**Discrimination Complaint Procedures**

**Appendix B**

**Jurisdiction ChecklistChecklist for Establishing Jurisdiction**

Failure of the Complainant to establish any one of the following items, after an opportunity to supplement his/her complaint, shall result in a notification of “no jurisdiction” to the Complainant.

\_\_\_\_\_ The complaint is in writing

\_\_\_\_\_ The Complainant’s name and contact information is provided

\_\_\_\_\_ The complaint is signed by the Complainant or authorized

representative

Does the Complainant have an authorized representative?

\_\_\_\_ yes \_\_\_\_ no

\_\_\_\_\_ The Respondent is identified

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_ The Respondent is a “recipient”[[1]](#footnote-1)

Explain source of federal funding or other qualifying

source (*e.g.,* operates WIOA Title I programs or services):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Documentation supporting “recipient” status: \_ yes \_ no

There is a relationship between the Complainant and Respondent

\_\_\_ yes \_\_\_ no

Identify the nature of the relationship:

\_\_\_ applicant

\_\_\_ enrollee

\_\_\_ seeking to apply/enroll/bid

\_\_\_ bidder

\_\_\_ other (describe)

\_\_\_\_\_ The complaint alleges a covered “basis” of discrimination

What is the covered “basis”?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_ The complaint has “apparent merit” (*e.g.,* the Complainant alleges

that Respondent took an “adverse action” against the Complainant

due to a prohibited “basis” of discrimination)

Brief statement of alleged “adverse action” or “issue.”

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_ The complaint is timely filed

Date complaint filed:

Date of alleged adverse action:

The regulations require that a complaint be filed (received) within 180 days of the date of the alleged *adverse action*.

Reviewing the complaint to determine whether it is timely shall be the last step. It would be an inefficient use of administrative resources expended by the Complainant and the U.S. Department of Labor’s Civil Rights Center to engage in a waiver proceeding, if the complaint does not satisfy each and every one of the other jurisdictional requirements.

Also, the EO Officer shall not accept “premature” complaints. These are complaints where the administrative remedies have not been exhausted. One example involves Unemployment Insurance (UI) benefits. Once the Complainant applies for UI benefits, the claim initially may be denied. The Complainant must follow the UI procedures for challenging the denial and, only if the Complainant is dissatisfied with the final UI decision may s/he pursue a discrimination complaint.

1. In determining jurisdiction, the regulations define “recipient” very broadly as follows:

   *Recipient* means entity to which financial assistance under Title I of WIOA is extended, directly from the Department or through the Governor or another recipient (including any successor, assignee, or transferee of a recipient). . . . In instances in which a Governor operates a program or activity, either directly or through a State agency, using discretionary funds apportioned to the Governor 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.

   Recipients include “one-stop partners” as defined at Section 121(b) of WIOA, but the “ultimate beneficiary” of a WIOA Title I program or activity is not a “recipient.” 29 C.F.R. 38.4(zz). [↑](#footnote-ref-1)