

Appendix A: Discrimination Complaint Sample Letters

Notice of Received (NOR)

July 26, 20XX

Jane Doe
PO Box 11111
City of W, State of Y 11111

Dear Ms. Doe:

This letter acknowledges receipt of your complaint of discrimination dated July xx, 20XX. You allege that the ABC Job Center staff discriminated against you.

You have the right to be represented by an attorney or other representative in the complaint process. The Missouri Division of Workforce Development's Equal Opportunity Unit has the authority to investigate and determine complaints of discrimination on the "basis" of race, color, national origin, religion, age, sex, disability, citizenship, political affiliation or belief, and/or status as a Workforce Innovation and Opportunity Act participant in programs funded, in part or in whole, by the U.S. Department of Labor.

If we determine that your complaint and the allegations you make against the Respondent(s) meet all of the basic federal requirements, we will provide a formal letter accepting your complaint. You would then be able to select alternate dispute resolution (mediation) or the option for us to conduct a formal investigation into the complaint.

If you have any questions, please feel free to contact me directly at 123-456-789.

Respectfully,
/s/
Jessie Smith
State EO Officer

Appendix A: Discrimination Complaint Sample Letter

NOTICE OF ACCEPTANCE(NOA)

May 15, 20XX

Jane Doe
PO Box 11111
City of W, State of Y 11111
(Charging Party)

ABC Corporation
12345
Show-Me, MO 12345
(Respondent)

Dear Complainant and Respondent:

The parties are notified that I have accepted a complaint of discrimination filed by Jane Doe (Complainant) against ABC Corporation(Respondent). The complaint of discrimination at issue is dated July XX, 20XX.

I Authority

I have authority to investigate and determine complaints of discrimination arising under the following statutes and their implementing regulations: (1) Title VI of the Civil Rights Act of 1964, as amended; (2) Section 504 of the Rehabilitation Act of 1973, as amended; (3) Section 188 of the Workforce Innovation and Opportunity Act of 2014 (WIOA) (4) Title II of the Americans with Disabilities Act of 1990, as amended (5) Title IX of the Education Amendments of 1972, as amended; and (6) the Age Discrimination Act of 1975.

As a whole, these statutes bar discrimination on the basis of race, color, national origin, religion, age, sex, disability, citizenship, political affiliation or belief, and/or status as a WIOA participant in programs funded, in part or in whole, by the U.S. Department of Labor.

In order to have authority to investigate this complaint, it must comply with the following basic federal requirements: (1) the complaint must be in writing; (2) it must be signed by the Charging Party (CP), or the CP's authorized representative; (3) the complaint must identify a Respondent who is a "recipient" under the applicable laws; (4) the complaint must contain sufficient contact information for the CP; (5) the

complaint must state a "basis" covered by one of the foregoing statutes; (6) the complaint must set forth an "issue," or adverse action; (7) the "issue" or adverse action must have occurred within 180 days of the filing of this complaint; and (8) the complaint must have "apparent merit." Upon review of the complaint, I find that all of these basic federal requirements are met with regard to allegations made against the Respondent.

II Issues Accepted for Investigation

I will conduct an investigation of the following issues and render a final determination on the merits of these issues:

Whether or not Respondent's policies, practices and procedures related to discrimination and harassment have been implemented into the entity's operation as a requirement under the nondiscrimination and equal opportunity provisions of WIOA Section 188 and 29 CFR Part 38.

III Interrogatories and Document Production Requests

Documentation requests have been attached for each party to submit to the DWD office of Equal Opportunity. The Complainant is advised that a failure to respond to the documentation request directed to you may result in the dismissal of your complaint of discrimination. Respondent is advised that a failure to respond to the documentation request directed to you may result in a finding of discrimination.

The Complainant is advised that a failure to respond to interrogatories directed to you may result in the dismissal of your complaint of discrimination. The Respondent is advised that a failure to respond to interrogatories directed to you may result in a finding of discrimination.

Each party may also submit a position statement. If desired, the Respondent may submit a position statement on or before July XX, 2018, with a copy to be served to Complainant. If the Respondent submits a position statement, then the Complainant shall be afforded the opportunity to submit a response. The Complainant's response must be submitted to the undersigned on or before July XX, 2018.

The DWD Office of Equal Opportunity may conduct interviews of both parties either in-person or by mail, electronic mail, or telephone and may also interview any identified witnesses.

IV Right to Representation

Please be advised that, pursuant to 29 C.F.R. § 38.72, "both the complainant and respondent have the right to be represented by an attorney or other individual of

their choice.” 29 C.F.R. § 38.72. Securing representation for this complaint process is not required, but is permitted.

V Opportunity for Mediation

You are notified that, pursuant to 29 C.F.R. § 38.72, the Complainant may choose to mediate this discrimination complaint. The mediation process is voluntary and both parties must consent before the mediation process will proceed. If you would like to try mediation of this complaint, you should submit a request in writing to the State Equal Opportunity Officer. If you elect mediation, but the complaint is not resolved through mediation, then this agency will continue to investigate and process the complaint and issue a Notice of Final Action resolving the issues.

Retaliation against, or intimidation of, anyone who takes part in any of the following actions related to nondiscrimination or equal opportunity or investigation is prohibited: filing a discrimination complaint, opposing a practice that is made illegal by civil rights law, giving information to, testifying at, or taking part in any other way in an investigation, a compliance review, a hearing, or any other type of civil rights-related activity.

If you have any questions, or need clarification, please feel free to contact me.

Respectfully,
/s/
Jessie Smith
State EO Officer

Appendix A: Discrimination Complaint Sample Letters

NOTICE OF Alternate Dispute/Mediation (NOADM)

July 25, XXXX

Jane Doe
PO Box 11111
City of W, State of Y 11111
(Charging Party)

ABC Corporation
12345
Show-Me, MO 12345
(Respondent)

Dear Charging Party and Respondent:

The parties are notified that I have accepted a complaint of discrimination filed by Jane Doe, Charging Party (CP), against ABC Corporation (Respondent). The complaint of discrimination at issue is dated July XX, 2019. After the complaint was accepted, both parties agreed to mediate this complaint.

Authority

I have authority to investigate and determine complaints of discrimination arising under the following statutes and their implementing regulations: (1) Title VI of the Civil Rights Act of 1964, as amended; (2) Section 504 of the Rehabilitation Act of 1973, as amended; (3) Section 188 of the Workforce Innovation and Opportunity Act of 2014 (WIOA) (4) Title II of the Americans with Disabilities Act of 1990, as amended (5) Title IX of the Education Amendments of 1972, as amended; and (6) the Age Discrimination Act of 1975.

As a whole, these statutes bar discrimination on the basis of race, color, national origin, religion, age, sex, disability, citizenship, political affiliation or belief, and/or status as a WIOA participant in programs funded, in part or in whole, by the U.S. Department of Labor.

In order to have authority to investigate this complaint, it must comply with the following basic federal requirements: (1) the complaint must be in writing; (2) it must be signed by the CP or the CP's authorized representative; (3) the complaint must identify a Respondent who is a "recipient" under the applicable laws; (4) the complaint must contain sufficient contact information for the CP; (5) the complaint must state a "basis" covered by one of the foregoing statutes; (6) the complaint must

set forth an "issue," or adverse action; (7) the "issue" or adverse action must have occurred within 180 days of the filing of this complaint; and (8) the complaint must have "apparent merit." Upon review of the complaint, I find that all of these basic federal requirements are met with regard to allegations made against the Respondent.

Issues Accepted for Investigation

Whether or not Respondent's policies, practices and procedures related to discrimination and harassment have been implemented into the entity's operation as a requirement under the nondiscrimination and equal opportunity provisions of WIOA Section 188 and 29 CFR Part 38.

**List all items that apply*

Opportunity for Mediation

You are notified that, pursuant to 29 C.F.R. § 38.72, you selected to mediate (alternate dispute resolution) this discrimination complaint. The mediation process is voluntary and both parties must consent before the mediation process will proceed. If you elect mediation, but the complaint is not resolved through mediation, then this agency will continue to investigate and process the complaint and issue a Notice of Final Action resolving the issues.

Retaliation against, or intimidation of, anyone who takes part in any of the following actions related to nondiscrimination, equal opportunity, or the investigation; is prohibited from: filing a discrimination complaint, opposing a practice that is made illegal by civil rights law, giving information to, testifying at, or taking part in any other way in an investigation, compliance review, hearing, or any other type of civil rights-related activity.

Agreement to Mediate

Both parties have agreed to mediate the complaint filed by the CP. Mediation and conciliation will offer both parties an opportunity to speak openly about their perception of events that occurred, while the mediator facilitates possible resolutions to the issues raised in the complaint.

Right to representation

Please be advised that, pursuant to 29 C.F.R. § 38.72, "both the CP and Respondent(s) have the right to be represented by an attorney or other individual of their choice." Securing representation for this complaint process is not required, but is permitted.

Terms of Mediation

Mediation is an alternative to an investigation. The mediation process will have 20 days from the date of the receipt of this letter to resolve the complaint through mediation.

The mediation process is confidential and what is said in the mediation will stay in the mediation. The Division of Workforce Development (DWD) will select a mediator who is not a party to the complaint and who is not designated by the Respondent(s).

If both parties agree to settle the discrimination complaint by mediation, then the following elements must be included as a part of the written agreement. Regulations implementing the WIOA at 29 CFR Part 38 set forth the required elements of a "Conciliation Agreement" as follows.

The Conciliation Agreement must:

- A. Be in writing;
- B. Address each cited violation;
- C. Specify the corrective or remedial action to be taken within a stated period of time to come into compliance;
- D. Provide for periodic reporting on the status of the corrective and remedial action;
- E. Provide that the violation(s) will not recur; and
- F. Provide for enforcement for a breach of the agreement.

The agreement must be signed by the parties to the discrimination complaint. The mediator may also consider inclusion of certain additional points in the agreement, such as:

- ✓ An assurance that the Respondent(s) will comply with the nondiscrimination and equal opportunity requirements of WIOA and other Title VI-related Acts in general and that it will not discriminate against the CP in particular;
- ✓ Agreement that the Respondent will not retaliate against any person (including the CP) because of filing a discrimination complaint, testifying, or participating in any manner in any investigation, proceeding, or hearing pertaining to a discrimination complaint; and
- ✓ An enforcement provision.

DWD will issue a "Final Determination" letter that will include the terms of the agreement. The "Final Determination" letter will conclude our investigation process in this matter unless both parties fail to come to an agreement. If there is no agreement, the investigation process will continue and conclude within 90 days from when the complaint was accepted for investigation.

The mediator will be contacting both parties within 48 hours of receipt of this letter. The mediator will make all arrangements for both parties to participate in the mediation.

Show-ME Missouri
123 MO River
Jefferson City, MO XXXX
123-456-789

Respectfully,
/s/
Jessie Smith
State EO Officer

Appendix A: Discrimination Complaint Sample Letters

NOTICE OF FINAL ACTION (NOFA)

July 25, 20XX

Jane Doe
PO Box 11111
City of W, State of Y 11111
Charging Party

vs

ABC Job Center Corporation
12345
Show-Me, MO 12345
(Respondent)

Dear Ms. Doe:

By "Notice of Acceptance" dated June XX, 20XX, the parties were notified that I accepted a complaint of discrimination filed by Jane Doe(CP), against ABC Corporation Job Center (Respondent). The CP alleges that the Respondent discriminated against the CP on the basis of _____ which violates WIOA Section 188. The CP's complaint is timely filed and all other jurisdictional requirements are met. I have jurisdiction to investigate and decide this matter.

I Issue Accepted

The following issue accepted for investigation was set forth in my "Notice of Acceptance" and is the subject of this "Notice of Final Action":

State the issue as it is stated in the "Notice of Acceptance"

II
Stipulations or areas or Agreement of the Parties

The parties have reached agreement, or stipulated to, the following facts pertinent to the complaint investigation:

[Describe what both parties agree on in this section.]

III
Finding of Facts

Based on documentation and statements submitted by the CP and the Respondent during the investigation, I/we make the following findings of fact:

[Number each relevant finding of fact separately. It is best to state the facts in date and time chronology---- oldest to newest.]

VI
Analysis

[For the issue listed in Part II of this document, list each element of proof separately and make a finding whether the CP has/has not established that element.]

V
Conclusion

With regard to the issue accepted for this complaint investigation, and based on the foregoing findings of fact, it is concluded that:

[Provide a simple statement answering the issue. For example: It is determined that the Respondent did provide supportive services to the CP in the amount of \$500 for car repairs.]

This determination is the final decision and concludes our processing of this matter.

VI
Remedies

[If remedies are to be provided for the complainant to be made whole, then set forth the remedies in this section and include the following statement:]

The Respondent's failure to achieve compliance with this Notice of Final Action on or before _____ shall constitute a finding that voluntary compliance cannot be achieved, and may result in sanctions applied against the Respondent.

VII

Notice of Right to File with Civil Rights Center

If the Complainant is dissatisfied with this Notice of Final Action, you may file a complaint with the Civil Rights Center, U.S. Department of Labor, 200 Constitution Avenue, Washington, DC 20210. The complaint must be filed within 30 days of the date on which you receive this Notice of Final Action.

Respectfully,

Jessie Smith
State EO Officer