



Illinois Department of Commerce and Economic Opportunity

Rod R. Blagojevich
Governor

Jack Lavin
Director

PY'00 EO/WIA POLICY LETTER NO. 00-08

TO: Chief Elected Officials
Local Workforce Investment Board Chairs
WIA Fiscal Agents and Subrecipients
WIA State Agency Partners
WIA Title I-B Administrators
One-Stop Operators
Other Interested Persons

SUBJECT: Methods of Administration - Element 8 - Complaint Processing Procedures

DATE: June 20, 2001

I. PURPOSE:

In this element, the local-level should address how it and its subrecipients are complying and will continue to comply with the requirements of 37.76 - 37.79. This information is incorporated into the Illinois Department of Employment Security's MOA plan and is submitted to the U.S. Department of Labor, Civil Rights Center in Washington, D.C., thereby ensuring compliance with the nondiscrimination and equal opportunity provisions of the Workforce Investment Act.

II. ISSUANCES AFFECTED:

- a) References:
- 1) U.S. Department of Labor Regulations at 29 CFR Part 37 - Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998;
 - 2) Workforce Investment Act of 1998 Sections 134(b), 136(d)(2)(F), 136(e), 172(a), 183(c), 185(c)(2), 185(d)(I)(E), 186, 187, and 188;
 - 3) Title VI and VII of the Civil Rights Act of 1964, as amended;
 - 4) Section 504 of the Rehabilitation Act of 1973, as amended; Part B, C, Appendix A;
 - 5) Age Discrimination Act of 1975, as amended;

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100 West Randolph Street, Suite 3-400
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- 6) Title IX of the Education Amendments of 1972, as amended;
- 7) U.S. Department of Labor Regulations at 20 CFR 652;
- 8) U.S. Department of Labor Regulations at 29 CFR Part 31 and Part 32;
- 9) The Illinois Human Rights Act, as amended and its Rules and Regulations;
- 10) Nontraditional Employment for Women Act of 1991;
- 11) The Americans with Disabilities Act of 1990;
- 12) The Civil Rights Restoration Act of 1987;
- 13) Executive Order 12250;
- 14) Executive Order 11246, as amended;
- 15) U.S. Department of Labor Regulations at 29 CFR Part 1604, Guidelines on Discrimination because of Sex, Sexual Harassment;
- 16) Age Discrimination in Employment Act of 1967; as amended;
- 17) Equal Pay Act of 1963; as amended;
- 18) U.S. Department of Justice Regulations at 28 CFR Part 42, Subparts F & H.
- 19) Section 503 of the Rehabilitation Act of 1973, as amended; and,
- 20) Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended.

b) Rescissions:

None.

III. SUBJECT INDEX:

Equal Opportunity/Nondiscrimination

IV. BACKGROUND:

On August 7, 1998, the Workforce Investment Act of 1998 (WIA) was signed into law which supercedes JTPA. Section 188, of WIA contains the statute's equal opportunity and nondiscrimination provisions.

29 CFR Part 37, the federal regulations, dated November 12, 1999, implements the nondiscrimination and equal opportunity provisions of the Workforce Investment Act of 1998 and require that each state establish and adhere to a Methods of Administration (MOA) for their state programs.

An MOA is a document, developed by the Department of Employment Security, that describes the actions an individual state will take to ensure that its WIA Title I- financially assisted programs, activities, and recipients are complying, and will continue to comply, with the nondiscrimination and equal opportunity of WIA and its implementing regulations.

The MOA is to be organized in the nine element requirements, with both a narrative and a documentation section for each element.

V. POLICY:

Element 8 of the MOA addresses how the local level complies with and continues to comply with the requirements of 29 CFR 37.76 through 37.79 regarding complaint processing procedures. The narrative portion of this Element should address the following information:

- a) Describe how the local workforce area has developed and published complaint procedures, such procedures, which, at a minimum must;
 - provide for the issuance of a written Notice of Final Action within 90 days of the date on which the complaint is/was filed;
 - contain the elements listed in 29 CFR 37.76 (b) which include:
 - * initial, written notice to the complainant that contains an acknowledgment that the recipient has received the complaint, and a notice that the complainant has the right to be represented in the complaint process;
 - * a written statement, provided to the complainant, that contains a list of the issues raised in the complaint and, for each issue, a statement whether the recipient will accept the issue for investigation or reject the issue, and the reasons for each rejection;
 - * a period for fact-finding or investigation of the circumstances underlying the complaint;
 - * a period during which the recipient attempts to resolve the complaint. The methods available to resolve the complaint must include alternative dispute resolution; and,
 - * a written Notice of Final Action, provided to the complainant within 90 days of the date on which the complaint was filed, that contains, for each issue raised in the complaint:
 - > either a statement of 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 the 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.

- b) Describe the procedures to be followed if the complaint is filed more than 180 days after the date of the alleged violation.
- c) Describe how the procedures provide that complainant is dissatisfied with the outcome of the investigation, or if there is no final resolution of the complaint within 90 days of the date the complaint is filed, the complainant is notified that he or she may file his or her complaint with the Civil Rights Center.
- d) Describe how recipients follow the established procedures.

The documentation for Element 8 must include the following information to be submitted:

- a) The local level discrimination complaint procedures developed pursuant to 29 CFR 37.76 through 37.79.
- b) The instrument (e.g., directive, memorandum) used to inform recipients of the complaint procedures and directing recipients as to their use.
- c) The ADR procedures, if not included with complaint processing procedures.

VI. ACTION REQUIRED:

This policy letter should be distributed to appropriate EO staff to prepare the narrative and documentation required under policy. This information is to be submitted, paper copy only--please no faxes, by close of business on Friday, July 13, 2001 to the following address:

Tim Golemo (*Revised 1-12-04*)
State EO Officer for WIA
IL Department of Commerce & Economic Opportunity
Bureau of Workforce Development
620 East Adams Street, 5th Floor
Springfield, IL 62701

VII. INQUIRIES:

Tim Golemo (217) 558-2418, (217) 557-5506 (fax) or
timothy_golemo@commerce.state.il.us (Revised 1-12-04)

VIII. EFFECTIVE DATE:

Upon issuance

IX. EXPIRATION DATE:

Continuing