

# **Two Key Significant Equal Opportunity Obligations of USDOL Financial Assistance Recipients**



**Conducted by the U.S. Department of Labor, Office of the Assistant Secretary for Administration and Management, Civil Rights Center**

# LAWS & REGULATIONS



**RULES! We  
got some rules  
around here.**

# Laws Applicable to USDOL Financial Assistance Recipients

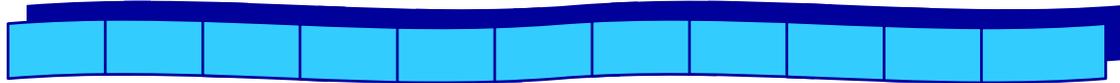
<b>Title VI - Civil Rights Act of 1964</b>	<b>Race, color, nat'l origin</b>
<b>Section 504 - Rehabilitation Act</b>	<b>Disability</b>
<b>Americans with Disabilities Act</b>	<b>Disability</b>
<b>Title IX, Education Amendments Act of 1972</b>	<b>Sex</b>
<b>Age Discrimination Act of 1975</b>	<b>Any age</b>
<b>Section 188 of the Workforce Investment Act</b>	<b>Race, color, nat'l origin, sex, religion, disability, political affiliation or belief, age, and for (beneficiaries only citizenship or participation in any WIA Title I program or activity</b>
<b>All of the above laws</b>	<b>Retaliation/intimidation/ reprisal</b>

# **Regulations Applicable to USDOL Financial Assistance Recipients**

<b>Title VI - Civil Rights Act of 1964</b>	<b>29 CFR Part 31</b>
<b>Section 504 - Rehabilitation Act</b>	<b>29 CFR Part 32</b>
<b>Americans with Disabilities Act</b>	<b>28 CFR Part 35</b>
<b>Title IX - Education Amendments Act of 1972</b>	<b>49 CFR Part 25</b>
<b>Age Discrimination Act of 1975</b>	<b>29 CFR Part 35</b>
<b>Section 188 of the Workforce Investment Act</b>	<b>29 CFR Part 37</b>

**The Role and Responsibilities  
of Person(s) Designated to Coordinate  
Equal Opportunity Compliance**

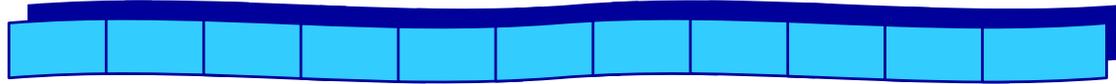
# **Role & Responsibilities of Persons Designated to Coordinate Equal Opportunity Compliance**



- **Serve as liaison with the Civil Rights Center.**
- **Developing & publishing discrimination complaint procedures.**
- **Administering the discrimination complaint process.**
- **Monitoring the recipient's activities.**
- **Review the recipient's written policies to make sure that they are nondiscriminatory.**

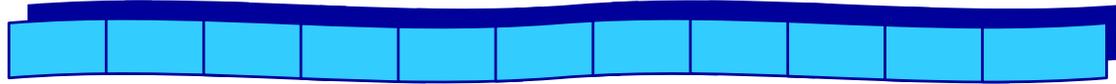
# **Basic Element of a Complaint Processing System**

# Complaint Log



**The log should capture all complaints filed with that allege discrimination on a protected ground(s), i.e. race, color, national origin, age, or disability.**

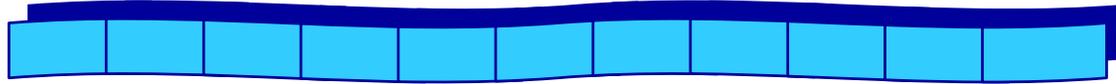
# Complaint Log



**The log should include:**

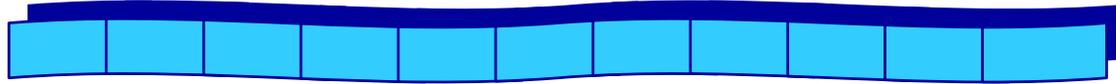
- **The name and address of the complainant;**
- **The ground of the complaint;**
- **A description of the complaint;**
- **The date the complaint was filed; and**
- **The disposition and date of disposition of the complaint.**

# Complaint Log



Information that could lead to identification of a particular individual as having filed a complaint must be kept confidential.

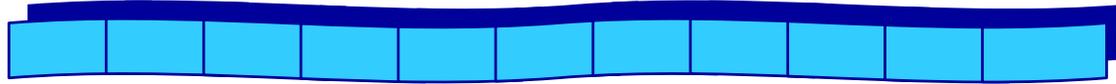
# **Initial Acknowledgement of the Complaint**



**Initial, written notice to the complainant that contains:**

- (i) An acknowledgment that the recipient has received the complaint; and**
- (ii) Notice that the complainant has the right to be represented in the complaint process.**

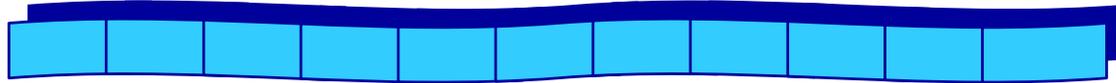
# Written Statement of the Issues



**A written statement of the issue(s) is provided to the complainant that includes:**

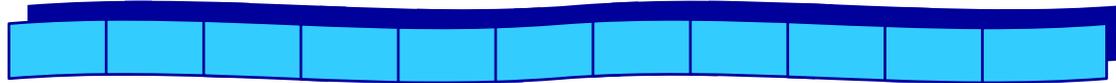
- (i) A list of the issues raised in the complaint; and**
- (ii) For each such issue, a statement whether the recipient will accept the issue for investigation or reject the issue, and the reasons for each rejection.**

# Period of Fact-Finding



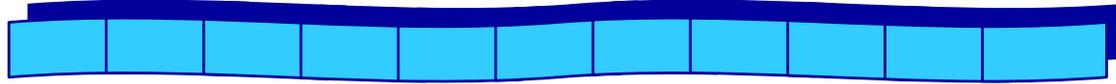
**A period for fact-finding or investigation of the circumstances underlying the complaint.**

# **Alternative Dispute Resolution ADR**



**A “win-win” approach to resolving the discrimination complaint. The ADR method selected is the choice of the recipient.**

# Notice of Final Action



**A written Notice of Final Action is provided to the complainant within a specified number of days from the date on which the complaint was filed.**

# Notice of Final Action

(continued)



**For each issue raised in the complaint, a statement of either:**

- **The recipient'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**
- **Notice that the complainant has a right to file a complaint with CRC.**

# **Legal Theories of Discrimination**

# Legal Theories of Discrimination

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**Two primary legal theories are used to establish a case of prohibited discrimination:**

- (1) Intentional discrimination/disparate treatment; and**
- (2) Disparate impact/effects.**

# Legal Theories of Discrimination

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**Disparate treatment** means that similarly situated persons are treated differently (i.e., less favorably) than others because of their race, color, national, origin, sex, etc.

# Legal Theories of Discrimination

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**Disparate impact** - Does not require proof of discriminatory intent. Rather, disparate impact cases involve claims that a recipient is violating nondiscrimination regulations by utilizing a neutral policy or practice that has the effect of disproportionately excluding or adversely affecting members of a protected group, and the recipient's policy or practice lacks a "substantial legitimate justification."

**A TOOL FOR  
PLANNING A DISCRIMINATION  
COMPLAINT INVESTIGATION**

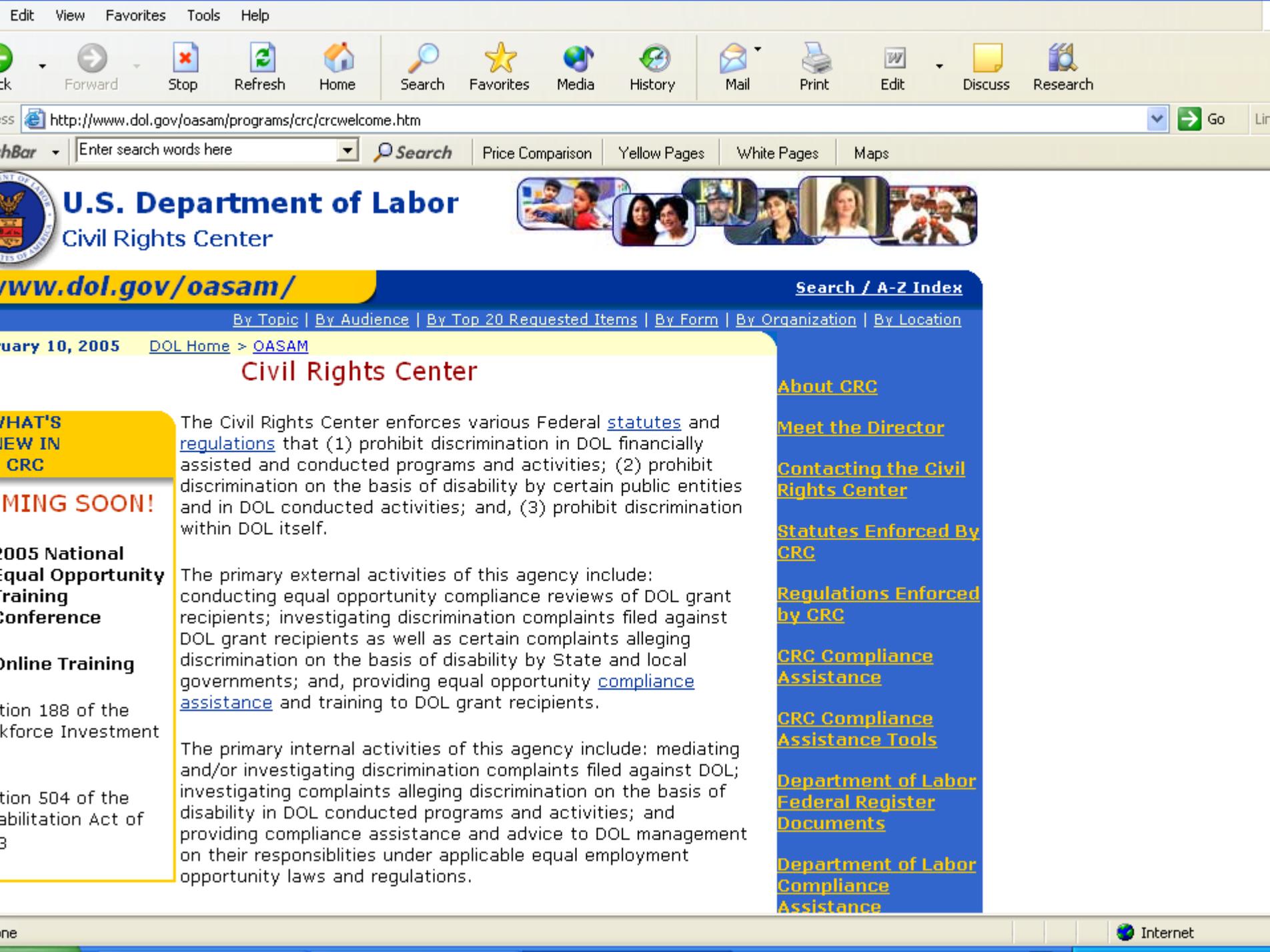
**INVESTIGATIVE PLAN****Complaint Number:** \_\_\_\_\_**Name of Complainant:** \_\_\_\_\_**Name of Recipient:** \_\_\_\_\_

<b>Complaint Allegations</b>	<b>Potential Violation (s)</b>	<b>Legal Theory (Disparate Impact/Disparate Treatment)</b>	<b>Questions to be Answered</b>	<b>Information on File</b>	<b>Further Information Needed</b>	<b>Source for Information Needed</b>

# *QUESTIONS* ?????



**Contacting  
the  
Civil Rights Center**



## Civil Rights Center

### WHAT'S NEW IN CRC

### COMING SOON!

2005 National Equal Opportunity Training Conference

### Online Training

Section 188 of the Workforce Investment Act

Section 504 of the Rehabilitation Act of 1973

The Civil Rights Center enforces various Federal [statutes](#) and [regulations](#) that (1) prohibit discrimination in DOL financially assisted and conducted programs and activities; (2) prohibit discrimination on the basis of disability by certain public entities and in DOL conducted activities; and, (3) prohibit discrimination within DOL itself.

The primary external activities of this agency include: conducting equal opportunity compliance reviews of DOL grant recipients; investigating discrimination complaints filed against DOL grant recipients as well as certain complaints alleging discrimination on the basis of disability by State and local governments; and, providing equal opportunity [compliance assistance](#) and training to DOL grant recipients.

The primary internal activities of this agency include: mediating and/or investigating discrimination complaints filed against DOL; investigating complaints alleging discrimination on the basis of disability in DOL conducted programs and activities; and providing compliance assistance and advice to DOL management on their responsibilities under applicable equal employment opportunity laws and regulations.

- [About CRC](#)
- [Meet the Director](#)
- [Contacting the Civil Rights Center](#)
- [Statutes Enforced By CRC](#)
- [Regulations Enforced by CRC](#)
- [CRC Compliance Assistance](#)
- [CRC Compliance Assistance Tools](#)
- [Department of Labor Federal Register Documents](#)
- [Department of Labor Compliance Assistance](#)

# Using e-mail when you know the name of the person.

Hyphen

Last Name-First Name@dol.gov



No  
nicknames

# Website Address

<http://www.dol.gov/oasam/programs/crc/crcwelcome.htm>

# CRC Telephone Numbers

<b>Director's Office .....</b>	<b>(202) 693-6500</b>
<b>Office of Compliance Assistance and Planning .....</b>	<b>(202) 693-6501</b>
<b>Office of External Enforcement .....</b>	<b>(202) 693-6502</b>
<b>Office of Internal Enforcement .....</b>	<b>(202) 693-6503</b>
<b>Office of Mediation, Counseling and Evaluation .....</b>	<b>(202) 693-6504</b>
<b>Fax .....</b>	<b>(202) 693-6505</b>
<b>TTY .....</b>	<b>(202) 693-6515/16</b>

THE END

