

**TITLE 150. OKLAHOMA DEPARTMENT OF COMMERCE
CHAPTER 120. WORKFORCE INVESTMENT ACT [REVOKED]**

SUBCHAPTER 1. GENERAL PROVISIONS [REVOKED]

150:120-1-1. Purpose [REVOKED]

~~The Governor of the State of Oklahoma appointed the Governor's Council for Workforce and Economic Development (State Council) in compliance with the Section 111 of the Workforce Investment Act. The State Council assists the Governor in developing the Strategic State Workforce Investment Plan (State Plan) for Title I of the Workforce Investment Act of 1998 (WIA) and the Wagner-Peyser Act pursuant to Section 112 of WIA. In the State Plan, the Governor designated the Oklahoma Department of Commerce (ODOC) as the WIA Title I Grant Recipient. The purpose of these rules is to facilitate the implementation of the WIA, U.S. Department of Labor regulations, and State Plan.~~

150:120-1-2. Definitions [REVOKED]

~~In addition to definitions found at WIA section 101 and 20 CFR 660.300, the following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:~~

~~**"Audit Division"** means the ODOC division responsible for conducting audit resolutions.~~

~~**"Chief Local Elected Official"** or **"CLEO"** means (a) the chief elected executive officer of a unit of general local government in a local area; and (b) in a case in which a local area includes more than one unit of general local government, the individuals designated under the agreement designed in WIA section 117(c)(1)(B).~~

~~**"Department"** or **"DOL"** means the U.S. Department of Labor, including its agencies and organizational units.~~

~~**"Executive Director"** means the Executive Director of the Oklahoma Department of Commerce.~~

~~**"Fiscal Agent"** means an entity chosen by the CLEO to serve as grant subrecipient of the WIA grant funds. Such designation does not relieve the CLEO or the Governor of the liability for any misuse of grant funds.~~

~~**"Local Area"** means a local workforce investment area designated pursuant to WIA section 116.~~

~~**"Local Board"** means a Local Workforce Investment Board established pursuant to WIA section 117, to set policy for the local area workforce investment system.~~

~~**"Secretary"** means the Secretary of the U.S. Department of Labor.~~

~~"State Council" means the Governor's Council for Workforce and Economic Development established pursuant to WIA section 111.~~

150:120-1-3. Addresses for appeals [REVOKED]

~~When a rule in this Chapter allows for an appeal, the following addresses are to be used:~~

~~(1) Secretary, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 201200.~~

~~(2) Regional Administrator, Regional Office, U.S. Department of Labor, 525 S. Griffin Street Dallas, Texas 75202.~~

~~(3) Executive Director, Oklahoma Department of Commerce, 900 North Stiles, Oklahoma City, OK 73104-3234.~~

~~(4) Audit Division, Oklahoma Department of Commerce, 900 North Stiles, Oklahoma City, OK 73104-3234.~~

**SUBCHAPTER 3. DENIAL OR TERMINATION OF A TRAINING PROVIDER
[REVOKED]**

150:120-3-1. Reporting - termination [REVOKED]

~~Pursuant to WIA section 122 (i) the Governor designated the Oklahoma Department of Commerce (ODOC) to make the determinations required by WIA section 122 (e) (2) and (f) unless this requirement is waived by the U.S. Department of Labor.~~

~~(1) Each Local Board shall submit the list of training providers, including their performance information and program cost information as described in WIA section 122 (b) or (c), to the Director if requested. If the Director determines within thirty (30) days after the date of submission that the provider does not meet the performance levels in WIA section 122 (c) (6), the Director may remove the training provider from the list for the program. This does not apply to an agency submitting an application under WIA section 122 (b) (1).~~

~~(2) If the Director, after consultation with the Local Board, determines that an eligible training provider, or an individual providing information on behalf of an individual training provider, violated WIA section 122 (f) (1) and (2), the Director shall terminate the eligibility of the training provider.~~

150:120-3-2. Notice to the training provider [REVOKED]

~~The Executive Director or his or her designee shall send a certified letter to the training provider at the training provider's address of record with the local board.~~

150:120-3-3. Appeal [REVOKED]

~~The training provider has twenty (20) days from the date the decision is mailed to appeal the determination to ODOC's Executive Director. If a timely appeal is not received, the decision shall become final and no further appeal shall be allowed.~~

150:120-3-4. Hearing [REVOKED]

~~If a timely appeal is received, the Executive Director or his or her designee will conduct a hearing pursuant to its rules at 150:1-11-1 through 150:1-11-17.~~

150:120-3-5. District court appeal [REVOKED]

~~If the training provider's appeal is denied by the Executive Director, it may file an appeal to district court pursuant to Oklahoma's Administrative Procedures Act, 75 Okla. Stat. section 318.~~

150:120-3-6. Administrative record [REVOKED]

~~ODOC will provide the administrative record to the district court as provided for in ODOC's rule at 150:1-11-15.~~

SUBCHAPTER 5. DENIAL OF REQUEST FOR DESIGNATION AS A LOCAL WORKFORCE INVESTMENT AREA [REVOKED]

150:120-5-1. Appeal [REVOKED]

~~A unit of general local government (including a combination of such units) or a grant recipient that is denied designation as a workforce investment area may file an appeal. The designation process will continue while the appeal is in progress and will be modified should the initial denial of designation be overturned.~~

150:120-5-2. Appeal time [REVOKED]

~~The appeal must be filed with the State Council within twenty (20) days from the date of receipt of the denial of designation. The Governor's designation is final if a timely appeal is not filed and no further appeal shall be allowed.~~

150:120-5-3. Hearing [REVOKED]

~~Upon receipt of a timely appeal, the State Council will refer the case to the Executive Director or his or her designee for hearing. A hearing will then be conducted by the Executive Director pursuant to its rules at 150:1-11-1 through 150:1-11-17. Within (30) days from the date the appeal is received from the State Council the Executive Director will issue its findings of fact to the Governor, State Council, and Chief Local Elected~~

~~Official. A copy of the administrative record will be sent to the Governor.~~

150:120-5-4. Decision [REVOKED]

~~The Governor will issue his decision within thirty (30) days from the date he receives the Executive Director's findings of fact.~~

150:120-5-5. Appeal of decision [REVOKED]

~~If the Governor denies the designation after the above described appeal process is complete, the entity may file an appeal to the Secretary. The appeal must be filed not later than thirty (30) thirty days after receipt of written notification of the Governor's decision and must comply with the requirements set forth in the WIA statutes and regulations.~~

SUBCHAPTER 7. MONITORING [REVOKED]

150:120-7-1. Monitoring [REVOKED]

~~(a) ODOC will annually monitor each grant recipient pursuant to the requirements set forth in WIA section 184 (a) (4) and 20 CFR section 667.410.~~

~~(b) ODOC's grant recipients must monitor their subrecipients or service providers. Monitoring shall be conducted as outlined in the "Governor's Oversight and Monitoring Plan".~~

150:120-7-2. Monitoring report [REVOKED]

~~(a) A monitoring report will be issued by the Executive Director or his or her designee to the grant recipient after each monitoring review. Copies of this report will be addressed to the Audit Division Director of ODOC. If evidence of possible violations is discovered, they will be detailed in the report. The report shall be based, in part, on the requirements of WIA, the regulations promulgated thereunder, administrative requirements, applicable cost principles, grant agreements, and state policies.~~

~~(b) Monitoring reports and resolutions generated by a grant recipient must be submitted to ODOC on an annual basis and at least sixty (60) days prior to expiration of the service provider or subrecipient's contract with its subrecipient.~~

150:120-7-3. Monitoring resolution [REVOKED]

~~(a) The Executive Director or his or her designee is responsible for monitoring resolution.~~

~~(b) Resolution of a monitoring finding is required when there are disallowed/questioned costs, and administrative findings or deficiencies.~~

~~(c) The grant recipient has thirty (30) days from the date of the monitoring report to submit its response to the designated portions of the monitoring report to the Executive Director or his or her designee. The response must contain all additional information, documents, or arguments the grant recipient wants the Executive Director or his or her designee to consider in making the initial monitoring determination. An entity submitting a response to the monitoring report may request in writing an additional thirty (30) day time period. The Executive Director or his or her designee will determine if additional time will be allowed and advise the entity in writing of his or her decision. The Executive Director or his or her designee may request additional information from the entity submitting a response, if clarification is needed. The Executive Director or his or her designee may schedule or the grant recipient may request, an informal resolution conference in order to discuss the findings in the monitoring report. The request for the informal resolution conference should be submitted to the Executive Director or his or her designee prior to the first thirty (30) day deadline.~~

~~(d) The Executive Director or his or her designee shall issue an initial monitoring determination within sixty (60) days from the date the response is received. The grant recipient has thirty (30) days from the date of the initial monitoring determination to submit its response to the initial monitoring determination to the Director.~~

~~(e) The Executive Director or his or her designee shall issue a final monitoring determination in compliance with 150:120-7-4.~~

~~(f) All monitoring findings must be resolved within six (6) months after the initial monitoring report is issued.~~

~~(g) The Executive Director or his or her designee will maintain a monitoring resolution file documenting the disposition of reported questioned costs and corrective actions taken for all findings.~~

~~(h) After follow-up procedures are completed, if the grant recipient is found in non-compliance, the Executive Director or his or her designee will send a notice in the form of a certified letter of impending sanctions. The notice will indicate the violation, the corrective action to be taken, the impending sanction, and the process by which the grant recipient may appeal the sanction.~~

150:120-7-4. Final monitoring determination [REVOKED]

~~(a) A final determination on the issues raised in the initial monitoring report will be issued within thirty (30) days from the date the response to the initial monitoring determination is received. This time may be extended an additional thirty (30) days if an informal resolution conference is requested.~~

~~(b) If all issues have not been resolved, a final determination shall be sent to the local area by certified mail. A final determination will:~~

- ~~(1) enumerate the efforts that were made to resolve the issues in the initial monitoring report;~~
- ~~(2) list the issues upon which the parties do not agree;~~
- ~~(3) list any changes to the factual findings and conclusions set forth in the monitoring report;~~
- ~~(4) establish a debt, if appropriate;~~
- ~~(5) require corrective action, when needed;~~
- ~~(6) determine liability, method of restitution of funds and sanctions; and~~
- ~~(7) advise recipient of appeal rights.~~

150:120-7-5. Appeal [REVOKED]

~~(a) If the grant recipient is not satisfied with the findings issued in the final determination, it has fifteen (15) days from the date of the final determination to file an appeal.~~

~~(b) The appeal must be filed with the Executive Director.~~

150:120-7-6. Hearing [REVOKED]

~~(a) The Executive Director will conduct a hearing within thirty (30) days from the receipt of the appeal by the Executive Director unless the parties and the Executive Director agree to waive this requirement in order to allow additional time to resolve the matter, or the Executive Director, or his or her designee, can waive the requirement upon application by one of the parties or unilaterally. The hearing will be conducted pursuant to the Executive Director's rules at 150:1-11-1 through 150:1-11-17.~~

~~(b) The Executive Director will issue a decision within thirty (30) days from the date the hearing record is closed.~~

~~(c) The decision of the Executive Director will be final and binding unless an appeal is filed to district court pursuant to Oklahoma's Administrative Procedures Act, 75 Okla. Stat. section 318.~~

~~(d) ODOC will provide the administrative record to the district court as provided for in ODOC's rule at 150:1-11-15.~~

~~(e) At the hearing, the grant recipient bear the burden of proof to show that the WIA funds granted or paid to the grant recipient were spent in compliance with the statutes, regulations, state policies, uniform administrative requirements, and OMB Circulars that govern these funds and their program. The entities must also prove the WIA costs the entities claim are allowable were determined in accordance with generally accepted accounting principles and adequately documented in compliance with the statutes, regulations, uniform~~

~~administrative requirements and OMB Circulars that govern these funds and their program.~~

~~(f) Any fee charged to the grant recipient for assistance in resolving the monitoring report or to prepare and present an appeal to the Executive Director or District Court cannot be charged to grant or contract funds received from ODOC. This includes fees charged by an accountant, expert witness, attorney, or other representative.~~

SUBCHAPTER 9. AUDITS [REVOKED]

150:120-9-1. Audit requirements [REVOKED]

~~The subrecipient shall comply with ODOC's audit policy at OAR 150:1-21.~~

150:120-9-2. Delinquent audit [REVOKED]

~~If the audit has not been received within one (1) year after the end of the grant recipient's fiscal year, the Audit Division Director will send a certified letter to the subrecipient advising it that it has fifteen days to provide its reasons for failing to comply with the requirements set forth in Rule 150:120-5-1. If no response is received within fifteen (15) days, or the response, received is not adequate, the Executive Director, or his or her designee, will send a certified letter to the subrecipient advising it that its current funding and eligibility for future contracts are suspended.~~

150:120-9-3. Audit resolution [REVOKED]

~~(a) Resolution of an audit is required when there are disallowed/questioned costs, administrative findings or deficiencies.~~

~~(b) All audits must be resolved within six (6) months after receipt of the audit report by the Commission.~~

~~(c) The Audit Division shall maintain an audit resolution file documenting the disposition of reported questioned costs and corrective actions taken for all findings.~~

150:120-9-4. Audit review and request for information [REVOKED]

~~(a) The Audit Division shall review the audit including all financial statements, schedules, notes, disallowed/questioned costs, administrative findings, and management letters and responses thereto. Financial statements shall be verified by the Audit Division.~~

~~(b) If there are no disallowed/questioned costs or administrative findings to be resolved, the audit review is closed and the grant recipient shall be notified of the closure in writing.~~

~~(c) If the audit review contains findings, disallowed/questioned costs or discrepancies in the financial schedules, a letter requesting additional information and/or a response shall be sent to the subrecipient by certified mail.~~

~~(d) Audit resolution information is due within twenty (20) days from the date the written request is made to the subrecipient.~~

~~(e) The Audit Division will review the information submitted by the subrecipient and may ask for additional information. An initial determination will be issued if the audit findings have not been resolved to the satisfaction of the Audit Division.~~

~~(f) If the disallowed/questioned costs or administrative findings are resolved, the audit review is closed and the subrecipient shall be notified in writing.~~

150:120-9-5. Initial determination [REVOKED]

~~(a) The Audit Division shall issue an initial determination on the audit findings for those portions of the audit where there are agreement and disagreement with the subrecipient's resolution, including the allowability of questioned costs or activities. Such initial determination will be based on the requirements of the WIA, regulations promulgated thereunder, administrative requirements, applicable cost principles, grants, contracts, or other agreements with subrecipient.~~

~~(b) The initial determination shall be issued within sixty (60) days from the receipt of the audit.~~

~~(c) The subrecipient shall have thirty (30) days from the date of the determination to submit its response to the Audit Division.~~

~~(d) The subrecipient may request an informal resolution conference in order to meet with members of the Audit Division staff to discuss the initial determination and the information subsequently submitted by the recipient. This request must be made in writing when the subrecipient submits its response to the initial determination.~~

~~(e) The Audit Division shall issue its final determination within thirty (30) days from the receipt of the subrecipient's response to the initial determination. This time may be extended for up to thirty (30) days if an informal resolution conference is requested.~~

150:120-9-6. Final determination [REVOKED]

~~If the disallowed/questioned costs, administrative findings or deficiencies are not resolved, the Commission shall provide the subrecipient with a written final determination by certified mail. A final determination under this section shall:~~

- ~~(1) Indicate the efforts to informally resolve matters contained in the initial determination have been unsuccessful;~~
- ~~(2) List those matters upon which parties continue to disagree;~~
- ~~(3) List any modifications to the factual findings and conclusions set forth in the initial determination;~~
- ~~(4) Establish a debt, if appropriate;~~
- ~~(5) Require corrective action, when needed;~~
- ~~(6) Determine liability, method of restitution of funds and sanctions; and~~
- ~~(7) Advise recipient of appeal rights.~~

150:120-9-7. Appeal [REVOKED]

- ~~(a) If the subrecipient is not satisfied with the findings issued in the final determination, it has fifteen days from the date of the final determination to file an appeal.~~
- ~~(b) The appeal must be filed with the Executive Director.~~

150:120-9-8. Hearing [REVOKED]

- ~~(a) The Executive Director will conduct a hearing within thirty (30) days from the receipt of the appeal by the Executive Director unless the parties and the Executive Director agree to waive this requirement in order to allow additional time to resolve the matter. The hearing will be conducted pursuant to ODOC's rules at 150:1-11-1 through 150:1-11-17.~~
- ~~(b) The Executive Director will issue a decision within thirty (30) days from the date the hearing record is closed.~~
- ~~(c) The decision of the Executive Director will be final and binding unless an appeal is filed to district court pursuant to Oklahoma's Administrative Procedures Act, 75 Okla. Stat. section 318.~~
- ~~(d) ODOC will provide the administrative record to the district court as provided for in ODOC's rule at 150:1-11-15.~~
- ~~(e) At the hearing, the grant recipient bear the burden of proof to show that the WIA funds granted or paid to the grant recipient were spent in compliance with the statutes, regulations, state policies, uniform administrative requirements, and OMB Circulars that govern these funds and their program. The entities must also prove the WIA costs the entities claim are allowable were determined in accordance with generally accepted accounting principles and adequately documented in compliance with the statutes, regulations, uniform administrative requirements and OMB Circulars that govern these funds and their program.~~

~~(f) Any fee charged to the grant recipient for assistance in resolving the monitoring report or to prepare and present an appeal to the Executive Director or District Court cannot be charged to grant or contract funds received from ODOC. This includes fees charged by an accountant, expert witness, attorney, or other representative.~~

SUBCHAPTER 11. GRIEVANCE PROCEDURE [REVOKED]

PART 1. GENERAL PROVISIONS [REVOKED]

150:120-11-1. Grievances [REVOKED]

~~(a) A grievance filed with the Oklahoma Department of Commerce (ODOC) by a participant or affected party alleging a violation(s) of Title I of WIA is governed by the procedure set forth herein.~~

~~(b) An appeal to ODOC from a grievance decision issued at the local level regarding alleged violation(s) of Title I of WIA is governed by the procedure set forth herein.~~

~~(c) This procedure does not apply to grievances alleging discrimination or Title I of WIA, Subtitle C, Job Corps.~~

PART 3. GRIEVANCES FILED DIRECTLY WITH ODOC [REVOKED]

150:120-11-10. Filing [REVOKED]

~~A participant or affected party may file a grievance with the Executive Director.~~

150:120-11-11. Time limit for filing a grievance with ODOC [REVOKED]

~~If an individual elects to file his or her grievance with ODOC, the grievance must be filed within 20 days from the date of the violation(s) which is the basis of the grievance.~~

150:120-11-12. Contents of a grievance [REVOKED]

~~Each grievance shall be in writing and should:~~

- ~~(1) Be signed by the grievant or his authorized representative;~~
- ~~(2) Contain the grievant's name and address (or specify another means of contacting him or her);~~
- ~~(3) Identify the individual against whom the grievance is filed, if applicable;~~
- ~~(4) List the date(s) on which the acts which are the basis of the grievance occurred, or if continuing, when such acts began and describe the continuing nature;~~

~~(5) List the names and addresses of persons who may have knowledge of the facts of the grievance;~~

~~(6) Describe the grievant's allegations in sufficient detail to allow the Executive Director to determine whether:~~

~~(A) The Executive Director has jurisdiction over the grievance;~~

~~(B) The grievance was timely filed; and~~

~~(C) The grievance has apparent merit, i.e., whether the allegations if true, would violate any Title I of WIA.~~

150:120-11-13. Referral of a grievance filed with ODOC [REVOKED]

~~The Executive Director may refer a grievance, originally filed with ODOC, to the local area if there is a likelihood that it could be resolved at that level. If the referred grievance is not resolved within ten (10) days from the date of receipt by the local area, the Executive Director or his or her designee, will attempt to resolve the issue informally.~~

PART 5. APPEALS TO ODOC FROM GRIEVANCE DECISIONS OF A LOCAL AREA [REVOKED]

150:120-11-20. Filing grievance with local area [REVOKED]

~~A participant or affected party may file a grievance with the local area. It will be resolved according to the procedures of the local area, established pursuant to 20 C.F.R. 667.600 (c).~~

150:120-11-21. Appeals with ODOC [REVOKED]

~~An appeal may be filed with the Executive Director from a grievance decision issued at the local area level if:~~

~~(1) No decision is reached within 60 days from the date the grievance is received at the local area level; or~~

~~(2) Either party is dissatisfied with the local area hearing decision.~~

150:120-11-22. Time limit for filing an appeal with ODOC [REVOKED]

~~(a) If the local area does not render a decision within sixty (60) days from the date of receipt of the grievance, an appeal must be filed with the Executive Director within 30 days from the expiration of the sixty (60) day time period.~~

~~(b) If the local area renders a decision that a party is dissatisfied with, the appeal must be filed with the Executive~~

~~Director within 30 days of the date the local area mails the decision to the party by certified mail.~~

**PART 7. INFORMAL AND FORMAL RESOLUTIONS OF GRIEVANCES
[REVOKED]**

150:120-11-30. Informal resolution [REVOKED]

~~The Executive Director or his or her designee will attempt to resolve any grievance or appeal informally by meeting with the parties in person or discussing the grievance with the parties by telephone. If the grievance is not resolved informally within fifteen (15) days from the receipt of the grievance or appeal, the Executive Director will proceed with the Hearing process.~~

150:120-11-31. Hearing [REVOKED]

~~The Executive Director will conduct the hearing pursuant to its rules at 150:1-11-1 through 150:1-11-17. The hearing process will be completed within sixty (60) days from the date the grievance was received by the Executive Director unless the parties and the Executive Director agree to waive this requirement in order to allow additional time to resolve the matter, or the Executive Director can waive the requirement upon application by one of the parties.~~

150:120-11-32. Remedies [REVOKED]

~~The remedies that may be imposed under this grievance procedure are enumerated in WIA section 181(c).~~

150:120-11-33. Appeal to Secretary or investigation by Secretary [REVOKED]

~~The Secretary will investigate an allegation of a violation as set forth above if:~~

- ~~(1) a decision relating to such violation has not been reached within sixty (60) days after the date of filing of the grievance and either party appeals to the Secretary; or~~
- ~~(2) a decision relating to such violation has been reached within sixty (60) days and the party to which such decision is adverse appeals such decision to the Secretary.~~

150:120-11-34. Decision of the Secretary [REVOKED]

~~The Secretary will make a final determination relating to an appeal no later than 120 days after receiving such appeal.~~