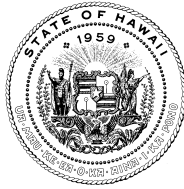


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830 PUNCHBOWL STREET, ROOM 321
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January 3rd, 2017

WIOA Bulletin No. 1-17

TO: Workforce Innovation and Opportunity Act (WIOA) Partners

SUBJECT: WIOA Methods of Administration (MOA) Revision

PURPOSE

This bulletin replaces Attachment 1 in WIA Bulletin 05-03, Change 2, issued on January 4, 2013, and the equal opportunity notice in WIA Bulletin 4-00, Change 1, issued on February 3, 2009. The purpose of this bulletin is to inform you of the revision of the WIA (now WIOA) Methods of Administration (MOA), including transmitting revised guidelines for the equal opportunity notice and complaint procedures for WIOA Programs.

BACKGROUND

Section 188 of the WIOA prohibits discrimination on the grounds of race, color, religion, sex (including pregnancy, childbirth or related medical conditions, gender identity, and transgender status), national origin (including limited English proficiency), disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIOA Title-I financially assisted program or activity.

The equal opportunity procedures in this bulletin apply to any recipient, as defined in 29 C.F.R. §38.4. The term "recipient" means:

Any entity to which financial assistance under WIOA Title I is extended, either directly from the Department or through the Governor or another recipient (including any successor, assignee, or transferee of a recipient), but excluding the ultimate beneficiaries of the WIOA Title I-funded program or activity. In instances in which a Governor operates a program or activity, either directly or through a State agency, using discretionary funds apportioned to him or her under WIOA Title I (rather than disbursing the funds to another recipient), the Governor is also a recipient. In addition, for purposes of this part, One-stop partners, as defined in section 121(b) of WIOA, are treated as "recipients," and are subject to the nondiscrimination and equal opportunity

requirements of this part, to the extent that they participate in the One-stop delivery system. "Recipient" includes, but is not limited to:

- (1) State-level agencies that administer, or are financed in whole or in part with, WIOA Title I funds;
- (2) State Workforce Agencies;
- (3) State and Local Workforce Development Boards;
- (4) LWDA grant recipients;
- (5) One-stop operators;
- (6) Service providers, including eligible training providers;
- (7) On-the-Job Training (OJT) employers;
- (8) Job Corps contractors and center operators;
- (9) Job Corps national training contractors;
- (10) Outreach and admissions agencies, including Job Corps contractors that perform these functions;
- (11) Placement agencies, including Job Corps contractors that perform these functions;
- (12) Other National Program recipients

POLICY

Counties are responsible to ensure they and their service and training providers, On-the-Job Training employers, and other subrecipients comply with these updated procedures. Local grant recipients and their subrecipients must follow the equal opportunity notice and complaint procedures provided in this bulletin. Please note that all recipients must offer Alternative Dispute Resolution (ADR) to **any person** eligible to file a complaint under the WIOA.

PROCEDURES

Replace Attachment 1 from WIA Bulletin No. 05-03, Change 2, with the revised Attachment C.

Replace the EO notice in WIA Bulletin No. 4-00, Change 1, with the revised Attachment A for employee/participant files and Attachment B for other notice requirements.

The nondiscrimination and equal opportunity provisions of the WIOA require that counties, their subrecipients, and training providers must post the Equal Opportunity is the Law notice (Attachment B). Local WIOA grant recipients must:

1. Post the notice prominently, in reasonable numbers and places, in available and conspicuous physical locations and on the recipient's website pages;
2. Disseminate the notice in internal memoranda and other written or electronic communications with staff;

3. Include the notice in employee and participant handbooks or manuals regardless of form, including electronic and paper form if both are available; and
4. Provide the notice to each participant and employee; the notice must be made part of each employee's and participant's file. It must be a part of both paper and electronic files, if both are maintained.
5. Provide the notice in appropriate formats to registrants, applicants, eligible applicants/registrants, applicants for employment and employees and participants with visual impairments. Where notice has been given in an alternate format to registrants, applicants, eligible applicants/registrants, participants, applicants for employment and employees with a visual impairment, a record that such notice has been given must be made a part of the employee's or participant's file.
6. During each presentation to orient new participants, new employees, and/or the general public to its WIOA Title I-financially assisted program or activity, in person or over the internet or using other technology, recipients must include a discussion of rights and responsibilities under the nondiscrimination and equal opportunity provisions of WIOA, including the right to file a complaint of discrimination with the recipient or the Director. This information must be communicated in appropriate languages as required in §38.9 and in formats accessible for individuals with disabilities as required in §38.15.
7. Ensure that recruitment brochures and other public materials contain the following statements:

"Equal Opportunity Employer/Program;" and, "Auxiliary aids and services are available upon request to individuals with disabilities," along with a TDD/TTY number pursuant to 29 C.F.R. §38.38.
8. Retain, in each participant's file, a signed copy of each participant's acknowledgment of that he or she received a copy of the Equal Opportunity and Non-Discrimination notice (Attachment A).

EFFECTIVE DATE

This bulletin is effective starting January 3rd, 2017.

INQUIRIES

Questions regarding this bulletin should be directed to Aadel Khandaker at (808) 586-8148, or TDD/TTY Dial 711 then ask for (808) 586-8866, or by email to aadel.khandaker@hawaii.gov.

EQUAL OPPORTUNITY IS THE LAW

It is against the law for this recipient of Federal assistance to discriminate on the following bases:

Against any individual in the United States, 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 of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.

The recipient 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 treating 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.

WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

If you think that you have been subjected to discrimination under a WIOA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

the recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or

the Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210 or electronically as directed on the CRC Web site at www.dol.gov/crc.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the recipient to issue that 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 the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

The recipient **must not discriminate** in any of the following areas:

Decide who will be admitted, or have access, to any federally-assisted program or activity; provide opportunities in or treating any person with regard to, such a program or activity; or, make employment decisions in the administration of or in connection with, such program or activity.

If you are a WIOA applicant, participant, program staff, employee or other party affected by the local Workforce Development system, and think that you have been subjected to discrimination under a U.S. Department of Labor (U.S.DOL) WIOA Title I—financially assisted program or activity, you may file your complaint within 180 days from the date of the alleged violation.

WIOA applicants, participants, program staff, and employees affected by their *respective* Workforce Development systems in the following counties may file with the persons in their county listed below.

City and County of Honolulu:

Denise L. Tsukayama, CAAP,
EO Officer/ADA Coordinator
650 South King Street, 10th Floor
Honolulu, HI 96813
Phone: (808) 768-8505
TDD/ TTY: (808) 768-3489
Fax: (808) 768-8490
E-mail: dtsukayama@honolulu.gov

County of Maui:

Ralph Thomas
Equal Employment Opportunity Specialist
200 S. High Street, 9th Floor
Wailuku, Maui HI 96793
Phone: (808) 463-3168
TDD/TTY: Dial 711 then ask for (808)
270-6292
E-mail: Ralph.Thomas@co.maui.hi.us

County of Kauai:

Linda Nulan-Ames EEO/ADA Coordinator
4444 Rice Street
Lihue, HI 96766
Phone: (808) 241-4924
TDD/TTY: (808) 241-4924
F a x: (808) 241 - 6877
E-mail: lnuland@kauai.gov

County of Hawaii:

Teri Spinola-Campbell
Equal Opportunity Officer/ADA Coordinator
101 Pauahi St, Suite 2
Hilo, HI 96720-4224
Phone: (808) 961-8361
TDD/TTY: (808) 961-8619
Fax: (808) 961-8617
E-mail: teri.spinola-campbell@hawaiiicounty.gov

You may file a complaint by completing and submitting the U.S. DOL's Civil Rights Center's (CRC's) Complaint Information and Privacy Act Consent Forms, which may be obtained either from the recipient's EO Officer or from CRC. The form is available electronically on the CRC's website (<https://www.dol.gov/oasam/programs/crc/>) and by making a request to CRC at the address listed below.

If you file your complaint with the State of Hawaii Equal Opportunity (EO) Officer within 180 days from the date of the alleged discriminatory act under the WIOA complaint procedure, you must wait until either DLIR issues a written Notice of Final Action or until 90 days have passed from the filing of the complaint (whichever is sooner) before filing with the CRC.

If DLIR does not give you a written Notice of Final Action within 90 days of the day on which you filed a complaint, you do not have to wait for DLIR to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline for the Notice, i.e., 120 days after the day on which you filed your complaint with DLIR.

If DLIR does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with the CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

To file with either DLIR or CRC:

DLIR:

Aadel Khandaker, Civil Rights & Equal Opportunity Officer
State of Hawaii Department of Labor and Industrial Relations
Director's Office
830 Punchbowl St., Rm 321
Honolulu, Hawaii 96813
Phone: (808) 586-8148
TDD/TTY Dial 711 then ask for (808) 586-8866
Email: aadel.khandaker@hawaii.gov

OR CRC:

The Director
Civil Rights Center
U.S. Department of Labor
200 Constitution Avenue, N.W.
Room N-4123
Washington, D.C. 20210

ADDITIONAL PROTECTIONS AGAINST EMPLOYMENT DISCRIMINATION

In addition to the federal requirement that programs receiving federal financial assistance shall not discriminate against anyone (including applicants for benefits and services, recipients, participants, and other beneficiaries), both federal and state laws prohibit discrimination by employers, unions, and employment agencies against

employees and job applicants. Federal law prohibits discrimination because of race, color, religion, sex, national origin, age, disability or genetic information. Hawai'i state law prohibits discrimination because of race, sex, including gender identity or expression, sexual orientation, age, religion, color, ancestry, disability, marital status, arrest and court record, domestic or sexual victim status, national guard participation, assignment of income for child support obligations, breastfeeding, or credit history or credit report. Both federal and state law prohibit retaliation against any individual for opposing prohibited discrimination, filing a complaint, or testifying or assisting in any proceeding regarding prohibited discrimination.

If you think you have been subjected to employment discrimination, you can file a complaint with the Hawai'i Civil Rights Commission (HCRC) or the U.S. Equal Employment Opportunity Commission (EEOC). The deadline for filing a complaint with the HCRC is 180 days from the date of the alleged discriminatory act (or last act in a pattern of ongoing discrimination). The deadline for filing an EEOC complaint is 300 days.

FOR MORE INFORMATION, CONTACT:

Hawai'i Civil Rights Commission (HCRC)
830 Punchbowl Street, Room 411
Honolulu, Hawai'i 96813
Phone: (808) 586-8636
TDD: (808) 586-8692
Neighbor Islands, call toll free:
Kaua'i: 274-3141, Ext. 6-8636#
Maui: 984-2400, Ext. 6-8636#
Hawai'i: 974-4000, Ext. 6-8636#
Lana'i & Moloka'i: 1-800-468-4644, Ext. 6-8636#
Email: DLIR.HCRC.INFOR@hawaii.gov
Website: <http://labor.hawaii.gov/hcrc>

Or

U.S. Equal Employment Opportunity Commission (EEOC)
Honolulu Local Office
300 Ala Moana Boulevard, Room 7-127
Honolulu, Hawai'i 96850
Phone: (808) 541-3118
Toll-Free: 1-800-669-4000
Website: <http://www.eeoc.gov>

Individuals may also obtain information and assistance from the State WIOA EO Officer:

Aadel Khandaker, Civil Rights & Equal Opportunity Officer
State of Hawaii Department of Labor and Industrial Relations
Director's Office
830 Punchbowl St., Rm. 321
Honolulu, Hawaii 96813
Phone: (808) 586-8148
Fax: (808) 586-9099
TDD/TTY: Dial 711 then ask for (808) 586-8866
Email: aadel.khandaker@hawaii.gov

CERTIFICATION

This is to certify that the above information on Equal Opportunity and Non- Discrimination was explained to me and that I have received a copy of this notice.

Print Applicant's Name

Applicant's Signature

Date

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Against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.

The recipient 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;

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If you are a WIOA applicant, participant, program staff, employee or other party affected by the local Workforce Development system, and think that you have been subjected to discrimination under a U.S. Department of Labor (U.S.DOL) WIOA Title I—financially assisted program or activity, you may file your complaint within 180 days from the date of the alleged violation.

WIOA applicants, participants, program staff, and employees affected by their *respective* Workforce Development system in the following counties may file with the persons in their county listed below.

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EO Officer/ADA Coordinator
650 South King Street, 10th Floor
Honolulu, HI 96813
Phone: (808) 768-8505
TDD/ TTY: (808) 768-3489
Fax: (808) 768-8490
E-mail: dtsukayama@honolulu.gov

County of Maui:

Ralph Thomas
Equal Employment Opportunity Specialist
200 S. High Street, 9th Floor
Wailuku, Maui HI 96793
Phone: (808) 463-3168
TDD/TTY: Dial 711 then ask for (808)
270-6292
E-mail: Ralph.Thomas@co.maui.hi.us

County of Kauai:

Linda Nulan-Ames EEO/ADA Coordinator
4444 Rice Street
Lihue, HI 96766
Phone: (808) 241-4924
TDD/TTY: (808) 241-4924
Fax: (808) 241-6877
E-mail: lnuland@kauai.gov

County of Hawaii:

Teri Spinola-Campbell
Equal Opportunity Officer/ADA Coordinator
101 Pauahi St, Suite 2
Hilo, HI 96720-4224
Phone: (808) 961-8361
TDD/TTY: (808) 961-8619
Fax: (808) 961-8617
E-mail: teri.spinola-campbell@hawaiicounty.gov

You may file a complaint by completing and submitting the U.S. DOL's Civil Rights Center's (CRC's) Complaint Information and Privacy Act Consent Forms, which may be obtained either from the recipient's EO Officer or from

CRC. The form is available electronically on the CRC's website (<https://www.dol.gov/oasam/programs/crc/>) and by making a request to CRC at the address listed below.

If you file your complaint with the State of Hawaii Equal Opportunity (EO) Officer within 180 days from the date of the alleged discriminatory act under the WIOA complaint procedure, you must wait until either DLIR issues a written Notice of Final Action or until 90 days have passed from the filing of the complaint (whichever is sooner) before filing with the CRC.

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If DLIR does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with the CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

To file with either DLIR or CRC:

DLIR:

Aadel Khandaker, Civil Rights & Equal
Opportunity Officer
State of Hawaii Department of
Labor and Industrial Relations
Director's Office
830 Punchbowl St., Rm 321
Honolulu, Hawaii 96813
Phone: (808) 586-8148
TDD/TTY Dial 711 then ask for (808)
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Email: aadel.khandaker@hawaii.gov

OR CRC:

The Director
Civil Rights Center
U.S. Department of Labor
200 Constitution Avenue, N.W.
Room N-4123
Washington, D.C. 20210

ADDITIONAL PROTECTIONS AGAINST EMPLOYMENT DISCRIMINATION

In addition to the federal requirement that programs receiving federal financial assistance shall not discriminate against anyone (including applicants for benefits and services, recipients, participants, and other beneficiaries), both federal and state laws prohibit discrimination by employers, unions, and employment agencies against employees and job applicants. Federal law prohibits discrimination because of race, color, religion, sex, national origin, age, disability or genetic information. Hawai'i state law prohibits discrimination because of race, sex, including gender identity or expression, sexual orientation, age, religion, color, ancestry,

disability, marital status, arrest and court record, domestic or sexual victim status, national guard participation, assignment of income for child support obligations, breastfeeding, or credit history or credit report. Both federal and state law prohibit retaliation against any individual for opposing prohibited discrimination, filing a complaint, or testifying or assisting in any proceeding regarding prohibited discrimination.

If you think you have been subjected to employment discrimination, you can file a complaint with the Hawai'i Civil Rights Commission (HCRC) or the U.S. Equal Employment Opportunity Commission (EEOC). The deadline for filing a complaint with the HCRC is 180 days from the date of the alleged discriminatory act (or last act in a pattern of ongoing discrimination). The deadline for filing an EEOC complaint is 300 days.

FOR MORE INFORMATION, CONTACT:

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830 Punchbowl Street, Room 411
Honolulu, Hawai'i 96813
Phone: (808) 586-8636
TDD: (808) 586-8692
Neighbor Islands, call toll free:
Kaua'i: 274-3141, Ext. 6-8636#
Maui: 984-2400, Ext. 6-8636#
Hawai'i: 974-4000, Ext. 6-8636#
Lana'i & Moloka'i: 1-800-468-4644, Ext. 6-8636#
Email: DLIR.HCRC.INFO@hawaii.gov
Website: <http://labor.hawaii.gov/hcrc>

Or

U.S. Equal Employment Opportunity Commission (EEOC)
Honolulu Local Office
300 Ala Moana Boulevard, Room 7-127
Honolulu, Hawai'i 96850
Phone: (808) 541-3118
Toll-Free: 1-800-669-4000
Website: <http://www.eeoc.gov>

Individuals may also obtain information and assistance from the State WIOA EO Officer:

Aadel Khandaker, Civil Rights & Equal Opportunity Officer
State of Hawaii Department of Labor and Industrial Relations
Director's Office
830 Punchbowl St., Rm. 321
Honolulu, Hawaii 96813
Phone: (808) 586-8148
Fax: (808) 586-9099
TDD/TTY: Dial 711 then ask for (808) 586-8866
Email: aadel.khandaker@hawaii.gov

HOW TO FILE AN EQUAL OPPORTUNITY COMPLAINT

GENERAL PROVISIONS

(Workforce Innovation and Opportunity Act Title I—funded program or activity)

1. The complainant has the burden of establishing the validity and merits of his or her complaint.
2. The complainant may discontinue his or her complaint by submitting a "Withdrawal/Release of Equal Opportunity Complaint" (Appendix C).
3. Recipients of Workforce Innovation and Opportunity Act (WIOA) Title I financial assistance, including the entities enumerated in No. 4 following this, must keep a complaint log (Appendix D) for monitors to review for oversight purposes.
4. All Recipients and Service Providers, State-level agencies that administer WIOA Title 1 funds, State Employment Security Agencies, State & Local Workforce Investment Boards, Grant Recipients, One-Stop Operators, Training Providers, On-the-Job Training Employers, Employers, and entities participating in the Job Corps program are required to meet language accessibility laws according to 29 C.F.R. §38.35.

For persons with limited English proficiency (LEP) who need assistance to understand these procedures or to complete the complaint forms, an interpreter will be provided at no cost. If you need language assistance, please contact us by telephone at (808) 586-8866 or in person immediately.

ILOKANO	TAGALOG	CHINESE SIMPLIFIED 简体中文	CHINESE TRADITIONAL 繁體中文	SPANISH Español	JAPANESE 日本語	CHUUKESE Fosun Chuuk
MARSHALLESE Kajin Majol		KOREAN 한국어		VIETNAMESE Tiếng Việt		

↑ **(808) 586-8866** ↑

WIOA COMPLAINT PROCEDURES

These procedures are divided into whether they are complaints about discrimination prohibited by –

- ✓ Federal laws prohibiting discrimination against anyone (including applicants for benefits and services, recipients, On-the-Job Training employers, participants, and other beneficiaries); or
- ✓ Federal and/or State statutes against **employment** discrimination only.

Section A covers complaints about discrimination prohibited by the WIOA, which includes discrimination against applicants, registrants or participants of benefits and services by Recipients including State-level agencies that administer WIOA Title 1 funds, State Employment Security Agencies, State & Local Workforce Investment Boards, Grant Recipients, One-Stop Operators, Training Providers, On-the-Job Training Employers, Employers, and entities participating in the Job Corps program. **Section B** covers complaints about discrimination prohibited against employment discrimination only.

A. Complaints Covered by Federal Laws Prohibiting Discrimination Against Anyone.

1. It is **against the law** for recipients of **WIOA Title I financial assistance**, including the State of Hawaii Department of Labor and Industrial Relations (DLIR) and the State and Local Workforce Investment Boards or their Service Providers, **to discriminate:**

❖ Against any individual in the United States on the basis of

- **Race**
- **Color**
- **Religion**
- **Sex (including pregnancy, childbirth or related medical conditions, gender identity, and transgender status)**
- **National Origin (including limited English proficiency)**
- **Age**
- **Disability**
- **Political affiliation or belief**
- **Retaliation, and**

❖ Against any **beneficiary** of programs financially assisted by the U.S. Department of Labor based on the beneficiary's **citizenship/status as a lawfully admitted immigrant authorized to work** in the United States, or his or her **participation in any WIOA Title I— financially-assisted program or activity.**

2. The recipient of WIOA Title I financial assistance **must not discriminate** directly or through contractual, licensing, or other arrangements, on any basis described above and **must not:**

- A. Deny an individual any aid, benefits, services, or training provided under a WIOA Title I—funded program or activity;
- B. Provide to an individual any aid, benefits, services, or training that is different, or is provided in a different manner, from that provided to others under a WIOA Title I—funded program or activity;

- C. Subject an individual to segregation or separate treatment in any matter related to his or her receipt of any aid, benefits, services, or training under a WIOA Title I—funded program or activity;
- D. Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any aid, benefits, services, or training under a WIOA Title I—funded program or activity;
- E. Treat an individual differently from others in determining whether he or she satisfies any admission, enrollment, eligibility, membership, or other requirement or condition for any aid, benefits, services, or training provided under a WIOA Title I—funded program or activity;
- F. Deny or limit an individual with respect to any opportunity to participate in a WIOA Title I—funded program or activity, or afford him or her an opportunity to do so that is different from the opportunity afforded others under a WIOA Title I—funded program or activity;
- G. Deny an individual the opportunity to participate as a member of a planning or advisory body that is an integral part of the WIOA Title I—funded program or activity; or
- H. Otherwise limit on a prohibited ground an individual in enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving any WIOA Title I—financially assisted aid, benefits, services, or training.

3. Retaliation

A recipient of WIOA Title I financial assistance must not discharge, intimidate, retaliate, threaten, coerce or discriminate against any individual because the individual has:

- A. Filed a complaint alleging a violation of Section 188 of WIOA;
- B. Opposed a practice prohibited by the nondiscrimination and equal opportunity provisions of WIOA;
- C. Furnished information to, assisted, or participated in any manner in an investigation, review, hearing, or any other activity related to any of the following:
 - I. Administration of the nondiscrimination and equal opportunity provisions of WIOA;
 - II. Exercise of authority under those provisions; or
 - III. Exercise of privilege secured by those provisions; or
- D. Otherwise exercised any rights and privileges under the nondiscrimination and equal opportunity provisions of WIOA.

4. Who May File

Any individual who believes that he or she or any specific class of individuals has been or is being subjected to discrimination prohibited by federal law may

file a written complaint, either by themselves or through a representative.

5. What to Do if You Believe You Have Experienced Discrimination

If you are a WIOA applicant, participant, program staff, employee or other party affected by the local Workforce Development system, and think that you have been subjected to discrimination under a U.S. Department of Labor (U.S.DOL) WIOA Title I—financially assisted program or activity, you may file your complaint within 180 days from the date of the alleged violation using this procedure and forms.

You may also file with the Hawaii Civil Rights Commission (HCRC) within 180 days, or the U. S. Equal Employment Opportunity Commission (EEOC) within 300 days of the alleged discriminatory act. A WIOA discrimination complaint does not have to be filed before the filing of a complaint with the HCRC or EEOC, and the filing of an internal DLIR or union complaint does not extend the deadlines for filing a complaint with the HCRC or EEOC.

Where to File

6. WIOA applicants, participants, program staff, and employees affected by their *respective* Workforce Development system in the following counties may file with the persons in their county listed below.

City and County of Honolulu:

Denise L. Tsukayama, CAAP,
EO Officer/ADA Coordinator
650 South King Street, 10th Floor
Honolulu, HI 96813
Phone: (808) 768-8505
TDD/ TTY: (808) 768-3489
Fax: (808) 768-8490
E-mail: dtsukayama@honolulu.gov

County of Kauai:

Linda Nulan-Ames EEO/ADA
Coordinator
4444 Rice Street
Lihue, HI 96766
Phone: (808) 241-4924
TDD/TTY: (808) 241-4924
Fax: (808) 241-6877
E-mail: lnuland@kauai.gov

County of Maui:

Ralph Thomas
EEO Specialist
200 S. High Street, 9th Floor
Wailuku, Maui HI 96793
Phone: (808) 463-3168
TDD/TTY: Dial 711 then ask for (808)
270-6292
E-mail: Ralph.Thomas@co.maui.hi.us

County of Hawaii:

Teri Spinola-Campbell
Equal Opportunity Officer/ADA Coordinator
101 Pauahi St, Suite 2
Hilo, HI 96720-4224
Phone: (808) 961-8361
TDD/TTY: (808) 961-8619
Fax: (808) 961-8617
E-mail: teri.spinola-campbell@hawaiicounty.gov

7. You may file a complaint by completing and submitting the U.S. DOL's Civil Rights Center's (CRC's) Complaint Information and Privacy Act Consent Forms, which may be obtained either from the recipient's EO Officer or from CRC. The form is available electronically on the CRC's website (<https://www.dol.gov/oasam/programs/crc/>) and by making a request to CRC at the address listed below.

8. If you file your complaint with the State of Hawaii Equal Opportunity (EO) Officer within 180 days from the date of the alleged discriminatory act under this WIOA complaint procedure, you must wait until either DLIR issues a written Notice of Final Action or until 90 days have passed from the filing of the complaint (whichever is sooner) before filing with the CRC.
9. If DLIR does not give you a written Notice of Final Action within 90 days of the day on which you filed a complaint, you do not have to wait for DLIR to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline for the Notice, i.e., 120 days after the day on which you filed your complaint with DLIR.
10. If DLIR does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with the CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.
11. To file with either DLIR or CRC:

DLIR:

Aadel Khandaker, Civil Rights & Equal
Opportunity Officer
State of Hawaii Department of
Labor and Industrial Relations
Director's Office
830 Punchbowl St., Rm 321
Honolulu, Hawaii 96813
Phone: (808) 586-8148
TDD/TTY Dial 711 then ask for (808)
586-8866
Email: aadel.khandaker@hawaii.gov

OR CRC:

The Director
Civil Rights Center
U.S. Department of Labor
200 Constitution Avenue, N.W.
Room N-4123
Washington, D.C. 20210

12. Current State or County employees belonging to a union may also file a complaint or grievance with their union in their respective counties:

HGEA Headquarters &

Oahu Division Office

888 Mililani St., Suite 601
Honolulu, HI 96813-2991
Phone: (808) 543-0000 or 536-2351
Fax: (808) 528-4059
E-mail: oahudiv@hgea.org

Hawaii Division Office

495 Manono St.
Hilo, HI 96720-4422
Phone: (808) 935-6841
Fax: (808) 961-2437

E-mail: hawaiidiv@hgea.org

Maui Division Office

2145 Kaohu St., Suite 206

Wailuku, HI 96793-2257

Phone: (808) 244-5508

Fax: (808) 244-3621

E-mail: mauidiv@hgea.org

Kauai Division Office

3213 Akahi St.

Lihue, HI 96766-1108

Phone: (808) 245-6751

Fax: (808) 245-9632

E-mail: kauaidiv@hgea.org

13. Aliens/Intending citizens may file a complaint with:

U.S. Department of Justice
Office of Special Counsel
1730 M St. NW #218
P. O. Box 27728
Washington, D.C. 20038-2217
Phone: (202) 254-3600 (Voice)

OR (subject to No. 6-10 above)

Department of Labor and Industrial Relations
Adel Khandaker, Civil Rights/Equal Opportunity Officer
Director's Office
830 Punchbowl Street, Room 321
Honolulu, HI 96813
Phone: (808) 586-8148 (Voice)
TDD/TTY: Dial 711 then ask for (808) 586-8866
Email: adel.khandaker@hawaii.gov

14. Current DLIR employees may also file a complaint pursuant to DLIR's Addendum to DHRD's Discrimination/Harassment-Free Workplace Policy.

15. Content of Complaints

Each complaint shall be filed in writing, either electronically or in hard copy, on the form in Appendix B, or on the Local Area's form if applicable, or the CRC form, and shall:

- A. Be signed in writing or electronically by the complainant or an authorized representative of the complainant.

- B. Contain the complainant's name and address, and, if available, email address (or other means of contacting the complainant).
- C. The identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination).
- D. A description of the complainant's allegations. This description must include enough detail to determine whether:
 - I. The appropriate agency has jurisdiction over the complaint;
 - II. The complaint was timely filed; and
 - III. 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 WIOA.

16. Right to Representation

Any party to a complaint has the right to be represented by an attorney or individual of their choice.

17. Complaint Processing:

A. The DLIR Equal Opportunity Officer (EO Officer) shall hold a meeting with the complainant within seven working days of receipt of the complaint to hear the complaint and assist the complainant in completing the DLIR Form EO-1 (see Appendix B), if requested. At this meeting, the complainant shall be informed of the right to representation by an attorney or another individual of his or her choice, and of the Alternate Dispute Resolution (ADR) process.

B. The complainant shall be advised of the options available for redress, given a copy of the notice of rights contained in 29 C.F.R. §38.30, and given a Notice to Individuals Filing Discrimination Complaints (see Appendix A).

C. Receipt of the complaint will be acknowledged in writing within five working days of the meeting with the complainant. This written acknowledgment shall contain:

- I. A list of the issues raised in the complaint, and
- II. For each such issue, a statement whether the recipient will accept or reject the issue for investigation and the reasons for each rejection.

D. If a recipient determines that it does not have jurisdiction over a complaint, it must notify the complainant, in writing, immediately. This Notice of Lack of Jurisdiction must include:

- I. A statement of the reasons for that determination; and

II. Notice that the complainant has a right to file a complaint with CRC within 30 days of the date on which the complainant receives the Notice of Lack of Jurisdiction.

E. Where the complaint does not appear valid (no prima facie case), the complainant will be notified of the reasons that the complaint will not be pursued through the complaint process and, if not satisfied, advised of other potential avenues of redress.

F. After issuing the written acknowledgment, the EO Officer shall conduct an investigation on the issues accepted for investigation by collecting all pertinent data, interviewing parties involved, and documenting the investigation.

G. The methods available to resolve the complaint must include ADR as described in No. 18 below.

H. The EO Officer shall prepare a report to the Director that describes the case, results of the investigation, and conclusion, and recommends a course of action or response to the complaint.

I. The DLIR Director shall issue to the complainant a written decision called a Notice of Final Action within 90 days of the date on which the complaint was filed. This Notice shall contain the following information:

- I. For each issue accepted for investigation, a statement of the Director's decision on the issue and an explanation of the reasons underlying the decision or a description of the way the parties resolved the issue; and
- II. Advise the complainant that the complainant has a right to file a complaint with the CRC within 30 days of the date on which the Notice of Final Action is issued if he or she is dissatisfied with the DLIR Director's final action on the complaint.

J. Complainants who file with DLIR/recipient must wait until a decision is issued or until 90 days have passed, whichever is sooner, before filing with the CRC. If the complainant has not been provided with a written decision within 90 days of the filing of the complaint, the complainant need not wait for a decision to be issued, but may file a complaint with the CRC within 30 days of the expiration of the 90-day period.

18. Alternate Dispute Resolution (ADR) Processing

- A. Any complainant who files a complaint will be given the option of using ADR as a means of resolving the complaint. The

choice to use ADR or the customary complaint process rests with the complainant.

- B. Complainants will be directed to the DLIR EO Officer who will evaluate the case, and refer the parties to an ADR provider if mutually agreed upon. The ADR provider shall schedule a meeting among all the parties.
- C. Upon completion of mediation process the ADR provider will issue a disposition of the case.
- D. A party to any agreement reached under ADR may file a complaint with the CRC Director in the event the agreement is breached. In such circumstances, the following rules will apply:
 - I. The non-breaching party may file a complaint with the CRC Director within 30 days of the date on which the non-breaching party learns of the alleged breach;
 - II. The CRC Director must evaluate the circumstances to determine whether the agreement has been breached. If he or she determines that the agreement has been breached, the complainant may file a complaint with CRC based upon complainant's original allegation(s), and the CRC will waive the time deadline for filing such a complaint.
- E. If the parties do not reach an agreement under ADR, the complainant may continue the process as outlined in No. 17 above or may file a complaint with the CRC.

B. Complaints Prohibited by Federal and/or State Laws against Employment Discrimination Only

1. In addition to the prohibited discrimination described in section A, both *federal* and *state* laws prohibit discrimination by **employers, unions, and employment agencies** against **employees** and **job applicants**.

Individuals can seek relief and request an investigation through the methods listed below. In addition to filing a complaint with the HCRC, EEOC, or the appropriate union, an employee or job applicant who believes he or she has been subjected to unlawful discrimination can file a workforce complaint with DLIR (DLIR employees may also file an internal complaint). A workforce DLIR complaint does not have to be filed before the filing of a complaint with the HCRC or EEOC, and the filing of an internal DLIR or union complaint does not extend the deadlines for filing a complaint with the HCRC or EEOC.

Federal fair employment law prohibits discrimination based on:

- **Race**
- **Color**

- **Religion**
- **Sex, including gender identity or expression**
- **Sexual orientation**
- **Pregnancy**
- **National Origin**
- **Age**
- **Disability**
- **Genetic Information**
- **Retaliation**
- **Political affiliation or belief (CRC processing only)**
- **Veteran status¹**
- **National guard absence¹**
- **Uniformed service¹**
- **Citizenship²**

1. Enforced by DOL's Veterans Employment and Training Service (VETS).

2. Enforced by DOJ's Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC).

Hawaii state fair employment law prohibits discrimination based on:

- **Race**
- **Sex, including gender identity or expression**
- **Sexual orientation**
- **Age**
- **Religion**
- **Color**
- **Ancestry**
- **Disability**
- **Marital status**
- **Arrest and court record**
- **Domestic or sexual violence victim status**
- **National guard participation**
- **Income assignment for child support obligations**
- **Breastfeeding**
- **Credit history or credit report**

➤ Retaliation

Both federal and state laws prohibit retaliation against any individual for opposing prohibited discrimination, filing a complaint, or testifying or assisting in any proceeding regarding prohibited discrimination.

2. What to Do if You Believe You Have Experienced Discrimination

If you think you have been subjected to **employment** discrimination in one or more ways as described in section B.1, you may file a complaint using these procedures and forms or file a complaint with the Hawaii Civil Rights Commission (HCRC) or the U.S. Equal Employment Opportunity Commission (EEOC).

3. When to File

The deadline for filing a complaint with the HCRC is 180 days from the date of the alleged discriminatory act (or last act in a pattern of ongoing discrimination). The deadline for filing an EEOC complaint is 300 days from the date of the alleged discriminatory act.

4. Where to File and Seek More Information:

Hawaii Civil Rights Commission (HCRC)
830 Punchbowl Street, Room 411
Honolulu, Hawai'i 96813
Phone: (808) 586-8636
TDD/TTY: (808) 586-8692
Neighbor Islands, call toll free:
Kaua'i: 274-3141, Ext. 6-8636#
Maui: 984-2400, Ext. 6-8636#
Hawai'i: 974-4000, Ext. 6-8636#
Lana'i & Moloka'i: 1-800-468-4644, Ext. 6-8636#
Email: DLIR.HCRC.INFOR@hawaii.gov
Website: <http://labor.hawaii.gov/hcrc>

Or

U.S. Equal Employment Opportunity Commission (EEOC)
Honolulu Local Office
300 Ala Moana Boulevard, Room 7-127
Honolulu, Hawai'i 96850
Phone: (808) 541-3118
Toll-Free: 1-800-669-4000
Website: <http://www.eeoc.gov>

Individuals may also obtain information and assistance from the DLIR EO Officer:

Aadel Khandaker, Civil Rights & Equal Opportunity Officer
State of Hawaii Department of Labor and Industrial Relations

Director's Office
830 Punchbowl St., Rm. 321
Honolulu, Hawaii 96813
Phone: (808) 586-8148
Fax: (808) 586-9099
TDD/TTY: Dial 711 then ask for (808) 586-8866
Email: adel.khandaker@hawaii.gov

5. Affected State or County employees belonging to a union may file a complaint with their union in their local areas as listed in item A.12 above.
6. DLIR employees may file a complaint pursuant to DLIR's Addendum to DHRD's Discrimination/Harassment-Free Workplace Policy.

Equal Opportunity Employer/Program
Auxiliary aids and services are available upon request to individuals with disabilities.
TDD/TTY Dial 711 then ask for (808) 586-8866

State of Hawaii
Department of Labor and Industrial Relations
**WORKFORCE NOTICE TO PERSONS WHO BELIEVE THEY HAVE BEEN
DISCRIMINATED AGAINST (NON-EMPLOYMENT OR EMPLOYMENT) IN ANY
WIOA TITLE I FUNDED PROGRAM OR ACTIVITY.**

- Any person who believes that he or she or any specific class of individuals has been or is being subjected to discrimination prohibited by Section 188 of the Workforce Innovation and Opportunity Act (WIOA), or 29 C.F.R. Part 38, as amended; Titles VI and VII 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; or Title IX of the Education Amendments of 1972, as amended; may file a written complaint by themselves or by a representative.
- An EO complaint Form, DLIR-WIOA EO Form #1 (see Appendix B), is to be submitted to file your complaint. If you choose to present your complaint orally, you will be asked to sign a DLIR-WIOA EO Form #1 and it will be completed for you based on information you provide.
- Each complaint filed shall be signed by the complainant or authorized representative; contain the complainant's name and address (or specify another means of contact); identify the alleged discriminatory official; and describe the complainant's allegations in sufficient detail to allow for the determination of whether the appropriate agency has jurisdiction over the complaint, the complaint was timely filed, and the complaint has apparent merit.
- Each complainant has the right to be represented by an attorney or other individual of the complainant's choice.
- Each complainant has the right to pursue Alternative Dispute Resolution (ADR).
- A complainant may request notification in writing of each of the steps taken in the processing of his or her complaint and of any decision reached at any of these steps. The complainant will be notified ahead of time of any conference to be held regarding the complaint.
- The complainant and all participants in the investigation process are assured freedom from restraint, interference, coercion, or reprisal.
- A complaint may be withdrawn by a complainant under departmental procedures at any time by submitting a Withdrawal/Release of EO Complaint Form, DLIR-WIOA EO Form #2, (see Appendix C).
- A complaint must be filed within 180 days of the alleged discrimination.

Equal Opportunity Employer/Program
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TDD/TTY Dial 711 then ask for (808) 586-8866

STATE OF HAWAII
Department of Labor and Industrial Relations
WORKFORCE EQUAL OPPORTUNITY COMPLAINT FORM
(Please Print)

Name: _____ SSN: (last four only) _____

Date Received: _____

Street Address: _____ Apt.# _____

City: _____ State: _____ Zip Code: _____

Telephone Home: _____ Cell: _____

Email: _____

Basis for alleged discrimination *(Please Mark at Least One in the Boxes Below and Circle if Employment Related)*

Employment Related: Yes or No

- Race
- Color
- Religion
- Sex (including pregnancy, childbirth or related medical conditions, gender identity, or transgender status)
- National Origin (including limited English proficiency)
- Age
- Sexual Orientation
- Ancestry
- Political Affiliation/Belief
- Genetic Information
- Disability
- WIOA Participation
- Citizenship/Status
- Retaliation
- Other (specify) _____

Nature of the alleged discrimination (Examples: recruitment, interviewing, testing, selection, promotion, demotion, worksite placement, performance evaluation, training, transfer, discharge, work assignment, leave of absence, pregnancy, benefit approval, participant selection, job referral, etc.). *Please specify:*

CERTIFICATION: By my signature below, I certify that all the statements made in this complaint and on any page(s) attached are true to the best of my knowledge and belief. I also agree to notify the Equal Opportunity Officer if I change my address or telephone number(s). I further understand that I may withdraw my complaint at any time by submitting a Withdrawal/Release of Equal Opportunity Complaint, DLIR-WIOA EO Form #2.

Date _____ Signature _____

To be filled out by departmental personnel only. Case Number: _____

Notes:

CONFIDENTIAL

<p>State of Hawaii Department of Labor and Industrial Relations</p> <p>WITHDRAWAL/RELEASE OF EQUAL OPPORTUNITY COMPLAINT</p>	
Name <i>(Please print)</i>	Complaint number
Nature of complaint	Date filed
<p>STATEMENT</p> <p>I hereby withdraw my complaint of discrimination. I further release and forever discharge the State of Hawaii, Department of Labor and Industrial Relations/recipient, and all their past and present officers, employees, and agents from any and all claims, demands, actions, causes of actions, or suits at law or in equity, known or unknown, concerning the act or actions giving rise to or otherwise related to the complaint indicated above.</p> <p>I have read and fully understand the foregoing, and make this withdrawal and release voluntarily and of my own free will, without coercion or duress from anyone.</p>	
Signature of complainant	Date

DLIR-WIOA EO Form #2 (Rev 10/16)

Equal Opportunity Employer/Program
Auxiliary aids and services are available upon request to individuals with disabilities.
TDD/TTY Dial 711 then ask for (808) 586-8866

Discrimination Complaint Log

Name of entity _____

Date of Complaint			
Name of Complainant			
Address of Complainant			
Status of Complainant			
DOL-funded Program			
Date of Alleged Discriminatory Incident			
Grounds/Bases of Complaint			
Description/Issue of Complaint			
Name of Respondent			
Is Respondent a Recipient			
Date of Disposition			
Disposition			
Alternative Dispute Resolution			

Equal Opportunity Employer/Program
 Auxiliary aids and services are available upon request to individuals with disabilities.
 TDD/TTY Dial 711 then ask for (808) 586-8866