

If a complainant is not offered a settlement within 90 days from the day their complaint was filed, the only way to preserve the complaint is to appeal to USDOL/CRC. This appeal must happen no later than 30 days after the 90-day investigation period, unless the CRC extends the 30-day appeal period.

If the complainant does not appeal a lack of jurisdiction, appeal a settlement or forward their complaint to CRC at the close of the 90-day investigation period, whichever occurs first, the complainant loses their right to appeal and their discrimination complaint will be closed.

The Director of the CRC will investigate discrimination complaints filed against WorkSource Oregon programs when:

- The complaint is originally filed with CRC, or
- An appeal is made from a “lack of jurisdiction” decision on a discrimination complaint filed in Oregon, or
- A complaint has been forwarded to CRC when an EOC has not reached a decision within ninety (90) days of receipt of a complaint, or
- An appeal is made by either party to a decision or settlement on a discrimination complaint.

The CRC must make a final decision on an appeal no later than 120 days after receiving the appeal. All appeals must be submitted by certified mail, return receipt requested to:

The Director of the Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue NW, Room N-4123
Washington, DC 20210
(202) 693-6502
TTY (202) 693-6515

The required forms (the Complaint Information Form – CIF, and the Privacy Act Consent Form) and complete process for filing or appealing to CRC can be downloaded at:

<http://www.dol.gov/oasam/programs/crc/EO.htm>.

Worksystems, Inc.

Address: 111 SW 5th Ave., Suite 1150, Portland OR 97204
Phone: (503) 478-7346, Oregon Relay 711
Serving City of Portland, Multnomah and Washington Counties
Home Page: <http://www.worksystems.org/>

Linn, Benton, Lincoln Workforce Investment Board

Address: 545 SW 2nd St., Suite A, Corvallis, OR 97333
Phone: (541) 752-1010, Oregon Relay 711
Serving Benton, Lincoln and Linn County
Home Page: <http://www.csc.gen.or.us>

Job Growers Inc.

Address: 626 High St., Suite 302, Salem, OR 97301
Phone: (503) 581-4505, Oregon Relay 711
Serving Marion, Polk and Yamhill County
Home Page: <http://www.workforce-solutions.net>

Workforce Investment Council of Clackamas County, Inc.

Address: 365 Warner Milne Road, Suite 202,
Oregon City, OR 97045
Phone: (503) 657-6644, Oregon Relay 711
Serving Clackamas County
Home Page: <http://www.wicco.org>

The Job Council

Address: 673 Market Street Medford, OR 97504
Phone: (541) 842-2545, TTY/TDD 800-735-1232
Serving Jackson and Josephine County
Home Page: <http://www.jobcouncil.org/>

Lane Workforce Partnership

Address: 300 Country Club Road, Suite 120
Eugene, OR 97401
Phone: (541) 682-7228, Oregon Relay 711
Serving Lane County
Home Page: <http://www.laneworkforce.org/>

The Oregon Consortium & Oregon Workforce Alliance

Address: 260 SW Ferry Street, Suite 202 Albany, OR 97321
Phone: (541) 928-0241, Oregon Relay 711
Serving Baker, Clatsop, Columbia, Coos, Crook, Curry, Deschutes, Douglas, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Wheeler, and County
Home Page: <http://www.tocowa.org>

State of Oregon

Marie A. Jones
Equal Opportunity Officer, Oregon Employment Department
1-800-237-3710 (ext. 71692), TTY: 1-800-735-2900
<http://egov.oregon.gov/WORKSOURCE/>

Discrimination Complaint Procedures

Methods of Administration



Workforce Investment Act

Equal Opportunity Employer/Program
Auxiliary Aids and Services are available
upon request to individuals with disabilities



Discrimination Complaint Procedures

Who May File A Discrimination Complaint?

Any person who believes that either he/she, or any specific class of individuals, has been or is being subjected to discrimination prohibited by Section 188 of the Workforce Investment Act of 1998, may file a written complaint, either by him/herself or through a representative. Section 188 prohibits discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIA Title-I financially assisted program or activity. 29 Code of Federal Regulations Part 37 implements Section 188 of WIA. A person filing a complaint is known as a complainant.

Where May A Discrimination Complaint Be Filed?

A person may file a discrimination complaint with either the WorkSource Oregon Center or regional Equal Opportunity Coordinator (EOC), the State Equal Opportunity Officer (EOO), or the US DOL Civil Rights Center (CRC). Complaints should be sent to the appropriate address listed in the notice "Equal Opportunity is the Law" posted at any WorkSource Oregon location. See back of this brochure for additional contact information.

What Forms Should Be Used To File a Discrimination Complaint?

A person may file a complaint by completing the State of Oregon Workforce Investment Act Complaint form or otherwise submitting details of the alleged discrimination. A Complaint Consent form concerning the investigatory use of personal information must also be completed. Both forms may be obtained from the EOC or from CRC at the address listing in the notice "Equal Opportunity is the Law."

If the complainant requires language assistance, alternative format or assistive technology to complete the necessary forms to file a complaint, it will be provided upon request and free of charge.

Upon receipt of a discrimination complaint filed at the regional workforce area or WorkSource Oregon location, the Equal Opportunity Coordinator will issue a written notice to the complainant containing the following information:

- Acknowledgment of receipt of the complaint
- Notice that the complainant has the right to be represented in the complaint process
- A statement of the issues raised in the complaint
- Whether the local workforce area will accept the issue for investigation or reject the issue, and the reason for such rejection

- Establishing a period for fact finding or investigation of the circumstance underlying the complaint, and,
- Informing the complainant of the availability of the Alternative Dispute Resolution (ADR) process to resolve the complaint.

A copy of this notice will be provided to the State Equal Opportunity Officer.

When Must A Discrimination Complaint Be Filed?

A complaint must be filed within 180 days of the alleged discrimination. However, for good cause shown, CRC may extend the filing time. This time period for filing is for the administrative convenience of CRC, and does not create a defense for the entity against which the complaint is filed.

Time Limits

The time limits for complaints are measured in calendar weeks (seven consecutive days). A time limit begins upon receipt of a written complaint whether or not the complaint received has sufficient information. Time limits have been established to ensure both speedy resolution of complaints and provide the necessary time for adequate review of all appropriate material. If the complainant fails to follow the time requirements of the complaint process, the complainant will be considered to have abandoned his/her complaint and the matter shall be considered resolved. In turn, failure by the EO Coordinator to make a decision within the allotted time at any step will allow the complainant to forward their complaint to the federal CRC.

What Information Must A Discrimination Complaint Contain?

The complaint must be filed in writing and must contain the following information:

- The complainant's name and address (or another means of contacting the complainant)
- The identity of the individual or entity that the complainant alleges is responsible for the discrimination (respondent).
- A description of the complainant's allegations must include enough detail to allow the investigator to determine: 1) who has jurisdiction over the complaint, 2) whether the complaint was filed in time, and 3) whether the complaint has apparent merit. In other words, whether the complainant's allegations, if true, would violate any of the nondiscrimination and equal opportunity provisions of WIA or 20 CFR Part 37, and,
- The complainant's signature or the signature of the complainant's authorized representative.

Confidentiality

It is the policy of the State of Oregon and the U.S. Department of Labor/CRC, that no one be punished or penalized for filing a complaint under WIA. It is also the policy not to disclose the identity of any person who has furnished information or assistance in the investigation of a WIA complaint unless absolutely necessary. Nor may any person, organization, or agency, discharge or in any way discriminate or retaliate against a person for filing a discrimination complaint or providing information to any proceeding or investigation.

Informal Resolution Of Discrimination Allegations

Nothing in Oregon or federal statutes or regulations precludes the use of informal mechanisms for the resolution of discrimination allegations under WIA. Complainants will be encouraged, but not required, to informally resolve such allegations. Every attempt will be made to resolve the issue at the WorkSource Oregon Center or location where they are received.

When a customer tells a WorkSource Oregon partner staff they want to make a discrimination complaint, the staff person shall both explore with the customer whether a misunderstanding may have occurred and offer the discrimination complaint process.

Customer allegations may be the result of miscommunication or misunderstanding and may not involve discriminatory acts. The staff person may need to consult with a supervisor, manager or regional/one-stop center EO Coordinator to informally resolve the allegations.

Investigation And Appeal Process

Any person who elects to file his or her complaint with the EO Coordinator at the WorkSource Oregon Center or regional level must allow 90 days for complaint investigation and decision-making.

Within those 90 days, if the EOC determines they do not have jurisdiction over the complaint, the EOC will notify the complainant immediately in writing. The notice must be in writing, and will include reasons for the determination. It will also notify the complainant of their right to file with the CRC within 30 days of that notice.

Within those 90 days, if jurisdiction is established, the agency complained against may offer to settle the complaint. The complainant may either accept the settlement or, within 30-days of the settlement offer, appeal to USDOL/CRC for their review.

Continued on next page >