



## Local Workforce Innovation and Opportunity Act (WIOA) Policy No. 2020-01

**To:** All Delegate Agencies, One-Stops Partners, American Job Centers and Sector Centers

**From:** DocuSigned by:  
*Karin M. Norington-Reaves*

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 Karin M. Norington-Reaves  
 CEO, Chicago Cook Workforce Partnership

**Subject:** Customer Program (Non-Discrimination) Complaint/Grievance Policy for WIOA Title I Program

**Effective**

**Date:** December 8, 2020

### Purpose:

To inform Workforce Innovation Opportunity Act (WIOA) fund recipients of the policy and procedures for filing complaint and grievances alleging violations of the WIOA Title I-B Program and other WIOA-related regulations or policies, as well as to comply with the procedures issued by the State of Illinois.

### References:

WIOA 2014 Section 181(c)  
 WIOA, CFR 683-Subpart F  
 20 CFR Part 683-Subpart F  
 20 CFR Part 667.600-Subpart F  
 DCEO WIOA ePolicy Chapter 8 Section 5 and 5.4

### Background:

The Workforce Innovation and Opportunity Act mandate the development of policy and procedures for the filing of complaints and grievances submitted by participants and other interested persons affected by, and who allege, violations of the requirements of WIOA Title I-B and, WIOA-related regulations or policies. The customer program complaint and grievance policy applies to WIOA program complaints only, such as specific complaints about the service providers' services, activities, case management efforts and ability to provide appropriate WIOA services.

Each WIOA Title-I funded service provider must adhere to this complaint policy. The Chicago Cook Workforce Partnership will request that service providers file regular reports on any customer complaints which are received and resolved at the providers' level. These reports, formal complaints, grievances, and attendant actions will be kept on file at the Chicago Cook Workforce Partnership for each provider.

### Scope of this Policy:

The Chicago Cook Workforce Partnership is the appropriate agency of contact when the complaint specifically concerns WIOA Title I-B, and, WIOA-related regulations or policies administered by the Chicago Cook Workforce Partnership or its contracted WIOA service providers. In addition to Grievances against an employer for violations of labor standards. It does not cover complaints about WIOA mandated partner programs. Such complaints should be made via the internal processes of those partner organizations. However, the Chicago Cook Workforce Partnership can provide information about contacting the appropriate representatives at these organizations.

**Disclaimers:**

**This Policy does NOT address the procedure for processing complaints alleging discrimination under WIOA Section 188 Nondiscrimination and Equal Opportunity Regulations, (29 CFR Part 38). Such complaints must be handled in accordance with the procedures set forth in the regulatory part. Furthermore, this Policy does NOT replace or relate to the separate policies regarding the accessibility and ADAAA compliance of an organization to its customers. For more information on the ADAAA as it relates to public accommodations and accessibility of commercial facilities, call the ADAAA Information Line at 1.800.514.0301 (voice) or 1-800.514.0383 (TDD) or visit their website at [https://www.ada.gov/ada\\_title\\_III.htm](https://www.ada.gov/ada_title_III.htm)**

**Definitions:**

The following definitions apply to this policy only.

- a. “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.
- b. “Complaint” means an allegation of a violation of WIOA or WIOA-related regulations or policies by another person, persons, or organization.
- c. “Complainant” means the person submitting the Complaint.
- d. “Days” means calendar days, not business days.
- e. “Grievant” means the person submitting a Grievance.
- f. “Grievance” means an allegation against an employer that receives WIOA Title IB funding for a violation of labor standards.
- g. “LWIA” or “Local Area” means Local Workforce Innovation Area.
- h. “LWIB” means Local Workforce Innovation Board.
- i. “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.”
- j. “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.

**Policy:**

This Policy sets forth the procedures to be followed regarding program complaints and grievances that may occur during the administration of any WIOA funded activities and WIOA related regulations and policies. These procedures outline the receipt, review and resolution of any program related complaints and grievances.

Under WIOA, customer program complaints and grievances are viewed as opportunities to improve services. The primary goal of this complaint process is to address specific customer concerns, resolve the issues in the most expedient manner, learn from the complaint and grievance and implement resolutions throughout the entire system.

All WIOA customers, applicants and participants have the right to complain about the quality or type of service they receive at a WIOA service provider or training provider. This includes complaints about the determination of eligibility or appropriateness for training or other WIOA related services and activities. This right to complain must be explained to all customers at orientation and at registration, making reference to this policy.

Additionally, it is mandatory that the **Customer Program Complaint/Grievance Policy** be posted and the Customer Complaint Form and Equal Opportunity (EO)/Discrimination Complaint Form are available at each service provider’s site in a location that is both visible and accessible for your employees, applicants, participants, ALL customers (i.e. resource room or reception area), and member of the public. A copy of this policy is available in other languages and/or format upon request.

## **I. Local Level Complaint/Grievance Procedures**

### **1. Local Level Complaints/Grievances**

- a. All Complaints and Grievances must be filed within 180 days of the alleged violation, in order to be considered by the Chicago Cook Workforce Partnership.
- b. All individuals filing Complaints and Grievances shall be free from restraint, coercion, retaliation, and discrimination.
- c. The Complainant and Grievant must file the Complaint or Grievance in writing to the local area Complaint Officer.
- d. The individual must complete a Chicago Cook Workforce Partnership's Customer Complaint Form describing the complaint and any actions taken for resolution.

*(These forms must be made widely available both at the Chicago Cook Workforce Partnership and at all of its WIOA funded service providers).*

**The completed Customer Complaint Forms must be mailed, emailed, or faxed to:**

Chicago Cook Workforce Partnership  
69 West Washington St, Suite 2860  
Chicago, Illinois 60602  
Attention: Gladys Hall, Complaint/Grievance Equal Opportunity Officer  
For customer assistance call (312) 603-7083 or email your inquiry to  
[ghall@chicookworks.org](mailto:ghall@chicookworks.org)

- e. Upon receipt of a complaint or grievance the Local Area Complaint/Grievance Officer shall acknowledge receipt of the complaint/grievance, if possible, by certified mail, return receipt requested. This will 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 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.

## **2. Local Level Informal Resolution and Hearing Process**

### **a. Informal Resolution**

- 1) 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.
  - a) 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.
    - 1) 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.
    - 2) Informal resolutions are made at the local level where the alleged violation(s) occurred.

### **b. Hearing**

- 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.
  - a) The Local Area Hearing Officer shall conduct the hearing in an informal manner. Technical rules of evidence do not apply.
    - 1) If circumstances allow, the Local Area Hearing Officer may conduct the hearing via telephonic or electronic means.
    - 2) The Parties shall be allowed the opportunity to present evidence, cross-examine witnesses, and be represented by legal counsel.
    - 3) The Party requesting the hearing shall have the burden of establishing the facts and the entitlement to relief requested.
    - 4) 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.
    - 5) The Respondent(s) shall also make available any person under their control 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.
    - 6) 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.
- b) Complete records shall be kept of the hearing via audio recording, a court reporter, or by other means of recording as needed.
  - c) The Local Area Hearing Officer 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.
  - d) The Local Area Hearing Officer's decision shall contain the following:
    - 1) The names of the Parties involved;
    - 2) A statement of the allegations;
    - 3) A statement of the facts presented during the hearing;
    - 4) The issue(s) being decided;
    - 5) The decision and the reasons for the decision;
    - 6) A statement of corrective actions or remedies, if appropriate;
    - 7) A statement assuring that all steps included in these Complaint and Grievance Procedures have been adhered to; and
    - 8) 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.
  - e) A copy of all decisions will be concurrently sent to the Office of Employment and Training ("OET") staff.
- 3) Remedies that may be imposed for violations of any requirement of WIOA Title I, its regulations and policies shall be limited to:
- a) Suspension or termination of payments under WIOA Title I;
  - b) Prohibition of placement of a participant with an employer that has violated any requirement under WIOA Title I-B;
  - c) Where applicable, reinstatement of an employee, payment of lost wages and benefits, and reestablishment of relevant terms, conditions, and privileges of employment; and
  - d) Where appropriate, other equitable relief.

## II. State Level Appeal

### 1. State Level Appeal of Local Level Complaints/Grievances

- a. If a 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 staff.**

Illinois Department of Commerce and Economic Opportunity  
Office of Employment and Training (OET)  
500 East Monroe, 9<sup>th</sup> Floor  
Springfield, IL 62701  
Attention: Lora Dhom, Policy Manager

- 2) Appeal requests of Local Level decisions to the State Level shall include:
  - a) Name, address, e-mail address, and telephone number of the Appellant;
  - b) Name, address, e-mail address, and telephone number of the Respondent(s);
  - c) A clear and concise statement of allegation(s) and facts of the case;
  - d) The date(s) of the alleged occurrence(s);
  - e) The provisions of the Workforce Innovation and Opportunity Act, or the WIOA

- regulations, or policies believed to have been violated;
- f) The resolution being sought;
- g) Specific information supporting the grounds upon which the appeal is sought, a copy of the original written Complaint/Grievance, a transcript of the Local Level hearing proceedings (if available), all exhibits/evidence introduced by the Parties at the Local Level Hearing and a copy of the Local Level Hearing Officer's written decision, if applicable; and
- h) The signature of the Appellant or his or her legal guardian/representative, if applicable.

**b. State Level Review of Appeal:**

- 1) The State may take any of the following actions regarding an appeal request:
  - a) **Reject the Appeal:** An appeal request may be rejected, and a final determination issued, for any of the following reasons:
    - 1) The Appellant failed to comply with the applicable procedures prescribed in this policy (e.g., the ten (10)-day filing requirement);
    - 2) The time for appeal is not yet ripe (i.e., the Local Level process has not been completed);
    - 3) The request for appeal does not state an appealable issue; or
    - 4) There is no relief that can be granted
  - b) **Resolution:** The Parties may decide to resolve the appeal informally.
  - c) **Decision on the Papers:** The Parties may waive the right to a hearing and seek a decision from the State based on the papers submitted related to the Appeal.
  - d) **Hearing:** An opportunity for a hearing must be provided to the Parties for an appeal of a Local Level decision unless the appeal is rejected by the State, the Parties agree to waive a hearing, the Parties decide to resolve the matter informally or the Appellant withdraws the appeal. See State Level Informal Resolution and Hearing Process section, below for procedures.
  - e) **Remand the Matter to the Local Level:** If the appeal to the State is based on the Local Level not issuing a decision within sixty (60) days of filing a Complaint or Grievance, and proceedings have occurred at the Local Level or the matter is more appropriately handled at the Local Level due to the nature of the issues, the State may remand the appeal to the Local Level with instructions to complete the proceedings as expeditiously as possible.
- 2) After the OET staff or their designee receives a request for an appeal the OET staff will:
  - a) Send a notification to the Appellant and Respondent(s), if possible, by certified mail, return receipt requested, within ten (10) days after receiving the request for appeal. If sending a notification via certified mail is not reasonable or possible, the notification may be sent by e-mail or regular U.S. Mail.

The notification shall include the following information:

    - 1) The date of the request for appeal, name of the Appellant, and name of the party or parties designated as Respondents;
    - 2) Advise the Parties that they may resolve the appeal by requesting a hearing (within 30 days of the appeal filing date), seeking an informal resolution, or instead, waiving the opportunity for a hearing and requesting a decision based on the papers related to the Appeal that will be submitted to the State;
    - 3) Advise the Parties to attempt to resolve the matter informally;
    - 4) A statement of the allegations that accurately reflect the original content of the request for appeal submitted by the Appellant;
    - 5) Advise the Respondent(s) that he or she will have ten (10) days to file an optional written response to the appeal request;
    - 6) Notify the Parties that a hearing must be requested no later than thirty (30) days after the date the request for appeal was filed; and
    - 7) The name, address, and telephone number of the contact person issuing the notice.

- b) If an informal resolution is requested, follow the informal resolution procedures set forth herein.
  - c) If a hearing or informal resolution are not requested, conduct a State review to determine whether: (1) the Local Level hearing was conducted in accordance with the Local Level hearing procedures and (2) the actions complained of violated any WIOA statute, regulations, or policies. OET staff will make a final written determination within sixty (60) days of receipt of the appeal.
- 3) An opportunity for an informal resolution and a hearing shall be completed within sixty (60) days of the filing of the appeal request.
  - 4) If the Party appealing the Local Level matter seeks to amend or withdraw his or her appeal, that Party must make a request to the designated OET staff in writing.

## **2. State Level Informal Resolution and Hearing Process**

### **a. Informal Resolution**

- 1) An opportunity for an informal resolution shall be completed as expeditiously as possible so that a hearing and decision issued, if necessary, may be completed within sixty (60) days of the filing of the Complaint, Grievance, or appeal request.
- 2) When a Complaint, Grievance or appeal has been resolved through an informal resolution process, the Complainant/Grievant or Appellant and the Respondent(s) shall enter into a formal written resolution agreement.
  - a) If the Parties choose to resolve the Complaint, Grievance, or appeal 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, Grievance or appeal.
    1. Parties are encouraged to resolve matters informally; however, failure to informally resolve a matter does not warrant dismissal of the Complaint, Grievance, or appeal, nor should it be taken into consideration as part of the facts to be judged during the resolution process.

### **b. Hearing**

- 1) Requests for a hearing shall be made by the Complainant, Grievant or Appellant to the OET staff as soon as possible after the Complaint, Grievance or appeal request is filed, but in no event later than thirty (30) days after filing a Complaint, Grievance or appeal request.
  - a) The OET staff shall notify the Legal Office of the Department of Commerce and Economic Opportunity (DCEO) to assign a state Hearing Officer (“State Hearing Officer”) to conduct the hearing on a Complaint, Grievance, or appeal.
  - b) The State 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 State Hearing Officer within five (5) days of received notification of the hearing schedule and the designation of the State Hearing Officer.
  - d) Only one request for designation of an alternate state Hearing Officer may be made by any Party for each Complaint, Grievance, or Appeal.
- 2) Written hearing notices shall be sent from the State Hearing Officer to the Parties 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) Complete records shall be kept of the hearing via audio recording, a court reporter, or by other means of recording as needed.

### **3. Hearing Procedures Specific to Appeals:**

- a) If circumstances allow, the State Hearing Officer may conduct the hearing via telephonic or electronic means.
- b) The State Hearing Officer shall conduct the hearing in an informal manner.
- c) All Parties shall be allowed the opportunity to present oral arguments on the facts and issues presented at the Local Level and may choose to be represented by legal counsel.
- d) The Parties shall not be permitted to submit new evidence or new documents on appeal from Local Level matters, and the State Hearing Officer's review and decision shall be based solely on the written record from the Local Level, the appeal request, any response filed by the Respondent(s) and the oral arguments made by the Parties.
- e) The Appellant shall have the burden of establishing the entitlement to the relief requested.
- f) Hearings will only cover those issues appealed from the Local Level and specified in the Appellant's appeal request.

### **4. Decisions Issued After a Hearing by the State Hearing Officer or After State Review of an Appeal**

- 1) The State Hearing Officer (for hearings) or the OET State Staff (if a hearing is waived on appeal), as applicable, will make a written decision and it shall be sent, if possible, by certified mail, with return receipt requested, within sixty (60) days of the filing of the Complaint, Grievance, or appeal request. 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.
- 2) The State Hearing Officer (for hearings) or the OET State Staff (if a hearing is waived on appeal), as applicable, will determine whether: (1) the Local Level hearing was conducted in accordance with the Local Level hearing procedures, if applicable, and (2) the actions complained of violated any WIOA statute, regulations or policies.
- 3) The State Hearing Officer or OET State Staff's decision, as applicable, shall contain the following:
  - a) The names of the Parties involved;
  - b) A statement of the alleged violations;
  - c) A statement of the facts presented during the hearing or in the appeal request and response if the hearing was waived;
  - d) The issue(s) being decided;
  - e) The decision 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 the State Level procedures have been adhered to; and
  - h) Notice that any Party has the right to appeal the decision by the State Hearing Officer or OET State Staff to the U.S. Secretary of Labor.
- 4) A copy of all decisions by the State Hearing Officer will be concurrently sent to the OET staff.
- 5) Remedies that may be imposed for violations of any requirement of WIOA, its regulations and policies shall be limited to:
  - a) Suspension or termination of payments under WIOA Title I;
  - b) Prohibition of placement of a participant with an employer that has violated any requirement under WIOA Title I
  - c) Where applicable, reinstatement of an employee, payment of lost wages and benefits, and reestablishment of relevant terms, conditions, and privileges of employment; and
  - d) Where appropriate, other equitable relief.



**III. Federal Level Appeal:**

Under 20 CFR 683.610(a), if the State has not issued a decision within the required sixty (60)-day time limit, the Complainant/Grievant or Appellant can file an appeal to the Secretary of Labor (the “Secretary”).

An appeal to the Secretary under this circumstance must be made within one hundred twenty (120) days of the filing of the Complaint or Grievance with the State or the filing of the appeal with the State of a Local Level Complaint or Grievance.

An appeal can also be made if the State renders an adverse decision against a Party. That Party must file an appeal to the Secretary within sixty (60) days of receipt of the adverse decision.

- a. All appeals must be sent by certified mail, return receipt requested, to the following address:

Secretary of Labor  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Washington, DC 20210  
Attention: Assistant Secretary for Employment & Training (ASET)

The Secretary investigates allegations arising through the Complaint/Grievance procedures described at the local and state levels. The Secretary shall issue a final determination no later than 120 days after receiving the appeal.

- b. Copies of the appeal must be simultaneously provided to the opposing party, the OET State Staff and to the Employment and Training Regional Administrator as follows:

Illinois Department of Commerce and Economic Opportunity  
Office of Employment and Training (OET)  
500 East Monroe, 9<sup>th</sup> Floor  
Springfield, IL 62701  
Attention: Lora Dhom, Policy Manager

Regional Administrator – Region 5  
U.S. Department of Labor/Employment and Training Administration (ETA)  
230 South Dearborn Street, 6<sup>th</sup> floor  
Chicago, IL 60604

Regional Administrator – Region 5 USDOL Employment and Training Administration will maintain on file a copy of the documentation.

**Effective Date:** Immediately upon Board approval.