

103 Complaint Process

Effective: 3/1/2015

A. Policy Requirements

1. Federal and state law regulate employment practices and workplace standards and prohibits discrimination on the basis of race, color, religion; including failure to accommodate, gender; including pregnancy and gender identity, national origin; including limited English proficiency, age, disability; including failure to provide accessible facilities, accommodations or modifications, or equally effective communications, and political affiliation or belief. Federal and state law prohibits discrimination in any aspect of employment and training.
2. DWS must ensure equal access, opportunities, and consideration for all persons, for all programs and services within the DWS. Should any DWS customer or DWS employee believe they have experienced discrimination as defined in 1. Above, or because of their participation in a DWS program or service, the individual(s) may file a complaint with DWS, or one of the federal partner agencies.
3. The DWS Equal Opportunity (EO) Officer has jurisdiction when complaints of discrimination are filed by customers against DWS employees, against DWS partner agencies, such as Vocational Rehabilitation; against DWS approved training providers or vendors, or against employers with OJT contracts, or other DWS financial attachment.
 - a. Remember, DWS employees may file complaints of discrimination with the DWS EO Officer as well, following the same process.
4. To access more information on laws and regulations that govern employment discrimination and labor law:
 - a. Title VII of the Civil Rights Act of 1964
 - b. Age Discrimination in Employment Act of 1967
 - c. Titles I and V of the Americans with Disabilities Act of 1990
 - d. Civil Rights Act of 1991
 - e. Equal Pay Act of 1963
 - f. Rehabilitation Act of 1973
 - g. U.S. Equal Employment Opportunity Commission Regulations
 - h. Federal Laws Prohibiting Job Discrimination: Questions & Answers from the U.S. Equal Employment Opportunity Commission
 - i. Help with navigating federal employment laws from the U.S. Department of Labor
 - j. Federal employment laws assistance from the U.S. Department of Labor
 - k. [Utah Labor Commission](#)

B. Required Actions

1. DWS staff will provide all customers equal access to programs and services.
2. DWS staff will not discriminate and will adhere to all federal and state employment law related to services provided by DWS.
3. If a customer requests information on filing a complaint, DWS staff will assist as follows:
 - a. Staff should not discourage a customer from filing a complaint. However, it is appropriate to ask the customer the bases of the complaint, and offer assistance with program or pathway issues. It is never appropriate to try and resolve a complaint of discrimination.
 - b. When requested or appropriate assist the customer in filing a complaint.
 - i. Example: People with disabilities, language barriers, or those who have limited experience using computers.
4. Complaints are filed on-line at jobs.utah.gov (Job Connection Room desktops will have a complaint icon linking to the "Contact Us" and "File a Complaint" site)
 - a. Click on the 'Contact Us' link at the bottom of the home page
 - b. Select "File a Complaint"
 - c. Follow the prompts
5. In certain circumstances it may be appropriate for a customer to file a complaint in person using a hard copy form.
 - a. To file a discrimination Complaint against a DWS employee, DWS partner agency; such as Vocational Rehabilitation; DWS approved training providers or vendors, or against employers with OJT contracts, or other DWS financial attachment:
 - i. Provide customer a hard copy form DWS 495.
 - ii. Check for completeness and signature.
 - iii. Date stamp the form; provide a copy to the customer, and retain a copy on site for three years.
 - iv. Forward the DWS 495, within 24 hours to: EO Officer, DWS, 140 East 300 South SLC, Utah 84111
6. For additional information see procedure [Complaint - Constituent Services](#).