State of Idaho

Workforce Innovation and Opportunity Act (WIOA) Title I Complaint Procedures

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# Purpose

This document outlines the complaint procedure required of the State of Idaho Nondiscrimination Plan and [29 CFR 38.72](https://www.ecfr.gov/current/title-29/subtitle-A/part-38/subpart-D/subject-group-ECFR1174db636269e7b/section-38.72).  It may be used by any person who wishes to file a complaint alleging discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation, belief, citizenship status, and/or participation in a WIOA Title I program or activity; or who believes they have been retaliated against on the basis of any of the aforementioned protected statuses.

The procedure outlined in this document applies only to WIOA Title I programs or activities.

Generally, a complaint must be filed within 180 days of the alleged discrimination or retaliation. However, for good cause shown, the Director of the Civil Rights Center (CRC) may extend the filing time[[1]](#footnote-1). The complaint must be submitted in writing by the person or the person’s representative either electronically on the [Equal Opportunity webpage](https://dhr.idaho.gov/eo/), or by submitting the WIOA EO Complaint Form to the State or Local Equal Opportunity (EO) Officer, or by other written means.

# Procedures

**Each complaint must contain the following:**

1. A description of the alleged discrimination including the location and date of the incident, and the complainants contact information such as name, address, email address, and phone number.
2. The identity of the respondent, including the individual or entity that the complainant alleges is responsible for the discrimination.
3. The description of the allegations should include:
	1. Enough detail to allow the CRC Director or the EO Officer to decide whether:
		1. The CRC or the Idaho EO Officer, as applicable, has jurisdiction over the complaint;
		2. The complaint was filed in time; and
		3. The complaint has apparent merit; in other words, whether the complainant's allegations, if true, would indicate noncompliance with any of the nondiscrimination and equal opportunity provisions of WIOA or this [29 CFR 38](https://www.ecfr.gov/current/title-29/subtitle-A/part-38).
4. The written or electronic signature of the complainant, or of the complainant's representative.

Alternatively, a complainant may file a complaint by completing and submitting [CRC's Complaint Information and Privacy Act Consent Forms](https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/external/how-to-file-complaint). These forms are available electronically on the CRC's website, and in hard copy form via postal mail upon request.

Complaints filed with the CRC Director should be sent to:
Director, Civil Rights Center, U.S. Department of Labor,
Room N4123,
200 Constitution Avenue, NW
Washington, DC 20210.

Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

**Right to representation:**

Both the complainant and the respondent have the right to be represented by an attorney or another individual of their choice.

**When a complaint is received, the recipient or the EO Officer will issue a written notice to the complainant that will include the following information:**

1. Acknowledgment of the received complaint;
2. Notice that the complainant has the right to be represented during the complaint process;
3. Notice of complainant rights contained in [§ 38.35](https://www.ecfr.gov/current/title-29/subtitle-A/part-38/subpart-B/subject-group-ECFR2351868784f5294/section-38.35);
4. Notice that the complainant has the right to request and receive, at no cost, auxiliary aids and services, language assistance services, and options for the notice to be translated into a non-English language as required in [§§ 38.4(h)](https://www.ecfr.gov/current/title-29/subtitle-A/part-38/subpart-A/section-38.4#p-38.4(h)) [and (i)](https://www.ecfr.gov/current/title-29/subtitle-A/part-38/subpart-A/section-38.4#p-38.4(i)), [38.34](https://www.ecfr.gov/current/title-29/subtitle-A/part-38/subpart-B/subject-group-ECFR2351868784f5294/section-38.34), and [38.36](https://www.ecfr.gov/current/title-29/subtitle-A/part-38/subpart-B/subject-group-ECFR2351868784f5294/section-38.36).
5. A written statement of the issue(s), provided to the complainant, that includes the following information:
	1. A list of the issues raised in the complaint; and
	2. For each such issue, a statement whether the recipient[[2]](#footnote-2) will accept the issue for investigation or reject the issue, and the reasons for each rejection, if applicable.
6. A period for fact-finding or investigation of the circumstances underlying the complaint, not to exceed 60 days.
7. A period during which the recipient attempts to resolve the complaint, not to exceed 75 days. Any available method given to complainants must include the option of alternative dispute resolution (ADR). Any ADR procedures must provide that:
	1. The complainant may attempt ADR at any time after the complainant has filed a written complaint with the recipient, but before a Notice of Final Action has been issued.
	2. The choice whether to use ADR or the customary process rests with the complainant.
	3. A party to any agreement reached under ADR may notify the Director in the event the agreement is breached. In such circumstances, the following rules will apply:
		1. The non-breaching party may notify with the Director within 30 days of the date on which the non-breaching party learns of the alleged breach; and
		2. The Director must evaluate the circumstances to determine whether the agreement has been breached. If the Director determines that the agreement has been breached, the complaint will be reinstated and processed in accordance with the recipient's procedures.
		3. If the parties do not reach an agreement under ADR, the complainant may file a complaint with the Director as described in these procedures.

**A written Notice of Final Action must be provided to the complainant within 90 days from the date the complaint was filed, that will include the following information:**

1. For each issue raised in the complaint, a statement of either:
2. The recipient's decision on the issue and an explanation of the reasons supporting (or justifying) the decision; or
3. A description of the way the parties resolved the issue; and
4. 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 received if the complainant is dissatisfied with the recipient's final action on the complaint.

**If the recipient determines that it does not have jurisdiction over a complaint, it must notify the complainant, in writing, within five (5) business days of making such determination. This Notice of Lack of Jurisdiction must include:**

1. A statement of the reasoning for the decision; and
2. Notice that the complainant has a right to file a complaint with CRC within 30 days of the date on which the complainant receives the Notice.

When the recipient issues a Notice of Final Action before the 90-day period ends, but the complainant is dissatisfied with the decision on the complaint, the complainant or the complainant's representative may file a complaint with the Director within 30 days after the date on which the complainant receives the Notice.

If, by the end of 90 days from the date on which the complainant filed the complaint, the recipient has failed to issue a Notice of Final Action, the complainant or the complainant's representative may file a complaint with the Director within 30 days of the expiration of the 90-day period. In other words, the complaint must be filed with the Director within 120 days of the date on which the complaint was filed with the recipient or State EO Officer.

All received written complaints and responses will be retained by the State of Idaho for at least three (3) years.

# Contact list:

Idaho EO Officer and Deputy EO Officer:

Janelle White

Interim Administrator

Idaho Division of Human Resources

304 North 8th Street

PO Box 83720

Boise, ID 83720-0066

(208) 334-2263

TTY/TDD- 7-1-1

janelle.white@dhr.idaho.gov

Local EO Officers:

Danilo Cabrera

Workforce Programs Administration Bureau Chief

Idaho Department of Labor

317 West Main Street

Boise, ID 83735

(208) 696-2557

TTY/TDD- 7-1-1

danilo.cabrera@labor.idaho.gov

Local Recipient Contacts:

Admir Selimovic

Program Specialist

Idaho Commission on Aging

P.O. Box 83720

Boise, ID 83720

(208) 577-2848

TTY/TDD- 7-1-1

admir.selimovic@aging.idaho.gov

Civil Rights and ADA Manager

Idaho Division of Human Resources

304 North 8th Street

PO Box 83720

Boise, ID 83720-0066

(208) 854-3077

TTY/TDD- 7-1-1

ada.coordinator@dhr.idaho.gov

Paige Nielebeck

Executive Management Assistant

Idaho Workforce Development Council

514 W Jefferson St (Ste 131)

Boise ID 83702

(208) 488-7567

TTY/TDD- 7-1-1

paige.nielebeck@wdc.idaho.gov

MiKayla Monaghan

Business Relations Manager

Idaho Division of Vocational Rehabilitation

650 West State Street, Room 150

Boise, ID 83720

(208) 287-6479

TTY/TDD- 7-1-1

mikayla.monaghan@vr.idaho.gov

Angela Starr

Management Assistant

Idaho Commission for the Blind and Visually Impaired

P.O. Box 83720

Boise, ID 83720-0012

208-639-8374

TTY/TDD- 7-1-1

astarr@icbvi.idaho.gov

Jennifer Pope

Program Quality Manager Technical Education

Idaho Career and Technical Education

650 West State Street, Suite 324

Boise, ID 83702-5936

(208) 429-5531

TTY/TDD- 7-1-1

jennifer.pope@cte.idaho.gov

Heidi Graham

Human Resources Program Manager

Idaho Department of Health and Welfare

1720 Westgate Drive

Boise, ID 83704

(208) 334-5617

TTY/TDD- 7-1-1

heidi.graham@dhw.idaho.gov

Adrian San Miguel

Director of Technical Education

Idaho Career and Technical Education

650 West State Street, Suite 324

Boise, ID 83702-5936

(208) 429-5559

TTY/TDD- 7-1-1

adrian.sanmiguel@cte.idaho.gov

Amelia Valasek

Program Supervisor

Idaho Commission for Libraries

325 West State Street Boise, ID 83702

(208) 334-2150 Ext. 4138

TTY/TDD- 7-1-1

amelia.valasek@libraries.idaho.gov

1. The time period for filing is for the administrative convenience of CRC and does not create a defense for the respondent [↑](#footnote-ref-1)
2. 29 CFR 38.4(zz) [↑](#footnote-ref-2)