



October 8, 2021

Administrative Procedure Manual Transmittal Letter No. 385

TO: Administrative Procedure Manual (APM) Holders
FROM: Matt Damschroder, Director
SUBJECT: Civil Rights Plan and Workforce Innovation and Opportunity Act Complaints

This letter transmits amended Administrative Code rules 5101:9-2-01 "Civil Rights Plan," 5101:9-2-03 "Workforce Innovation and Opportunity Act (WIOA)- programmatic complaints," and 5101:9-2-05 "Workforce Innovation and Opportunity Act (WIOA): discrimination complaints." These rules are being amended as part of the internal management rule review process.

Rule 5101:9-2-01 sets forth provisions for Ohio Department of Job and Family Services' responsibilities regarding the supervision of civil rights processes, and the county agency's civil rights plan. Minor clarifications were made to paragraphs (D), (I), (P) and (V).

Rule 5101:9-2-03 sets forth definitions, requirements, and procedures for programmatic complaints by beneficiaries against a local workforce development area or local workforce development area contractor, regarding violation of provisions under the WIOA program. Minor grammatical edits were made to paragraph (A).

Rule 5101:9-2-05 sets forth the definitions, compliance procedures, responsibilities, complaint procedures, notice requirements and remedial action procedures with regard to discrimination complaints. Minor clarifications and grammatical edits were made to paragraphs (A)(4), (B)(2), (B)(3) and (F)(1).

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
Chapter 2	5101:9-2-01 (effective 9/24/16)	5101:9-2-01 (effective 10/18/21)
Chapter 2	5101:9-2-03 (effective 10/1/16)	5101:9-2-03 (effective 10/18/21)
Chapter 2	5101:9-2-05 (effective 11/15/16)	5101:9-2-05 (effective 10/18/21)

5101:9-2-01

Civil rights plan.

(A) Definitions used in this rule.

- (1) "Beneficiaries" means applicants, recipients, and potential applicants and recipients of services, assistance, and other benefits administered by the county agency or county agency contractors.
- (2) "County Agency" means the county department of job and family services, the public children services agency, and the child support enforcement agency.
- (3) "County Agency Contractor" means any governmental or non-governmental entity that receives funds from the county agency, whether directly or indirectly, to provide services, assistance, or benefits to individuals or that performs duties or activities for the county agency pursuant to a contract, grant, or other agreement.
- (4) "Limited English Proficiency" (LEP) means any person or group of persons who cannot speak, read, write or understand the English language at a level that allows them to meaningfully communicate with county agencies or county agency contractors.

(B) Compliance for the Ohio department of job and family services (ODJFS) and the county agency.

All programs, services, and benefits that are administered, supervised, authorized, and/or participated in by a county agency shall be operated in accordance with the nondiscrimination requirements of 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; the Multiethnic Placement Act of 1994, as amended by the Interethnic Adoption Provisions of 1996; the Americans with Disabilities Act Amendment Act of 2008; Title IX of the Education Amendments of 1972 and the Workforce Innovation and Opportunity Act (WIOA) of 2014. The county agency is responsible for ensuring compliance with this rule by all county agency contractors.

(C) No person(s) shall, in violation of state or federal law, on the grounds of race, color, national origin, disability, age, sex, religion, political affiliation or belief, Workforce Innovation and Opportunity Act (WIOA) participation status, or, for beneficiaries only, citizenship status (not all bases apply to all programs) 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 ODJFS, a county agency, or a county agency contractor.

- (D) In carrying out its duties, the county agency shall not discriminate against any employee or applicant for employment because of race, color, national origin, disability, age, sex, religion, political affiliation or belief, WIOA participation status, or, for beneficiaries only, citizenship status (not all bases apply to all programs). The county agency shall ensure that applicants are hired, and that employees are treated during employment without regard to discrimination based on their race, color, national origin, disability, age, sex, religion, political affiliation or belief, WIOA participation status, or, for beneficiaries only, citizenship status (not all bases apply to all programs). Such action includes, but is not limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
- (E) The county agency and its county agency 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 visually or hearing impaired, or are limited English proficient.
- (F) The county agency shall ensure that the opportunity to participate as members of planning, advisory, and policy boards is available to persons in a nondiscriminatory manner.
- (G) The county agency and county agency contractors shall develop policies and procedures that ensure that all recruitment and employment practices do not discriminate on the basis of race, color, national origin, disability, sex, age, religion, political affiliation or belief, WIOA participation status, or, for beneficiaries only, citizenship status (not all bases apply to all programs). Its employment practices also must not have the effect of causing discrimination in the delivery of services and benefits under the program.
- (H) Delegation of authority.
- ODJFS shall administer nondiscrimination laws, rules, and regulations through the following methods of administration: The director of the county agency has the responsibility for implementing and enforcing civil rights laws, rules, and regulations within its service system, including county agency contractors, pursuant to the provisions of this rule and other applicable state and federal laws.
- (I) For purposes of administration of the civil rights plan described in this rule, there are two distinct levels of responsibility: ODJFS and the county agency.

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

- (a) Investigating all complaints of discrimination arising under paragraphs (B), (C), and (E) of this rule.
- (b) Preparing compliance reports for submission to the U.S. department of health and human services, office for civil rights (HHS, OCR), the U.S. department of labor, civil rights center (DOL, CRC), and the U.S. department of agriculture, food and nutrition service, office for civil rights (USDA, FNS, OCR); and providing instructions and guidance to the county agency civil rights coordinator in all aspects of implementing the civil rights laws and the processing of complaints. ODJFS-BCR shall also advise and recommend actions to county agencies to remedy noncompliance.
- (c) Conducting compliance reviews of the county agency and county agency contractors.
- (d) Acting as liaison between ODJFS, HHS, DOL, and USDA offices for civil rights.

(2) The county agency is responsible for the following:

- (a) Developing a civil rights plan, LEP plan and Americans with Disabilities Act (ADA) plan to ensure that the county agency and county contractor comply with this rule and all applicable federal and state civil rights laws, rules, and regulations. The LEP plan has a review schedule of every two years. The civil rights plan and the ADA plan ~~does not have~~ are not under a review schedule. If there is a significant change in civil rights or ADA law, a change in the county agency such as a new civil rights coordinator, new county agency director, adding another agency, or any other changes that will impact the civil rights plan or ADA plan, then the county agency will revise the plan and provide a copy to ODJFS-BCR. Copies of all revised plans (civil rights, LEP, ADA) are to be provided to ODJFS-BCR.
- (b) Appointing a civil rights coordinator who shall be expected to perform the following responsibilities:
 - (i) Attending ODJFS approved civil rights training within six months of becoming the civil rights coordinator; and ~~attending~~ participating in training updates as required by ODJFS.
 - (ii) Providing input to management to improve ~~the civil rights non-~~ discrimination and the offering of reasonable accommodations in

service delivery, and to discuss civil rights complaints, issues, and reports of compliance activities within the county agency or within county agency 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 on civil rights in service delivery to staff. New staff shall receive training as part of their initial orientation. Maintain records (i.e., rosters) of training.
- (vi) Civil rights coordinators (CRC) shall disseminate civil rights information to county agency staff and county agency contractors, vendors, beneficiaries, and other interested parties.
- (vii) Acting as civil rights liaison between ODJFS, the county agency, county agency contractors, beneficiaries, and community groups or other organizations concerning civil rights in the delivery of services.

(J) Complaints.

- (1) Any person may file a written complaint alleging discrimination within one hundred eighty days from the date of the alleged discriminatory act. Refer to ODJFS-BCR's rules on the Multi-Ethnic Placement Act of 1994 and WIOA for different complaint filing timeframes. Complaints can be filed with the ODJFS-BCR or the county agency. Assistance in drafting and filing complaints shall be made available. A complaint is deemed filed when the county agency or 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 the ODJFS-BCR or the county agency, but the use of any particular form is not required for the proper filing of a complaint.
- (2) Any complaint alleging discrimination filed with ODJFS-BCR or a county agency shall contain the following information:
 - (a) The full name and address of the person making the complaint.

- (b) The full name and address of the covered entity (e.g., ODJFS, CDJFS, OMJ) against whom the complaint is made.
 - (c) The basis on which the complainant believes the discrimination has occurred (not all bases apply to all programs):
 - (i) Race;
 - (ii) Color;
 - (iii) Religion;
 - (iv) National origin;
 - (v) Disability;
 - (vi) Age;
 - (vii) Sex;
 - (viii) Political affiliation or belief (WIOA and FNS);
 - (ix) WIOA participation status; or
 - (x) For beneficiaries only, citizenship status (WIOA only).
 - (d) A statement of the facts that the complainant believes indicates an unlawful discriminatory practice.
 - (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.
 - (f) A statement as to any other grievance, action or proceeding in any other forum based upon the same facts as are alleged in the complaint, together with a statement as to the status or disposition of such other action.
- (K) The complainant and respondent shall be advised of the results of the investigation, after the completion of the investigation, which includes referral to FNSRO and its concurrence with ODJFS' action. The complainant shall also be advised of the right to file a complaint with any appropriate state or federal civil rights enforcement agency.
- (L) The ODJFS-BCR shall maintain records that show the nature of the complaint, the details of the investigation, and the actions taken by ODJFS.

(M) Upon receiving a complaint alleging discrimination, the county agency shall:

- (1) Forward the complaint to the ODJFS-BCR within three working days of date of receipt;
- (2) Make all persons or papers pertaining to a case being handled by the ODJFS-BCR available at the ODJFS-BCR's request unless doing so would violate state or federal law;
- (3) Submit any information requested by the ODJFS-BCR not later than fourteen working days from date of receipt of request unless otherwise agreed upon;
- (4) Cooperate fully with the 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 the ODJFS-BCR.

(N) Any complaint by an employee of a county agency or county agency contractor that arises under paragraph (D) or (G) of this rule should be filed with either the Ohio civil rights commission and/or the U.S. equal employment opportunity commission. ODJFS has no authority to investigate complaints arising under paragraph (D) or (G) of this rule.

(O) Notice.

The county agency and county agency contractors shall execute, in writing, an assurance that they will comply with all federal, state, and local civil rights laws, this rule, and all policies and procedures of ODJFS.

(P) The county agency and county agency 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 county agency and county agency 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 county agency and its contract providers shall also:

- (1) Provide notice to beneficiaries, and employees with impaired vision and/or hearing, and individuals who are LEP that, if needed, an interpreter or other reasonable accommodations will be provided for them at no charge.

- (2) Provide notice to beneficiaries of the right to file a complaint if they feel that they have been discriminated against in county agency administered programs, on the basis of race, color, national origin, disability, age, sex, religion, political affiliation or belief, WIOA participation status, or, for beneficiaries only, citizenship status (not all bases apply to all programs). This notice shall include the name, title, and location of the person responsible for receiving the complaint.
- (Q) The county agency shall agree to post in conspicuous places, available to employees and applicants for employment, notices stating that the county agency complies with all applicable federal and state non-discrimination laws. The county agency shall, in all solicitations or advertisements for employees placed by or on its behalf, state that all qualified applicants shall receive consideration for employment without regard to race, color, national origin, disability, age, sex, religion, political affiliation or belief, WIOA participation status, or, for beneficiaries only, citizenship status (not all bases apply to all programs). The county agency shall incorporate the requirements of paragraphs (B), (C), (D), and (E) of this rule in all of its contracts, grants, and other agreements, and will require all county agency contractors to incorporate these requirements in all subcontracts and subgrants for work performed for or on behalf of the county agency.
- (R) Compliance and monitoring.
- ODJFS shall periodically review the county agency's compliance program to ensure that it is providing equal employment opportunities, equal opportunity for participation in all programs, and equal opportunity for receiving benefits and services. HHS, DOL, and USDA will be notified of each annual review. ODJFS shall document and maintain a record of the implementation of these civil rights procedures and the compliance status of the county agency, including county agency contractors, in an annual report.
- (S) The ODJFS-BCR shall monitor the county agency and county agency contractors to determine their compliance with the civil rights plan described in this rule in relationship to the population of the agency's service area. The ODJFS-BCR, may however, initiate its own investigation if the regular flow of compliance data alerts ODJFS of a possible problem.
- (T) County agency and county agency contractor reviews by ODJFS-BCR shall be conducted periodically, including, but not limited to, the following:
- (1) Site location accessibility for disabled persons seeking services and/or benefits;
 - (2) Referral sources for outreach;

- (3) Evaluation of client participation in services;
 - (4) Range and provision of services;
 - (5) Accessibility of services for persons with disabilities;
 - (6) Civil rights complaint procedures; and
 - (7) Access to benefits and/or services by persons who are LEP.
- (U) ODJFS reserves the right to perform its lawful obligation by inspecting sites and practices and materials that include, but are not limited to, the following:
- (1) Appointment books to verify that no distinction is made as to the time of day beneficiaries of a protected class are served;
 - (2) Written or electronic case files to establish that service is being offered in a consistent manner to all beneficiaries;
 - (3) Official and standard documents, records, and policies of county agency contractors to establish adoption of the necessary civil rights policies;
 - (4) Publications, brochures, posters, policy manuals, employee handbooks, and training materials to ensure that the notice of nondiscriminatory policies for beneficiaries and employees is included; and
 - (5) The notice of nondiscrimination is posted as required by the ODJFS civil rights compliance plan.
- (V) The county agency and county agency contractors, as applicable, shall make available to HHS, DOL, and USDA all data and information necessary to determine the agency's compliance with civil rights laws and regulations. Compliance information, where feasible, shall include the following:
- (1) Identification of eligible population (defined as individuals eligible for programs/ services) in aggregate for the state. Also, a separate identification of the eligible population in each county agency (by program) and by the categories of race: "American Indian" or "Alaska Native," "Asian," "Black" or "African American," "Native Hawaiian" or "Other Pacific Islander," and "White." The two categories for data on ethnicity are: "Hispanic" or "Latino" and "Not Hispanic" or "Not Latino."

- (2) Identification of the eligible disabled population in aggregate, for the state, and a separate identification of the eligible disabled population of each county agency and contract provider.
- (3) Identification of the number of individuals participating in HHS, DOL, or USDA funded programs and these services in aggregate for the state, and for each county agency contractor by the categories specified in paragraphs (V)(1) and (V)(2) of this rule, to the extent such data is reasonably available.

(W) Remedial action.

A county agency or county agency contractor found to be in violation of the ODJFS civil rights plan shall be notified in writing within thirty days after completion of the investigation or review. Any action taken by ODJFS to bring the county agency into compliance with the ODJFS civil rights plan will be done pursuant to section 5101.24 of the Revised Code. Examples of remedial action include, but are not limited to, corrective action plans or the withholding of funds. The county agency is responsible for compliance by county agency contractors. ODJFS may take action against the county agency pursuant to section 5101.24 of the Revised Code if the county agency fails to obtain compliance by the county agency contractor.

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Certification

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05/01/2011, 09/24/2016

5101:9-2-03

**Workforce Innovation and Opportunity Act (WIOA):
programmatic complaints.**

(A) Definitions as used in this rule.

- (1) "Beneficiaries" means applicants, registrants, participants, recipients, subrecipients, service providers, labor unions, joint labor management committees, and community-based organizations for services, assistance, and other benefits administered by local workforce development areas.
- (2) "Service provider" refers to entities and individuals providing services directly to WIOA participants, such as approved educational institutions and those providing skill training to WIOA participants/applicants. Service provider does not include an unsuccessful bidder on a contract to provide software or other services directly to the local workforce development area, as these types of contract disputes are subject to government procurement requirements and the contract protest process.
- (3) "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.
- (4) "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.
- (5) "Days"; wherever used in this rule, shall mean calendar days, unless otherwise expressly stated.
- (6) "Informal conference" means a meeting facilitated by the local workforce development area, during which the facts and circumstances attending a complaint are examined, in an effort to informally resolve the complaint.
- (7) "Local hearing" means a quasi-judicial forum convened and presided over by the local agency hearing officer.

(B) Requirement for local and state grievance procedures.

- (1) The local workforce development area is responsible for:

- (a) Developing a complaint procedure to ensure that the local workforce development area and its contractors comply with this rule and all applicable WIOA-related laws, rules, and regulations; and
- (b) Providing notice to workforce participants, service providers and other beneficiaries of the right to file a programmatic complaint with the local workforce development area.
- (c) Assisting the complainant in drafting and filing complaints, upon request and whenever needed, through the local workforce development area's equal opportunity officer.
- (d) Follow through with the Ohio department of job and family services, office of workforce development's (OWD's) final decision, including corrective actions and due dates, as instructed in the decision.

(2) OWD is responsible for reviewing all appeals of programmatic complaints.

(C) Programmatic complaints.

- (1) A beneficiary who wishes to file a programmatic complaint alleging any violation of WIOA, other than discrimination, shall first file the complaint with the local workforce development area. All such complaints shall be filed within three hundred sixty-five days of the date of the incident or violation that caused the dispute.
- (2) A programmatic complaint is deemed filed when the local workforce development area receives a written statement with sufficient details to identify the parties and to describe generally the alleged action(s), practice(s), or violation(s) that led to the filing of the complaint.
- (3) Programmatic complaints shall be investigated first by the local workforce development area. If a satisfactory resolution is not reached through the informal conference, the complainant shall be offered the opportunity for a local hearing. The investigation, opportunity for informal resolution and, if requested, local hearing and hearing decision, shall all be completed within sixty days of the date of the filing of the complaint.
- (4) Any programmatic complaint that is filed with the state before it is first filed with the local area and afforded a full opportunity for resolution through the local complaint process, shall be remanded by the state to the appropriate local workforce development area for investigation, informal resolution and, when necessary, local hearing.

(D) Appeals.

(1) First level appeal to OWD.

- (a) Whichever party, whether the complainant or the respondent, is adversely affected by the local workforce development area's decision regarding a programmatic complaint, may file an appeal with OWD. Appeals must be filed within ten days from the date of receipt of the local workforce development area hearing decision. The appeal must set forth the specific reasons why an appeal is being filed and the relevant portion or portions of the local workforce development area hearing decision that form the basis of the appeal. In the event of an appeal to OWD, the local workforce development area shall forward the hearing decision, complaint, and all records related to the hearing and complaint to OWD within five business days of the notification of the appeal. The local workforce development area may make a written request to OWD for an extension of time to produce the record, and such request may be granted at the sole discretion of OWD upon good cause shown.
- (b) OWD shall conduct a review of the findings of the local workforce development area. OWD shall only reverse the local workforce development area hearing decision if the local workforce development area's findings are found to be arbitrary and not supported by the evidence or the law. The complainant and respondent shall be advised of the results of the appeal, not later than sixty days after the receipt of the appeal.

(2) Second level appeal to U.S. department of labor.

Whichever party is adversely affected by OWD's decision, whether the complainant or the respondent, may appeal to the department of labor, as described in section 181(c) of WIOA. The appellant shall file the appeal request with the "U.S. Department of Labor Secretary" by certified mail, return receipt requested. The appellant shall also send a copy of the appeal by U.S. mail to the:

- (a) "Employment and Training Regional Administrator," and
- (b) "Ohio Department of Job and Family Services, Office of Workforce Development."

(E) Remedial action.

A local workforce development area or local workforce development area contractor found to be in violation of this rule shall be notified in writing by OWD within thirty days of the date of completion of the investigation or review. Any action

taken by ODJFS to bring the local workforce development area into compliance with this rule shall be done pursuant to section 5101.241 of the Revised Code or other applicable federal or state laws. 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 ensuring that its contractors are in compliance with this rule. ODJFS may take action against the local workforce development area for any compliance violations on the part of the local area's contractors.

- (F) To the extent a local workforce development area chooses to participate in the comprehensive case management and employment program (CCMEP) and any provision in this rule conflicts with rule 5101:6-10-01 of the Administrative Code, the provisions in rule 5101:6-10-01 of the Administrative Code shall govern, unless the CCMEP youth participant receives an Ohio works first (OWF) sanction termination notice as described in rule 5101:1-3-15 of the Administrative Code. In the event a CCMEP youth participant receives an OWF sanction termination notice, and disagrees with the proposed action, the youth may request a state hearing in accordance with rule 5101:6-3-01 of the Administrative Code.

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5101:9-2-05

**Workforce Innovation and Opportunity Act (WIOA):
discrimination complaints.**

(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~~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, ~~or are limited English proficient.~~

(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~~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 (EOO) 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 EOO may be assigned other duties. However, the EOO may not have other responsibilities or activities that conflict with, or that appear to conflict with, the EOO's primary responsibilities.
- (c) Appointing an EOO who shall be expected to perform the following responsibilities:
- (i) Attending ODJFS approved civil rights training within six months of becoming the EOO, 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.

Effective: 10/18/2021

CERTIFIED ELECTRONICALLY

Certification

10/08/2021

Date

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