Northern Area Local WORKFORCE DEVELOPMENT BOARD

WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)
Policy No. 24 Rev. 3

EFFECTIVE DATE: September 14, 2026
SUBJECT: Non-Discrimination, Equal Opportunity, and WIOA Title I Program Grievance and Complaint Policy

I. PURPOSE

The purpose of this policy is to establish and maintain:

A. Nondiscrimination and equal opportunity requirements applicable to WIOA Title I-financially assisted programs and activities.
B. Procedures for filing and resolving WIOA Title I program grievances and complaints alleging noncriminal violations of WIOA, its implementing regulations, grant agreements, or NALWDB policies and activities; and
C. Separate procedures for complaints alleging discrimination or retaliation under Section 188 of WIOA and WIOA Section 188 and 29 CFR Part 38

Although these requirements are contained in one policy, WIOA Title I program grievances and discrimination or retaliation complaints are subject to separate filing requirements, decision makers, deadlines, and appeal rights.

II. AUTHORITY

- Workforce Innovation and Opportunity Act Sections 181(c) and 188.
- 20 CFR 683.600 and 683.610.
- 29 CFR Part 38, WIOA Section 188
- 11.2.21 NMAC; and
- 20 CFR Part 658, where a complaint concerns services provided under the Wagner-Peyser Act.

III. BACKGROUND

WIOA requires local workforce development areas to establish and maintain procedures through which participants and other interested parties may file grievances and complaints alleging violations of WIOA Title I. Every entity receiving WIOA Title I funds must provide this information to individuals receiving Title I-funded services. Reasonable efforts must be made to ensure that the information is understandable to affected individuals, including youth, individuals with limited English proficiency, and individuals with disabilities. Language assistance, auxiliary aids, and reasonable accommodations must be provided at no cost when required.

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WIOA Section 188 prohibits discrimination in WIOA Title I-financially assisted programs and activities. 29 CFR Part 38 governs discrimination and retaliation complaints, which are not processed under the ordinary WIOA Title I program grievance procedure.

New Mexico's WIOA grievance and equal opportunity complaint procedures are established in 11.2.21 NMAC. This policy incorporates those requirements and identifies the responsibilities of the NALWDB, administrative entity, One-Stop Operator, service providers, subrecipients, and Equal Opportunity officials.

IV. APPLICABILITY

This policy applies to the Northern Area Chief Elected Officials, the Northern Area Local Workforce Development Board, the administrative entity, the One-Stop Operator, one-stop partners, subrecipients, contractors, service providers, and all applicants, participants, employees, and other interested parties affected by WIOA Title I-financially assisted programs or activities within the Northern Area.

V. DEFINITIONS

A. Civil Rights Center or CRC: The Civil Rights Center of the United States Department of Labor, which enforces the nondiscrimination and equal opportunity provisions of WIOA.

B. Discrimination or Retaliation Complaint: A written complaint alleging discrimination prohibited by WIOA Section 188 or 29 CFR Part 38, or retaliation for exercising a right protected under those provisions.

C. Local Equal Opportunity Officer: The individual designated to coordinate the Northern Area's compliance with WIOA nondiscrimination and equal opportunity requirements and to receive and route discrimination and retaliation complaints.

D. Program Grievance: A complaint alleging a non-criminal violation of WIOA Title I, its implementing regulations, an agreement, or an NALWDB policy or activity. A program grievance does not include a discrimination or retaliation complaint.

E. Respondent: The individual or entity alleged to be responsible for the violation described in a grievance or complaint.

F. WIOA Recipient: An entity to which WIOA Title I financial assistance is extended, directly or through another recipient.

VI. NONDISCRIMINATION AND EQUAL OPPORTUNITY REQUIREMENTS

A. Prohibited Discrimination

No individual may be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with a WIOA Title I-financially assisted program or activity because of race, color, religion, sex, national origin, age, disability, or political affiliation or belief.

Sex discrimination includes discrimination related to pregnancy, childbirth, and related medical conditions, transgender status, and gender identity. National-origin discrimination includes discrimination based on limited English proficiency.

For beneficiaries, applicants, and participants, discrimination is also prohibited based on citizenship status as a lawfully admitted immigrant authorized to work in the United States and based on participation in a WIOA Title I-financially assisted program or activity.

B. Recipient Responsibilities

The NALWDB and recipients of WIOA Title I financial assistance must:

1. Designate an Equal Opportunity Officer;
2. Communicate nondiscrimination and equal opportunity requirements to participants, employees, applicants, partners, service providers, and the public;
3. Train staff regarding nondiscrimination, accessibility, language access, complaint identification, and complaint referral;
4. Include required assurances and equal opportunity provisions in contracts, agreements, plans, and other applicable documents;
5. Ensure physical, programmatic, and communication access for individuals with disabilities;
6. Take reasonable steps to provide meaningful access to individuals with limited English proficiency;
7. Collect and maintain required demographic and complaint data;
8. Monitor subrecipients, contractors, and service providers for compliance;
9. Receive and process discrimination and retaliation complaints; and
10. Obtain corrective action or apply appropriate remedies or sanctions when violations are identified.

C. Notice

The current "Equal Opportunity Is the Law" notice must be posted prominently in reasonable numbers and places, including applicable physical locations and websites, and provided in accordance with 29 CFR Part 38.

D. Self-Appraisal

The NALWDB and applicable recipients must perform and document required periodic self evaluations or self-appraisals of nondiscrimination, accessibility, and equal opportunity compliance.

VII. WIOA TITLE I PROGRAM GRIEVANCE PROCEDURE

A. Scope

This procedure applies to a grievance alleging a noncriminal violation of a local WIOA Title I program, agreement, regulation, or NALWDB policy or activity.

This procedure does not apply to:

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1. Discrimination or retaliation complaints governed by WIOA Section 188 and 29 CFR Part 38;
2. Complaints concerning Wagner-Peyser services, which are processed under 20 CFR Part 658;
3. Allegations of fraud, abuse, or criminal conduct that must be referred to the appropriate investigative or law-enforcement authority; or
4. Matters not governed by WIOA, which will be referred to the appropriate organization when possible.

General customer-service concerns may be addressed informally. However, a person may file a formal written program grievance at any time within the applicable filing period.

B. Who May File

Applicants, participants, service providers, recipients, one-stop partners, subrecipients, and other interested parties affected by the local workforce development system may file a program grievance individually or through an authorized representative.

C. Time and Place for Filing

A formal program grievance must be submitted in writing to the local administrative entity or One Stop Operator within one year of the event or condition alleged to constitute a violation of WIOA. Complaints may be submitted to:

Local Administrative Entity/Program Grievance Coordinator
America's Job Center
Site Manager
(505) 355-1758
Mary.mylet@dws.nm.gov
or:
One-Stop Operator
525 Camino de Los Marquez, Ste 250
Santa Fe, NM 87505
nina.valdez@cplc.org
(505) 457-1939

A grievance received by a one-stop center, service provider, subrecipient, or contractor must be date-stamped and forwarded to the appropriate grievance contact no later than the next business day.

If the grievance concerns the One-Stop Operator, the complainant may file directly with the local administrative entity. If the grievance concerns the local administrative entity or presents another conflict of interest, it must be referred to NMDWS for direction or reassignment.

D. Assistance and Required Contents

Staff must provide reasonable assistance to an individual who needs help preparing a written grievance. Language assistance, auxiliary aids, and reasonable accommodations must be provided at no cost when required.
The written grievance should include:

1. The complainant's name and contact information.
2. The name and contact information of an authorized representative, if applicable.
3. The identity of the individual or entity alleged to be responsible.
4. The date and a description of the event or condition.
5. A description of the alleged WIOA violation.
6. The relief or resolution requested, if known.
7. Copies or a description of relevant supporting documents; and
8. The signature of the complainant or authorized representative and the date signed.

E. Initial Review
Upon receipt, the local administrative entity or One-Stop Operator must:

1. Date-stamp and log the grievance.
2. Provide written acknowledgment of receipt.
3. Determine whether the allegations fall within the WIOA program grievance procedure.
4. Refer matters outside the procedure to the appropriate organization and notify the complainant of the referral; and
5. Establish a grievance file containing the grievance, relevant program records, correspondence, a chronological activity log, supporting documentation, and records of resolution efforts.

F. Informal Resolution
The parties must attempt to resolve the grievance informally to their satisfaction. The parties must complete the informal resolution process within 10 calendar days from the date the written grievance was filed.

If the parties resolve the grievance, they must document the terms of the resolution in writing and maintain them in the grievance file. Signing an informal resolution is voluntary and may not be required to receive WIOA services.

G. Formal Resolution
When an informal resolution is not achieved, the local administrative entity or One-Stop Operator must forward the grievance and complete grievance file to the NMDWS WIOA Administrator.

In accordance with 11.2.21.11(A) NMAC, the NMDWS WIOA Administrator will review the grievance

file, conduct any additional investigation considered necessary, and issue a formal determination within 20 calendar days from the date the grievance was originally filed.

H. Appeal to NMDWS

A party dissatisfied with the formal determination, or a party that has not received a determination or formal resolution within 20 calendar days from the date the grievance was filed, may appeal to NMDWS.

The appeal must be filed with NMDWS within 90 calendar days from the date the grievance was originally filed. The NMDWS WIOA Administrator will review the record and issue a decision on the appeal within 30 calendar days of receiving the appeal.

Appeals must be submitted to:

NMDWS WIOA Administrator
eo.officer@dws.nm.gov
(505) 584-7875

I. State Hearing and Final Decision

A party dissatisfied with the NMDWS appeal decision may request a hearing within 10 calendar days from the date of the decision. NMDWS will schedule and process the hearing and final decision in accordance with 11.2.21.11(A) NMAC.

The hearing notice will identify the date, time, location, or electronic access information, hearing procedures; and the parties' rights to present witnesses and documentary evidence, question witnesses, be represented by an attorney or other designated representative, and request relevant records.

Further appeal to the Secretary of the United States Department of Labor may be available under the circumstances and deadlines established in 20 CFR 683.610.

J. Labor Standards

An individual alleging a labor-standards violation may submit the grievance to binding arbitration when a collective bargaining agreement covering the parties provides for binding arbitration.

K. Other Remedies

Nothing in this policy prevents a person from pursuing another remedy authorized under federal, state, or local law.

VIII. DISCRIMINATION AND RETALIATION COMPLAINT PROCEDURE

A. Who May File

Any person, or an authorized representative acting on behalf of a person or specific class of

individuals, may file a written complaint alleging discrimination or retaliation prohibited by WIOA Section 188 or 29 CFR Part 38.

B. Filing Deadline

A discrimination or retaliation complaint generally must be filed within 180 calendar days of the alleged discrimination or retaliation. A request to extend the filing period for good cause may be submitted to the Director of the Civil Rights Center.

C. Place for Filing

A complaint may be filed with:

NALWDB Local Equal Opportunity Officer
Lisa Ortiz
112 West San Francisco St., Suite 312
Santa Fe, NM 87505
(505) 986-0363
or:
Director, Civil Rights Center
U.S. Department of Labor
200 Constitution Avenue NW, Room N-4123
Washington, DC 20210
CRCExternalComplaints@dol.gov.

A discrimination complaint received by the administrative entity, One-Stop Operator, one-stop center, service provider, subrecipient, or contractor must be forwarded immediately to the Local Equal Opportunity Officer. Staff may not require a person to complete the program grievance process before filing with the Equal Opportunity Officer or Civil Rights Center.

D. Required Contents

The complaint must be in writing and include:

1. The complainant's name and contact information.
2. The identity of the individual or entity alleged to be responsible.
3. A sufficiently detailed description of the allegations.
4. The date or approximate date of the alleged violation.
5. The protected basis or protected activity involved, if known; and
6. The written or electronic signature of the complainant or authorized representative.

Staff must provide reasonable assistance, language assistance, auxiliary aids, and reasonable accommodations at no cost when required.

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E. Jurisdiction and Initial Processing

The Local Equal Opportunity Officer must log the complaint and determine jurisdiction within five business days of receipt.

If there is no jurisdiction, the complainant must receive a written Notice of Lack of Jurisdiction explaining the reason for the determination and advising that a complaint may be filed with the Civil Rights Center within 30 calendar days after receipt of the notice.
Complaints within WIOA jurisdiction must be processed or referred to the NMDWS State-Level Equal Opportunity Officer in accordance with 11.2.21.10 NMAC.

F. Initial Notice

The complainant must receive an initial written notice containing the information required by 29 CFR 38.72 and 11.2.21.10 NMAC, including:

1. Acknowledgment of the complaint.
2. Notice of the right to representation.
3. Identification of the issues accepted or rejected for investigation and the reasons for any rejection.
4. Notice of the right to request auxiliary aids, language assistance, and reasonable accommodations at no cost.
5. Notice of the option to use alternative dispute resolution; and
6. Notice that retaliation is prohibited.

G. Alternative Dispute Resolution and Investigation

The complainant alone chooses whether to use alternative dispute resolution. If the complaint is not resolved through alternative dispute resolution, it will proceed through fact finding and investigation in accordance with 29 CFR Part 38 and 11.2.21.10 NMAC.

H. Notice of Final Action

A written Notice of Final Action must be issued within 90 calendar days from the date the discrimination or retaliation complaint was filed.

If the complainant is dissatisfied with the Notice of Final Action, the complainant may file with the Civil Rights Center within 30 calendar days after receiving the notice.

If a Notice of Final Action is not issued within 90 calendar days, the complainant may file with the Civil Rights Center within 30 calendar days after the 90-day period expires.

I. Representation

The complainant and respondent may be represented by an attorney or another individual of

their choice at their own expense throughout the complaint process.

IX. MIXED OR MISCLASSIFIED COMPLAINTS

When a complaint contains both program-grievance allegations and discrimination or retaliation allegations, the Program Grievance Coordinator and Local Equal Opportunity Officer must coordinate to ensure that each allegation is processed under the correct procedure and deadline.

The complainant must receive written notice identifying the procedure that applies to each allegation. A complainant will not lose filing or appeal rights because a complaint was initially submitted to the wrong NALWDB office, one-stop center, service provider, or staff member. The person receiving the complaint must date-stamp it and promptly forward it to the appropriate official.

X. IMPLEMENTATION, NOTICE, AND TRAINING

A. The NALWDB will designate a Program Grievance Coordinator and Local Equal Opportunity Officer. An alternate qualified individual must be designated when a conflict of interest exists.

B. The administrative entity, One-Stop Operator, one-stop partners, subrecipients, contractors, and service providers must provide information about this policy to participants receiving WIOA Title I-funded services.

C. The Notice of Grievance and Discrimination Complaint Procedures and the current "Equal Opportunity Is the Law" notice must be posted prominently at one-stop centers and service locations and on applicable websites.

D. Staff must receive training sufficient to identify, receive, document, and properly route program grievances and discrimination or retaliation complaints.
E. Staff may not discourage a person from filing or require completion of an informal customer service process before accepting a formal complaint.
F. Language assistance, auxiliary aids, reasonable accommodations, and assistance completing complaint forms must be provided at no cost when required.
G. Forms, notices, contact information, filing instructions, and translated materials must be reviewed at least annually and whenever a responsible official or filing location changes.

XI. RECORDS, CONFIDENTIALITY, AND NONRETALIATION

A. Records

Program grievances and discrimination complaints must be maintained in separate, secure files and logs. Access must be limited to personnel with a legitimate business or legal need to know.

Records must be retained for the period required by applicable federal and state record retention requirements and longer when a grievance, complaint, appeal, audit, investigation, or litigation remains pending.

B. Confidentiality

Information obtained through a grievance, discrimination complaint, or investigation will be maintained confidentially to the extent possible and permitted by law. Information may be disclosed when necessary to investigate or resolve the matter, provide due process, comply with reporting requirements or with the law.

C. Nonretaliation

Retaliation against an individual for filing a grievance or complaint, opposing a prohibited practice, participating in a complaint or investigation, requesting an accommodation or language assistance, or serving as a witness is prohibited.

An allegation of retaliation must be referred immediately to the Local Equal Opportunity Officer for review under the applicable procedure.

XII. INQUIRIES

Questions concerning WIOA Title I program grievances should be directed to the NALWDB Program Grievance Coordinator at info@nalwdg.org

Questions or complaints concerning nondiscrimination, equal opportunity, or retaliation should be directed to the NALWDB Local Equal Opportunity Officer at lisa@nalwdb.org.

XIII. SUPERSESSION

Upon its effective date, Program Policy No. 24, Revision 3, supersedes Program Policy No. 24, Revision 2. This revision establishes the NALWDB's combined policy for nondiscrimination and equal opportunity requirements and WIOA Title I program grievance and complaint procedures.

NALWDB CHAIR

9-17-2026

DATE

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APPENDIX A — ACKNOWLEDGMENT OF RECEIPT

I acknowledge that I received information explaining the NALWDB WIOA Title I Program Grievance Procedure and the Nondiscrimination, Equal Opportunity, and Retaliation Complaint Procedure.

I understand that I may request language assistance, auxiliary aids, reasonable accommodations, or assistance understanding these procedures at no cost.

Participant/Applicant Name: _____

Signature: _____

Date: _____

Parent, Guardian, or Authorized Representative, if requested or applicable:

Name: _____

Relationship: _____

Signature: _____

Date: _____

Receipt or signature of this acknowledgment does not waive any grievance, complaint, hearing, appeal, or civil rights. Refusal or inability to sign does not affect eligibility for or access to WIOA services.

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APPENDIX B — WIOA TITLE I PROGRAM GRIEVANCE FORM

This form is for noncriminal, nondiscrimination WIOA Title I program grievances. Do not use it for a complaint alleging discrimination or retaliation.

Complainant Information

Name: _____

Mailing Address: _____

Telephone: _____

Email: _____

Preferred Method of Contact: _____

Language or Accessibility Assistance Requested: _____

Authorized Representative, if any

Name: _____
Contact Information: _____

Individual or Entity Named in the Grievance

Name/Organization: _____

Program or Location: _____

Date of Event or Condition: _____

Date Complainant Became Aware, if different: _____

Description of the Grievance

Describe what occurred, the individuals involved, and why you believe the matter violates WIOA, its regulations, an agreement, or an NALWDB policy. Attach additional pages or supporting documents if needed.

_____

_____

_____

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Requested Resolution, if known:

_____

_____

_____

Signature of Complainant or Authorized Representative Date

For Official Use

Date Received: _____

Grievance Log Number: _____

Received By: _____

Referred or Forwarded To: _____

Date Forwarded: _____

Informal Resolution Deadline: _____ Formal Resolution/Referral Deadline: _____

Notes: _____

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APPENDIX C — NOTICE OF GRIEVANCE AND DISCRIMINATION COMPLAINT PROCEDURES

WIOA Title I Program Grievances

A written grievance alleging a non-criminal violation of WIOA Title I, its regulations, an agreement, or an NALWDB policy or activity must be filed within one year of the event or condition.

Program grievances may be filed with:

NALWDB Program Grievance Coordinator

[ADDRESS]
[ROLE-BASED EMAIL]
[TELEPHONE]
or:

One-Stop Operator

[ADDRESS]
[ROLE-BASED EMAIL]
[TELEPHONE]

Discrimination or Retaliation Complaints

A person who believes they experienced discrimination or retaliation in a WIOA Title I-financially assisted program or activity may file a written complaint within 180 calendar days with:

NALWDB Local Equal Opportunity Officer

[ADDRESS]
[ROLE-BASED EMAIL]
[TELEPHONE]

or with the Director of the Civil Rights Center, U.S. Department of Labor, using the filing information contained in the current "Equal Opportunity Is the Law" notice.

Retaliation for filing a grievance or complaint or participating in a complaint process is prohibited.

Language assistance, auxiliary aids, and reasonable accommodations are available at no cost. Contact info@nalwdb.org or (505) 986-0363

Equal Opportunity Employer/Program.
Relay New Mexico: 711.
Funded by the U.S. Department of Labor.

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APPENDIX D — EQUAL OPPORTUNITY COMPLAINT FORM

The current New Mexico Department of Workforce Solutions Equal Opportunity Complaint Form is available through the NMDWS website at www.dws.nm.gov/Contact and must be made available upon request and through the NALWDB website.

A complainant may also file directly with the United States Department of Labor Civil Rights Center. The current Civil Rights Center Complaint Information Form, Consent Form, and filing instructions are available through the Civil Rights Center's complaint-filing webpage.