

**Element 8 — Complaint Processing Procedures** Procedures for Processing Complaints Alleging Discrimination by a WIOA Recipient (29 C.F.R. § 38.70-89)

**PART A**

**1. Recipients Are Required to Develop and Publish Complaint Procedures:**

The Department of Labor and Industrial Relations (DLIR) has developed complaint procedures that are applicable to all DLIR offices and programs, administratively attached agencies, state programs, county programs, and private agencies receiving federal or state funds from the DLIR (Exhibit A). Entities that operate federal/state funded programs for the DLIR, within the State, are also allowed to use the procedures.

**2. Issuance of a Written Notice of Final Action Within 90 Days From Date of Complaint:**

Section A.17-I, of the Hawaii Equal Opportunity Complaint Procedures provides, "The DLIR Director shall issue to the complainant a written decision called a Notice of Final Action within 90 days of the date on which the complaint was filed."

**3. The Complaint Procedures (Exhibit B) must contain the elements listed in 29 CFR § 38.76(b), which include:**

***a. Initial written notice to the complainant that contains an acknowledgment that the recipient has received the complaint, a notice of rights contained in 29 C.F.R. § 38.30, and a notice that the complainant has the right to be represented in the complaint process.***

Section A.17-B, of the Hawaii Equal Opportunity Complaint Procedures provides that, "...Receipt of the complaint will be acknowledged in writing within five (5) working days..." and, Section A.17-A states, "the complainant shall be informed of the right to representation by an attorney or another individual of their choice..."

***b. A written statement provided to the complainant, that contains a list of issues raised in the complaint and, for each issue, a statement whether the recipients will accept the issue for investigation or reject the issue, and the reasons for each rejection.***

Section A.17-C, of the Hawaii Equal Opportunity Complaint Procedures provides that "This written acknowledgment shall contain:

a. A list of the issues raised in the complaint, and

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b. For each such issue, a statement whether the recipient will accept or reject the issue for investigation and the reasons for each rejection."

***c. A period for fact-finding or investigation of the circumstance underlying the complaint.***

Section A.17-F of the Hawaii Equal Opportunity Complaint Procedures provides that, "After issuing the written acknowledgment, the EO Officer shall conduct an investigation on the issues accepted for investigation by collecting all pertinent data, interviewing parties involved, and documenting the investigation."

***d. A period during which the recipient attempts to resolve the complaint. The methods available to resolve the complaint must include alternative dispute resolution (ADR).***

Section A.17-A, of the Hawaii Equal Opportunity Complaint Procedures provides that, "The DLIR Equal Opportunity Officer (EO Officer) shall hold a meeting with the complainant within seven working days of receipt of the complaint to hear the complaint and assist the complainant in completing the DLIR Form EO-1 (see Appendix B), if requested. The complainant shall be informed of the right to representation by an attorney or another individual of their choice, and of Alternate Dispute Resolution (ADR) at this time." Section A.17-B states, "The complainant shall be advised of the options available for redress...and given a Notice to Individuals Filing Discrimination Complaints (see Appendix A)." Further, Section A.17-G states, in part, "The methods available to resolve the complaint must include ADR..."

***e. A written notice of Final Action, provided to the complainant within 90 days of the date on which the complaint was filed, that contains, for each issue raised in the complaint.***

Section A.17-I, of the Hawaii Equal Opportunity Complaint Procedures provides that, "The DLIR Director shall issue to the complainant a written decision called a Notice of Final Action within 90 days of the date on which the complaint was filed."

***f. A statement of the recipient's decision on the issue and an explanation of the reasons underlying the decision, or a description of the way the parties resolved the issue.***

Section A.17-I.I, of the Hawaii Equal Opportunity Procedures provides that, "For each issue accepted for investigation, a statement of the Director's decision on the issue and an explanation of the reasons

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underlying the decision or a description of the way the parties resolved the issue; and"

- g. Notice that the complainant has a right to file a complaint with CRC within 30 days of the date on which the Notice of Final Action is issued if he or she is dissatisfied with the recipient's final action on the complaint.***

Section A.17-I.II, of the Hawaii Equal Opportunity Procedures provides that the Notice of Final Action shall, "Advise the complainant that the complainant has a right to file a complaint with the CRC within 30 days of the date on which the Notice of Final Action is issued if he or she is dissatisfied with the DLIR Director's final action on the complaint."

**Equal Opportunity Employer/Program  
Auxiliary aids and services are available upon request to individuals with disabilities.  
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**PART B**

Supporting Documentation

Exhibit A                    WIOA Bulletin No. 1-16 Updating Complaint Procedures

Exhibit B                    State of Hawaii WIOA Equal Opportunity Complaint  
   Procedures and Forms