



INDIANA
DEPARTMENT OF
WORKFORCE
DEVELOPMENT

COMPLAINT PROCESSING PROCEDURES

Nondiscrimination Plan – Element 8

Regulatory Oversight and Compliance

Department of Workforce Development





COMPLAINT PROCESSING PROCEDURES

- *[29 CFR 38.69 through 38.85]*
 - Complaints
 - Complaint Processing
 - Notice of Final Action
 - Alternative Dispute Resolution



COMPLAINTS

- Applicants, registrants, eligible applicants/registrants, participants, employees and applicants for employment are notified of their right to the complaint process by way of posters and the “Equal Opportunity is the Law” notices in the WorkOne offices. Any person who believes that she/he, or any specific class of individuals, has been or is being subjected to discrimination prohibited by WIOA, may file a written complaint within 180 days of the alleged discrimination.
- A complainant may file a complaint by completing and submitting CRC’s Complaint Information and Privacy Act Consent Forms, which may be obtained either from the Local/State EO Officer or from CRC. Complaints must be filed in writing, either electronically or in hard copy, and must contain the following information:
 - Complainant’s name, mailing address, and if available, email address (or other means of contact)
 - Identity of respondent
 - Description of allegations
 - Written or electronic signature of the complainant or complainant’s representative



COMPLAINT PROCESSING

DWD Policy 2016-09 outlines the procedures that must be followed by recipients.

- Whether a complaint is filed locally with a recipient's Local EO Officer or directly with CRC, established complaint processing procedures must be followed. Those procedures must include, at a minimum, the following elements:
 - Initial, written notice to complainant acknowledging receipt of complaint, notice of complainant's right to representation, notice of rights contained in the EO poster, and notice that the complainant has the right to request and receive, at no cost, auxiliary aids and services, language assistance services, and that the notice will be translated as required;
 - Written statement of the issue(s), provided to complainant, that includes a list of issues raised in the complaint and whether the recipient will accept or reject each issue;
 - Period for fact-finding or investigation;
 - Period for attempt to resolve complaint, including provision for alternative dispute resolution (ADR);
 - Written Notice of Final Action (NFA) provided to complainant within 90 days of filing date.



NOTICE OF FINAL ACTION

- Recipients must issue the NFA to the complainant within 60 days of the date on which the complaint was filed. The NFA informs the complainant of the ruling for the issue(s) raised in the initial complaint and an explanation of each decision, or a description of the way the parties resolved the issue. The NFA also advises the complainant of the right to appeal the decision.
- If the recipient issues its NFA before the 90-day period ends, but the complainant is dissatisfied with the recipient's decision, the complainant may file a complaint with the CRC Director within 30 days after the date on which the Complainant receives the NFA.
- If, by the end of 90 days from the filing date, the Recipient has failed to issue a NFA, the complainant may file a complaint with the CRC Director within 30 days of the expiration of the 90-day period (i.e., within 120 days of the filing date).



ALTERNATIVE DISPUTE RESOLUTION

- At any point after complaint filing, but before issuance of the NFA, the parties may request the use of an ADR process such as mediation. Election whether to use ADR is a decision of the complainant.
- Should an agreement reached under ADR be breached, the non-breaching party may file a complaint directly with CRC within 30 days of the date on which the non-breaching party learns of the alleged breach. If the CRC Director determines that the agreement has been breached, the complaint will be reinstated and processed in accordance with the recipient's procedures.
- If the parties are unable to reach an agreement through ADR, the complainant may file the complaint directly with CRC as described in 29 CFR 38.69 – 38.72.



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NDP Element 8 Quiz

<https://www.surveymonkey.com/r/C3J238H>