



## Illinois Department of Commerce and Economic Opportunity

Rod R. Blagojevich  
Governor

Jack Lavin  
Director

### **PY'00 EO/WIA POLICY LETTER NO. 00-06**

**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 6 - Data and Information Collection and Maintenance**

**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 37.37 - 37.41. 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) US. 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 & H.
- 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 6 of the MOA addresses how the local level complies with the requirements of 29 CFR 37.37 through 37.41 related to data and information collection and maintenance. The narrative portion of this Element should address the following information:

- a) Describe how the local workforce area collects and maintains records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment.
- b) Describe how the local workforce area records the race/ethnicity, sex, age and, disability status of each applicant, registrant, eligible applicant/registrator, participant, terminee, employee, and applicant for employment.
- c) Indicate and describe the procedures by which the local level maintains a log of complaints filed that allege discrimination on one or more of the bases prohibited by Section 188 of the Workforce Investment Act.
- d) Describe how such records are maintained for a period of three years.
- e) Describe the procedures taken to ensure that grant applicants and recipients notify the Director of the Civil Rights Center of administrative enforcement actions and lawsuits brought against them that allege discrimination on one or more of the bases prohibited by Section 188 of the Workforce Investment Act.

The documentation of Element 6 should include the following information:

- a) A copy of the procedures by which the local level ensures its information collection, access to records, and maintenance of records meet all the requirements of 29 CFR 37.37 through 37.41.
- b) A copy of each policy issuance that discusses ensuring the confidentiality of demographic information regarding individuals.
- c) Copies of reports regarding and containing the above demographic information.
- d) A copy of the format and instructions, in hard copy and electronic file form, for complaint logs used by the local level to track complaints that allege a violation of WIA Section 188 or 29 CFR part 37.

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

**VII. INQUIRIES:**

Tim Golemo (217) 558-2418, (217) 557-5506 (fax) or  
[timothy\\_golemo@commerce.state.il.us](mailto:timothy_golemo@commerce.state.il.us) (*Revised 1-12-04*)

**VIII. EFFECTIVE DATE:**

Upon issuance.

**IX. EXPIRATION DATE:**

Continuing