

UNITED STATES DEPARTMENT OF LABOR

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CRC's Authority

Q. 1: What is the external mission of the Civil Rights Center (CRC)?
A: CRC's external mission is to ensure that certain categories of programs and activities that provide employment-related aid, benefits, services, or training comply with specific Federal civil rights laws. One of the ways CRC carries out this mission is investigating discrimination complaints filed against these programs and activities.

Q. 2: What Federal civil rights laws are enforced by CRC's external programs, and who must comply with these laws?
A: Section 188 of the Workforce Investment Act of 1998 (WIA) is the primary source of CRC's external enforcement authority. It forbids discrimination by programs and activities offered through the American Job Center system, a nationwide workforce preparation and employment system. Established by Congress under WIA and continuing under WIOA, the American Job Center system was designed to allow customers to access job-related information, employment and training services, and related support services, primarily through American Job Centers located across the nation. For the original text of the entire WIOA/WIA, please see:
• (pdf) [Workforce Investment Act.pdf](#)
• (text) [Workforce Investment Act.txt](#)

The vast majority of the programs and activities over which CRC has *jurisdiction* (authority) are part of the American Job Center system. Various organizations, businesses, and State and local government agencies provide these programs and activities. Some of them receive *financial assistance* from the U.S. Department of Labor (the Department or DOL); others receive financial assistance from other Federal departments and agencies, either directly or indirectly. If a program or activity is offered by a American Job Center partner as part of the American Job Center system, the program or activity is *covered by* (must comply with) WIOA Section 188/WIA Section 188, and CRC has jurisdiction over it. For more about *Federal financial assistance*, see the answer to Question 3 below; for examples of programs and activities over which CRC has authority, see the answer to Question 4 below.

CRC also enforces other equal opportunity statutes that bar discrimination by programs and activities that receive Federal financial assistance. CRC's authority under these statutes is limited to recipients of financial assistance from the Department of Labor. These statutes include Title VI of the Civil Rights Act of 1964; the Age Discrimination Act of 1975; Section 504 of the Rehabilitation Act of 1973; and Title IX of the Education Amendments of 1972. They prohibit discrimination on some of the same bases as WIOA Section 188/WIA Section 188. For a list of these bases, see the answer to Question 6 below.

Title II of the Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability by public entities, such as state and local government agencies. CRC is responsible for enforcing ADA Title II with regard to all programs, services, and regulatory activities relating to labor and the work force.

For additional information regarding laws administered by CRC's external programs, please see [External Enforcement Statutes and Regulations](#).

The agencies, organizations, businesses, and programs that are *covered by* one or more of the laws CRC enforces are known as *covered entities*.

Q. 3: What is "Federal financial assistance" ?

A: Federal financial assistance is assistance that the Federal government gives to an agency, organization, or business to provide aid, benefits, services, or training to members of the general public. This assistance:

- May come to the agency, organization, or business either:
 - directly from the Federal government, or
 - indirectly, through a State or local government agency, or another organization or business.
- May be given in dollars and cents, but *does not have to be*. Instead, it may be given in forms such as:
 - services (such as secretarial help, publicity, copying services, or teaching services)
 - equipment (such as office machines) or furnishings
 - food or clothing
 - the use of other kinds of property, or of real estate, either:
 - for fee, or
 - for a cost lower than the going rate.

These types of non-monetary aid are called *in-kind assistance*.

Agencies, organizations, and businesses that *receive* any of these types of Federal financial assistance (including money), either directly or indirectly, are known as *recipients*.

Q. 4: What are some examples of programs and activities that are covered by civil rights laws enforced by CRC?

A: A few examples include Workforce Investment Act programs for adults, youth, and dislocated workers; Federal employment and training programs for Native Americans and migrant and seasonal farm workers; State employment services programs; Unemployment Insurance; the Senior Community Service Employment Program (SCSEP) for older workers; the Job Corps program; Trade Assistance Act programs; and grant programs administered by the Mine Safety and Health Administration, Occupational Safety and Health Administration, and the Veterans' Employment and Training Service.

Q. 5: Who is protected from discrimination under the laws that CRC enforces?

A: The Federal laws that CRC enforces make it illegal for a *covered entity* to discriminate against *any individual in the United States*, whether that individual is a customer, an applicant, an employee, or someone else who comes into contact with the covered entity.

For example, a teenager is having a meeting with a counselor who works for a youth job program that is a covered entity. The teen brings his mother, who is deaf, with him to the meeting. Even though the mother is not applying for the youth program, the program must still give her an effective way of communicating with the counselor. If the program does not do so, it is discriminating *against the mother* on the basis of disability.

Q. 6: What types of discrimination are illegal under the laws that CRC enforces?

A: The types of, or *bases for*, discrimination that are illegal under these laws are:

- national origin (including limited English proficiency)
- race
- sex/gender (including pregnancy and gender identity)
- color
- religion
- age
- political affiliation or political belief
- disability

Also, there are additional protections for *beneficiaries*. These are people whom Congress *meant to receive* aid, benefits, services or training from a recipient. You do not need to be actually participating in a Federal program in order to be a beneficiary.

For example, the Unemployment Insurance (UI) program, which receives Federal financial assistance, offers UI benefits to people who meet specific requirements. People who are *eligible for* UI benefits are *beneficiaries*, even if they are not receiving the benefits, because they are in the group of people whom Congress meant to benefit from the UI program.

The laws enforced by CRC protect *beneficiaries* from discrimination:

- **because of their citizenship (as long as they are legally able to work in the United States),** and
- **because they have taken part in one or more of a specific group of programs** that receive financial aid from the Federal government.

Here is an example of the second type of discrimination:

Suppose XYZ Career Training is a business that receives Federal financial assistance to teach job-related training courses. But the business will not train any students from Froleys Job Corps Center. XYZ Career Training says it thinks all students from the Froleys Center are rude and noisy in class. It will not look at any individual Froleys student's conduct record to decide whether that particular student will be a problem. XYZ Career Training is discriminating against the Center's students because they are taking part in Job Corps, a program that receives Federal financial assistance.

Q. 7: What if I was treated unfairly because:

- **I filed a discrimination complaint in the past?**
- **I talked to an investigator about someone else's discrimination complaint?**
- **testified at a hearing about discrimination?**

A: The laws that CRC enforces make it illegal to treat someone unfavorably, or to cause him or her harm, because he or she does any of the following things:

- files a discrimination complaint
- opposes a practice that is made illegal by equal opportunity law
- gives information, testifies, or takes part in any other way, in any of the types of activities in the following list, if they are related to nondiscrimination or equal opportunity:
 - an investigation
 - a hearing
 - a compliance review
 - any other type of activity

Treating someone unfavorably or harmfully for one or more of these reasons is called *retaliation*. CRC has authority to enforce the law in these cases.

Q. 8: Over what geographical area does CRC have jurisdiction?

A: CRC has jurisdiction over all of the United States and U.S. Territories.

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Filing a Discrimination Complaint

Q. 9: Who may file a discrimination complaint under the laws that CRC enforces?

A: You may file a complaint under these laws if you think that someone from a covered entity discriminated or retaliated against *you personally*, or against *you and others who are members of the same protected group* (e.g., you and other women, you and other African-Americans, you and other members of the same age group), for one or more of the reasons listed above (race, sex, disability, etc.).

It is important to understand that you may also file a complaint under these laws even if *you are not a victim of discrimination or retaliation yourself*. If you think that someone from a covered entity discriminated or retaliated against a group of people for one of the reasons listed above (for example, discriminated against all people who are blind, or who are members of a particular religion; refused to serve a group of customers in retaliation for their talking to a Federal investigator about a discrimination compliance review), you have the right to file a complaint, *even if you are not a member of that group*.

If you have a disability and you need help filing a complaint, CRC will help if you ask. Please contact CRC directly. Our contact information is listed on this page.

Anyone who files a complaint is a *complainant*, whether or not s/he is a victim of discrimination.

Q. 10: May I have someone else file a complaint on my behalf?

A: Yes, you may have someone else file a complaint on your behalf. That person may be a lawyer, a union steward, or anyone else you choose. This person will be your *representative*. You will still be considered the *complainant*.

Q. 11: Is there a deadline for filing my complaint?

A: Yes. You must file your complaint *within 180 days* of the date on which the discriminatory act that you are complaining about took place. If you think that the discrimination is or was continuing, or ongoing, you must file your complaint *within 180 days of the last date* on which the discrimination happened. If more than 180 days have passed, you must show that you have good cause for not filing within the time frame – for example, that there were circumstances beyond your control that prevented you from filing. The CRC Director will decide whether or not your complaint will be accepted.

Q. 12: Where may I file a complaint?

A: You may file a complaint either with CRC or at the State or local level. The covered entity that you think is responsible for the discrimination must give you information about how and where to file at the State or local level. The information for filing with CRC is elsewhere on this page.

Q. 13: May I file the same complaint at the same time both with CRC and at the State or local level?

A: No. If you file a complaint with CRC and at the State or local level at the same time, CRC will give the State or local level 90 days to process the complaint. CRC will not take action on the complaint until the 90-day period has expired.

Q. 14: What methods and formats may I use to file a complaint?

A:

- Whether you file with CRC or at the State or local level, you must file your complaint in writing.
- If you are filing with CRC, you may use CRC's Complaint Information Form (CIF), mailed or e-mailed. The CIF and contact information for filing with CRC can be found at <http://www.dol.gov/oasam/programs/crc/external-enforce-complaints.htm>.
- If you are filing in a State or local area that has issued its own complaint form, or that has designated another form that it wants complainants to use, you may use that form.
- You may also use any other document that contains the required information.

Q. 15: What information must a discrimination complaint include?

A: Whether it is filed with CRC or at the State or local level, the complaint document must contain the following information:

- Your name; *and*
- Your signature, or the signature of your authorized representative; *and*
- Your address, or another way for us to contact you; *and*
- The name of the covered entity, and/or the individual person, you think is responsible for the discrimination; *and*
- A description of what happened, how you were (or someone else was) harmed by what happened, and how or why you think what happened was caused by discrimination. This description must contain enough information to let CRC, or the State or local level agency responsible for processing the complaint at that level, decide:
 - whether there is jurisdiction over the complaint; *and*
 - whether the complaint was filed in time; *and*
 - whether the situation you describe, if true, would violate any of the laws that CRC enforces.

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Complaints Filed at the State or Local Level

Q. 16: Is there a time frame within which a State or local level agency must process my complaint?

A: Yes. The law gives State- and local-level agencies 90 days from the date on which a complaint is filed to issue a written Notice of Final Action resolving each issue raised in the complaint.

Q. 17: If I file a complaint at the State or local level, and I am not satisfied with the way the complaint is resolved there, may I come to CRC for help?

A: Yes. You have a right to file a new complaint with CRC within 30 days of the date on which you receive the Notice of Final Action.

Q. 18: What if the State- or local-level agency does not issue a written Notice of Final Action within 90 days of the date on which I filed my complaint?

A: You may file a complaint with CRC within 30 days of the expiration of the 90-day period – in other words, within 30 days of the date by which you should have received a decision at the State or local level.

Q. 19: Will CRC review the way the State- or local-level agency processed my complaint?

A: No. Your filing with CRC is not an appeal of the action taken by the State- or local-level agency. Instead, CRC will conduct its own inquiry into your claim of discrimination.

Q. 20: My complaint was mediated at the State / local level, and I signed a mediation agreement to resolve the complaint. How the other party has violated that agreement. May I come to CRC for help?

A: Yes. If you file a complaint with CRC within 30 days of the date on which you find out that the other party has violated the agreement, the CRC Director will evaluate the circumstances. If the Director decides that the agreement has been violated, you will have the right to file a new complaint with CRC about the original allegations of discrimination.

Q. 21: May any of these time limits for filing with CRC be extended?

A: Yes, but **only** if you show that you had good cause for not filing within the required time frame. For example, you may show that the Notice of Final Action you received did not explain that if you were dissatisfied with the final action taken on your complaint at the State or local level, you had the right to file with CRC within 30 days.

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Complaints Filed With CRC

Q. 22: Where and how do I file a discrimination complaint with CRC?

A: Your complaint must be filed in writing. You may use either CRC's CIF (see <http://www.dol.gov/oasam/programs/crc/external-enforce-complaints.htm>) or a written document that contains all of the required information (see answer to Question 15 above).

- To send your complaint by postal mail, please address it to:

Director, Civil Rights Center
U.S. Department of Labor
200 Constitution Ave., N.W., Room N4123
Washington, D.C. 20210
ATTENTION: Office of External Enforcement

- To fax your complaint, send it to 202-693-6905, ATTENTION: Office of External Enforcement.
- To e-mail your complaint, send it to CRCEXternalComplaints@dol.gov.

For more information about filing a discrimination complaint with CRC, please see:
<http://www.dol.gov/oasam/programs/crc/external-enforce-complaints.htm>.

Q. 23: Does CRC accept every complaint for resolution?

A: No. The CRC Director must determine whether CRC will accept a particular complaint for resolution. For example, a complaint need not be accepted if:

- it has not been timely filed; or
- CRC has no jurisdiction over the complaint; or
- CRC has previously decided the matter.

Q.24: May I file a complaint with CRC anonymously?

A: No. CRC is not required to accept complaints filed anonymously. In CRC's view, it is impossible to conduct an investigation without knowing the identity of the complainant. Therefore, without a name and contact person, we will not investigate a complaint.

Q.25: What response will I receive from CRC after I file a complaint?

A: If you did not use a Complaint Information Form (CIF) to file your complaint, we will send you a CIF to fill out, sign, and return to CRC. The CIF package includes a notice entitled "How We Use Personal Information," and a form agreeing to these uses of information (called a Consent Form), which must be signed separately.

Q.26: I'm concerned about my privacy and confidentiality. Will CRC release my personal information to anyone else?

A: CRC is subject to the Privacy Act, which protects individuals from misuse of personal information held by the Federal government. However, in order for us to conduct an investigation, it is almost always necessary for us to release your identity, and some personal information about you, to individuals outside of CRC.

Q.27: What happens if I do not sign the Consent Form agreeing to this use of my personal information?

A: If you choose not to sign the Consent Form, any investigation of your complaint may be hindered or stopped.

Q.28: What will happen once CRC receives my CIF and Consent Form?

A: Based on the information on the CIF, we will either reject your complaint; ask you to send more information; accept your complaint for investigation; or, in some cases, refer your complaint to another Federal agency.

Q.29: How will I find out whether CRC has accepted or rejected my complaint?

A: CRC will let you know in writing if:

- your complaint is rejected. If this happens, we will let you know the reasons for the rejection.
- your complaint is referred to another Federal agency.
- your complaint is accepted for investigation. If this happens, we will also notify the parties against whom you have filed your complaint.

Q.30: I was fired from my job. I think my employer discriminated against me. Why didn't CRC accept my complaint?

A: CRC has no authority to investigate employment discrimination complaints filed against most private employers. CRC will refer these complaints to the U.S. Equal Employment Opportunity Commission (EEOC). EEOC is a separate Federal agency that has authority to enforce the civil rights laws covering most private employers.

Q.31: How does CRC handle a complaint once it has been accepted?

A: Once CRC accepts a complaint, it is assigned to an investigator. The investigator gathers evidence from the complainant, the respondent, and witnesses. This process usually happens through telephone calls and written interrogatories (formal questions). The investigator then analyzes the evidence and determines which facts are relevant. If any of the relevant evidence is conflicting, the investigator will make a finding about which view of the facts is more credible. The process of determining which facts are relevant and which are credible is known as fact finding. These facts are then analyzed in light of the laws that CRC enforces, to determine whether the respondent has violated the law.

Q.32: Does CRC favor either the complainant or the respondent in investigating and analyzing a complaint?

A: No. CRC is a neutral party. Its role in these cases is to determine whether the law has been violated.

Q.33: Are there special procedures for age discrimination cases?

A: Yes. Where there is an allegation of age discrimination against a *participant in, or beneficiary of, a program or activity* that receives Federal financial assistance, the law requires CRC to refer the complaint to the Federal Mediation and Conciliation Service (FMCS) for attempted mediation. If, after 60 days, the complaint cannot be mediated, it will be returned to CRC for investigation as described above.

Q.34: What happens if CRC determines that a respondent has violated the law?

A: In these cases, CRC issues a written *Initial Determination* that outlines the Findings of Fact, the reasons for the determination, and the steps the respondent must take to remedy (fix) the violation. The respondent has the opportunity to review the Findings of Fact and present evidence that could lead to a reversal of the determination, and/or to agree to conciliate (negotiate) and remedy the violation without being forced to do so. If the respondent neither produces additional evidence nor agrees to conciliate, CRC will issue a written *Final Determination*.

Q.35: What happens if CRC determines that a respondent has *not* violated the law?

A: In these cases, CRC issues a written *Final Determination* that outlines the Findings of Fact and explains the reasons for the determination that no violation took place.

Q.36: What remedies will CRC require for a violation of the law?

A: The appropriate remedy in a particular case will depend on the facts of the case. Examples of possible remedies include:

- Making any victims of discrimination whole: in other words, putting them in the position they would have been in if they had not been subjected to discrimination. Depending upon the circumstances, this may mean such things as:
 - Providing them with the aid, benefits, services, or training they were denied;
 - Hiring, reinstating, or promoting them;
 - Paying them back pay or other monetary relief (this relief may not be paid from Federal funds);
- Requiring the respondent to take such actions as:
 - Changing its policies, practices, or procedures;
 - Conducting outreach or recruitment; or
 - Training or retraining its staff; or
- Taking any other steps that the CRC Director determines are necessary.

Q.37: What happens if CRC can not help me?

A: CRC will try to identify the appropriate Federal or state agency and refer your case to that agency unless you ask us to do otherwise.

Q.38: What other Federal offices exist to protect my civil rights?

A: In addition to CRC and the EEOC (see answer to Question 29), a number of other Federal departments and agencies also have offices whose missions are to protect your civil rights.

For more information on those agencies, please see:

[U.S. Department of Justice, Civil Rights Division](#)

[U.S. Commission on Civil Rights](#)

[U.S. Department of Education, Office of Civil Rights](#)

[U.S. Department of Health and Human Services, Office for Civil Rights](#)

[U.S. Department of Agriculture, Civil Rights Office](#)

[U.S. Department of Transportation, Civil Rights Office](#)

[U.S. Department of Housing and Urban Development, Fair Housing Civil Rights](#)

[U.S. Environmental Protection Agency, Office of Civil Rights](#)

[U.S. Equal Employment Opportunity Commission](#)

Other Helpful Websites

[Americans with Disabilities Act \(ADA\) Home Page](#)

[U.S. Department of Labor, Office of Disability Employment Policy](#)

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