



Complaint Processing: Basic Requirements

State/Local Requirements

Under WIOA Nondiscrimination Regulations



Presented by:



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The decorative graphic consists of a series of colored bars arranged in a semi-circular arc. The bars transition in color from light blue on the left to pink on the right. The bars are of varying lengths and are slightly tilted.

Who is responsible for complaint processing procedures?

- Under the WIOA nondiscrimination regulations, it's:
 - Governors, *and/or* . . .
 - LWDA grant recipients . . . *and*
 - EO Officers!

EO Officer responsibilities re: complaint processing

- Tracking the complaints filed against recipient;
- Developing procedures for investigating and resolving discrimination complaints;
- Making sure those procedures are followed; and
- Making the procedures available to the public in appropriate languages and formats

Where may a complaint be filed?

- Two options -- *complainant* gets to decide where to file
 - Recipient level
 - CRC

Where may a complaint be filed?

(cont'd)

- Recipient level

- ✓ WIOA's decentralized structure = **individual recipients**, states and/or

- local areas decide who processes complaints

- ✓ Service providers = Governor or LWDA grant recipient publishes complaint processing procedures

(more on next slide)

Where may a complaint be filed?

(cont'd)

- Recipient level (cont'd)

- ✓ If a complainant files a complaint at the recipient level, the recipient must process it – can't just refer it to CRC!

- ✓ If a complainant files both at the recipient level and with CRC, CRC will defer processing until the recipient process is completed (or until 90 days have passed)

Basic requirements for recipient complaint processing procedures

- Complaints must be filed in writing
- Required elements of procedures:
 - Provision of complainant with either:
 - ✓ Initial, written notice that complaint has been received, and **either**:
 - ✓ Written statement of the issues;
 - or**
 - ✓ Notice of Lack of Jurisdiction
 - Period for fact-finding or investigation
 - Period for attempted resolution of complaint
 - Written Notice of Final Action

Requirements for initial, written notice

- Acknowledgement of complaint
- Notice of right of representation
- Notice of rights (from EO Notice in 29 CFR 38.35)
- Notice that the complainant has the right to receive, at no cost:
 - Auxiliary aids and services (communication aids for people with disabilities)
 - Language assistance services
 - Translation of the initial notice into non-English languages

Requirements for written statement of the issues

- List of issues raised in the complaint; and
- For each such issue, a statement whether the recipient will accept the issue for investigation or reject the issue, and the reasons for each rejection.

Requirements for Notice of Lack of Jurisdiction

- Must be issued within five business days of the recipient's determining that it has no jurisdiction over a complaint
- Must include:
 - Statement of reasons for determining that the recipient has no jurisdiction
 - Notice that the complainant has a right to file a complaint with CRC within 30 days

Requirements for use of Alternative Dispute Resolution

- Decision whether to use ADR *rests with complainant*
- ADR may be attempted at any time after written complaint has been filed, but before Notice of Final Action is issued
- If agreement reached but later breached, non-breaching party may notify CRC within 30 days of learning of breach
- If no agreement reached, complainant may file complaint with CRC

Reminder: time frame for issuing Notice of Final Action

- You must issue written Notice of Final Action within 90 days of date complaint was filed
- Provision allowing complainant to file with CRC if you fail to issue the Notice *does not* entitle you to take longer than 90 days!

Following Notice of Final Action

- If the complainant is dissatisfied with the recipient's decision on the complaint,
 - S/he has the right to file with CRC within 30 days
 - CRC treats the filing as a new complaint
 - CRC does not decide whether the recipient's decision was correct



Questions?

How to contact me

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