	<i>Effective Date:</i> 01/04/2020	<i>Type:</i> X Policy Procedure <i>Function:</i> Governance	Page 1 of 3
	<i>Revised Date:</i> 01/03/2020	<i>Section # & Title:</i> 700. Equal Opportunity	
Phoenix Business and Workforce Development Board (approval authority)	<i>Date Approved:</i>	<i>Subject # & Title:</i> .705 Nondiscrimination Complaint Policy	

I. APPLICABILITY/SCOPE

This policy applies to program services delivered through the U.S. Department of Labor Workforce Innovation and Opportunity Act (WIOA) and Strengthening Working Families Initiative (SWFI) grant. This policy impacts all internal and external partners who are part of service delivery, including those representing the Titles within WIOA: Title 1B- Adult, Dislocated Worker, and Youth; Title II – Adult Education; Title III – Wagner-Peyser Employment Services and; Title IV – Vocational Rehabilitation Services.

II. PURPOSE

This policy outlines the complaint process for customers who feel they may have been discriminated against at any point in time during service delivery.

III. BACKGROUND

The Workforce Innovation and Opportunity Act Section 188 provides that participants, employees, subgrantees, subcontractors, and other interested parties may file a complaint if they believe that they have been discriminated against, or that the Act, regulations, grant, or other agreements under the Act have been violated.

IV. DEFINITIONS


Service Animals: A service animal is defined as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals, as defined at 29 CFR 38.4

V. POLICY

This policy identifies the protected categories and activities for WIOA funded staff and/or services.

A. Protected Categories:

1. It is against the law for the State of Arizona, as a recipient of Federal financial assistance, to discriminate on the following bases:
 - a. Against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth or related medical condition, sex stereotyping, transgender status, and gender identity), national origin (including Limited English Proficiency), age, disability, political affiliation or belief; and
 - b. Against any beneficiary of programs financially assisted under Title I of the Workforce Innovation and Opportunity Act of 2014 (WIOA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIOA Title I funded activity.
 - c. 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.

	<i>Effective Date:</i> 01/04/2020	<i>Type:</i> X Policy Procedure <i>Function:</i> Governance	Page 2 of 3
	<i>Revised Date:</i> 01/03/2020	<i>Section # & Title:</i> 700. Equal Opportunity	
Phoenix Business and Workforce Development Board (approval authority)	<i>Date Approved:</i>	<i>Subject # & Title:</i> .705 Nondiscrimination Complaint Policy	


B. Protected Activities:

1. The City of Phoenix must not discriminate in any of the following areas:
 - a. Deciding who will be admitted, or have access, to any WIOA Title I funded activity;
 - b. Providing opportunities in, or treating any person with regard to, such a program or activity; or
 - c. Making employment decisions in the administration of, or in connection with, such a program or activity.

C. Service Animals:

Per WIOA §29 CFR 38.4, it is permissible for individuals with disabilities to have service animals in the Job Centers with the same access as any other customer.

1. Staff may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. Staff must not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.
 - a. Staff must not ask about the nature or extent of a person’s disability, but may ask the following two questions to determine whether an animal qualifies as a service animal:
 - i. Is the animal required because of a disability?
 - ii. What work or task has the animal been trained to perform?
 - b. A customer with a legitimate service animal must be provided accommodation.
2. Staff may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person’s wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).
3. A service animal must be under the control of its handler. This means the service animal must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether or the use of such would interfere with the services animal’s safe, effective performance of work or tasks. When a harness, leash, or tether cannot be used for these reasons, the service animal must be under the handler’s control using voice control, signals, or other effective means.
4. Staff may ask an individual with a disability to remove a service animal from an ARIZONA@WORK Job Center when the animal is out of control, and the animal’s handler does not take effective action to control it, or the animal is not housebroken.
 - a. When staff properly excludes a service animal for one of the reasons listed above, the individual with a disability must be provided the opportunity to participate in WIOA Title I-B financially assisted services without having the animal on the premises.
 - b. Staff is not responsible for the care or supervision of a service animal.

	<i>Effective Date:</i> 01/04/2020	<i>Type:</i> X Policy Procedure <i>Function:</i> Governance	Page 3 of 3
	<i>Revised Date:</i> 01/03/2020	<i>Section # & Title:</i> 700. Equal Opportunity	
Phoenix Business and Workforce Development Board (approval authority)	<i>Date Approved:</i>	<i>Subject # & Title:</i> .705 Nondiscrimination Complaint Policy	

D. Complaint Process Information

1. What to Do If You Believe You Have Experienced Discrimination:
 - a. If you think that you have been subjected to discrimination under a WIOA Title I funded activity; you may file a complaint with any individual listed below:

<u>City of Phoenix</u>	<u>The State of Arizona</u>	<u>The Civil Rights Center</u>
Don Logan Equal Opportunity Director 200 W. Washington, 15 th Floor Phoenix, AZ 85003-1611 Phone: (602)-262-6258 Fax: (602) 534-1124 TTY/TDD: 7-1-1 Email: donald.logan@phoenix.gov	Kerry Bernard State WIOA EO Officer Office of Equal Opportunity Department of Economic Security 1789 W. Jefferson Ave. MD 51H3 Phoenix, Arizona 85007 Phone: (602) 364 - 3976 Fax: (602) 364 - 3982 TTY/TDD: 7-1-1 Email: WIOAStateEOOfficer@azdes.gov	Naomi M. Barry-Perez, Director Civil Rights Center (CRC) U.S. Department of Labor 200 Constitution Avenue NW Room N-4123 Washington, DC 20210 Phone: (202) 693-6500 Fax: (202) 693-6505 TTY: (202) 693-6516

2. It is the policy of the Phoenix Business and Workforce Development Board that all customers be treated equally. If a customer believes that he/she has not been properly treated or if he/she has a complaint about services provided, they may complete a Customer Complaint Form (CCF). Copies of the CCF are readily available to the public at all ARIZONA@WORK – City of Phoenix Job Centers, including the subrecipient locations and on the website: <https://arizonaatwork.com/locations/city-phoenix/policies>. The City Equal Opportunity Department, will investigate all complaints regarding discrimination and service delivery.
3. The complaint process will adhere to the steps and time frames outlined in the Nondiscrimination Procedures. The procedures are available for review on the ARIZONA@WORK City of Phoenix website.

VI. POLICY MANAGEMENT REQUIREMENTS

This policy will be reviewed on an annual basis by the designated Equal Opportunity Liaison for ARIZONA@WORK City of Phoenix. Administrative revisions to the policy may be made by the Phoenix Business and Workforce Development (PBWD) Board Executive Director, with notice to the PBWD Board’s Executive Leadership Committee. All other substantive revisions will go to the PBWD Board’s Executive Leadership Committee for review and recommendation to the PBWD Board for approval.