



Ohio Administrative Code

Rule 5101:9-2-05 Workforce Innovation and Opportunity Act (WIOA): discrimination complaints.

Effective: October 18, 2021

(A) Definitions as used in this rule.

(1) "Beneficiaries" means applicants, registrants, participants, recipients, subrecipients, service providers, labor unions, joint labor unions, joint labor management committees, and community-based organizations for services, assistance, and other benefits administered by local workforce development areas.

(2) "Local workforce development area" has the same meaning as "local area," which is defined in WIOA section 3(32) as a local workforce development area designated under WIOA section 106.

(3) "Local workforce development area contractor" means any governmental or non-governmental entity that receives funds from the local workforce development area, whether directly or indirectly, to provide WIOA-funded services, assistance, or benefits to individuals or that performs duties or activities for the local workforce development area pursuant to a contract, grant, or other agreement.

(4) "Limited English Proficiency" means any person or group of persons who cannot speak, read, write, or understand the English language at a level that allows the person or group of persons to meaningfully communicate with local workforce development areas or local workforce development area contractors.

(B) Compliance.

(1) For purposes of WIOA, no person(s) shall, on the grounds of race, color, national origin, disability, age, gender, religion, citizenship, political affiliation or belief, or beneficiary or participant status, be excluded from participation in, be denied or delayed the benefits or services of, or be otherwise subjected to discrimination under any program, service or benefit authorized or provided by the Ohio department of job and family services (ODJFS), or a local workforce development area.



(2) The local workforce development area and its contractors shall operate each program or activity so that when viewed in its entirety, each program or activity is readily accessible to persons with disabilities and provides meaningful access to persons with limited English proficiency. This shall include, but not be limited to, making the physical facilities accessible to persons with disabilities and providing interpreters at no charge to those beneficiaries who are limited English proficient and providing reasonable accommodations for the visually or hearing impaired.

(C) Responsibilities of ODJFS and local workforce development area with regard to discrimination complaints.

(1) ODJFS shall administer nondiscrimination laws, rules, and regulations through the methods of administration outlined in this rule.

(2) The ODJFS bureau of civil rights (ODJFS-BCR) is responsible for the following:

(a) Investigating all complaints of discrimination arising under paragraph (B)(1) or (B)(2) of this rule.

(b) Preparing compliance reports for submission to the United States department of labor, civil rights center (DOL, CRC).

(c) Providing instructions and guidance to the equal opportunity officer at the local workforce development area in all aspects of implementing the civil rights laws and the processing of complaints.

(d) Advising and recommending actions that will remedy noncompliant areas.

(e) Conducting compliance reviews of the local workforce development area and local workforce development area contractors.

(f) Acting as liaison between ODJFS and DOL for issues relating to civil rights.

(3) The director of the local workforce development area has the responsibility of implementing and enforcing civil rights laws, rules, and regulations within its service system, which includes local



workforce development area contractors. The local workforce development area is responsible for the following:

(a) Developing a civil rights plan, limited English proficiency plan, and Americans with Disabilities Act (ADA) plan to ensure that the local workforce development area and the local workforce development area contractors comply with this rule and the civil rights laws, rules, and regulations.

(b) Appointing an equal opportunity officer (EEO) under the following conditions:

(i) The local workforce development area shall appoint an employee of the local workforce development area who is familiar with WIOA non-discrimination provisions (29 C.F.R. 38), Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act (1990), and other pertinent civil rights laws that may apply to the local workforce development area or local workforce development area contractors.

(ii) Depending on the size of the local workforce development area and the number of applicants, registrants and participants served by the local workforce development area, the EEO may be assigned other duties. However, the EEO may not have other responsibilities or activities that conflict with, or that appear to conflict with, the EEO's primary responsibilities.

(c) Appointing an EEO who shall be expected to perform the following responsibilities:

(i) Attending ODJFS approved civil rights training within six months of becoming the EEO, and attending training updates as required by the department;

(ii) Providing input to management to promote civil rights in service delivery, and discussing civil rights complaints, issues, and reports of compliance activities with the local workforce development area or its contractors;

(iii) Maintaining essential compliance records and files, including client analysis data, staff training records, confidential complaint files and accommodation requests;

(iv) Reviewing written policies to make sure that those policies are nondiscriminatory;



(v) Providing technical assistance or referring staff to appropriate resources for technical assistance. Providing annual training to all staff on civil rights in service delivery; and, providing a similar civil rights training to new staff as part of their initial orientations. Maintaining records (e.g, attendance rosters) of training.

(vi) Disseminating civil rights information to local workforce development area staff and local workforce development area contractors, vendors, beneficiaries, and other interested parties; and

(vii) Acting as civil rights liaison between ODJFS, the local workforce development area, local workforce development area contractors, beneficiaries, and community groups or other organizations concerning civil rights in the delivery of services.

(D) Complaints.

Any person may file a written complaint alleging discrimination within one hundred eighty days from the date of the alleged discriminatory act. Complaints can be filed with ODJFS-BCR or DOL, CRC. The local workforce development area shall make available assistance in drafting and filing complaints through the EOO. A complaint is deemed filed when ODJFS-BCR receives a written statement sufficiently precise to identify the parties and to describe generally the action or practices for which there is a complaint. ODJFS discrimination complaint forms may be obtained from ODJFS-BCR or the local workforce development area, but the use of any particular form is not required for the proper filing of a complaint.

(1) Any complaint alleging discrimination filed with ODJFS-BCR shall contain the following information:

(a) The full name and address of the person making the complaint;

(b) The name and address, if known, of the individual or entity against whom the complaint is being made;

(c) The basis on which the complainant believes the discrimination has occurred:



- (i) Race;
 - (ii) Color;
 - (iii) Religion;
 - (iv) National origin;
 - (v) Disability;
 - (vi) Age;
 - (vii) Gender;
 - (viii) Citizenship;
 - (ix) Political affiliation or belief; or
 - (x) Beneficiary, or participant status;
- (d) A statement of the facts that the complainant believes indicate an unlawful discriminatory practice; and
- (e) The date or dates of the alleged unlawful discriminatory practice; or, if the alleged unlawful discriminatory practice is of a continuing nature, the dates between which said continuing acts are alleged to have occurred.
- (2) The complainant and respondent shall be advised of the results of the investigation, after the completion of the investigation. The complainant shall also be advised of the right to file a complaint with any appropriate state or federal civil rights enforcement agency.
- (3) ODJFS-BCR shall maintain records that show the nature of the complaint, the details of the



investigation, and the actions taken by ODJFS.

(E) Upon receiving a complaint alleging discrimination, the local workforce development area shall do the following:

- (1) Forward the complaint to ODJFS-BCR within three working days of the date of receipt;
- (2) Make all persons or papers pertaining to a case being handled by ODJFS-BCR available at ODJFS-BCR's request, unless doing so would violate state or federal law;
- (3) Submit any information requested by ODJFS-BCR not later than fourteen working days from the date of receipt of the request unless otherwise agreed upon;
- (4) Cooperate fully with ODJFS-BCR during the course of any investigation;
- (5) Not initiate, conduct, or run concurrent investigation(s); and
- (6) Not retaliate against the complainant or any person(s) associated with any inquiry conducted by ODJFS-BCR.

(F) Notice.

The local workforce development area and local workforce development area contractors shall have a written nondiscrimination policy that effectively communicates to beneficiaries that the administration, services, assistance, and other benefits of its programs are provided on a nondiscriminatory basis. The local workforce development area and local workforce development area contractors shall, in brochures, pamphlets, or communications that are designed to notify the general public of its services and programs, inform all that the services and programs are provided on a nondiscriminatory basis as required by federal, state, and local civil rights laws. As a result of the organization's commitment to civil rights, the local workforce development area and its contract providers shall also do the following:

- (1) Provide notice to beneficiaries, and employees with impaired vision and/or hearing, and



individuals who are limited English proficient that, if needed, an interpreter or other reasonable accommodations will be provided for them at no charge.

(2) Post in conspicuous places, available to employees and applicants for employment, notices stating that the local workforce development area and its contract providers comply with all applicable federal and state non-discrimination laws. The local workforce development area shall, in all solicitations or advertisements for employees placed by or on behalf of them, state that all qualified applicants shall receive consideration for employment without regard to race, color, national origin, disability, age, gender, religion, ancestry, or veteran status. The local workforce development area shall incorporate the requirements of this paragraph in all of its contracts, grants and other agreements, and shall require all local workforce development area contractors to incorporate the requirements of this paragraph in all subcontracts and subgrants for work performed for or on behalf of the local workforce development area.

(3) Provide notice to beneficiaries of the right to file a complaint if they feel that they have been discriminated against on the basis of race, color, national origin, disability, age, gender, religion, citizenship, political affiliation or belief, beneficiary, or participant status. The notice shall include the web address, mailing address, fax number, and telephone number of ODJFS-BCR.

(G) Remedial action.

A local workforce development area or local workforce development area contractor found to be in violation of this rule will be notified in writing within thirty days after completion of the investigation or review. Any action taken by ODJFS to bring the local workforce development area into compliance with this rule will be done pursuant to section 5101.241 of the Revised Code. Examples of remedial action include but are not limited to: corrective action plans or the withholding of funds. The local workforce development area is responsible for compliance by local workforce development area contractors. ODJFS may take action against the local workforce development area pursuant to section 5101.241 of the Revised Code if the local workforce development area fails to obtain compliance by the local workforce development area contractor.