

2016

# Consolidated and Reformed Workforce Development and Literacy Act (1976): Speech 21

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## **WORKER'S RIGHTS**

**SENATE BILL:** The Senate bill contained a streamlined version of the current worker's rights provisions found in current law in the Job Training Partnership Act (JTPA). This streamlined version succeeded in retaining the individual protections, worker displacement provisions, grievance procedures, and remedies currently afforded affected participants in the JTPA program.

The agreed intent of the rewriting of the Senate language was to eliminate the unnecessary verbiage which had grown over the years but not to change the effect of the provisions.

**HOUSE BILL:** The House bill took the downsizing of the current law provisions to a more minimized level. While the Senate effort was to reduce the number of words associated with the provisions the House actually eliminated elements of the protections we have in current law. The primary components missing in the House provisions are the Grievance Procedures and the Remedies designed to address the problem.

**SENATE AND HOUSE DEMOCRAT'S POSITION:** The Democrats have remained united in requesting the House Republicans agree to the provisions relating to the Grievance and Remedies provisions. Sen. Kassebaum is supportive of the inclusion of the Senate's language on grievance and remedies provisions.

**HOUSE REPUBLICANS:** The primary issue remaining in difference is that under current law the appeal process associated with the decisions in the Grievance procedures ultimately result in a Secretary of Labor review of the issue. The House Republicans have a philosophical opposition to allowing this kind of potential oversight and accountability of the State system by the Federal Secretary of Labor.

**TALKING POINTS:** It is a success that in general the House GOP agrees with the inclusion of the Grievance and Remedies provisions. The attempt to exclude the Secretary's involvement strikes at the heart of the lack of Federal level accountability over this program.

Under the current JTPA system approximately two appeals are made to the Secretary of Labor each month. One-half of all of these appeals are rejected or returned because of a failure to exhaust the existing State procedures available to a party with a complaint. This means that the Secretary only needs to review about one complaint a month.

There has been no claim that the Secretary has ever used this appeal process as an arbitrary mechanism to strike out at a State system unfairly. I am sure some States have not fully agreed with a Secretary's finding but there has not been a request to change the system because of these decisions.

Some States may have altered their opposition to a complaint based on their knowledge the Secretary of Labor could be reviewing their actions. This should be seen as a positive protection for the individuals which are participating in the training system.

This House attempt to stifle the Secretary of Labor's involvement has nothing to do with the purity of the process or establishing the best system possible. This is simply a political slash at the Secretary of Labor which results in a diminution of individual rights and available appeals.

The Grievance Procedures in JTPA and the corresponding Remedies provisions are not a source of widespread complaints or problems for the system. The provisions seem to be working efficiently and effectively in providing a reasonable level of protections for individual rights.

By having this internal process an individual has an alternative to taking their cause directly to the Federal Court system. Nothing bars the individual from opting out of the training systems process and choosing to go directly to the Courts. At the same time by having this internal system the Courts are potentially saved from having to handle each of the issues that might otherwise be adequately resolved. This provides a direct reduction in the Courts potential caseload and speeds up the resolution of the grievance for all parties.