

**ALABAMA DEPARTMENT OF WORKFORCE  
ADMINISTRATIVE CODE**

**CHAPTER 480-2-1  
GENERAL PROVISIONS**

**TABLE OF CONTENTS**

<b>480-2-1-.01</b>	<b>Complaints</b>
<b>480-2-1-.02</b>	<b>Disclosure Of Information</b>
<b>480-2-1-.03</b>	<b>Alabama Veterans Performance Incentive Awards Program</b>

**480-2-1-.01      Complaints.**

(1) An applicant wishing to submit a complaint concerning service received from any Alabama Career Center may do so using form ETA 8429. This form may be obtained from any Alabama Career Center. This form is signed by the person making the complaint and the agency staff member accepting the complaint.

(2) A person wishing to file a complaint against a place of employment to which he/she has been referred by the Alabama Career Center System within the past 12 months because of hazards relating to safety or health, suspected discrimination, violations of the Fair Labor Standards Act or any other Federal or State employment law, shall have his/her complaint taken on form ETA 8429 and sent to the proper enforcement agency for investigation and determination.

(3) All complaints that cannot be resolved by the local Alabama Career Center are sent to the Monitor/Advocate in the Department's administrative office who, after appropriate investigation, takes whatever action is necessary to informally resolve the complaint.

(4) After action has been taken concerning a complaint, the results are mailed to the person making the complaint who must be advised of appeal rights in the event the resolution is unsatisfactory to such person. A detailed description of the complaint system is contained in 20 CFR 658.400 through 658.419.

**Author:** Tom Karrh; David White

**Statutory Authority:** Code of Ala. 1975, §§25-2-2(5), 25-2-8.

**History: Amended:** Filed July 12, 2019; effective August 26, 2019.

**480-2-1-.02      Disclosure Of Information.**

(1) The Employment Service will permit disclosure of information from its files and records:

(a) To individual applicants and employers to the extent necessary for the efficient performance of recruitment, placement, employment counseling, and other Employment Service functions.

(b) To applicants, employers, and the public, general information concerning employment opportunities, employment levels and trends, and labor supply and demand, provided such release or publication does not include information identifiable to individual applicants, employers, or employing establishments and is otherwise not in violation of Code of Ala. 1975, §25-4-116 and §25-4-118 or any other cooperative agreement with BLS or other agencies. No specific information directly or indirectly identifiable to an individual employer or employing establishment shall be disclosed to the general public or to individual job applicants except as provided in the referral process.

(c) To all governmental authorities lawfully charged with the administration of a law providing for public assistance, law enforcement, pension and retirement, unemployment compensation, vocational rehabilitation, or other benefit payments, but only for purposes reasonably necessary for the proper administration of such law and the disclosure will not impede the operation of and is not inconsistent with the purposes of the public employment service program.

(d) To individual employers concerning individual applicants which is pertinent to placement may be disclosed at the time of referral to an employer who is considering the applicant for a job. Such disclosure should be restricted to information which will indicate whether or not the applicant meets the employer's specifications. Employers ordinarily should not be permitted to examine or review application cards. However, when essential to expedite placement, an employer may be permitted to examine applications, provided the cards have been selected beforehand by an interviewer and do not contain any information which should not be disclosed. Employers are not permitted access to the whole application file or portions of it, or to other local office records.

(e) To courts when a subpoena is served calling for information provided the request is referred to the Legal Division or appropriate action. The Legal Division will, in those cases it deems legally necessary and proper, file the

appropriate motion to quash the subpoena in those cases which information may not be disclosed under the Federal and State disclosure laws, rules and regulations. Copies of records shall be provided to a requesting party as set out under the provisions of Rule 480-1-2-.06.

**Author:** Clifford DePriest

**Statutory Authority:** Code of Ala. 1975, §§25-2-2(5), 25-2-8.

**History:**

**480-2-1-.03      Alabama Veterans Performance Incentive Awards Program.**

(1) Purpose:

(a) The intent of the Alabama Veterans Performance Incentive Award Program is to encourage the improvement and modernization of employment, training, and job placement services for veterans, and recognize eligible employees for excellence in providing such services, or for having made demonstrative improvements in the service delivery system for veterans.

(b) The Alabama Veterans Performance Incentive Awards Program is designed to motivate service providers to provide extraordinary and commendable services to veterans, and to improve service delivery to veterans.

(2) Eligibility for the Alabama Veterans Performance Incentive Awards:

(a) Disabled Veterans Outreach Program (DVOP) representatives and Local Veterans Employment Representatives (LVER), and any other employee providing services to veterans under the Workforce Investment Act (WIA), and service delivery programs as prescribed in the Jobs for Veterans Act, Public Law 107-288 (§4112) are eligible for Veterans Performance Incentive Awards. The law stipulates that recipients of veterans performance incentive awards must be individuals, although states are not restricted from awarding individuals in an office, unit, or area, where performance warrants recognition under the Veterans Performance Incentive Award program. An office, such as an Alabama Career Center, or other entities are not eligible. Federal staff are ineligible.

(b) Consideration for the Alabama Veterans Performance Incentive Awards requires that nominations meet the eligibility requirements as defined by the law and Veterans Program Letter (VPL) 8-03. In accordance with VPL 8-03, it is the expressed intent of Congress that eligibility and selection criteria provide states the maximum flexibility

needed to recognize employees whose individual efforts merit recognition with a performance incentive award.

(c) Any eligible personnel that has received a disciplinary write up in the last year is ineligible to participate in that year's incentive awards program.

(d) The Alabama Veterans Performance Incentive Awards program emphasizes fostering or strengthening partnerships that excel in assistance to veterans. Therefore, included among those who are eligible for Veterans Performance Incentive Awards are Workforce Investment Act (WIA) funded staff that provide extraordinary services to veterans.

(3) Selection of Award Recipients: The Alabama Veterans Performance Incentive Awards program selection process is as follows:

(a) Announcement of the Alabama Veterans Performance Incentive Awards Program by the Director of ES Division by June 1 of each year, ensuring wide dissemination of the program objectives and selection process among partners and stakeholders in the Alabama workforce development system.

(b) Close of all nominations by July 15 of each year.

(c) Not later than July 31 of each year, the ES Veterans Services Program Coordinator, or other state administrator assigned by the Secretary of Labor, Department of Labor will certify that nominations submitted for consideration are eligible for Performance Incentive Awards, using the Alabama Performance Incentive Award Program Eligibility Certification form, as approved by the Secretary of Labor, Department of Labor. Nominations certified as eligible will be assigned base scores, using the Alabama Performance Incentive Award Program State Administrator Scoring Worksheet. The base scoring will assign scores based on the "weight" of the activities or services being scored, relative to the degree of emphasis in the grant provisions. Only nominations that are certified as eligible will be assigned base scores and forwarded to the Performance Incentive Awards Selection Committee.

(d) Not later than August 15 of each year, a Veterans Performance Incentive Awards Selection Committee will convene to score the certified eligible nominations, using the Alabama Performance Incentive Awards Program Selection Committee Scoring Worksheet. The selection committee will be at least five (5) members of workforce development peers and other workforce development experts approved by the Secretary of Labor, Alabama Department of Labor. The selection committee members will score all eligible nominations. Only nominations scored above a cut-off score set by the Secretary of Labor,

Alabama Department of Labor will be forwarded to the Alabama Veterans Performance Incentive Awards Selection Board.

(e) Not later than August 31 of each year, the Secretary of Labor, Department of Labor will convene a Veterans Performance Incentive Awards Selection Board with at least five (5) state-level administrators, representing partners and stakeholders in the Alabama workforce development system. Using the approved criteria of the Alabama Veterans Performance Incentive Awards program, the Veterans Performance Incentive Awards Selection Board will select nominations for individual awards and recommend monetary amounts for each award to the Secretary of Labor, Alabama Department of Labor.

(f) Not later than September 15 of each year, the Secretary of Labor, Department of Labor, approves the actual cash disbursements from the grant funds to individuals selected for Alabama Veterans Performance Incentive Awards.

(4) Nomination and/or Evaluation Criteria:

(a) Selection of Veterans Performance Incentive Award recipients may involve evaluation of both objective and subjective data (Ref: VPL 8-03). Nominees must demonstrate outstanding efforts at providing employment, training, job placement, and other employment-related services to United States veterans or separating military personnel. Services to veterans representing categories of concern, or veterans with especially significant barriers to employment will be afforded extra weight in the selection criteria.

(b) The nominations may include a combination of performance data, team building, motivation, program improvement and feedback from job seeking and business customers.

(c) Consideration for nomination may include any combination of the following:

1. Development of a program, for which the impact may not be directly measurable (e.g., a resume skills building program).
2. Exemplary case management assistance to veterans.
3. Exceptional performance beyond job requirements, or well above performance goals.
4. Planning, developing, or implementing improvements in effectiveness or efficiency of services or delivery of services, training, job placement, career or vocational assistance, to veterans.

5. Outstanding personal contribution to the state's Veterans Performance Standards as measured by the ETA-9002/ VETS-200 reports, or similar statistics, such as SAMS, for the specified reporting period July 1 through June 30, of the Program Year (PY).

6. Effective outreach and public relations in the local community on behalf of veterans (e.g. work within the chamber of commerce, employer organizations such as human resource groups, job fair planning, etc.).

7. Generation of positive publicity for the Alabama Career Center system and services to veterans that has generated measurable positive outcomes.

8. Enhancement of on-the-job training, customized job training, or internship training for veterans, particularly veterans in categories of concern, such as Special Disabled veterans, or Recently-separated veterans.

9. Exceptional efforts in assisting hard-to-place veterans, such as homeless veterans, ex-offenders, and economically disadvantaged veterans.

10. Developing new WIA partnerships or fostering collaborative efforts to improve positive outcomes of employment and training programs for veterans, or veterans in special categories (e.g. interagency referral agreements).

11. Any other significant achievement in assisting veterans to obtain, train, or advance in employment.

(d) Priority consideration for a performance incentive award will be provided to individuals who demonstrate outstanding outreach on behalf of veterans who have barriers to employment, especially homeless veterans. Team building and motivation to serve veterans and improve the Veterans Service Program, positive feedback from employers and customers, and other indicators of outstanding individual performance and results, will be considered in the selection process.

(e) Nominations must be submitted on the Alabama Veterans Performance Incentive Awards Program Nomination Form, or suitable facsimile.

(5) Period of Performance: The performance, activity, or accomplishments being recognized must have occurred during the previous U.S. Department of Labor Program Year (PY), which commences on July 1 of each year, and concludes on June 30 of the following year. Supporting documentation or numerical data

submitted must clearly indicate performance within this evaluation period.

(6) Description of the Award:

(a) In accordance with Title 38 §4112 (7) and the Special Grant Provisions from the U.S. Department of Labor, Veterans Employment and Training Service, it is intended that cash awards be granted to individual recipients, or in special circumstances approved by the Secretary of Labor, Department of Labor, non-financial incentives may be awarded in lieu of, or in combination with cash awards. Each Fiscal Year (FY), as required by law, Alabama must set aside one (1) percent of the DVOP-LVER grant for making awards under the Alabama Performance Incentive Awards Program. Each year, the Alabama Performance Incentive Awards Program will recognize individual recipients who meet the eligibility and selection criteria, with cash awards in the amount of up to \$5,000 each.

(b) Expenditures and the accounting of the Performance Incentive Awards program will be pursuant to federal financial reporting and fiscal requirements in the DVOP-LVER Grant. Selection of recipients for awards under the Alabama Performance Incentive Awards Program must be identified by September 30 of each year (the close of the Fiscal Year), and all funds set aside for the awards program must be disbursed or expended each year within ninety (90) days of Fiscal Year closeout (December 31).

(7) Promotion and Public Affairs: The Secretary of Labor, Alabama Department of Labor (Grant Administrator) will provide wide dissemination of the Alabama Veterans Performance Incentive Awards Program among eligible candidates within the Alabama Career Center system, and other affiliated entities which are providing employment, training, and job placement services to veterans and military members separating from the U.S. Armed Forces. Nomination forms, instructions, and selection criteria will be made available at all Alabama Career Center and Employment Service delivery locations, or by writing to:

Secretary of Labor, Alabama Department Labor,  
ATTN: Veterans Services, Room 3812  
649 Monroe St.  
Montgomery, AL 36131

Nominations and information is also available by Email by contacting Veterans Services Alabama at:  
[Donal.cieutat@alcc.alabama.gov](mailto:Donal.cieutat@alcc.alabama.gov)

(8) Submission of Nominations: Nominations for the Alabama Veterans Performance Incentive Awards are to be mailed or delivered to: Alabama Department of Labor ATTN: Veterans Services, Room 3812 649 Monroe St. Montgomery, Alabama 36131

(9) Nomination Deadlines: All nominations are due by July 15 of each year. All awards disbursements will be identified not later than September 30 of each year (the close of each Fiscal Year).

(10) Management of the Awards Program: Management of the Awards Program: The success of the Alabama Veterans Performance Incentive Awards Program rests in the premise that appropriate recognition of worthy candidates has the potential to motivate other eligible professionals into providing excellent services to veterans. To that end, the Secretary of Labor, Alabama Department of Labor, will ensure that the following policies, practices, and actions are carried out in support of the Alabama Veterans Performance Incentive Awards program:

(a) Adequate resources and staff will be committed to administering the Alabama Veterans Performance Incentive program.

(b) Awards decisions will be based on exemplary performance of individual employees in services to veterans.

(c) Awards will be selected fairly, without regard to race, national origin, gender, or other non-merit factors.

(d) Management will assign priority to the integrity and the administration of the Alabama Veterans Performance Incentive Awards program.

(11) Summary Report: Alabama Veterans Performance Incentive Awards Program funds will be obligated by September 30 of each year (the end of the Fiscal Year), and expended by December 31 of each year. A summary report will be submitted in the Fiscal Year fourth quarter report to the U.S. Department of Labor, Veterans Employment and Training Service (VETS), detailing the expenditures of the Alabama Veterans Performance Incentive Awards.

**Author:** Sylvia Williams, Employment Security Division

**Statutory Authority:** Public Law 107-288, §4112.

**History: New Rule:** Filed September 28, 2004; effective November 2, 2004. **Amended:** Filed September 5, 2017; effective October 20, 2017.