

Oklahoma Employment Security Commission

Jon Brock, Executive Director



Frank Keating, Governor

Representing Employers

George Ollie, Jr., Commissioner
Ted Weber, Commissioner

Representing the Public
Rev. W. B. Parker, Chairman

Representing Employees

Mary Lowe, Commissioner
DeWayne Goodman, Commissioner

Oklahoma Employment and Training Issuance #17-2000

TO: WIA Board Staff

FROM: Eddie Foreman, Director

DATE: May 17, 2000

SUBJECT: Oklahoma's Interim Final Policy on WIA Displacement of Employees

MESSAGE: To transmit policy regarding the displacement of employees by WIA participants. Comments must be submitted by June 16, 2000. Please send comments to me electronically using my e-mail address.

ACTION: Please distribute this issuance to appropriate staff and include it as part of your permanent records.

INQUIRIES: Questions and comment may be directed to your Planning Coordinator or Mike Clark at 405/557-5339.

DISPLACEMENT OF EMPLOYEES

- (A) A participant in a program or activity authorized under Title I of WIA must not displace (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any currently employed employee (as of the date of the participation).
- (B) A program or activity authorized under Title I of WIA must not impair existing contracts for services or collective bargaining agreements. When a program or activity authorized under Title I of WIA would be inconsistent with a collective bargaining agreement, the appropriate labor organization and employer must provide written concurrence before the program or activity begins.
- (C) A participant in a program or activity under Title I of WIA may not be employed in or assigned to a job if:
 - (1) Any other individual is on layoff from the same of any substantially equivalent job;
 - (2) The employer has terminated the employment of any regular, unsubsidized employee or otherwise caused an involuntary reduction in its workforce with the intention of filling the vacancy so created with the WIA participant; or
 - (3) The job is created in a promotional line that infringes in any way on the promotional opportunities of currently employed workers.
- (D) Regular employees and program participants alleging displacement may file a complaint under the applicable grievance procedures.