

CITY OF LOS ANGELES

CALIFORNIA



ERIC GARCETTI
MAYOR

ECONOMIC & WORKFORCE
DEVELOPMENT DEPARTMENT

1200 W. 7TH STREET
LOS ANGELES, CA 90017

August 2, 2018

DATE: August 2, 2018

TO: All Participants in the City of Los Angeles Workforce Innovation & Opportunity Act (WIOA) Grant Funded Programs

FROM: Gerardo Ruvalcaba, Director
Workforce Development Division

Anthony Sanchez, Senior Management Analyst II
Administrative Services Division

SUBJECT: SUMMARY OF THE CITY OF LOS ANGELES LOCAL WORKFORCE DEVELOPMENT AREA (LWDA) COMPLAINT RESOLUTION PROCEDURES

Welcome to the City's Workforce Innovation and Opportunity Act (WIOA) program. We hope your participation in the program will be both enjoyable and rewarding. As part of the program, it is important that you understand your rights and responsibilities as well as how to resolve a complaint or disagreement.

GENERAL RULES

You should receive a copy of the WIOA Complaint Resolution Procedures when you attend the orientation at the WorkSource/YouthSource Center. You will be asked to sign that you have received a copy of the procedure. A copy of the receipt will be placed in your file.

- If you feel that you did not receive the services you are eligible for, you may file a complaint. Complaints must be filed within **one (1) year** from when the incident occurred. All complaints, additional complaint issues, and withdrawals must be in writing. You will not be retaliated or discriminated against because you file a complaint. The City of Los Angeles has 60 days from the date you filed your complaint to resolve a program complaint and 90 days to resolve a discrimination complaint.
- There are four types of complaints:
 - Complaints that allege a violation of Federal, State and City rules and regulations;
 - Complaints that allege discrimination 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, political affiliation or belief, retaliation and citizenship, or his or her participation in a WIOA Title I financially assisted program activity.

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- Complaints that allege that employees were laid off or fired in order to hire WIOA participants;
- Complaints that allege that the employer failed to follow health and safety rules.

HOW DO I FILE A PROGRAM COMPLAINT?

- You must first file your complaint with the WorkSource/YouthSource Center's EO Complaints Officer. If you need information about your agency's EO Complaints Officer, you may contact the City's EO Compliance Officer at the address and telephone number below.

City of Los Angeles
Economic & Workforce Development Department
1200 West 7th Street, 6th Floor
Los Angeles, CA 90017
Attn: Richard Cheng, EO Compliance Officer

Telephone Number: (213) 744-9351
TTY Number: (213) 744-7290
FAX Number: (213) 744-7118
Email: Richard.Cheng@LACity.Org

- All WIOA complaints must be in writing and include the following:
 - Your full name, telephone number, and mailing address;
 - The agency's full name, telephone number, and mailing address;
 - The facts and dates describing the alleged violation; and
 - How you want the complaint to be resolved.
- If you need help in filling out the complaint form, you should first contact the EO Complaints Officer at the WorkSource/YouthSource Center. You may also contact the City of Los Angeles Economic & Workforce Development EO Compliance Unit at (213) 744-9351. The EO Compliance Unit will help you file a complaint, including assistance writing the complaint, provide copies of documents such as WIOA regulations, local rules, contracts, etc.; and provide information about relevant regulations and rules.
- You may seek representation or legal counsel at your own expense.
Note: The EO Compliance Unit does not provide legal advice or represent either party to the complaint.

WHAT ARE THE STEPS THAT TAKE PLACE AFTER I HAVE FILED MY COMPLAINT?

- Once the WorkSource/YouthSource Center EO Complaints Officer receives your complaint, he/she will schedule an Informal Resolution Meeting. You, the EO Complaints Officer, and the representatives from the agency will attend the meeting.
- The purpose of the meeting is (a) to find out about your complaint issues; (b) to discuss the issue(s); and (c) to resolve your complaint.

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- If there is an agreement to resolve your complaint issue(s), a settlement agreement will be prepared. All the parties that attend the meeting will sign the settlement agreement. A copy of the settlement agreement will be mailed to the EO Compliance Unit, Economic & Workforce Development Department.
- If there is no agreement, then EO Complaints Officer must provide you with written notice of your right to request an administrative hearing before a hearing officer. The request for hearing should be mailed within three (3) days and sent to:

City of Los Angeles
Economic & Workforce Development Department
1200 West 7th Street, 6th Floor
Los Angeles, CA 90017
Attn: Richard Cheng, EO Compliance Officer

The request for hearing should include the following information:

- Your full name, telephone number, and mailing address;
 - The name, address, and telephone number of the WorkSource/YouthSource Center
 - A copy of the written decision issued by the WorkSource/YouthSource Center.
 - A statement of why you are requesting a hearing;
 - Your solution to the complaint.
- A hearing will be held before an impartial Hearing Officer, and the Hearing Officer will file his/her advisory report with recommendations to the General Manager, Economic & Workforce Development Department.
 - The General Manager of the Economic & Workforce Development Department will mail you the decision within the **60 calendar days or (90 days for discrimination complaints)** from when you file the complaint.

The written decision will contain the following information:

- The names of the parties involved;
- Complaint issues;
- A statement of the facts;
- The Hearing Officer's recommended decision and the reasons for the decision;
- The General Manager's decision;
- A list of solutions;
- Your right to request an appeal to the State Review Panel, within 10 days of the receipt of the decision.

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HOW DO I FILE A DISCRIMINATION COMPLAINT?

- Any complaint involving discrimination should be filed either with the City of Los Angeles, EO Compliance Unit or Department of Labor, Civil Rights Center (CRC). You may file a complaint within 180 days from the incident.

City of Los Angeles
Economic & Workforce Development Department
1200 West 7th Street, 6th Floor
Los Angeles, CA 90017
Attn: Richard Cheng, EO Compliance Officer

Telephone Number: (213) 744-9351
TTY Number: (213) 744-7290
FAX Number: (213) 744-7118
E-Mail: Richard.Cheng@LACity.Org

OR

Director
Civil Rights Center (CRC)
United States Department of Labor
200 Constitution Avenue NW
Room N-4123
Washington, DC 20210

- If you choose to file with the City of Los Angeles, you must wait until the City provides you with a decision or until 60 days or 90 days for discrimination complaints have passed, whichever comes first. If the City did not provide you with a written decision within 60 days of filing the complaint, you may file a complaint with the CRC. If you are dissatisfied with the City's decision, you may file a complaint with the CRC. Your complaint must be filed within 30 days from the date you received the City's decision.
- If you choose to file with the City of Los Angeles, you will have the option of (1) Alternative Dispute Resolution (ADR) or (2) having the City of Los Angeles EO Compliance Unit investigate the complaint. If you elect ADR and the parties fail to reach a resolution, you have the right to file directly with the Department of Labor at the address above. If the City of Los Angeles investigates the complaint, after the report is issued you will have the option of an informal resolution meeting or an administrative hearing.

GR:RC:cg

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What is Fraud and Abuse? How do I file a Complaint Alleging Fraud and/or Abuse in program activities?

WIOA regulations require that the LWDA immediately report any allegations of possible program fraud or abuse to the Department of Labor, Office of Inspector General. Examples of fraud include: embezzlement, forgery, theft, falsification of records and claims, gross mismanagement, inaccurate fiscal or program reports and payroll deductions not made to the Internal Revenue Service or the State of California Franchise Board.

Any allegation(s) should be made immediately to:

City of Los Angeles
Economic & Workforce Development Department
1200 West 7th Street, 6th Floor
Los Angeles, CA 90017
Attn: Richard Cheng, EO Compliance Officer

Telephone Number: (213) 744-9351
TTY Number: (213) 744-7290
FAX Number: (213) 744-7118
E-mail: Richard.Cheng@LACity.Org

I have received a copy of the City of Los Angeles LWDA Summary of the Complaint Resolution Procedures and I understand them.

Signature

Date

Were the Complaint Procedures provided in another language? _____

Were the Complaint Procedures accessed in an alternate format? _____

EQUAL OPPORTUNITY IS THE LAW

It is against the law for this recipient of Federal financial 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; and

against any beneficiary of programs financially assisted under Title I of the Workforce Innovation and Opportunity Act (WIOA), on the basis of 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.

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 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:

City of Los Angeles
Economic & Workforce Development Department
Equal Opportunity Compliance Unit
1200 West 7th Street, 6th Floor
Los Angeles, CA 90017
Attn: Richard Cheng, EO Compliance Officer
Tel: (213) 744-9351
TTY: (213) 744-7290
Fax: (213) 744-7118

OR

The Director
Civil Rights Center (CRC)
United States Department of Labor
200 Constitution Avenue NW, Room N-4123
Washington, DC 20210

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.

I have received copies of these two notices. I also understand that they are available in other languages should I need them, and in alternate formats.

Signature

Date

Was notice given in another language? _____

Was notice accessed in an alternate format? _____

City of Los Angeles WIOA programs



SEXUAL HARASSMENT IN THE WORKPLACE

To all Employees, WIOA Applicants and Participants of the WorkSource or YouthSource Center:

It is against the law (29 CFR 38, Section 188 of the WIOA) to discriminate against any individual on the basis of sex, including pregnancy, childbirth and related conditions, sex stereotyping, transgender status, and gender identity. Sexual Harassment is a violation of Section 188 of the WIOA as well as Section 503 of Title VII of the Civil Rights Act of 1964. It is the policy of the City of Los Angeles Local Workforce Development Area that all its employees and participants have a right to work in an environment free from sexual harassment in any form.

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Harassment can include offensive remarks about a person's sex, pregnancy, childbirth and related conditions, transgender status, and gender identity. For example, it is illegal to harass a woman by making offensive comments about women in general. Off-color jokes and sexually explicit graphics can create a hostile environment, which may constitute sexual harassment.

Such conduct may result in disciplinary action up to and including termination, either from employment or the program. No manager or supervisor shall threaten or insinuate, either explicitly or up to an employee that refusal to submit to sexual advances will adversely affect employee's employment, assignment, promotion, transfer, evaluation, wages or any other term or condition of employment. All employees have an obligation to maintain an environment free of sexual harassment, and to report instances of harassment by participants or outside parties to the Program Director or Human Resources.

No employee shall threaten or insinuate, whether explicitly or otherwise, to a WIOA applicant or participant, that refusal to submit to sexual advances will adversely affect the entrance or participation in a WIOA funded program.

Any employee who believes that he or she has been a victim of sexual harassment in the workplace should notify his or her immediate supervisor or Human Resources staff and follow the grievances procedures provided by their organization for filing a sexual harassment complaint.

In addition, WIOA staff, participants or students who wish to file a complaint regarding sexual harassment may do so by following the procedures stipulated in Section II of the City of Los Angeles' WIOA Complaint Resolution Procedures. This does not preclude any employee from filing a complaint with the Federal Equal Employment Opportunity Commission (EEOC) or the State Department of Fair Employment and Housing (DFEH). The WorkSource or YouthSource Center will assure that no employee or WIOA participant raising the issue of sexual harassment will suffer any type of reprisal.

Your personal support of this policy is important to ensure a work environment free from sexual harassment.

"This WIOA Title I financially assisted program is an equal opportunity program. Auxiliary aids and services are available upon request to individuals with disabilities"

Applicant Signature

Date