

## **Adult and Dislocated Worker Program**

**January 2005**

- 1) *I have a question concerning programmatic complaints. Who would be the local hearing officer that would preside over the hearing?***

The local area determines who is the local hearing officer who presides over any local programmatic complaint hearing. This person should be designated as part of the local complaint procedure.

- 2) *What rules or restrictions, if any, surround assisting a company with recruiting new hires when locating from another state to our area?***

There is a section of the regulations that deal with relocation. It is WIA Regulation Section 667.268. It is as follows:

Sec. 667.268 What prohibitions apply to the use of WIA title I funds to encourage business relocation?

(a) WIA funds may not be used or proposed to be used for:

(1) The encouragement or inducement of a business, or part of a business, to relocate from any location in the United States, if the relocation results in any employee losing his or her job at the original location;

(2) Customized training, skill training, or on-the-job training or company specific assessments of job applicants or employees of a business or a part of a business that has relocated from any location in the United States, until the company has operated at that location for 120 days, if the relocation has resulted in any employee losing his or her jobs at the original location.

(b) Pre-award review. To verify that an establishment which is new or expanding is not, in fact, relocating employment from another area, standardized pre-award review criteria developed by the State must be completed and documented jointly by the local area with the establishment as a prerequisite to WIA assistance.

(1) The review must include names under which the establishment does business, including predecessors and successors in interest; the name, title, and address of the company official certifying the information, and whether WIA assistance is sought in connection with past or impending job losses at other facilities, including a review of whether WARN notices relating to the employer have been filed.

(2) The review may include consultations with labor organizations and others in the affected local area(s). (WIA sec. 181(d).)

Section 667.269 What procedures and sanctions apply to violations of

Sections 667.260 through 667.268?

(a) We will promptly review and take appropriate action on alleged violations of the provisions relating to:

- (1) Employment generating activities (Sec. 667.262);
- (2) Other prohibited activities (Sec. 667.264);
- (3) The limitation related to sectarian activities (Sec. 667.266);
- (4) The use of WIA title I funds to encourage business relocation (Sec. 667.268).

(b) Procedures for the investigation and resolution of the violations are provided for under the Grant Officer's resolution process at Sec. 667.510. Sanctions and remedies are provided for under WIA section 184(c) for violations of the provisions relating to:

- (1) Construction (Sec. 667.260);
- (2) Employment generating activities (Sec. 667.262);
- (3) Other prohibited activities (Sec. 667.264); and
- (4) The limitation related to sectarian activities (Sec. 667.266(b)(1)).

(c) Sanctions and remedies are provided for in WIA section 181(d)(3) for violations of Sec. 667.268, which addresses business relocation.

(d) Violations of Sec. 667.266(b)(2) will be handled in accordance with the DOL nondiscrimination regulations implementing WIA section 188, codified at 29 CFR part 37.