

TITLE:	Corrective Action OR Sanctions for Discrimination	PROGRAM:	
EFFECTIVE DATE:	10/01/2016	REVISIONS:	10/01/2017

Purpose

To establish and communicate procedures for obtaining prompt corrective action, or as necessary, applying sanctions when One-Stop Centers, Service and Training Providers are determined to be in violation of the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act.

Reference

P.L. 105-220, Workforce Innovation and Opportunity Act, Section 188, (a) (2) (4) (5)

29 CFR Part 37, Department of Labor, Office of the Secretary, implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act: Final Rule.

Policy Statement

The New River / Mount Rogers Workforce Development Board will seek corrective action from a One-Stop Center, Service or Training Provider if a violation is identified as the result of EO monitoring or a compliant investigation. Efforts will be made to secure voluntary compliance. Technical and discrimination violations will be addressed through corrective actions.

Violations

When technical violations¹ are found during compliance monitoring, the EO Officer or Compliance Monitor will notify the recipient² in writing of the violations along with recommendations for corrective action. The EO Officer or Compliance Monitor is responsible for providing technical assistance to correct the violations. Corrective action may include policy development or educating individuals responsible for implementing the required action. A follow-up visit or contact will be made by either the WDB EO

¹ Technical violations are instances of noncompliance that are generally insufficient to constitute illegal discrimination, i.e. failure to post required material, failure to include an EO assurance in a contract, etc.

² A recipient is an entity or partner in a One-Stop delivery system or training and service providers.

Officer or Compliance Monitor to evaluate progress made toward resolving the violations.

When a One-Stop Center, Service or Training Provider is cited for discrimination violations¹ as a result of an investigation and/or monitoring, efforts shall be made to achieve voluntary compliance by corrective action or a conciliation agreement to correct the discrimination.

Provisions for corrective action are outlined in the WIOA DISCRIMINATION COMPLAINT POLICY. Corrective action shall be completed within 45 days from the date of initial notification of the violation. Follow-up monitoring will be conducted to determine whether compliance has been achieved. One-Stop Centers, Service and Training providers shall provide access to information, to include the provision of reports and other information pertaining to determined violations, as required.

Conciliation agreements must include the following provisions:

- ✎ Be in writing:
- ✎ Address each cited violation, specify the corrective action to be taken, and state the period of time needed to attain compliance;
- ✎ Provide for periodic reporting, as determined by the WIB EO Officer, regarding the status or corrective action;
- ✎ Provide that the violation(s) do not recur; and
- ✎ Provide for enforcement if a breach of the agreement occurs

Sanctions

If the WDB EO Officer concludes that compliance cannot be achieved through voluntary means, he or she will notify the State EO Officer in writing, to include the following:

- ✎ The apparent violation(s) and the pertinent nondiscrimination or equal opportunity provision(s) of 29 CFR part 37;
- ✎ The efforts made to achieve voluntary compliance; and
- ✎ The corrective action the recipient must take to redress the violation.

The WIOA State EO Officer may secure voluntary compliance with the One-Stop Center, Service or Training Provider through a written assurance and/or conciliation agreement. Sanctions shall be considered by the WIOA State EO Officer only if the

¹ Discrimination violations are more serious such as findings of disparate treatment or failure to provide a reasonable accommodation.

One-Stop Center, Service or Training Provider will not agree to take voluntary corrective action. Sanctions that may be imposed include termination of funding, partial funding and disallowance of selected cost.