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DEPARTMENT OF LABOR AND EMPLOYMENT

WORKFORCE DEVELOPMENT PROGRAMS

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Category: Employment and Training Programs
Subject#: Functional Operational Supervision Issues and Leave Authorization in Colorado County-run One Stop Workforce Centers
Source: State
Revise/Replace: PGL 02-01-P
Contact: Director of Employment and Training Programs
Distribution: Workforce Region Directors, Employment and Training Staff, CDLE Human Resources and Administrative Staff
Colorado One-Stop System Policy Guidance Letter 06-11-P
Date: August 30, 2006

I. REFERENCE(S) :

- A. PY 06 Workforce Development Programs Grant Agreement, Attachment A, Funding Provisions.
- B. U.S.C. Title 38, Chapter 41.
- C. Public Law 107-288 Jobs for Veterans Act (JVA).
- D. Veterans Program Guidance Letter (VPL) 07-05 Responsibilities of Disabled Veterans' Outreach Program Specialists (DVOP) and Local Veteran Employment Specialists (LVER).
- E. State Program Guidance Letter (PGL) 03-20-AD Leave Procedures for State Employees in Colorado County-run One Stop Workforce Centers.
- F. State PGL 05-14-V, LVER and DVOP Duties and Responsibilities.

II. PURPOSE:

- A. To update, provide for and improve continued coordination between the Colorado Department of Labor and Employment (CDLE) and Colorado County-run One Stop Workforce Centers in the supervision of state employees.
- B. To clarify coordination between CDLE and County-run One Stop regions concerning functional operational supervision, Pay for Performance System sign-off, and

leave approval for all CDLE employees working in County-run One Stops.

III. BACKGROUND:

A. During the preliminary development of the Colorado One-Stop Career Center system in 1996, the intent of the Colorado State Government was to structure a County-run system with counties contracting with the CDLE to provide required services. As outlined in PY 06 Workforce Development Programs Grant Agreement, Funding Provisions, Attachment A, Part II, paragraph 1.5, b, state staff shall be retained by the grantee until the position(s) is vacated through attrition.

B. Vacant Veteran Program Staff positions including Disabled Veteran Outreach Program (DVOP) and Local Veteran Employment Representatives (LVER) will continue to be filled by state staff as required by P.L. 107-288.

IV: POLICY/ACTION:

A. All state staff including Veterans Program staff working in County-run Workforce Centers and/or operations shall be functionally operationally supervised consistent with the PY 06 Workforce Development Programs as illustrated below:

**PY 06 Funding Provisions Attachment A,
Part II, Program Requirements**

paragraph 1.5, f.

Functional Management of State Employees by the Grantee

1. GENERAL. Except as otherwise provided in this Agreement, the Grantee may provide day-to-day functional operational supervision to state employees, including the setting of work hours and program responsibilities, with the exception of the roles and responsibilities of the Colorado Veterans Employment and Training Programs staff which are set in federal policy. In any event, the State retains authority over all actions which may affect the current base pay, status, or tenure of classified state employees. The State retains the sole discretion to determine which State employees shall occupy State positions throughout the State. Unless otherwise specified in writing by the State, all State employee positions will be treated as nonexempt under the Fair Labor Standards Act.

2. PERFORMANCE EVALUATIONS. The State in conjunction

with the Grantee will complete performance evaluations of State employees following the State's personnel laws and regulations, and according to both the criteria set by the State and, upon advanced written approval by the State, additional criteria set by the Grantee.

3. GRIEVANCES. The State shall fulfill the duties and responsibilities using the classified personnel system grievance process in the initial meeting. The State shall conduct appropriate investigation(s), conduct the initial meeting, and furnish suitable information to Grantee supervisors and management. The State shall retain the responsibility for all actions on grievances after the initial meeting.

4. CORRECTIVE ACTIONS. The State in conjunction with the Grantee will determine and implement any necessary corrective actions in accordance with the procedures in the state classified personnel system provided that any grievances as a result of corrective action follow the procedures identified in paragraph 3 above.

5. DISCIPLINARY ACTIONS. The State retains the sole right to terminate, demote, and suspend its employees for disciplinary reasons. The Grantee will cooperate and provide information deemed necessary by the State in conjunction with proposed disciplinary actions.

6. POSTED NOTICES. The Grantee shall post in conspicuous places all notices required by state law for state classified employees. The State shall supply necessary copies of such notices at the State's expense.

7. COOPERATION. The Grantee shall cooperate fully with the State in any investigations, appeals, grievances, or other personnel matters, including, without limitation, those pertaining to allegations of unlawful discrimination.

B. Procedures for submitting, approving and tracking leave of all State employees in County-run One Stop Workforce Centers is found in State PGL 03-20-AD. The final approval and sign-off of any leave category for all state employees shall remain with the state. However, this shall be accomplished through a coordinated process between the CDLE direct supervisor and the county functional supervisor.

C. State employees will follow local County policies concerning sick leave notification to appropriate County team leaders and other appropriate County staff.

D. All State staff will follow any local County policy and procedures concerning work processes to include

accessing and leaving the One Stop at the beginning and end of the work day, or for meetings, lunch etc.

E. In the event a local County-run One Stop policy violates or contradicts a State policy or State Program procedure, the State employee will notify the State direct Supervisor who will address the issue with the appropriate County staff.

F. DVOP and LVER staff will perform and not be prohibited from conducting duties consistent with those established in P.L. 107-288, VPL 07-05 and State PGL 05-14-V, or any other current or future Federal or State directive issued on this subject.

1. DVOPs will provide Veteran Program Intensive Services (VS) to appropriate and eligible veteran customers as outlined in State PGL 06-01-V, Paragraph III, B.

2. LVERs will conduct employer outreach and conduct veteran Job Search Workshops as required in P.L 107-288, VPL 07-05 and State PGL 05-14-V, and should be integrated into the One Stop Business Services team.

3. To the greatest extent possible and practicable, DVOPs and LVERs will conduct their required duties in a manner that complements One Stop programs while minimizing conflict and redundancy as much as possible.

G. Workers' Compensation issues remain the responsibility of the state.

H. With the exception of specific workstation matters for state staff, any Americans with Disabilities Act (ADA) issues involving access problems in county owned or leased facilities are the responsibility of the counties who own or lease the facilities.

I. Only the direct line state supervisor will sign the Pay for Performance form; however, county functional supervisors may provide input as stated above in paragraph IV, A, 2.

V. IMPLEMENTATION DATE:

Immediately

VI. INQUIRIES:

Please direct inquiries to Joyce Johnson at 303-318-8813.

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Director