

PEE DEE LWDA INSTRUCTION NUMBER: 17-007

To: Pee Dee LWDA Contractors

Subject: Sanctions for Violations of Nondiscrimination and Equal Opportunity Provisions of WIOA

Issuance Date: September 12, 2017

Effective Date: Immediately

Purpose: To inform grant recipients of (1) the inform grant recipients of the sanctions that may imposed for violation of the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act (WIOA), and (2) to outline the procedures to achieve voluntary compliance, i.e. corrective action/remedy. It will replace local area reference WIA Instruction 99-04 regarding this matter.

Background: 29 CFR 38.54 (c) (2)(vii) requires the Governor(or designee) of each state to establish procedures for obtaining prompt corrective action or, as necessary, applying sanctions when noncompliance with the non-discrimination and equal opportunity provisions of WIOA is found. The Pee Dee LWDA, as local administrative entity will adopt the State's provisions to ensure compliance for its local contractors/grantees.

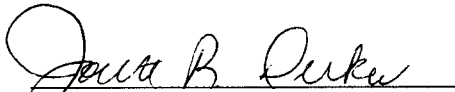
Policy: When it is found that a violation has occurred, the following steps will be taken to accomplish a corrective action plan.

1. *Initial Determination:* The LWDA will issue an initial determination containing the following:
 - (a) specific findings underlying the finding of noncompliance;
 - (b) the corrective or remedial action that the EO Officer is proposing;
 - (c) the time by which the respondent must complete the corrective or remedial action; and
 - (d) a statement offering the opportunity to engage in voluntary compliance negotiations.

2. *Written Assurance or Conciliation Agreement:* A written assurance may be issued when the respondent has, within thirty calendar days after receipt of the Initial Determination identifying the noncompliance, taken all corrective actions to remedy the noncompliance. If a respondent disagrees with the findings or proposed corrective or remedial action in the Initial Determination, the respondent must respond to the Initial Determination in writing within thirty calendar days explaining in detail its disagreement and/or the items over which it desires to negotiate. The LWDA will carefully review the response and contact the respondent to begin negotiating regarding a Conciliation Agreement that resolves the matter on mutually agreeable terms. The total time allotted to secure voluntary compliance must not exceed 60 days.

3. *Final Determination:* In the event voluntary compliance cannot be secured through steps (1) and (2) above, or if respondent breaches the agreed-upon Conciliation Agreement, the LWDA will issue a Final Determination containing the following:
- (a) a statement of the efforts made to achieve voluntary compliance and a statement that those efforts have been unsuccessful;
 - (b) a statement of those matters upon which the respondent and DEW continue to disagree;
 - (c) A list of any modifications to the Initial Determination;
 - (d) A description of the corrective or remedial actions that the respondent must take to come into compliance; and
 - (e) notice that if the respondent fails to come into compliance within 10 calendar days of the date on which it receives the Final Determination, the LWDA may take the actions listed in (4) below
4. *Sanctions:* The LWDA may refer the matter to the SC Dept. of Employment and Workforce or the United States Department of Labor or take such action as provided by law to secure compliance.

Inquiries: Questions pertaining to this instruction should be directed to Mamie Legette at (843) 669-3138 or m-legette@peedeecog.org.


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