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Workforce Investment Act Grievance Procedures

Who Can File

All persons who are program applicants, participants, or staff under the Workforce Investment Act (WIA), all contractors and grantees, and subrecipients thereof, WIA funds, and all interested persons shall be afforded the opportunity to resolve, by means of administrative process, any alleged violation of the Act, federal regulations promulgated pursuant thereto, any grant, contract or other agreement entered into pursuant to the Act.

The 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 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 procedure, 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 an allotted time at any step constitutes denial and the complaint may proceed to the next step.

Policy/Confidentiality

It is the policy of DCEO and the U.S. Department of Labor that no one be punished for filing a complaint under WIA. It is also the policy not to discuss 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 anyway discriminate or retaliate against a person for the filing of a complaint or the rendering of testimony in any proceeding or investigation.

Various Types Of Complaints May Be Filed:

Fraud/Abuse Complaints

Complaints concerning fraud, abuse or criminal activity shall be reported immediately to the Department of Labor.

Labor Standards Complaints

Complaints concerning labor standards violations will follow the procedures outlined under local level.

State Level Complaints

Complaints arising from actions taken by DCEO i.e., monitoring, sanctions, investigations are filed directly at the State level and the hearing would then be made through an Independent State Review. Complaints should be mailed to:

Illinois Department of Commerce and Economic
Bureau of Workforce Development
620 East Adams Street- Fifth Floor
Springfield, IL 62702

Discrimination Complaints

If a complaint concerns discrimination on the basis of race, color, national origin, age, sex, religion, disability, political affiliation or belief, and for beneficiaries only citizenship or participation in programs funded under WIA, The complaint shall be filed with the local level recipient or the US Department of Labor, Directorate of Civil rights (DOL/DCR). Complaints must be filed not later than 180 days of alleged discrimination.

Discrimination complaints will follow the procedures as outlined under "Equal Opportunity is the Law"

Local Level Complaints

Complaints concerning program discrimination, i.e. hiring, promotions, working conditions, disciplinary actions, pay disputes, shall be filed at the local level within one year from the date of alleged incident. The complaint procedures involve several steps, some of which are combined responsibilities of the complaint and the WIA. A complaint may be filed by submitting to:

Elisabeth Dunbar, Executive Director
Grundy Livingston Kankakee Workforce Board
187 S. Schuyler Ave, Suite 560
Kankakee, IL 60901
815-935-0074

Filing Complaints

Applicants, participants, subgrantees, subcontractors, staff and other interested persons, hereto referred to as the complainant, shall notify the Grant Recipient's or the Administrative Entity's Equal Opportunity Officer when filing a complaint. Complainants shall be advised of their rights to have the complaint resolved either informally or by submitting a written complaint. A written complaint shall be filed by either completing the State of Illinois Workforce Investment Act Complaint Form or the written complaint shall contain the following information: must be signed by the complainant or his/her authorized representative, contain the complainants

name and address (or specify other means of contacting him/her); identify the respondent; and describe the complainant's allegations in sufficient detail to allow the Directorate of Civil Rights or the recipient, as applicable, to determine whether, the Directorate or recipient, as applicable, has jurisdiction over the complaint; the complaint was timely filed; and has apparent merit. The EEO Officer must assist the complainant when a written complaint is filed.

Informal Resolution

Nothing in the state or federal statute or regulations precludes the use of informal mechanisms for the resolution of all complaints and prospective complaints under WIA. Complainants shall be encouraged, but not required to, informally resolve complaints. The complainant should first notify the proper authority at the local level of the alleged violation. Prior to the commencement of the investigation, pre-hearing conference, or hearing activities conducted by the WIA, attempts shall be made to resolve a complaint with the involved supervisor. Upon receipt of a written complaint, the EEO will log, investigate and review the allegations prior to a pre-hearing conference so that an appropriate resolution can take place at the meeting.

Within 10 days of receipt of the written complaint by the WIA, they will forward to the complainant and other involved parties, a report outlining the judgment on the issues: and the complainant shall request a formal hearing.

Formal Request For A Hearing

A formal complaint shall be filed by either submitting the State of Illinois Workforce Investment Act Complaint Form or the required information requested under [Filing Complaint](#).

Upon request for a formal hearing, the WIA shall appoint an impartial Hearing Officer to hear the complaint. The Hearing Officer shall schedule a hearing to convene within 30 days of receipt of written complain. Written notification shall be sent by the Hearing Officer to interested parties stating the date, time and place of the formal hearing and the issues to be heard.

Conduct Of Hearing

Complainants and respondents shall make every effort possible to be present at the hearing. However, if they are unable to present, a 48 hour prior written notice must be given to the Hearing Officer. In the event circumstances arise prior to the hearing which, in the opinion of the Hearing Officer, is such as to be beyond the reasonable control of the complainant or respondent to prevent their attendance at the hearing, the Hearing Officer shall reschedule the proceedings. If the Hearing Officer determines that the complainant's or respondent's failure to attend the hearing is not beyond their reasonable control, the hearing shall be held in his/her absence.

All parties involved shall have the right to be accompanied by an attorney or other duly authorized representative; and the right of presenting any witness(es) or to introduce any evidence desires, subject to the approval of the Hearing Officer. The complainant shall be permitted access to WIA files which would be germane to the complainant's allegations. Complainant's may be questioned and may also question any of the parties or witnesses at the hearing.

Hearing Officer's Decision

A written decision shall be prepared and distributed by the Hearing Officer to the complainant and all parties who attended the hearing within 60 days of the filing of the complaint. The conclusions or opinions of the decision shall be based upon facts and evidence presented during the hearing. The decision shall be based upon facts and evidence presented during the hearing. The decision of the Hearing Officer shall contain a statement of the issues; synopsis of facts, a statement of reasons for the decision, remedies: and, an aggrieved party's right to appeal the decision.

Appeal Of The Decision

If an aggrieved party is not satisfied with the decision of the Hearing Officer or the decision is not received within 60 days of filing the complaint, an aggrieved party may file an appeal with DCEO. Appeals shall be filed within 10 days of receipt of the adverse decision or 15 days from the date on which the decision should have been received from the Hearing Officer. DCEO will then have 30 days after receipt of the written appeal to review the decision. If you do not appeal to DCEO, or the appeal is not timely made, the decision of the Hearing Officer will be final, otherwise, the decision rendered by DCEO(on behalf of the Governor) shall be final.

WIA Public Law 105-220 Non-Discrimination Section 188 States In Part

For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42) U.S.C.6101 et seq., on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), 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.

No individual shall be excluded from the participation in, denied the benefits of, subject to discrimination under, or denied employment in the administration of or in connection with, and such a program or activity because of race, color, religion, sex (except as otherwise permitted under title IX of the Education Amendments of 1972), national origin, age, disability, or political affiliation or belief.

Participants shall not be employed under this title to carry out the construction, operation, or maintenance of any part of any facility that is used or to be used for sectarian instruction or as a place for religious worship (except with the respect to maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship, in a case in which the organization operating the facility is part of a program or activity providing services to participants).

No person may discriminate against an individual who is a participant in a program or activity that receives funds under this title, with respect to the terms and conditions affecting, or rights to provide to, the individual, solely because of the status of the individual as a participant.

Participation in programs and activities or receiving funds under this title shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.

Equal Opportunity Is The Law

This recipient is prohibited from discriminating on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and the beneficiaries only, citizenship or participation in programs funded under the Workforce Investment Act, as amended (WIA), in admission or access to opportunity or treatment in, or employment in the administration or in connection with, any WIA funded program or activity. If you think that you have been subjected to discrimination under a WIA funded program or activity, you may file a complaint within 180 days from the date of the alleged violation with the recipient's Equal Opportunity Officer (or the person designation for this purpose), or you may file complaint directly with the Director, Directorate of Civil Rights (DCR), US Department of Labor, 200 Constitution Avenue, NW Room N-4123, Washington, D.C. If the recipient has not provided you with a written decision within 60 days of filing of the complaint you need not wait for a decision to be issued, but may file a complaint with DCR within 30 days of the expiration of the 60 day period. If you are dissatisfied with the recipient's resolution of your complaint, you may file a complaint with DCR. Such complaint must be filed within 30 days of the date you received notice of the recipient's proposed resolution.

I have read and understand the Grievance Procedures.

Customer Signature

Date