

WIOA Region 5 (South Central and Southwest)

Policy Letter # 2-2020 Discrimination Complaints

Effective Date: July 1, 2020

Purpose: To establish a procedure for handling verbal and written discrimination complaints which applies to all recipients of WIOA Title 1 funds and state funded programs through DEED's Employment and Training (E&T) division.

Background: WIOA Final Rules and Regulations – 29 CFR 38.69 through 38.97 prohibits the exclusion of an individual from participation in, denial of the benefits of, discrimination in, or denial of employment in the administration of or in connection with any programs and activities funded or otherwise financially assisted in whole or in part under Title I of WIOA because of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status, or participation in a program or activity that receives financial assistance under Title I of WIOA.

Minnesota State Law prohibits discrimination on the WIOA basis above and also on the basis of creed, marital status, status in regard to public assistance, familial status and sexual orientation. (M.S. 363A.08; M.S. 363A.12).

Each WIOA Title 1 and State E&T program must develop, publish and maintain a complaint procedure regarding program services and discrimination. The written policy must be in place setting forth the complaint resolution procedures prescribed by regulations, including the means by which the complaint processing procedures are made available to individuals with disabilities.

Cites / References

29 CFR 38
MN Stat. 363A.02
DEED WIOA Policy Manual Chapter 7.1 Discrimination Complaints and 7.2 Program Complaints

Type of Complaints: **Discrimination Complaint**

If the complaint concerns discrimination, the Equal Opportunity Office (EEO) must be advised of the existence of the complaint. A discrimination complaint alleges one of the following prohibited basis under WIOA: Race, Color, National Origin, Age, Disability, Sex, Religion, Political Affiliation or belief, Citizenship and WIOA participant status. Minnesota State Law also prohibits discrimination on the basis of creed, marital status, public assistance status, familial status, or sexual orientation. Discrimination complaints are processed according to WIOA/CRC regulations.

Program Complaint

When a WIOA Title I or state program complaint contains only a program issue without any concerns of discrimination, it is processed as a program complaint. Program complaints are processed according to the Department of Labor (DOL) Employment and Training Administration's (ETA) regulations. For program complaints refer to local policy #3-2020 Program Complaints and MN DEED Employment and Economic Development Equal Opportunity Chapter 7.2: Program Complaints

Policy:

It is the policy of WIOA Region 5 to assure nondiscrimination and equal opportunity in the operation and administration of all programs, services, benefits and activities. All recipients must comply with the complaint procedures in handling verbal and written discrimination complaints set forth below.

Applies to:

All recipients must comply with the complaint procedures (29 CFR 38.69 through 38.97). A recipient is any entity to which financial assistance under WIOA Title I or DEED's Employment and Training (E&T) Program is extended, either directly from the USDOL or through the Governor or another recipient. Recipients include, but are not limited to:

- State-level agencies that administer or are financed in whole or in part with WIOA Title I or State E&T program funds
- State Workforce Agencies (Unemployment Insurance (UI))
- State and Local Workforce Development Boards (WDBs)
- Local WIOA (LWIOA)/State E&T grant recipients
- One-Stop Operators
- Providers of services and benefits, or training funded or authorized under WIOA, including eligible training providers
- On-the-Job-Training (OJT) employers
- Job Corps contractors and center operators, excluding the operators of federally operated Job Corps centers
- Job Corps 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
- One-Stop partners to the extent that they participate in the One-Stop delivery system

Who can file:

Any person who believes that they, or any specific class of individuals, has been or is being subjected to discrimination prohibited by WIOA may file a written complaint, either by themselves or through a representative of the recipient or the Department of Labor (DOL) - Civil Rights Center (CRC).

Examples of who may file, but not limited to:

- Applicant/registrant for aid, benefits, services or training
- Eligible applicants/registrants
- Participants
- Employees
- Applicants for employment
- Service providers or eligible service providers (the organization involved is one which may be attributed a racial, national origin, or other characteristic entitled to protection under WIOA).

A complaint of discrimination may be filed as a:

1. Individual Complaint - filing by one individual alleging that they have been or is being subjected to discrimination;
2. Class Action Complaint - filing by one or more individuals alleging discrimination not only against themselves, but also against a group of similarly situated individuals (must have the signed consent of all individuals in the complaint);
3. Third Party Complaint - filing by a group or individual alleging discrimination against another group or individual (must have the signed consent of all individuals involved).

Timing of Complaint

Any individual who believes that he/she has been discriminated against has the right to file a complaint. The complaint must be submitted in writing within one hundred eighty (180) days of the alleged violation. Extension of the one hundred eighty (180) days filing time may be granted by the Director of the CRC for good cause shown by the complainant.

WIOA or State E&T Jurisdiction

The jurisdiction of the complaint must be established. The following must be met to be considered a discrimination complaint under WIOA/State E&T:

1. The respondent (agency/service provider) is a WIOA/State E&T recipient as defined in 29 CFR 38;
2. The complaint was filed within the required 180-day time period, or the Director of CRC has granted an extension waiver; and
3. The complaint issue (basis) is covered under section 188 of WIOA Title I.

Handling jurisdiction (29 CFR)

- *Dual Jurisdiction* - When the complaint alleges discrimination on a basis that is prohibited by WIOA Title I and a Civil Rights Act enforced by a federal grant-making agency other than the DOL, such as the Department of Education (DOE), then CRC and the grant-making agency have dual jurisdiction over the complaint. When dual jurisdiction occurs, the CRC Director or the WIOA Title I program provider will refer the complaint for processing to the grant-making agency responsible for the implementation.
- *Sole Jurisdiction* - Where the complaint alleges discrimination on a basis that is prohibited by WIOA section 188 but not by any civil rights laws enforced by a federal grant-making agency, then the CRC has sole jurisdiction over the complaint. In this case, the CRC or the recipient will retain the complaint and process it according to 29 CFR Part 38.

Guidance on how to determine the type of jurisdiction

1. Identify the alleged action of discrimination;
2. Identify the entity (program or activity) in which the alleged discriminatory decision/action occurred;
3. Identify the primary source of federal or state financial assistance of the entity against which the complaint is filed;
4. Establish whether the basis of the alleged discrimination involves one or more of the protected bases such as race, sex, national origin, color, disability or age, religion, or political affiliation;
5. Establish whether the allegation(s), if true, would violate WIOA Title I section 188.

Determination of no jurisdiction

No Jurisdiction:

If the WIOA Title I/E &T state program provider determines it has no jurisdiction over a complaint, it must *immediately* send the complainant a written "Notice of Lack of Jurisdiction." The WIOA Title I/E&T program provider must include in the document the reason(s) for the determination and a notice that the complainant has a right to file a complaint with the CRC within 30 days of receiving the Notice of Lack of Jurisdiction.

Non-WIOA Title I/E&T state program Complaint:

If a complaint is determined to be a non-WIOA Title I/E&T state program complaint, such as a non-prohibited basis, the complaint is processed by the procedures approved by the non-WIOA Title I funding authority. See 20 CFR Subpart F, 667.600(a)(b).

Responsibilities of Local Workforce Development Area (LWDA) EO Officer

- Ensuring the complaint processing procedures are implemented.
- Ensuring complainants are provided notice of their rights, including the rights: to representation, to present evidence, to question information provided by others who present evidence, and to file with the CRC when they are not satisfied with an agency's decision.
- Ensuring complainants are provided a copy of this "Discrimination Complaint Policy and Procedures."

- If the complainant chooses Alternative Dispute Resolution (ADR), making certain the arrangements for ADR are completed in a timely fashion, including sufficient time to complete an investigation if ADR is unsuccessful.
- Ensuring that staff who interact with the public are aware of and properly implement the complaint procedures.
- Ensuring that persons, organizations, and agencies have notice that they may not discharge or retaliate in any manner against any person because that person filed a complaint, instituted any proceeding related to the Act, testified, or is about to testify, in any proceeding or investigation, or has provided information or assisted in an investigation.

Process

Discrimination Complaint

When an applicant/participant makes a complaint of discrimination at the local level, the applicant/participant must be offered a complaint form in order to file a written complaint. Staff shall assist the complainant, if requested, in completing the Complaint Form.

Note: if a complainant bypasses the local level and files a complaint of discrimination with the State-level EO Officer, the complainant may be referred back to the local level.

Written Discrimination Complaint

Filing a complaint:

The complainant may file a written discrimination complaint with the:

1. WIOA Title I/E&T local program provider and Local EO Officer;
2. State-level EO Officer *; or
3. Director, Civil Rights Center **

*The complainant may file directly with the State-level EO Officer, however, in most cases, the complaint will be referred to the local level for a decision prior to accepting it at the state level.

**Should the complainant opt to file directly with the CRC, staff shall assist the complainant, if requested, in completing the Complaint Form. For those individuals not requesting assistance, staff shall provide the necessary complaint forms, addresses, etc. See complaint form attached to policy.

Requirements of written complaint:

The written complaint must be ***signed, dated*** and contain:

1. Complainant name/address and phone number or other means of contact;
2. Individual/entity the complainant alleges is responsible for the discrimination;
3. A written statement of the allegations in sufficient detail to determine whether:
 - a. The complaint is covered as applicable under CRC or another jurisdiction;
 - b. If other proceedings have commenced or have been concluded, include the dates, authorities, and other pertinent information;
 - c. The complaint is timely filed;
 - d. The complaint has apparent merit ("apparent merit" signifies that the allegation of discrimination, if proven to be true, would violate WIOA regulations. Note: there is no apparent merit if the allegation of discrimination does not reference a basis prohibited under WIOA Title I Section 188).

In the event the complainant is unable to put the complaint in writing, an alternative method of obtaining written documentation from the complainant must be pursued and may include assistance by agency staff or the complainant's representative.

Reporting complaints, concerns or issues alleging discrimination must be:

1. Reported to the State-level EO Officer; and

2. Reported on the local Discrimination Complaint Log.

The State-level EO Officer must promptly notify the CRC when any administrative enforcement actions or lawsuits are filed against it alleging discrimination.

Local EO Officer Review/Investigation

Upon receipt of a written complaint, an initial written notice must be provided to the complainant that contains:

1. Acknowledgment that the recipient has received the complaint;
2. Notice that the complainant has the right to be represented in the complaint process;
3. A written statement of the issue(s) that includes:
 - a. A list of the issues raised in the complaint, and
 - b. For each such issue, a statement whether the recipient will accept the issue for investigation or reject the issue, and the reason(s) for each rejection, such as lack of jurisdiction, untimely, or no basis for discrimination.

An "impartial decision-maker" is required to investigate and process complaints. The person investigating the case must not be the person who has allegedly committed the adverse action against the complainant. Upon receipt of a written complaint, notice must be provided to the complainant that he/she, as a means of resolving the complaint, has the right to choose between

- a. Alternative Dispute Resolution (ADR), or
- b. Investigation

The choice whether to use ADR or the investigation process rests with the complainant. The complainant must inform the local EO Officer within five (5) days of his/her choice between ADR and the investigatory process.

NOTE: If the complainant chooses ADR, the State-level EO Officer is still obligated to review internal processes to determine if corrective action is needed to safeguard against potential future inequities.

Alternative Dispute Resolution (ADR)

ADR is a confidential process that encourages open communication and allows disputes to be resolved in a less adversarial manner. The local EO Officer will provide information and mediation resources regarding ADR to parties requesting this method of resolving discrimination complaints. In ADR, it is not mandatory that the parties come to an agreement.

If the complainant's choice is ADR, The EO Officer will:

- Choose an impartial mediator who is a neutral and impartial third party, acceptable to both parties, and will assist the parties in resolving their dispute.
- Determine the location of the ADR;
- Schedule the date and time of ADR;
- Notify both parties of the ADR location, time, and date;
- Develop a consent form to be signed by all parties at initiation of the ADR process affirming that the contents of the mediation will be kept confidential and that both parties agree not to involve the mediator in any litigation; and
- Document the agreed upon resolution.

ADR Results

If a resolution/settlement is achieved through ADR, the mediator will prepare a settlement agreement that includes a description of how the parties resolved the issue. This agreement becomes the "Documentation/Notice of Final Action." The parties will sign the agreement and a copy of the signed agreement will be given to the parties. The agreement must contain: the names of the parties; date of agreement; any time limits; and terms of agreement.

Note: There should be no other written record or other recording made of the meeting, except as required on the complaint log.

In the event the settlement agreement is breached, the non-breaching party may file a complaint directly with the CRC within 30 days of the date on which the non-breaching party learns of the alleged breach. If the CRC Director determines that the agreement has been breached, the complainant may file a complaint with CRC based upon his/her original allegation(s), and the Director will waive the time deadline for filing such a complaint.

If no satisfactory resolution is attained through ADR:

- The WIOA Title I or E&T state program provider must issue a written notice to the complainant that includes a clear concise statement of the issues and the length of time, manner, and place (address) in which an appeal against this decision may be filed.
- The complainant may, within ninety (90) days of the initial filing of the written complaint at the WIOA Title I or E&T state program provider level, request the local EO Officer to resume the investigatory process.
- Time permitting, the local EO Officer will, within ninety (90) days of the initial filing of the written complaint, conduct the investigation and issue a decision.
- If time will not allow the investigation to be completed at the local level, a complaint may (1) be filed with the State-level EO Officer to conduct the investigation or (2) be filed directly with the CRC.
- The complainant may file a complaint with the CRC Director.

Investigative track

If the complainant's choice is the investigatory process, a statement is provided to the complainant indicating that the complainant is entitled to a decision, or Notice of Final Action, within ninety (90) days after initial receipt of the written complaint. If the local level fails to provide a Notice of Final Action within the ninety (90) days, the complainant may contact the State-level EO Officer.

The Local EO Officer will begin the investigation. The investigator is required to:

- Prepare and maintain a complete file on the case.
- Acknowledge complaint by sending a letter to the complainant and correspond with complainant as required.
- Provide notice to all parties who have a legitimate interest in the complaint.
- Keep identity of every complainant confidential to the greatest extent possible.
- An individual whose identity must be disclosed must be protected from retaliation.
- Perform an investigation. The local EO Officer can and should attempt to negotiate a resolution of the issue at any time prior to the conclusion of the investigation.
- Make decision as to the substance of the allegation and suggest remedial action if necessary. Decisions should be made strictly on the basis of evidence gathered.
- Provide a Notice of Final Action to the complainant within ninety (90) days of the date on which the complaint was filed.
- The local EO Officer will gather details from the complainant and the respondent regarding specific background and action(s) surrounding the allegation, and take statements from those individuals identified by the complainant and the respondent.
- The complainant and the respondent will be given an opportunity to question the information of others who present evidence.
- The local EO Officer will review the initial findings orally with the complainant. This will allow the complainant to provide additional information or clarification.
- The local EO Officer must issue a written Notice of Final Action (decision), transmitted to the complainant, within forty (40) days of the date on which the complaint was filed. This 40-day requirement is intended to allow for an appeal to the State-level EO Officer, and if appealed, provide the DEED EEO forty (40) days to review, investigate, and issue its Written Notice of Final Action (resolution) within the regulatory ninety (90) days of the date on which the complaint was filed.

The Notice of Final Action must contain:

- A clear and concise statement of the issues.
- For each issue raised in the complaint, a statement of either:
 - The recipient's decision on the issue and an explanation of the reasons underlying the decision based on the material and the applicable section of WIOA Section 188 and/or its regulations; or
 - A description of the way the parties resolved the issue.
- Findings of fact based strictly on the evidence gathered during the investigation.
- Conclusion(s) based on the findings of fact.
- Notification that the complainant has a right to appeal to the State-level EO Officer within ten (10) days of the date the decision was issued at the local level if he/she is dissatisfied with the final action. This notification must also indicate how and where to appeal the decision and that the appeal must be in writing.
- Notification that the complainant has a right to appeal to the CRC within thirty (30) days of the date the local level decision was issued if he/she is dissatisfied with the final action. This notification must also indicate how and where to appeal the decision to the CRC.

Note: Throughout the investigation, the local EO Officer should attempt to resolve the complaint.

State-level (DEED) EO Officer Decision

A complainant may file an appeal with the State-level EO Officers if:

1. The complainant is dissatisfied with the local EO Officer decision; or
2. The ADR process was unsuccessful and the complainant appealed to the State-level EO Officer to conduct an investigation; and
3. The complainant submits an appeal to the State-level EO Officer within ten (10) days of the date the decision was issued at the local level.

Local EO Officer responsibilities for the appeal process shall include, but are not limited to providing DEED with:

- A completed copy of the complaint file; and
- A copy of any investigative finding.

All appeals to State-level EO Officer must contain the following information:

- The name, address, and telephone number of the person making the complaint;
- The name and address of the respondent (the individual/entity) against whom the complaint is made;
- A clear and concise statement of the facts, including pertinent dates, constituting the alleged violation.

The State-level EO Officer shall:

- Promptly log and initiate a review or investigation of the complaint.
- Provide notice to all parties of the specific charges.
- Inform both parties of their right to present evidence.
- Provide for an impartial decision.
- Within ninety (90) days of the date the appeal is received at the department level, perform one of the following:
 - Issue a Written Notice of Lack of Jurisdiction;
 - Refer the complainant to another federal grant-making agency for investigation where there is dual jurisdiction; or
 - Issue a Written Notice of Final Action (resolution).
- Copies of the State-level Equal Opportunity Officer's resolution shall be sent to the complainant and to the local Equal Opportunity Officer. This resolution will contain a synopsis of the facts, reasons for the decision, and remedy if applicable.

Complaint to Director, Civil Rights Center (CRC)

The complainant or his/her representative may file a complaint with the Director of the CRC within thirty (30) days if:

1. The State-level EO Officer issues a Written Notice of Lack of Jurisdiction. In this case, the thirty (30) days is counted from the date of receipt of the notice.
2. The State-level EO Officer issues and the complainant is not satisfied with, the decision in the Written Notice of Final Action. In this case, the 30 days is counted from the date of receipt of the notice.
3. State-level EO Officer fails to issue a Written Notice of Lack of Jurisdiction, a Written Notice of Final Action, or a referral to another federal grant-making agency for investigation in case of dual jurisdiction, by the end of 90 days (this is the combined time allowed at both the local and state levels) after receipt of the complaint. In this case, the 30 days to file an appeal with the CRC is counted at the end of the initial 90-day period.
4. An ADR process fails to produce an agreement. In this case, the thirty (30) days is counted from the date on which the ADR process terminates.
5. A party to an agreement breaches the agreement. In this case, the thirty (30) days is counted from the date the complainant learns of the alleged breach.

Complaint filed with CRC should contain:

1. The full name, address, and telephone number of the person making the complaint.
2. The full name, address, and telephone number of the respondent against whom the complaint is made.
3. A clear and concise statement of the facts, including pertinent dates, constituting the alleged violation.
4. Where known, the provisions of WIOA Title I, regulations, grant, or other agreements under WIOA Title I believed to have been violated.
5. A statement disclosing whether proceedings before any federal, state, or local authority involving the subject of the complaint have been commenced or concluded, and if so, the date of such commencement or conclusion, and the name and address of the authority.
6. A statement of the date the complaint was filed with DEED and the date on which DEED should have issued a decision.

A complaint will be considered to have been filed when the CRC receives from the complainant a written statement sufficiently precise to evaluate the jurisdiction of the complaint. Only the CRC Director may extend the complainant's thirty (30) day complaint timeframe and an extension will only be allowed if the complainant shows good cause that merits the extension.

Contact Information for Filing a Complaint

State-level EO Officer

State-level WIOA EO Officer
Minnesota Department of Employment and Economic Development
First National Bank Building
332 Minnesota Street, Suite E200
St. Paul, MN 55101-1351
651-259-7097

OR

Department of Labor, Civil Rights Center (CRC)

Director, Civil Rights Center
U.S. Department of Labor
200 Constitution Avenue NW
Room N-4123

Washington, DC 20210
202-219-7026
Fax: 202-219-5658
TTY: 800-326-2577
CRC-WIOA@dol.gov

Complaint Log/Retention

Each program provider must maintain and submit to the State-level EO Officer a log of complaints alleging discrimination. All complaints, whether processed by investigation or ADR, must be entered on DEED's "WIOA Title I Discrimination Complaint Log."

All records regarding complaints and actions taken on complaints (including logs) must be maintained by the local EO Officer for a period of not less than six (6) years from the date of resolution of the complaint (Minnesota Statute 16C.05 subd. 5).

Notice to the Public

Per WIOA Final Rules and Regulations (29 CFR 38), a recipient must provide initial and continued notice that it does not discriminate on any prohibited ground. "Notice to the Public" posters are available on DEED's policy website and are available in English as well as in: Arabic, Cambodian, Croatian, Hmong, Laotian, Oromo, Russian, Somali, Spanish, and Vietnamese.

WIOA Discrimination Complaint Form

You have the right to receive fair treatment in programs and services funded by the Workforce Innovation Opportunity Act (WIOA) which is a federal program. You have a right to file a complaint when you feel that you were treated unfairly because of something about you, such as your race, color, religion, disability, sex, etc. **Please read the form carefully. Type or print your answers** in blue or black ink. Answer each question as completely as possible. If you cannot fit your whole answer in the space on this form, you may add more pages.

If a question or field has a star next to it, you must answer that question. You do not have to answer the other questions, but if you do, it will help us to process your complaint. If you do not know the answer to a question, put "not known" in the space for the answer. If the question does not apply to your case, put "n/a."

***1. Are you the complainant or a representative of the complainant? Please check the correct box.**

Complainant

Representative of the Complainant

***2. Please give your name and the other information we ask you for on the lines below. If you are a representative, please give the complainant's name and contact information in this section, and your own name and contact information in section 2A.**

Complainant's Name

Telephone Number where we can reach you

Street Address

City

State

Zip code

Email Address

Best Time to Contact You

Name and contact information for someone we can contact if we cannot get in touch with you

2A. If you are the complainant's representative, please give your name and contact information in this section, and attach a letter or other document signed by the complainant, authorizing you to serve as his or her representative.

Representative's Name

Representative's Organization (if any)

Street Address

City

State

Zip code

Telephone number(s) where we can reach you. (Do not give your work number if you don't want us to call you there.)

Email Address(es)

Best Time to Contact You

For the rest of the questions on this form, if you are filing this complaint on behalf of someone else, "you" means the person (the complainant), not you personally. Please give the answers the complainant would give.

***3. This complaint is about something that happened to (please check the appropriate response):**

_____ Only me _____ Me and other people _____ Other people, but not me

***4. Please give the name of the agency, organization, or business that you are complaining about. If you have any contact information for the agency, organization, or business, and/or if you know the name of the person(s) who you think discriminated against you, please give that information as well.** If you need more space to give all of the information, please attach more pages to this form.

*Name of Agency, Organization, or Business

Street or Mailing Address

City

State

Zip code

Telephone Number(s)

Email Address

Name of Person You Think Discriminated

Job Title

***5. What program was involved in the discrimination you are complaining about? If you do not know the name of the program, and your complaint does not involve a WorkForce Center or a state or local government agency, please check "Do not know."**

____ Workforce Innovation and Opportunity Act (WIOA) Program

____ Vocational Rehabilitation

____ Employment Service or Job Service

____ WorkForce Center

____ Trade Assistance Act Program

____ Unemployment Insurance

____ American Recovery and Reinvestment Act (ARRA)

____ Indian/Native American Program

____ Migrant and Seasonal Farm Workers Program

____ State or Local Government

____ Older Workers Program

____ Dislocated Worker

____ Do not know

____ Other (what?) _____

***6. On what date(s) did the alleged discrimination take place?**

Date of the First Action

Date of the Most Recent Action

***7. What do you think was the basis (reason) for the alleged discrimination?** Please check the boxes next to all of the bases (reasons) you think were involved in the discrimination, and answer any other questions that go along with that box. In the next question, you will be asked to explain why you checked each box.

Because of my National Origin.

Are you Hispanic or Latino? Yes No

What is your national origin (the country from which you, your parents, your grandparents, or your earlier ancestors came)? _____

Because of my Limited English Proficiency.

What is the language in which you feel most comfortable communicating? _____

Because of my Race. What is your race? Please check all that apply.

White or Caucasian Black or African American Asian
 American Indian or Alaska Native Native Hawaiian or Pacific Islander Other _____

Because of my Disability. Please check one of the following:

I have a disability (which may be active or inactive right now). What is your disability? _____

I have a record of a disability. What was your past disability? _____

I do not have a disability, but the organization or program treats me as if I have a disability.

Because of my Sex. What is your sex? _____

Because of my Pregnancy.

Because of my Sexual Orientation. What is your sexual orientation? _____

Because of my Gender Identity. What is your gender identity? _____

Because of my Color. What is your color? _____

Because of my Religion. What is your religion? _____

Because of my Age. What is your date of birth? _____

Because of my Political Affiliation or Political Belief.

What is your political affiliation or political belief? _____

Because of my Citizenship. What is your citizenship? _____

Because of my participation in a program that receives Federal financial assistance.

Name the program: _____

I was retaliated against (Retaliation) because I complained about discrimination, or because I gave a statement or was involved in some other way with someone else's discrimination complaint.

***8. For each of the bases (reasons for discrimination) you checked above, please explain what happened, how you were (or someone else was) harmed by what happened, and how or why you think what happened was because of the basis you checked.** For example, if you checked “Because of my Race,” list the facts you think explain *how or why* you think what happened was because of the race of the persons who were harmed. *If you do not explain why you checked a particular basis, we may reject that part of your complaint.*

If other persons or groups were treated differently from you (or the other people who you think were discriminated against), please describe who was treated differently, how their treatment was different, and how the different treatment harmed you (or the other people you think were discriminated against). Please be specific and brief. Give the name(s) of and contact information for any of the people involved, if you can.

If your answer does not fit in the space below, please use more pages of paper to finish your answer, and attach those pages to this form.

9. Please list below any other people (witnesses, coworkers, supervisors, or others) whom you have not already named and whom we should contact for information about your complaint. Attach additional pages if you need more space for this information.

Person's Name	Relationship to case (witness, coworker, etc.)	Best Time to Contact
Telephone number(s)	Email address(es)	

10. What remedies are you asking for? For example, getting benefits or training you did not receive, changes in policies, etc.

11. Have you filed a written complaint with anyone else, such as the federal Equal Employment Opportunity Commission (EEOC), U.S. Department of Labor's Civil Rights Center (CRC), or the Minnesota Department of Human Rights (MDHR), about the same events or actions you describe on this complaint information form?

_____ Yes I have filed another written complaint. _____ No I have not.

If yes, please answer these questions, as best you can, about *each* agency, department, organization, or business where you filed a written complaint (using additional pages if necessary):

Name of Office, Agency, Department, Organization, or Business	Date Filed		
Street of Mailing Address	City	State	Zip code
Telephone Number(s)	Email Address		
Name of Person Working on Your Complaint	Job Title	Telephone Number	

11B. Has the place where you filed your first written complaint given you a final decision about the complaint?

_____ Yes _____ No

11C. If yes, what was the date of the final decision? _____

Was the decision in writing? _____ Yes _____ No

Include copies of written decisions, dismissals, or Right to Sue Letters, or other written responses to your complaint that you have received.

***12. Please sign and date this form in the space below that applies to you. You must also read the notice on the next page entitled "How We Use Personal Information," and sign and date the consent form. We cannot accept a complaint for investigation unless both this Complaint Form and the Consent Form have been signed.**

Signature of Complainant

Date

Signature of Complainant's Representative

Date

Please mail, email, fax, or hand deliver your signed complaint to one of the following:

1. The **Local Equal Opportunity Officer** at the WorkForce Center (WFC) or WorkForce Service Area (WSA) where you are employed or received services.

2. **Karen Lilledahl** 651-259-7089 (Voice)
WIOA Equal Opportunity Officer 651-297-5343 (FAX)
Department of Employment and Economic Development (DEED)
Office of Diversity and Equal Opportunity
1st National Bank Building, E200
332 Minnesota Street
Saint Paul, MN 55101-1351

3. **Ann Feaman** 651-259-7097 (Voice)
State-Level Equal Opportunity Officer 651-297-5343 (FAX)
Department of Employment and Economic Development (DEED)
Office of Diversity and Equal Opportunity
1st National Bank Building, E200
332 Minnesota Street
Saint Paul, MN 55101-1351

Persons are not required to provide personal private data. Completing this form is voluntary; however, answers to the starred questions and fields must be provided in order for DEED's ODEO to accept your discrimination complaint. ODEO will use the information to process, and where appropriate to investigate, your complaint. The estimated average time to complete this form is 60 minutes.

If you need assistance in filling out this document or you need this document in an alternative format, please contact us at 651-259-7094.

Office of Diversity and Equal Opportunity

HOW WE USE PERSONAL INFORMATION

The Minnesota Government Data Practices Act governs personal information that is given to state agencies. This Notice describes how this law applies to information connected with your complaint. Please read the Notice, sign the Consent Form on the next page, and give the Consent Form with your Complaint Form.

The purpose of requesting completion of this complaint form is to collect information regarding allegations of employee misconduct concerning an employee of the State of Minnesota. The data you provide will be used by this investigator and others within DEED whose job assignments reasonably require access to the data to determine whether misconduct occurred and the extent, if any, of appropriate disciplinary action. It may also be used in subsequent hearings or proceedings related to this matter. The following individuals/entities have a legal right to access this data:

- Your exclusive representative;
- Labor Relations Division of the Minnesota Management and Budget Department;
- Minnesota Attorney General's Office;
- Minnesota Legislative Auditor's Office;
- Arbitrator chosen to hear the case, if discipline occurs and is appealed to arbitration;
- State and federal courts;
- State and federal enforcement agencies, including but not limited to the Federal Equal Employment Opportunity Commission, Minnesota Department of Human Rights, and the U.S. Department of Labor;
- Appropriate licensing entities and agencies;
- Unemployment Division of the Department of Employment and Economic Development;
- Law enforcement agencies and prosecutorial authorities;
- Persons/entities named pursuant to court order;
- Persons/entities whom you authorize to receive the data; and
- Any other person or entity authorized by state or federal law.

In addition, if any disciplinary action is taken and becomes final, the nature of the final disposition of the disciplinary action, together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify employees who are confidential sources, will become public data.

If the subject of the investigation is a "public official" as defined in Minnesota Statutes § 13.43, Subd. 2.(e), (e.g., division head or higher levels of authority), upon completion of the investigation, or if the public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public unless access to the data would jeopardize an active investigation or reveal confidential sources.

Voluntary Statement. You are not legally required to provide any information, and no adverse employment action will be taken against you based on your decision not to cooperate. However, your failure to provide the information requested will necessitate that a decision be made without the benefit of hearing the information that you could provide. If you do provide information, it is our expectation that any information you provide will be truthful.

PLEASE READ THE CONSENT FORM ON THE NEXT PAGE, SIGN EITHER SECTION A OR SECTION B, AND SUBMIT THE SIGNED FORM WITH YOUR SIGNED, COMPLETED COMPLAINT FORM.

CONSENT FORM

I have read the Minnesota Department of Employment and Economic Development's notice entitled "How We Use Personal Information." I understand that the following conditions apply to personal information I disclose to DEED in connection with my complaint.

DEED may need to disclose my identity to staff of the agency, organization, or business I named in my complaint, in order to gather evidence or verify facts related to the complaint, or to complete enforcement proceedings against the agency, organization, or businesses;

I do not have to reveal any personal information to DEED, but DEED may close my case if it cannot get the information it needs to process or fully investigate my complaint;

Under certain conditions, DEED may be required by the Minnesota Government Data Practices Act or other laws to disclose my personal information to others.

SECTION A

YES, DEED MAY DISCLOSE MY IDENTITY IF NECESSARY TO FULLY INVESTIGATE MY COMPLAINT. I have read and understand the notice "How We Use Personal Information," and I give consent for DEED to disclose my identity to the respondent, if necessary to fully investigate my complaint.

Signature of Complainant

Date

SECTION B

NO, DEED MAY NOT DISCLOSE MY IDENTITY TO THE RESPONDENT, EVEN IF NECESSARY TO FULLY INVESTIGATE MY COMPLAINT. I have read and understand the notice "How We Use Personal Information," and I understand that DEED may close my case if it cannot get the information it needs to fully investigate my complaint without disclosing my identity to the respondent. Nonetheless, I do not give consent for DEED to disclose my identity to the respondent during the investigation of my complaint.

Signature of Complainant

Date

651-259-7094

Attention. If you need free help interpreting this document, call the above number.

ያስተውሉ፡ ካለምንም ክፍያ ይህንን ደብዳቤ ለማረጋገጥ ለሌላ ሰው ከሌለው ወይም ለሌላው የሰልጠና ቁጥር ይደውሉ።

نحظة: إذا أردت مساعدة مجانية لترجمة هذه الوثيقة، اتصل على الرقم أعلاه.

သတိ။ ဤစာရွက်စာတမ်းအားအခမဲ့ဘာသာပြန်ပေးခြင်း အကူအညီလိုအပ်ပါက၊ အထက်ပါနံပါတ်ကိုခေါ်ဆိုပါ။

កំណត់សំគាល់ ។ បើអ្នកត្រូវការជំនួយក្នុងការបកប្រែឯកសារនេះដោយឥតគិតថ្លៃ សូមហៅទូរស័ព្ទតាមលេខខាងលើ ។

請注意，如果您需要免費協助傳譯這份文件，請撥打上面的電話號碼。

Attention. Si vous avez besoin d'une aide gratuite pour interpréter le présent document, veuillez appeler au numéro ci-dessus.

Thov ua twb zoo nyeem. Yog hais tias koj xav tau kev pab txhais lus rau tsab ntaub ntawv no pub dawb, ces hu rau tus najnpawb xov tooj saum toj no.

විද්‍යාත්මක සේවාවන්. මෙහිදී විද්‍යාත්මක සේවාවන් සඳහා වෛරුස් වැනි සේවාවන් සඳහාද, කිසිදු වියදමක් නොවන සේවාවන් සඳහාද.

알려드립니다. 이 문서에 대한 이해를 돕기 위해 무료로 제공되는 도움을 받으시려면 위의 전화번호로 연락하십시오.

ໂປຣຄຊາບ. ຖ້າຫາກ ທ່ານຕ້ອງການການຊ່ວຍເຫຼືອໃນການແປເອກະສານນີ້ພໍດີ, ຈົ່ງໂທໂປຣໂປຊາບເລກຂ້າງເທິງນີ້.


Hubachiisa. Dokumentiin kun bilisa akka siif hiikamu gargaarsa hoo feete, lakkoobsa gubbatti kenname bibil

Внимание: если вам нужна бесплатная помощь в устном переводе данного документа, позвоните по указанному выше телефону.

Digniin. Haddii aad u baahantahay caawimaad lacag-la' aan ah ee tarjumaadda qoraalkan, lambarka kore wac

Atención. Si desea recibir asistencia gratuita para interpretar este documento, llame al número indicado arriba.

Chú ý. Nếu quý vị cần được giúp đỡ dịch tài liệu này miễn phí, xin gọi số bên trên.



For accessible formats of this publication and additional equal access to services, write to DEED.ODEO@state.mn.us, call 651-259-7094, or use your preferred relay service. (ADA1 [9-15])