

**Boone, Winnebago and
Stephenson Counties
Local Workforce Area**

LWIA#3

**Workforce Innovation &
Opportunity Act**

Equal Opportunity

Methods of Administration

Element One

Designation of Local Equal Opportunity (EO) Officer

29 CFR 38.28

Boone, Winnebago and Stephenson Counties, Local Workforce Area #3 (LWIA #3) ensures the implementation of the nondiscrimination and equal opportunity (EO) provisions of the Workforce Innovation & Opportunity Act (WIOA). As instructed in the Nondiscrimination and Equal Opportunity provisions contained in **29 CFR Part 38** and the State of Illinois EO/WIA Policy Letter No. 00-01 issued June 20, 2001. LWIA#3 complies with the requirements of who can serve as the local EO Officer/s.

Local Level EO Officer

Mr. John Strandin, Public Information and Grant Development Manager for The Workforce Connection, Inc., has been designated by the City of Rockford (Grant Recipient for LWIA #3) as the Local WIOA EO Officer. Strandin's supervisor is Darcy Bucholz, Executive Director of The Workforce Connection, Inc.

Strandin is responsible for implementing, maintaining and monitoring the nondiscrimination and EO requirements under 29 CFR 38, relative to Local Workforce Investment Area (LWIA) services. He will ensure local compliance with WIOA EO provisions to include:

- Implement the Methods of Administration Procedures Manual. (CFR Part 38)
- Develops and implements policies, programs, procedures and plans to comply with Non-discrimination and the Equal Employment Opportunity provisions of government legislation.
- Collect and analyze data related to applicant flow, program enrollment, program participant activities, and program procedures to ensure compliance with Equal Employment Opportunity legal provisions.
- Prepares and submits reports as required.
- Consult with facilities management and other staff to create and maintain physical work environment that provides reasonable accommodation for disabled applicants, clients/customers and employees.
- Review contracts to determine compliance with equal opportunity provisions.
- Monitoring WIOA Title 1B program providers to ensure compliance with Non-discrimination and EO WIOA requirements.
- Investigate complaints and any allegations regarding EEO.
- Prepares report of findings and make recommendations for correction action.

(See Attachment 1, WIOA EO Officer Job Description for a detailed description of duties)

Strandin has the support of management to ensure the WIOA Title 1B financially assisted programs and activities operate in a non-discriminatory way. Should a complaint(s) arise that present a conflict of interest for Strandin, City of Rockford Human Resources and Legal services are available to conduct the investigation or LWIA#3 will contact the State EO Officer or another EO Officer of a neighboring LWIA to conduct the investigation.

Publicizing WIOA EO Officer Information

LWIA#3 makes the identity of the WIOA State EO Officer and the local EO Officer readily available to any interested member of the public by utilizing the following methods:

- Posting the notice "Equal Opportunity Is the Law: prominently, in multiple locations the IL workNet Center/s and contracted WIOA program provider locations. The notice provides the name, organization, and contact information (address, e-mail, telephone and TDD/TTY numbers) of the State WIOA EO Officer and the LWIA EO Officer. The notice is posted in English and Spanish.
- A copy of the publication "Equal Opportunity Is the Law" is provided to each individual attending WIOA Orientation sessions and enrolling into WIOA programs.
- Brochures are disseminated to the public.
- The name and contact information for the State EO Officer and Local EO Officer is provided on the LWIA's website.

Resources

LWIA#3 EO Officer receives administrative support from the State WIOA EO Office; other Illinois State and government agencies as well as the USDOL Civil Rights Center. The types of support received from these various resources include:

- Legal interpretation and support from the State DCEO Legal Counsel to ensure that the WIOA non-discrimination and Equal Opportunity obligations are appropriately addressed;
- Information sharing with the Illinois Department of Employment Security (IDES) on LWIA #3 labor market and demographic data;
- Cooperation from IDES during complaint proceedings that cover both the WIOA Program and the Unemployment Insurance Program;
- Training by the Illinois Department of Human Services, Division of Rehabilitation Services on assistive technology and other programs and resources available through the IL workNet Centers and the local workforce development system collaboration of staff and program providers.
- Technical assistance and resources available through the USDOL Offices for training and assistance with complaint proceedings.

One EO Officer is funded in the local workforce investment area from Workforce Innovation and Opportunity Act (WIOA) administrative funds.

Training

LWIA#3 EO Officer will attend a variety of different EO Training seminars and workshops to continually update the skills required to perform the responsibilities as outlined. EO training opportunities will be identified and planned for as part of the professional development for this position.

Element Two

Notice And Communication

29 CFR 38.34-38.40

Introduction

Widespread notification and communication of equal opportunity policy ensures the commitment of Local Workforce Investment Area #3 to non-discrimination. Notices and other forms of communication are distributed to any interested member of the public.

Element Two details how Boone, Winnebago and Stephenson Counties, LWIA#3, complies with **29 CFR 38.34 through 38.40** and the State of Illinois EO/WIA Policy Letter No. 00-02 in ensuring individuals are informed of the obligations of the State and the WIOA recipients to operate its programs and activities in a non-discriminatory manner, and the rights of individuals and entities to file complaints of discrimination.

Notification

LWIA#3 will disseminate the "Equal Opportunity Is The Law" notice to all Program Providers, WIOA recipients, applicants, eligible applicants/registrants, employees, and applicants for employment. Dissemination of the notice occurs during orientation sessions, eligibility, program providers/sub-recipients meetings and interviewing session with applicants for employment.

The "Equal Opportunity Is The Law" Notice is:

- Posted prominently in commons areas; (agency's bulletin boards, break room lobby, outside bathrooms and classrooms);
- Made available to each participant and made part of the participant's file;
- Disseminated in internal memoranda and other written or electronic communications;
- Included in handbooks or manuals;
- Provided in appropriate formats to individuals with visual impairment; and
- Where notice has been given in an alternative format to a participant with a visual impairment, a record that such notice has been given is to be made a part of the participant's file.

The "Equal Opportunity Is The Law" notice is posted prominently in English and Spanish for the benefit of the public and customers in all of the appropriate locations within The Workforce Connection Centers and Satellite locations in the LWIA. Notices are also available in alternative formats such as audiocassette for the visually impaired.

TTY numbers are displayed with telephone numbers on all printed materials.

Notification to Individuals with Disabilities

The "Equal Opportunity Is The Law" notice is made available to individuals with disabilities in the following ways:

- Large print, Braille and audiocassette versions of the notice are available to persons with visual impairments;

- Where notice has been provided in an alternative format to individuals with a visual impairment, a record is made that such notice has been given and is made part of the participant's file;
- Readers are made available to the visually impaired for use with websites; and
- A Sign Language Interpreter is made available for the hearing impaired, if they have questions about the notice or the filing process.

LWIA#3 provides auxiliary aids and services such as:

- Qualified Interpreters;
- Assistive listening headsets;
- Closed and open captioning on videos;
- Telecommunication devices for deaf persons;
- Computers that allow voice input and output;
- Readers;
- Taped texts;
- Brailled materials;
- Video-text imaging displays; and
- Transcription services.

LWIA#3 has TTY's at The Workforce Connection Centers and satellite locations. All public information, recruitment and marketing materials include the tag *“auxiliary aids and services are available upon request to individuals with disabilities.”* The State of Illinois monitors all facilities to ensure compliance physically and programmatically (including telecommunication and computer accessibility) to individuals with disabilities.

Recruitment Notification and Communication

LWIA#3, including all program providers, issue a statement of EEO compliance in all of recruitment brochures for job fairs, career days and community activities.

LWIA#3 complies with all Federal Equal Opportunity and Affirmative Action legislation. The State's participants tracking system (IWDS) provides for measurement of the registration of individuals from various populations, as well as their access to various WIOA Title I Services. LWIA#3 is monitored by the state to ensure compliance with relevant federal laws and the MOA provisions.

Notification to Persons of Limited English Proficiency

LWIA#3 ensures that equal opportunity and equal access is available to all individuals. When customers/clients and applicants arrive for WIOA services, and need assistance in a language other than English, staff utilize established procedures to provide translation services for the customer/client.

State of Illinois has a contract with Propio Language Services LLC to provide translation services. When using the service, LWIA#3 employees follow the instructions below:

When a non-English speaking person is in the facility or at the desk needing assistance:

- Dial: 866-828-3280
- Select language: Spanish - Option 1 (attendant will assist)
Other ó Option 2 (attendant will assist)
- Provide: Assigned 4-digit Propio Account Number

- Confirm: Name + First Initial of Last Name

When receiving a call from a non-English speaking person:

- Try to determine the preferred language and ask the caller to please stay on the line while you place him/her on hold;
- Dial: 866-828-3280
- Select language: Spanish - Option 1 (attendant will assist)
Other ó Option 2 (attendant will assist)
- Provide: Assigned 4-digit Propio Account Number
- Confirm: Name + First Initial of Last Name
- Add the caller to the line.

Orientation Notification

WIOA applicants are informed about equal opportunity and nondiscrimination during the General Orientation Session for WIOA Programs. WIA participants sign off on "Equal Opportunity is the Law" brochure/pamphlet, which is placed in the participants file. Should there need to be additional clarification of the notice, the EO Officer will explain in greater detail the rights associated with the non-discriminatory policy to the applicant.

Training

LWIA #308 EO Officer will attend all training seminars offered by the state.

Element Three

Review

Assurances, Job Training Plans, Contracts, Policies And Procedure 29 CFR 38.25-38.27

Introduction

It is the policy of LWIA#3 to include a nondiscrimination and equal opportunity statement in all training plans, contracts and agreements.

All grant applicants and program providers are required to adhere to the nondiscrimination provisions of WIOA Section 188 regarding assurances of nondiscrimination and equal opportunity. The assurance commits the recipient to comply fully with the nondiscrimination and equal opportunity provisions of WIA and acknowledges the government's right to seek judicial enforcement of the assurance. The specific language for this assurance is found in 38.25-27 and set forth in the requirements of the State of Illinois EO/WIA Policy Letter no. 00-03.

General Assurances

LWIA#3 includes the required assurances in all WIA contracts, cooperative agreements and grants as required by the Illinois EO/WIA Policy Letter 00-03 and CFR 38.25, 38.51. Below is a reflection of the assurances within the plan, contracts and policies and procedures.

- The Workforce Innovation and Opportunity Act, section 188 Nondiscrimination and Equal Opportunity. 29 CFR Part 38.
- Title VI and VII of the Civil Rights Act of 1964, as amended;
- Section 504 of the Rehabilitation Act of 1973, as amended; Part B, C. Appendix A;
- U.S. Department of Labor Regulations at 20 CFR 652.100 and 20 CFR 680.650, Veterans will be afforded employment and training activities.
- Age Discrimination Act of 1975, as amended;
- Title IX of the Education Amendments of 1972, as amended;
- U.S. Department of Labor Regulations at 29 CFR Part 31 and Part 32;
- The Illinois Human Rights Act, as amended and its Rules and Regulations;
- Nontraditional Employment of Women Act of 1991;
- The Americans with Disabilities Act of 1990;
- The Civil Rights Restoration Act of 1987;
- Executive Order 12250;
- Executive Order 11246; as amended;
- U.S. Department of Labor Regulations at 29 CFR Part 1604, Guidelines of Discrimination because of Sex, Sexual Harassment;
- Equal Pay Act of 1963; as amended;
- U.S. Department of Justice Regulations at 28 CFR Part 42, Subparts F & H.

Assuring Accessibility

LWIA#3 provides programmatic and facility accessibility for individuals with disabilities. When LWIA#3 enters into contractual agreements with program providers, compliance with program-specific laws and regulations are specified as the standard boilerplate language within the Program Terms and Conditions.

A yearly review is conducted by the EO Officer of program provider's sites for ADA (American with Disabilities Act) Compliance. The ADA Checklist is used during the review.

Element Four

Universal Access

29 CFR 38.40

Introduction

The Workforce Innovation & Opportunity Act (WIOA) nondiscrimination regulations, at **29 CFR 38.40** and set forth in the State of Illinois EO/WIA Policy Letter no. 00-04 require that recipients take appropriate steps to ensure that the composition of the pool from those considered for participation in their programs and activities is diverse and representative of the population groups they serve.

Outreach and Recruitment

LWIA#3 has made concentrated efforts and will continue to work to broaden the composition of applicants, registrants, and participants pools. Targeting, outreach and recruitment efforts are on-going throughout the Local Workforce Investment Area. Through the partnership of agencies in The Workforce Connection and by establishing working relationships with Illinois Growth Enterprises and RAMP, recruitment efforts are expanded in Boone, Winnebago and Stephenson Counties. The Workforce Connection efforts include:

- Marketing and establishing working relationships with community-based organizations serving people with disabilities;
- Removing physical, programmatic and technological barriers;
- Training staff and;
- Building relationships with local employers and human resource professionals.

Communication/Alternative Formatting

LWIA#3 ensures that appropriate steps have been taken to communicate with individuals with disabilities and that such communication is as effective as communications with others.

LWIA#3 has bi-lingual staff to assist individuals who are limited English proficiency to ensure effective communication of services. Propio Language Services LLC, contractor with the State of Illinois for translation services, will be utilized as needed. Community-based organizations with the core mission of serving targeted populations with limited English proficiency are also utilized for specific services.

All public materials (brochures; pamphlets; publications; etc :) that describe WIOA programs or activities include the required language (taglines) indicating that the program or activity in question is an **“equal opportunity employer/program”** and that **“auxiliary aids and services are available upon request to individual with disabilities.”**

Monitoring

LWIA#3 utilizes the State’s MIS system IWDS (Illinois Workforce Development System) to collect and analyze data by race, sex, age, disability, education level, veteran status and other characteristics to monitor and evaluate the success of efforts to broaden the composition of those considered for participation and employment in programs and activities. The IWDS report is reviewed for disparities in services toward any group.

Element Five

Compliance With Section 504

29 CFR 38.14-38.24 and WIOA Section 188

Introduction

LWIA#3 is committed to making all services, facilities and information accessible for individuals with disabilities. This applies to all programs, activities, and services provided by or made available to program providers/sub-recipients, contractors, partners, clients, and potential clients/customers within the One-Stop system.

To reinforce this commitment all program providers are required to provide written assurance in their agreements, grants and contracts that they are committed to and will comply with the requirements of the Workforce Innovation & Opportunity Act (WIOA), ADA, Rehabilitation Act, and with **29 CFR part 38**, WIOA Section 188 and the State of Illinois EO/WIA Policy Letter no. 00-05.

Among the types of discrimination prohibited by these regulations, either directly or through contractual, licensing or other arrangement, on the grounds of disability are:

- Denying a qualified individual with a disability the opportunity to participate in or benefit from aid, benefit, services or training;
- Affording a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefits, services, or training that is not equal to that afforded others;
- Providing a qualified individual with a disability with an aid, benefit, service or training that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;
- Providing different, segregated or separate aid, benefits, services, or training to individuals with disabilities unless such action is necessary to provide qualified individuals with disabilities with aid, benefits, services or training that are as effective as those provided to others;
- Denying a qualified individual with a disability the opportunity to participate
- as a member of planning or advisory boards; or
- Otherwise limiting a qualified individual with a disability in enjoyment of any right, privilege, advantage or opportunity enjoyed by others receiving any aid, benefit, service or training.

In addition, LWIA#3 ensures reasonable accommodations are provided to qualified individuals with disabilities in all aspects of its programs, services, and activities, unless providing the accommodation would cause undue hardship. Accommodations may include, but are not limited to, qualified sign language interpreters, readers, auxiliary aids and alternate formats. Reasonable modifications in policies, practices, or procedures are made, when necessary, to avoid

discrimination based on disability, unless making the modifications would fundamentally alter the nature of the service, program, or activity.

Policy and Procedures

LWIA#3 has policies and procedures in place to ensure compliance with Section 504 of the Rehabilitation Act of 1973 and the American with Disabilities Act (ADA) and the State Policy Letter 00-05.

LWIA #3 provides the following:

- Procedures are in place for customers to request for accommodations/modifications;
- Staff know how to proceed if an accommodations/modifications is requested;
- Reasons for refusing to provide accommodation/modification are documented and the individual is provided with a copy of the document.
- Auxiliary aids and services to customers with vision and/or hearing impairment are available.

Training & Technical Assistance

EO Officer will participate in regular training sessions and courses offered by the State and through other entities to ensure a working knowledge and understanding of the American with Disabilities Act.

Architectural Accessibility

LWIA#3 ensures ADA compliance at the physical location and through its lease agreements. The EO Officer will perform site visits to ensure all One-Stop facilities and contracted program facilities remain in compliance.

Programmatic Accessibility

Auxiliary aids and services are available upon request to individuals with disabilities. Such auxiliary aids include, but are not limited to, sign language interpreters, readers, taped texts, and large print or other effective methods to communicate with persons with impaired vision or hearing to ensure their receipt of essential information regarding WIOA services, descriptions of programs, or policies and procedures which pertain to their eligibility and appeal rights as well as for employees for job related issues, i.e., training, meetings, and interviews.

Employment Related Provisions

All LWIA#3 program agencies are expected to promote employment opportunities for individuals with disabilities and to consider qualified individuals with disabilities for their job openings. One of our partners is the Department of Human Services (DHS), which provides services and activities to individuals with disabilities under the State regulations and authority. This partner has a staff person that works with WIOA Case Managers, when necessary; to ensure WIOA services are made available. LWIA#3 Case Managers also work with local community-based organizations that serve individuals with disabilities. Through these partnerships, evaluation of the client's employment capabilities, appropriate work environment and identification and development of suitable job openings is accomplished.

Our employment counseling helps clients/participants/recipients recognize vocational training options, develop a plan to achieve employment goals, overcome barriers to employment and adjust to the work environment. Job ready- qualified individuals with disabilities receive consideration for suitable job openings.

Confidentiality

LWIA#3 ensures that medical information provided by registrants, applicants, eligible applicants/registrants, participants, employees and applicants are kept confidential through the following ways:

- The Confidentiality/Non-Disclosure Policy
- On-site monitoring of Program Providers
- Medical information is kept confidential, except from:
 1. Employing or training approval officials, after a conditional offer has been made to applicant;
 2. Supervisors and managers where there are work restrictions or where reasonable accommodations have been made;
 3. First aid safety personnel if the condition might require emergency treatment; and
 4. Government officials investigating compliance with Section 504.

Integration

LWIA#3 staff receives training and guidance from the State to ensure that our duty to serve individuals with disabilities in the most integrated setting appropriate to that individual is being met. We are monitored by the State in regard to the architectural and programmatic accessibility of the One-Stop Center. The agency has developed Reasonable Accommodation Procedures to ensure compliance.

Communication

LWIA#3 has established the following to ensure that we are able to communicate with persons with disabilities as effectively as with others:

- Auxiliary aids or services to afford individuals with disabilities an equal opportunity to participate in a program or activity;
- Communication by telephone; use the telecommunication device TTY for individuals with hearing impairments,
- Ensure that customers, including individuals with visual or hearing impairments, can obtain information as to the existence and location of accessible services, activities and facilities;
- Use the international symbols for accessibility at each primary entrance of accessible facilities.

Element Six

Data And Information Collection

29 CFR 38.41-38.45)

Introduction

LWA#3 ensures compliance with the requirement of **29.CFR 38.41 through 45** and the State of Illinois EO/WIA Policy Letter no. 00-06 - Data and Information Collections and Maintenance.

Data Collection

LWIA#3 collects and maintains data on each applicant, registrant, eligible applicant/registrant, participant and terminnee/exiter through the use of the Illinois Department of Commerce and Economic Opportunity State MIS system and a hard copy of the WIOA participant application file. The MIS system IWDS (Illinois Workforce Development System) is used to provide programmatic demographic data collection pertaining to WIOA Programs. This data collection includes race/ethnicity, sex, age, disability, educational level and veteran status. All applicant characteristics are collected at the point of intake/eligibility and or service.

The definition for an applicant/registrant for services for data collections purposed under 29.CFR 38. An individual is considered an applicant at the point at which he/she submits personal information (e.g. name, address, or SSI, etc.) in response to a request by the recipient for such information).

This information is confidential and is used for the purposes of record keeping and reporting, and determining program compliance with nondiscrimination requirements.

Data Storage and Reports

The goal of the Illinois Workforce Development System is to collect data about the applicants/registrants who apply for and receive services by WIOA Programs. This information is used to create periodic service-level reports for the local Workforce Investment Areas, the State and Federal Agencies.

Records

LWIA#3 complies with the grant agreement, records retention and right of inspection clause under the Workforce Innovation & Opportunity Act. This language specifies that each grant recipient and sub-recipient/program provider is accountable for all funds received under this agreement and shall maintain for a minimum of three (3) years, following the date of submission by the Grantee of its final expenditure report, all books, records and supporting documentation necessary to verify the expenditure and use of funds provided under the grant agreement.

LWIA#3 maintains medical information on separate forms for applicants, registrants, participants and or exiters. Employee's medical information is maintained in a separate file from their personnel file. Medical information is kept confidential, except from: (1) Employment or

training approval officials, after a conditional offer has been made to applicant; (2) Supervisors and managers where there are work restrictions or where reasonable accommodations have been made; (3) First aid and safety personnel if the condition might require emergency treatment; and (4) Government officials investigating compliance with Section 504.

Complaint Logs

LWIA#3 maintains a Discrimination Complaint Log which alleges discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation, belief, citizenship and/or participation in a WIOA Title I financially assisted program or activity. LWIA#3 submits the complaint log to the State on a quarterly basis. The Discrimination Complaint Log includes the following information:

- a. Complaint name and address;
- b. Grounds of the complaint;
- c. Description of the complaint;
- d. Date filed;
- e. Disposition and date; and
- f. Any other pertinent information

Enforcement Actions

LWIA#3, EO Officer notifies the State WIOA EO Officer and the CRC Director of Administrative Enforcement Actions and Lawsuits about alleged discrimination on one or more of the bases prohibited by WIOA Section 188. The EO Officer follows the State's Discrimination Complaint Policies and Procedures. When reporting the following information is included:

- The names of the parties to the action or lawsuit;
- The forum in which the parties to the action or lawsuit;
- The relevant case numbers.

Element Seven

Compliance Monitoring

29 CFR 38.62-38.68

Introduction

LWIA#3 is responsible for monitoring all WIOA financially-assisted programs in Boone, Winnebago and Stephenson Counties for compliance with the nondiscrimination and equal opportunity provisions.

The EO Officer monitors program providers/sub-recipients and conducts a self evaluation annually to ensure programs and activities are operating in a nondiscriminatory manner in accordance to **29 CFR Part 38** and the State of Illinois EO/WIA Policy Letter no. 00-07.

Desk Review and On-Site Review

LWIA#3 conducts annual on-site monitoring visits to each of the program providers/sub-recipients to ensure compliance with the administrative obligations of 29 CFR Part 38, including but not limited to:

- Review the IWDS system to analyze data on each applicant participant/registrant and terminee/exiter recruited and enrolled by the program provider to determine if significant differences exist.
- Interview program providers/sub-recipients staff;
- Interview participants/registrants;
- Review of participants/registrants files;
- Review of recruitment and referral process;
- Review of program accessibility to ensure compliance with requirements; pertinent to individuals with disabilities;
- Review complaint files;

LWIA#3 EO Officer discusses the preliminary findings with the program provider/sub-recipient. A formal letter is sent to the program provider/sub-recipient on the finding/s/ and a corrective action plan.

Report Preparation

Report preparation and compliance monitoring concludes the review process. Within thirty (30) days of the on-site visit, a cover letter is sent with the report which includes a request that a plan be submitted to the identified findings discovered during the review. The plan should be submitted within 60 days and include the dates the finding/s have been corrected and the supporting documentation. In the instance that a finding can not be corrected within 60 days, an estimated completion date must be provided.

Once received, the plan will be reviewed by the EO Officer. Upon acceptance, a letter will be sent to the Program Provider. The letter will include one of two determinations:

- Compliance, or
- Compliance, with deficiencies

A determination of "compliance" means that correction action has been taken since the report of review was issued. A finding of "compliance, with deficiencies," means that relatively minor EO program-related problem(s) remain.

Conducting Follow-up

A follow-up monitoring review will be conducted by the EO Officer within a scheduled timetable to ensure that findings/deficiencies have been corrected. If the on-site follow-up monitoring determines the cause for the initial findings is not appropriately accounted for, technical assistance is offered and corrective actions are determined.

Element Eight

Complaint Processing Procedures

29 CFR 38.69 through 38.85

Introduction

It is the policy of LWIA#3 to advise WIOA customers and employees of their right to file a complaint. Consistent with **29 CFR Part 38.69 through 38.85** and the State of Illinois EO/WIA Policy Letter No. 00 08, The Workforce Connection maintains compliance with the WIOA requirements regarding processing of discrimination complaints. Through Element Eight, LWIA #3 addresses its compliance regarding the complaint processing procedures.

LWIA#3 has adopted the State of Illinois DCEO WIOA Complaint process procedures.

The method below outlines general guidance on how the State of Illinois DCEO and LWIA #3 will handle and process complaints in the interim.

Communication

Information regarding the complaint process is made available publicly. Posters informing and instructing applicants on complaint procedures are posted throughout the One-Stop Center/s and program providers/sub-recipients sites. During the initial applicant intake interview, an explanation of the full range of services available, including the complaint system, is provided to applicants. The applicant receives a copy of the Workforce Investment Act Discrimination Complaint Procedures. The complaint procedure is available in English and Spanish.

Roles and Responsibilities

The WIOA State EO Officer has overall responsibility for developing and implementing complaint procedures, and ensures LWIA EO Officers are provided the training required by these regulations. The WIOA State EO Officer provides oversight, monitoring and technical consultation for the processing of all discrimination complaints regarding WIOA Title I services, including provision of the Alternative Dispute Resolution Process/Mediation Services required under 29 CFR Part 38.

LWIA#3 EO Officer is responsible for:

- Adopting, publicizing and implementing the state discrimination process in their area in accordance with these regulations;
- Assisting customers in filing a complaint;
- Providing oversight and monitoring for logging, tracking, reporting and processing of all discrimination complaints filed regarding WIOA Title I services;
- Providing local intake services for discrimination complaints to determine if the complaint is covered by 29 CFR Part 37, resolving jurisdictional issues and, if appropriate, routing the complaint to the appropriate entity for processing. The

Workforce Connection EO Officer confers with the WIOA State EO Officer promptly upon receipt of the complaint, prior to determining jurisdiction over the matter;

- Conducting the fact-finding, facilitating mediation as appropriate, and issuing Notices of Final Action in complaints filed at the local level and
- Training within their respective areas on WIOA EO provisions.

Immediately upon notification that someone wishes to lodge a complaint, LWIA #3 EO Officer shall attempt to discover the reason for the complaint and try to resolve the issue. This may necessitate the involvement of a supervisor, manager or LWIA #3 Administrator. The issue may be the result of miscommunication or misunderstanding and may not involve discriminatory acts. Every attempt will be made to resolve the complaint or issue at the local level.

If the complainant wishes to file a written complaint, LWIA#3 EO Officer will assist them and advise them of the availability of Alternative Dispute Resolution.

Specific details to managing, investigating and disposing of EO cases will be found in the **Discrimination Complaint Procedures. See attached State of Illinois Forms: Complaint Form, Alternative Dispute and EO related Forms.**

Process

Complaints may be filed by any person who believes they have been discriminated against on the basis of race, color, national origin, religion, sex, age, disability, political affiliation or belief and, for beneficiaries only, citizenship and WIOA Title I participation.

In addition to those described above, complaints may also be filed if an individual believes they have been intimidated, retaliated against, threatened or coerced because they have:

- Filed a complaint under WIOA Section 188;
- Opposed a practice prohibited by the non-discrimination and equal opportunity provisions of WIOA;
- Furnished information to, or assisted or participated in any manner, an investigation, review, hearing, or any other activity related to the provisions under 29 CFR 38; or
- Exercised any rights and privileges under WIOA Section 188.

The complaint process includes these general elements:

- Jurisdiction
- Written notification which includes due process,
- Methods of resolution or disposition,
- Fact finding
- Notice of final disposition, and
- Recordkeeping.

Complainants may file with LWIA #3 EO Officer or directly with the WIOA State EO Officer and/or the Director of the Civil Rights Center. When a complaint is filed at the state level, unless a conflict of interest exists, DCEO will work closely with LWIA #3 EO Officer on complaints filed. When a conflict is determined at the local level the senior level employee may reassign to another staff, person, work with another EO Officer of a neighboring LWIA or ask the State WIOA EO Officer for assistance

All complaints must be submitted in writing within 180 days of the alleged incident, and must contain standard information as described in 29 CFR 38.69 as printed in the Department of Labor's Civil Rights Center's (CRC) Complaint Information Form. 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. This description must include enough detail to decide:
 - Who has jurisdiction over the complaint;
 - If the complaint was filed in time; and
 - If the complainant has apparent merit; in other words, whether the complainant's allegations, if true, would violate any of the nondiscrimination and equal opportunity provisions of WIOA or this part; and
- The complainant's signature or the signature of the complainant's authorized representative.

LWIA #3 EO Officer and the WIOA State EO Officer will keep a log for tracking and reporting discrimination complaints (See Attachment for a sample). Complaints must be promptly recorded on the log. The log will contain:

Date complaint was filed,

- Name, address, and status of complainant,
- Ground of complaint,
- Description of complaint, including the date of incident,
- Respondent information including whether or not the respondent is a recipient as defined in the Workforce Investment Act,
- Disposition of complaint along with date, and
- Whether the Informal Resolution and/or Alternative Dispute Resolution (ADR) was attempted.

LWIA#3 EO Officer submits the Discrimination Complaint Log to the State WIOA EO Officer on a quarterly basis.

Jurisdiction

Any complaint alleging discrimination must meet the following criteria to be considered under this policy:

- The individual making the complaint believes that he/she, or any class of individuals, has been subjected to discrimination on a basis prohibited by Workforce Investment Act Section 188 and/or 29 CFR 38.
- The individual or entity against which the complaint is filed receives financial assistance under the Workforce Innovation & Opportunity Act (refer to 29 CFR Part 38.4 for definitions of recipient, etc.);
- The written complaint is filed within 180 days of the alleged discriminatory act. If received later than 180 days from the date discriminatory action took place, the office

- may close the complaint as being untimely (The Director, Civil Rights Center may extend the filing time if good cause is shown); and
- The complaint is filed in writing, is signed by the complainant or their authorized representative, contains the complainant's name and address (or gives other specific means of contact), identifies the respondent, and describes the complainant's allegations in sufficient detail to allow the recipient to determine if the complaint has merit.

If a recipient determines that it does not have jurisdiction over a complaint, it must notify the complainant, in writing, within ten (10) calendar days. This Notice of Lack of Jurisdiction must include:

- A statement of the reasons for that determination, and
- Notice that the complainant has a right to file a complaint with USDOL CRC within 30 days of the date on which the complainant receives the Notice.

If the complaint does not involve a recipient as defined in 29 CFR Part 38.4, the EO officer will assist the complainant in forwarding the complaint to the most appropriate agency for resolution

Written Notification

A Notice of Receipt will be issued within five (5) days from the date of receipt of a written complaint: This written notice will be issued to both parties and must contain:

- A complaint process timeline;
- References to the informal resolution and ADR options
- Notice of the right to be represented in the complaint process
- Notice of the right to present and/or rebut evidence; and
- The option of direct filing with USDOL CRC.

Within ten (15) days of the Notice of Receipt an Initial Notice will be sent that must contain a statement of the issue(s), including;

- A list of the issues raised in the complaint, and
- For each such issue, a statement whether the recipient will accept the issue for investigation or reject the issue, and the reasons for each rejection.

In instances where a resolution was reached informally the Notice of Receipt will contain the outcome.

Informal Resolution

Whenever possible the EO Officer will attempt to informally resolve the complaint. This contact should be made within ten (10) days from the date of receipt of the written complaint, to conduct a preliminary investigation and to discuss circumstances underlying the allegations. If the complaint cannot be resolved informally, the complaint process will continue to the next step.

Alternative Dispute Resolution (ADR)

Mediation is offered as an alternate means of resolving the discrimination complaint. The EO Officer will utilize, a neutral third party trained in dispute resolution to listen to both the complainant and respondent and then encourage them to reach a voluntary, negotiated settlement of the charge of discrimination. Mediation gives the parties a chance to discuss the issues raised in the complaint, clear up misunderstandings, find areas of agreement, and incorporate those areas of agreement into solutions. Mediation is voluntary on the part of the complainant.

The complainant will be offered Alternative Dispute Resolution (ADR) in the Notice of Receipt that is issued within five days of receiving the complaint. The choice whether to use ADR rests with the complainant; the preferred form of ADR is mediation. If ADR fails, the complaint will be processed through the standard complaint resolution process.

LWIA#3 will contact DCEO who has identified certified mediators with background in nondiscrimination programs.

Fact Finding/Investigation

The Fact Finding/Investigation process will begin within fifteen (15) days after receiving the initial complaint. During the fact finding process all available information relating to the alleged discriminatory actions shall be gathered. At a minimum this fact finding should include:

- Discussion with the complainant in order to record all elements of the complaint;
- Interviews with any witnesses or others who have knowledge of the issue involved;
- Review of written and electronic files and records which pertain to the complainant and the alleged discrimination; and Interviews with the respondent.
- Extensive notes will be taken during this process to assure nothing is missed and to help with the resolution of the complaint. Fact Finding/Investigation should take no longer than sixty (60) days to ensure that a Final Notice of Action is issued within the required 90-day timeframe.

Resolution

Resolution means that legitimate complaints (those complaints with merit) are resolved to the satisfaction of the complainant. If the complaint is determined not to have merit the complainant must be notified immediately as explained under *Jurisdiction*.

Resolution may include such actions as:

- Disciplinary action against the party found responsible for discriminatory action(s);
- Corrective actions required by the recipient; and
- Sanctions against the recipient of WIOA funding, including the withdrawal of WIOA funding.

Notice of Final Action

Within 90 days of the receipt of a complaint, a written Notice of Final Action must be provided to the complainant. The Notice must contain the following statement for each issue raised in the complaint:

- The recipient's decision on the issue and an explanation of the reasons underlying the decision, or
- A description of the way the parties resolved the issue; and
- Notice that the complainant has a right to file a complaint with USDOL CRC within 30 days of the date on which the Notice of Final Action is issued if he or she is dissatisfied with the recipient's final action on the complaint.

Due Process

During the process of attempting to come to resolution on the complaint, all parties involved will be given due process. These due process elements include:

- Notice to all parties of the specific charges,

- Notice to all parties of the responses to the allegations,
- The right of both parties to representation,
- The right of each party to present evidence and to rebut evidence presented, and
- A decision made strictly on the evidence on the record.

Determinations

At the conclusion of the investigation of the complaint, the investigating authority must take the following actions:

- Determine whether there is reasonable cause to believe that the respondent has violated the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR Part 38; and
- Notify the complainant and respondent, in writing, of that determination.

Violation Found

If the investigating authority finds reasonable cause to believe that the respondent has violated the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR Part 38, an Initial Determination must be issued. The Initial Determination must include:

- The specific findings of the investigation;
- The corrective or remedial action proposed under Element Nine of this MOA and 29 CFR Part 38.90;
- The time by which the respondent must complete the corrective or remedial action;
- Whether it will be necessary for the respondent to enter into a written agreement under Element Nine of this MOA and 29 CFR Part 38.91 and 38.92 and
- The opportunity to engage in voluntary compliance negotiations.

Violation Not Found

If the investigating authority determines that there is no reasonable cause to believe that a violation has taken place, a Final Determination must be issued. The Final Determination must:

- Be issued within the 90-day complaint resolution period;
- Give the investigating authority's decision on the issue and an explanation of the reasons underlying the decision; and
- Give notice that the complainant has the right to file the complaint with the Director, Civil Rights Center.

Corrective Actions

If, during the course of investigating the complaint, discriminatory actions are discovered, corrective action will be taken immediately, regardless of whether the complaint is resolved at the local level or state level or is filed with USDOL CRC. This process of corrective actions and sanctions is described in Element Nine.

Record Maintenance

Records regarding complaints and actions taken will be maintained for at least three (3) years. Such records shall be in a secure area and made available only to those with authorization. The

complaint and any information gathered during the investigation may not be discussed or revealed to anyone not legitimately entitled to access (29 CFR 38.43).

Investigators from the USDOL CRC will have access to any information collected by each recipient as outlined in 29 CFR 38.42.

Element Nine

Correction Actions/Sanctions

29 CFR 38.90-38.100

Introduction

Sub-recipients/Program Providers determined to be in violation of the nondiscrimination portions of the Workforce Innovation & Opportunity Act as a result of a discrimination complaint, monitoring reviews or both, are required to take prompt corrective and/or remedial action. A violation may range in seriousness from a technical to a discrimination violation. A Technical violation may take the form of failure to post the required equal opportunity notices. The more serious discrimination violations include findings of: disparate treatment, disparate impact, and/or failure to provide reasonable accommodation. Sanctions may be imposed where voluntary compliance cannot be accomplished.

Element Nine demonstrates LWIA#3, compliance in applying appropriate correction action and/or sanctions as instructed in **29 CFR 37.90 (b) (1) (2) (3)** and the State of Illinois EO/WIA Policy Letter 00-09.

Determination

LWIA#3 EO Officer is responsible for administering EO Compliance monitoring and complaint investigations of alleged discrimination and or issuing notifications of violations when they are found. Notification of violations and findings are reported to the Executive Director of The Workforce Connection, Inc. regarding the affected parties. Corrective action focuses on the problem and corresponds to the seriousness of the violation.

LWIA #3 EO Officer will notify the program-provider/sub-recipient in writing of any finding of discrimination and/non-compliance. The program provider/sub-recipient may agree to terms of the correction plan as proposed or may propose alternatives and informally negotiate the terms of any plan until the plan is acceptable to both parties.

For each correction a time frame will be established that is the minimum time necessary to completely correct the violation. In the case of a finding of discrimination the corrective action plan must provide, where appropriate, for retroactive and prospective relief.

Monitoring

Where a correction plan is established, the program provider/sub-recipient will report in writing to LWIA#3 every 30 days regarding its progress on the plan until all commitments made in the plan are fulfilled. Each 30 day progress report should indicate the status of each item in the

corrective-action plan, what actions the program provider/sub-recipient has taken during the previous 30 days toward achievement of the plan, what remains to be done, and a schedule listing the dates when each remaining action is to be completed.

Final Determination

Where a program provider/sub-recipient does not accept the terms of the correction-plan as proposed by LWIA#3 and is unable through final negotiations to achieve a plan it finds acceptable, a Final Determination will be issued. The Final Determination shall include:

- The specific act(s) that constitute(s) the violation;
- A copy of the proposed conciliation agreement;
- A chronology of the conciliation efforts;
- A description of proposed sanction(s); and
- A statement that the sub-recipient has a right to request a hearing.

A copy of the Final Determination shall be approved by the Executive Director prior to sending and will be disseminated to all appropriate parties of the sub-recipient/program provider, LWIB, grant recipient, and DCEO. The sub-recipient may appeal the Final Determination by requesting a hearing in writing within 30 days after receiving the Final Determination. If a hearing is not requested in writing, the decision will become final and sanctions may be imposed.

Sanctions

Sanctions will be imposed when a sub-recipient/program provider fails to take voluntary correction action. The proposed sanctions will be tailored to fit the failure of the program provider/sub-recipient, and may include suspension, termination, denial or discontinuance of WIOA Title I financial assistance, in whole or in part, offsets, disallowance of selected costs (e.g., salaries), referral to CRC or the Attorney General for appropriate legal action or such other action as may be provided by law.

Notes:

1. The listing of sanctions should not be considered conclusive or absolute, since the unique circumstances surrounding a civil rights or equal opportunity issue may vary.
2. Monetary relief cannot be paid from federal funds.