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Policy Letter #11

TO: All Local Workforce Development Area Staff
Applicants
Participants
Members of the General Public

FROM: Tracy Jackson, Interim Director

SUBJECT: Nondiscrimination/Equal Opportunity Standards and Complaint Procedures

The Cumberland County Workforce Development Local Area has adopted the policies and procedures that were issued by the North Carolina Department of Commerce, Division of Workforce Solutions (DWS) in Policy Statement Number PS 07-2018, dated August 15, 2018.

All posters, bulletins and advertisements will include the following statements: **“Equal Opportunity Employer/Program”** and **“Auxiliary aids and services are available upon request to individuals with disabilities”**

Cynthia McKoy has been designated as the Equal Opportunity Officer for the Cumberland County Workforce Development Local Area. She may be contacted at 410 Ray Avenue, Fayetteville, NC 28301 or (910) 323-3421, ext. 2142.

The Workforce Innovation and Opportunity Act (WIOA) Nondiscrimination/ Equal Opportunity Standards and Complaint Procedures can be viewed at https://files.nc.gov/nccommerce/documents/Workforce/Policy-Statements/2018-Policy-Statements/PS%2007-2018%20WIOA%20Nondiscrimination-EO%20Standards%20and%20Complaint%20Procedures_FINAL.pdf.

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Equal Opportunity Employer/Program
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Attachment A: Nondiscrimination Policy and Complaint Procedures

Creation Date

October 2001

Revised Date

July 2020



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CUMBERLAND COUNTY NCWORKS CAREER CENTER NONDISCRIMINATION POLICY AND COMPLAINT PROCEDURES

POLICY STATEMENT

The Cumberland County NCWorks Career Center complies with the following: Section 3.7 of the Grant Administration Agreement; Section .0412 of Title 04, Chapter 20 North Carolina Administrative Code; the Workforce Innovation and Opportunity Act of 2014 (WIOA), including the Non-traditional Employment for Women Act of 1991; Section 403(a)(5)(J) and 408(d) of Title IV of the Social Security Act, as amended September 1997; Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; Title IX of the Education Amendments of 1972, as amended; and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including, but not limited to 29 CFR Part 38.

It is the policy of the Cumberland County NCWorks Career Center to foster, maintains, and promote equal employment opportunities for its residents. The county applies fair treatment of applicants, participants, and enrollees in all aspects of program administration. Discrimination against any person in recruitment, enrollment, retention, discipline, or any other aspect of program administration is prohibited. All training and services provided by the Cumberland County NCWorks Career Center are based on established guidelines and policies. All incidences of fraud, abuse, or other activity should be reported to Cynthia McKoy, EO Officer, at 410 Ray Avenue, Fayetteville, NC 28301.

Complaint Procedures

Any person who believes that he or she or any specific class of individuals has been or is being 1) excluded from participation in, 2) denied the benefits of, 3) subject to discrimination under, or 4) denied employment in the administration of or in connection with any WIOA Title I funded activity or program based on race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (included limited English proficiency), age, disability, political affiliation or belief, and for any beneficiaries only, citizenship or participation in the Workforce Innovation and Opportunity Act (WIOA), may file a written complaint. The person or a representative may file the complaint.

The complaint may be filed either with the Local Area or with the Director of the Civil Rights Center (CRC), US Department of Labor (USDOL). Any person who elects to file his or her complaint with the Cumberland County NCWorks Career Center must allow the Center 40 days to process the complaint and allow 50 days for the Division to receive and review the complaint, if applicable. A complaint filed based on the above grounds must be filed within 180 days of the alleged discrimination unless extended by the Director of CRC for good cause shown. Each complainant and respondent have the right to be represented by an attorney or other individual of his or her own choice.

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Any person who believes that he/she has been or is being subjected to discrimination by a service provider is advised to follow the procedures of the service provider (training facility, employer, or program operator). Issues may be resolved informally.

1. All complaints must be filed in writing, signed by the complainant or authorized representative, and include the following information:
 - a. The full name, address, and telephone/TTY number of the complainant (or specify another means of contacting him or her).
 - b. The full name and address of the person or agency against which the complaint is made.
 - c. A clear, concise statement of the act(s) considered to be a violation.
 - d. Regarding a disability, a statement or supporting evidence that the complainant is disabled.
 - e. Other information that will help explain and/or resolve the complaint.

Complaints filed with the Local Area shall be mailed to:

Equal Opportunity Officer (EO)
410 Ray Avenue
Fayetteville, NC 28301

Complaints filed with the Director of the Civil Rights Center shall be mailed to:

Director of the Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue, N.W., Room N-4123
Washington, DC 20210

2. Upon receipt of a written complaint, the EO Officer will attempt to resolve the issue informally by conducting an impartial investigation and meeting with the complainant and representative of the facility or employer within 15 days.
3. If a resolution is not reached informally, the EO Officer will call a hearing before the Workforce Development Board Director within 30 days of filing the written complaint. Complaint hearing procedures will be provided to all parties at this time.
4. Complaint records and documentation will be kept in each contested case, including minutes of testimony, data submitted, findings, appeals, and final decisions.
5. Decisions must be made no later than 40 days of filing the complaint. If a complainant does not receive a decision at the local level within 40 days of filing the complaint or receives an unsatisfactory decision, the complainant has a right to request a review of the complaint by the Division of Workforce Solutions. Requests for such review should be submitted to:

Assistant Secretary
NC Department of Commerce
Division of Workforce Solutions
313 Chapanoke Road, Suite 120
4316 Mail Service Center
Raleigh, NC 27699-4316
Attention: DWS WIOA EEO Officer

Such requests must be filed within 10 days of receipt of the adverse decision or 10 days from which the complainant should have received a decision, whichever is earlier. The Division will conduct a review of the complaint and issue a decision within 40 days from the date of receiving the review request. The Assistant Secretary for the Division may extend

the 10 days if: 1) the NCWorks Career Center does not notify the complainant of his or her right to request a review by the Division, or 2) for other good cause shown. Under no circumstances shall the time limit be extended for more than 30 days. However, if an extension is not granted, the complainant may follow the procedures limited in number 6 below. The complainant has the burden of proving to the Division that the time limit should be extended.

6. Should the Division provide a decision unsatisfactory to the complainant or fail to provide one, the complainant may file a complaint with the Director of the Civil Rights Center of the U.S. Department of Labor (CRC); the address is listed above. Such requests must be submitted within 30 days of the Division's decision or 120 days from the date the complaint was initially filed at the local level, whichever is earlier.

I hereby acknowledge that I have read or been read the above information and have been provided a copy of this document. Additionally, a copy will be placed in my NCWorks file.

Printed Name

Date

Signature

WIOA Staff Signature