

## **POLICY – GRIEVANCES AND COMPLAINTS**

### **Background**

The Workforce Investment Board of Will County recognizes that a grievance and complaint policy is part of effective internal and external contracts ensuring that Contractors, Proposers, other parties, and the Workforce Investment Board can resolve grievances and complaints that may arise in accordance with federal, state, and local guidelines.

*Under 20 CFR 667.600 Subpart F each local area must establish and maintain a procedure for grievances and complaints according to the requirements in that specific CFR.*

### **Recommendations / Options**

#### **Workforce Investment Board Grievances and Complaints**

All persons shall be afforded the opportunity to resolve, by means of administrative process, any alleged violation of the Workforce Innovation and Opportunity Act, federal regulations promulgated pursuant thereto, any grant, contract or other agreement entered into pursuant to the Act.

### **Grievances and Complaints**

- a) A written notice of a grievance or complaint must be filed within 180 days of alleged violations to the Workforce Investment Board of Will County.
- b) All individuals filing Complaints and Grievances shall be free from restraint, coercion, retaliation, and discrimination.
- c) Written notice must include:
  - i. Name, address, and telephone number of the complainant;
  - ii. Name, address, and telephone number of the person and/or organization that the complaint is against;
  - iii. A clear and concise statement of allegations and facts of the case;
  - iv. The date of the alleged occurrence(s);
  - v. The provisions of the Workforce Innovation and Opportunity Act, regulations, grants, or other agreements under Title I of WIOA believed to have been violated;
  - vi. The resolution being sought;
  - vii. The signature of the complainant or their legal guardian or representative;
- d) Send written notices of a grievance or complaint to:

Workforce Investment Board of Will County  
Attention: Caroline Portlock, Director  
203 N Ottawa Street, Suite 100  
Joliet, IL 60432
- e) Upon receipt of a grievance or complaint, the Workforce Investment Board of Will County or their designee, and shall acknowledge receipt of the grievance by. This must be done within ten (10) days of receipt of the complaint.
- f) The Workforce Investment Board acknowledgement shall:
  - i. Attach a copy of the Complaint/Grievance filed.
  - ii. Outline the steps to be taken to resolve the matter.
  - iii. Advise the complainant to attempt to reach an informal resolution.
  - iv. Notify all parties of the right to request a hearing if an informal resolution cannot be met.
  - v. Provide a summary of the issues to be decided.
- g) If a complaint is to be amended or withdrawn, the complainant must make that request in writing.

### **Resolutions**

- a) An opportunity for an informal resolution shall be completed within 60 days of the filing of the grievance or complaint
- b) If either the complainant or the Workforce Investment Board deems they are dissatisfied with the local hearing decision or no decision is made within 60 days, the complainant may file an appeal to the State
- c) Allegations of labor standards violations that are covered under a collective bargaining agreement shall be binding and in accordance with the procedures in the bargaining agreement.

### **Informal Resolutions**

- a) If the complainant and respondent chose to resolve the complaint or grievance through an informal resolution, good faith efforts should be made in writing prior to the scheduled hearing date and within 60 days of the filing of the complaint or grievance.
- b) Failure to do so by either party does not warrant the complaint to be dismissed, nor should it be taken into consideration as part of the facts to be judged during the resolution process.
- c) Informal resolutions should be made at the level where the alleged violation(s) took place.
- d) When a complaint or grievance has been resolved through an informal resolution process, the complainant and the Workforce Board Grievance/Complaint Officer shall enter into a formal written resolution agreement.

### **Formal Hearing Resolutions**

- a) If Request for a formal hearing shall be made to the Workforce Investment Board within 30 days of filing a grievance or complaint.
- b) The Workforce Investment Board shall appoint a Hearing Officer to conduct the hearings on complaints or grievances.
- c) The Hearing Officer shall be an individual who has qualifications necessary to conduct the proceedings and shall be impartial.
- d) The complainant may make a request for a change in Hearing Officer within five (5) days of the received notifications of the hearing schedule and the designation of the Hearing Officer.  
Only one request for designation of an alternate Hearing Officer may be made by either party for each complaint.

### **Hearings**

- a) Written hearing notices shall be sent to the complainant, respondent and other parties considered appropriate within 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.
- b) The Hearing Officer shall conduct the hearing in an informal manner. Technical rules of evidence do not apply.
- c) If circumstances allow, the Hearing Officer may conduct the hearing via telephonic or electronic means.
- d) Both parties shall be allowed the opportunity to present evidence, cross-examine witnesses, and be represented by legal counsel.
- e) The party requesting the hearing shall have the burden of establishing the facts and the entitlement to relief requested.
- f) The respondent shall cooperate by making available any information and to release any documentation requested by the complainant after it is deemed appropriate and relevant to the complaint.
- g) The respondent shall also make available any person under their control or employ to testify, if these persons are requested to testify by the complainant.
- h) Hearings will only cover those issues listed in the written complaint. If a complainant files more than one complaint or grievance against the same respondent(s) at or near the same time, the Hearing Officer may combine the issues from the complaints or grievances into a single hearing for the purposes of administrative efficiency and after providing notice to the parties.
- i) Complete records shall be kept of the hearing either via audio recording, or by a court reporter.

### **Decisions**

- a) The Hearing Officer or designee will make a written decision and it shall be sent by certified mail, with return receipt requested, within 60 days of the filing of the complaint.
- b) The Hearing Officers decision shall include the following:
  - i. The names of the parties involved;
  - ii. A statement of the alleged violations;
  - iii. A statement of the facts presented during the hearing;
  - iv. The issues being decided;
  - v. The decision and reasons for the decision;
  - vi. A statement of corrective actions or remedies, if appropriate;
  - vii. A statement assuring that all steps included in the complaint                      procedures have been adhered to;
  - viii. Notice that either party has the right to appeal the decision by the Hearing Officer within ten (10) days of receipt of the decision; and
  - ix. A copy of all decisions will be concurrently sent to:  
Illinois Department of Commerce and Economic Opportunity  
Office of Employment and Training (OET)  
500 E Monroe Street, 9<sup>th</sup> Floor  
Springfield, IL 62701  
Attention: Assistant Deputy Director

### **State Level Complaints**

- a) If a complainant does not receive a satisfactory decision or the decision is not made within 60 days of the filing of the complaint, the complainant may appeal to the State level. All appeals shall be made in writing to Office of Employment and Training (OET), Becky Harmon. The respondent may also request a review if the decision is not made in the prescribed timeliness.

The request for state review must be made within ten (10) days of notification of the decision and shall be made in writing to:

Illinois Department of Commerce and Economic Opportunity  
Office of Employment and Training (OET)  
500 E Monroe Street, 9<sup>th</sup> Floor  
Springfield, Illinois 62701  
Attention: Assistant Deputy Director

- b) Complaints that are appealed to the State level shall include the same basic elements as the local level hearings. These are:
  - i. Name, address, email address and telephone number of the complainant;
  - ii. Name, address, email address and telephone number of the person and/or organization that the complaint is against;
  - iii. A clear and concise statement of allegation(s) and facts of the case;
  - iv. The date of the alleged occurrence(s);
  - v. The provisions of the Workforce Innovation and Opportunity Act, or WIOA regulations, or policies believed to have been violated; and
  - vi. The resolution being sought; and
  - vii. The signature of the complainant or their legal guardian or representative.
- c) The appeal must contain specific information supporting the grounds upon which the appeal is sought, a copy of the original written complaint, a transcript of the hearing proceedings, and a copy of the Hearing Officer's written decision
- d) The Assistant Deputy Director or their designee will:
  - i. Acknowledge the complaint within 10 days of receipt of the request for appeal;

**Workforce Investment Board of Will County**

---

- ii. Notify the complainant, LWIA, and other concerned parties by certified mail, return receipt requested, within 10 days after receiving the notice of appeal;
  - iii. The notification shall include the following information:
    - a. The date of the notice, name of the appellant, and name of the party against whom the complaint is filed (respondents);
    - b. The date, time, and place of the hearing;
    - c. A statement of the allegations that accurately reflect the content of the original content of the complaint submitted by the complainant; and
    - d. The name, address, and telephone number of the contact person issuing the notice.
  - iv. Conduct a state review to determine whether (1) the local area hearing and was conducted in accordance with the local level hearing procedures and (2) the actions complained of violated any WIOA statute, regulations or policies;
  - v. Make a final written determination within 60 days of receipt of the appeal.
- e) The Assistant Deputy Director will issue a written decision to both the complainant and respondent by certified mail, return receipt requested, with the following information:
- i. The names of the parties involved;
  - ii. A statement of the alleged violations and issues related to the alleged violations;
  - iii. A statement of the facts;
  - iv. The Assistant Deputy Director's or their designee decision and the reasons for the decision;
  - v. A statement of the corrective actions or remedies, if appropriate; and
  - vi. Notice that either party has the right to appeal the decision by the Assistant Deputy Director within 60 days of receipt of the decision
- f. Remedies that may be imposed for violations of any requirement of this title shall be limited to:
- i. Suspension or termination of payments under this title;
  - ii. Prohibition of placement of a participant with an employer that has violated any requirement under this title;
  - iii. Where applicable, reinstatement of an employee, payment of lost wages and benefits, and reestablishment of relevant terms, conditions, and privileges of employment; and
  - iv. Where appropriate, other equitable relief.

**Federal Level Complaints**

- a) Under Title 20 CFR Section 683.610(a)(1), if the State has not issued a decision within the required 60 day time limit, the complainant can file an appeal to the Secretary of Labor. An appeal must be made within 120 days of the filing of the complaint with the State or the filing of the appeal of a local grievance or complaint with the State. An appeal can also be made if the state renders an adverse decision. The appeal must be filed within 60 days of receipt of the decision. 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, D.C. 20210  
Attention: ASET
- b) A copy of the appeal must be simultaneously provided to the opposing party, the Office of Employment and Training State Staff, and to the Employment and Training Regional Administrator as follows:

Illinois Department of Commerce and Economic Opportunity  
*Office of Employment and Training*  
500 East Monroe Street, 9<sup>th</sup> Floor  
Springfield, IL 62701

Regional Administrator – *Region 5*  
U.S. Department of Labor/*ETA*  
230 South Dearborn Street, 6th floor  
Chicago, IL 60604

**Objectives**

To provide a local Workforce Investment Board policy for filing grievances or complaints alleging violations of the Workforce Innovation and Opportunity Act. This policy does not apply to allegations of discrimination based on race, color, religion, sex, national origin, age, disability, or political affiliation or belief. Such discrimination issues are covered under Policy Letter No. 99-3 and 29 CFR Part 37 – Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998

**Assessment**

Not applicable

Approved: June 14, 2010  
Motion: Suzanne Sallay  
Second: Mark Jepson

Approved: February 8, 2016  
Motion: Pete McLenighan  
Second: Nancy Baldwin

Approved: August 10, 2020  
Motion: James Tromp  
Second: Judy Mitchell