NH Nondiscrimination Plan

Appendix IX. Corrective Action/Sanctions
Sanctions

Background:


Policy:

It is the policy of the NH Works Consortium that any action to suspend, terminate, deny or discontinue WIOA financial assistance must be limited to the particular political entity, or part thereof, or other recipient (or grant applicant) as to which the finding has been made, and must be limited in its effect to the particular program, or part thereof, in which the noncompliance has been found.

No order suspending, terminating, denying or discontinuing WIOA financial assistance will become effective until after all appeal rights have been exhausted or waived and the respective agency Commissioner (or designee) has issued a Final Determination or Notification of Breach of Conciliation Agreement.

PROCEDURES:

1. Once all appeal rights have been exhausted or waived, the respective NH Works partner may impose whatever sanctions noted in the Final Order for Sanctions.

2. Sanctions include, but are not limited to:
   a. Suspension or termination, in whole or in part, from the program (or funding source);
   b. Referral to the N.H. Attorney General, with a request that the AG obtain compliance;
   c. Deferral of new grant funding; and/or
   d. Any action as may be provided by law.

3. When the NH Works Partner Agency withholds funds from a recipient or grant applicant under this policy, the NH Works Partner agency may disburse the withheld funds directly to an alternate recipient. In such case, the NH Works Partner will require any alternate recipient to demonstrate:
   a. The ability to comply with these regulations; and
   b. The ability to achieve the goals of the nondiscrimination and equal opportunity provisions of WIOA.
Attachment B
OFFICE OF WORKFORCE OPPORTUNITY
FINAL DETERMINATION NOTICE OF NON-COMPLIANCE WITH
SECTION 188 OF THE
WORKFORCE INNOVATION AND OPPORTUNITY ACT

Party/Organization: ________________________________

Address: ______________________________________

Contact Person: ___________________ Phone: _________

On __________________you were issued a Warning notice of non-compliance for the following EO matters:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Since you have failed to correct the matters noted above, this FINAL DETERMINATION Notice has been issued.

You have the right to request a hearing. You must do so in writing within thirty (30) days from the date of this notice. Your request must be sent to the OWO EO Officer, 1 Eagle Square, Concord, NH 03301

Failure to request a hearing will result in this Final Determination becoming the Final Order for sanctions.

Sanctions include but are not limited to:

1. suspension or termination, in whole or in part, from the program (or funding source);
2. referral to the N.H. Attorney General, with a request that the AG obtain compliance;
3. deferral of new grant funding; and/or
4. any action as may be provided by law.

NOTE: Sanctions permitted by statute or regulation may be imposed only after all appeal rights have been exhausted.

OWO EO Officer

Date

Updated: July 1, 2018
OFFICE OF WORKFORCE OPPORTUNITY
WIOA POLICY ISSUANCE – 2012-000-085
Revision Date: July 1, 2018

CORRECTIVE ACTIONS – EO COMPLIANCE

PURPOSE: To transmit the policy and procedures for corrective actions and/or sanctions in the event a recipient, sub-recipient, vendor, staff, or participant is in non-compliance of Sec. 188 of the Workforce Innovation and Opportunity Act.

POLICY: The OWO will follow similar procedures utilized by the Civil Rights Center to ensure enforcement to effect compliance with the nondiscrimination and equal opportunity provisions of WIOA. Sanctions permitted by statute or regulation may be imposed only after all appeal rights have been exhausted. State agencies shall follow their internal policies, procedures, and disciplinary policies for staff-related issues.

PROCEDURES:
1. In the event that monitoring activities or formal complaints indicate a lack of compliance with Sec. 188 of WIOA, the OWO shall attempt to resolve the non-compliance through education and/or consultation with the recipient, sub-recipient, vendor, staff member, or participant.

2. Should non-compliance continue and collaborative educational efforts fail, the OWO may issue a Warning notice.

3. If, after 15 days from the date of the Warning, compliance has not been achieved, the OWO may issue a Final Determination Notice, which will indicate the potential sanctions which may be imposed, and inform the party of his/her right to request a hearing within 30 days from the date of the Final Determination. NOTE: Personnel issues will be subject the organization's internal personnel policies, procedures, and disciplinary guidelines.

4. Should a hearing be requested, Policy# 000-085 shall be followed.

5. Should a hearing not be requested, then OWO may proceed with the sanction deemed most appropriate for the circumstances.

6. Appropriate sanctions include, but are not limited to, suspension or termination, in whole or in part, from the program (or funding source); referral to the N.H. Attorney General, with a request that the AG obtain compliance; deferral of new grant funding; and/or any action as may be provided by law.

ACTION: All recipients, sub-recipients, vendors, staff and participants must be knowledgeable of this policy.