

**BERKS COUNTY
WORKFORCE INVESTMENT
BOARD
(WIB)**

**Core Issues, Priorities and Strategies
from
the Strategic Plan**

(Updated August 2006)

A. Core Issues

1. Growing a competent and competitive workforce, especially for jobs at the level which do not ordinarily serve as a magnet for relocation.
2. Increasing the number of entrants to programs which prepare individuals for higher skilled, higher paid jobs, and increasing the educational attainment and/or industry-recognized "credentials" of the workforce.
3. Developing better systems for incumbent worker training and development both to retain and upgrade workers at their current employer and to allow workers to qualify for higher quality jobs with employers who offer greater opportunities.
4. Avoiding a slide toward a lower-wage, lower skilled workforce.
5. Declining employment in both higher and lower wage manufacturing, with the concomitant issues of finding family-sustaining jobs for previously well-paid workers, and reemployment opportunities for lower-paid, lower-skilled workers who may also have language and/or literacy deficits.
6. Developing and sharing a better understanding of the dynamics of the Berks County Labor Market and its key Industry Clusters. Aligning to the extent possible workforce development activities with current Economic Development priorities and projects.

B. Developing Priorities

1. Maintaining a skilled and competitive workforce for our manufacturing base. Continuing losses in this sector will not be easily offset by gains in comparable wage jobs elsewhere given what we see as current skill levels in the workforce.
2. Developing a better understanding of the workforce requirements of other key industry clusters, Health Care; Advanced Materials and Diversified Manufacturing; Food Processing; Business and Professional Services; Transportation and Logistics; Entertainment, Hospitality and Tourism.
3. Better defining the composition of the "transitional" or "underemployed" group, and developing resources, programmatic approaches and financing which would enable them to move into "core" employment.
4. Establishing a continuing dialogue between workforce development and economic development and aligning priorities between these areas based on a realistic balance between public policy intervention and the entrepreneurial market forces.
5. Strengthening the PA CareerLink system and expanding its use by employers. If PA CareerLink is indeed a key component of economic development policy at both the State and local levels, that rhetoric must be matched with tangible financial support

and participation from a broader range of State and local partners than the U. S. Department of Labor-funded sources which now carry most of the PA CareerLink costs.

From the definition of these "Core Issues" and "Developing Priorities", the following strategies emerge as initial Gap Closure activities for the Berks County Workforce Investment Area.

C. Strategies for Gap Closure

1. Continue to support the development and expansion of a technical training capability at the Reading Area Community College (RACC) aimed at preparing for skilled technician level and first line supervisor jobs, especially through the Schmidt Training & Technology Center and its related functions.
2. Establish and support industry cluster and/or occupational cluster-based partnerships and consortia to define skill sets and other workforce requirements, promote incumbent worker development and training and encourage innovation.
3. Focus attention on the issues of school dropouts and/or those who leave school without functional workplace skills and to provide community partnerships around these issues.
4. Broaden the PA CareerLink partnership to create a better integrated and more easily accessible system for incumbent worker training and development, both for those with the possibility of upgrading their skills and economic opportunities with their current employers and those without this possibility.
5. Develop better and more relevant labor market/career information about critical Berks County industry clusters and the skill sets and preparation required for employment in these clusters. Working through PA CareerLink and the Berks Business Education Coalition to make this information available to students, parents, and schools.
6. Explore limited scope model programs with the potential for moving lower-skilled, limited-English proficient individuals to stable, self-sustaining jobs, concentrating initially on those whose primary language is Spanish; seeking funding for those models and relating their delivery to the greater "one stop" PA CareerLink system.
7. Implement a Work Keys assessment-driven system to certify core workplace skills in order to generate employees with the ability to compete for and excel in mid-to-upper end jobs, and to implement remedial curricula around these requirements. This system should provide both potential employers and area employees with a recognizable certificate or "credential" which adds value.
8. Enhance support of economic development initiatives especially those defined by the Initiative for a Competitive Greater Reading, the Keystone Innovation Zone (KIZ) and the Workforce Innovation in Regional Economic Development (WIRED) initiative.

9. Align the commitment of training resources under the WIB's control with key industry clusters and high priority occupations.
10. Continue participation in regional partnerships and working relationships.

BERKS COUNTY WORKFORCE INVESTMENT BOARD COMMITTEES

Executive Committee

This Committee is comprised of the Board Officers (Chair, First Vice-Chair and Second Vice-Chair) and the Chairs of all other Committees.

The Executive Committee has responsibility, directly or through delegation to the Chief Operating Officer, for setting Board operating procedures and Board management issues; making recommendations to the Chief Elected Official on Board membership; tracking, through the Committee structure as appropriate, implementation of the Strategic and Operational Plans; maintenance of required working relationships with the Chief Elected Official, State and Federal authorities, and the Pennsylvania Association of Workforce Investment Boards; setting broad policy direction for the Board; coordinating the work of the various committees; and Performance Appraisal of the Chief Operating Officer.

The Executive Committee will also function as a Finance and Resources Committee and will receive and review expenditure reports for funds under the Board's direct control on a quarterly basis. The Committee will also review budgets for broad allocation and distribution of funds and make recommendations to the full Board, as well as identifying and obtaining additional and/or more flexible funding to advance the Board's priorities.

The Committee is also empowered to act for the full Board in interim periods between full Board meetings, and, as needed, on an emergency basis.

Policy, Planning and Priorities

This Committee has primary responsibility for formulating the Board's Strategic Plan, as well as for assuring that Operational Plans are well integrated and aligned with the Strategic Plan. It works closely with the Youth Council to assure input from that group into the planning process. This Committee conducts analysis of the current state of the labor market; identifies opportunities for the future; identifies and analyzes gaps; recommends priorities and strategies for Board action and support; and monitors and evaluates programs. The Committee also has principal responsibility for guiding and tracking implementation of both Strategic and Operational Plans, including development and maintenance of alliances, partnerships and working relationships.

CareerLink Oversight

This Committee has primary responsibility for discharging the Board's responsibilities toward the "one-stop" system. These include making recommendations to the Board on selection and retention of the One-Stop Operator; the approval and execution of the Combined Business Plan/Agreement between the Board and the One-Stop Operator and other CareerLink Partners, with the Berks County Board of Commissioners; any major modifications to the Combined Business Plan/Agreement; and, the chartering or rechartering of CareerLink sites. In addition, this Committee will regularly review usage and performance of the CareerLink system, through performance information, meetings and consultation with the One-Stop Operator management, and monitoring by Board staff. Through this process, the Committee may, from time to time, make recommendations to the One-Stop Operator on changes or improvements.

Youth Council

The Youth Council functions as a Committee of the Workforce Investment Board, is Chaired by a Board member, and is composed of both members of the Board who have special interest or expertise in youth policy (such as educators, employers, and representatives of human service agencies) and "off-Board" members. It must include representatives from:

- Youth service agencies
- Juvenile justice and law enforcement
- Public housing authorities
- Parents of eligible youth
- Individuals who have experience relating to youth activities

The Youth Council assists in the development of those portions of the Board's plan which pertain to youth; recommends to the Board priorities for the expenditure of Workforce Investment Act youth funding; recommends selection of youth service providers; and provides coordination and oversight of youth workforce development activities.

In addition, the Youth Council serves as a convening and coordinating body for larger community partnerships for youth workforce development.

Training and Industry Partnerships

This Committee is charged with setting policy for certifying vendors to be placed on a State list. The Board may also recommend performance requirements in excess of those set by the State. This group would set qualifications, review the vendor list, look for gaps in training capacity and the ability to add vendors who can bridge those gaps, and set policy regarding dollar limits on accounts, time limits, decisions on prioritization of occupations, etc. with respect to Individual Training Accounts. This Committee would have close interface with the One Stop system. The Committee will also review vendors' performance, as well as make recommendations to the Board on other training approaches and training policies in general.

The Committee will also have general oversight on the Industry Partnerships in which the Board may be engaged, particularly as they pertain to incumbent workers training.

Ad Hoc Committees

Ad Hoc Committees may be appointed by the Chair from time to time to deal with issues which are either not within the purview of any one of the Standing Committees, or which warrant a concentrated but time limited consideration.

WIB Conflict of Interest Policy
Excerpt from the Berks County WIB's Corporate By-Laws

Section 3.12 Interested Directors or Officers

Given the requirements under the Workforce Investment Act that individuals representing partners in the One Stop system shall serve as Directors of the Workforce Investment Board, the fact that an individual is an employee or office holder of any organization which receives Workforce Investment Act or related funds shall not serve as an absolute bar to appointment as a Director of the Board.

Similarly, given that among the Board's responsibility is promoting of workforce development services to employers, the fact that a company or organization contracts for on-the-job training, subsidized employment or related services, shall also not serve as an absolute bar to a representative of that organization serving as a Director of the Board.

However, the following provisions relative to real or potential conflicts of interest shall apply to all members of the Berks County Workforce Investment Board (WIB).

- A. No member of the Berks County Workforce Investment Board (WIB) shall:
1. Cast a vote or participate in any decision-making capacity on any matter under consideration:
 - a. Regarding the provision of services by such member (or by an entity that such member represents); or
 - b. That would provide direct financial benefit to such member or the immediate family of such member.
 2. Engage directly or indirectly in any business transactions or private arrangements for profit which accrue from or are based upon his or her official position or authority on the Board.
 3. Participate in the negotiations of or decision to award contracts or grants, the settlement of any claims or charges in any contracts or grants, the certification of any eligible providers or the establishment or designation of any One Stop delivery system, with or for any entity in which he or she has a financial or personal interest.

- B. No member of the Board shall represent or act as agent for any private interest, whether for compensation or not, in any transaction in which the Board has a direct and substantial interest and which could be reasonably expected to result in a conflict between a private interest of a Board member and his/her official Board responsibility.
- C. No member of the Board shall, for his or her own personal gain or for the gain of others, use any information obtained as a result of his or her Board membership and not available to the public at large or divulge such information in advance of the time prescribed for its authorized release.
- D. No member of the Board shall use any Board equipment, supplies or properties for his or her own private gain or for other than officially designated purposes.
- E. In any matter presenting a real or potential conflict of interest, the Board member shall:
 - 1. Reveal to the Board the material facts as to the relationship or interest;
 - 2. Ask the Board for guidance if there is a question as to whether a conflict exists;
 - 3. Recuse themselves from their official Board duties with respect to consideration of any issue on which a conflict may exist; and
 - 4. Abstain from voting on any material matter.
- F. If, after proper investigation and findings of fact, the Berks County Workforce Investment Board believes a member has acted in violation of the provisions relative to conflict of interest, the Board shall recommend to the Chairperson of the Berks County Board of Commissioners that such individual member shall be removed as a member of the Board. The Chairperson of the County Board of Commissioners has authority to remove a Board member for violation of conflict of interest provisions, even if the Board has not made such a recommendation.

If the Board shall enter into a contract or transaction between the corporation and one or more of its Directors, or between the corporation and any other partnership, association, or other organization in which one or more of its Directors are Directors or officers, or have financial interest, or if the Board shall recommend such a contract or transaction to the Board of Commissioners of the County, such a contract or transaction shall not be void or voidable solely for such reason, or solely because the Director is present at or participates in the meeting of the Board which authorizes the contract or transaction if:

- A. The interested Director or Directors reveals to the Board the material facts as to the relationship or interest; and
- B. Recuses himself or herself from consideration; and
- C. Abstains from voting; and
- D. The contract or consideration is fair to the corporation as of the time it is authorized, approved and ratified by the Board.

Common or interested Directors may be counted in determining the presence of a quorum at a meeting of the Board which authorizes a contract or transaction specified in this section.

Section 3.13 Fees

No Director shall be paid any fee or compensation, other than reasonable and necessary expenses.

Article IV Notice - Waivers - Meetings

Section 4.01 Notice, What Constitutes

Whenever written notice is required to be given to any person under the provisions of the articles, these By-Laws, or the Nonprofit Corporation Law of 1988, it may be given to such person, either personally or by sending a copy thereof by first class mail, postage prepaid, or by telegram, charges prepaid, to his/her address supplied by him/her to the corporation for the purpose of notice. If the notice is sent by mail or by telegraph, it shall be deemed to have been given to the person entitled thereto when deposited in the United States mail or with a telegraph office for transmission to such person. A notice of meeting shall specify the place, day and hour of the meeting and any other information required by law or these By-Laws.

When a meeting is adjourned, it shall not be necessary to give any notice of the adjourned meeting or of the business to be transacted at an adjourned meeting, other than by announcement at the meeting at which such adjournment is taken.

Section 4.02 Waivers of Notice

Whenever any written notice is required to be given under the provisions of the articles, these By-Laws, or the Nonprofit Corporation Law of 1988, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein shall be deemed equivalent to the giving of such notice. Except as otherwise required by Section 7.06

**Major Layoffs in Berks County
(From late 07 onward)**

Date (rough)	Company	Business	No. of Affected Workers
10/07	ICI Paints	Paint mfg.	100
1/08	Tyco Electronics	Cabinet mfg.	150
2/08	Arrow/Teleflex	Medical device mfg. (acquisition)	50-100 production 40-50 temp 40 mgmt. & back office
3/08	Bollman Hats	Hat mfg.	100 (about half Berks residents)
3/08	Exel, Inc.	Retail	95 (some opportunity for rehire by Walgreens)
3/08	James Hardie	Building products	80
4/08	Polytech Coating Labs	Plastics	10
8/08	Firetree/Conewago	Human service	60
10/08	Federal Mogul	Auto headlights	15-20
12/08	Hershey (Luden's)	Candy (plant closing)	300 80-100 temps
2/09	Cabot Supermetals	Specialty metals	20-25
2/09	Power Packaging	Bottling & distribution	141 production 24 management
3/09	East Penn Mfg.	Batteries	215
10/08	Hoffman Industries	Steel tubing	?
1/09	Penske	Truck leasing	50
1/09	Transcontinental Direct	Direct mailing	90
3/08	Quaker Maid	Cabinet mfg.	30
5/08	Trident	Bottled water	100-120

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

POLICY CHANGE

Named Insured: BERKS COUNTY EMPLOYMENT AND TRAINING OFFICE

Policy Change No.: 1 Effective Date of Change: 12:01 a.m. June 6, 2007

Date of Issue: June 17, 2007 Policy Number 44BPEAI3453

A. SCHEDULE *

1. The named Insured is changed to:

2. The following Insured(s) is/are added as a named Insured:

3. The following Insured(s) is/are deleted as a named Insured:

4. The Mailing Address is changed to: _____

5. The Policy Period is: extended to _____ or reduced to _____

6. The following Insuring Agreement(s) is/are:

Added to the Policy

Deleted from the Policy

Changed as respects the Limit(s) of Insurance and/or Deductible Amount(s)

INSURING AGREEMENT

Changed: 1A

Limit of Insurance

\$ Changed: 1A=\$300,000

INSURING AGREEMENT

Changed: 1A

Deductible Amount

\$ Changed: 1A=\$1,500

7. The following Endorsement(s) is/are:

Added to the Policy

Deleted from the Policy

Changed as respects to the Limit(s) of Insurance

ENDORSEMENT

Limit of Insurance

\$

8. The following Endorsement(s) is/are:

Added to the Policy

Deleted from the Policy

ENDORSEMENT

ADDED:

DELETED:

*Information required to complete this Schedule, if not shown on this endorsement, will be shown in the Declarations.

NOTE: If items 1,3,5,6 (deleted, deductible increased, limit reduced) or 7 (deleted, limit reduced) see instructions on reverse side.

Michael S. Wilder
Michael S. Wilder, Secretary

Ramani Ayer
Ramani Ayer, President

Countersigned by: _____

, Authorized Agent

B. PROVISIONS

1. Application of changes affected by this Endorsement:

- a. **Addition of a Deductible or Increase In Deductible Amount:** This change applies to loss resulting from acts committed or events occurring at any time, whether before or after the Effective Date of Change.
- b. **Deletion or Restriction (other than in a. above) of any Coverage or Decrease In any Limit of Insurance:** This change applies to loss resulting from acts committed or events occurring:
 - (1) On or after the Effective Date of Change, and also
 - (2) Before the Effective Date of Change if discovered after one year from that date.
- c. **All Changes Other Than in a. and b. Above:** This change applies to loss resulting from acts committed or events occurring on or after the Effective Date of Change.

2. No Limit of Insurance during any period will be cumulative with any other amount applicable to the same coverage during any other period.

Accepted:

First Named Insured _____

By _____

Title _____

Instructions: Complete, have signed by authorized person, and return

CrimeSHIELD Policy for Governmental Entities



Co Code

- 1 Hartford Fire Insurance Company
Hartford, CT 06115
- 3 Hartford Casualty Insurance Company
Hartford, CT 06115
-

Co Code

- F Hartford Insurance Company of Illinois
Naperville, IL 60566
- G Hartford Insurance Company of the Midwest
Indianapolis, IN 46204
- J Hartford Insurance Company of the Southeast
Maitland, FL 32751

The Company is shown above by Co. Code

POLICY NUMBER 44BPEAI3453

In return for the payment of the premium, and subject to all the terms of this Policy, we agree with you to provide the insurance stated in this Policy.

DECLARATIONS

ITEM

1. **Named Insured:** BERKS COUNTY EMPLOYMENT AND TRAINING OFFICE
2. **Mailing Address:** 501 CRESCENT AVENUE
READING, PA 19605
3. **Policy Period:** from April 1, 2000 until cancelled
(12:01 A.M. Standard Time at Your Mailing Address)

4. Coverages, Limits of Insurance and Deductibles:

Insuring Agreements, Limit of Insurance and Deductible Amounts shown below are subject to all of the terms of this policy that apply.

Insuring Agreements Forming Part of This Policy	Limit of Insurance	Deductible Amount
1.A. Employee Theft - Per Loss ✓	\$ 150,000	\$ 0
1.B. Employee Theft - Per Employee	\$ 0	\$ 0
2. Depositors Forgery or Alteration	\$ 0	\$ 0
3. Theft, Disappearance and Destruction <small>Money, Securities and Other Property</small>	\$ 0	\$ 0
4. Robbery and Safe Burglary - <small>Money and Securities,</small>	\$ 0	\$ 0
5. Computer and Funds Transfer Fraud	\$ 0	\$ 0

5. Form Numbers of Endorsements Forming Part of This Policy When Issued:

F-4279-0, F-4309-0, F-4328-0, F-4333-0, F-5400-0

6. **Cancellation of Prior Insurance:** By acceptance of this Policy you give us notice cancelling prior policies or bonds numbered: 44PBBB76806 the cancellations to be effective at the time this policy becomes effective.

This Policy has been signed by the Company's President and Secretary, but it shall not be binding unless it is countersigned by its authorized representative.

Michael S. Wilder
Michael S. Wilder, Secretary

Ramani Ayer
Ramani Ayer, President & COO

Countersigned by: _____

Authorized Representative

ON-THE-JOB TRAINING POLICY

July 2009

**BERKS COUNTY WORKFORCE INVESTMENT BOARD
c/o Pennsylvania CareerLink ~ Berks County
501 Crescent Avenue
Reading, PA 19605-3050**

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I. INTRODUCTION

- A. The purpose of the Workforce Investment Act (WIA) and related workforce development programs is to increase the employment, retention and earnings of individuals served, and increase their occupational skill attainment, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the nation.
- B. The Berks County Employment and Training Office (BCETO), acting as administrative/fiscal agent for the Berks County Workforce Investment Board (WIB), has traditionally offered On-the-Job Training (OJT) as a central strategy in its training programs for a variety of reasons, including:
 - 1. Due to the range of occupations that can be covered, OJT provides the greatest diversity of employment preparation activities and the best chance of matching training with an individual's interests and aptitudes.
 - 2. OJT allows individuals to "earn as they learn" and be self sufficient, tax-paying citizens even while preparing for new careers.
 - 3. No one knows more about a job than the employer; and when properly structured, OJT presents a perfect focus for teaching and reinforcing required skills.

II. REFERRAL OF EMPLOYEES

- A. No individual may be considered by an employer for participation in On-the-Job Training unless and until he/she is certified as eligible and recommended through an Individual Employment Plan (IEP) issued through Pennsylvania CareerLink ~ Berks County.
- B. While many OJT opportunities are individually developed as part of a specific training strategy specified by an Individual Employment Plan (IEP), Berks County will extend veteran's preference in referral where appropriate.
- C. BCETO will enter into OJT agreements with an employee's previous or current employer only as part of incumbent worker upgrade programs providing specifically for movement of the employee from less than self-sufficiency level wage to a wage at least equal to the self-sufficiency level and to higher skill levels, and under circumstances defined by the Berks County Workforce Investment Board (WIB).

III. OCCUPATION ELIGIBILITY

- A. BCETO will enter into OJT Addenda for training in occupations for which there is a genuine need as assured by the vendor in the OJT Master Agreement.

- B. BCETO will not enter into OJT Addenda for occupations where tips, commissions, bonuses, or similar methods of payment provide the primary compensation to the participating employee.

IV. VENDOR INELIGIBILITY

- A. In accordance with Section 665.700 of the Federal Regulations accompanying the Workforce Investment Act (20 CFR Part 652 et al), BCETO will not enter into OJT agreements with employer vendors who have previously exhibited a pattern of failing to provide OJT participants with continued long-term employment with wages, benefits and working conditions that are equal to those provided to regular employees who have worked a similar length of time and are doing the same type of work. Neither will BCETO enter into agreements with employers whose past performance is such that they can reasonably be expected to adversely affect BCETO's ability to meet and exceed the Performance Measures agreed to by the Local Workforce Investment Board (WIB) in the course of negotiations with the State Department of Labor and Industry (PDLI) and United States Department of Labor (USDOL).
- B. In making determinations with respect to an employer vendor's continued suitability for OJT agreements, BCETO shall take into account whether OJT employees quit voluntarily, were terminated for good cause, or were released due to unforeseeable changes in business conditions.

V. EMPLOYMENT AND EMPLOYEE LEASING AGENCIES

- A. BCETO will not provide OJT to individuals employed through employment, staffing, or employee leasing agencies or organizations unless the work those individuals perform is solely for the benefit of the employing organization rather than another employer where they may have been placed to perform work.
- B. BCETO will not provide OJT for employees whose prior experience with the employer includes placement through employment or employee leasing agencies except under the provisions already referred to in Section II. C.

VI. OJT AGREEMENT

- A. The OJT agreement must be negotiated and entered into before the employee's first day of work, or in the case of upgrading, commencement of the new assignment.
- B. No OJT agreement will be granted for any organization or part thereof, that has relocated, until 120 days after the date on which such organization begins operations at the new location, if the relocation of such organization or part thereof results in a loss of employment for any employee of such organization at the original location (Section 667.267).

- C. No employee hired under terms of an OJT agreement may displace (including partial displacement) an employee currently employed (as of the date of participation) (Section 667.270).
- D. The OJT agreement must not impair existing contracts for services or collective bargaining agreements (Section 667.270).
- E. In order to assure the integrity of collective bargaining agreements, the signature of a designated union representative, indicating awareness that the OJT agreement is in place and that he/she has the right to comment to BCETO relative to any problems bearing on the bargaining agreement, is required on all OJT agreements covering positions represented by a collective bargaining agent.
- F. Work Opportunity Tax Credit (WOTC) cannot be taken at the same time as OJT.
- G. OJT vendors must disclose the nature of benefits offered to OJT employees; this information is included as part of the agreement. Experience has shown us that employee benefits are important to employee retention and promoting self-sufficiency.
- H. Current or previous (within 12 months of date of agreement) OJT agreements with vendors must be identified in the OJT package. If previous OJT employees are no longer employed by the vendor, the OJT agreement must identify why the employee is no longer employed.
- I. OJT vendors must disclose any potential conflict of interest with the County of Berks; this sign-off is included in the agreement.

VII. ASSESSMENT

- A. All potential OJT trainees will be required to participate in a WorkKeys® Work Readiness Assessment as part of the development of an Individual Employment Plan.

VIII. TRAINING TIME – LENGTH

- A. Berks County will utilize the O*NET Job Zone Number published by the United States Department of Labor (USDOL) Employment and Training Administration. Job Zone Numbers distinguishes the overall experience, education, and on-the-job training required to learn the techniques, acquire information, and develop the facility needed for average performance in a specific occupation. In determining the period generally needed for the acquisition of necessary skills for an individual on an On-the-Job Training Agreement, consideration shall be given to the Job Zone, vendor training plan and content, and the individual's education, prior work experience, and the IEP. The following table indicates the maximum training times used by Berks County to write OJT training plans:

Job Zone Number

OJT Training Allowable

5	1,200 hours
4	1,000 hours
3	800 hours
2	600 hours
1	400 hours

- B. Berks County also reserves the right to reduce training time on an across-the-board basis based on the availability of funds from various sources.

IX. TRAINING TIME – REDUCTIONS

- A. The reduction of standard allowable training time will be based upon an evaluation of the employee’s experience/work history. The individual’s IEP will be reviewed to verify any similarities on record which impact upon the projected OJT occupation. Reasons for significant adjustments to the standard training time for a specific occupation will be documented in the OJT file.
- B. Reduction of standard training time may occur in instances when CareerLink has provided specific vocational instruction (i.e. classroom skill training, on-site training) to individuals through WIA or Trade Act funding within the previous two years. These reductions in training time will be documented in the OJT file.
- C. Reductions may also be taken for such factors as the aptitude/evaluation results, learning ability, and related certifications of the individual to the extent of their relevance to the OJT position.
- D. To assure uniformity, the following ranges will be applied for reductions to the standard allowable training time:

<u>Reason for Reduction</u>	<u>Range of Reduction</u>
Previous related classroom training	10% Job Zone hours
Comparability of previous employment experience as indicated by the match between the Transferable Occupational Relationship Quotient (TORQ) score of the job the individual is to be trained in to the TORQ score the most recent job the trainee has held for at least 6 months within 24 months of the application date.	90-95% match reduce time by 40% 85-89% match reduce time by 20% < 85% no reduction

X. TRAINING TIME – INCREASES

- A. Should an individual have a documented mental, physical, or learning disability, the CareerLink Employment Planner may include in the IEP a recommendation

for increased training time beyond the maximum Job Zone hours. The need for increases will be documented in the OJT file.

XI. TRAINING PLANS

- A. BCETO requires that each OJT agreement include a Training Plan. Each plan is individualized to meet the needs of the employee by comparing the vendor's job description and/or training plan with the employee's work/training history and IEP. The plan will list those tasks and competencies in which the individual requires training.

XII. TRAINING UNIT PRICE

- A. The OJT vendor will be paid a training unit price, the total of which will equal not more than 50% of the employee's regular wages during the training period. Payments shall be deemed to be in compensation for the extraordinary costs of providing training to participants. Shift differentials, overtime, premium pay and other nonregular wages will not be considered.
- B. Should USDOL grant PA a waiver allowing flexibility of reimbursement levels to employers based on company size BCETO reserves the right to reconsider the 50% level.
- C. The training unit price will be paid only for the actual hours the employee is engaged in productive work which provides knowledge and skill essential to the full and adequate performance of the job. No payment will be paid for sick days, vacation, holidays, non-on-the-job training time, classroom training hours, etc. Payment to employers, although based on wages, is for training provided, not as wage reimbursement.
- D. BCETO will provide to the OJT vendor Monthly Invoice forms to be used in requesting payment of training costs. Monthly Invoices are submitted along with the Employee Evaluation forms which document the progress of training in required job tasks/competencies.

XIII. TRAINING HOURS PER WEEK

- A. BCETO prefers to write OJT agreements for full-time positions, and will permit part-time hours only if this exception is based on the limitations or preferences of the employee and reflected in the IEP, and is allowable under rules governing the funding source.
- B. For the purpose of OJT, individuals scheduled to work less than 30 hours per week are considered to be part-time employees; individuals working 30 or more hours per week are considered to be full-time employees.
- C. Individuals whose training is paid with Trade Act funds must be regularly scheduled for at least 32.5 hours of training per week.

XIV. TRAINING WAGE

- A. An OJT employee must be paid an annualized starting wage not less than that which the Center for Workforce Information and Analysis has designated to be a self-sufficiency wage for Berks County.
- B. The projected wage at completion of OJT must be for P.Y. 2009:
 - 1. For training funded through the Workforce Investment Act (WIA), no less than \$28,582 annually, as annualized from the employee's rate and normally expected work schedule (e.g. \$13.74 for a projected 40 hour week, \$14.66 for a projected 37.5 hour week, \$15.70 for a projected 35 hour week); or
 - 2. For training funded through Trade Act, no less than 80% of the employee's pre-layoff wage and no less than the standard for WIA cited in B. 1. above.

XV. EMPLOYEE EVALUATION

- A. BCETO requires that all OJT vendors complete and submit employee evaluations, individualized to match the training plan.
- B. Employee evaluations require meaningful dialogue between the employee and supervisor reflected by the signatures of both on the evaluation form which must be submitted with the monthly invoice. Payment of training costs will not be made without timely submission of evaluations and monthly invoices.

XVI. MAXIMUM TRAINING COSTS

- A. BCETO's maximum reimbursement of OJT training costs shall not exceed the maximum amount set by the Berks County Workforce Investment Board (WIB) for Individual Training Accounts (ITAs), including the differential based on annualization of the expected wage at completion of training (e.g. \$5,000 "cap" for annualized wages below \$36,000; \$8,000 for between \$36,000 and \$50,000; and \$10,000 for above \$50,000)

XVII. YOUTH OJT

- A. BCETO will write OJT agreements for Youth only when it is appropriate based on the need identified through assessment and the development of an IEP for the individual youth participant.

XVIII. CESSATION OF PAYMENTS

- A. Payments will cease effective with the termination of the employee or the cessation of the employee performing work under terms of the agreement.

- B. Payment will also cease effective with the layoff or suspension of the employee. Any such circumstances projected to last more than 8 weeks will require termination of the agreement.

XIX. PAYMENT OF CLASSROOM TRAINING COSTS

- A. The maximum combined reimbursement including both "direct" OJT costs and associated classroom training will be the amount set in Section XV. above. The classroom training can be supplied by an employer-selected vendor; if the selected training is to be conducted by a vendor whose training does not appear on the State Eligible Provider List, the prior approval of BCETO is required.
- B. The arrangement for BCETO to reimburse employers for classroom training costs is included in a special addendum to the OJT agreement. Classroom training and on-the-job training costs are billed on separate invoices. Hours spent in classroom training cannot be billed as on-the-job training hours. Employers must keep records of the employee's classroom training attendance.

XX. MODIFICATION AND TERMINATION

- A. Any modification or termination of an OJT agreement shall be accomplished in a manner consistent with the terms of the Master Agreement.

Berks County Workforce Investment Board
Contract Administration and Monitoring Risk Assessment Policy

It is the objective of the Berks County Workforce Investment Board Contract Administration and Monitoring Team to monitor all subcontractors annually, and more frequently if necessary. Unforeseen circumstances sometimes make this goal a challenge to meet. Therefore, the following risk assessment policy allows monitors to concentrate their scope of review on the subcontracts that carry the largest risk.

There are four steps involved in conducting a risk assessment:

1. Define the scope of the risk being assessed.
 - a. Which contracts involve the most risk, and most expose the Berks County WIB to adverse consequences?
2. Identify areas of possible exposure associated with taking additional risks.
 - a. What is the vulnerability of the local area and WIB if contractor compliance is monitored less frequently?
3. Identify factors used to assess risk.
 - a. Has the contractor experienced major changes in personnel or practices since the last review?
 - b. Is the contractor a new and untried entity with no 'track record' with Berks County?
 - c. What is the structure for provision of services?
 - d. Is there a history of disallowed costs or a history of substantiated EEO complaints?
 - e. Does the contractor have sufficient unrestricted funds to cover disallowed costs?
 - f. Is there a significant history of prior monitoring and/or audit findings?
 - g. What is the contractor's share of the local area's WIA or other funding allocation?
 - h. Are there particular factors which might generate intense public scrutiny or attention?
4. Project the risk.
 - a. Assign point values to the scoring system. The numerical ratings can then be used to help the monitoring staff determine how to allocate its resources.

Using the attached risk assessment chart, service providers are classified as either high risk or low risk. At a minimum, high risk providers are monitored annually. Low risk providers are monitored at least once every two years.

**Berks County Workforce Investment Area
Risk Assessment for Subcontractors Tool**

Risk Factors	Provider 1	Provider 2	Provider 3	Provider 4	Provider 5
Was there a change in provider's personnel or practices since the last onsite review, or is the contractor a new entity with little or no track record ?					
What is the structure for provision of services, and is there a strong local management structure?					
Is there any history of disallowed costs, or a history of substantiated EEO complaints?					
What is the extent of recent audit or monitoring findings, either from Berks County or another grantor?					
What is the contractor's share of the LWIA's allocation?					
Are there particular factors which might generate increased public scrutiny or attention?					
SCORE					

Using the following numeric scoring system, evaluate scores for each provider. The higher the score, the more the risk of the contract.

Q1. Was there a change in provider's personnel or practices since the last onsite review, or is the contractor a new entity with little or no track record ?

- 15 points = Extensive change/ New contractor
- 8 points = Some change, not extensive/ Little past experience with this contractor
- 0 points = Little or no change/ Experience working with this contractor

Q2. What is the structure for provision of services, and is there a strong local management structure?

- 10 points = No services are provided directly by the contractor/Very little local management
- 5 points = Contractor provides some services and purchases some services/Some local management
- 0 points = Contractor's staff provides all or nearly all services directly/Strong local management

Q3. Is there any history of disallowed costs, or a history of substantiated EEO complaints?

- 20 points = More than one instance of disallowance/ More than one substantiated EEO complaint
- 15 points = A single instance of disallowance/ One substantiated EEO complaint

- 0 points = No disallowances have occurred/ No substantiated EEO complaints

Q4. What is the extent of recent audit or monitoring findings, either from Berks County or another grantor?

- 25 points = Substantial audit or monitoring findings within the past two years
- 20 points = Some audit or monitoring findings within the past two years
- 0 points = No audit or monitoring findings within the past two years

Q5. What is the contractor's share of the LWIA's allocation?

- 15 points = More than 25% of the LWIA's allocation
- 8 points = 10% to 25% of the LWIA's allocation
- 0 points = Less than 10% of the LWIA's allocation

Q6. Are there particular factors which might generate increased public scrutiny or attention?

- 15 points = A number of unique factors that might generate increased public attention
- 8 points = Few unique factors that might generate increased public attention
- 0 points = No unique factors that might generate increased public attention

GRIEVANCE AND HEARING PROCEDURE

Where formal grievance and appeal procedures do in fact exist at a training site or worksite, participants under terms of the contract shall have access to the grievance and appeal procedure set forth by the Berks County Workforce Investment Board only for the resolution of complaints arising out of alleged violation of Workforce Investment Act law, regulations, contracts or policies. The Berks County Workforce Investment Board will not review the substantive facts of any grievance appeal, which does not allege such a violation nor will it take under reconsideration or re-examination any finding of fact by the subcontractor's grievance and appeal procedure.

STEP I The Opportunity to File a Complaint

The complainant who has an alleged complaint must meet with the designated representative of the Berks County Workforce Investment Board explain the problem, and attempt to resolve the issue informally.

STEP II The Opportunity for an Informal Conference

If the complainant remains dissatisfied, he/she must file a written complaint, within five (5) days, with the Berks County Workforce Investment Board and request an informal conference. The informal conference must be held within ten (10) days from the date of receipt of the request by the Berks County Workforce Investment Board. The complainant and Berks County Workforce Investment Board will discuss the allegation(s) and attempt to resolve the issues informally. The findings of the Berks County Workforce Investment Board will be submitted to the complainant not later than ten (10) days following the informal conference. Included with the findings must be notification of the right to request a hearing if a satisfactory resolution is not accomplished.

Complaints shall be made in written form and addressed to:

John W. Moser, Contract Administration & Monitoring Team Manager
 Berks County Workforce Investment Board
 501 Crescent Avenue
 Reading, PA 19605-3050

STEP III The Opportunity for a Hearing

If the complainant is not satisfied with the results of the informal conference, he/she must so inform the Berks County Workforce Investment Board within five (5) days and request a hearing to seek resolution of the issue(s).

An Impartial Hearing Officer will be appointed by the Berks County Workforce Investment Board and will attempt to resolve the issue(s) and render an independent decision. The requested hearing will be held within 30 days from the date on which the complaint was filed. Written notification of the hearing will be sent out by the Hearing Officer to all parties concerned, stating the date, time and place of the hearing and the issues to be heard. All parties have the right to be accompanied by an attorney, (at their own expense), or other duly authorized representative, the right to present testimony, to bring witnesses and records, and must attend the hearing.

A written decision will be issued by the Hearing Officer to the complainant and all parties who attended the hearing within 60 days of the filing of the complaint and will include: 1) a synopsis of the facts, 2) a statement of reasons for the decision, and 3) notification of recourse. All correspondence will be mailed certified with a return receipt requested.

STEP IV Notice of Recourse

If the complainant does not receive a decision at the Berks County Workforce Investment Board level within 60 days of filing the complaint, or receives a decision that is unsatisfactory to the complainant, the complainant has the right to request a review of the complaint by the Governor. The request for review must be submitted to the Executive Deputy Secretary within ten (10) days of receipt of an adverse decision or, if no timely decision is rendered, within 15 days from the date on which the decision should have been received from the Hearing Officer. A review will be conducted on behalf of the Governor and a decision issued within 30 days from the date of receipt of the review request. The decision rendered will be final.

Mailing address:

Executive Deputy Secretary
 Labor and Industry Building
 Seventh and Forster Streets
 Harrisburg, PA 17120

I certify that I have read and understand the Grievance Procedure as stated herein, and that I have received a copy of the same.

Participant's Signature

Date

I certify that the herein named participant was given an explanation and a copy of this Grievance Procedure.

Interviewer's Signature

Date

EQUAL OPPORTUNITY



IS THE LAW

It is against the law for this recipient of Federal financial assistance to discriminate on the following basis:

Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and

Against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), 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 WIA Title I-financially assisted program or activity.

The recipient must not discriminate in any of the following areas:

Deciding who will be admitted, or have access, to any WIA Title I-financially assisted program or activity;

Providing opportunities in, or treating any person with regard to, such a program or activity; or

Making employment decisions in the administration of, or in connection with, such a program or activity.

WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

If you think you have been subjected to discrimination under a WIA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

The recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or

The Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the recipient to issue that Notice before filing a complaint with the CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with the CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

FOR INFORMATION OR TO FILE A COMPLAINT, CONTACT

LWIA/CAREERLINK/UCSC EQUAL OPPORTUNITY OFFICER

JOHN W. MOSER
jwmoser@bcci.org
BERKS COUNTY WORKFORCE INVESTMENT BOARD
PA CAREERLINK - BERKS COUNTY
501 CRESCENT AVENUE
READING, PA 19605
610-988-1358
TDD/TTY: 610-988-1312
FAX: 610-988-1301

STATE AGENCY

AUTRO HEATH
aheath@state.pa.us
DEPARTMENT OF LABOR AND INDUSTRY
OFFICE OF EQUAL OPPORTUNITY
ROOM 514 LABOR AND INDUSTRY BUILDING
SEVENTH AND FORSTER STREETS
HARRISBURG, PENNSYLVANIA 17120
(717) 787-1182/1-800-622-5422
TDD/TTY 1-800-654-5984
FAX: (717) 772-2321

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

Veterans' Priority except from State Plan

Services and processes that ensure priority of service

Pennsylvania, in implementing the veterans' priority of service, is in compliance with veterans' priority of service provisions in accordance with the Jobs for Veterans Act (P.L. 107.288) and 20 C.F.R. 1010, and relevant federal guidelines. Guidance has been provided to all PA CareerLink staff regarding covered veterans and their eligible spouses receiving priority of service in all employment and training programs funded in whole or part by the United States Department of Labor (USDOL). Priority of service to veterans and eligible spouses is the responsibility of all PA CareerLink staff, and not limited to the LVER and DVOP staff. Pennsylvania monitors the compliance and effectiveness of the priority of service being provided at the local level through a range of methods, including but not limited to, PA CareerLink reports; Manager's Reports on Services to Veterans; monitoring visits to the one-stops; and monitoring LWIB's to ensure that their own monitoring of lower level entities is in compliance.

Awareness of priority of service entitlement

Covered persons are made aware of their priority of service entitlement through the PA CareerLink staff, including the DVOPs and LVERs. Prominent posting, as well as informative handouts offered by staff upon individuals' entry into the Pennsylvania one-stop locations, ensures that all clients are made aware of their possible eligibility as a Covered Veterans, and that they are requested to self-identify. The Commonwealth Workforce Development System (CWDS) is being modified to identify and capture relevant data, and to notify Covered veterans and eligible spouses of their possible eligibility at the point of entry into the workforce reporting system, in accordance with 20 C.F.R. 1010.

State Workforce Agency staff made aware of responsibilities.

State workforce staff, and all partner agency staff in PA CareerLinks, are made aware of their responsibilities to provide priority of service to veterans and eligible spouses through directives and memoranda, as well as through training provided by Local Veterans Employment Representatives (LVERs). LVERs train one-stop and service delivery partners, and coordinate with other workforce development providers, to promote and facilitate the provision of labor exchange services as a priority to Covered persons.

Veterans and eligible spouses have priority referral to services designed to assist them to achieve physical, mental, social, and/or economic well-being; and to reduce or eliminate barriers to employment. Supportive services include, but are not limited to: health and medical services, transportation, welfare, financial planning, Veterans' services, educational assistance, and counseling. PA CareerLinks develop and maintain a current directory of community service agencies and types of supportive services available to veterans and eligible spouses under the Jobs for Veterans Act. This directory is available for staff use as a ready reference source.

Job Referrals

Qualified veterans and eligible spouses are identified and referred to jobs before qualified nonveterans. When a job match from an employer job order is made through CWDS, identified Covered veterans and eligible spouses' names appear first on the list of potential job seekers. Veterans Program staff promotes an understanding of veterans' priority of referral with all PA CareerLink partners. The priority of service for job referrals is as follows:

- Special Disabled Veterans
- Disabled Veterans
- Newly Separated Veterans
- Recently Separated Veterans

- Other Veterans with Campaign Badge or Armed Forces Service Medal
- Other Veteran with no Campaign Badge
- Eligible Persons
- Covered Veterans
- Eligible Spouses
- Non-Veterans

Complaint Processing Procedures

Complaint forms for filing allegations of discrimination at the local, state and federal levels can be obtained from the EO Liaison in the CareerLinks, the Local WIA EO Officer, the Office of Equal Opportunity, or directly from CRC. Complaints must be filed within 180-days from the date of the alleged occurrence of discrimination. Complaints filed after the 180-day time period will be forwarded to CRC. The Director of CRC, for good cause shown, may extend the filing time beyond 180 days.

Individuals, specific classes of individuals, or authorized representatives may file complaints/allegations of discrimination regarding CareerLink issues may file a complaint with the Equal Opportunity Liaison in the CareerLink who forwards them directly to the State Equal Opportunity Officer.

Individuals, specific classes of individuals, or authorized representatives may file complaints/allegations of discrimination about LWIA programs or services with the Local Workforce Investment Area's Equal Opportunity Officer, or directly with the State Equal Opportunity Officer. Complainants are also made aware of their right to file allegations directly with the USDOL Civil Rights Center (CRC).

NOTE: Complaints/allegations do not have to be submitted on the prescribed complaint form in order for them to be considered valid complaints or allegations. Discrimination complaints may be submitted to:

Local Workforce Investment Area Equal Opportunity Liaison

or

Mr. Autro Heath, Jr., Director
Office of Equal Opportunity
Department of Labor & Industry
Room 514, Labor & Industry Building
651 Boas Street
Harrisburg, PA 17120
1-800-622-5422
TDD/TTY 1-800-654-5984 or PA Relay 711

or

Director, Civil Rights Center
U.S. Department of Labor
200 Constitution Avenue, NW
Room N-4123
Washington, DC 20210
(202) 219-7026
TDD (202) 219-7003

Complaints filed by the complainant or his/her authorized representative must be filed in writing and must contain the complainant's and respondent's name and address, date alleged incident of discrimination occurred, a description of the allegations with enough detail to allow a determination by the Civil Rights Center (CRC) or Department of Labor & Industry about jurisdiction over the complaint, whether or not the complaint was filed in a timely manner, apparent merit, and, if true, whether the allegations would violate any of the nondiscrimination and equal opportunity provisions of WIA, and the complainants or his/her authorized representative's signature.

Procedures for Complaint Processing at the Local Workforce Investment Area Equal Opportunity Officer Level

Upon notification of a discrimination complaint, the LWIA EO Officer must inform the complainant of their right to file a complaint and have it investigated at the local, state or federal level. *All complaints filed with the LWIA Equal Opportunity Officer must be immediately reported to the EO Officer in the Department of Labor & Industry.*

If the complainant elects to attempt resolution at the local level, the LWIA EO Officer, based on consultation with the State OEO, will conduct fact-finding/investigation at the local level in consonance with procedures outlined in the WIA..

The LWIA Equal Opportunity Officer shall meet with the complainant or his/her authorized representative within ten (10) business days from the date of receipt of the written allegations, to conduct a fact finding or investigation of the circumstances underlying the allegations and attempt to informally resolve the issue(s). The LWIA EO Officer's findings will be submitted in writing to the complainant not later than ten (10) business days following the fact-finding/investigation. The written notification shall include notice of the complainant's right to request a formal investigation by the EO Officer at the state level if a satisfactory resolution is not accomplished at the local level.

If the Complainant is dissatisfied with the attempted informal resolution, he/she must inform the LWIA EO Officer and the EO Officer at the State level within five (5) business days of receipt of the unsatisfactory decision and request a formal investigation by the State Equal Opportunity Office.

All complaints filed at the local level must be documented on the WIA/SESA local complaint log that is submitted to the State Equal Opportunity Office on a quarterly basis.

Procedures for Complaint Processing at the Local Workforce Investment Area State Equal Opportunity Office Level

Acceptance of Complaint

If it is determined that the OEO has jurisdiction over the complaint/allegation filed, within ten (10) days of receipt, the Equal Opportunity Officer will send an acknowledgment of receipt of the letter to the complainant and advise him/her of the following:

- (1) Their right to be represented in the complaint process;
- (2) A list of the issues raised in the complaint;

- (3) A statement of whether the issue will be accepted for investigation or rejected by the OEO; if rejected, the reason for the rejection; and
- (4) The right to seek resolution through the Mediation/ Alternate Dispute Resolution (ADR) process. NOTE: If the complainant elects resolution through ADR, the complaint will be forwarded to a Mediator.

The Respondent will be notified that a complaint alleging discrimination has been filed and is being processed. He/she will also be advised if the complainant elects mediation as the means of resolution.

Otherwise the Equal Opportunity Officer will meet with the complainant and/ or his/her authorized representative and the respondent, within 15 days from the date of receipt of the written allegations, to initiate a fact finding or investigation of the circumstances underlying the allegations, and attempt to informally resolve the issue(s). If the complaint is resolved informally, the resolution will be documented and maintained in the OEO files.

If the Complainant is dissatisfied with the attempted informal resolution or prefers to have a formal investigation, an investigator will be assigned to the case. The investigator will interview the complainant, respondent and witnesses for both parties as identified by the parties. At the conclusion of the investigation, a *Notice of Final Determination* will be issued. *The Notice of Final Determination* will be strictly based on the evidence obtained during the investigation. The notice will be issued within 90 days of filing the complaint. The written notice will include, for each issue raised, a decision on the issue(s), an explanation of the reasons underlying the decision, or a description of the way the parties resolved the issue(s) and notification of recourse.

If by the end of the 90 days, the OEO has not completed processing the complaint or fails to issue a notice of Final Determination, the complainant or his/her representative may, within 30 days of the expiration of the 90-day period, file a complaint with the Director, Civil Rights Center (CRC) who may extend the 30 day time period for good cause shown.

If the Notice of Final Determination is issued during the 90-day period and the Complainant is dissatisfied with the decision, the complainant is advised of his/her right to file a complaint with the CRC within 30 days of the date on which the complainant received the *Notice of Final Determination*,