

SW WIB Corrective Action & Sanction Policy

In conjunction with DWD 7-2014 issuance regarding corrective actions and sanctions for subcontractors, and any other recipients who fail to comply with the nondiscrimination and equal opportunity provision of WIOA Title 1. This issuance provides the standard for corrective and remedial actions to be applied to violations of WIOA Section 188 and 29 CFR Part 37, the procedures for follow-up monitoring to ensure that commitments to take corrective and remedial action are fulfilled, reports required from the violating recipient regarding actions to correct the violation(s), and sanction procedures to be followed where voluntary compliance cannot be achieved. The Policy will be available on SW Region's website for recipients and members of the public to access.

Whenever a compliance review report, complaint, or any other information indicates a possible failure to comply with 29 CFR Part 37 or State and Local MOAs, SW WIB will conduct analysis and review to determine whether a true violation exists.

If the determination of non-compliance is made during an EO Monitoring Review, the SW EO Officer will make every effort to provide onsite technical assistance to correct the violation, including posting EO notices or removing a comment from a participant's file.

Corrective actions that cannot be fully addressed during an onsite review will be part of the EO monitoring report. The recipient then has thirty (30) days from the date of receiving the report to respond to the findings and correct any violations identified. EO Staff will follow-up within thirty (30) days of the recipient's response to ensure that corrective action has occurred. An extension may be granted with good cause.

When EO violations are found during the course of a discrimination complaint investigation, those issues will become part of the findings of fact. Depending on the extent and severity of the violations, technical and programmatic corrective actions may be among the recommendations. They may also include "make-whole" provisions such as retroactive relief (e.g. back wages or benefits) and prospective relief (e.g. change of policy). A response must include assurances and/or a plan to attain compliance within thirty (30) days of the issuance of an investigative report. SW EO staff will follow-up to/monitor corrective action within thirty (30) days.

A lack of response to findings of noncompliance or a failure to implement corrective actions promised in a recipient's response will result in a Notice to Show Cause why enforcement proceedings or sanctions should not begin. The corrective action required and the ways to correct the noncompliance will be part of the Notice. The recipient will then have thirty (30) days to respond to the Notice.

A partial response or lack of response to the Show Cause Notice might result in a sanction. Sanctions may include, but are not limited to, reparation for discriminatory practices, establishment of policy issuance, removal of participants from sites refusing to implement corrective actions, and legal action.

In instances where deficiencies are identified and corrective action plans are submitted, on-site follow-up may occur within 30 days from receipt of the corrective action plans to assess the adequacy of the corrective action plan.