



Illinois Department of Commerce and Economic Opportunity

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Workforce Investment Act Discrimination Complaint Procedures

State of Illinois
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Included Forms:

Department Of Commerce And Economic Opportunity:
Consent Agreement

State Of Illinois:

Workforce Investment Act - Complaint Form
Workforce Investment Act - Appeal Form

Equal Opportunity/Nondiscrimination Complaint Report Procedures

Equal Opportunity/Nondiscrimination Complaint Report For The Workforce Investment Act - Local Level
- Quarterly

Equal Opportunity/Nondiscrimination Annual Complaint Report For The Workforce Investment Act -
Local Level - Yearly

Equal Opportunity/Nondiscrimination Complaint Report For The Workforce Investment Act - State Level
- Quarterly

Equal Opportunity/Nondiscrimination Annual Complaint Report For The Workforce Investment Act -
State Level - Yearly

I. INTRODUCTION

The complaint procedures implemented by the Department of Commerce and Economic Opportunity (DCEO) are designed to comply with the requirements of 29 CFR Part 37, Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998 (WIA). Complaint procedures are used for resolution of complaints alleging a violation of the Act, regulations promulgated there under, grants or other agreements under the Act.

Nondiscrimination and equal opportunity requirements and procedures, including complaint processing and compliance reviews, are governed by the provisions of 29 CFR Parts 31, 32 and 37 and are administered by the U.S. Department of Labor (USDOL), Civil Rights Center (CRC). 29 CFR Part 37 implements the nondiscrimination and equal opportunity provisions of WIA. Section 188 of WIA prohibits discrimination on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief. It also protects any beneficiary (person intended by Congress to receive WIA Title I financially assisted aid, benefits, services or training) from discrimination based on either that beneficiary's citizenship or his/her participation in any WIA Title I financially assisted program or activity.

Complaints alleging a violation of the nondiscrimination and equal opportunity provisions of WIA may be filed at the local, the State or the Federal level. Complaints filed at the Federal level are sent to the USDOL, CRC.

All complaints handled through the Local Workforce Investment Area (LWIA) and through other sub-recipient complaint processes must, at a minimum, follow DCEO's established complaint procedures outlined herein. The LWIA complaint process must be designed to include sub-recipients and any other provider sites where participants receive WIA services as authorized by a contract or agreement.

II. DISCRIMINATION COMPLAINTS

Section 188 of WIA contains the nondiscrimination and equal opportunity provisions which prohibit discrimination on the ground of race, color, age, sex, religion, national origin, disability, political affiliation or belief and for beneficiaries only, citizenship or participation in WIA. Discrimination complaints are handled under 29 CFR Part 31, 32 and 37. The State WIA EO Officer must be notified quarterly of all known discrimination complaints at the local level by forwarding the "EO/Nondiscrimination Complaint Report."

A. WHO MAY FILE

Any person who believes that either he or she, or any specific class of individuals has been or is being subjected to discrimination prohibited by WIA or 29 CFR 27, may file a written complaint, either by him/herself or through a representative.

B. WHERE TO FILE

Complaints may be filed with the LWIA EO Officer, the State WIA EO Officer or directly with the Director, Civil Rights Center, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N-4123, Washington, D.C. 20210.

C. WHEN TO FILE

Generally, a complaint must be filed within 180 days of the alleged discrimination, i.e. 180 days from the initial date of occurrence. Complainants who file with a WIA EO Officer must wait until a written Notice of Final Action is received, or until 90 days has passed (whichever is sooner), before filing with CRC. The Director of CRC, for good cause shown, may extend the filing time beyond 180 days. 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 the expeditious resolution of complaints and to 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) is 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.

D. CONTENT OF THE COMPLAINT

The complaint must be filed in writing and must contain the following information:

1. The complainant's name and address (or another means of contacting the complainant);
2. The identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination);
3. A description of the complainant's allegations. This description must include enough detail to allow the State WIA EO Officer or the LWIA EO Officer, to decide whether:
 - (a) The State or the LWIA has jurisdiction over the complaint;
 - (b) The complaint was filed in time; and
 - (c) 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
4. The complainant's signature or the signature of the complainant's authorized representative.

E. FORMS USED TO FILE

A complainant may file a complaint by completing and submitting the State of Illinois Workforce Investment Act Complaint form and Privacy Act Consent Forms, which may be obtained either from the State WIA EO Officer or the LWIA EO Officer. A complainant may also complete CRC' s Complaint Information and Privacy Act Consent Forms, which may be obtained either from the State WIA EO Officer or the LWIA EO Officer, or from CRC at the address listing in the notice "Equal Opportunity Is The Law".

F. CONFIDENTIALITY/RETALIATION/INTIMIDATION/REPRISAL

It is the policy of DCEO and the USDOL/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, intimidate, retaliate against, threaten, coerce or otherwise cause a person to be discriminated against for having filed a complaint, furnished information to, assisted or participated in any manner in investigation, review, hearing or any other activity related to the administration of, or exercise of authority under, or privileges secured by, 29 CFR Part 37. Should an act of retaliation occur, an immediate

suspension of the imposing body will occur and an investigation will immediately commence on the retaliation incident.

G. INFORMAL RESOLUTION

Attempts should be made to resolve a complaint with the involved supervisor, instructor and employers/training agencies prior to the commencement of any investigation. Complainants will be encouraged but not required to informally resolve complaints through the LWIA EO Officer. The complainant must notify the LWIA EO Officer of the alleged violation to discuss methods to resolve any complaint. The LWIA EO Officer must notify the complainant of his or her right to choose mediation or a full investigation.

H. ALTERNATE DISPUTE RESOLUTION (ADR)

If an applicant/participant wants to file a complaint of discrimination with either the state or the LWIA, the applicant/participant will be advised of the option to enter mediation as a problem solving intervention process. The applicant/participant will have the option of either having the complaint mediated or investigated. If the option of mediation is not selected, the EO Officer who originally received the complaint will begin the formal investigation process.

The applicant/participant will be given the information on the mediation process along with a copy of the State of Illinois Workforce Investment Act Complaint Form. The applicant/participant must complete this form and return it to the LWIA EO Officer in order to proceed through the next steps of the complaint processing procedures.

If the mediation process is elected, then the applicant/participant agrees to the rules governing the Alternate Dispute Resolution process in order to settle the issues in dispute. The information and issues discussed during the ADR process will not be disclosed, without court order, regardless of the outcome and whether the process is successful or not.

If the applicant/participant elects not to use the option of mediation, the formal complaint investigation process will begin as soon as the LWIA EO Officer receives the State of Illinois Workforce Investment Act Complaint Form.

III. COMPLAINT PROCESSING PROCEDURES

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

1. Acknowledgment of receipt of the complaint by the EO Officer;
2. a notice that the complainant has the right to be represented during the complaint process;
3. a statement of the issues raised in the complaint, and for each such issue, a statement whether DCEO or local workforce area will accept the issue for investigation or reject the issue, and the reasons for each rejection;
4. a statement defining the period for fact finding or investigation of the circumstances underlying the complaint;
5. a statement defining the period during which the recipient attempts to resolve the complaint;
6. a statement that a written Notice of Final Action will be provided to the Complainant, within 90 days of the date on which the complaint was filed, that contains the following information:

- (a) For each issue raised in the complaint, a statement of either:
 - (1) The EO Officer's decision on the issue and an explanation of the reasons underlying the decision; or
 - (2) A description of the way the parties resolved the issue; and
- (b) Notice that the complainant has a right to file a complaint with CRC within 30 days of the date on which the Notice of Final Action is issued if he or she is dissatisfied with the EO Officer's final action on the complaint.

A. JURISDICTION

1. When the State WIA EO Officer or LWIA EO Officer receives a complaint of discrimination, it will be reviewed to determine whether the complaint contains the required information and whether it is within its jurisdiction to investigate. Jurisdiction will be determined within five business days after receiving the complaint of discrimination. Where DCEO or the local area determines it does not have jurisdiction over a complaint, the State WIA EO Officer or LWIA EO Officer will, within ten business days after receiving the complaint, notify the complainant in writing that the agency will not accept the complaint. The notice will give a statement of the reasons underlying that determination and also inform the complainant of his or her right to file a complaint with other agencies. For complaints involving entities that receive USDOL financial assistance through WIA, the complainant will be notified that he or she has the option of filing the complaint with the USDOL/CRC within 30 days after receipt of the notice of lack of jurisdiction from the State or LWIA.

DCEO has jurisdiction over complaints that meet all of the following requirements:

- a. The complaint alleges a violation of a state or federal discrimination law;
 - b. The complaint was received within 180 calendar days of the alleged discriminatory action or practice; and
 - c. The recipient against which the complaint is filed is either DCEO or an entity that receives federal financial assistance through DCEO.
2. Even if DCEO determines it has jurisdiction in accordance with the above criteria, DCEO may decline to process the complaint because the complainant has a similar case pending in another forum and DCEO has reasonable assurance that the complainant was aware of his or her right to file with the State at the time the complaint was filed in that forum. If the complainant chooses to continue with the complaint filed in another forum, DCEO will close the case file and defer to the investigation of the other agency or office.
3. Where DCEO defers its investigation, the investigator will immediately notify the complainant in writing. DCEO will advise the complainant that he or she may request that DCEO reopen its investigation after the complainant receives a determination in the case that is pending. This request must be received within 30 days of the date DCEO mailed the determination.
4. Dual jurisdiction allows both DCEO or LWIA and the USDOL/CRC the authority to investigate a complaint. Dual jurisdiction exists when:
- a. The primary source of federal financial assistance of the entity against which the allegations are filed is a federal grant-making agency other than USDOL;
 - b. The basis of the allegation involves one or more of the following: race, sex, national origin, color, disability or age; and

- c. The allegation, if determined to be true, would violate one or more of the following: Title VI, Title IX, Section 504, Title II of ADA, the Age Discrimination Act, or Section 188 of WIA.
5. When dual jurisdiction exists, the agency receiving the complaint must take the following actions:
 - a. Refer the complaint to the federal grant-making agency's Office of Civil Rights, National Office, Washington, D.C., to be processed in accordance with federal complaint investigation procedures;
 - b. Notify the complainant and the respondent of the referral; and
 - c. Once the referral is made, the CRC or recipient may follow-up to inquire as to the disposition of the complaint. (Note: There is no requirement on the part of the federal grant-making agency to send the completed investigative file to the referring agency for its review and concurrence).
6. Sole jurisdiction allows only the USDOL/CRC or DCEO the authority to investigate a complaint. Sole jurisdiction exists when:
 - a. The primary source of federal financial assistance of the entity against which the allegations are filed is a federal grant-making agency other than USDOL;
 - b. the allegations, if true, would violate Section 188 of WIA; and
 - c. the allegation is not based on a civil rights law enforced by the other grant-making agency (e.g., religion, political affiliation, citizenship, participation in WIA program or activity).

When sole jurisdiction exists, the agency receiving the complaint refers the complaint to USDOL/CRC for processing according to section 188 of WIA, 29 CFR 37 regulations and complaint investigation procedures.

7. In instances where the primary source of the financial assistance for the entity is neither USDOL nor another federal grant-making agency, but involves, for example, state funding, these complaints would be retained and investigated according to section 188 of the WIA, 29 CFR 37 regulations and complaint procedures.
 - a. If it is determined that the State WIA EO Officer or LWIA EO Officer does not have jurisdiction over a complaint, the complainant will be notified of the lack of jurisdiction. The notification will include a reason(s) for the determination and notice that he/she has a right to file the complaint with USDOL/CRC within 30 days from the date on which the jurisdiction notice is received.
 - b. If it is determined that the State WIA EO Officer or LWIA EO Officer has joint jurisdiction of the complaint, the complaint will be forwarded to the appropriate agency(ies) and the complainant will be notified that the complaint was received and forwarded for processing in accordance with the complaint procedures established by the recipient having joint jurisdiction.
8. All parties to the complaint are entitled to representation of their own choosing and at their own expense. The State WIA EO Officer maintains ultimate decision-making authority over the LWIA EO Officers during the complaint investigation process. At any time during an

investigation, the State WIA EO Officer may supercede authority to investigate a complaint at the local level.

B. DISCRIMINATION COMPLAINTS VS. PROGRAM COMPLAINTS

It is important to be able to distinguish between discrimination and program complaints when deciding whether to accept or reject a complaint. Discrimination complaints are processed according to WIA regulations, and program complaints are processed according to ETA regulations. A program complaint and a discrimination complaint can look very similar. Both complaints have an issue or problem. However, a discrimination complaint alleges a prohibited basis as the reason for the issue or problem. It may be appropriate for the State WIA EO Officer or LWIA EO Officer to probe the complainant for more information to ensure there is no covered basis at issue.

C. WRITTEN STATEMENT OF ISSUES.

This is a provision for the State WIA EO Officer or LWIA EO Officer to issue a written statement to the complainant. This statement must contain, a list of issues raised, and for each issue, a statement of whether the recipient will accept the issue for investigation or reject the issue. If rejected, the statement must include the reason for the rejection. It is important that the allegations are described in detail to determine apparent merit. Apparent merit means that the allegation of discrimination, or complaint, if proven to be true, would violate WIA regulations. There is no apparent merit if the allegation of discrimination does not reference a basis prohibited under Section 188 of WIA.

D. DUE PROCESS

The due process guarantees included in receiving and processing discrimination complaints are as follows:

1. A notice to all parties with a legitimate interest. This means all parties named in the complaint will be notified of the filing;
2. an impartial decision-maker. This means the person investigating the case should not have a conflict of interest;
3. a notice of the rights of the complainant. This means the right to representation, to present evidence, and to present questions for the investigator to ask of others who present evidence. These rights can be exercised during the investigation process as well during a hearing. The complainant should be informed of any response to their claim and given an opportunity to respond to evidence before the case is decided. This sharing of information does not have to be in a face-to-face setting, and;
4. a decision made strictly on the gathered evidence. This means no outside factors should be taken into consideration.

E. NOTICE OF FINAL ACTION

Once an investigation is completed, the State WIA EO Officer or LWIA EO Officer will write a Notice of Final Action, which must be provided to the complainant within 90 days after receipt of the complaint. For each issue filed, the notice must contain the following:

1. The recipient's decision on the issue and an explanation of the reasons underlying the decision;
2. A description of the way the parties resolved the issue if using ADR; and
3. Notice that the complainant has a right to file a complaint with USDOL/CRC within 30 days of receipt of the Notice of Final Action if he/she is dissatisfied with the recipient's final action on the complaint.

F. 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 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>.

A copy of the complaint must be simultaneously provided to the Employment and Training Administration Regional Administrator and the opposing party. WIA Public Law 105-220 - Nondiscrimination Section 188(a) states in part, "(1) Federal financial assistance. For the

purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of disability under Section 504 of the Rehabilitation Act of 1973, on the basis of sex under Title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under Title VI of the Civil Rights Act of 1964, programs and activities funded or otherwise financially assisted in whole or in part under this Act are considered to be programs and activities receiving Federal financial assistance.”

IV. MEDIATION

A. PRINCIPLES OF MEDIATION

Mediation is an informal dispute resolution process whereby a mediator, acting as an impartial third party, acts to encourage and facilitate the resolution of a dispute without prescribing what it should be. Mediation is a privilege, structured, non-adversarial negotiation process, as well as a short-term process. The objective of mediation is to help disputing parties reach a mutually acceptable agreement and to address and resolve allegations of discrimination. If an applicant/participant wants to file a Complaint of Discrimination in employment with the Local Workforce Area, the applicant/participant will be advised of the option to enter Mediation as a problem-solving intervention process. The applicant/participant will have the option of either having the complaint mediated or investigated. If mediated, the information and issues discussed during the meetings will not be disclosed, regardless of the outcome and whether the process is successful or not. If the option of Mediation is not selected, the formal investigation process will begin.

1. State WIA EO Officer's or LWIA EO Officer's Role as Mediator:

- a. Acts as a neutral facilitator;
- b. Maintains strict confidentiality;
- c. Helps facilitate communication between the parties;
- d. Assists parties in coming to their own agreement;
- e. Makes recommendations or suggestions to the parties, but cannot impose a decision upon the parties;
- f. Appoint mediation representatives with authority to bind the LWIA in the event an agreement is reached; and
- g. During mediation allow parties to attend mediation sessions without loss of leave or pay support written agreements reached as a result of mediation, and approve appropriate sanction(s) if written agreement is breached.

2. Mediation Procedures

The State WIA EO Officer or LWIA EO Officer will:

- a. Contact the respondent within 5 days of receipt of complaint and request to mediate to determine their willingness to mediate and secure a written agreement to that effect;
- b. Request that the agreement to mediate be returned to the State WIA EO Officer or LWIA EO Officer within 5 working days (the tenth calendar day after the complaint is received); and
- c. The State WIA EO Officer or LWIA EO Officer will send written confirmation of the mediation conference to each party. The letter will include the date, time and

location of the mediation conference, and a statement of the issues and the relief sought. Persons representing the parties will also be notified. Each mediation must be held within sufficient time to reach resolution or closure within 90 days of the initial filing date of the complaint. Extensions of time constraints will only be granted when compelling conditions warrant and may not be cause to extend the closure of the case beyond 90 days.

B. MEDIATION SETTING

Mediation will be held in rooms, which are private, and in a location that will assure undisturbed mediation. Provisions must be made to ensure facilities utilized are accessible. Reasonable accommodation must be made to persons with disabilities. To encourage disputing parties participation, sessions should be as informal as possible. Mediation will normally be held in face-to-face situations, but may be held via telephone conference or video teleconference when circumstances warrant.

C. OPENING STATEMENT OF MEDIATOR

The opening statement will include four main points:

1. The introduction of the mediation and a statement regarding the mediator's qualifications;
2. A definition of mediation, the declaration of the mediator as a neutral third party, and a discussion of confidentiality;
3. An explanation of the ground rules (courtesy, one party speaks at a time, keep the focus solution oriented rather than problem oriented, etc.); and
4. Confidentiality is an issue that all parties must agree upon for the mediation to continue.

D. OPENING STATEMENT OF THE PARTIES

Each party will make an opening statement. In the opening statement, each party will identify the issues and facts surrounding the dispute and indicate the desired outcome.

E. CLARIFYING ISSUES/EXAMINING RESOLUTIONS

How the mediation session proceeds at this point is determined by the readiness of the parties to enter into dialogue. The mediator may use any or all of the following techniques to facilitate discussion:

1. Ask direct questions;
2. Brainstorm for possible solutions;
3. Paraphrase and frame proposed resolutions; and
4. Caucus with the parties privately to clarify issues, explore options, or identify possible solutions or alternatives.

F. CONFIDENTIALITY

Mediation sessions are closed to all individuals other than the parties and their representatives,

except by consent of both parties and the mediator. Conversations and information disclosed during the mediation are privileged and confidential and will not be disclosed to any third party, except for purpose of implementation or enforcement, or by written consent of both parties.

During the mediation process, each party makes take notes. However, once the final settlement agreement has been signed, all notes must be turned over to the mediator and disposed of in the presence of both parties. The mediator is responsible for maintaining the mediation files. A copy of the agreement, or failure to reach agreement documentation, will be maintained in the complaint file along with copies of the mediation election form, notification letters, and similar pre-mediation documentation. Absolutely no information regarding proceedings of the actual mediation session will be included in any personnel file unless specifically agreed upon as part of the signed mediation agreement (i.e. a letter of counseling or warning to the offender might be requested as part of an agreement).

G. INTIMIDATION AND RETALIATION PROHIBITED DURING AND AFTER MEDIATION

The LWIA and its divisions or any individual is prohibited from retaliation against a complainant or individual associated with or participating in a complaint filed with the LWIA or other state or federal civil rights agencies in an attempt to redress actions which violate laws, or filing or participating in an investigation conducted by the LWIA or any other agency charged with the administration of fair employment practice laws. The sanctions and penalties contained in Section 188 (b) of WIA or the regulations will be imposed against any recipient that engages in any such retaliation or intimidation, or fails to take appropriate steps to prevent such activity.

H. SETTLEMENT AGREEMENT

1. When a resolution is reached, the mediator will assist the parties to develop a written settlement agreement. All parties in the dispute and the mediator(s) will sign the agreement. A copy of the agreement will be given to all parties involved in the complaint prior to adjournment. The settlement agreement will:

- a. Describe the settlement of the issues and future responsibilities of the parties as agreed to by the parties;
- b. be reached without coercion, duress or intimidation;
- c. not violate State Personnel rules, regulations and applicable collective bargaining agreements, agency policies and procedures, federal or state laws; and
- d. if there is no resolution, the case will be referred immediately for investigation.

2. A party to any agreement reached under the ADR/mediation process may file a complaint with the CRC in the event the agreement is breached. In such circumstances, the following rules will apply:

- a. The non-breaching party may file a complaint with the Director of the CRC within 30 days of the date on which the non-breaching party learns of the alleged breach; and
- b. the Director must evaluate the circumstances to determine whether the agreement has been breached. If he or she determines that the agreement has been breached, the complainant may file a complaint with the CRC based upon his/her original allegation(s), and the Director will waive the time deadline for filing such a complaint.

V. FRAUD/ABUSE/WASTE OR CRIMINAL ACTIVITY COMPLAINTS

All information and complaints involving fraud, abuse, waste or criminal activity must be reported directly and immediately to the DCEO, per Policy Letter 01-28, dated December 12, 2001. In order to facilitate the reporting process, DCEO has developed procedures and standardized forms for reporting incidents. Any act that raises questions concerning possible illegal expenditures or other unlawful activities should be immediately reported. It is not the intent of DCEO's policy to elicit reports only after determination that an act or allegations is legally prosecutable. All such incidents must be reported immediately, regardless of whether an incident may be subsequently investigated by the Governor, LWIAs, or other appropriate local law enforcement agencies.

An Incident Form should be used to notify DCEO of all known or suspected cases of fraud, abuse, or other criminal activities in WIA funded programs. The original and one copy of this form must be forwarded to the DCEO within one workday of the discovery of the occurrence. DCEO, in turn, will immediately distribute the Incident Form in accordance with established USDOL procedures.

VI. NOTIFICATION OF RIGHTS AND BENEFITS

LWIAs must advise applicants, participants, sub grantees, subcontractors, staff, and other interested persons of their rights, responsibilities and benefits when participating in a WIA program. LWIAs must provide all applicants and participants with a written description of the complaint procedures pamphlet that will advise those individuals of their right to file a complaint, and must be a part of the participant's file acknowledging receipt of the complaint procedures pamphlet.

The complaint procedures pamphlet must include instructions on how to file a complaint. The LWIAs will inform participants of the name and location of the participant's training site, and the complaint and hearing procedures they are to follow when the participant begins employment. Sub recipients, sub-contractors, staff members and other interested persons must be advised and provided with a written description of the complaint procedure at the time the question of a complaint arises.

Department of Commerce and Economic Opportunity

NOTICE REGARDING INVESTIGATORY USES OF PERSONAL INFORMATION
FOR CONSENT AGREEMENT

Several provisions of this State's laws and regulations govern personal information submitted to the Department of Commerce and Economic Opportunity in support of WIA Complaints:

The Freedom of Information Act, 5 ILCS 140/1 et seq. and the Illinois Administrative Code, Title 56: Labor and Employment, Part 2610, Training Services For The Disadvantaged, 2610.110, Complaint Procedures.

Please read how these provisions apply to information connected with your complaint. After reading this notice, please sign and return the consent agreement supplied with this notice, along with your complaint form.

The Civil Administrative Code of Illinois and the Illinois Administrative Code protect individuals from misuse of personal information held by State Government. The laws, and regulations, apply to records that are kept and can be located by the individual's name, social security number, or other personal identification system. Anyone who submits information to DCEO in connection with a WIA Discrimination Complaint should know the following:

- DCEO has been authorized to investigate Complaints of discrimination, on the basis of race, color, national origin, age, disability, sex, religion, citizenship, and political affiliation or belief, in programs that receive Federal funds through DCEO. DCEO is also authorized to conduct reviews of any such programs to assess their compliance with civil rights laws and other laws.
- Information that DCEO collects is analyzed by authorized personnel within DCEO. This information may include personal or program participant records, and other personal information. DCEO staff may need to reveal some of the personal information to individuals outside the office in order to verify facts related to the Complaint, or to discover new facts which will help DCEO to determine whether the law has been violated. Such information could include, for example, the physical condition or age of a complainant. DCEO may also have to reveal personal information to a person who submits a request for disclosure authorized by the Freedom of Information Act.
- Information submitted to DCEO may also be revealed to persons outside of DCEO because it is necessary in order to complete enforcement proceedings against a program that DCEO finds to have violated the law or regulations. Such information could include, for example, the name, income, age, marital status or physical condition of the complainant.
- Any personal information you provide may be used only for the specific purpose for which it was requested. DCEO requests personal information only for the purpose of carrying out authorized activities to enforce, and determine compliance with, civil rights laws and regulations. DCEO will not release personal information to any person or organization unless the person who submitted the information gives written consent, or unless the Freedom of Information Act requires release.
- No law requires that a complainant reveal personal information to DCEO, and no action will be taken against a person who denies DCEO's request for personal information. However, if DCEO cannot obtain the information needed to fully investigate the allegations in the complaint, DCEO

may close the case.

- Any person may ask for, and receive, copies of all personal materials DCEO keeps in his or her file for investigatory use.

AS A POLICY, DCEO DOES NOT REVEAL NAMES AND OTHER IDENTIFYING INFORMATION ABOUT INDIVIDUALS, UNLESS IT IS NECESSARY TO COMPLETE INVESTIGATION OR ENFORCEMENT ACTIVITIES AGAINST A PROGRAM WHICH HAS VIOLATED THE LAW. DCEO never reveals to the program under investigation the identity of the person who filed the complaint, unless the complainant first gave DCEO written permission to do so.

THE FREEDOM OF INFORMATION ACT (FOIA) gives the public maximum access to State Government files and records. Persons may request, and receive, information from many types of records kept by the Government-not just materials that apply to them personally. DCEO must honor most requests for information submitted under FOIA, but there are exceptions:

- DCEO is usually not required to release information during an investigation or an enforcement proceeding if that release would limit DCEO's ability to do its job effectively; and
- DCEO may refuse to disclose information if release would result in a "clearly unwarranted invasion" of a person's privacy.

PLEASE READ AND SIGN SECTION A OR SECTION B OF THE CONSENT FORM, PRINTED ON THE NEXT PAGE, AND RETURN IT TO DCEO WITH YOUR SIGNED, COMPLETED COMPLAINT INFORMATION FORM.

CONSENT AGREEMENT

I have read the Notice about Investigatory Uses of Personal Information, printed on the previous pages. I understand:

- a) In the course of investigating my complaint, DCEO may have to reveal my identity to staff of the program named in my complaint in order to obtain facts and evidence regarding my complaint;
- b) I do not have to reveal any personal information to DCEO, but DCEO may close my complaint if I refuse to reveal information needed to fully investigate my complaint;
- c) I may request and receive a copy of any personal information DCEO keeps in my complaint file for investigatory uses; and
- d) Under certain circumstances, DCEO may be required by law to report certain activities to law enforcement officials. In such cases, DCEO cannot guarantee any level of confidentiality regarding a complainant's identity.
- e) Under certain conditions, DCEO may be required by the Freedom of Information Act to reveal to others personal information I have provided in connection with my complaint.

SECTION A

YES, DCEO MAY DISCLOSE MY IDENTITY IF NECESSARY TO INVESTIGATE MY COMPLAINT. I have read and understand the notice, and I consent for DCEO to process my complaint.

(Name-Signature)_____

(Date)_____

SECTION B

NO, DCEO MAY NOT DISCLOSE MY IDENTITY, EVEN IF NECESSARY TO PROCESS MY COMPLAINT. I have read and understand the notice, and I do not consent for DCEO to disclose my identity during investigation of my complaint. I request that DCEO process my complaint, however, I understand that DCEO may cancel my complaint if it cannot fully investigate without disclosing my identity. I also understand that DCEO may close my complaint if it cannot begin an investigation because I have not consented for DCEO to reveal my identity. I further understand that if DCEO is required to report activity that is potentially illegal, my identity may be revealed to law enforcement personnel.

(Name-Signature)_____

(Date)_____



Illinois Department of Commerce and Economic Opportunity

Rod R. Blagojevich
Governor

Jack Lavin
Director

State of Illinois
Workforce Investment Act
Complaint Form

Complainant's Name: _____ Status of Complainant:(check one)
Address: _____ [] Employee:
Phone: _____ [] Applicant:
Email: _____ [] Participant:
[] Other:

Respondent's Name: _____ Status of Respondent (s):
Position: _____ [] Service Provider:
Address: _____ [] LWIA Adm. Entity:
[] LWIA Grant Recipient:
Phone Number: _____ [] Private Employer:
[] PIC Council:

Respondent's Name: _____
Position: _____
Address: _____
Phone Number: _____

Basis of Complaint Alleged

Has a charge been filed with:
(Please circle)

- [] Race: Specify _____
[] Color: Specify _____
[] Religion: Specify _____
[] National Origin: Specify _____
[] Sex: Circle Male/Female
[] Age: Specify Date of Birth _____
[] Disability: Specify _____
[] Political Affiliation or Belief: Specify _____
[] Citizenship: Specify _____
[] Sexual Harassment: Specify _____
[] Non WIA Related: Specify _____
[] WIA Related: Specify _____

- Yes No IL Dept. of Rehab Services
Yes No IL Dept. of Human Rights
Yes No US Department of Labor
Yes No US Equal Employment
Opportunity Commission

To the best of your knowledge, what date(s), times(s) and place(s) did the alleged complaint(s) occur? (if applicable)

Date complaint was presented to immediate supervisor? (if applicable) _____

Was it Oral or Written? _____

Signature/date of immediate supervisor acknowledging discussion of complaint: (if applicable)

_____ Date: _____

Have you attempted to resolve this complaint? (please circle) Yes No

Explain briefly and clearly what happened and how you were discriminated against. State the facts as alleged, including pertinent dates, constituting the alleged violation. Indicate who (names and titles) was involved and be sure to include how other person(s), if known, were treated differently from you. Attach any written documentation/material pertaining to the case. Please state the provisions of the Workforce Investment Act, regulations, grant, contract, or other agreements under the Workforce Investment Act believe to have been violated.

Attach additional sheets, if necessary. Each sheet/attachment should identify complainant by name, be signed by complainant and dated.

Remedy sought by complainant:

Do you have an attorney?

(please circle)

Yes No

Attorney's Name and Address:

Signature of Complainant/Authorized Representative

Date:_____

Signature of WIA EO Officer

Date:_____

EQUAL OPPORTUNITY/NONDISCRIMINATION COMPLAINT REPORT PROCEDURES

PURPOSE:

To provide an Equal Opportunity/Nondiscrimination (EO) form which is to become a part of the EO reporting system.

SCOPE:

The Equal Opportunity/Nondiscrimination Complaint Report form will provide a uniform format for recording and reporting the receipt and processing of discrimination complaints arising at the local level, or if known, at the Federal level.

GENERAL INSTRUCTIONS:

Each LWIA will prepare and submit a copy of this report (only when complaints have been filed); or written correspondence indicating no complaints were filed to the Workforce Development Bureau, Department of Commerce and Economic Opportunity on a quarterly (every three months) basis.

The LWIA EO Monitor must receive the report on or before the fifth (5th) of the month, following the end of each quarter.

Record Retention Requirements:

Each LWIA shall maintain records regarding complaints and actions taken thereunder for a period of not less than three years from the date of resolution of the complaint.

Entries on the form should be on one line of this report for each complaint received, pending or closed out, during the quarterly period covered. Following is a breakdown of entries:

- (1) The number assigned to the complaint. To standardize case numbers assigned to complaints, the following method is to be used - the consecutive order in which the complaint was received, and the current program year (i.e. 1-02);
- (2) The date the complaint was received or filed;
- (3) The name and address of the complainant; category of complainant (i.e., employee, applicant, participant, client or organization);

- (4) The name and address of the respondent; category of respondent (service provider, administrative entity, grant recipient or private employer);
- (5) The basis of complaint (race, color, national origin, age, sex, religion, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in WIA).
- (6) Action/issue (for example, discharge, failure to hire, suspension);
- (7) Hearing date and whether informal or formal (for example, 1-10-02 Formal);
- (8) Date and results of final disposition (for example, 1-1-93 complaint withdrawn, resolved);
- (9) Date referred and type of referral agency; (for example, 1-1-01 Federal-CRC, State-DCEO)

This report should be submitted to:

The Illinois Department of Commerce and Economic Opportunity
Bureau of Workforce Development
Mr. Tim Golemo
State WIA Equal Opportunity Officer
620 East Adams - Floor 5
Springfield, Illinois 62701

The July through June report is self-explanatory. Complete this report for all discrimination complaints filed during the program year and submit to the above address by July 5th, the end of the program year.

Illinois Department of Commerce and Economic Opportunity



Rod R. Blagojevich
Governor

Jack Lavin
Director

State of Illinois
Workforce Investment Act
Equal Opportunity/Nondiscrimination Complaint Form - Local Level

Agency: _____
LWIA#: _____
Program Year: _____

Quarterly Report

- July-Aug-Sept 1st Quarter
- Oct-Nov-Dec- 2nd Quarter
- Jan-Feb-Mar – 3rd Quarter
- April-may-June – 4th Quarter

(1) Complaint File #	(2) Date Received/Filed	(3) Name and Address of Complainant and Category	(4) Name and Address of Respondent and Category	(5) Basis of Discrimination Complaint	(6) Action/Issue	(7) Hearing Date Informal/Formal	(8) Date of Results and Final Disposition	(9) Date Referred and to: State/ Federal

Report Submitted By: _____ Date Submitted: _____

Illinois Department of Commerce and Economic Opportunity



Rod R. Blagojevich
Governor

Jack Lavin
Director

State of Illinois
Workforce Investment Act
Equal Opportunity/Nondiscrimination Complaint Form - Local Level

Agency: _____
LWIA#: _____
Program Year: _____

Yearly Report
For the Period of July 1, _____ through June 30, _____

(1) Complaint File #	(2) Date Received/Filed	(3) Name of Complainant	(4) Name of Respondent	(5) Basis of Discrimination Complaint	(7) Hearing Date Informal/Formal	(8) Date Investigation Completed	(8) Date and Results of Final Disposition	(9) Date Referred and to: State/ Federal

Report Submitted By: _____ Date Submitted: _____

Illinois Department of Commerce and Economic Opportunity



Rod R. Blagojevich
Governor

Jack Lavin
Director

State of Illinois
Workforce Investment Act
Equal Opportunity/Nondiscrimination Complaint Form - State Level

Quarterly Report

- July-Aug-Sept 1st Quarter
- Oct-Nov-Dec- 2nd Quarter
- Jan-Feb-Mar – 3rd Quarter
- April-may-June – 4th Quarter

Program Year: _____

(1) Case Number	(2) Date Received/Filed	(3) Name and Address of Complainant and Category	(4) Name and Address of Respondent and Category	(5) Dates of Local Level Hearing & Decision	(6) Date of Request for Appeal/ Date of DCEO Request for Appeal Hearing	(7) Date of Appeal/ Decision	(8) Decision and Order	(9) Date of Denial of Hearing & Reason for Denial

Report Submitted By: _____ Date Submitted: _____

Illinois Department of Commerce and Economic Opportunity



Rod R. Blagojevich
Governor

Jack Lavin
Director

State of Illinois
Workforce Investment Act
Equal Opportunity/Nondiscrimination Complaint Form - State Level

Yearly Report

For the Period of July 1, _____ through June 30, _____

Program Year: _____

(1) Case Number	(2) Date Received/Filed	(3) Name and Address of Complainant and Category	(4) Name and Address of Respondent and Category	(5) Dates of Local Level Hearing & Decision	(6) Date of Request for Appeal/ Date of DCEO Request for Appeal Hearing	(7) Date of Appeal/ Decision	(8) Decision and Order	(9) Date of Denial of Hearing & Reason for Denial

Report Submitted By: _____ Date Submitted: _____

