to approach or enter the physical space, in which the program or service activity is available. Examples of building elements that can have physical access issues include areas from the point of arrival through the interior of the facility, and encompass parking, passenger drop-off and loading zones, exterior routes of travel, entrances and exits, walks and sidewalks, curb ramps, ramps, stairs, elevators, access lifts, doors and gates, access to and through rooms and spaces, restrooms, signs, alarms, and equipment such as computer desks or tables or the placement of chairs.

Program access generally refers to the ways in which information, programs, and services are presented and delivered, allowing individuals to interact with and fully benefit from them. Printed information, computer systems and programs, telephone devices for persons with hearing impairments, and the oral delivery of instructions or information are all program access items.

Accommodations

In accordance with WIOA Sec. 188, Advance Central PA requires reasonable accommodations be provided to qualified individuals with disabilities who are applicants, registrants, eligible applicants/registrants, participants, employees, or applicants for employment, unless providing the accommodation would cause undue hardship.

Requests for religious accommodations must not be refused unless doing so would result in undue hardship; see 29 C.F.R. § 38.6(c)(2). As outlined in TEGL 05-23 dated November 3, 2023, religious accommodation requests can involve: schedule changes or leave for religious observances, exemptions from or modifications to uniform, dress, or grooming requirements that conflict with religious practices, or providing a quiet area for prayer during break time.

Sexual Harassment

No manager shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development.

All sexually harassing conduct in the workplace, whether committed by managers or non-managerial personnel including the full list of "WIOA Recipients" cited herein, and customers and participants of the Central Region PA CareerLink® network is prohibited. Such conduct includes actions that can be interpreted as:

- Unwelcome sexual flirtation, advances or propositions;
- Verbal abuse of a sexual nature;
- Graphic verbal comments about an individual's body;
- Sexually degrading words used to describe an individual; and

- The display in the workplace of sexually suggestive objects or pictures.

PA CareerLink® Staff Allegation

Any staff who believes that they have been the subject of sexual harassment should report the alleged act immediately to the appropriate person with their employer of record. This might include their immediate manager or HR department staff. The staff person may also contact the Local EO Officer. All actions taken to resolve complaints of sexual harassment through internal investigations shall be conducted confidentially. The person who raises the claim must be advised on the findings and conclusion. Complaints of sexual harassment must be resolved promptly and effectively.

If the alleged harasser is another PA CareerLink® employee, the party who is notified of the allegation must communicate with the other involved employer of record if applicable.

If the staff who reported the allegation is not satisfied with the action taken as a result of notification to their employer of record or the Local EO Officer, the employee should follow the procedures outlined within this policy to submit a discrimination complaint.

Any employee who is found, after appropriate investigation, to have engaged in sexual harassment of another employee shall be subject to appropriate discipline depending on the circumstances, up to and including termination according to the policy of the employer of record.

Any customer who is found, after appropriate investigation, to have engaged in sexual harassment of staff shall be subject to appropriate discipline depending on the circumstances, up to and including immediate termination from all PA CareerLink® services within the Central Region.

Customers and Program Participant Allegation

Any PA CareerLink® customer/program participant who believes that they have been the subject of sexual harassment by staff or other PA CareerLink® customers/program participants should submit a discrimination complaint following the procedures outlined in this policy.

Other Unlawful Harassment

Other unlawful harassing conduct in the workplace, whether committed by managers, non-managerial personnel, and customers and participants is prohibited. Such conduct includes but is not limited to:

- Offensive jokes, slurs, epithets or name calling;
- Physical assaults or threats, intimidation, ridicule or mockery;
- Offensive objects or pictures; and
- Interference with work performance.

Any individual who believes that they have been the subject of harassment related to the above should follow the discrimination complaint procedures outlined in this policy.

If the person alleging harassment is PA CareerLink® staff, they may also contact appropriate staff with their employer of record if they believe that it would be appropriate to help expedite a remedy.

The manager and/or Executive Director will work with the Local EO Officer to ensure that complaints of other unlawful harassment are resolved promptly and effectively.

All actions taken to resolve complaints of harassment through internal investigations shall be conducted confidentially.

Any employee who is found, after appropriate investigation, to have engaged in unlawful harassment of another employee or customer shall be subject to appropriate discipline depending on the circumstances, up to and including termination.

Any customer who is found, after appropriate investigation, to have engaged in unlawful harassment of staff or another customer shall be subject to appropriate discipline depending on the circumstances, up to and including immediate termination from all PA CareerLink® services within the Central Region.

Equal Opportunity Statements

Materials made available to the public, including all newspaper advertisements, e-mail, correspondence, and brochures originating from a PA CareerLink® must contain the following language which also complies with Steven's Amendment regarding transparency related to federal funds:

Auxiliary aids and services are available upon request to individuals with disabilities. Equal Opportunity Employer/Program. Program funded with federal dollars. For more information, visit: <https://advancecentralpa.org/about-us/public-notices/>

Equal Opportunity Liaison

Each PA CareerLink® site has designated an individual to act as the Equal Opportunity (EO) Liaison. Their duties are as follows:

- Ensure EO/ADA literature and equipment is current.
- Distribute any and all required posters and documentation regarding Equal Opportunity provisions. Be in possession of and understand the most current Advance Central PA Equal Opportunity Policy, and Advance Central PA Discrimination Complaint Policy and Procedure.
- Act as "the reader" for customers requiring assistance reading materials. This is to ensure that all customers are afforded the same opportunity to receive information, regardless of sight ability, as others who have the ability to see (and read) the brochures, pamphlets, etc. In the state plan, the federal government has been assured that this service is readily available as it is considered to be an "auxiliary service", which falls under the tagline of "Auxiliary aids and services are available upon request".
- Furnish complaint forms to PA CareerLink® staff members and others upon request.
- Maintain a site complaint log to submit to the Local WDA EO Officer on a quarterly basis; the EO Officer will then forward them to the Office of Equal Opportunity at the Department of Labor and Industry in Harrisburg (OEO).

The EO Liaisons for each PA CareerLink® in the Central Region are:

PA CareerLink® Site	EO Liaison	E-mail Address
Centre County	Abby Dale	adale@censop.com
Clinton County	Lori Gunsallus	lgunsallus@tiu.org
Columbia/Montour Counties	Michele Twiddy	mtwiddy@censop.com
Lycoming County	Liz Woolever	ewoolever@censop.com
Mifflin County	Keith Mernin	kmernin@tiu11.org
Northumberland/Snyder/Union Counties	Alexis Yost	ayost@censop.com

Discrimination Complaints

This Advance Central PA Discrimination Complaint Policy and Procedure must be provided to all participants.

Who May File a Discrimination Complaint

Complaints can be brought by a participant, an employee, an applicant for employment, PA CareerLink® partner, a service provider, a contractor, the PA CareerLink® Operator, a participating employer (such as an on-the-job training (OJT) employer), eligible training providers, and any other interested party affected by the Local Workforce Development system.

Reason(s) a Discrimination Complaint can be Filed

Anyone who has been discriminated against on the basis of: race, color, religion, sex, national origin, age, political affiliation or belief, disability including impaired vision or hearing, gender identity, gender expression, sexual orientation, citizenship/lawful residency/work status, program participation eligibility/status.

Please note complaints regarding how services are delivered, rather than complaints related to discrimination based on who you are, should be submitted in accordance with the Advance Central PA Program Complaint Policy and Procedure.

Confidentiality

The identity of any person who has given information relating to or assisting in an investigation of a possible complaint shall be kept confidential to the extent that a fair determination of the issue(s) can be made. In the event such information is required to be submitted under order of a local, state or federal entity, such information may be disclosed.

Complaint Timeline

Complaints must be filed within **180 days** from the date of the alleged occurrence of discrimination. Complaints filed after the 180-day time period will be forwarded to Civil Rights Center (CRC). The Director of CRC, for good cause shown, may extend the filing time beyond 180 days.

Individual Choice

Individuals, specific classes of individuals, or authorized representatives have a choice between initially bringing their complaints/allegations of discrimination about WIOA programs or services to the following:

- The Central WDA Equal Opportunity Officer (Local EO Officer)
- Office of Equal Opportunity in Harrisburg (OEO)

- Civil Rights Center in Washington, D.C. (CRC).

Detail regarding submittal of a complaint is provided in the **Discrimination Complaint Procedures** section below.

Note that Commonwealth employees may co-file with multiple other agencies as well depending on the situation including: Pennsylvania Human Resources Commission, Civil Service Commission, and/or Equal Opportunity Commission but please note that other deadline dates may apply to other agencies.

Prohibition on Retaliation/Reprisal

Advance Central PA prohibits retaliation or reprisal against an individual who:

- Has filed a complaint.
- Opposed a practice prohibited by the nondiscrimination and EO provisions of WIOA.
- Furnished information to, or assisted or participated in any manner in, an investigation, review, hearing, or any other activity related to the administration of the WIOA nondiscrimination and EO provisions.
- Otherwise exercised any rights and privileges under the WIOA nondiscrimination and EO provisions.

Discrimination Complaint Procedures

All discrimination complaints must be filed within **180 days** of the alleged issue. All complaints must describe the alleged violation and the complainant's requested equitable relief (resolution).

Step #1

Write the complaint

Write a complaint by obtaining a complaint form or by writing a letter without the complaint form according to A-B below.

A. Obtain a complaint form and fill it out completely.

Either the standard Pennsylvania form STD486 or federal complaint form DL1-2014A may be used for filing allegations of discrimination at the local, state and federal levels. Forms can be obtained by requesting one from any of the following:

- Equal Opportunity Liaison at the PA CareerLink®
 - Ask any staff member at the PA CareerLink® to speak with the EO Liaison, or
 - Mail a request for a form to the address of the PA CareerLink® site in which services are provided or where services were requested (see back page for a listing of PA CareerLink® offices and addresses). The letter must be sent to the attention of the EO Liaison as follows: **Attention: EO Liaison.**
- Local EO Officer (contact information is provided in Step #2)
- Office of Equal Opportunity (OEO) (contact information is provided in Step #2)
- Civil Rights Center (CRC) (contact information is provided in Step #2)

B. Write a complaint in a letter without a complaint form.

Complaints/allegations do not have to be submitted on prescribed complaint forms in order for them to be considered valid complaints or allegations. All complaints filed by the complainant (person reporting the alleged discrimination) or his/her authorized representative must be filed in writing and must contain the following:

- Complainant's name and address (and authorized representative's name and address if applicable)
- Identify the respondent (the individual or entity that the complainant alleges is responsible for the discrimination)
- The date(s) alleged incident(s) of discrimination occurred
- A description of the complainant's allegations with enough detail to allow a determination by the Office of Equal Opportunity (OEO) or Civil Rights Center (CRC) or recipient to decide who has jurisdiction over the complaint, whether or not the complaint was filed on time, and merit of the complaint (whether the complainants allegations, if true, would violate any of the nondiscrimination and equal opportunity provisions), and the requested equitable relief (resolution).
- Complainants signature or the signature of the complainant's authorized representative

Step #2

Submit the complaint

Individuals, specific classes of individuals, or authorized representatives have a choice between initially bringing their complaints/allegations of discrimination about programs or services to any of the following: Local Equal Opportunity Officer, Office of Equal Opportunity, or Civil Rights Center as detailed in A-C below.

A. Local Equal Opportunity (EO) Officer

Complaints may be mailed, emailed, or faxed as follows:

Mail: Marca O'Hargan, Equal Opportunity Officer
130 Kelly Square, Suite 1
Lewisburg, PA 17837

Email: EqualOpportunity@AdvanceCentralPA.org

Phone: (570) 568-6868

TTY: 711

Fax: (570) 568-6867

Local Area Procedures

Upon notification of a discrimination complaint, the Local EO Officer will immediately report it to the Office of Equal Opportunity in the Department of Labor & Industry in Harrisburg (OEO). The Local EO Officer will acknowledge the complaint and inform the complainant or authorized representative of their right to file and have it investigated at the local, state or federal level and to be represented in the complaint process, including via Mediation/Alternate Dispute Resolution (ADR).

If the complainant elects to attempt resolution at the local level, the Local EO Officer, based on consultation with the OEO, will conduct fact-finding/investigation at the local level.

The Local EO Officer shall communicate with the complainant or authorized representative within ten (10) business days from the date of receipt of the written allegations, to conduct a fact finding or investigation of the circumstances underlying the allegations and attempt to informally resolve the issue(s). The Local EO Officer's findings will be submitted in writing to the complainant not later than ten (10) business days following the fact-finding/investigation. The written notification shall include notice of the complainant's right to request a formal investigation by the OEO if a satisfactory resolution is not accomplished at the local level.

If the Complainant is dissatisfied with the attempted informal resolution, he/she must inform the Local EO Officer and the OEO within five (5) business days of receipt of the unsatisfactory decision and request a formal investigation by the OEO.

All complaints filed at the local level must be documented on the WIOA/SESA local complaint log that is submitted to the State Equal Opportunity Office on a quarterly basis.

B. Office of Equal Opportunity (OEO)

As noted in Step #1 above, a complaint may be sent directly to the state Office of Equal Opportunity (OEO) in Harrisburg.

Complaints may be mailed, emailed, or faxed as follows:

Mail: Mr. James J. Kayer, Director
Office of Equal Opportunity Pennsylvania Department of Labor & Industry
651 Boas Street, Room 1402
Harrisburg, Pennsylvania 17121-0750

Email: jkayer@pa.gov

Fax: (717) 772-2321

Phone: (717) 787-1182 or 800-622-LIAA (5422)

TTD/TTY: (800) 654-5984

In addition, the complainant may ask the Local EO Officer to submit the completed complaint to OEO on their behalf.

OEO Acceptance of a Complaint

If the OEO determines that they have jurisdiction over the complaint/allegation filed, within ten (10) days of receipt, the state OEO will send an acknowledgment of receipt of the letter to the complainant and advise him/her of the following:

- (1) Their right to be represented in the complaint process;
- (2) A list of the issues raised in the complaint;
- (3) A statement of whether the issue will be accepted for investigation or rejected by the OEO; if rejected, the reason for the rejection; and
- (4) The right to seek resolution through the Mediation/Alternate Dispute Resolution (ADR) process. NOTE: If the complainant elects resolution through ADR, the complaint will be forwarded to a Mediator.

The Respondent will be notified that a complaint alleging discrimination has been filed and is being processed. He/she will also be advised if the complainant elects mediation as the means of resolution.

Otherwise the OEO will meet with the complainant and/or his/her authorized representative and the respondent, within 15 days from the date of receipt of the written allegations, to initiate a fact finding or investigation of the circumstances underlying the allegations, and attempt to informally resolve the issue(s). If the complaint is resolved informally, the resolution will be documented and maintained in the OEO files.

If the Complainant is dissatisfied with the attempted informal resolution or prefers to have a formal investigation, an investigator will be assigned to the case. The investigator will interview the complainant, respondent and witnesses for both parties as identified by the parties.

At the conclusion of the investigation, a Notice of Final Determination will be issued. The Notice of Final Determination will be strictly based on the evidence obtained during the investigation. The notice will be issued within 90 days of filing the complaint. The written notice will include, for each issue raised, a decision on the issue(s), an explanation of the reasons underlying the decision, or a description of the way the parties resolved the issue(s) and notification of recourse.

If by the end of the 90 days, the OEO has not completed processing the complaint or fails to issue a notice of Final Determination, the complainant or his/her representative may, within 30 days of the expiration of the 90-day period, file a complaint with the Director, Civil Rights Center (CRC) who may extend the 30-day time period for good cause shown.

If the Notice of Final Determination is issued during the 90-day period and the Complainant is dissatisfied with the decision, the complainant is advised of his/her right to file a complaint with the CRC within 30 days of the date on which the complainant received the Notice of Final Determination.

OEO Non-Acceptance of Complaint

If a complaint is not within the jurisdiction of the OEO or CRC, is not timely filed, or does not have apparent merit, the complainant will be immediately notified in writing stating the reason for the lack of jurisdiction, i.e.,

- the basis for the complaint is not covered by the prohibition set forth by 29 CFR Part 38;
- the complaint was not filed within the prescribed 180-day time-frame or;
- the complaint is against an entity that is not a recipient of WIA/WIOA Title I financial assistance as defined by 29 CFR Part 38.

If the complaint is not within the jurisdiction of the state OEO or the Civil Rights Center, but within the jurisdiction of another federal grant making agency, the complaint will be returned to the complainant, stating the reason(s) for the lack of jurisdiction. The complainant will be advised of the appropriate agency that handles the complaint.

If a complaint alleges discrimination by an entity that operates a program or activity financially assisted by a federal grant agency other than DOL but participates as a partner in a PA CareerLink®, the following will apply:

- If the complaint alleges discrimination on a basis prohibited by Section 188 or Civil Rights laws, the OEO and the grant making agency will have dual jurisdiction over the complaint.
- If the complaint alleges discrimination on a basis that is prohibited by Section 188 of WIA/WIOA but not by any Civil Rights laws enforced by the federal grant-maker, the complaint will be referred to CRC who has sole jurisdiction over the complaint.

C. Civil Rights Center (CRC)

As noted in Step #1, complaints may be sent directly to the CRC, who will respond to the Complainant directly.

Complaints may be mailed, emailed, or faxed as follows:

Mail: Director
Civil Rights Center
U.S. Department of Labor
200 Constitution Avenue NW
Room N-4123
Washington, D.C. 20210

Fax: (202) 693-6505

Email: CRCEXternalComplaints@dol.gov

Central Workforce Development Area PA CareerLink® Addresses

PA CareerLink® Centre County

240 Match Factory Place
Belleville, PA 16823

PA CareerLink® Clinton County

8 N Grove Street, Suite F/C
Lock Haven, PA 17745

PA CareerLink® Columbia/Montour Counties

421 Central Road, Suite 1
Bloomsburg, PA 17815

PA CareerLink® Lycoming County

329 Pine Street
Williamsport, PA 17701

PA CareerLink® Mifflin County

6395 SR 103 North
MCIDC Plaza, Building 58
Lewistown, PA 17044

PA CareerLink® Northumberland/Snyder/Union Counties

225 Market Street, Third Floor
Sunbury, PA 17801

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<https://advancecentralpa.org/about-us/public-notices/>

Revision Log

Date of Revision	Description
January 28, 2021	Numerous
July 2, 2022	EO Liaison Staff Update
November 22, 2022	- Bloomsburg Address Update - Stevens Amendment Update - EO Liaison Staff Update
February 24, 2023	- Include language for Steven's Amendment as part of the required EO Statement - Include a section for sexual harassment - Include a section for other harassment
May 2023	EO Liaison Staff Update
December 2023	- EO Liaison Staff Update - Include language required by TEG 05-23 re: Title IV of Civil Rights Act and clarify language citing Section 188 of WIOA: Discrimination Based on Actual or Perceived Religion, Shared Ancestry, or Ethnic Characteristics - Clarify requirements to provide reasonable accommodations for individuals with disabilities as well as religious accommodations
July 2024	- Add EO Officer's full name and complete contact information - Add OEO Director's full name and complete contact information - EO Liaison Staff Update
August 2024	- Add EO Officer's TTY - Replace 29 CFR Part 37 with 29 CFR Part 38