

complaint with the USDOL/CRC, and inform the complainant that this right must be exercised within 30 days.

2. If by the end of 90 days, the LWIA recipient has not completed its processing of the complaint or has failed to notify the complainant of the resolution, the complainant or his or her representative may, within 30 days of the expiration of the 90-day period, file a complaint with the USDOL/CRC. The CRC may extend the 30-day time limit if the complainant is not notified or for other good cause shown.

3. The recipient shall notify the complainant immediately in writing upon determining that it does not have jurisdiction over the complaint. The notice must be in writing, include reasons for the determination, and state the complainant's right to file with the CRC within 30 days of the notice.

4. The Director of the CRC will investigate allegations when a decision relating to a complaint has not been reached within ninety (90) days of receipt of a complaint.

5. The federal level must make a final decision on a complaint no later than 120 days after receiving the complaint. Complaints to the federal level must be filed within thirty (30) days of the receipt of the decision from which the appeal is being taken. All appeals must be submitted by certified mail, return receipt requested to:

The Director of the Civil Rights Center (CRC)
 U.S. Department of Labor
 200 Constitution Avenue NW, Room N-4123
 Washington, DC 20210

6. The form and complete process for filing the Complaint Information Form (CIF) and the Privacy Act Consent Form can be downloaded at:
<http://www.dol.gov/oasam/programs/crc/EO.htm>.



ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

Rod R. Blagojevich
Governor

Jack Lavin
Director

Workforce Investment Act

Discrimination Complaint Procedures

Internet Address <http://www.commerce.state.il.us>

620 East Adams Street Springfield, Illinois 62701	James R. Thompson Center 100 West Randolph Street, Suite 3-400 Chicago, Illinois 60601	607 East Adams Street Springfield, Illinois 62701	2309 West Main, Suite 118 Marion, Illinois 62959
217/782-7500 Fax: 217/524- 1627 xTDD: 800/785-6055	312/814-7179 Fax: 312/814- 6732 xTDD: 800/419- 0667	217/785-2800 Fax: 217/785- 2618 xTDD: 217/785-6055	618/997-4394 Fax: 618/997- 1825 x TDD Relay: 800/526- 0844

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 Services Are Available Upon Request to Individuals With
 Disabilities

Illinois Department of Commerce and Economic Opportunity

Bureau of Workforce Development

Discrimination Complaint Procedures

WHO MAY FILE A DISCRIMINATION COMPLAINT?

Any person who believes that either he/she, or any specific class of individuals, has been or is being subjected to discrimination prohibited by Section 188 of the Workforce Investment Act of 1998, which prohibits discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIA Title I-financially assisted program or activity, or 29 CFR Code Of Federal Regulations Part 37 which implements Section 188 of WIA, may file a written complaint, either by him/herself or through a representative.

WHERE MAY A DISCRIMINATION COMPLAINT BE FILED?

A complainant may file a discrimination complaint with either the local workforce area (LWIA) equal opportunity officer or the Civil Rights Center (CRC). Complaints filed with the CRC should be sent to the address listed in the notice "Equal Opportunity Is The Law", which is at the end of this pamphlet.

WHAT FORMS SHOULD BE USED TO FILE A DISCRIMINATION COMPLAINT?

A complainant may file a complaint by completing the State of Illinois Workforce Investment Act Complaint form (if filing the complaint with the local workforce area equal opportunity officer); and, by completing CRC's Complaint Information and Privacy Act Consent Forms, which may be obtained either from the local workforce area equal opportunity officer, or from CRC at the address listing in the notice "Equal Opportunity Is The Law".

Upon receipt of a discrimination complaint filed at the local workforce area, the equal opportunity officer will issue a written notice to the complainant containing the following information:

- Acknowledgment of receipt of the complaint;
- Notice that the complainant has the right to be represented in the complaint process;
- A statement of the issues raised in the complaint;

- Whether the local workforce area will accept the issue for investigation or reject the issue, and the reasons for each rejection;
- Establishing a period for fact finding or investigation of the circumstances underlying the complaint; and,
- Indicating the use of the ADR process in an attempt to resolve the complaint.

WHEN MUST A DISCRIMINATION COMPLAINT BE FILED?

A complaint must be filed within 180 days of the alleged discrimination. However, for good cause shown, CRC may extend the filing time. This time period for filing is for the administrative convenience of CRC, and does not create a defense for the respondent.

TIME LIMITS

The time limits for complaints are measured in calendar weeks (seven consecutive days). A time limit begins upon receipt of a written complaint whether or not the complaint received has insufficient information. Time limits have been established to ensure both expeditious resolution of complaints, and provide the necessary time for adequate review of all appropriate material. Should an aggrieved person(s) or entity neglect to adhere to the time requirements set throughout this procedures, the aggrieved party(ies) are considered to have abandoned his/her complaint and the matter shall be considered resolved. In turn, failure by management to render a decision within the allotted time at any step constitutes denial and the complainant may proceed to the next step.

WHAT INFORMATION MUST A DISCRIMINATION COMPLAINT CONTAIN?

The complaint must be filed in writing and must contain the following information:
The complainant's name and address (or another means of contacting the complainant);
The identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination);
A description of the complainant's allegations must include enough detail to allow the CRC or the local workforce area equal opportunity officer, as applicable, to decide whether: CRC or the local workforce area, as applicable, has jurisdiction over the complaint; the complaint was filed in time; and, the complaint has apparent merit; in other words, whether the complainant's allegations, if true, would violate any of the nondiscrimination and equal opportunity provisions of WIA or Part 37; and, the complainant's signature or the signature of the complainant's authorized representative.

POLICY/ CONFIDENTIALITY

It is the policy of DCEO and the U.S. Department of Labor/CRC that no one be punished or penalized for filing a complaint under WIA. It is also the policy not to disclose the identity of any person who has furnished information or assistance in the investigation of a WIA violation unless absolutely necessary, nor may any person, organization, or agency, discharge or in any way discriminate or retaliate against a person for the filing of a complaint or the rendering of testimony in any proceeding or investigation.

INFORMAL RESOLUTION

Nothing in the state or Federal statute regulations precludes the use of informal mechanisms for the resolution of all complaints and prospective complaints under WIA. Complainants will be encouraged but not required to informally resolve complaints. The complainant must first notify the proper authority at the local level of the alleged violation.

Prior to the commencement of investigation, a pre-hearing conference, or hearing activities conducted by the LWIA, attempts should be made to resolve a complaint with the involved supervisor, instructor, and employer's/training agency's complaint procedures. Upon receipt of a written complaint, the EO Officer will log, investigate and review the allegation prior to a pre-hearing conference so that an appropriate resolution can take place at the time of the meeting.

Within ten (10) days of receipt of the written complaint by the LWIAs EO Officer, the following actions may occur:

- A pre-hearing conference will be held;
- If no resolution is reached at the pre-hearing conference, the LWIAs EO Officer will forward to the complainant and other involved parties, a report outlining the judgment on the issues; and,
- The complainant may request a formal hearing or an "Alternative Dispute Resolution".

Resolution Dissatisfaction

1. Any person who elects to file his or her complaint with the LWIA recipient must allow the recipient 90 days to process the complaint. If during the 90-day period, the LWIA recipient offers the complainant a resolution of the complaint, but the resolution offered is not satisfactory to the complainant, the complainant or his or her representative may file a complaint with the USDOL/CRC within 30 days after the LWIA recipient notifies the complainant of its proposed resolution. Within 90 days, the LWIA recipient will offer a resolution of the complaint to the complainant and must notify the complainant of his or her right to file the