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**GST MICHIGAN WORKS! POLICY 18-08 Change 2**  
(Board Approved 9-13-2024)

- TO:** GST Michigan Works! One-Stop Partners, Service Providers, Employer-Based Training Employers, Participants, Other Interested Parties, and Employees
- FROM:** Jody Kerbyson, CEO
- SUBJECT:** Discrimination Complaint Processing Procedures and Policy
- EFFECTIVE:** June 1, 2024
- PROGRAMS AFFECTED:** All programs and activities that are conducted as part of the Workforce Innovation and Opportunity Act (WIOA) Title I or part of the One-Stop delivery system.
- RECISSIONS:** GST Michigan Works PI 18-08, change 1
- REFERENCES:** 29 Code of Federal Regulations (CFR) Parts 38.69 – 38.77
- BACKGROUND:** This policy provides detailed discrimination complaint processing procedures relevant to the GST Michigan Works! Nondiscrimination and Equal Opportunity Requirements Policy. The GST Michigan Works! Equal Opportunity Officer is responsible for processing different kinds of complaints. Depending upon the complaint, different procedures will apply. Generally, WIOA complaints can be divided into two categories: (1) program complaints, and (2) discrimination complaints. Program complaints are processed in accordance with the GST Michigan Works! "Grievance & Complaint Policy." Discrimination complaints are processed utilizing the GST Michigan Works! "Discrimination Complaint Processing Procedures and Policy," which is in accordance with Civil Rights Center (CRC) regulations and is contained herein.
- POLICY:** This policy applies to all entities/recipients (as defined in 29 CFR Part 38.4[zz]) receiving financial assistance under Title I of the WIOA, One-Stop partners, GST Michigan Works! subrecipients, programs, and activities that are part of the One-Stop delivery system, and the employment practices of the MWA, its subrecipients and/or One-Stop partners in connection with programs and activities that are being conducted as part of the WIOA Title I or the One-Stop delivery system. The term "recipients" includes, but is not limited to:
- State-level agencies which administer or are financed with the WIOA Title I funds.
  - State Workforce Agencies

- State and Local Workforce Development Boards.
- Local Workforce Development Area (LWDA) grant recipients; e.g. GST Michigan Works! (MWA);
- One-Stop operators;
- GST MWA subrecipients, service providers, and training providers;
- On-the-Job Training employers;
- Job Corps contractors and center operators;
- Job Corps national training contractors;
- Outreach and admissions agencies, including Job Corps contractors that perform these functions;
- Placement agencies, including Job Corps contractors that perform these functions, and
- Other National Program recipients.

**COMPLIANCE**

**ASSISTANCE:** Questions and/or requests for assistance in implementing the requirements of this policy are to be directed to:

Kelly Cook, E.O. Officer  
 GST Michigan Works!  
 3270 Wilson Street  
 Marlette, MI 48453  
 Phone: 989-635-3561, extension 223  
 Fax: 989-635-2230  
 TTY: 711  
 Email: [kcook@gstmiworks.org](mailto:kcook@gstmiworks.org)

**ACTION:** Those entities included in the *Policy/Applicability* section above shall take the appropriate actions necessary to comply with this policy and shall ensure that the information contained herein is disseminated to all appropriate staff. 29 CFR Part 38 can be found in its entirety at:

[www.gpo.gov/fdsys/pkg/FR-2016-12-02/pdf/2016-27737.pdf](http://www.gpo.gov/fdsys/pkg/FR-2016-12-02/pdf/2016-27737.pdf)

or

[www.federalregister.gov/d/2016-27737](http://www.federalregister.gov/d/2016-27737)

**SIGNED:**



\_\_\_\_\_  
 Jody Kerbyson, C.E.O.  
 GST Michigan Works!

6-1-2024

\_\_\_\_\_  
 Date

## **GST Michigan Works! Discrimination Complaint Processing Procedures**

### **Prohibition Against Discrimination [29 CFR Part 38.5 and 29 CFR Part 38.35]**

It is against the law for recipients of Federal financial assistance to discriminate on the following bases: against any individual in the United States, on the basis of race, color, religion, sex (including but not limited to pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including Limited English Proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I–financially assisted program or activity.

Recipients must not discriminate in any of the following areas: deciding who will be admitted, or have access, to any WIOA Title I–financially assisted program or activity; providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

Recipients of federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

### **Definition of a Discrimination Complaint**

The GST Michigan Works! Equal Opportunity Officer is required to process various complaints which can generally be divided into two categories: (1) program complaints, and (2) discrimination complaints. Program complaints and discrimination complaints can look similar as both types of complaints include an *issue*, which is something the individual is complaining about. However, a complaint is considered a discrimination complaint if it includes, as a reason for the unfair treatment, one of the prohibited bases listed in WIOA Section 188: race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of WIOA, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.

A complaint cannot be processed as both a program complaint and as a discrimination complaint. Program complaints are processed in accordance with the GST Michigan Works! "Grievance & Complaint Policy." Discrimination complaints are processed utilizing the GST Michigan Works! "Discrimination Complaint Processing Procedures and Policy," which is in accordance with the CRC regulations, and is contained herein.

### **Who May File a Discrimination Complaint [29 CFR Part 38.69]**

1. Any person or the person's representative who believes he or she, or any specific class of individuals, has been or is being discriminated against on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including Limited English Proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the WIOA, on the basis of the

- individual's citizenship status, or participation in any WIOA Title I-financially assisted program or activity, or,
2. either the person, or any specific class of individuals, has been or is being retaliated against, may file a complaint.

**Where to File a Discrimination Complaint** [29 CFR Part 38.69]

Any person or their representative may file a written complaint if they are being discriminated against on any covered basis or if they have been or are being retaliated against. **Complaints must be filed within 180 days of the alleged discrimination or retaliation.** If a complaint is filed directly with the Civil Rights Center (CRC) Director, the Director may extend the 180 days filing time for good cause shown.

A complainant may file a complaint with either the State Equal Opportunity Officer or The Civil Rights Center (CRC):

Matthew Shilling,  
State of Michigan Equal Opportunity Officer  
[LEO-EO-Discrimination-Complaints@michigan.gov](mailto:LEO-EO-Discrimination-Complaints@michigan.gov)

or

Director  
Civil Rights Center (CRC)  
U.S. Department of Labor  
200 Constitution Avenue NW, Room N-4123  
Washington, DC 20210

A complainant may file a complaint by completing and submitting CRC's Complaint Information and Privacy Act Consent Forms, which may be obtained either from the MWA's Equal Opportunity Officer, State's Equal Opportunity Officer or from CRC at the address above.

The forms are available electronically on CRC's Website, and in hard copy via postal mail upon request. <https://www.dol.gov/oasam/programs/crc/>.

**Required Contents of a Discrimination Complaint** [29 CFR Part 38.70]

Each complaint must be filed in writing, either electronically or in hard copy, and must contain the following information:

1. The complainant's name, mailing address, and if available, email address (or another means of contacting the complainant).
2. The identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination).
3. A description of the complainant's allegations. This description must include enough detail to allow the State's Equal Opportunity Officer or the Civil Rights Center Director, as applicable, to decide whether:
  - (a) The State or CRC, as applicable, has jurisdiction over the complaint;
  - (b) The complaint was filed in time; and
  - (c) The complaint has apparent merit; in other words, whether the complainant's allegations, if true, would indicate noncompliance with any of the nondiscrimination and equal opportunity provisions of WIOA or this part.

4. The written or electronic signature of the complainant or the written or electronic signature of the complainant's representative.

Both the complainant and the respondent have the right to be represented by an attorney or other individual of their choice. [29 CFR Part 38.71]

**Intimidation and Retaliation Prohibited** [29 CFR Part 38.19]

1. A recipient, as defined in 29 CFR Part 38.4(zz), must not discharge, intimidate, retaliate, threaten, coerce, or discriminate against any individual because the individual has:
  - (a) Filed a complaint alleging a violation of Section 188 of WIOA or this part;
  - (b) Opposed a practice prohibited by the nondiscrimination and equal opportunity provisions of WIOA or this part;
  - (c) Furnished information to, or assisted or participated in any manner in, an investigation, review, hearing, or any other activity related to any of the following:
    - (i) Administration of the nondiscrimination and equal opportunity provisions of WIOA or this part;
    - (ii) Exercise of authority under those provisions; or
    - (iii) Exercise of privilege secured by those provisions; or
  - (d) Otherwise exercised any rights and privileges under the nondiscrimination and equal opportunity provisions of WIOA or this part.
2. The sanctions and penalties contained in Section 188(b) of WIOA, or this part may be imposed against any recipient that engages in any such retaliation, or intimidation, or fails to take appropriate steps to prevent such activity.