

12-13

Secretary of State  
Certificate and Order for Filing  
**TEMPORARY ADMINISTRATIVE RULES**  
A Statement of Need and Justification accompanies this form..

EWP 3 - 2007 (TEMP)

I certify that the attached copies\* are true, full and correct copies of the TEMPORARY Rule(s) adopted on [ December 13, 2008 ] by the

Education and Workforce Policy Advisor	Date prior to or same as filing date OAR chapter 151
Agency and Division	Administrative Rules Chapter Number
James Sager	255 Capitol Street NE, Suite 126, Salem, OR 97310-1338
Rules Coordinator	Address
	Telephone

986-6546  
~~503-378-3921~~

to become effective [ upon filing ] through [ June 6, 2008 ].  
Date upon filing or later                      A maximum of 180 days including the effective date.

**RULE CAPTION**

Temporary rule clarifying procedures for resolving complaints against Department of Community Colleges and Workforce Development  
**Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.**

**RULEMAKING ACTION**

List each rule number separately, 000-000-0000.  
Secure approval of new rule numbers (Adopted rules) with the Administrative Rules Unit prior to filing

**ADOPT:**

AMEND: 151-020-0045

**SUSPEND:**

**FILED**  
DEC 13 2007  
ARCHIVES DIVISION  
SECRETARY OF STATE

Stat. Auth.: ORS 660.312

Other Auth.: 20 CFR §667.600; 20 CFR §667.610

Stats. Implemented: ORS 660.312

**RULE SUMMARY**

Temporarily amends rules of the Education and Workforce Policy Advisor by clarifying procedures that apply to resolution of complaints against the Department of Community Colleges and Workforce Development, and incorporating time lines for resolution of complaints set by federal regulation.



James Sager  
Printed name

12/13/07  
Date

\*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.  
GENW1760                      ARC 940-2005

Secretary of State

**STATEMENT OF NEED AND JUSTIFICATION**

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Education and Workforce Policy Advisor

OAR chapter 151

Agency and Division

Administrative Rules Chapter Number

In the Matter of: the Temporary Amendment of OAR 151-020-0045

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Temporary rule clarifying procedures for resolving complaints against  
Department of Community Colleges and Workforce Development

Statutory Authority: ORS 183.341; ORS 660.312

Other Authority: 20 CFR §667.600; 20 CFR §667.610

Stats. Implemented: ORS 660.312

Need for the Temporary Rule(s):

The temporary rule, in conjunction with a temporary change to OAR 151-001-0005, is needed to clarify and update the procedural rules that apply to complaints against the Department of Community Colleges and Workforce Development (CCWD), in preparation for a pending contested case hearing. The current rule on procedures for this type of contested case hearings is out-dated and ambiguous. In addition, the rule change incorporates requirements of the federal regulations for an opportunity for informal resolution and timelines.

Documents Relied Upon, and where they are available: None

Justification of Temporary Rule(s):

Failure to act promptly will result in serious prejudice to the interest of the parties concerned in an upcoming contested case proceeding. The rules must be updated to eliminate an ambiguity in the procedural rules that apply and to ensure fairness in the proceeding by giving notice of the applicable procedural rules. A grant recipient has filed a complaint against the Department of Community Colleges and Workforce Development and a contested case hearing must be held within 60 days of receipt of the complaint, under federal rules. 20 CFR §667.600(d)(4). Because of the short timeline imposed by the federal regulations, the agency does not have time to engage in permanent rulemaking before the contested case hearing.

  
Authorized Signer

James Sager  
Printed name

12/13/02  
Date

151-020-0045

Procedure for Resolving a Non-Criminal Allegation of a Violation of the Act, Regulations, Grant or Other Agreement Under the Workforce Investment Act filed Directly Against the Department of Community Colleges and Workforce Development

(1) If there is a complaint against the Department (CCWD) and the complainant is a Local Workforce Area subrecipient, another grant recipient, or other entity receiving WIA funds directly from the Department, the initial complaint must be filed at the State level with CCWD. Complainants are entitled to an opportunity for informal resolution of the complaint and a contested case hearing.

(2) Both the informal resolution process and the contested case hearing must be completed within 60 days of receipt of a complaint.

(3) These procedures shall be used for the resolution of complaints arising from actions, such as audit disallowance or the imposition of sanctions, taken by the governor with respect to audit findings, investigations, or monitoring reports.