

# Wyoming Department of Workforce Services

## WIOA Title I Nondiscrimination Policy

### Appendix B.

**Complaint Processing Procedures and Determinations.** The following is the Wyoming Department of Workforce Services WIOA Title I complaint processing procedures. These procedures apply to the programs, services and employees outlined in the “Applicability” paragraph of the Wyoming Department of Workforce Services, WIOA Title I nondiscrimination Policy.

Any person or their representative may file a written complaint if they are being discriminated against because of any covered basis or if they have been or are being retaliated against for filing a discrimination complaint.

Complaints can be filed with either the State-level EO officer or the CRC Director.

Complaints must be filed within 180 days of the alleged discrimination or retaliation and must include the following information:

- The complainant’s name, mailing address, and, if available, email address (or other means of contacting the complainant).
- The identity of the respondent (the individual or the entity that the complainant alleges is responsible for the discrimination).
- A description of the complainant’s allegations which includes enough detail to determine if:
  - The responsive agency has jurisdiction over the complaint,
  - The complaint was filed in time, and
  - The complaint has apparent merit.
- The written or electronic signature of the complainant or the complainant’s representative.
- If a complaint is filed directly with the CRC Director, the Director may extend the 180 day filing time for good cause shown. [29 CFR Part 38.69-.70]

### **Complaint Processing Procedures.**

Upon receipt of a complaint, the State-Level EO officer will:

- Send the complainant an initial written notice that includes the following:
  - An acknowledgement that the recipient has received the complaint.

- Notice that the complainant has the right to be represented in the complaint process.
- Notice of the rights contained in 29 CFR Part 38.35.
- Notice that the complainant has the right to request and receive, at no cost, auxiliary aids, and services, language assistance services, and that this notice will be translated into the non-English languages.
- A written statement of the issue(s), provided to the complainant that includes the following information:
  - A list of the issues raised in the complaint.
    - For each issue, a statement whether the recipient will accept the issue for investigation or reject the issues, and the reasons for rejection.
    - If the issue is rejected because of untimeliness, the State-level EO officer will inform the complainant that he or she can, within 30 days of the date which the complainant receives the Notice, file an appeal with the CRC. [29 CFR Part 38.74]
- The period for fact-finding or investigation of the circumstances underlying the complaint.
- The period during which the recipient can attempt to resolve the complaint.

**Alternative Dispute Resolution.** Any complaint may be resolved by using alternative dispute resolution (ADR).

- 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.
- The choice whether to use ADR or the customary process rests with the complainant.
- A party to any agreement reached under the ADR may notify the CRC in the event the agreement is breached.
- If the parties do not reach an agreement under ADR, the complainant may file a complaint with the CRC.

**Disposition.** The State-level EO officer will issue a written Notice of Final Action on complaints within 90 days of the date on which the complaint is filed including the following:

- For each issue raised in the complaint, a statement of either the State-level EO officer's decision on the issue and an explanation supporting the decision or a description of how the parties resolved the issue.

Notice 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 received if the complainant is dissatisfied with the recipient's final action. [29 CFR Part 38.72]