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Governor

William H. Floyd, III
Executive Director

STATE INSTRUCTION NUMBER 24-10

To: Local Workforce Area Signatory Officials
Local Workforce Development Board Chairs
Local Workforce Area Administrators
DEW Area Directors
DEW Regional Managers

Subject: **Programmatic and Discrimination Complaint Procedures Under WIOA**

Issuance Date: May 13, 2025

Effective Date: Immediately

Purpose: To establish procedures for the timely investigation and resolution of noncriminal complaints and complaints of discrimination under the Workforce Innovation and Opportunity Act (WIOA). **This policy replaces State Instructions 16-14; 16-14, Change 1; 16-15; and 16-16.**

References:

- Workforce Innovation and Opportunity Act, Public Law 113-128, §§ 181(c) and 188
- 20 CFR Part 683; 29 CFR Part 38
- Training and Employment Guidance Letter (TEGL) 05-23
- State Instruction 24-04

Background: WIOA § 181 requires each state, local area, and direct recipient receiving funds under WIOA Title I to establish and maintain a procedure for filing grievances and complaints alleging violations of the requirements of WIOA Title I by participants and other interested parties.

WIOA § 188 prohibits discrimination on the basis 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, political affiliation or belief, or (against any beneficiary, applicant, or participant in programs financially assisted under Title I of WIOA) on the basis of the individual's citizenship status or participation in any WIOA Title I financially assisted program or activity.

Policy: All Department of Employment and Workforce (DEW), local workforce development area (LWDA), and sub-recipient employees must accept written programmatic or discrimination-related complaints submitted by a complainant or their designated representative. Under no circumstances should a complainant be asked to wait for another staff member to become available before their complaint can be received. All employees must promptly accept the complaint and ensure that the appropriate procedure is followed.

To submit a written complaint, the individual must complete the Unified Complaint Information Form, attached to this state instruction and available online at: <https://scworks.org/about-us/legal>.

The Local Equal Opportunity (EO) Coordinator for the LWDA must ensure programmatic staff provide initial and continuing notice to registrants, applicants, and participants that the program does not discriminate on any prohibited ground and that they have the right to file a programmatic or a discrimination-related complaint.

The ***Rights Handout for Registrants, Applicants, and Participants*** is attached to this state instruction and available online at: <https://scworks.org/workforce-system/document-directory>.

Programmatic Complaints

Each state, local area, and direct recipient of funds under WIOA Title I, except Job Corps, must establish and maintain a procedure for participants and other interested parties to file grievance and complaints alleging violations of the requirements of WIOA Title I. The grievance procedure requirements applicable to Job Corps are set forth in 20 CFR §§ 686.960 and 686.965.

LWDA procedures must provide:

1. A process for dealing with programmatic complaints
2. An opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the programmatic complaint
3. A process which allows an individual alleging a labor standards violation to submit the complaint to a binding arbitration procedure if a collective bargaining agreement covering the parties to the complaint so provides
4. An opportunity for a local level appeal to the State Office of Equal Opportunity (OEO) when:
 - a. No decision is reached within 60 days
 - b. Either party is dissatisfied with the local hearing decision, whether formally or informally resolved

Discrimination Complaints

Any person, or any specific class of individuals, may file a written complaint who believes that they have been or are being discriminated against on one or more prohibited bases or believes they have been or are being retaliated against, as described in 29 CFR § 38.69.

Each complaint must be filed in writing, either electronically or on paper, and must contain:

1. The complainant's name, mailing address, and, if available, email address or another means of contacting the complainant
2. The identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination)
3. Information to show when the alleged discrimination occurred and when this complaint was filed
4. Enough detail in the allegation of discrimination to indicate, if true, a violation of the nondiscrimination and EO provisions of WIOA
5. The written or electronic signature of the complainant or the complainant's representative

All discrimination complaints are forwarded to the State-level EO Officer within 24 hours from when the complaint was received. There is no option of an informal resolution within discrimination investigations.

The South Carolina Nondiscrimination Plan (NDP) details the obligations of the State OEO, in compliance with the federal guidance. The current NDP is available at <https://scworks.org/about-us/legal> and is updated by June 1st of every odd year.

Rights Handout for Registrants, Applicants, and Participants

Each Local EO Coordinator will ensure the *Rights Handout for Registrants, Applicants, and Participants* is provided to each registrant, applicant, and participant, and completed with the contact information applicable for the area. A signed copy of the handout must be placed in each applicant's/participant's file, both as paper and electronic files if both are maintained. The handout must be provided in suitable formats to individuals with visual impairments. A copy of the LWDA's Babel Notice must also be disseminated and distributed to all participants.

The most current version of the handout can be found at <https://scworks.org/workforce-system/document-directory>.

NOTE: Nothing contained in the handout shall be deemed to prejudice the separate exercise of other legal rights in pursuit of remedies and sanctions available outside of WIOA.

Action: Each Local Workforce Development Board (LWDB) must ensure that all program staff, operators, and service provider staff in its area receive and comply with the ***Unified Procedure for Filing Programmatic and Discrimination-Related Complaints Under WIOA***, attached to this state instruction.

The ***Unified Complaint Information Form***, attached to this state instruction, must be made available to all interested individuals, as effectively to individuals with disabilities as it is to others, and in appropriate languages to ensure meaningful access to Limited English Proficient (LEP) individuals. The form is available for local areas to access, link, and/or print as needed at: <https://scworks.org/about-us/legal>.

NOTE: Nothing in these procedures precludes a grievant or complainant from pursuing a remedy authorized under another federal, state, or local law.

Inquiries: Questions may be directed to WorkforcePolicy@dew.sc.gov.

Nina Staggars

Nina Staggars, Assistant Executive Director
Workforce Development Division

Attachments:

- Procedure for Filing Programmatic and Discrimination Complaints
- Unified Complaint Information Form
- Programmatic & Discrimination Complaints Timelines
- Rights Handout for Registrants, Applicants, and Participants

South Carolina Department of Employment and Workforce
Office of Equal Opportunity

**PROCEDURES FOR FILING PROGRAMMATIC AND
DISCRIMINATION COMPLAINTS UNDER WIOA**

The complaint procedures allow for the resolution of violations of the Workforce Innovation and Opportunity Act (WIOA) Title I requirements at the most local level possible.

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I. PROGRAMMATIC OR DISCRIMINATION RELATED COMPLAINT?

The two types of complaints look very similar, both having an issue related to a recipient as defined under the WIOA laws. The differences are as follows:

- A **programmatic grievance or complaint** is governed by WIOA § 181 and 20 CFR Part 683. It is any complaint not alleging discrimination on a protected basis.

Within this guidance, this will be referred to as **programmatic complaints**.

- A **discrimination related complaint** is governed by WIOA § 188 and 29 CFR Part 38. The complaint alleges discrimination on one or more of the following bases:

- | | | |
|--------------------------------------|--------------------------------------|--|
| - Race | - Sex | - Citizenship |
| - Color | - Age | (participants only) |
| - National Origin
(Including LEP) | - Religion | - WIOA Participant Status
(participants only) |
| - Disability | - Political Affiliation
or Belief | |

Within this guidance, this will be referred to as **discrimination complaints**.

II. DEFINITIONS

The following terms, when used in this guidance, have the following meanings, unless otherwise indicated:

- **Complainant:** the person who filed a complaint or on whose behalf a complaint was filed by an authorized representative.
- **Recipient:** An entity that receives financial assistance under WIOA Title I, either directly from the Department of Labor (DOL) or through the Governor or another recipient (including any successor, assignee, or transferee of a recipient), and includes, but is not limited to:
 - An entity to which financial assistance under WIOA Title I is extended
 - One-Stop partners, as defined in WIOA § 121(b), to the extent that they participate in the one-stop delivery system
- **Respondent:** A grant applicant or recipient against which a complaint has been filed under the nondiscrimination and equal opportunity (EO) provisions of WIOA.
- **Participant:** an individual determined to be eligible to participate in, and who is receiving any aid, benefit, service, or training under a program or activity financially assisted in whole or in part under WIOA Title I. This includes, but is not limited to:

- Individuals receiving any service(s) under South Carolina Employment Services (ES) programs
- Claimants receiving any service(s) or benefits under South Carolina Unemployment Insurance (UI) programs.

III. WHO MAY FILE

All Department of Employment and Workforce (DEW), local workforce development area (LWDA), and sub-recipient employees are required to accept written programmatic or discrimination complaints submitted by a complainant or their designated representative. Under no circumstances should a complainant be asked to wait for another staff member to become available before their complaint can be received. All employees must promptly accept the complaint and ensure that the appropriate procedure is followed.

Programmatic Complaints:

Any individual or other interested party who alleges violations of the requirements of WIOA Title I or who wishes to complain about their treatment during the registration, application, and certification process or as a WIOA program participant. Individuals and other interested parties may include businesses, applicants, registrants, service providers, one-stop providers, eligible training providers, or customers of the SC Works centers.

Discrimination Complaints:

Any person, or specific class of individuals, who believes they have been or are currently being discriminated against on one or more prohibited bases or believes they have been or are currently being retaliated against have the right to file a complaint within 180 days of the alleged violation. Individuals may file the complaint themselves or through an authorized representative.

DID YOU KNOW? — EMPLOYMENT SERVICES COMPLAINT SYSTEM

The Wagner-Peyser Act has its own complaint system, as required by 20 CFR § 658.410, known as the Employment Services or ES Complain System. It can take complaints from individuals, employers, organizations, associations, and other entities (like partners). Complaints can be filed about the following:

- Employment services provided by a State Workforce Agency or SC Works center
- Employers involving employment-related laws

NOTE: LWDA EO Coordinators should be aware that the ES complaint process is separate from the WIOA process, has different regulatory time frames, and a different complaint form, found here: [Form ETA-8429](#).

An individual may file a complaint about violations of employment laws or an experience seeking job information, job referral services, or any other employment service through an SC Works center. Some complaints may overlap with WIOA complaints, so it's important to ensure both processes are coordinated to effectively address all issues and protect jobseekers' rights.

If the complaint impacts the delivery of employment services at the center or if you are unsure, please alert the LWDA ES Complaint System Representative. To find out who the LWDA ES Complaint System Representative is, please refer to the ES Complaint System poster or visit <https://scworks.org/escomplaint>. For more information about the ES Complaint System, please visit <https://www.dol.gov/agencies/eta/agriculture/monitor-advocate-system/resources>.

IV. WHEN AND HOW TO FILE

Individuals seeking to file a complaint must do so **within 180 days** of the alleged violation. The complainant or complainant's representative must complete, sign, and submit the *Unified Complaint Information Form* available at: <https://scworks.org/about-us/legal>.

Programmatic Complaints:

A. Local Level

1. The LWDA EO Coordinator must review the submitted *Unified Complaint Information Form* and remain responsible for the integrity of the process.
2. If complaints are received by the State but can be addressed locally, the State-level EO Officer will:
 - a. Return the complaint to the LWDA with written notice **within 10 days** of receipt of the complaint
 - b. Provide a copy of the notice to the complainant
3. If no resolution is reached **within 60 days** of submitting the *Unified Complaint Information Form*, or either party is dissatisfied with the LWDA decision, the party can file an appeal to the State-level EO Officer.

B. State Level

1. The State-level EO Officer will review the following:
 - a. Appeals of decisions made at the local level during the complaint process
 - b. Complaints filed by parties unable to use the LWDA complaint process
 - c. Complaints from training providers denied eligibility or adversely affected by a LWDB or an SC Works center operator
2. Appeal must be filed in writing **within 15 days** from the date on which the Notice of Final Action is received from the LWDA.

NOTE: Appeals must include all original complaint documentation submitted to the LWDA. Only information received during the initial investigation will be allowed in the appeal process.

Discrimination Complaints:

1. All discrimination complaints are investigated at the State level.
 - a. The State-level EO Officer must review the submitted *Unified Complaint Information Form*.
2. A discrimination complaint must include the following:
 - a. The complainant's name, mailing address, and, if available, email address or other means of contacting the complainant
 - b. The identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination)
 - c. Information to show when the alleged discrimination occurred and when this complaint was filed
 - d. Enough detail in the allegations of discriminations to indicate, if true, a violation of the nondiscrimination and EO provisions of WIOA
 - e. The written or electronic signature of the complainant or the complainant's representative
3. The complainant may also file directly with the DOL Civil Rights Center (CRC) at: <https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/external/how-to-file-complaint>.
4. The complaint can be filed by contacting one of the following:

Office of Equal Opportunity SC Department of Employment and Workforce P.O. Box 908 Columbia, SC 29202 complaints@dew.sc.gov Fax: (803) 737-0124	South Carolina Human Affairs Commission 1026 Sumter Street, Suite 101 Columbia, SC 29201 information@schac.sc.gov Fax: (803) 737-7835
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Director, Civil Rights Center ATTENTION: Office of External Enforcement US Department of Labor 200 Constitution Avenue NW, Room N-4123 Washington, DC 20210 Email: CRCEXternalComplaints@dol.gov Fax: (202) 693-6505	U.S. Equal Employment Opportunity Commission Greenville Local Office 301 N. Main Street, Suite 1402 Greenville, SC 29601 Phone: 1-800-669-4000 https://publicportal.eeoc.gov/
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V. INITIAL REVIEW OF WRITTEN COMPLAINTS

Programmatic Complaints:

A. Local Level

1. The LWDA EO Coordinator will provide written acknowledgement to all affected parties **within 10 days**, which must include these elements:
 - a. A summary of the allegations submitted
 - b. The date, time, and place of the meeting or hearing with the reviewer
 - c. Notice of the following:
 - i. The complainant may be represented by an attorney.
 - ii. The complainant may present testimonial and documentary evidence and that this is the only opportunity to do so.
 - iii. If the LWDA does not reach a decision **within 60 days**, the complainant may file an appeal to the State-level EO Officer.
2. The LWDA may provide for **an informal resolution** of a complaint, which may be completed before the hearing date.

B. State Level

1. The State-level EO Officer will provide written acknowledgement to all affected parties **within 10 days**, which must include these elements:
 - a. A summary of the allegations submitted
 - b. The date, time, and place of the meeting or hearing with the reviewer
 - c. Notice of the following:
 - i. The complainant may be represented by an attorney.
 - ii. For complaints filed directly with the State, the complainant may present testimonial and documentary evidence. A hearing will be held **within 60 days**, if an informal resolution has not been reached.
 - iii. For appeals of the LWDA decision, the State-level EO Officer will give Notice of Final Action based on the already-presented evidence.

- iv. If the State-level EO Officer does not issue a State-level Notice of Final Action **within 60 days**, the party may file an appeal to DOL.

NOTE: Individuals in complaint investigations are protected from retaliation. Limited English Proficiency (LEP) individuals and individuals with disabilities can have translators, interpreters, readers, and/or a representative of their choice during the complaint process.

Discrimination Complaints:

1. All discrimination complaints are forwarded to the State-level EO Officer **within 24 hours** from when the complaint was received.
2. The LWDA EO Coordinator will record all complaints passing through the LWDA on the Local Discrimination Complaint Log, including:
 - a. The complainant's name and address
 - b. The basis of the complaint
 - c. A brief description of the complaint
 - d. The disposition of the complaint (ex: "forwarded to the State-level EO Officer")
 - e. The date of the disposition (the date forwarded)
3. The State-level EO Officer will record the complaint on the State Discrimination Log and verifies the complaint includes the following:
 - a. The complainant's name, address, and other contact information
 - b. The identity of the individual or entity the complainant alleges is responsible for the discrimination
 - c. A description of the alleged discrimination in enough detail to permit an initial determination of jurisdiction, timeliness, and apparent merit of the claim
 - d. The signature of the complainant or authorized representative

VI. COMPLAINT INVESTIGATIONS

Programmatic Complaints:

A. Local Level

1. The LWDA EO Coordinator will issue a Notice of Final Action to the complainant **within 60 days** from receipt of the complaint.
2. If an informal resolution was agreed upon, the decision must summarize the resolution. If no informal resolution was reached, the decision must also contain the following:
 - a. The reasons supporting the decision
 - b. A brief description of the investigation process used to reach the decision

- c. Notice that the decision does not preclude the complainant from pursuing a remedy authorized under federal, state, or local law
- 3. If the Notice of Final Action is not given or if either party disagrees with the Notice, that party may file an appeal to the State-level EO Officer **within 15 days**.

B. State Level

- 1. The State-level EO Officer will issue a Notice of Final Action to the complainant **within 60 days** from receipt of the appeal.
- 2. If an informal resolution was agreed upon, the Notice of Final Action must summarize the resolution. If no informal resolution was reached, the Notice of Final Action must contain the following:
 - a. The reviewer's decision and the reasons supporting the decision
 - b. A brief description of the investigation process used to reach the decision
 - c. Notice that the complainant may seek a remedy authorized under another federal, state, or local law
- 3. If the Notice of Final Action is not given or if either party disagrees with the Notice, that party may file an appeal to the U.S. Secretary of Labor **within 60 days**.
 - a. The Secretary of Labor must make a final decision on an appeal **no later than 120 days** after receiving the appeal.
 - b. Appeals to the Secretary of Labor must be sent to the DOL National Office via certified mail with return receipts requested. Copies must be provided to the DOL Employment and Training Administration (ETA) Regional Administrator and DEW at:

Secretary, U.S. Department of Labor Attn: Assistant Secretary of ETA 200 Constitution Avenue, NW Washington, DC 20210	ETA Regional Administrator Office of Regional Administrator U.S. Department of Labor 61 Forsyth St. SW, Room 6M12 Atlanta, GA 30303
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Discrimination Complaint:

- 1. The State-level EO Officer is responsible for determining the appropriate jurisdiction over the complaint. Jurisdiction refers to who has the authority to decide whether or not discrimination has occurred.

NOTE: Discrimination complaint investigations cannot be resolved through informal resolution.

- a. No Jurisdiction: When the State-level EO Officer determines that they do not have jurisdiction over the complaint or the complaint has been filed after 180 days from the alleged discrimination, the State-level EO Officer must notify the complainant(s) in writing **within 5 business days** and include the following information:
 - i. A statement of the reason(s) for that determination
 - ii. Notice that the complainant has a right to file an appeal with the CRC **within 30 days** of the date on which they received notice
 - b. Yes Jurisdiction: When the State-level EO Officer determines that they have jurisdiction over the complaint, the State-level EO Officer must provide an initial, written notice to the complainant containing the following information:
 - i. An acknowledgement that DEW has received the complaint
 - ii. The “Equal Opportunity Is the Law” Notice
 - iii. Notice that, during the complaint process, the complainant has these rights:
 - a. May be represented by an attorney
 - b. Is protected from retaliation
 - c. LEP individuals and individuals with disabilities can have translators, interpreters, readers and/or a representative of their choice.
 - iv. A written statement of the issue(s) that will include the following:
 - a. A list of the issues raised in the complaint
 - b. For each issue, a statement of whether DEW will accept or reject the issue for investigation, and the reasons for each rejection
2. The State-level EO Officer has **90 days** to resolve the complaint.
- a. Options for resolution must include alternative dispute resolutions (ADR), at the complainant’s choice, with the following information:
 - i. The complainant can pursue ADR any time after filing the complaint, as long as a Notice of Final Action has not been issued.
 - ii. If an agreement reached under ADR is breached, the non-breaching party may notify the Director of the CRC **within 30 days** on the information of the alleged breach.
 1. If the agreement has been breached, the complaint will be reinstated and processed in accordance with Office of Equal Opportunity (OEO) procedures.
 - iii. If the parties do not reach an agreement under ADR, the complainant may file an appeal with the CRC.

3. The State-level EO Officer must provide a written Notice of Final Action to the complainant within **90 days** of the date on which the complaint was filed, that contains the following:
 - a. For each issue raised in the complaint, a statement of either:
 - i. The State's decision and an explanation of the reason
 - ii. A description of the way the parties resolved the issue
 - b. Notice that the complainant has a right to file a complaint **within 30 days** with CRC if either of the following is true:
 - i. No decision is issued after the 90-day period
 - ii. The complainant is dissatisfied with the State's decision as stated in the Notice of Final Action

VII. CORRECTIVE ACTIONS

If a complaint is confirmed during the investigation, the respondent will be asked to voluntarily take corrective actions or agree to a resolution to address the issue. It is the responsibility of OEO to provide technical assistance and evaluate progress made toward the completion of corrective actions.

NOTE: In a discrimination investigation, if a respondent fails to comply, DEW will proceed with State-issued sanctions procedures.

Actions to correct both complaint deficiencies may include the following:

- Rewriting policies
- Reinstatement to program or employment
- Granting benefits or other services denied
- Any other remedial or affirmative relief, such as outreach, recruitment, and training to ensure equal opportunity

VIII. REMEDIES/SANCTIONS THAT MAY BE IMPOSED

Remedies are defined as the potential level of consequences for any programmatic or discrimination violation.

Programmatic Complaints:

Remedies that may be imposed for a violation (WIOA § 181(c)(3)):

- a. Suspension or termination of payments under WIOA Title I
- b. The prohibition of placement of a participant with an employer that has violated any WIOA § 181(c) requirement

- c. Where applicable, the reinstatement of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment
- d. Where appropriate, other equitable relief

Discrimination Complaints:

Remedies that may be imposed for a violation (WIOA § 188(b), (c)):

- a. Injunctive Relief: a remedy which restrains a party from doing certain acts or requires a party to act a certain way
- b. Restitution: a remedy that involves payment made, or giving of an equivalent value, to compensate for damages or loss
- c. Damages: a remedy of monetary compensation awarded by a court to an injured party

IX. RECORDKEEPING

DEW will include the following information in a log of complaints:

- Name and address of complainant
- The basis of the complaint
- A description of the complaint
- The date the complaint was filed
- The final decision of a complaint and the date of decision
- Any other relevant information

All records pertaining to complaints, investigations, or any other such actions will be retained for **a minimum of 3 years** from the date of the resolution.

The identity of anyone who provides information or assistance in an investigation or review will be kept as confidential as possible. If their identity must be disclosed, steps will be taken to protect them from retaliation. Their information can only be used for the following purposes:

- a. Recordkeeping and reporting
- b. Assessing whether an entity operates its WIOA-funded programs or activities in a nondiscriminatory way
- c. Other uses allowed under WIOA's nondiscrimination and EO provisions

X. INTIMIDATION AND RETALIATION ARE PROHIBITED

WIOA and DEW's OEO prohibits intimidation and retaliation against individuals for the following reasons:

- Filing a complaint
- Opposing a prohibited practice
- Providing information
- Helping with an investigation, review, hearing, or any other related activity

Recipient programs or activities that engage in retaliation or fail to prevent it may face penalties as outlined in WIOA §§ 181(c)(3) and 188(b), (c).

XI. RELEVANT CONTACT INFORMATION

DEW Office of Equal Opportunity SC Department of Employment and Workforce P.O. Box 908 Columbia, SC 29202 Email: complaints@dew.sc.gov Fax: (803) 737-0124	Office of Internal Audit / State Monitor Advocate SC Department of Employment and Workforce P.O. Box 995 Columbia, SC 29202 Email: SMA@dew.sc.gov
SC Human Affairs Commission 1026 Sumter Street, Suite 101 Columbia, SC 29201 Email: information@schac.sc.gov Fax: (803) 737-7835	ETA Regional Administrator Office of Regional Administrator U.S. Department of Labor 61 Forsyth St SW, Room 6M12 Atlanta, GA 30303
U.S. Equal Employment Opportunity Commission Greenville Local Office 301 N. Main Street, Suite 1402 Greenville, SC 29601 Phone: 1-800-669-4000 https://publicportal.eeoc.gov/	Director, Civil Rights Center Attn: Office of External Enforcement US Department of Labor 200 Constitution Avenue NW, Room N-4123 Washington, DC 20210 Email: CRCExternalComplaints@dol.gov Fax: (202) 693-6505
Secretary of Labor Attn: Assistant Secretary of ETA U.S. Department of Labor 200 Constitution Avenue, NW Washington, DC 20210	

Part I. Instructions

Please read the form carefully. Type or print your answers. Answer each question as completely as possible. If you do not know the answer to a question, please respond that “do not know.” If the question doesn’t apply to your complaint, please respond “N/A.” If you cannot fit your whole answer in the space provided, you may add additional pages.

The South Carolina Department of Employment and Workforce’s Office of Equal Opportunity (OEO) requests the personal information within this form only for the purpose of carrying out authorized activities in compliance with the Workforce Innovation and Opportunity Act. OEO will not release personal information to any person or entity unless release is required by the Freedom of Information Act, or unless it is necessary in the investigation of your complaint.

No law requires that a complainant reveal personal information to the Office of Equal Opportunity. However, if OEO cannot obtain information needed to fully investigate the allegations within the complaint, OEO may close the case.

* The complainant is the participant, or other interested party, alleging the violation of WIOA Title I requirements.

* A discrimination complaint must include:

- 1) Complainant’s name, mailing address, and if available email address or other means of contacting the complainant.
- 2) Identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination).
- 3) Information to show when the alleged discrimination occurred and when this complaint was filed.
- 4) Enough detail in the allegations of discriminations to indicate, if true, a violation of the nondiscrimination and equal opportunity provisions of WIOA.
- 5) Written or electronic signature.

S.C. Department of Employment and Workforce
Office of Equal Opportunity: WIOA Unified Complaint Information Form

You may submit your complaint by mail, email or fax to:

Mail: Office of Equal Opportunity
 South Carolina Department of Employment and Workforce
 P.O. Box 908
 Columbia, SC 29202

Email: complaints@dew.sc.gov

Fax: (803) 737-0124

Part II. Contact Information

1. Complainant Information

Name (Last, First, Middle Initial)

Mailing Address (No., Street, Apt) (City, State, ZIP Code)

Phone Number E-Mail

Alternate Phone Number Alternate E-mail

2. Representative Information ☐ Not Applicable

Name (Last, First, Middle Initial)

Mailing Address (No., St., Apt) (City, State, ZIP Code)

Phone Number E-mail

If you are the representative filing out the complaint, attach a letter or other document signed by the complainant, authorizing you to serve as the representative.

3. Agency, organization, or business that you are complaining about

Name

Mailing Address (No., St, Apt) (City, State, ZIP Code)

Phone Number E-mail

4. If applicable, individuals who conducted the action you are complaining about

Name Job Title

Phone Number E-mail

III. Complaint Details

5. What program(s) was involved? (check all that apply)

Workforce Innovation and Opportunity Act Program

Older Workers Program (Senior Community Service Employment Program)

Indian/Native American Program

Migrant and Seasonal Farm Workers Program

Vocational Rehabilitation

Job Corps Program

Unemployment Insurance

Employment Service or Job Service

Trade Assistance Act Program

SC Works Center

Other _____

Do not know

6. Are you alleging discrimination based on a protected class?

Yes

No

If yes, what do you think is the basis/reason for the alleged discrimination?
(check all that apply)

National Origin

Limited English Proficiency

S.C. Department of Employment and Workforce
Office of Equal Opportunity: WIOA Unified Complaint Information Form

Race

Sex

Gender Identity

Sexual Orientation

Age

Political Affiliation/Belief

Disability

Citizenship

Participation in a program that receives federal financial assistance

Retaliation: Retaliated against because I complained about discrimination, or because I gave a statement or was involved in some other way with some-one else's discrimination complaint.

7. Please provide a statement of what happened. If you (or someone else) was harmed by what happened, explain how you were harmed. If you are alleging discrimination, for each basis/reason check above, please explain how or why you think what happened was because of the basis you checked.

8. Date(s) alleged incident took place?

9. If the date of the most recent action was more than 180 days ago, please explain why you did not file a complaint before now.

10. List any other people you believe should be contacted about your complaint. Please include their name, relationship to the case (witness, supervisor, etc), and a contact number.

Name	Relationship	Contact Number
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Name	Relationship	Contact Number
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Name	Relationship	Contact Number
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11. If you have filed a written complaint with anyone else, such as the Department of Labor, Equal Employment Opportunity Commission (EEOC), or any other organization, about the same events, please provide the organization name, date filed, contact working the complaint (if known), and mailing address.

If another organization has already issued you a decision, dismissal, right-to-sue letter, or other written response, please include a copy.

12. What outcomes or remedies are you hoping to receive?

IV. Signature

I have read and understand that my identity may be disclosed during the investigation of my complaint. All information I have provided in this complaint is true and accurate to best of my knowledge. I request that OEO process my complaint.

Signature: _____

Name: _____

Date: _____

Any party wishing to file a complaint, must do so **within 180 days** of the alleged violation by completing the *Unified Complaint Information Form**.

<u>Programmatic Complaints:</u>	<u>Discrimination Complaints:</u>
Within 10 Days of receipt of the complaint, the LWDA EO Coordinator will provide written acknowledgement to all affected parties.	Within 24 Hours of when a complaint is given, it is forwarded to the State level. All discrimination complaints are handled at the State level.
Within 60 Days of receipt of the complaint, the LWDA EO Coordinator issues a written Notice of Final Action. - Informal resolution is allowed.	Within 90 Days of receipt, the State-level EO Officer issues a written Notice of Final Action. - Informal resolution is NOT allowed.
If the complainant doesn't receive a Notice or disagrees with the Notice, they can file an appeal with the State-level EO Officer within 15 Days . - The State-level EO Officer will not investigate until the 60-day period ends AND the complainant files an appeal.	OR If the State-level EO Officer does not have jurisdiction (authority) to handle the complaint, within 5 days of the complaint, the State-level EO Officer will notify the complainant. - The complainant may submit their complaint within permitted timeframes through a complaint system that does have jurisdiction.
Within 10 Days of receipt of the appeal, the State-level EO Officer will provide written acknowledgement to all affected parties.	If either party doesn't receive a Notice or disagrees with the Notice, they can file an appeal with the CRC within 30 days .
Within 60 Days of the appeal, the State-level EO Officer issues a written Notice of Final Action.	- The CRC Director may extend time limits for good cause.
If the complainant doesn't receive a Notice or disagrees with the Notice, they can file an appeal with the U.S. Secretary of Labor within 60 days .	
Within 120 Days of receiving the State-level decision appeal, the Secretary will make a final decision.	

* The Unified Complaint Information Form is available online: <https://scworks.org/about-us/legal>.

WORKFORCE INNOVATION AND OPPORTUNITY ACT

Rights Handout for Registrants, Applicants, and Participants

EQUAL OPPORTUNITY IS THE LAW

Under the Workforce Innovation and Opportunity Act (WIOA), no individual may be excluded from participation in, denied the benefits of, subjected to discrimination under, denied employment in the administration of, or in connection with, any program or activity 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. It is also unlawful to discriminate against any beneficiary of programs receiving money under WIOA Title I on the basis of citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any program or activity receiving money from WIOA Title I.

The program or activity must not discriminate in any of the following areas: deciding who will be admitted or have access to any WIOA Title I financially assisted program or activity; providing opportunities in, or treatment of any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

HOW TO FILE A COMPLAINT OF DISCRIMINATION

You must file your complaint, in writing, within 180 days from the date you believe the alleged discriminatory action happened. You may file your complaint with the State-level Equal Opportunity (EO) Officer or the Director of the Civil Rights Center (CRC) of the U.S. Department of Labor (DOL).

If you choose to file at the State level, you may use the Office of Equal Opportunity WIOA Unified Complaint Form available at: <https://scworks.org/about-us/legal>. Mail, email, or fax your complaint to:

Ms. Valerie McMellan, State EO Officer
S.C. Department of Employment and Workforce
Post Office Box 908
Columbia, SC 29202
Email: OEO@dew.sc.gov
Fax: (803) 737-0124

If you choose to file at the CRC level, you may use the Complaint Information Form available through the CRC Website: <https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/external/how-to-file-complaint>. Address your complaint to:

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

If you file your written complaint with the State-level EO Officer, you must wait until you receive a written Notice of Final Action or until 90 days have passed (whichever is sooner) before filing with the CRC. In the event you receive a Notice of Final Action and are dissatisfied with the decision, you may file a written

complaint with CRC within 30 days of the date on which you received the Notice of Final Action. In the event you do not receive a Notice of Final Action within 90 days of your complaint, you do not have to wait for the written Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after you filed your original complaint).

NOTE: You may request assistance in preparing your written complaint. You may have legal representation and/or witnesses to support your position. You may present evidence.

RIGHT TO FILE A PROGRAMMATIC COMPLAINT

You also have the right to file a programmatic complaint over matters that do not involve discrimination. For example, you may file a complaint if you feel that you have been treated unfairly, denied access to any WIOA program or activity, or if you feel that there has been a violation of WIOA, its regulations, or any applicable grant or training agreement.

HOW TO FILE A PROGRAMMATIC COMPLAINT

If you wish to complain about your treatment during the registration, application, and certification process, or as a WIOA program participant, you must file your written complaint within 180 days of the alleged occurrence. You should contact the following person for help in the use of the appropriate complaint procedures:

Name: _____ Title: _____

Service Provider/Operator: _____ Email: _____

Telephone Number: _____ Relay/TTY: _____

If your complaint is not resolved to your satisfaction, you can contact the Local EO Coordinator, as follows:

Name: _____ Title: _____

Address: _____ Email: _____

Telephone Number: _____ Relay/TTY: _____

If you don't receive a decision from the Local EO Coordinator within 60 days, you may file a written appeal to the State EO Coordinator within 15 days of the date the decision was due. If you are dissatisfied with the decision of the Local EO Coordinator, you may file a written appeal to the State EO Coordinator within 15 days of receipt of the adverse decision. Use the Office of Equal Opportunity WIOA Unified Complaint Information Form available at: <https://scworks.org/about-us/legal>. Mail, email, or fax your complaint to:

Ms. Amy Proveaux, State EO Coordinator
S.C. Department of Employment and Workforce
Post Office Box 908
Columbia, SC 29202
Email: OEO@dew.sc.gov
Fax: (803) 737-0124

The State EO Coordinator will issue a decision within 60 days after receiving your written appeal. If you do not receive a decision within 60 days after filing your appeal to the State EO Coordinator or if you are dissatisfied with the State EO Coordinator's decision, you may appeal to DOL within 60 days of receipt of the decision or within 60 days of receiving no decision. You can contact DOL, as follows:

Regional Administrator
Employment and Training Administration, U.S. Department of Labor
Sam Nunn Atlanta Federal Center, Room 6B65
61 Forsyth Street, S.W.
Atlanta, GA 30303

I certify that I have read, understand, and have received a copy of this handout explaining the grievance procedures.

Signature

Customer Name (Print)

Date

I certify that I have explained this handout to the above customer.

Staff Signature

Date
