



Illinois Department of Commerce and Economic Opportunity

Rod R. Blagojevich
Governor

Jack Lavin
Director

PY'00 EO/WIA POLICY LETTER NO. 00-07

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 7 - Monitor recipients for compliance

DATE: June 20, 2001

I. PURPOSE:

In this element, the local-level should address how it and its sub-recipients are complying and will continue to comply with the requirements of 37.54(d)(1)(iii). 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)(1)(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;
- 5) Age Discrimination Act of 1975, as amended;

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- 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 7 of the MOA addresses how the local level complies with the requirements of 29 CFR 37.54 (d)(I) to establish procedures to monitor periodically all aspects of compliance with WIA section 188 and 29 CFR part 37. The narrative of this section should describe the following information:

- a) Describe the system for evaluating the extent to which recipient's are complying with the administrative obligations of 29 CFR Part 39, including, but not limited to assurances; equal opportunity officers; notice and communication; data information collection and maintenance; universal access; and complaint processing procedures.
- b) Describe the system for conducting equal opportunity monitoring/evaluation reviews of applicants for and recipients of WIA Title I financial assistance (including monitoring assurances and programmatic and architectural accessibility).
- c) Describe the system for imposing sanctions and corrective actions for violations noted by a recipient during its monitoring reviews.
- d) Describe the system for ensuring policy development, communication, and training are carried out.
- e) Describe the system for conducting analyses, by race/ethnicity and sex, of program and employment activity, including but not limited to rates of application, placement, and termination, to determine if significant differences exist.
- f) Describe the system for conducting follow-up monitoring to determine the cause of any such differences, through the analysis of the records of individual registrants, applicants, eligible applicants/registrants, employees and applicants for employment; interviews; and, other appropriate techniques.
- g) Describe the procedures for reviewing recipient's policies and procedures, to ensure that the policies and procedures do not violate the prohibitions contained in 29 CFR 37.5 through 37.10.
- h) Indicate how the written reports for each review will be prepared. Such reports must provide, among other things, that the results of the monitoring review will be made available to the recipient(s) reviewed.

- i) Indicate the involvement of the State and local level EO Officer in conducting the reviews. Where EO Monitoring is carried out by individuals other than the State or local level EO Officer, provide the names, titles, and organization of those persons.
- j) Describe the procedures for determining which recipients are to be reviewed, the frequency of reviews of recipients, and the number of recipients to be reviewed per year.

The documentation of Element 7 should contain the following information:

- a) Schedules of reviews and criteria for targeting recipients for review.
- b) Monitoring instruments used by local level staff to monitor recipient EO activities.
- c) Policy issuances and procedural guidance regarding monitoring reviews and recipient evaluations.
- d) Sampling of reports of monitoring reviews, including findings resulting from reviews and the status of follow-up actions.

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, 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