

## **EEO Grievance Procedure**

This document contains the procedure to be used to file a WIOA-related complaint in Region 13. Complaints may be filed to resolve alleged violations of the Workforce Innovation & Opportunity Act (WIOA), Federal or State regulations, grant agreement, contract or other agreements under the Act.

### **Filing a Complaint**

Any interested person, organization or agency may file a complaint, within 90 calendar days of the alleged occurrence.

### **Complaints must be in writing and meet the following requirements:**

1. Complaints must be legible and signed by the complainant or the complainant's authorized representative;
2. Complaints must pertain to a single subject, situation or set of facts and pertain to issues over which the State has authority (unless appealed from the local level);
3. The name, address and phone number (or TDD number) must be clearly indicated. If the complainant is represented by an attorney or other representative of the complainant's choice, the name, address and phone number of the representative must also appear in the complaint;
4. Complaints must state the name of the party or parties complained against and, if known to the complainant, the address and telephone number of the party or parties complained against;
5. Complaints must contain a clear and concise statement of the facts, including pertinent dates, constituting the alleged violations;
6. Complaints must cite the provisions of WIOA regulations, grant agreements, or other agreements under WIOA believed to have been violated, if applicable. Complaints alleging a program violation not covered under the WIOA will be referred to the appropriate organization;
7. Complaints must state the relief or remedial action(s) sought; and
8. Copies of documents supporting or referred to in the complaint must be attached to the complaint; and
9. Complaints must be addressed to:  
WIOA Equal Opportunity Officer  
IowaWORKS-Loess Hills  
300 West Broadway, STE 13  
Council Bluffs, IA 51503

### **Acknowledgement of a Complaint and Notice of Opportunity for a Hearing**

A complaint is deemed filed when it has been received by the Equal Opportunity Officer and meets the requirements outlined above. Upon receipt of a complaint, the Equal Opportunity Officer will send a copy of the complaint and a letter of acknowledgement and notice to the complainant and any persons or entities cited in the complaint within ten calendar days. The letter of acknowledgement and notice will contain the filing date and notice of the following opportunities:

1. The opportunity for informal resolution of the complaint at any time before a hearing is convened; and
2. The opportunity for a party to request a hearing by filing with the Equal Opportunity Officer within seven calendar days of receipt of the acknowledgement of the complaint.
  - a. Failure to file a written request for a hearing within the time provided constitutes a waiver of the right to a hearing, and the Equal Opportunity Officer will rule on the complaint based upon the information submitted;
  - b. If a hearing is requested within seven calendar days of receipt of the acknowledgement of the complaint, the hearing will be held within 20 calendar days of the filing of the complaint;

- c. The opportunity for a party to submit written evidence, statements, and documents in a time and manner prescribed by the complaint officer.

### **Complaint Resolution**

The Equal Opportunity Officer will review the complaint within 20 calendar days of the receipt of the complaint. The Equal Opportunity Officer may, at his or her discretion, request oral testimony from the complainant and the parties complained against.

Within 30 calendar days of the receipt of the complaint, the Equal Opportunity Officer will issue a written decision including the basis for the decision, and, if applicable, remedies to be granted. The decision will detail the procedures for appeal to Iowa Workforce Development if the complainant is not satisfied with the decision.

Party(ies) may appeal the decision by filing an appeal in accordance with the State Complaint Procedures of the Workforce Development Center System Handbook. If no appeal of the decision is filed within the time provided, the decision shall become final.

Complaints determined not to be under the jurisdiction of these procedures will be returned to the complainant within 7 days of receipt of the complaint advising the complainant of the appropriate authority.

### **Informal Settlement**

A complaint may, unless precluded by statute, be informally settled by mutual agreement of the parties any time before a hearing is convened. The settlement must be effected by a settlement agreement or a statement from the complainant that the complaint has been withdrawn or resolved to the complainant's satisfaction. The Equal Opportunity Officer must acknowledge the informal settlement and notify the parties of the final action. With respect to the specific factual situation which is the subject of controversy, the informal settlement constitutes a waiver by all parties of the formalities to which they are entitled under the terms of the Iowa Administrative Procedure Act, Iowa Code Chapter 17A, WIOA, and the rules and regulations under WIOA.

### **Hearings**

Upon receipt of a timely request for a hearing, an Equal Opportunity Officer will give all parties at least seven days written notice either by personal service or certified mail of the date, time and place of the hearing. The notice may be waived in case of emergency, as determined by the Equal Opportunity Officer, or for administrative expediency upon agreement of the interested parties.

The notice of hearing will include:

1. A statement of the date, time, place, nature of the hearing;
2. A brief statement of the issues involved; and
3. A statement informing all parties of their opportunities at the hearing:
  - a. Opportunity for the complainant to withdraw the request for hearing before the hearing;
  - b. Opportunity to reschedule the hearing for good cause, provided the hearing is not held later than 20 days after the filing of the complaint;
  - c. Opportunity to be represented by an attorney or other representative of choice at the complainant's expense;
  - d. Opportunity to respond and present evidence and bring witnesses to the hearing;
  - e. Opportunity to have records or documents relevant to the issues produced by their custodian when such records or documents are kept by or for the state, contractor or its subcontractor in the ordinary course of business and where prior reasonable notice has been given to the Complaint Officer;

- f. Opportunity to question any witnesses or parties;
- g. The right to an impartial review panel; and
- h. A final written agency decision shall be issued within 60 days of the filing of the complaint.

### **Appeal**

Any party receiving an adverse decision at the local level may file an appeal within 10 calendar days to the IWD Complaint Officer. In addition, any complaint filed at the local level with no decision within 60 days of the date of the filing may be reviewed by IWD. The request to review the complaint must be filed with the Complaint Officer within 15 calendar days from the date on which the decision should have been received.

The appeal or request for review must comply with the procedures as prescribed in this section for filing a complaint. The parties involved will be afforded the rights and opportunities as prescribed in this section for filing a state level complaint.

An appeal to the IWD Complaint Officer must be filed within 10 calendar days from the issuance date of the decision and include:

1. The date of tiling the appeal; and
2. The specific grounds upon which the appeal is made. Those provisions upon which an appeal is not requested will be considered resolved and not subject to further review
3. Appeals must be addressed to:

Complaint Officer  
Division of Workforce Development Center Administration  
Iowa Workforce Development  
150 Des Moines Street  
Des Moines, Iowa 50309

### **Labor Standards Violation**

Alleged violations of labor standards must be filed in accordance with the applicable collective bargaining agreement.

All other alleged violations must be within the preview of either the Coordinating Service Provider or Regional Workforce Development Board to resolve.

### **Complaints Alleging Discrimination**

Questions or complaints alleging a violation of the nondiscrimination provisions of WIOA may be directed or mailed to:

Director, Civil Rights  
Center U.S. Department of  
Labor, Room N4123  
200 Constitution Ave., NW  
Washington D.C. 20210