

# **Department on Aging Equal Employment Opportunity Complaint Investigation Procedure**

## **A. Policy**

The agency affirms its commitment to a policy of Equal Employment Opportunity through the implementation of an EEO Complaint Investigation Procedure to promote the internal resolution of employee complaints of alleged discrimination. It is the conviction of the agency that the establishment of this EEO Complaint Investigation Procedure shall provide an internal avenue of redress to informally resolve complaints of alleged discrimination at the lowest organizational level, reducing backlog, delay, and expense of a prolonged formal investigation.

As part of our ongoing internal administration and compliance efforts over the past years, the Department completed adoption of rulemaking that sets forth a grievance procedure for reasonable accommodation requests and complaints of alleged discrimination asserted by qualified individuals with disabilities as required by the Americans With Disabilities Act of 1990[42 USC 12101 et seq.] or protected persons under other federal and state civil right laws. This step formalizes the existing practices that will help keep our staff better informed as to their rights and responsibilities.

To that end, the EEO/AA Officer shall advise and support management in the investigation of complaints, documentation of facts, the presentation of findings, and recommendations to resolve the dispute.

The use of this internal EEO complaint investigation procedure does not preclude the rights of an employee to file a charge directly with the State (IDHR), the Federal government (EEOC), or any other appropriate government agency. The filing of any complaint of alleged discrimination may not be used as a basis for future retaliation adversely affecting the rights of an employee.

## **B. Procedures**

The Discrimination Complaint Form (attached) shall be used to clearly record the date, nature, and other pertinent information of the complaint of alleged discrimination submitted to the EEO/AA Officer for investigation.

1. **Scope and Timeliness**

Unless of a continuing nature, all complaints must be received by the EEO/AA Officer in writing within 20 days of the alleged complaint. The scope of the investigation shall be restricted to the specific allegations cited in the charge.

2. **Intake-Screening**

Immediately upon receipt of the discrimination complaint form, the EEO/AA Officer shall review the form to determine the initial timeliness, validity and thoroughness of the information submitted in the complaint. The EEO/AA Officer shall inform the employee

in writing of the acceptance of the complaint for investigation within 5 days of submission of the complaint. The complainant shall be promptly notified if further information or documentation is required to support the charge.

3. Investigation

Within 15 days of the acceptance of the complaint, the EEO/AA Officer shall initiate a thorough investigation of the allegation(s) of discrimination cited in the complaint. In order to document the merits of the charge, the investigation shall entail the verification of information with the immediate supervisors, staff, and witnesses to the alleged discriminatory employment practice. The investigation shall be concluded within 90 days after the acceptance of the complaint.

4. Withdrawal of the Complaint

The complaint, or any part of the allegation, may be withdrawn during the investigation upon a written request for withdrawal by the complainant.

5. Settlement During Investigation

If a settlement is reached, an agreement shall be obtained in writing with the approval of management before the complaint shall be considered closed.

6. Dismissal of the Complaint

After an analysis of the complaint, the complainant shall be notified of the findings in writing and informed of the right to appeal within 10 days if there is lack of substantial evidence to indicate that discrimination has occurred.

7. Investigation Findings

At the conclusion of the investigation, the EEO/AA Officer shall submit a written notice to the Director with the findings and recommendations to resolve the complaint if substantial evidence that discrimination may have occurred. Within 10 days, a conciliation meeting shall be initiated, and the EEO/AA Officer shall participate to seek an equitable resolution of the complaint.

### **C. Conciliation Efforts**

The EEO/AA Officer shall conduct and coordinate conciliation efforts by conferring with the parties in an attempt to secure a settlement. A conciliation conference may be convened, which all parties may attend in person or by representative, to propose, discuss, and agree to a resolution of the complaint.

If the complaint cannot be satisfactorily resolved at this level within 10 days, the EEO/AA Officer shall document the efforts made to resolve the complaint and shall provide a written explanation of the reasons why the complaint was not able to be resolved.

The findings, conciliation efforts, and proposed settlement shall be forwarded to the CEO/Director for the final review, approval or other determination. The Director shall make

known to the EEO/AA Officer the official position of the agency within 30 days of receipt of the EEO/AA Officer's written report.

The employee also has the right to file a formal charge within 180 days of the alleged violation with the Illinois Department of Human Rights and/or within 300 days of the alleged violation with the Equal Employment Opportunity Commission, or any other appropriate government agency. The EEO Officer shall represent the agency in responding to any charges by the Department of Human Rights or the Equal Employment Opportunity Commission.

**Illinois Department of Human Rights**

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**Illinois Department of Human Rights**

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**Illinois Department of Human Rights**

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**Equal Employment Opportunity Commission**

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**Equal Employment Opportunity Commission**

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