

WIOA TITLE I CUSTOMER NON-DISCRIMINATION COMPLAINT AND GREIVANCE POLICY

PURPOSE

To establish and maintain a procedure for customers, participants and other interested parties to file grievances and complaints alleging violations of the requirements of Title I of Workforce Innovation and Opportunity Act (WIOA), and to ensure that complaints will be reviewed in a reasonable time frame, and that options for resolving complaints are made available.

REFERENCES

The Workforce Innovation and Opportunity Act (WIOA) of 2014, Section 181(c)

20 CFR Part 683-Subpart F

20 CFR § 683.600

Illinois Department of Commerce and Economic Opportunity (DCEO)—WIOA ePolicy, Chapter 8, Section 5
(found here: <https://apps.il-work-net.com/WIOAPolicy/Policy/Index/316>)

BACKGROUND and SCOPE

Section 181(c) of The Workforce Innovation and Opportunity Act (WIOA) mandates that each state and local recipient of WIOA Title I funds to develop a policy and establish procedures for grievances and complaints, including appeals, as appropriate. Under the WIOA program, customer complaints should be viewed as opportunities to improve services and service delivery. The overall goal of this complaint process is to address customer concerns, resolve the issues in the most expedient manner possible and learn from the process. This local complaint policy will apply to WIOA program complaints only, when the complaint specifically concerns WIOA Title I services administered by the DuPage County Workforce Development Division. This policy does not cover complaints concerning WIOA mandated partner agencies and programs. Complaints against those entities should be made via the internal processes of those organizations.

Note: This Policy and its procedures do not apply to complaints alleging discrimination under WIOA Section 188 and/or 29 CFR Part 38. Such complaints must be handled in accordance with the procedures set forth in that regulatory section.

DEFINITIONS

The following definitions apply to this Policy:

1. “Appellant” means the person or organization that requests a review from the State of Illinois Office of Employment and Training (OET) of either a decision made by the Local Area Hearing Officer that is not satisfactory, or if the Local Area Hearing Officer fails to timely issue a decision on a Complaint or Grievance as described herein.
2. “Complaint” means an allegation of a violation of WIOA or WIOA-related regulations or policies by another person, persons, or organization.
3. “Complainant” means the person submitting the Complaint.
4. “Customer” means any person seeking or receiving WIOA-funded services or assistance
5. “Days” means calendar days, not business days.
6. “Grievant” means the person submitting a Grievance.
7. “Grievance” means an allegation against an employer that receives WIOA Title IB funding for a violation of labor standards.
8. “LWIA” or “Local Area” means Local Workforce Innovation Area.
9. “LWIB” means Local Workforce Innovation Board, or, “Workforce Board”.
10. “Participant” means an individual who has satisfied all applicable program requirements for the provision of WIOA services, including eligibility determination, an objective assessment, and development of an individual employment plan.
11. “Party” means either the Complainant, Grievant, Appellant or the Respondent. Collectively, the Complainant, Grievant, Appellant and Respondent(s) shall be referred to as the “Parties.”
12. “Respondent” means the person(s) or organization(s) against whom a Complaint or Grievance or an appeal of a Complaint or Grievance decision has been filed.

13. “WDD” means the DuPage County “Workforce Development Division”, the local sub-recipient of WIOA funds and entity administering WIOA programs and services to the DuPage County workforce.

POLICY

All customers and participants shall be afforded the opportunity to resolve, by means of administrative process, any alleged violation of the Workforce Innovation and Opportunity Act, or WIOA regulations or policies. This policy sets forth the procedures to be followed at the local and state levels regarding complaints and grievances that may occur during the administration of any Workforce Innovation and Opportunity Act (WIOA)-funded and related activities. These procedures will outline the receipt, review, and resolution of the complaints and grievances.

The DuPage County Local Workforce Board (LWIB) will designate a Local Area (LWIA) Complaint/Grievance Officer to be responsible for handling Complaints and Grievances at the local WIOA/Workforce Development System level (“Local Level”) submitted by customers, participants and other interested persons affected by, and who allege, violations of the requirements, regulations, or policies of WIOA Title IB.

I. Complaint and Grievance Filing Procedures

- A.** A written notice of a complaint or grievance must be filed within 180 days of alleged violations to the Local Area (LWIA) Complaint/Grievance Officer
- B.** All individuals filing Complaints and Grievances shall be free from restraint, coercion, retaliation, and discrimination.
- C.** The written notice of the complaint or grievance must include:
 - 1) Name, address, telephone number, and email address, when applicable, of the Complainant or Grievant;
 - 2) Name, address, telephone number, and email address, when applicable, of the person(s) and/or organization(s) that the Complaint/Grievance is against (the Respondent(s));
 - 3) A clear and concise statement of allegation(s) and facts of the case;
 - 4) The date of the alleged occurrence(s);
 - 5) The provisions of the Workforce Innovation and Opportunity Act(WIOA), or the regulations, grants, or other agreements under Title I of WIOA believed to have been violated
 - 6) The resolution being sought;
 - 7) The signature of the Complainant/Grievant or his or her legal guardian/representative, if applicable
- E.** Upon receipt of a Complaint or Grievance, the Local Area Complaint/Grievance Officer or designee, shall acknowledge receipt of the Grievance or Complaint, if possible, by certified mail, return receipt requested. This must be done within ten (10) days of receipt of the Complaint or Grievance. If sending an acknowledgement via certified mail is not reasonable or possible, it may be sent by e-mail or regular U.S. Mail. This acknowledgement shall be sent to the Complainant/Grievant and the Respondent(s) and shall:
 - 1) Attach a copy of the Complaint/Grievance filed;
 - 2) Outline the steps to be taken to resolve the matter;
 - 3) Advise the Parties to attempt to reach an informal resolution;
 - 4) Notify all Parties of the right to request a hearing if an informal resolution cannot be met; and
 - 5) Provide a summary of the issues to be decided.
- F.** If a Complainant or Grievant seeks to amend or withdraw a Complaint/Grievance, the Complainant or Grievant must make a request to the Local Area Complaint/Grievance Officer in writing.
- G.** Complaints or Grievances may be resolved through an informal resolution or a hearing process.
- H.** An opportunity for an informal resolution and a hearing shall be completed within sixty (60) days of the filing of the Complaint or Grievance.
- I.** If a Party is dissatisfied with the Local Area (LWIA) hearing decision or no decision is made within sixty (60) days of filing a Complaint or Grievance, a Party may file an Appeal to the State.

- J.** If a Grievant alleges a violation of labor standards, that individual may submit the Grievance to a binding arbitration procedure, if there is a collective bargaining agreement that covers the parties to the Grievance, which so provides.

II. Local Level Informal Resolution and Hearing Process

A. Informal Resolution

- 1) If the Complainant and Respondent choose to resolve the Complaint or Grievance through an informal resolution, they must make good faith efforts to do so prior to the scheduled hearing date and within sixty (60) days of the filing of the Complaint or Grievance.
- 2) When a Complaint or Grievance has been resolved through an informal resolution process, the Complainant or Grievant and the Respondent(s) shall enter into a formal written resolution agreement.
- 3) Parties are encouraged to resolve matters informally; however, failure to informally resolve a matter does not warrant dismissal of the Complaint or Grievance, nor should it be taken into consideration as part of the facts to be judged during the resolution process.

B. Hearing Process

- 1) Requests for a hearing shall be made by the Complainant or Grievant to the Local Area Complaint/Grievance Officer as soon as possible after the Complaint or Grievance is filed, but in no event later than thirty (30) days after the filing of a Complaint or Grievance.
 - a) The Local Area Complaint/Grievance Officer shall appoint a Local Area Hearing Officer to conduct the hearings on Complaints or Grievances.
 - b) The Local Area Hearing Officer shall be an individual who has qualifications necessary to conduct the proceedings and shall be impartial.
 - c) Any Party may make a request for a change in the Local Area Hearing Officer within five (5) days of receiving notification of the hearing schedule and the designation of the Local Area Hearing Officer.
 - d) Only one request for designation of an alternate Local Area Hearing Officer may be made by any Party for each Complaint or Grievance filed.
- 2) Written hearing notices shall be sent by the Local Area Hearing Officer to the Complainant or Grievant and Respondent(s), at least fifteen (15) days prior to the scheduled hearing date to allow for proper preparation of the case. The notice will include the date, time and place of the hearing.
- 3) The Local Area Hearing Officer shall conduct the hearing in an informal manner. Technical rules of evidence do not apply.
 - a) If circumstances allow, the Local Area Hearing Officer may conduct the hearing via telephonic or electronic means.
 - b) The Parties shall be allowed the opportunity to present evidence, cross-examine witnesses, and be represented by legal counsel.
 - c) The Party requesting the hearing shall have the burden of establishing the facts and the entitlement to relief requested.
 - d) The Respondent(s) shall cooperate by making available any information and releasing any documentation requested by the Complainant or Grievant after the Local Area Hearing Officer deems it appropriate and relevant to the Complaint or Grievance.
 - e) The Respondent(s) shall also make available any person under their supervision or employ to testify, if these persons are requested to testify by the Complainant or Grievant and the Local Area Hearing Officer deems the testimony to be elicited from such persons appropriate and relevant to the Complaint or Grievance.
 - f) Hearings will only cover those issues listed in the written Complaint or Grievance. If a Complainant or Grievant files more than one Complaint or Grievance against the same Respondent(s) at or near the same time, the Local Area Hearing Officer may combine the

issues from the Complaints or Grievances into a single hearing for purposes of administrative efficiency and after providing notice to the Parties

- g) Complete records shall be kept of the hearing via audio recording, a court reporter, or by other means of recording as needed.
- 4) The Local Area Hearing Officer or designee will make a written decision and it shall be sent to the Parties, if possible, by certified mail, with return receipt requested within sixty (60) days of the filing of the Complaint or Grievance. If sending a decision via certified mail is not reasonable or possible, the decision may be sent by e-mail or regular U.S. Mail.

C. Decisions

- 1) The Local Area Hearing Officer's decision shall contain the following:
 - a) The names of the Parties involved;
 - b) A statement of the allegations;
 - c) A statement of the facts presented during the hearing;
 - d) The issue(s) being decided;
 - e) The decision statement, and the reasons for the decision;
 - f) A statement of corrective actions or remedies, if appropriate;
 - g) A statement assuring that all steps included in these Complaint and Grievance Procedures have been adhered to; and
 - h) Notice that either Party has the right to appeal to the State the decision by the Local Area Hearing Officer within ten (10) days of receipt of the decision.
- 2) A copy of all decisions will be concurrently sent to the Office of Employment and Training ("OET") staff listed as the designated contact in the state's WIOA ePolicy, Chapter 8, Section 5.

III. State Level Appeals of Local Level Complaints, Grievances, or Decisions

- A. If either Party does not receive a satisfactory decision at the Local Level, or the Local Level decision is not made within sixty (60) days of the filing of the Complaint/Grievance at the Local Level, a Party may appeal to the State.
 - 1) The request for State review must be made within ten (10) days of notification of the Local Level decision, or ten (10) days from the date a decision was due (i.e., sixty (60) days from filing the Complaint/Grievance) but not issued, and shall be made in writing to the OET designated contact listed in the state's WIOA ePolicy, Chapter 8, Section 5.
 - 2) Additional details and instructions for appeal requests of Local Level decisions to the State Level, can be found in Illinois DCEO's WIOA ePolicy, Chapter 8, Section 5., located here: <https://apps.il-work-net.com/WIOAPolicy/Policy/Index/316>

Policy Effective Date: Immediately upon Board ("LWIB") approval.