

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER f: GENERAL ADMINISTRATION

PART 429

**EQUAL EMPLOYMENT OPPORTUNITY THROUGH THE
DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

Section

- 429.1 Purpose
- 429.2 Definitions
- 429.3 The Department's Affirmative Action Policy
- 429.4 Employment Discrimination Complaints

AUTHORITY: Implementing the U. S. Constitution; 1964 Civil Rights Act, Titles VI and VII (42 U.S.C. 2000d et seq. and 2000e et seq.); 1973 Rehabilitation Act, Sections 503 and 504 (29 U.S.C. 793 and 794); The Age Discrimination Act (42 U.S.C. 6101 et seq.); Executive Order 11246 (as revised) and the Illinois Human Rights Act (Ill. Rev. Stat. 1980 Supp., ch. 68, pars. 1-101 et seq.); and authorized by Section 4 of "AN ACT creating the Department of Children and Family Services, codifying its powers and duties, and repealing certain Acts and Sections herein named" (Ill. Rev. Stat. 1979, ch. 23, par. 5004).

SOURCE: Adopted and codified at 5 Ill. Reg. 7800, effective August 3, 1981.

Section 429.1 Purpose

These rules describe the Department's policy of nondiscrimination in employment practices. Refer to Part 308, Nondiscrimination Requirements of Department Service Providers.

Section 429.2 Definitions

"Affirmative action", as applied in this part, is the undertaking of specific personnel steps in recruiting, selecting, placing, transferring, promoting, and other basic terms and conditions of employment, for the purpose of eliminating present effects of past or current discrimination.

"Employment discrimination" or "discrimination", as applied in this part, means any policy, procedure or practice which has an adverse effect on an applicant, employee or class of employees with regard to their hiring, firing, compensation, terms, conditions or privileges of employment on the basis of race, color, religion, sex, marital status, national origin or ancestry, age, physical or mental handicap unrelated to ability, or an unfavorable discharge from military service other than a dishonorable discharge.

Section 429.3 The Department's Affirmative Action Policy

- a) The Illinois Department of Children and Family Services will not discriminate in employment on the grounds of race, color, religion, sex, marital status, national origin or ancestry age, physical or mental handicap unrelated to ability, or an

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unfavorable discharge from military service other than a dishonorable discharge. This policy is mandated by both federal and state law, including the Civil Rights Act of 1964 (amended, 1972), presidential and gubernatorial executive orders, various other policies and guidelines, and a general recognition of the importance of eliminating artificial, arbitrary, and unnecessary barriers to employment.

- b) The policy of affirmative action shall require an analysis of the Department's work force to determine underutilization of any of the protected classes: Blacks, Hispanics, Native Americans, Asian Americans and women. When an underutilization is determined, goals will be set, in compliance with applicable law, to ensure utilization with regard to representation in the population, availability and requisite skills.
- c) This policy also requires agencies and individuals that do business with the Department to comply with this Part. (See Part 308, Nondiscrimination Requirements of Department Service Providers.)
- d) Nothing in this policy shall prohibit the Department from denying employment to persons on the basis of criminal convictions. However, the Department will consider the gravity of the offense, the circumstances under which it occurred, the background and age of the applicant at the time of the offense and whether the offense is related to the applicant's suitability for employment.

Section 429.4 Employment Discrimination Complaints

- a) Complaints of alleged employment discrimination shall be resolved informally whenever possible. If an employee or applicant for employment believes discrimination has occurred he/she should contact the Department administrator responsible for affirmative action to discuss the matter. This initial contact (if other than in writing) to be followed by a written statement of the complaint being filed with the Department administrator responsible for affirmative action. No complaint shall be accepted for investigation if not filed with the Department's administrator responsible for affirmative action within 180 days of the alleged discriminatory act(s).
- b) The written complaint should provide sufficient information to adequately explain the alleged discriminatory act(s). If the complaint does not set forth sufficient information concerning the alleged discriminatory act(s), the office of affirmative action will contact the person in an effort to secure additional information. Within 5 working days following the filing of the complaint, a staff person from the office of affirmative action will initiate an investigation of the complaint. Upon completion of the investigation (within 30 work days) a determination as to whether evidence exists to support or not support the charge(s), as filed, will be made. Within 5 work days following the completion of the investigation, the complainant and regional or unit administrator shall be notified by the office of affirmative action, in writing, of the determination. The written notification to the regional or unit administrator will include the remedial measures, if any, which should be implemented within 10 work days of the receipt of such notice. If the complainant is dissatisfied with the findings of the investigation, and/or the recommended remedial action, the complainant will be informed of other available avenues for resolving complaints.

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- c) The relief provisions provided above shall be the exclusive Departmental procedure for persons complaining of Department discriminatory acts in employment, but shall not be construed as limiting a person's right to utilize existing legal remedies. A person complaining of any manner of employment discrimination also has the right to file complaints with the Director of the Illinois Department of Personnel, the State Department of Human Rights, the Equal Employment Opportunity Commission (E.E.O.C., federal), the Department of Health and Human Services (formerly H.E.W.), the Office of Federal Contract Compliance (federal), and initiate civil court action.

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