

IDAPA 09 – IDAHO DEPARTMENT OF LABOR

09.01.60 – Complaint Procedures Under the Workforce Innovation and Opportunity Act (WIOA)

Who does this rule apply to?

Complainants, Local Administrative Entity's, One-Stop Operators, Service Providers, WIOA Recipients, and the Idaho Department of Labor.

What is the purpose of this rule?

These rules govern the procedures for processing and adjudicating discrimination and program complaints by or against any program or activity funded or authorized under Title I of the federal Workforce Innovation and Opportunity Act.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following U.S. federal code and statutes passed by the Idaho Legislature:

- [Title 29 Subtitle A Part 38, Code of Federal Regulations](#) - Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act (WIOA)

Worker's Compensation and Related Laws — Industrial Commission -

- [Title 72, Chapter 13, et seq., Idaho Code](#) – Employment Security Law

Who do I contact for more information on this rule?

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AND OPPORTUNITY ACT (WIOA)**

000. LEGAL AUTHORITY.

These rules are promulgated Section 72-1333(2), Idaho Code. (3-20-20)

001. TITLE AND SCOPE.

01. Title. IDAPA 09.01.60, “Complaint Procedures Under the Workforce Innovation and Opportunity Act.” (3-20-20)

02. Scope. These rules govern the procedures for processing and adjudicating discrimination and program complaints by or against any program or activity funded or authorized under Title I of the federal Workforce Innovation and Opportunity Act. (3-15-02)

a. Discrimination Complaints. The Workforce Innovation and Opportunity Act prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and discrimination against beneficiaries on the basis of either citizenship or status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I financially assisted program or activity; and incorporates the provisions of Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color and national origin; Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities; The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs. A complaint alleging a violation of any of these provisions is a discrimination complaint which shall be processed and adjudicated according to the discrimination complaint procedures provided for in these rules. Further, no entity receiving financial assistance under WIOA may discharge, intimidate, retaliate against, threaten, coerce, or discriminate against any person because such person has filed a complaint, opposed a prohibited practice, furnished information, assisted, or participated in any manner in an investigation or hearing. These actions are also considered discrimination and are enforced under this rule’s discrimination complaint procedures. (3-15-02)

b. Program Complaints. Complaints that do not allege unlawful discrimination or retaliation, and instead involve the proper application of the Workforce Innovation and Opportunity Act and its regulations and policies are program complaints, which shall be processed and adjudicated according to the program complaint procedures provided for in these rules. (3-20-20)

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. Department. Idaho Department of Labor. (3-15-02)

02. Local Administrative Entity. The administrative entity that administers the workforce investment system within a designated local area. (3-15-02)

03. One-Stop Operator. One (1) or more entities designated or certified under the provisions of WIOA to operate a One-Stop Center. (3-15-02)

04. Service Provider. Any operator or provider of aid, benefits, services, or training to any WIOA Title I funded program or activity that receives financial assistance either from or through the Department or a WIOA recipient, or for any participant through that participant's Individual Training Account; or any entity that is selected or certified as an eligible provider of training services to participants. (3-20-20)

05. WIOA Recipient. Any entity receiving financial assistance under WIOA Title I from or through the Department, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiaries of the WIOA Title I-funded program or activity. (3-20-20)

011. ABBREVIATIONS.

Unless the context clearly requires otherwise, these abbreviations shall have the following meanings when used in this chapter. (3-15-02)

01. CRC. Civil Rights Center of the U.S. Department of Labor. (3-15-02)

- 02.** **EO.** Equal Opportunity. (3-15-02)
- 03.** **WIOA.** Workforce Innovation and Opportunity Act. (3-15-02)

012. DISCRIMINATION COMPLAINTS.

Complaints alleging discrimination must be in writing and may be filed by the complainant or the complainant's designated representative with the Department, Local Administrative Entity, Service Provider, or One-Stop Operator and must contain the information required by, and be processed in accordance with, the Department's WIOA nondiscrimination plan and other applicable policies and procedures adopted by the director. The plan and those policies and procedures must explain that written complaints may be taken by the Department, Local Administrative Entity, Service Provider, or One-Stop Operator, and also may also be filed directly with the Director, CRC, U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210. (3-20-20)

01. Confidential Information. Information that could lead to the identification of the person filing the complaint shall be kept confidential unless disclosure is required by law or is necessary for conducting an investigation or engaging in enforcement activities. (3-15-02)

02. Jurisdiction. In order to have jurisdiction to process and adjudicate a discrimination complaint the respondent against whom the complaint was filed must be a WIOA recipient, the complaint must allege a basis for discrimination that is prohibited by WIOA, and the complaint must be filed within one hundred eighty (180) days of the alleged discrimination. (3-15-02)

03. Notice of Lack of Jurisdiction. If a determination is made that there is no jurisdiction to process the complaint, a Notice of Lack of Jurisdiction must be sent to the complainant that includes the reason for the determination and notice that the complainant has the right to file a complaint directly with CRC within thirty (30) days from receipt of the Notice of Lack of Jurisdiction. (3-15-02)

04. Joint Jurisdiction. Where the complaint alleges discrimination by a WIOA recipient or service provider on a basis that is prohibited by both WIOA and by a civil rights law independently enforced by that WIOA recipient or service provider, the complaint must be referred to that WIOA recipient or service provider for processing under their procedures. For example, WIOA prohibits discrimination on the basis of national origin. If a discrimination complaint on the basis of national origin is made against a WIOA recipient or service provider and they are also prohibited under their own regulations from discriminating on the basis of national origin, then the complaint shall be referred to that WIOA recipient or service provider for processing according to their regulations. Notice of the referral must be sent to the complainant. (3-15-02)

05. Sole Jurisdiction. Where the complaint alleges discrimination by a WIOA recipient or service provider on a basis that is prohibited by WIOA and is not covered by a civil rights law independently enforced by that WIOA recipient or service provider (e.g. religion, political affiliation or belief, citizenship or participation in WIOA Title I), the complaint shall be processed by that WIOA recipient or service provider under these procedures. (3-15-02)

013. PROGRAM COMPLAINTS AGAINST LOCAL WIOA PROGRAMS AND POLICIES.

Participants, One-Stop partners, service providers, and other interested parties may file complaints alleging nondiscriminatory, non-criminal violations of the WIOA agreements, policies or activities of a Local Administrative Entity or local service provider. Local program complaints shall be in writing and shall be filed with the local service provider or local administrative entity against whom the complaint is made within one hundred eighty (180) days from the date of the event or condition that is alleged to be a violation of WIOA. A complaint may be amended prior to a scheduled hearing or withdrawn by the complainant at any time. Information about the identity of the person filing the complaint or to the identity of any person who furnishes information relating to, or assisting in, an investigation, shall be kept confidential from non-parties to the complaint process unless disclosure is required by law. No entity receiving financial assistance under WIOA may discharge, intimidate, retaliate, threaten, coerce, or discriminate against any person because such person has filed a complaint, opposed a prohibited practice, furnished information, assisted, or participated in any manner in an investigation or hearing. (3-15-02)

01. Initial Review. Written complaints shall be taken by the local service provider or local administrative entity from the complainant or the complainant's designated representative. All complaints shall be

logged. If the complaint alleges a violation of any statute, regulation, policy, or program that is not governed by WIOA, the complaint shall be referred to the appropriate organization for resolution. Notice of the referral shall be sent to the complainant. If the complaint is retained, the complaint and its file must contain the information required by, and be processed in accordance with, Department policies and procedures adopted by the director. (3-20-20)

014. PROGRAM COMPLAINTS AGAINST STATEWIDE WIOA PROGRAMS AND POLICIES.

Participants, One-Stop partners, service providers and other interested parties may file complaints alleging nondiscriminatory, non-criminal violations of statewide WIOA agreements, policies or activities. Statewide program complaints shall be in writing and shall be filed with the statewide service provider or the Department within one hundred eighty (180) days from the date of the event or condition that is alleged to be a violation of WIOA. A complaint may be amended prior to a scheduled hearing or withdrawn at any time. Information about the identity of the person filing the complaint or to the identity of any person who furnishes information relating to, or assisting in, an investigation, shall be kept confidential from non-parties to the complaint process unless disclosure is required by law. No entity receiving financial assistance under the Act may discharge, intimidate, retaliate, threaten, coerce, or discriminate against any person because such person has filed a complaint, opposed a prohibited practice, furnished information, assisted, or participated in any manner in an investigation or hearing. (3-15-02)

01. Initial Review. Written complaints shall be taken from the complainant or the complainant's designated representative. All complaints shall be logged. If the complaint alleges a violation of local WIOA programs, policies or agreements, the complaint shall be referred to the local administrative entity for processing under the complaint procedures for program complaints against local WIOA programs. If the complaint alleges a violation of any statute, regulation, policy, or program that is not governed by WIOA, the complaint shall be referred to the appropriate organization for resolution. Notice of the referral shall be sent to the complainant. If the complaint is retained, the complaint and its file must contain the information required by, and be processed in accordance with, Department policies and procedures adopted by the director. (3-20-20)

015. -- 999. (RESERVED)

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