



Category/Subject: Functional/Operational Supervision Issues and Leave Authorization in Colorado's County-run Workforce Centers
Colorado Policy Guidance Letter#: VET-2014-01 (prior #14-01-P)
Revise/Replace PGL#: PGL #03-20-AD and PGL #06-11-P
Date: January 13, 2014
Distribution: CDLE Management/Finance, State/Local Workforce Directors & Staff, Partners

**I. REFERENCE(S):**

- A. Current executed Workforce Development Programs Agreement between CDLE and the Local Workforce Regions; specifically, Exhibit D, Administrative Requirements and Funding Provisions
- B. U.S.C. Title 38, Chapter 41.
- C. Public Law 107-288 - Jobs for Veterans Act (JVA).
- D. USDOL Veterans Program Letter (VPL) 07-10: Refocused Roles and Responsibilities of Jobs for Veterans State Grant (JVSG) Funded Staff.
- E. State Policy Guidance Letter (PGL) #12-08-V: Refocused Roles and Responsibilities of Jobs for Veterans State Grant (JVSG) Funded Staff

**II. PURPOSE:**

- A. To replace PGL 03-20-AD: Leave Procedures for State Employees and PGL 06-11-P: Functional Operational Supervision with updated information for improved and continued coordination between the Colorado Department of Labor and Employment (CDLE) and Colorado's County-run Workforce Centers, related to the supervision of CDLE employees
- B. To provide additional guidance and clarification for the functional/operational supervision, Employee Quality and Excellence Plan (EQEP) System sign-off, and leave approval for all CDLE employees working in County-run Workforce Centers

### **III. BACKGROUND:**

Since the creation of Colorado's one-stop service delivery system in the 1990's, state employees have been assigned to county-operated Workforce Centers and functionally supervised by county staff while still reporting to State Regional Directors for purposes of direct line supervision. By 2010, all non-veteran state staff had transitioned to other state jobs or left state employment, with Veterans Program state staff (Disabled Veteran Outreach Representatives – DVOPs, and Local Veterans Employment Representatives – LVERs, as authorized by Public Law 107-288 - Jobs for Veterans Act) remaining as the only state employees who were functionally supervised by the counties in county-run Workforce Centers.

Previous PGLs covered the supervisory responsibilities related to both Veterans Program state staff and non-veteran state staff. This PGL focuses exclusively on the responsibilities and requirements related to the functional and direct line supervision of the Veterans Program staff.

### **IV. POLICY/ACTION:**

- A.** The Veterans Program staff working in County-run Workforce Centers and/or operations shall be functionally/operationally supervised consistent with the current executed Workforce Development Programs Agreement between CDLE and the Local Workforce Regions; specifically, Exhibit D, Administrative Requirements and Funding Provisions, Part I, paragraph 1.7.b (items 1-7) which state:

#### **Functional Management of State Employees by the Local Workforce Region**

1. **GENERAL.** Except as otherwise provided in this Agreement, the Local Workforce Region may provide limited 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 shall be treated as nonexempt under the Fair Labor Standards Act.
2. **PERFORMANCE EVALUATIONS.** The State in conjunction with the Local Workforce Region 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 Local Workforce Region.
3. **GRIEVANCES.** The State shall fulfill the duties and responsibilities using the conduct appropriate investigation(s), conduct the initial meeting, and furnish suitable information to the Local Workforce Region 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 Local Workforce Region 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 Local Workforce Region shall cooperate and provide information deemed necessary by the State in conjunction with proposed disciplinary actions.
6. **POSTED NOTICES.** The Local Workforce Region 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 Local Workforce Region 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.

**Notes Regarding the current Exhibit D:**

- **Item 1** above indicates that state employee positions should be considered non-exempt under FLSA. Please note that LVERs were classified as exempt under FLSA in 2010.
  - The original language in the WDP Agreement of **Item 3** above includes a grammatical error. For clarification purposes, the intent of the provision is to determine that the State shall follow its standard State personnel grievance procedures, **using appropriate investigations**, to address any grievances that arise.
  - In **Item 4** above, the phrase “in conjunction with the Local Workforce Region” is meant to allow the Local Workforce Region to provide input into corrective action discussions; however, the State retains its authority to determine appropriate corrective actions to be taken, pursuant to the State’s personnel rules.
- B.** The final approval and sign-off of any leave for all Veterans Program staff shall be the responsibility of CDLE and shall be accomplished through a coordinated process between the County-run Workforce Centers and CDLE. The leave for Veterans Program state employees will be maintained, tracked and reported by CDLE. All leave requests must be forwarded to the State Regional Director for final approval and processing.
- C.** State employees will follow local County policies concerning sick and annual 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 workforce center 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 Regional Director, 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 07-10 and State PGL 12-08-V or any other current or future Federal or State directive issued on this subject.

1. DVOPs will provide Veteran Program Intensive Services to targeted and eligible veteran customers as outlined in PGL12-08-V Paragraph V.A.
2. LVERs will conduct employer outreach and conduct veteran Job Search Workshops as required in P.L 107-288, VPL 07-10 and State PGL V, 12-08-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.
4. Workers' Compensation issues remain the responsibility of the state.

**G.** 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.

**H.** The State has responsibility for Performance Evaluations of the Veterans Program staff. As such, only the direct line state supervisor will sign the Employee Quality and Excellence Plan (EQEP) form; however, county functional supervisors may provide input as stated above in paragraph IV. A. 2.

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

**V. IMPLEMENTATION DATE:**

Effective immediately.

**VI. INQUIRIES:**

Please direct inquiries to Barbara McBride at 303-318-8868 or [barbara.mcbride@state.co.us](mailto:barbara.mcbride@state.co.us)

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Elise Lowe-Vaughn, Director  
Workforce Programs, Policy and Strategic Initiatives