



Ohio Administrative Code Rule 5101:11-7-03 Compliance findings.

Effective: October 1, 2020

The provisions of this rule apply to programs that have been fully registered based on favorable results of a first-year or first-cycle compliance review, as described in rule 5101:11-3-01 of the Administrative Code.

(A) After completing a compliance review or complaint investigation, the council office will:

(1) Develop a complete case record that contains, but is not limited to, the following:

(a) The type of procedure involved (complaint investigation or compliance review); the date(s) when it occurred; and the program that was its subject;

(b) The location and nature of each task performed in the procedure;

(c) For each interview, if any, conducted in the course of the procedure: the date, time, and place (or electronic medium) of its occurrence; the name, address, and phone number of each person participating, and his/her role in the discussion; and a summary of the discussion, including questions posed and the resulting answers and statements;

(d) A copy of each pertinent document, including, where appropriate, any transcript and/or summary of information not obtained as a written record;

(e) A narrative report of the procedure, citing each item of evidence which relates to any alleged violation; and

(f) A conclusion, citing all supporting arguments and evidence, as to whether the sponsor is non-compliant with any rule(s) under division 5101:11 of the Administrative Code, and if so, which one(s) it violated and in what manner.



(2) Issue a written notice of compliance findings to the sponsor's authorized representative through registered or certified mail, with return receipt requested. A copy is to be provided at the same time to the complainant(s) involved, if any. The notice of compliance findings will include the following:

(a) Specification of what procedure led to its issuance (compliance review or complaint investigation), and when the procedure occurred;

(b) A compliance finding that concludes either:

(i) That there is no evidence of non-compliance sufficient to warrant de-registration proceedings, and that, absent new information bearing on the matter, the council office will take no further action regarding the case; or

(ii) That the sponsor is out of compliance with some provision(s) of division 5101:11 of the Administrative Code, to be specified in the notice along with a description of the particular manner in which the violation(s) occurred;

(c) Where there is a finding of non-compliance, either:

(i) A correction advisory allowing for voluntary remediation under paragraph (B) of this rule; or

(ii) An explanation of why voluntary remediation will not be offered, and a copy of any applicable preceding correction advisory;

(d) A description of the enforcement action(s) that will be undertaken because of non-compliance or, where applicable, if voluntary remediation is not achieved within the required timeframe.

(B) Voluntary remediation. With the exception noted in this paragraph, a chance for voluntary corrective action will be offered when a compliance review or complaint investigation finds that a fully registered program has one or more deficiency(ies) rendering it either not operational or not compliant with some specified requirement(s) of division 5101:11 of the Administrative Code. In that event: the council office will allow a period of its choosing, but not to exceed one year, for the sponsor to correct each cited deficiency with technical assistance from the council office; and the



notice of compliance findings described in paragraph (A) of this rule, will incorporate a correction advisory which defines each required outcome, set criteria for how it will be achieved, and specify a deadline for doing so. The exception is that where the sponsor previously received such opportunity for the same kind(s) of deficiency and failed to achieve the required improvement, the offer need not be extended or repeated. At council office discretion, the correction advisory may state that pending full remediation, the program is to suspend registration of new apprentices and where applicable, acceptance of applicants into an enrollment pool. However, this suspension is mandatory in cases (including but not limited to certain EEO violations) where the council office finds that continued selection activities would impair the achievement of compliance.

(C) Implementing remedial action. When a sponsor receives a notice of compliance findings that offers the chance for corrective action, the sponsor will, within thirty business days of receipt or at an earlier date specified in the notice, submit a written compliance action plan to the council office.

(1) The plan is to include, but is not limited to, the following:

(a) Acknowledgement of each deficiency identified by the council office, and a commitment to correct it;

(b) Description of the precise corrective actions to be taken for each deficiency identified, consistent with the remedy(ies) prescribed by the council office; and

(c) A commitment to implement these actions by the respective deadline(s) as found in the correction advisory.

(2) If the compliance action plan is approved by the council office and carried out by the stated deadline(s), then upon its implementation the sponsor will be considered in compliance with the rule(s) cited in the notice of findings.