



# COUNTY OF LOS ANGELES WIOA ADULT, DISLOCATED WORKER AND YOUTH PROGRAMS DIRECTIVE



DATE: March 6, 2018

NUMBER: WIOA D17-03

## EQUAL OPPORTUNITY AND GRIEVANCE AND COMPLAINT PROCEDURES

### EXECUTIVE SUMMARY

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This directive updates the equal opportunity and grievance and complaint procedures for the County of Los Angeles Local Workforce Development Area. The directive incorporates updated State guidance on nondiscrimination and equal opportunity procedures provided via the State Employment Development Department (EDD) Directive WSD 17-01 *Nondiscrimination and Equal Opportunity Procedures*. As such, local policy, required postings and participant documents have been updated.

This Directive Supersedes Directive WIOA D16-04 *Equal Opportunity and Grievance and Complaint Procedures*.

### REFERENCES

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- Workforce Innovation and Opportunity Act (WIOA) (Public Law 113-128) Sections 188 and 183
- Rehabilitation Act of 1973 (as amended under WIOA)
- Title 20 CFR Part 683
- Title 29 CFR Part 34 and Part 38
- EDD Directive WSD17-01 *Nondiscrimination and Equal Opportunity Procedures*
- EDD Directive WSD 08-4 *Grievance and Complaint Procedures*

### BACKGROUND

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The guiding State policy are the State Employment Development Department (EDD) Directives WSD 17-01 *Nondiscrimination and Equal Opportunity Procedures* (Attachments VII), which updates the State's policy and procedures to be in line with the nondiscrimination and equal opportunity provisions found in Section 188 of WIOA and 29 CFR Part 38, and EDD Directive WSD 08-04 *Grievance and Compliant Procedures* (Attachment VIII) which provides guidance on programmatic grievances and complaints.

## POLICY AND PROCEDURES

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The County of Los Angeles has established the following policies and procedures pursuant to WIOA Sections 121(b), 183(c), and 188, EDD Directives WSD17-01 *Nondiscrimination and Equal Opportunity Procedures* and WSD 08-4 *Grievance and Complaint Procedures*, and Title 29 CFR Part 38. Also included are the procedures for filing complaints alleging discrimination under the Equal Employment Opportunities Acts, the Civil Rights Acts, and Section 504 of the Rehabilitation Act of 1973 (Attachment III of this directive), procedures for communicating these rights to staff, clients, and the public at large, procedures to prevent discrimination based on disability and procedures for affirmative outreach.

### **REQUIRED POSTINGS, PARTICIPANT DOCUMENTS AND DOCUMENT VERIFICATION FORM:**

These policies and procedures include six (6) distinct documents: two (2) are required postings, three (3) are required participant documents (Attachments I through V), and one (1) is specific to America's Job Center of California (AJCC) management to complete (Attachment VI). This directive outlines these documents and highlights compliance requirements that are significant to the program and to activities that are part of the AJCC delivery system.

#### **Required Postings:**

AJCCs must maintain and display all required postings in a public location, in reasonable numbers and places at each Los Angeles County WIOA funded facility and on the AJCC's website pages. These documents must be made available to any interested parties and members of the public. The following notices must be posted:

1. WIOA Equal Opportunity is the Law Posting, dated 03/2018, one page document of 11"x17" in size (Attachment I).
2. WIOA Grievance and Complaint Procedures Posting, dated 03/2018, one page document of 8.5" x 14" in size (Attachment II). This posting must include the AJCC's business address, applicable phone number, and the name of the AJCC Grievance and Complaint Filing Officer.

<b>Postings</b>				
	<b>Date</b>	<b>Posting Size</b>	<b>Total Pages</b>	<b>Posted</b>
WIOA Equal Opportunity is the Law Posting	03/2018	11 x 17	1	Yes
WIOA Grievance and Complaint Procedures Posting	03/2018	8.5 x 14	1	Yes

## **Participant and Participant File Documents:**

Initial and continuing notice of nondiscriminatory practices and the right to file a complaint must be provided to each WIOA participant. The notice must be made part of each participant's paper and/or electronic file and must be included in participant handbooks or manuals regardless of form, including electronic and paper form if both are available, and be available in appropriate languages other than English.

The notices below shall be provided in appropriate formats to WIOA registrants, applicants, eligible applicants/registrants, and WIOA participants with visual impairments. A record of such notices, including if notice has been provided in an alternate format to an individual with a visual impairment, shall be documented within the WIOA participant's file.

1. WIOA Complaint and Resolution Procedures, dated 03/2018, 12 page document of 8.5"x 11" in size (Attachment III).
  - WIOA contractors must provide each WIOA registrant, applicant, eligible applicant/registrant, and WIOA participant with visual impairments with a copy of these procedures.
  - A copy of these procedures does not need to be retained in each participant's case file, but needs to be provided to all participants and noted in the case file.
2. WIOA Complaint and Resolution Policies and Procedures Participant Acceptance Form, dated 03/2018, two page document must be printed on Contractor Letterhead and printed double-sided on 8.5" x 11 in size (Attachment IV).
  - This form must include on page 2, the AJCC's business address, applicable phone number, and the name of the AJCC Grievance and Complaint Filing Officer.
  - WIOA Contractors must provide WIOA registrants, applicants, eligible applicants/registrants, and WIOA participants with visual impairments with a signed copy of this Form with ALL required signatures.
  - The original signed Form with ALL required signatures must be retained in the WIOA participant's case file.
3. WIOA Applicant Acknowledgement Statements, dated 03/2018, one page document 8.5" x 11 in size (Attachment V).
  - WIOA Contractors must provide WIOA registrants, applicants, eligible applicants/registrants, and WIOA participants with visual impairments with a signed copy of this Form with ALL required information and signatures.

- The original signed Form with ALL required information and signatures must be retained in the participant's case file.

Where an electronic case file is maintained, the required participant file documents must be filled out, signed and scanned into the CalJOBS system. Staff must also make a note indicating that the required notifications did occur; the date of the notifications, and the name of the staff person who provided them.

<b>Participant and Participant File Documents</b>						
	<b>Date</b>	<b>Size</b>	<b>Total Pages</b>	<b>Provided to participants receiving WIOA Services</b>	<b>Made part of the Participant Case File?</b>	<b>Additional Notes</b>
WIOA Complaint and Resolution Policies and Procedures	03/2018	8.5 x 11	12	Yes	Noted in the Case File	Procedures can be printed double-sided.
WIOA Applicant Acknowledgement Statements	03/2018	8.5 x 11	1	Yes (Signed Copied)	Yes (Signed Original)	None
WIOA Complaint and Resolution Policies and Procedures Participant Acceptance Form	03/2018	8.5 x 11	2	Yes (Signed Copied)	Yes (Signed Original)	This form must be printed double sided and on AJCC Letterhead. It must include the address, phone number and name of the Contractor Grievance and Complaint Filing Officer.

## **Document Verification Form:**

The County of Los Angeles Workforce Development, Aging, and Community Services (WDACS) is providing the County of L.A. *WIOA Equal Opportunity and Grievance and Complaint Procedures Documentation Verification Form* to ask AJCCs to verify that they have received the updated required postings provided via this directive and to certify that they also maintain and display all required postings in a public location, in reasonable numbers and places at each Los Angeles County WIOA funded facility and on the AJCC's website pages.

Via this document AJCCs must also verify that they have received updated participant documents and certify that these documents will be provided to individuals as dictated by this directive.

The County of L.A. *WIOA Equal Opportunity and Grievance and Complaint Procedures Documentation Verification Form* is to be completed and submitted via email to [wioaops@wdacs.lacounty.gov](mailto:wioaops@wdacs.lacounty.gov) **immediately upon release of this directive.** WDACS staff will conduct an on-site review via scheduled AJCC technical assistance and/or monitoring visits to verify that these requirements are in place.

## ***REQUIRED EMPLOYEE AND POTENTIAL EMPLOYEE DOCUMENTS***

Initial and continuing notice of nondiscriminatory practices and the right to file a complaint must be provided to each AJCC employee and applicant for employment with an AJCC. The notice, Attachment 1 of EDD Directive WSD 17-01 *Nondiscrimination and Equal Opportunity Procedures*, must be made part of each employee's paper and/or electronic file and must be included in employee handbooks or manuals regardless of form, including electronic and paper form if both are available, and be available in appropriate languages other than English.

The notice utilized by an AJCC shall be provided in appropriate formats to AJCC employees and applicants for employment at an AJCC, and AJCC employees and applicants for employment at an AJCC with visual impairments. A record of such notice, including if notice has been provided in an alternate format to an employee or applicant with a visual impairment, shall be documented within the employee's file.

## ***COMMUNICATIONS***

### **Brochures and Other Materials:**

AJCC's recruitment brochures and other materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or on paper to staff, clients, or the public at large, to describe programs financially assisted under WIOA Title I or the requirements for participation by participants must indicate that the WIOA Title I-financially assisted program or activity in question is an "equal opportunity employer/program," and that "auxiliary aids and services are available upon request to individuals with disabilities." Materials that indicate an AJCC telephone number for contact must also include a TTY number.

### **Media:**

AJCCs that publish or broadcast program information in the news media must ensure that such publications and broadcasts state that the WIOA Title I-financially assisted program or activity in question is an equal opportunity employer/program (or otherwise indicate that discrimination in the WIOA Title I-financially assisted program or activity is prohibited by Federal law) and indicate that auxiliary aids and services are available upon request to individuals with disabilities.

AJCCs must not communicate any information that suggests, by text or illustration, that the recipient treats beneficiaries, registrants, applicants, participants, employees or applicants for employment differently on any prohibited basis, except as such treatment is otherwise permitted under federal law or regulation.

### **Orientations and Information Sessions:**

During each presentation to orient new participants, new employees, and/or the general public to WIOA Title I-financially assisted programs or activities, whether in person or over the internet or using other technology, AJCCs must include a discussion of rights and responsibilities under the nondiscrimination and equal opportunity provisions of WIOA Section 188 and 29 CFR Part 38, including the right to file a complaint of discrimination with the AJCC, Los Angeles County WDACS, or the Director of the Civil Rights Center (CRC). This information must be communicated in appropriate languages and in formats accessible for individuals with disabilities.

Additionally, as mandated by the California Dymally-Alatorre Bilingual Services Act (DABSA) and, as further supported in each AJCC Subaward Statement of Work with the County, , AJCCs that serve a "substantial number of non-English-speaking people," must employ a "sufficient number of qualified bilingual staff in public contact positions" and translate documents explaining available services in their participants' language.

### ***AFFIRMATIVE OUTREACH***

AJCCs must take appropriate steps to ensure that they are providing equal access to their WIOA Title I-financially assisted programs and activities. These steps should involve reasonable efforts to include members of the various groups including, but not limited to, persons of different sexes, various racial and ethnic/national origin groups, various religions, Limited English Proficient (LEP) individuals, individuals with disabilities, and individuals in different age groups. Such efforts may include, but are not limited to, the following:

- Advertising the AJCC's programs and/or activities in media such as newspapers or radio programs that specifically target various populations.
- Sending notices about openings in the AJCC's programs and/or activities to schools or community service groups that serve various populations.

- Consulting with appropriate community service groups about ways in which the AJCC may improve its outreach and service to various populations.

### ***DISCRIMINATION PROHIBITED BASED ON DISABILITY***

In providing any aid, benefit, service, or training under a WIOA Title I-financially assisted program or activity, whether directly or through sub-contracting, licensing, or other arrangements, on the basis of disability, an AJCC **must not** do any of the following:

- Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, service, or training, including meaningful opportunities to seek employment and work in competitive integrated settings.
- Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefits, services, or training that is not equal to that afforded others.
- Provide a qualified individual with a disability with any aid, benefit, service, or training that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others.
- Provide different, segregated, or separate aid, benefit, service, or training to individuals with disabilities, or to any class of individuals with disabilities, unless such action is necessary to provide qualified individuals with disabilities with any aid, benefit, service, or training that is as effective as those provided to others, and consistent with the requirements of the Rehabilitation Act as amended by the WIOA, including those provisions that prioritize opportunities in competitive integrated employment.
- Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards.
- Otherwise limit a qualified individual with a disability in enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving any aid, benefit, service, or training.

### **Accessibility Requirements:**

No qualified individual with a disability may be excluded from participation in, or be denied the benefits of an AJCC's service, program, or activity or be subjected to discrimination by any AJCC because an AJCC's facilities are inaccessible or unusable by individuals with disabilities. AJCCs that are subject to Title II of ADA of 1990 must also ensure that new facilities or alterations of facilities that began construction after January 26, 1992, comply with the applicable federal accessible design standards, such as the ADA Standards for Accessible Design (1991 or 2010) or the Uniform Federal Accessibility Standards.

In addition, AJCCs must meet accessibility obligations under Section 504 of the Rehabilitation Act and the implementing regulations at 29 CFR Part 32. Some AJCCs may be subject to additional accessibility requirements under other statutory authority, including Title III of the ADA that is not enforced by the CRC. As indicated in CFR Part 29 Section 38.3(d)(10), compliance with this part does not affect an AJCCs obligation to comply with the applicable ADA Standards for Accessible Design.

All AJCC WIOA Title I-financially assisted programs and activities must be programmatically accessible. This includes providing reasonable accommodations for individuals with disabilities, making reasonable modifications to policies, practices, and procedures, administering programs in the most integrated setting appropriate, communicating with persons with disabilities as effectively as with others, and providing appropriate auxiliary aids or services, including assistive technology devices and services, where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the program or activity.

**Reasonable Accommodation and Reasonable Modifications for Individuals with Disabilities:**

With regard to any aid, benefit, service, training, and employment, an AJCC must provide reasonable accommodations 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. For more information on what would constitute undue hardship as it relates to a reasonable accommodation of individuals with disabilities, please see the definition of "undue burden or undue hardship" found in 29 CFR Section 38.4(rrr)(1).

With regard to any aid, benefit, service, training, and employment, an AJCC must also make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless making the modifications would fundamentally alter the nature of the service, program, or activity, which would constitute a fundamental alteration. For more information, see the definition of "fundamental alteration" found in 29 CFR Section 38.4(z).

In those circumstances where an AJCC believes that the proposed accommodation would cause undue hardship, or the proposed modification would fundamentally alter the program, the AJCC has the burden of proving that compliance with this section would result in such hardship and alteration. The AJCC must make the decision that the accommodation would cause such hardship or result in such alteration only after considering all factors listed in the definitions of "undue hardship" and "fundamental alteration." The decision must be accompanied by a written statement of the AJCC's reasons for reaching that conclusion. The AJCC must provide a copy of the statement of reasons to the individual(s) who requested the accommodation or modification.

If a requested accommodation would result in undue hardship or a modification would result in a fundamental alteration, the AJCC must take any other action that would not result in such hardship or such alteration but would nevertheless ensure that individuals with disabilities receive the aid, benefits, services, training or employment provided by the AJCC.



In addition, an AJCC must take appropriate steps to ensure that communications with individuals with disabilities, such as beneficiaries, registrants, applicants, eligible applicants/registrants, participants, applicants for employment, employees, members of the public, and their companions are as effective as communications with others.

A Reasonable Accommodation Policy and Procedure Guide (Attachment 3 of EDD Directive WSD 17-01 Nondiscrimination and Equal Opportunity Procedures) should be used when processing reasonable accommodation requests. This document should contain two sections: (1) provide general guidance and definitions for use when processing reasonable accommodation requests, and (2) provide step-by-step instructions on how to process these requests.

### **Service Animals:**

Generally, an AJCC shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability.

### **Mobility Aids and Devices:**

An AJCC must permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities, in any areas open to pedestrian use. An AJCC must make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless the AJCC can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements that the AJCC has adopted.

### **Medical or Disability-Related Information:**

Any medical or disability-related information obtained about a particular individual, including information that could lead to the disclosure of a disability, must be collected on separate forms. All such information, whether in hard copy, electronic, or both, must be maintained in one or more separate files, apart from any other information about the individual, and treated as confidential. Whether these files are electronic or hard copy, they must be locked or otherwise secured (e.g., through password protection).

## **ACTION**

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Los Angeles County AJCCs and Youth Service Providers must ensure that the policies and procedures described herein are communicated throughout the operations, management and governance structure of the contractor organization and that this Directive is appropriately maintained until further notice.

Los Angeles County AJCCs must develop and implement written internal controls and procedures incorporating all of the requirements written in this directive.

## **INQUIRIES**

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Inquiries regarding this directive and the policies and procedures described herein should be directed to [wioaops@wdacs.lacounty.gov](mailto:wioaops@wdacs.lacounty.gov).



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**Irene Pelayo, Program Manager**  
**Workforce and Community Services Branch**

### Attachments:

Attachment I: WIOA Equal Opportunity is the Law POSTING 11x17

Attachment II: WIOA Grievance and Complaint Procedures - POSTING 8 5 x 14

Attachment III: WIOA Complaint and Resolution Procedures 2018

Attachment IV: WIOA Complaint Resolutions- Participant Acceptance Form - 8 5 x 11

Attachment V: WIOA Applicant Acknowledgement Statement Form

Attachment VI: WIOA Documentation Verification Form (EO and Grievance Procedures)

Attachment VII: EDD Directive WSD 17-01

Attachment VIII: EDD Directive WSD 08-4