



Illinois Department of Commerce and Economic Opportunity

Rod R. Blagojevich
Governor

Jack Lavin
Director

PY'00 EO/WIA POLICY LETTER NO. 00-02

TO: Chief Elected Officials
Local Workforce Investment Board Chairs
WIA Fiscal Agents and Subrecipients
WIA State Agency Partners
WIA Title I-B Administrators
One-Stop Operators
Other Interested Persons

SUBJECT: Methods of Administration - Element 2 - Notice and Communication

DATE: June 20, 2001

I. PURPOSE:

In this element, the local-level should address how it and its subrecipients are complying and will continue to comply with the requirements of 37.29-37.36. This information is incorporated into the Illinois Department of Employment Security's MOA plan and is submitted to the U.S. Department of Labor, Civil Rights Center in Washington, D.C., thereby ensuring compliance with the nondiscrimination and equal opportunity provisions of the Workforce Investment Act.

II. ISSUANCES AFFECTED:

a) References:

- 1) U.S. Department of Labor Regulations at 29 CFR Part 37 - Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998;
- 2) Workforce Investment Act of 1998 Sections 134(b), 136(d)(2)(F), 136(e), 172(a), 183(c), 185(c)(2), 185(d)(I)(E), 186, 187, and 188;
- 3) Title VI and VII of the Civil Rights Act of 1964, as amended;
- 4) Section 504 of the Rehabilitation Act of 1973, as amended; Part B, C, Appendix A;

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- 5) Age Discrimination Act of 1975, as amended;
- 6) Title IX of the Education Amendments of 1972, as amended;
- 7) U.S. Department of Labor Regulations at 20 CFR 652;
- 8) U.S. Department of Labor Regulations at 29 CFR Part 31 and Part 32;
- 9) The Illinois Human Rights Act, as amended and its Rules and Regulations;
- 10) Nontraditional Employment for Women Act of 1991;
- 11) The Americans with Disabilities Act of 1990;
- 12) The Civil Rights Restoration Act of 1987;
- 13) Executive Order 12250;
- 14) Executive Order 11246, as amended;
- 15) U.S. Department of Labor Regulations at 29 CFR Part 1604, Guidelines on Discrimination because of Sex, Sexual Harassment;
- 16) Age Discrimination in Employment Act of 1967; as amended;
- 17) Equal Pay Act of 1963; as amended;
- 18) U.S. Department of Justice Regulations at 28 CFR Part 42, Subparts F &
- 19) Section 503 of the Rehabilitation Act of 1973, as amended; and,
- 20) Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended.

b) Rescissions:

None.

III. SUBJECT INDEX:

Equal Opportunity/Nondiscrimination

IV. BACKGROUND:

On August 7, 1998, the Workforce Investment Act of 1998 (WIA) was signed into law, which supercedes JTPA. Section 188, of WIA contains the statute's equal opportunity and nondiscrimination provisions.

29 CFR Part 37, the federal regulations, dated November 12, 1999, implements the nondiscrimination and equal opportunity provisions of the Workforce Investment Act of 1998 and require that each state establish and adhere to a Methods of Administration (MOA) for their state programs.

An MOA is a document, developed by the Department of Employment Security, that describes the actions an individual state will take to ensure that its WIA Title I-financially assisted programs, activities, and recipients are complying, and will continue to comply, with the nondiscrimination and equal opportunity of WIA and its implementing regulations.

The MOA is to be organized in the nine element requirements, with both a narrative and a documentation section for each element.

V. POLICY:

Element 2 of the MOA addresses Notice and Communication. Local workforce areas should compile a narrative that includes the following information:

- a) Describe the method and frequency of dissemination of the notice "Equal Opportunity Is The Law" poster.
- b) Describe how the notice "Equal Opportunity Is The Law" is made available to individuals with disabilities.
- c) Describe the procedure by which a copy of the notice "Equal Opportunity Is The Law" is placed in the participant's file, or where the files are maintained electronically, how the requirement is and will be met.
- d) Describe the means by which the local level ensures that recruitment brochures and other materials routinely made available to the public include the statements "equal opportunity employer/program" and "auxiliary aids and services are available upon request to individuals with disabilities" and, where a telephone number is included on these materials, the local level ensures that they indicated a TDD/TTY number or provide for an equally effective means of communication.
- e) Describe the procedures by which program information is published or broadcasts in the news media must ensure that such publications and broadcasts state that the WIA Title I funded program or activity in question is an "equal opportunity employer/program" and "auxiliary aids and services are available upon request to individuals with disabilities."
- f) Describe the procedures and extent to which information in a language other than English is provided, and the manner in which the local level ensures that persons of limited English-speaking ability have access to and use its programs and activities on a basis equal to that of those which are proficient in English.
- g) Describe the manner and extent to which orientations include a discussion of equal opportunity rights under section 188 of WIA and part 37.
- h) Describe the procedures taken to ensure that communication with individuals with disabilities are as effective as communication with others.

The documentation of element 2 should include the following information:

- a) A copy of the posted notice, "Equal Opportunity Is The Law", indicating the equal opportunity officer's information.
- b) A checklist of the contents of participant and employees files, reflecting the notice requirement.
- c) Orientation agendas and dates of past and proposed equal opportunity policy briefings and equal opportunity training.
- d) A copy of each policy issuance or instruction that relates to section 188 of WIA or part 37.
- e) A copy of each recruitment brochure and other materials distributed by a WIA Title I recipient, showing that each includes the statements: "equal opportunity employer/program" and "auxiliary aids and services are available upon request to individuals with disabilities" and accessible telephone numbers (TDD/TTY).

VI. ACTION REQUIRED:

This policy letter should be distributed to appropriate EO staff to prepare the narrative and documentation required under policy. This information is to be submitted, paper copy only-please no faxes, by close of business on Friday, July 13, 2001 to the following address:

Tim Golemo, State EO Officer for WIA (*Revised 1-12-04*)
IL Department of Commerce & Economic Opportunity
Bureau of Workforce Development
620 East Adams Street, 5th Floor
Springfield, IL 62701

VII. INQUIRIES:

Tim Golemo (217) 558-2418, (217) 557-5506 (fax) or
timothy_golemo@commerce.state.il.us (*Revised 1-12-04*)

VIII. EFFECTIVE DATE:

Upon issuance

IX. EXPIRATION DATE:

Continuing