

is nothing in the record before me pursuant to the pending motion to indicate whether the RA conducted such an investigation or made such a determination. Complainant was laid off in a budget cutback after he was reinstated.

Complainant argues that he should have been reinstated to a position in the regular classified service of Metropolitan Dade County. He asserts that if he had been in the classified service he would not have been laid off under the applicable seniority rules and is once again entitled to be reinstated.

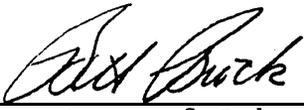
SFETC responded that Complainant was entitled to be reinstated only to an exempt position because his original position was exempt. In addition, SFETC argues that Complainant has not exhausted local level grievance procedures. He has the right to request the Personnel Advisory Board to make a recommendation to the County Manager who makes the final decision on what the proper civil service status of Complainant should have been.

By Notice issued February 14, 1986, I refrained from acting on this matter until the local administrative process had been exhausted and requested that the parties notify me of the outcome of that process.

Correspondence from counsel for Complainant and SFETC is contradictory on the issue of whether the local administrative process has been completed. I decline to leave this matter in suspense. It is apparent that in order to determine

whether the Secretary's Order of February 19, 1982, has been fully complied with, a complete record must be developed. Therefore, this matter IS REMANDED to ALJ Thomas to take evidence on whether Complainant's original position was in the classified or exempt service. If Complainant originally was in the classified service, SFETC shall afford him all the rights to which he would have been entitled in the layoff process which led to his most recent discharge.

SO ORDERED.



Secretary of Labor

Dated: JUL 31 1986
Washington, D.C.

CERTIFICATE OF SERVICE

Case Name: Armando Machado v. South Florida Employment
and Training Consortium

Case No. : 80-CETA-494

Document : Order of Remand

A copy of the above-referenced document was sent to the following persons on July 31, 1986.

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