

LCLE Personnel Procedures #11

Subject: Complaint Procedures for Complaints Against LCLE Subgrantees

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Authorization: _____
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I. POLICY

The purpose of this policy is to provide written guidelines for Louisiana Commission on Law Enforcement (LCLE) employees when they receive a complaint alleging employment or services discrimination from employees, applicants, clients, customers, program participants, or consumers of a subgrantee receiving funding from the U.S. Department of Justice (DOJ) or the State of Louisiana.

LCLE is designated as the State Administering Agency (SAA) for specific federal grants awarded by DOJ and state grants awarded by the State of Louisiana. These grants include, but are not limited to, those originating from the United States Department of Justice under the Bureau of Justice Assistance, Office for Victims of Crime, Office of Juvenile Justice and Delinquency Prevention, Office on Violence Against Women, and State of Louisiana. These grants are primarily administered by LCLE and passed through to state, local, and tribal governments, as well as to faith-based and non-profit organizations (herein after referred to in these procedures as external subgrantees) as subgrants.

In conformity with Federal and State law, it is therefore the policy of LCLE that all individuals have the right to participate in programs and activities operated by LCLE or subgrantees, regardless of race, color, national origin, sex, religion, disability, age, sexual orientation, veteran status, or political affiliation.

II. PROCEDURES

- A. Failure of a subgrantee to comply with applicable civil rights laws, regulations, and rules, or implement policies and procedures as stated below, may result in a loss of federal grant funding through LCLE.
- B. All complaints of discrimination, regardless of where reported or from whom, are taken seriously. LCLE will ensure that they and their subgrantees are in compliance with the following statutes, regulations, and executive orders.
 1. Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in the delivery of services (42 U.S.C. § 2000d), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart C;

2. The Omnibus Crime Control and Safe Streets Act of 1968, which prohibits discrimination on the basis of race, color, national origin, religion, or sex in the delivery of services and employment practices (42 U.S.C. § 3789d(c)(1)), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart D;
 3. Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (29 U.S.C. § 794), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart G;
 4. Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (42 U.S.C. § 12132), and the DOJ implementing regulations at 28 C.F.R. Part 35;
 5. The Juvenile Justice and Delinquency Prevention Act of 1974, as amended, which prohibits discrimination on the basis or race, color, national origin, religion, or sex in the delivery of services and employment practices (42 U.S.C. § 5672(b)), and the DOJ implementing regulations at 28 C.F.R. Part 31;
 6. Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis or sex in education programs (20 U.S.C. § 1681), and the DOJ implementing regulations at 28 C.F.R. Part 54;
 7. The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age in the delivery of services (42 U.S.C. § 6102), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart I; and
 8. The DOJ regulations on the Equal Treatment for Faith-Based Organizations, which prohibit discrimination on the basis of religion in the delivery of services and prohibit organizations from using DOJ funding on inherently religious activities (28 C.F.R. Part 38, Executive Order No. 13279, and Executive Order No. 13559).
 9. Any other provision of state or federal law or policy related to compliance with equal opportunity, prohibition of discrimination, or related matter as may become known to LCLE and properly promulgated by reference in the grant or subgrant documents.
- C. These laws also prohibit LCLE and subgrantees from retaliating against an individual for taking action or participating in action to secure rights protected by these laws.
- D. Complaint Procedures for LCLE Employees Alleging Discrimination by LCLE

1. All complaints of discrimination by LCLE employees will be addressed pursuant to the procedures in the following LCLE procedures:
 - a. American Disabilities Act
 - b. Equal Employment Opportunity
 - c. Respectful Workplace and Harassment
 - d. Grievance Policy
2. Any complaint received by a LCLE Supervisor involving a LCLE employee will be referred to the LCLE Human Resource Officer for investigation.

E. Complaint Procedure for Complaints Against External LCLE Subgrantees

1. Responsibility of External Subgrantees
 - a. LCLE will ensure that external subgrantees have procedures in place for informing their clients and employees of their right to file a complaint of discrimination, harassment or retaliation and how to file such complaints.
 - b. External subgrantees will be required have procedures in place for responding to discrimination, harassment or retaliation complaints that employees, applicants, clients, customers, program participants, or consumers file directly with the external subgrantees.
 - c. If a complaint of discrimination, harassment or retaliation is received by an external subgrantee, the external subgrantee may investigate and respond directly to the complaining party in writing, refer the report to LCLE, refer a report of employment discrimination to Equal Employment Opportunity Commission (EEOC), or refer a report of services discrimination to Office for Civil Rights (OCR), Office of Justice Programs, Department of Justice (DOJ). Whichever option the subgrantee chooses, it must send notification to the complaining party in writing, via email or regular US mail, within ten (10) working days of its receipt of the complaint. If the subgrantee is receiving DOJ funding during the time period of the complaint or at the time the complaint is filed and does not refer the complaint to OCR, this notification sent to the complainant shall explain that the complainant may also file a complaint directly with the OCR at 810 Seventh Street, N.W., Washington, DC 20531.
 - d. If the subgrantee refers the complaint to EEOC or OCR, it must also forward a copy of the complaint to LCLE. LCLE will also ensure that external subgrantees notify their employees, applicants, clients, customers, program participants, and consumers of prohibited discrimination and retaliation and the procedures for filing a civil rights complaint.

2. Discrimination, Harassment or Retaliation Complaints Against Subgrantees filed with the LCLE
 - a. Any employee, applicant, client, customer, program participant, or consumer of an external subgrantee may report allegations of discrimination, harassment or retaliation directly to the LCLE.
 - b. Allegations of discrimination, harassment or retaliation may be reported by the victim or by other persons aware of the discriminatory, harassing or retaliatory behavior.
 - c. The complaint of discrimination, harassment or retaliation by an external subgrantee must include:
 - i. The complaining party's name, address, telephone number and email address if they have email; and
 - ii. An explanation of the conduct complained of, the identity of the subgrantee as well as the individuals involved, any witnesses to that conduct, and where and when such conduct occurred.
 - d. The complaint should be made as soon as possible upon the occurrence of the discriminatory, harassing or retaliatory behavior, but generally must be made within one (1) year of the alleged discrimination, harassment or retaliation.
 - e. If the allegation involves a pattern of discriminatory, harassing or retaliatory behavior, the complaint should be made as soon as possible, but generally must be made within one (1) year from the date of the most recent occurrence.
 - f. The complaint will be handled through the most confidential and direct means possible.
3. External Subgrantee Complaints filed with LCLE
 - a. Complaints of discrimination, harassment or retaliation by an external subgrantee may be reported in writing, via email or regular US mail, to LCLE's Human Resource Officer, who is the coordinator for complaints subject to this policy:

Human Resources Officer
Louisiana Commission on Law Enforcement
PO Box 3133
Baton Rouge, LA 70821-3133
(225) 342-1566
hope.davis@lcle.la.gov

- b. Any LCLE employee who receives a complaint of discrimination, harassment or retaliation involving an external subgrantee should immediately forward the complaint to the LCLE Human Resource Officer.
- c. The LCLE Human Resource Officer will not investigate any complaints of discrimination, harassment or retaliation involving an external LCLE subgrantee. LCLE will refer these complaints to the appropriate authority within ten (10) working days of receipt.
- d. The LCLE Human Resource Officer will serve written notice to the complaining party, via email or regular US mail, that the report was received and the agency it was forwarded to. Notice to the complaining party will be provided within ten (10) days of referral and notice is effective upon date of postmark or transmission of email. If the complaint is against a subgrantee implementing funding from the DOJ, the notification shall inform the complainant that he/she may file a complaint directly with the OCR at 810 Seventh Street, N.W., Washington, DC 20531.

F. Complaints may also be filed directly with the following agencies:

- 1. Office for Civil Rights
Office of Justice Programs
U.S. Department of Justice
810 Seventh Street, N.W.
Washington, DC 20531
- 2. Equal Employment Opportunity Commission
1555 Poydras Street, Suite 1900
New Orleans, LA 70112-4540
- 3. Louisiana Commission on Human Rights
Governor's Office
PO Box 94094
Baton Rouge, LA 70804-9094

G. Dissemination and Training

- 1. LCLE will notify all subgrantees of the subgrantee discrimination procedure via the Office for Civil Rights' website, www.ojp.usdoj.gov/about/ocr/assistance.htm, and the LCLE Grants Manual. The training module and manual will be posted on the Subgrantee Guidance page of the LCLE website, www.lcle.la.gov. Subgrantees will be required to confirm knowledge of this procedure as a condition of their subgrantee award.
- 2. LCLE will provide periodic training for pertinent LCLE employees on this policy, including the employee's responsibility to promptly refer to the complaint

coordinator pertinent discrimination complaints against or potential discrimination issues an external subgrantee as soon as possible.

Reference: Glossary of Terms and Acronyms
Title VI of the Civil Rights Act of 1964
The Omnibus Crime Control and Safe Streets Act of 1968
Section 504 of the Rehabilitation Act of 1973
Title II of the Americans with Disabilities Act of 1990
The Juvenile Justice and Delinquency Prevention Act of 1974
Title IX of the Education Amendments of 1972
The Age Discrimination Act of 1975
DOJ Regulations on Equal
Treatment for Faith-Based Organizations

Related Policies: LCLE Policy #21 Americans with Disabilities Act
LCLE Policy #36 Equal Employment Opportunity/Affirmative Action
LCLE Policy #37 Respectful Workplace and Harassment

Related Forms: None