

Attachment B
Grievance Procedures



GRIEVANCE PROCEDURES

I. PURPOSE

The Nevada Division of Environmental Protection (Division) is required to comply with Title 40 Code of Federal Regulations (C.F.R.) Parts 5 and 7 and Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, Section 13 of the Federal Water Pollution Control Act Amendments of 1972. (Federal Nondiscrimination Laws) as a recipient of federal assistance from the U.S. Environmental Protection Agency and other federal agencies. This Grievance Procedure is intended to satisfy these requirements by ensuring that no person is excluded from participation in, denied the benefits of, or subjected to discrimination under any Division program, activity, or service, or intimidation or retaliation for engaging in a protected act. This policy establishes procedures for receiving, investigating, and responding to allegations of discrimination or allegations of intimidation or retaliation related to the complaint process or for exercising a right or privilege guaranteed by Federal Nondiscrimination Laws.

II. APPLICABILITY

The policies, procedures, and responsibilities of this Grievance Procedure apply to all Division programs, activities, and services.

III. GRIEVANCE PROCEDURES AND COMPLAINT PROCESSING

a. If a person believes they have suffered from prohibited discrimination under a Division program, activity, or service; or if a person believes they have been subject to intimidation or retaliation related to the complaint process or for exercising a right or privilege guaranteed by Federal Nondiscrimination Laws, the complainant may file a complaint with the Nondiscrimination Coordinator (Coordinator). Complaints must include the complainant's or their representative's name and contact information; a description of the nature of the complaint, the date(s) of the alleged discriminatory action, event, or occurrence; the requested remedy; and complainant's or representative's signature. Complaint forms are available in English and Spanish.

b. A written complaint must be filed within 180 days after the alleged discriminatory action, event, or occurrence unless the Division waives the time limit for good cause. The Division will notify the complainant of the Division's receipt of the complaint within five business days.

c. The Coordinator may attempt, if possible, to resolve the complaint through a mutually agreeable solution. The focus of this informal resolution process should include improving agency procedures with the intent of preempting the need for future complaints. Upon informal resolution as contemplated here, the Coordinator shall provide a letter of resolution summarizing the allegations and describing the informal resolution mutually agreed to by the complainant. Such a letter of resolution shall result in the Division's closure of the complaint file.

d. The Coordinator will investigate the complaint. The investigation may include interviews

of the complainant, employees, contractors, subcontractors, subgrantees, those named in the complaint, and witnesses to the alleged discrimination, as well as a review of any physical or written evidence. If more information is needed to resolve the case, the Coordinator may contact the complainant. The complainant has 30 days to send requested information to the investigator assigned to the case or the complaint file may be closed.

e. If the Coordinator and complainant are unable to resolve the complaint informally, the Coordinator will make a report and recommendation to the Administrator of the Division within 180 days after the complaint is filed with the Division. The report and recommendation will include a description of the investigation process, a summary of the relevant facts, a recommended disposition of the complaint based on a preponderance of the evidence, and a proposed remedy, if applicable. The Coordinator may consult with the Attorney General's Office on the report and recommendation.

f. The Administrator shall have 30 days to either accept and adopt the Coordinator's Report and Recommendation or issue a separate decision. A copy of the Administrator's decision shall be sent to the complainant within 10 days after it is made.

g. Complainants may submit a written appeal within 30 days of receiving the Administrator's determination. Appeals must be based on procedural error, new evidence not available at the time of the Administrator's decision, or evidence of bias in the review. An appeal will be reviewed by an individual not involved in the initial investigation and decision. A written appeal decision will be issued within 30 days after the written appeal is filed.

h. The complainant may voluntarily withdraw the complaint at any time prior to final disposition of the complaint.

IV. OTHER REQUIREMENTS

a. **Recordkeeping.** Records including investigative files shall be kept for a minimum of three years after disposition of the complaint.

b. **Complaint Log.** The Coordinator will maintain a complaint log containing the name and address of the complainant or their representative, date(s) of the alleged prohibited discrimination, nature of the complaint, date of submission of the complaint, date of the Coordinator's request for additional information necessary to evaluate the complaint and date of its receipt, results of the investigation, and disposition of the complaint.

c. **Policy Owner and Review.** The Coordinator will keep and maintain this Grievance Procedure. The procedures will be reviewed annually and revised as necessary to ensure prompt and fair resolution of complaints and ongoing compliance with 40 C.F.R. Parts 5 and 7.

d. **Communication and Training.** The Coordinator will develop, conduct, and review training needs.

e. **Compliance and Audit Plan.** The Coordinator will review the complaint files, data, and grievance procedures annually.

f. **Access Assistance.** The Coordinator will, upon request, provide reasonable accommodation or language service to access the Division's nondiscrimination grievance procedures, including filing a complaint.

- V. ACCOMPANYING DOCUMENTS**
- a. **Complaint Form (English)**
 - b. **Complaint Form (Spanish)**