

DATE ISSUED: July 1, 2015

FOR: LWIA 24 Youth Providers

Lisa Atkins
Southwestern Illinois College
Adult Basic Education
2500 Carlyle Ave.
Belleville, IL 62221

Robin Pruitt, Director
Illinois WIOA Youth Services
951 Fairfax Street Suite F
Carlyle, IL 62231

Dr. Sulbrena Day
Midwest Career Source Vocational School
9100 Lebanon Road
Belleville, IL 62221

FROM: Linda Franks
LWIA 24 Equal Opportunity Officer

RE: **EQUAL OPPORTUNITY DIRECTIVE 2015-EO-7,
Procedures for Determining Corrective Actions and Sanctions**

We administer, oversee, and/or operate a variety of federally-assisted programs and activities. Of relevance here, we operate certain programs and activities funded by the U.S. Department of Labor under Title I of the Workforce Innovation Opportunity Act (WIOA), which are governed by 29 U.S.C. § 2938. In this capacity, we are required to comply with WIOA's nondiscrimination and equal opportunity provisions. Specifically, we must ensure nondiscrimination and equal opportunity on the basis of race, color, national origin, disability, gender, religion, political affiliation, WIOA participant status, citizenship, and age. These are known as "prohibited bases" of discrimination. Moreover, we are prohibited from retaliating against any individual (1) filing a discrimination complaint under WIA, (2) assisting another person in filing a complaint, or (3) serving as a witness to a complaint.

"Equal Opportunity Employer/Program and "Auxiliary aids and services are available upon request to individuals with disabilities"

As required by federal law, I developed and published discrimination complaint procedures, which are located at www.mawib.com or www.co.st-clair.il.us. Moreover, I periodically conduct monitoring and/or compliance reviews of WIOA-related programs and activities to ensure compliance. If, at the conclusion of a discrimination complaint investigation, monitoring event, or compliance review, I determine that a program or activity is not operating in compliance with WIOA's nondiscrimination and equal opportunity mandates, I may order corrective actions and/or sanctions.

The purpose of this directive is to notify you of the procedures used to impose corrective actions and/or sanctions, and to direct you to cooperate with any monitoring, compliance review, or discrimination complaint investigation that occurs.

For these reasons, EQUAL OPPORTUNITY DIRECTIVE 2015-EO-7 is being issued, and is **effective immediately**.

Failure or refusal to cooperate; "Notice to Show Cause"

If a recipient fails or refuses to cooperate in a discrimination complaint investigation, monitoring, and/or a compliance review, I will issue a "Notice to Show Cause." See Appendix A (sample "Notice to Show Cause"). Some examples of a failure or refusal to cooperate include, but are not limited to, (1) failure or refusal to maintain and/or submit requested data, information, and/or records, or (2) failure or refusal to provide access to the recipient's premises, records, or employees.

The "Notice to Show Cause" shall be submitted to the recipient in writing and shall set forth: (1) a description of the violation; (2) a statement of corrective action required; and (3) a request that recipient provide a written response to the "Notice to Show Cause" within 30 days of the date of its issuance. In response, the recipient may set forth a commitment to take corrective action, or may set forth opposing facts and evidence.

If the recipient fails to submit a timely response, or files a deficient response, a "Final Determination: Sanctions," as discussed below, shall be issued.

Discrimination complaint investigations

If, at the conclusion of a discrimination complaint investigation conducted in accordance with 29 C.F.R. §§ 37.76 - 37.79, I find discrimination occurred, I will set forth a statement of corrective actions, timeframes, and/or sanctions

"Equal Opportunity Employer/Program and "Auxiliary aids and services are available upon request to individuals with disabilities"

in a "Final Determination" issued to the parties pursuant to our above-referenced discrimination complaint procedures.

Where prohibited discrimination is demonstrated, I may direct any one or more of the following types of relief:

- **Retrospective relief.** This would include, but is not limited to, items such as back pay, or directing reversal of a decision denying benefits, aid, training, or services to the individual.
- **Prospective relief.** This includes, but is not limited to, requiring particular training, policy development or modification, communication improvements, or allowing an individual or group of individuals to reapply for participation in the program or activity at issue.

In the recipient fails to timely complete the corrective actions, or abide by the sanctions ordered in the "Final Determination," I will issue a "Letter of Findings," as discussed below.

Monitoring/Compliance Reviews

Periodically, I will conduct on-site inspections, interviews, and/or desk audits in conjunction with monitoring or compliance reviews of entities that are part of our system of delivering WIOA Title I-financially assisted programs and activities. If, (1) in the course of an on-site inspection, interview(s), and/or desk audit, I find a violation of WIOA's nondiscrimination and equal opportunity mandates, or (2) a recipient fails to timely complete corrective actions or abide by sanctions ordered in my "Final Determination" at the conclusion of a discrimination complaint investigation (discussed above), I will follow the procedures set forth below:

- **Issuance of "Letter of Findings."** The recipient will receive a "Letter of Findings" setting forth the specific steps the recipient must take to achieve voluntary compliance. See Appendix B (sample "Letter of Findings"). And, I will provide specific time deadlines for the completion of these steps. The recipient also will be notified of a specific date by which it must

"Equal Opportunity Employer/Program and "Auxiliary aids and services are available upon request to individuals with disabilities"

provide me with (1) written assurances that each corrective action has been successfully completed, or (2) a written "Conciliation Agreement" that complies with the requirements at 29 C.F.R. § 37.97.

Any request for an extension of time to complete the corrective action(s) must be submitted to me *in writing prior to expiration of the existing time deadline*. A recipient should not assume that the extension request will be granted; rather, I will consider the reasons set forth by the recipient in support of its extension request, and will issue a written statement to recipient granting, denying, or modifying the request.

My decision on the extension request shall be final.

Failure to comply with the requirements of the "Letter of Findings" shall result in the issuance of a "Final Determination: Sanctions," as discussed below.

- **Issuance of "Final Determination: Sanctions."**

If a recipient: (1) fails to timely and adequately respond to a "Notice to Show Cause"; or (2) fails to timely complete corrective actions/sanctions ordered in a "Letter of Findings," I will issue a "Final Determination: Sanctions." See Appendix C (sample "Final Determination: Sanctions"). In this determination, I will describe the efforts made to achieve voluntary compliance, and the fact the efforts were unsuccessful. I will set forth areas of disagreement with the recipient, and provide a statement of the sanctions imposed and/or corrective actions that must be taken. The recipient will be notified that it has ten (10) days from the date on which it receives my determination to come into compliance. Failure to comply within the allotted ten (10) day time period shall result in either (1) suspension of funding until such time as compliance is achieved, or (2) termination of funding in addition to any other action allowed by law.

Table of Examples of Corrective Actions and Sanctions

To assist you in better understanding the more common areas of noncompliance, and how I will address these areas of noncompliance, I have included a "Table of Examples of Corrective Actions and Sanctions" at Appendix D.

"Equal Opportunity Employer/Program and "Auxiliary aids and services are available upon request to individuals with disabilities"

If voluntary compliance is achieved, I will continue to monitor the program or activity at issue to ensure continued compliance with WIOA's nondiscrimination and equal opportunity mandates.

✓ **Questions**

You may contact me if you have any questions:

Linda Franks
LWIA 24 Equal Opportunity Officer
St. Clair County Intergovernmental
Grants Department
19 Public Square, Suite 200
Belleville, IL 62220
Telephone: (618) 825.3266
TTY (English): (800) 526-0844
TTY (Spanish): (800) 501-0864
Voice/ITRC: (800) 501-0865
lfranks@co.st-clair.il.us

"Equal Opportunity Employer/Program and "Auxiliary aids and services are available upon request to individuals with disabilities"