

## **APPENDIX 602**

### **CIVIL RIGHTS AND NONDISCRIMINATION**

Job Corps shall provide equal opportunity for all employees and students without regard to race, religion, color, national origin, gender, disability, or political affiliation or belief. Sexual harassment is prohibited. Discrimination is prohibited in all contracts, grants, and programs funded by the Department of Labor.

#### **Responsibilities:**

1. Students must be treated equally with no segregation or discrimination of any kind with respect to training, working assignments, eating arrangements, or any other center activities. Segregated housing on the basis of gender is allowed as outlined in 45 CFR 86.32.
2. Staff shall not be discriminated against in employment practices on the basis of race, color, national origin, gender, age, disability, religion, or political affiliation or belief.
3. The Directorate of Civil Rights (DCR) for the Department of Labor (DOL) shall be responsible for enforcing equal opportunity in all DOL-funded programs, including the provision of Job Corps services. DCR shall conduct periodic reviews of contract centers to ensure compliance with civil rights laws and regulations.
4. The DOL Office of Federal Contract Compliance (OFCCP) shall be responsible for ensuring contractor compliance with the mandates of Executive Order 11246, and enforcing nondiscrimination and equal opportunity for Job Corps contractor staff.
5. For agency-operated Civilian Conservation Centers, the Equal Opportunity Officers of the agency shall be responsible for enforcement of equal opportunity and nondiscrimination for staff only.

#### **CENTER EQUAL OPPORTUNITY PROGRAMS**

Each center shall ensure the protection of the civil rights of staff and students, and shall promote an atmosphere free from discrimination and harassment.

Each center shall:

1. Appoint in writing a center equal opportunity (EO) officer, who shall:
  - a. Advise the Center Director on all civil rights matters.
  - b. Monitor the operation of complaint/grievance procedures.
  - c. Maintain logs and records of complaints/grievances.

- d. Inform complainants of the disposition of complaints and appeal rights.
  - e. Assist students in completion of DCR Complaint Information Forms.
  - f. Coordinate the center EO committee.
2. Establish a three-to-five-member EO committee to conduct impartial hearings on civil rights issues or disability complaints.
  3. Advise students and staff on how to conduct themselves if they feel they are subjected to acts of discrimination, hostility, or unfair treatment within the community. Assist in resolving the matter as follows:
    - a. Center Directors may use remedies and conciliation services available under state law. The Regional Office shall be notified in this event.
    - b. Establishments that appear to discriminate may be placed “off limits” if an administrative or legal proceeding is in progress.
    - c. Inform all staff members and students that steps to resolve differences with the community or community group are in process, or will be resolved by a specific date.

### **AFFIRMATIVE ACTION PLANS**

Each center shall submit an Affirmative Action Plan to the Regional Office within 90 days of contract award, and update it annually on the contract anniversary date. The plan shall include methods to:

1. Communicate center policies and programs to foster full understanding, acceptance, and support within the community and among students and staff.
2. Foster participation in community activities that work toward improved and equal opportunities for minority groups.
3. Encourage staff racial and gender balances that reflect that of the student population.
4. Obtain, develop, and utilize the skills of minority group and female staff to the maximum extent possible.
5. Ensure assimilation of minority group members and females throughout various center organizational and responsibility levels.
6. Identify and analyze civil rights problem areas.

7. Correct and follow up on problem situations and, if necessary, ensure that appropriate steps are taken to discourage recurrences.
8. Provide prompt, fair, and impartial consideration of discrimination complaints.

## **COMPLAINT PROCEDURES**

### **Equal Opportunity Complaints**

1. All EO complaints alleging discrimination or sexual harassment must be filed not later than 180 days of the alleged discriminatory or adverse action.
2. The center's EO officer must provide assistance to complainants, either students or staff, in the preparation of formal complaint statements.
3. Each formal complaint statement shall contain the following:
  - a. Name, home address, telephone number, work address, work unit, and work title of the complainant
  - b. Basis for the allegation, i.e., race, gender, national origin, etc.
  - c. Nature of the complaint, i.e., detailed description of the circumstances
  - d. Any supporting facts, documentation, or witnesses
4. Complainants shall not be subjected to any adverse treatment, retaliation, punishment, or other administrative action based upon their submission of such complaints.
5. Efforts should be made to resolve EO complaints informally and at the lowest level possible.

### **Disability/Discrimination Complaints**

1. All complaints filed under Section 504, Non-Discrimination Under Federal Grants and Programs, of the 1973 Rehabilitation Act as amended in 1992, must be filed not later than 180 days from the date of the alleged discrimination.

2. The following three steps shall be used in handling such complaints:

<b>Step</b>	<b>Action</b>	<b>Time Frame</b>
Step One	Student's Counselor or staff's immediate supervisor attempts to resolve issues. If unresolved, refer to Step Two.	five working days
Step Two	Center EO Officer attempts to resolve issues. If unresolved, refer to Step Three.	10 working days
Step Three	Impartial hearing before center EO Committee	Held within 30 days of filing of complaint
	Committee issues recommendation to Center Director	Within 50 days of filing of complaint
	Center Director issues final written decision	Within 60 days of filing of complaint
	Complainant may appeal decision to the Directorate of Civil Rights	Within 30 days of the decision

3. All complaints shall be completely documented by the center. Documentation shall include:
- a. Names of persons involved
  - b. Nature of the complaint
  - c. Actions taken
4. When complaints are successfully resolved or final decisions are rendered, a complete report of each such case shall be forwarded to the Regional Director.
5. Complainants wishing to appeal decisions to the DCR shall be given the address and telephone number of that office by the Center Director or EO Officer.
6. Documentation shall be kept confidential and shared only with those DOL officials who may need to review the information in the conduct of their official duties.
7. Documentation shall be retained in the center's active files for three calendar years, unless otherwise directed.

**FORMAL COMPLAINT/GRIEVANCES WHERE TO FILE**

Complainant		Type of Complaint/Grievance	Cognizant Agency
Student		Privacy Rule	Office of Civil Rights (OCR) Secretary U.S. Department of Health and Human Services ATTN: Office for Civil Rights Hubert H. Humphrey Building 200 Independence Avenue, SW Washington, DC 20201
		Discrimination: Race, color, national origin, religion, gender, age, citizenship, or political affiliation or belief	Directorate of Civil Rights
		Disability	Individual Center (in accordance with center procedures)
Staff	Contractor Staff	Discrimination: Race, color, national origin, gender, or religion	Directorate of Civil Rights <b>or</b> Office of Federal Contract Compliance <b>or</b> Equal Opportunity Commission
		Discrimination: Age or political affiliation	Directorate Of Civil Rights
		Disability	Individual Center (in accordance with center procedures) <b>or</b> Office Of Federal Contract Compliance
	Agency Staff	Discrimination: Race, color, national origin, gender, age, religion, or disability status	Operating Agency (in accordance with agency procedures)

**Tort Claims**

1. Job Corps students are federal employees for purposes of the Federal Tort Claims Act.
2. Center operations funds are not to be used for award of tort claims.
3. Centers shall assist students in filing claims with the Regional Office for damage, loss, or destruction of personal property, when the property is under the control and custody of the center, using the following procedures:
  - a. Only the owner of the property, injured person, or duly authorized agent or legal representative may submit claims. (If filed by agent or legal representative, claim must show the title or capacity of the person presenting it and evidence of his/her authority to file the claim.)
  - b. Claims must be submitted using SF 95. All claims submitted shall include the following:
    - (1) Appropriate receipts, estimates, or other documentation supporting the amount claimed.

- (2) A report of investigation including a statement showing exactly which duties, if any, the student was performing at the time of the incident.
- (3) An attachment containing the student’s financial institution account number and bank routing number or a request for waiver of payment via electronic funds transfer. (Note: If for whatever reason Job Corps is unable to secure financial information or a waiver, the student must be paid by check.)

The following is a suggested format for collecting financial institution information and language for the waiver request.

ABA Routing No.                    \_\_\_\_\_ (9 characters)  
 Acct. No.                            \_\_\_\_\_

“I request a waiver from the requirement to receive payment by electronic funds transfer (EFT) for the following reason(s).” Check appropriate line(s):

- I have a physical disability that precludes my use of EFT.
- There is a geographic barrier to my use of EFT.
- Use of EFT would impose a financial hardship.

Signature of Claimant: \_\_\_\_\_

- c. Claims shall be submitted to the Center Director, who will forward them along with a recommendation to the Regional Office of Job Corps.
- 4. Job Corps may pay claims to students for lost, damaged, or stolen property up to a maximum of \$300 when such loss is not due to the negligence of the student. The student shall always be compensated for losses when they occur as a result of a natural disaster or when the student’s property is in the protective custody of the Job Corps, which shall always be the case when the student is in an Unauthorized Absence (UA) status.
- 5. The Regional Office shall promptly notify the student and the center of its determination on each case.