

875—36.8(91A) Filing of complaint for discrimination or discharge.

36.8(1) Any employee who believes that discrimination in violation of Iowa Code section 91A.10(5) has occurred, may, within 30 days after the violation occurs, lodge a complaint with the commissioner alleging the violation. No particular form is required. The commissioner shall cause an appropriate investigation to be made. If, as a result of the investigation, the commissioner determines that section 91A.10(5) has been violated, civil action may be instituted in any appropriate district court to restrain the violations and to obtain other appropriate relief, including rehiring or reinstatement of the employee to the former position with back pay.

36.8(2) Complaints not filed within 30 days of an alleged violation will ordinarily be presumed to be untimely. However, there may be circumstances which would justify tolling of the 30-day period on recognized equitable principles or because of strongly extenuating circumstances, e.g., where the employer has concealed or misled the employee regarding the grounds for discharge or other adverse action, where the employee has within the 30-day period resorted in good faith to grievance, where the employee has filed a complaint regarding the same general subject with another agency, or where the employer's actions are of the nature of a continuing violation. In the absence of circumstances justifying a tolling of the 30-day period, untimely complaints will not be processed.