

JUNIOR ACHIEVEMENT OF WNY

Equal Opportunity and Access Policies and Complaint Procedures



Junior
Achievement™

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JA of WNY Equal Access and Opportunity Policies

Purpose

JA of WNY is committed to ensuring equal access and opportunity to its programming and employment. This policy outlines procedures for nondiscrimination, accessibility, civil rights, harassment, grievances and complaints, the reporting of fraud or other forms of criminal misconduct.

Civil Rights and Discrimination Policy

No individual, on the basis of actual or perceived race, (including hair texture, hair type, or a hairstyle that is commonly or historically associated with race), color, creed, religion, national origin, ancestry, age, sex or gender (including pregnancy, childbirth, pregnancy-related conditions, and lactation), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information, or any other characteristic protected by federal, state, or local laws and ordinances shall be excluded from participation in, be denied the benefits of or be subjected to discrimination in, a Federally conducted education or training program or activity.

Subjecting an individual to segregation or separate treatment in a matter related to their receipt of any service or other benefit under a federally funded program, on the basis of race, color, or national origin, is prohibited.

Disability Nondiscrimination and Accessibility Policy

JA of WNY is committed to ensuring equal access, full inclusion, and nondiscrimination for qualified individuals with disabilities, in compliance with Section 504 of the Rehabilitation Act of 1973 and 29 CFR Part 32. No person with a disability shall be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the Department of Labor.

This policy applies to all programs, services, and activities offered by JA of WNY, including employment practices, training initiatives, and educational services or programs funded wholly or partially by the U.S. Department of Labor. It applies to all employees, contractors, volunteers, and program participants.

JA of WNY must operate each program or activity so that, when viewed in its entirety, it is readily accessible to qualified individuals with disabilities. Importantly, it clarifies that this does not necessitate making every existing facility or part thereof accessible. If a specific aid, benefit, service, or training is available only at a single location, that site must be made accessible, or the offering must be provided at an alternative accessible location.

JA of WNY does not deny qualified individuals access to opportunities based on the need to provide reasonable accommodations. Unless state or local law requires greater accommodations, JA of WNY makes reasonable accommodations for qualified individuals who have limitations related to their pregnancy, childbirth, physical or mental limitations.

JA of WNY makes reasonable accommodations for qualified individuals with disabilities to ensure equal access to programs, services, and opportunities, unless doing so would impose an undue hardship on the operation of its programs or activities. The criteria for determining undue hardship are set by the U.S. Equal Employment Opportunity Commission (EEOC) under the Americans with Disabilities Act (ADA), and are also referenced in related regulations such as 29 CFR Part 32 for organizations receiving federal financial assistance from the U.S. Department of Labor.

Any television public service announcement that is produced or funded, in whole or in part, by a federal agency shall include closed captioning of all verbal content to ensure accessibility for individuals who are deaf or hard of hearing.

JA of WNY strictly prohibits any act of coercion, intimidation, threats, or interference against any individual for exercising or enjoying, or for aiding or encouraging another individual in the exercise or enjoyment of, any right protected under the Americans with Disabilities Act (ADA) or related disability laws.

No person shall be subjected to discrimination or retaliation for opposing any act or practice made unlawful by the ADA or for filing a complaint, testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing under the ADA.

Equal Opportunity and Anti-Harassment Policy

JA of WNY is committed to providing equal opportunity in all aspects of its programs. This policy ensures that all individuals are treated equitably and that our workplace and programs are free from discrimination and harassment, in full compliance with 29 CFR Part 30.

JA of WNY prohibits discrimination based on race, color, religion, national origin, sex (including sexual harassment, pregnancy, and gender identity), sexual orientation, age (40 or older), genetic information, disability, or any other protected status under federal law.

All program participants, applicants, and staff must be treated with respect and dignity. Harassment or retaliation of any kind will not be tolerated.

This policy applies to all participants in JA of WNY's programs, including applicants, instructors, mentors, supervisors, and any individuals engaged with program operations.

Fraud and Criminal Misconduct Policy

JA of WNY maintains a zero-tolerance policy for fraud, waste, abuse, or other forms of criminal misconduct in connection with federally funded activities. JA of WNY will maintain internal controls, policies and procedures to reduce the incidence of fraud or other forms of criminal misconduct in accordance with 20 CFR § 683.620 and Training and Employment Guidance Letter (TEGL) No. 2-12 issued by the U.S. Department of Labor.

All employees, contractors, subrecipients, board members, and any other individuals or organizations receiving Workforce Innovation and Opportunity Act (WIOA) or other Employment and Training Administration (ETA) funds must immediately report any suspected or actual fraud, abuse, or criminal conduct.

JA of WNY Discrimination Complaint Procedures

Below you will find a description of the discrimination complaint procedure with an easy step-by-step process to submit your complaint.

JA of WNY does not discriminate against its employees or against members of the public on the basis of actual or perceived race, (including hair texture, hair type, or a hairstyle that is commonly or historically associated with race), color, creed, religion, national origin, ancestry, age, sex or gender (including pregnancy, childbirth, pregnancy-related conditions, and lactation), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information, or any other characteristic protected by federal, state, or local laws and ordinances.

JA of WNY prohibits discrimination in violation of the Workforce Innovation Opportunity Act (“WIOA”) and all other applicable laws.

JA of WNY investigates all complaints of discrimination and encourages all employees and members of the general public who have witnessed or experienced discrimination to file a complaint following the procedure outlined below.

Are you a JA of WNY employee or a member of the public who has witnessed or experienced discrimination? Please review JA of WNY’s complaint procedure below.

Who may file a complaint? Any individual who believes they or any specific class of individuals has experienced discrimination prohibited by the nondiscrimination provisions of the Workforce Innovation Opportunity Act (“WIOA”), the Americans with Disabilities Act (“ADA”), Title VII of the Civil Rights Act of 1964 (“Title VII”), the Genetic Information Nondiscrimination Act (“GINA”), the Age Discrimination in Employment Act (“ADEA”), the Uniformed Services Employment and Reemployment Rights Act (“USERRA”), the Vietnam Era Veterans’ Readjustment Assistance Act of 1974 (“VEVRAA”), the Rehabilitation Act of 1973, the Equal Pay Act of 1963, the Immigration and Nationality Act, Executive Order 11246, or any other applicable state or federal law.

When can I file a complaint? A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the Assistant Secretary of the Department of Labor for good cause shown.

Where do I file my complaint? You can file your complaint with JA of WNY’s designee listed below. You will generally receive a response within 5 business days.

John Crawford, President, JA of WNY jcrawford@jawnny.org

What do I put in my complaint? Please find below the format and contents to be used for complaints submitted to JA of WNY in the Discrimination Complaint Content Guidelines. Your complaint will be reviewed and investigated by JA of WNY even if you do not include one or more of these materials.

What happens after I file my complaint? Here is what you can expect to happen once you file a complaint with JA of WNY.

1. Complainants will receive an initial notice confirming receipt of the complaint that complies with 29 C.F.R. § 38.72(b)(1).
2. Complainants will also receive a written statement of the issues raised in the complaint that complies with 29 C.F.R. § 38.72(b)(2).
3. JA of WNY will investigate the complaint.
4. JA of WNY will initiate an attempt to resolve the complaint. Please be aware that Alternative Dispute Resolution (“ADR”) processes are available to complainants pursuant to 29 C.F.R. §§ 38.72(b)(4), (c). Please contact the Designee, John Crawford, President, JA of WNY jcrawford@jawny.org for more information about JA of WNY’s ADR procedures.
5. JA of WNY will issue a Notice of Final Action within **90 days** of complainant’s filing their complaint that complies with the requirements of 29 C.F.R. §§ 38.72(b).

Who will maintain a record of my complaint? JA of WNY shall maintain records on all complaints filed alleging violation of the WIOA and shall make such records available to the Assistant Secretary upon request. The complaint and all actions taken thereunder shall be kept confidential by JA of WNY.

What if my complaint isn’t resolved? If the complaint has not been resolved under the procedures described herein satisfactorily to the complainant within **60 days** of the filing or referral, the complainant or his or her representative may file a complaint with the Assistant Secretary of the Department of Labor within 30 days of the recipient level decision or 90 days from the date of filing the complaint, whichever is earlier.

Discrimination Complaint Content Guidelines

When preparing to submit a discrimination complaint to JA of WNY's designee, please include the following information and follow the formatting guidelines:

Complaint Contents

1. **Your Contact Information:** Provide Name, address, telephone or TTY number of the complainant.
2. **Contact Information for the Alleged Perpetrator:** Name, address, and/or telephone number (if you have them) of the person who committed the alleged violation.
3. **Tell us What Happened:** A description of the act or acts considered to be a violation.
4. **Tell Us When It Happened:** Date(s) of the occurrence(s) to the best of your recollection.
5. **Anything Else We Should Know:** Any other pertinent information available which will assist in the investigation and resolution of your complaint.

PLEASE NOTE: Complaints must be signed by the complainant or his or her authorized representative.

What if I don't have all of that information? No need to worry. Where a complaint contains incomplete information, the Designee (John Crawford, President, JA of WNY jcrawford@jawnny.org) shall seek the needed information or any other information which indicates a possible failure to comply with the above-listed requirements from the complainant and shall be responsible for developing a complete record. If such information is not provided within 60 days, the complaint may be closed upon notice to the parties. However, providing as much information as possible helps JA of WNY more quickly investigate complaints and work towards a resolution.

Retaliation Prohibited. No person shall intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with the filing of a complaint, furnishing information, or assisting or participating in any manner in an investigation, compliance review, hearing, or any other activity related to the administration of the ADA or other federal regulations contained within this policy.

Complainant Confidentiality. The name of the complainant will only be released to the extent necessary to investigate and fairly determine the issues raised in the complaint. Grant applicants, recipients and subrecipients must keep confidential to the extent possible, consistent with a fair determination of the issues, the identity of any individual who furnishes information relating to, or assists in, an investigation or a compliance review, including the identity of any individual who files a complaint. An individual whose identity is disclosed must be protected from retaliation.

Your Right to Representation. Both the complainant and the respondent have the right to be represented by an attorney or other individual of their choice.

Other Questions? Any further questions regarding complaints may be directed to John Crawford, President, JA of WNY jcrawford@jawnny.org.

Complaints Involving Fraud, Waste, Abuse, or Other Criminal Activity

Information and complaints involving criminal fraud, waste, abuse or other criminal activity must be reported immediately through the Department's Incident Reporting System to the Department of Labor Office of Inspector General, Office of Investigations, Room S5514, 200 Constitution Avenue NW., Washington, DC 20210, or to the corresponding Regional Inspector General for Investigations, with a copy simultaneously provided to the Employment and Training Administration. The Hotline number is 1-800-347-3756. The Web site is <http://www.oig.dol.gov/contact.htm>.

Complaints of a non-criminal nature may be handled under the procedures set forth in § 683.600 or through the Department's Incident Reporting System.