




June 28, 2017




Monitoring for Equal Opportunity and Compliance

Section 188 of the Workforce Investment and Opportunity Act (WIOA)



- Requires each **Governor** to establish a ***Non Discrimination Plan*** which includes a system for ***annual monitoring compliance*** for conducting their WIOA Title I-B programs in a nondiscriminatory manner



Schedule of the Governor's Obligations Regarding the Nondiscrimination Plan



- (a) Within 180 days of either January 3, 2017, or the date on which the Governor is required to review and update their Methods of Administration as determined by the schedule in §37.55, whichever is later, a Governor must:
- (1) Develop and implement a Nondiscrimination Plan consistent with the requirements of this part; and
 - (2) Submit a copy of the Nondiscrimination Plan to the Director of the CRC.

§ 38.51 Governor's Oversight and Monitoring Responsibilities for State Programs



- The Governor is responsible for oversight and monitoring of all WIOA Title I—financially assisted State Programs. This responsibility includes:
 - (a) Ensuring compliance with the nondiscrimination and equal opportunity provisions of WIOA and this part, and negotiating, where appropriate, with a recipient to secure voluntary compliance when noncompliance is found under §38.91(b).



Annual Analysis of Data



(b) Annually monitoring the compliance of recipients with WIOA section 188 and this part, including a determination as to whether each recipient is conducting its WIOA Title I—financially assisted program or activity in a nondiscriminatory way.

- A statistical analysis of records and data kept by the recipient under §38.41, including analyses by:
- Race/ethnicity, sex, limited English proficiency, preferred language, age, and disability status;

Monitoring review must include:



(2) An investigation of any significant differences identified in the programs, activities, or employment provided by the recipient, to determine whether these differences appear to be caused by discrimination.

(3) An assessment to determine whether the recipient has fulfilled its administrative obligations under Section 188 of WIOA or this part (for example, recordkeeping, notice and communication) and any duties assigned to it under the Nondiscrimination Plan.

Regulations require statistical analyses to ensure compliance



- Data is collected on a variety of individuals taking advantage of your programs and activities, including:
 - Applicants
 - Registrants
 - Eligible applicants and registrants
 - Participants
 - Terminees
 - Employees and applicants for employment, where appropriate.



The Requirements



- Regulatory Guidance – 29 CFR 37/38
- Assigned Responsibilities
- Local Plans and Programs
- Robust Coordination & Interaction
- Leadership & Administration
- Implementation of Monitoring & Records



Responsibilities



- Governor – Oversight and monitoring of State's WIOA Program
 - Liable for Our Actions
 - Grant Activities
 - Development and Implementation of the Methods of Administration (MOA) (Non Discrimination Plan)
 - Compliance with 29 CFR 38
- Director of DCEO - Governor Delegated WIOA over-watch authority to Director
- Deputy Director of EOMC (Administration, Training, Investigations)
- Deputy Director of ETA (Administration, Training, Resources)
- Local Area CEO's/WIB/Executive Directors/EO Officers

Who we interact with



- Civil Rights Center (CRC)
- Local Workforce Innovation Area (LWIA) Directors,
- Equal Opportunity (EO) officers
- Employment and Training Administration (ETA) Staff
- Partners (Colleges, Universities, Human Rights, Attorney General, Central Management Services (CMS))
- Clients
- Department of Commerce and Economic Opportunity (DCEO) staff for EO
- Legal
- Others



How we implement our program



- Follow Methods of Administration (MOA)
 - (Non – Discrimination Plan)
 - 29CFR 38
- Prepare Monitoring LWIA Visit Schedule
- Coordinate and Prepare for Visit
- Onsite Actions
- Draft Report
- Records and Reports
- Coordinate Findings
- Conduct Follow-up



Basis of Discrimination



- Race
- Disability
- Political Affiliation or Belief
- Sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity)
- National Origin (including limited English proficiency)
- Color
- Religion
- Age



The Non Discrimination Plan



The nine elements of the MOA are covered but no longer described as “elements”

- | | |
|--------------------------------|-------------------------------------|
| 1. EO Officer Designation | 6. Data and Information Collection |
| 2. Notice & Communication | 7. Monitoring System |
| 3. Assurances | 8. Complaint Processing Procedures |
| 4. Universal Access | 9. Corrective Actions and Sanctions |
| 5. Compliance with Section 504 | |

Monitoring is Critical



- Discrimination is:
 - Against the law. (Think about unnecessary lawsuits)
 - It's inflammatory and is counterproductive.
 - It could become personal and cause harm.
 - It's expensive.
- Bottom Line is to eliminate or abate discrimination or discriminatory practices throughout our realms.

Essential Preliminary Information



- EO Data on:
 - applicants/clients,
 - random sample applications,
 - determinations,
 - reports,
 - discrimination complaints, etc.



Desk Review



- May help to identify potential items to be addressed during the on-site review
- Analyze the statistical and written reports and other documents returned



On-Site Review



- Purpose
 - determine compliance with equal opportunity and nondiscrimination requirements and review significant differences or disparities
- Entrance Meeting/Conference
 - meet with appropriate Director/Administrator and/or Local EO Officer
 - discuss scope of review,
 - make arrangements for client and staff interviews or file reviews and
 - discuss preliminary findings of the data analysis



Specialized Tools Gather Data



- 30 Ft Tape Measure
- Door Pressure Gauge (Push and Pull)
- 48" Smart Level Tool
- Measuring Wheel



Physical Accessibility



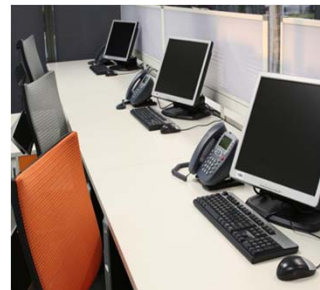
- Parking and appropriate signage
- Walks and sidewalks
- Pedestrian and curb ramps
- Entrances (maneuvering clearance)
- Doors & Doorways
- Corridors and Aisles
- Restrooms, water fountains, public phones
- Tables & work surfaces



Information Access



- Alternative Formats
- Printed Materials
- Audio & Video Materials
- Sign Language Interpreters
- Office equipment controls
- Screen enlargement capabilities
- Marketing and Outreach Strategies
- Access to Transportation



Review Participant Files



- Participant EO demographics
- Notice of Right to File a Complaint
- Confidential medical condition information



On-Site Interviews



- Interview Clients
 - notice of rights to file a complaint provided
 - accessibility to programs and facilities provided without regard to race, color, religion, sex, national origin, age, disability, etc.
- Employee/Staff Interview
 - EO training received
 - arrangements for LEP customers
 - awareness and location of EO policies and procedures
 - knowledge of how to serve customers with disabilities or limited in English proficiency
 - knowledge of process if he/she feels discriminated against based on a prohibited factor

Exit Conference



- Exit meeting
 - briefly discuss observations
 - give preliminary finding, if possible



Report and Follow-up



- Monitoring Report
 - areas of compliance and area(s) of pending or non-compliance
 - recommended corrective action(s)
 - due date to come into compliance or to submit a plan (for acceptance) for coming into compliance
- Corrective Action
 - sanctions may be considered if recipient is fails to take necessary action to voluntarily come into compliance
- Follow-up

Questions/Comments?



- Contact:

- Illinois Department of Commerce and Economic Opportunity
- Deputy Director, Office of Equal Opportunity Monitoring and Compliance
Miguel Calderon, Miguel.A.Calderon@illinois.gov
- State Equal Opportunity Compliance Officers
Tim Golemo, Golemo, Tim.Golemo@illinois.gov
Randolph Boschulte, Randolph.Boschulte@illinois.gov

Thank You!

