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## **EO Corrective Actions and Sanctions Policy**

The purpose of this policy is to ensure corrective actions and/or sanctions procedures are applied when violations of the Workforce Innovation and Opportunity Act (WIOA) nondiscrimination and equal opportunity provisions, Section 188 or 29 CFR Part 38, are found. These standards apply to any entity to which financial assistance under WIOA Title I is extended.

The nondiscrimination and equal opportunity provisions of WIOA prohibit discrimination against recipients of WIOA Title I funding on the basis of race, color, national origin, age, disability, sex, religion, and political affiliation or belief; and against any beneficiary of programs financially assisted under Title I of the Workforce Innovation and Opportunity Act (WIOA) on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIOA Title I financially assisted program or activity.

### **CORRECTIVE ACTIONS**

Whenever a compliance report, complaint, or any other information indicates a possible failure to comply with 29 CFR Part 38, the Equal Opportunity (EO) Officer will conduct a review to determine whether a violation exists. If a determination of noncompliance is made during an EO monitoring review, the EO Officer will make every effort to provide technical assistance to correct the violation.

When EO violations are found during a complaint investigation or a compliance review, those violations will become part of the EO Officer's findings of fact. Depending on the extent and severity of the violations, technical and programmatic corrective actions may be recommended. Corrective action may also include "make whole" provisions such as retroactive relief (e.g. back wages or benefits) and prospective relief (e.g. change of policy and communications). For purposes of this policy, "make whole" relief is "making the person whole" or bringing the person to the condition they would be in if the discrimination had not occurred (i.e. back pay, retroactive benefits, training, or any service discriminatorily denied).

The recipient will have thirty (30) days from the date of receiving the EO Officer's report to respond to the findings and correct any violations identified. The recipient's response must include assurances and/or a plan to attain compliance within thirty (30) days of the issuance of the investigative report. The EO Officer will follow-up within thirty (30) days of the recipient's response to ensure that corrective action has occurred. Extensions may be granted for good cause.

## **SANCTIONS**

When all attempts to provide assistance to effect voluntary correction of a violation have failed, or it is apparent that the recipient fails or refuses to correct the violation within the timeframe established above, the local board must have procedures in place to impose sanctions. Sanctions are the enforcement actions taken, including suspending, terminating, or denying funding, when appropriate corrective actions are not taken to comply with WIOA regulations.

Sanction procedures include the following:

- 1) Listing the measures taken to achieve voluntary compliance up through the point when sanctions are imposed;
- 2) Explaining that the severity of the noncompliance will determine the sanctions imposed;
- 3) Providing a listing of the potential sanctions that may be imposed;
- 4) Detailing the notification process including rights of the respondent, time frames involved, and provisions for a hearing;
- 5) Identifying the individuals who have responsibility for carrying out the various steps in the sanctions process and the role of the EO Officer and the Office of Equal Opportunity at the PA Department of Labor and Industry in this process.

## **Noncompliance Corrective Actions and Sanctions Guidelines**

<b>SECTION 1: PRACTICES AND POLICIES</b>		
<b>Area of Noncompliance</b>	<b>Corrective Action</b>	<b>Pre-Sanction and Sanction</b>
Policies or procedures which discriminate, or have the effect of excluding identifiable groups of individuals or denying the administration of benefits, participation in, employment, or other activities in connection with WIOA	1. Technical Assistance  2. Elimination or modification of policies, practices, and procedures which have been found to be discriminatory within a timeframe specified by local board/EO Officer	1. Warning of noncompliance  2. Recommendation of reduction of funding  3. Reduction of funding
Programs, activities, or services that are accessible to disabled or limited English-speaking individuals	1. Technical Assistance  2. Identification of inaccessible features; modification of inaccessible features within timeframe specified by local board/EO Officer	1. Warning of noncompliance  2. Reduction of funding  3. Disallowance of costs in inaccessible programs, activities, or services  4. Elimination of funding
Non-existent, incomplete, or inadequate accessibility assessment tool on file as	1. Technical Assistance  2. Production of such a	1. Warning of noncompliance  2. Reduction in funding

required by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990	document within a timeframe specified by local board/EO Officer	
Policies, practices, or procedures which are not in compliance with Section 188, 29 CFR Part 38, or other civil rights legislation	1. Technical Assistance 2. Prompt modification or elimination of non-compliant policies, practices, and procedures within a timeframe specified by local board/EO Officer	1. Warning of noncompliance 2. Reduction of funding 3. Elimination of funding
Non-existence of a staff analysis by race, sex, and age	1. Completion of staff analysis within one month of receipt of noncompliance notification	1. Warning of noncompliance 2. Recommendation of reduction of funding 3. Reduction of funding
<b>SECTION 2: ADMINISTRATIVE DUTIES</b>		
<b>Area of Noncompliance</b>	<b>Corrective Action</b>	<b>Pre-Sanction and Sanction</b>
Lack of implementation of procedures for resolving complaints alleging a violation of WIOA or relating to terms of employment	Obtain technical assistance and take necessary steps to achieve compliance	1. Warning of noncompliance 2. Terminate financial assistance
Service provider complaint procedures which are not in compliance with 29 CFR Part 38	Obtain technical assistance and take necessary steps to achieve compliance	1. Warning of noncompliance 2. Suspension of financial assistance
Failure to comply with equal opportunity directives issued by local board, local EO Officer or OEO and with applicable laws and regulations	Take prompt action to comply within a timeframe specified by local board/EO Officer	1. Warning of noncompliance 2. Discontinue financial assistance
Failure to carry out oversight responsibilities by monitoring service performance of subcontractors	Require immediate implementation of oversight and written report of the results to the local board/EO Officer within timeframe specified by local board/EO Officer	1. Warning of noncompliance 2. Reduction of funding 3. Terminate financial assistance

## **REFERENCES**

WIOA Section 188

20 CFR Part 38

Title VI of the Civil Rights Act of 1964

Section 504 of the Rehabilitation Act of 1973

The Age Discrimination Act of 1975

Title IX of the Education Amendments Act of 1972

## **HISTORY**

Name	Date	Rev Level	Description of change	Effective Date
Deb O'Neil	12/28/2020	A	New local board policy	03/12/2021

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