



WHAT HAPPENS IF MEDIATION IS NOT SUCCESSFUL?

If the mediation process does not resolve the issue(s) accepted for investigation in the discrimination complaint, then the LWIA 24 EO Officer shall proceed to complete the investigation of the complaint. The results of mediation efforts (either signed agreement, or the fact it was unsuccessful) shall be reported to the LWIA 24 EO Officer within 60 calendar days of the LWIA 24 EO Officer’s receipt of the discrimination complaint. Within 90 calendar days of receipt of the signed, written discrimination complaint, a notice of final action shall be issued by the LWIA 24 EO Officer. If the LWIA 24 EO Officer fails to issue a notice of final action within 90 calendar days of the date of receipt of the signed, written discrimination complaint, then the complainant has the right to file a complaint with the Director, Civil Rights Center, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-4123, Washington, DC 20210, CRCExternalComplaints@dol.gov.

Illinois Employment & Training Centers
Find the Center Closest to You

Belleville

4519 West Main St.
Belleville, IL 62223
618.277.5678

Satellite Centers

Clinton County

851 Fairfax
Carlyle, IL 62231
618.594.4520

Monroe County

100 S. Main Street, Rm. 19
Waterloo, IL 62298
618.939.3332

Randolph County

1 Taylor Street
Chester, IL 62233
618.826.4709

Washington County

9631 Wall Street
Nashville, IL 62263
618.327.4191

St. Clair County

Local Workforce Investment Area 24

19 Public Square • Belleville, IL 62221 • 618-825-3256

English

(800) 526-0844 - TTY
(800) 526-0857 - Voice

Spanish

(800) 501-0864 - TTY
(800) 501-0865 – Voice

Southwestern Illinois workNet™ Centers are an Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities at Southwestern Illinois workNet™ Centers.

Sponsored by Illinois Department of Commerce and Economic Opportunity.

**LOCAL WORKFORCE
INVESTMENT AREA 24**

*Alternative Dispute Resolution Process
(Mediation)*

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

Local Workforce Investment Area 24

POLICY

As a recipient of funds under Title I of the Workforce Investment Act of 1998 (WIA), Local Workforce Investment Area 24 (LWIA 24) must comply with Section 188 of WIA, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief as well as against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or on the basis of participation in any WIA Title I—financially assisted program or activity.

Any member of the public who feels s/he has suffered discrimination in a WIA Title I-financially assisted program or activity has the right to file a complaint of discrimination with either: A complaint alleging discrimination in a WIA-Title I financially-assisted program or activity initially may be filed with one of the following three individuals: (1) Ms. Linda Franks, Program Auditor/LWIA 24 Equal Opportunity (EO) Officer, St. Clair County Intergovernmental Grants Department, 19 Public Square, Suite 200, Belleville, IL 62220, Telephone: (618) 277-6790, TTY: (618) 277.5886, lfranks@co-st-clair.il.us (hereinafter referred to as the LWIA 24 EO Officer); or the State WIA EO Officer, Illinois Dept. of Commerce and Economic Opportunity, Office of Equal Opportunity Monitoring and Compliance, 500 E. Monroe, Springfield, IL 62701, or (3) Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-4123, Washington, DC 20210, CRCEXternalComplaints@dol.gov.

No employee involved in mediation of a WIA discrimination complaint shall incur loss of leave or pay. It is LWIA 24's policy that no one be punished, penalized, or otherwise retaliated against for filing a discrimination complaint, assisting another person in filing a discrimination complaint, furnishing information in a discrimination complaint investigation, or participating in mediation of a discrimination complaint.

LWIA 24 MEDIATION OPPORTUNITIES

Within 30 calendar days of receipt of a signed, written discrimination complaint, the LWIA 24 EO Officer will assess the complaint for jurisdiction (authority to investigate) and timeliness. If, within 30 days of receipt of a signed, written discrimination complaint, the LWIA EO Officer determines the complaint is timely and there is jurisdiction to investigate it, then written notice shall be issued to all parties to the complaint (the complainant(s) and recipient(s)) notifying them of the issue(s) accepted for investigation, the right of each party to be represented, and the right of the parties to voluntarily consent to mediation.

Under some circumstances, if the LWIA 24 EO Officer is aware of the availability of certain solutions to the discrimination complaint accepted for investigation, the LWIA 24 EO Officer may engage the parties in exploring these solutions to resolve the discrimination complaint expeditiously for the parties.

However, for more complex discrimination complaints, an independent, third-party neutral (not the LWIA 24 EO Officer) may be needed. The LWIA EO Officer shall make a determination regarding use of a third-party neutral if the parties voluntarily request

mediation. This brochure is designed to explain the mediation process when a third-party neutral (not the LWIA 24 EO Officer) serves as the mediator.

WHAT IS MEDIATION?

Mediation is an informal dispute resolution process whereby the mediator facilitates a discussion among the parties to the complaint in an effort to find a solution to the complaint. The objective of mediation is to allow the parties to engage in a discussion regarding the circumstances giving rise to the complaint, and engage in problem-solving to arrive at a mutually acceptable agreement resolving the complaint.

IS MEDIATION REQUIRED?

No, mediation is not required. It is voluntary, and all parties to the discrimination complaint must consent to mediation before it can occur. However, mediation offers many benefits to the parties. Mediation can result in quicker resolution of the complaint, and the parties have the ability to control the solution reached.

HOW IS MEDIATION CONDUCTED?

Mediation occurs in private room(s) at a location that is accessible to the parties. The mediation session is conducted as informally as possible to encourage discussion and interaction among the parties in the presence of a mediator (the facilitator). Mediation generally occurs in person but, under extenuating circumstances, it may occur by telephone.

The mediator will present an opening statement at the start of the session covering the following points: (1) an introduction of the mediation process and the mediator's qualifications; (2) an explanation of the definition of mediation and notification to the parties that the mediator is neutral; (3) an explanation of the ground rules (such as courtesy, one party speaks at a time, focusing the discussion on solutions); and (4) an explanation of confidentiality in mediation and the fact that all parties must agree to adhere to confidentiality for the mediation to continue.

The scope of the mediation is limited to the issue(s) accepted by the LWIA 24 EO Officer for investigation. Every effort shall be made to ensure the mediation occur within 45 calendar days of the date on which the LWIA 24 EO Officer received the signed, written discrimination complaint.

During the mediation, each party will be afforded the opportunity to present his or her opening statement, which identifies the circumstances surrounding the issue accepted for investigation as well as the outcome desired by the party. A representative with authority to bind LWIA 24 in the event an agreement is reached must be present during any mediation session(s).

In the course of mediation, the mediator may ask direct questions, encourage brainstorming for possible solutions, engage in private discussions with each party to clarify issues and explore options, and assist the parties in framing the issues and developing proposed solutions.

HOW MUCH DOES MEDIATION COST?

No party or representative of a party will be charged any costs for participating in mediation of a discrimination complaint.

CONFIDENTIALITY

Mediation conducted by a third-party neutral (not the LWIA 24 EO Officer) shall be confidential. The mediation session(s) shall be closed to any individual other than the parties and their representatives, except by consent of both parties and the mediator. The LWIA 24 EO Officer shall not be present during any mediation session(s). The third-party neutral shall not disclose any information received during the mediation session(s) to the LWIA 24 EO Officer.

Communication and information disclosed during mediation is privileged and confidential and shall not be disclosed outside the mediation, except to implement or enforce any agreement reached, or by written consent of both parties. During the mediation process, notes may be taken. However, once the mediation process has concluded and either resulted in an agreement or was unsuccessful, the third-party neutral shall collect all notes taken during the mediation and the notes shall be destroyed in the presence of the parties.

If an agreement is reached by the parties, this agreement shall be forwarded for the LWIA 24 EO Officer, and the LWIA 24 EO Officer shall place the agreement in the investigative file and shall retain custody and jurisdiction over the agreement to ensure compliance.

WHAT HAPPENS IF WE REACH AN AGREEMENT?

The agreement must be in writing and signed by all parties. The third-party neutral will assist the parties in developing the terms of their agreement. A copy of the written, signed agreement shall be given to each party. The original written, signed agreement shall be retained by the LWIA 24 EO Officer in the investigative file.

Pursuant to the regulations implementing WIA at 29 C.F.R. § 37.97, the agreement of the parties must: (1) be in writing; (2) address each cited violation (issue accepted for investigation); (3) specify the corrective or remedial action to be taken within a stated period of time to come into compliance; (4) provide for periodic reporting on the status of the corrective and remedial action; (5) provide that the violation(s) will not recur; and (6) provide for enforcement for a breach of the agreement.

The agreement must be entered into by the parties without coercion, duress, or intimidation. And, the agreement cannot contain provisions that violate applicable federal, state, or local laws.

The LWIA 24 EO Officer shall be responsible for monitoring compliance with the terms of the agreement. If there is a breach of the agreement, the LWIA 24 EO Officer shall refer the matter to the State Equal Opportunity Officer, 500 E. Monroe Street, 8th Floor, Springfield, IL 62701 for further proceedings.