



U.S. ABILITYONE COMMISSION

DRAFT Policy 51.410
Effective Date: 08/15/2020

TITLE: PROCESSING COMPLAINTS BY EMPLOYEES OF NONPROFIT AGENCIES PERFORMING WORK ON CONTRACTS UNDER THE ABILITYONE PROGRAM

1. PURPOSE.

This document prescribes the policy for processing complaints received from employees of AbilityOne-participating nonprofit agencies (NPAs).

2. APPLICABILITY.

This policy is applicable to the U.S. AbilityOne Commission (Commission) and Commission staff.

3. AUTHORITY.

- (a) Public Law 101-12, Whistleblower Protection Act of 1989.
- (b) 41 U.S.C. §§ 4705, Protection of Contractor Employees from Reprisal for Disclosure of Certain Information.
- (c) 41 U.S.C. §§ 4712, Enhanced Protection of Contractor Employees from Reprisal for Disclosure of Certain Information.
- (d) 41 U.S.C. §§ 8501 – 8506, Javits-Wagner-O’Day (JWOD) Act.
- (e) 5 C.F.R Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch.
- (f) 41 C.F.R. Chapter 5, Committee for Purchase From People Who Are Blind or Severely Disabled.

4. DEFINITIONS AND ACRONYMS.

Definitions, abbreviations and acronyms frequently used throughout this policy system are provided in Policy 51.102, Definitions.

5. RESPONSIBILITY.

- (a) The Executive Director hereby delegates responsibility for this policy and related procedures to the Director of Oversight and Compliance.
- (b) The Director of Oversight and Compliance shall:
 - i. Ensure the Compliance team members are trained to receive and process complaints and establish annual refresher training.
 - ii. Review and approve all complaints processed by the Compliance team.
 - iii. Conduct after-action reviews for closed complaints.
 - iv. Provide weekly updates to the Executive Director and Deputy Executive Director.
- (c) Within sixty days, the Director of Oversight and Compliance shall:
 - i. Establish and maintain the tracking and reporting system.



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- ii. Establish and publish the complaint process on the Commission website.
- (d) Compliance team members shall receive and process complaints in accordance with this policy.
- (e) Commission staff not on the Compliance team shall forward complaints and complainants to the Compliance team.

6. POLICY.

- (a) The Commission will investigate and process complaints from employees of NPAs, coordinating with the Office of Inspector General (OIG) as appropriate, when such complaints are within its area of authority. The Commission will notify the complainant or his/her advocate of the resolution of the complaint.
- (b) The Commission will refer complainants to the appropriate agency when the complaint topic falls outside of applicable timelines for submitting certain types of complaints, or if the complaints are outside of the Commission's area of authority. The Commission also shall notify complainants or their advocates of applicable timelines for submitting certain types of complaints.
- (c) To the extent possible, anonymous complaints will be evaluated and processed in accordance with this policy.
- (d) Under no circumstances shall anyone interfere, obstruct, impede or otherwise disrupt the complaint process.

7. EXCEPTION TO POLICY.

This policy does not address complaints filed by Commission or other Federal employees, who should instead be referred to one of the agencies identified below in paragraph 8i of this policy.

8. PROCEDURE.

- (a) When a Commission staff member receives a written complaint, they shall forward the complaint to the Compliance team immediately at complianceinfo@abilityone.gov, or on the next business day if the written complaint is received after normal business hours.
- (b) When a Commission staff member receives a telephone call from a person who wishes to file a complaint, the staff member will immediately forward the call to a Compliance team member.
- (c) When a Compliance team member receives verbal or written complaints, they will process the complaints within two business days, coordinating with the OIG as appropriate.
- (d) Individuals should submit their complaint in writing via the Complaint In-take Form located at https://www.abilityone.gov/abilityone_program/compliance.html on the website, or by sending an email, letter or other form of written communication to the Compliance team. However, verbal complaints will be accepted.

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- i. Send email to: complianceinfo@abilityone.gov
- ii. Send mail to:
U.S. AbilityOne Commission
ATTN: Director of Oversight and Compliance
1401 S. Clark Street, Suite 715
Arlington, VA 22202-3259

(e) When taking a verbal complaint, the Compliance team member shall document the following information:

Table 1 Required Information for Verbal Complaint In-take	
a. Complainant’s name.	f. Nature of the complaint (e.g. ratio-related, discrimination, etc.).
b. NPA employer.	g. Determine whether complaint has been filed with the NPA, another Federal agency or CNA. If so, determine the status and disposition of the complaint.
c. Name and employer of the offender (if applicable).	h. Determine whether the complaint is being filed on behalf of the person filing the complaint or on behalf of someone else.
d. Date of the incident.	i. Annotate the names(s) of witnesses or other person(s) who have first-hand knowledge of the incident.
e. Work address where the incident occurred.	j. Other related information.

- (f) The Compliance team member who processes the complaint will prepare a written report that recommends a course of action and disposition, and then forward it to the Director of Oversight and Compliance for review and approval. Compliance team members will be assigned to process complaints by the Director of Oversight and Compliance based on an internal duty roster.
- (g) The Director of Oversight and Compliance will request a legal review from the Office of General Counsel.
- (h) If the complaint involves fraud, waste, abuse or reprisal for protected communications, the Director of Oversight and Compliance will refer the complainant to the Commission Office of Inspector General (OIG) at 703-603-2124 and igoffice@oig.abilityone.gov.

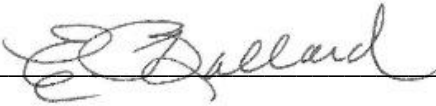
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- (i) If the complaint involves matters of employment policy, discrimination, affirmative action, sexual harassment, conditions of employment (including pay) or prohibited personnel practices, or if the complainant is an employee of a Federal contractor, the Compliance team member will refer him/her to the following:
 - i. OIG
 - ii. Contracting Officer
 - iii. State Employment Agency or other agency in the state where the complainant is employed.
 - iv. Equal Employment Opportunity Commission (EEOC)
Information regarding how to file a complaint and important deadline information is available at <https://www.eeoc.gov/employees/howtofile.cfm>
Complainants also can file a claim in person at any of the 53 EEOC field offices. The location of the nearest field office can be found at <https://www.eeoc.gov/field/index.cfm>
 - v. Wage and Hour Division, Department of Labor
https://dol.gov/whd/contact_us.htm
1-866-4USWAGE (1-866-487-9243)
TTY: 1-877-889-5627
 - vi. The Office of Federal Contract Compliance Programs
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C 20210
1-800-397-6251 (toll-free)
(202) 693-1377 (TTY)
OFCCP-Public@dol.gov
A list of regional office can be found at <https://www.dol.gov/ofccp/contacts/regkey.htm>

9. SUPERSESSION.

Supersedes Commission Policy 51.410 Processing Complaints by Employees of Nonprofit Agencies Performing work on Contracts Under the AbilityOne Program dated April 3, 2017.

APPROVED:  **Date:** 8/10/2020
E. Ballard
Executive Director