

PEE DEE SDA WIA INSTRUCTION NUMBER: WIA-99-04

TO: Pee Dee SDA One-Stop Operators/WIA Contractors

SUBJECT: Sanctions for Violations of Nondiscrimination and Equal Opportunity Provisions of the Act

ISSUANCE DATE: June 9, 2000

EFFECTIVE DATE: Immediately

Purpose: The purpose of this instruction is to (1) inform grant recipients of the sanctions that may be imposed for violation of the nondiscrimination and equal opportunity provisions of the Act, and (2) to outline procedures to achieve voluntary compliance, i.e. corrective action/remedy.

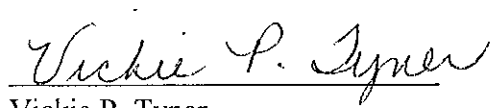
Background: The WIA State Administrative Department, pursuant to section 184(f) of the Act has established procedures to impose sanctions for violation of the nondiscrimination and equal opportunity provisions of section 188 of the Act.

Policy: When it is found that a violation has occurred, the following steps will be taken to accomplish corrective action.

1. The grant recipient will be given written notice of any violation noted during an audit, monitoring visit, or otherwise.
2. The grant recipient must respond to the written notice within 30 days of receipt thereof. The response must state in clear, concise terms the action already taken or to be taken to correct/remedy the noted violation(s). Failure on the part of the grant recipient to respond in the required time frame will result in written notice from the WIA State Administrative Department stating that payments will be withheld until a response is received.
3. If the response is approve, then a letter so stating will be sent to the grant recipient. If the response is not acceptable, a meeting between the grant recipient and this office will be arranged, usually within five days, to arrive at a plan to assure voluntary compliance. The total time allowed to secure voluntary compliance must not exceed 60 days (29 CFR 37.95(b)(1)(ii)).
4. The grant recipient will be monitored on a regular basis to determine if corrective action has taken place or remedies accomplished. If it is determined that corrective action or remedies have not been accomplished, funding shall be suspended in whole or in part pending immediate corrective action. A letter will be sent to the grant recipient requiring compliance within 15 days or funding will cease.

5. The grant recipient will be monitored after 15 days. Failure to comply will cause this office to terminate funding under the terms and conditions of the grant agreement and section 184(b) of the Act.
6. If the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance may be effected by the suspension or termination of, or refusal to grant or to continue federal assistance, or by any other means authorized by law.
7. When corrective action has been effected through any of the above steps, then this office shall withdraw the notice that further action is necessary or that sanctions may be imposed. The remedies contained herein shall not be construed to be exclusive remedies.

Questions pertaining to this instruction should be directed to Joette Dukes at (843-669-3138).



Vickie P. Tyner
Workforce Development Director