

NONDISCRIMINATION, EQUAL OPPORTUNITY, GRIEVANCE AND CRIMINAL COMPLAINT POLICY AND PROCEDURE NOTICE

You are being enrolled as a participant in a program made possible by funding and support from the Workforce Services Division of the State of California (WSD). The Workforce Partnership administers federal, state and local grants to address workforce issues for the San Diego region.

The Orange Coast College Subgrant (the subgrantee) is funded by the WSD to provide program services and/or training. The WSD or its service providers is responsible for ensuring that there is a process in place to resolve program complaints and to report criminal activities. No person or agency receiving funding from the WSD may violate the provisions of the legislation governing those funds. All persons filing a complaint or a criminal report shall be free from coercion, reprisal, or discrimination.

In order to determine the procedure to use in response to a complaint, it is first necessary to determine which category the complaint falls under, since each type has different filing timelines and resolution requirements. There are three distinct types of complaints or reports, as follows:

1. Nondiscrimination and Equal Opportunity Complaint - (Non-criminal) The WSD and its service providers are dedicated to providing equal opportunity to all services. It is against the law for recipients of federal funds to discriminate on the following bases:

- Against any individual in the United States (U.S.) on the basis of race, color, religion, gender, sexual orientation, national origin, age, disability, political affiliation or belief; and
- For beneficiaries only, citizenship or participation in a WIA Title I financially assisted programs or activity.

Recipients of federal funds must not discriminate in any of the following areas:

- Deciding who will be admitted, or have access to any WIA Title I Grant funded programs or activities;
- Providing opportunities to participate in, or in the treatment of any person participating with regard to such programs or activities;
- Making employment decisions in the administration of, or in connection with such programs or activities.

In order to file this type of complaint, follow the directions on the "Equal Opportunity is the Law" notice provided to you. Equal Opportunity and Nondiscrimination Complaints must be reported within 180 days of the alleged violation.

2. Program Grievance/Complaint - (Non-criminal) This type of complaint results from misunderstandings and/or objections regarding programs or activities from program participants, contractors, subcontractors, and other interested persons. If a service provider receives a complaint from an individual, applicant, participant, or employee against any of the WSD-funded programs, an attempt must first be made to resolve the problem at the source through the director (or his/her designee) of the program where the complaint has occurred. If there is not a resolution of the complaint at the Service Provider level within five (5) working days, or if the resolution received is not satisfactory, then the individual must be instructed on how to proceed with filing a formal written grievance/complaint with the WSD or its service providers, within one year of the alleged violation, by contacting or submitting a written report to:

Corine Doughty
Director, Career Services &
Designated Subgrant E.O. Officer
Orange Coast College
2701 Fairview Dr., Watson Hall, 3rd Floor
Costa Mesa, 92626 CA
Phone: (714) 432-5628
cdoughty@occ.cccd.edu
TDD: (714) 432-5056

Or

The Director
Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue, N.W.,
Room N - 4123
Washington, D. C. 20210
Phone (202) 219-8927



The State Employment Development Department (EDD) policies require that the following information regarding the program grievance/complaint process be provided to individuals, applicants and participants in the program grievance/complaint policy notification:

Filing a Complaint

- Initial and continuing notice of the local grievance and complaint procedures and instructions on how to file a complaint must be made available to each participant;
- Where a hard copy case file is maintained, a copy of an acknowledgement of receipt of the local grievance and complaint procedures shall be signed by the participant and included in each participant's case file;
- Where an electronic case file is maintained, staff must make a note indicating that this notification did occur, the date of the notification, and the name of the staff person who provided it.
- All grievances or complaints, amendments, and withdrawals must be in writing;
- Complainants have the right to be represented, at their own expense, by a person(s) of their choosing, at all levels of the grievance or complaint process;
- The WSD or its service providers has the responsibility to provide technical assistance in filing a grievance or complaint to the complainants, including with those grievances or complaints against the WSD or its service providers;
- The official filing date of the grievance or complaint is the date that the written grievance or complaint is received by the WSD, its service providers, or their subcontractors;
- The one-year time period in which a grievance or complaint may be filed is not extended for grievances or complaints that are re-filed with amendments;
- The WSD or its service providers shall send a copy of the written grievance or complaint to the respondent;
- Respondents must make good faith efforts to resolve all grievances or complaints prior to a scheduled hearing;
- When the complaint has been resolved through the informal resolution process, the WSD or its service providers shall attempt to contact the complainant and have him or her provide a written withdrawal of the complaint within 10 days of the receipt of the notice of resolution or impasse, where a complainant decides not to proceed to an administrative hearing.

Hearing

- Under WIA, the WSD or its service providers must assure that every grievance or complaint not resolved informally, or not withdrawn, is given a hearing regardless of the grievance or complaint's apparent merit or lack of merit;
- Hearings on any grievance or complaint shall be conducted within 30 days of the filing of a grievance or complaint;
- The complainant and the respondent must be notified in writing of the hearing 10 days prior to the date of the hearing;
- The hearing will be conducted in an informal manner, with strict rules of evidence not being applicable, and according to the procedures established by the WSD or its service providers. Both parties will have the right to present written and/or oral testimony and arguments; the right to call and question witnesses in support of their position; the right to examine records and documents relevant to the issues; and the right to be represented, at their own cost. The hearing must be recorded electronically or by a court reporter;
- Grievances or complaints may be withdrawn at any time prior to the issuance of the hearing officer's decision;
- Not later than 60 days after the filing of the grievance or complaint, the hearing officer shall mail a written decision to both parties by first class mail.



Appeal Process

- If a complainant does not receive a decision at the WSD or its service providers level within 60 days of the filing of the grievance or complaint, or receives an adverse decision, the complainant then has the right to file an appeal with the State Compliance Review Division at the address below:

Compliance Resolution Unit Supervisor
 Chief, Compliance Review Division, MIC 22-M
 Employment Development Department
 P.O. Box 826880
 Sacramento, CA 94280-0001
 (916) 653-3270

3. **Criminal Activity Reporting** - This type of complaint is in regards to information and allegations involving fraud, waste, abuse, or other criminal activity. The detecting entity is required to prepare a written incident report within one workday of detection or discovery of information alleging fraud, abuse or any other criminal activity involving WIA funds. Allegations considered to be of an emergency nature may be reported immediately, locally to the Subgrantee's designated E.O. Officer (see contact information above), or at the State level to the Compliance Resolution Unit Supervisor at (916) 653-3270, or a written report can be sent to the address provided above.

Another option available to report criminal activity is a hotline established by the Department of Labor/Office of Inspector General (DOL/OIG) to allow employees and the public to notify OIG regarding suspected fraud, abuse, or waste at (800) 347-3756, by fax (202) 693-7020, or at their website at www.oig.dol.gov/contact.htm, or by mail to:

Office of Inspector General
 United States Department of Labor
 200 Constitution Avenue, N.W., Room 2-5506
 Washington, D.C. 20210

You may obtain required forms and instructions on the complaint procedures from either, subgrantee's E.O. Officer, the OCC website, the OCC Consumer and Health Sciences Division Office, or by contacting the WSD staff listed above. The WSD or its service providers will respond to complaints within 30 days of the filing date and will render decisions within 60 days of the filing date for program complaints and within 90 days of the filing date for EO/nondiscrimination complaints. Complaints of criminal activity will be responded to immediately. If you have any questions, or if you have suggestions for making our programs or organization more accessible, please feel free to let us know.

By initialing the appropriate area on the Universal Participant Authorization Form (UPAF) and providing your signature, you acknowledge that have been informed of and received a copy of the Equal Opportunity is the Law notice and the Program Grievance and Criminal Complaint Policy Notice. Additionally you acknowledge that you have been informed of the public postings of notices described above.

EQUAL OPPORTUNITY EMPLOYER/PROGRAM
Auxiliary aids and services available upon request to individuals with disabilities

An Equal Opportunity Employer/Program - Auxiliary Aids and Services
 Are Available Upon Request to Individuals with Disabilities
 TDD: (714)432-5056

