

State of Oregon Governor's Office of Education and Workforce Policy Salem, Oregon 97310	Classification: MOA
	Date: June 6, 2001

Oregon Workforce Letter No. 5-01

TO: ALL LOCAL AND REGIONAL WORKFORCE BOARDS
ALL ONE-STOP LEADS
ALL STATE WORKFORCE AGENCIES
ALL WORKFORCE GRANT RECIPIENTS/FISCAL AGENTS

FROM: Annette Talbott
Governor's Workforce Policy Coordinator

SUBJECT: Compliance with Elements of the State Method's of Administration and Section 188 of the Workforce Investment Act

1. Purpose.

The purpose of this letter is to inform workforce boards, partners and recipients of all of the elements of the State's Methods of Administration (MOA) which implements the nondiscrimination and equal opportunity provisions of the Workforce Investment Act of 1998 (WIA). Section 188 of the WIA prohibits discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIA Title I- financially assisted program or activity.

2. References. The Workforce Investment Act, Section 188; 29 CFR part 37; specifically 29 CFR 37.4 (definition of recipient), 29 CFR 37.20 (Assurances) and 29 CFR 37.8 and 37.9 (Disability requirements).

3. Background.

The state has issued four Oregon Workforce Letters (OWL) regarding the state's Methods of Administration (OWLs 1 through 4) as follows:

- 1-Equal Opportunity Notifications, Posters, Fliers and other Communication
- 2-Equal Opportunity Coordinators at Workforce Region/One Stops
- 3-Processing EO/Discrimination Complaints
- 4-Plan to Develop a Language Assistance Program for Persons with Limited English Proficiency

4. Description. This letter informs recipients, workforce boards and workforce partners about the general information in the MOA as well as specific information regarding Elements 3, 5 and 9 of the MOA. These elements relate to Assurances, Serving Individuals with Disabilities and the Corrective Actions/sanctions policy, respectively.

4.1 General Information

- a) The Methods of Administration document approved by the federal Department of Labor's Civil Rights Center (CRC) will be posted on the state's workforce website at www.workforce.state.or.us under WIA Rules and Policy. The draft MOA submitted to the Civil Rights Center is currently posted on the OCN/One Stop section of the same website.
- b) A list of the EO Coordinators for the local areas and regions and the state agency EO Coordinators will be posted on the workforce website www.workforce.state.or.us or is available from the State EO Officer.
- c) Contact Information for State EO Officer is listed below:

Janie McCollister
State Equal Opportunity Officer
Oregon Employment Department
Director's Office, Rm. 305
875 Union Street, NE
Salem, Oregon 97311
503-947-1324
Janie.McCollister@state.or.us

- d) The EO is the law posters are available in English and Spanish from the state EO Officer listed above.
- e) The MOA applies to "recipients" of federal financial assistance under Title I of the WIA - this is broadly defined. It generally applies to any One-Stop partners including state agencies, NOT just Title IB programs (adult, youth and dislocated programs). See Attachment B.
- f) The nondiscrimination and equal opportunity requirements also represent more than just a discrimination complaint process - the law and regulations have proactive or affirmative requirements relating to Universal Access and Outreach, Accessibility Requirements for Serving Disabled Individuals, and Assistance to Individuals who are Limited English Proficient.

4.2 Assurances

The Governor, through the State EO Officer and state agency EOOs, will exercise due diligence to monitor and assure that recipients and grant applicants, including training providers for which they are responsible, include required EO assurances in their applications, grants, cooperative agreements, contracts or other arrangements providing WIA Title I funding.

Recipients must execute written contracts to clearly establish the grant applicant or recipient's obligations regarding nondiscrimination and equal opportunity. Assurances must also specify that recipients and grant applicants are able to provide programmatic and architectural accessibility. As necessary and where feasible, state recipient agencies shall provide guidance to sub-recipients and vendors to establish and issue localized EO policies prior to award of WIA funds, or shall guide efforts to remedy insufficient policies as needed and in a timely manner.

The assurance review or monitoring will include reviews of each application for financial assistance under Title I of WIA and will involve checking the applicant's policies, procedures, and application elements to make sure they address:

- Section 188 of the WIA;
- Title VI of the Civil Rights Act of 1964 as amended;
- Section 504 of the Rehabilitation Act of 1973 as amended;
- The Age Discrimination Act of 1975 as amended;
- Title IX of the Education Amendments of 1972 as amended; and
- All other regulations implementing the laws listed above.

Please be aware that the federal government has the right to seek judicial enforcement of this assurance and that the assurance is considered incorporated by operation of law when Title I financial assistance is received, with or without a written agreement to that effect.

Each state agency EOO will also rely on state agency policies regarding assurances in the context of the WIA and the MOA. State contracts require boilerplate language for contracts, job training plans and similar documents that assure that the terms of the MOA are met. Boilerplate language is in Attachment A. As there is no single lead agency for the WIA in Oregon, the state relies on the contractual assurances described above.

4.3 Compliance With Disability Laws

Recipients must demonstrate that persons with disabilities are assured of participation in programs and activities in as integrated a setting as possible. Programs and activities must be architecturally and programmatically accessible to individuals with disabilities, through reasonable accommodation and reasonable modification. In addition, communication about programs and activities must be as effective as communication with other potential participants. See 29 CFR 37.8 and 37.9 in Attachment C.

Communications and Services

Recipients must take appropriate steps to ensure that communications with beneficiaries, registrants, applicants, eligible applicants/registrants, participants, applicants for employment, employees, and members of the public who are individuals with disabilities, are as effective as communications with others.

A recipient must furnish appropriate auxiliary aids or services where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the WIA Title I--financially assisted program or activity. In determining what type of auxiliary aid or service is appropriate and necessary, such recipient must give primary consideration to the requests of the individual with a disability.

Where a recipient communicates by telephone with beneficiaries, registrants, applicants, eligible applicants/registrants, participants, applicants for employment, and/or employees, the recipient

must use telecommunications devices for individuals with hearing impairments (TDDs/TTYs), or equally effective communications systems, such as telephone relay services.

A recipient must ensure that interested individuals, including individuals with visual or hearing impairments, can obtain information as to the existence and location of accessible services, activities, and facilities.

Facilities

A recipient must provide signage at a primary entrance to each of its inaccessible facilities, directing users to a location at which they can obtain information about accessible facilities. The international symbol for accessibility must be used at each primary entrance of an accessible facility.

Reasonable accommodation includes making existing facilities used by applicants, registrants, eligible applicants/registrants, participants, applicants for employment, and employees readily accessible to and usable by individuals with disabilities, including individuals with visual or hearing impairments.

To assure this access is provided the state EO Officer and state agency EOO will offer technical assistance and training to recipients. There is a federal guide on accessibility and technical assistance available to the state and local workforce partners (see below).

Each workforce region should undertake an architectural review of their One Stops using the federal guide referenced below or another federal or state approved accessibility checklist or guide. The federal guide and technical assistance information is available on the federal Department of Labor website <http://wdr.doleta.gov/directives>.

[TRAINING AND EMPLOYMENT INFORMATION NOTICE NO. 4-00](#) - Draft One-Stop Guide to Accessibility and Accommodation of Persons with Disabilities

[TRAINING AND EMPLOYMENT INFORMATION NOTICE NO. 25-99](#) - Technical Assistance Available to the Workforce Investment System from Regional Disability and Business Technical Assistance Centers (DBTACs) on Serving Customers with Disabilities

In addition, Oregon is fortunate to have several agencies that assist individuals with disabilities including finding them employment. These are listed in Attachment D. These agencies have training and technical assistance resources that are available to public agencies and partners.

Finally, Oregon will also be able to offer training and technical assistance to state and local workforce partners in serving individuals with disabilities through the RITE ON Grant (Resourceful Initiative to Employment: Oregon Network), a Work Incentive grant it received from the Department of Labor. It will involve training for One Stop center staff in "Basic Disability 101 Information" and "Sensitivity Awareness" training and will include information on mental and learning disabilities as well. Further information is available on the grant at <http://www.workforce.state.or.us/workforce/ocnonestop/reports/RITEON.pdf>.

4.3 Corrective Action and Sanctions

Corrective actions and sanctions are intended to guarantee equal access to programs, activities, and employment opportunities provided by WIA financially assisted recipient organizations. Corrective actions must be appropriate for the violation identified and serve to end the discrimination or redress specific violation(s).

Local-level EOCs are instructed to notify the State EEO and Agency EEO if they are contacted directly by USDOL CRC regarding an alleged violation. Any corrective actions, if necessary, will be reported to USDOL CRC.

Where a compliance review or complaint investigation results in a finding of noncompliance, the State EO Officer must notify the:

- (a) Grant applicant or recipient;
- (b) Grantmaking agency; and
- (c) Governor's Office.

Sanctions may include termination of funding (partial, offset, and/or temporary suspension). Recipients acknowledge notice that corrective actions and sanctions may be imposed to move recipients into compliance with the requirements of the WIA and these Methods of Administration. See Corrective Actions/Sanctions Chart in Attachment E.

Violations may range in seriousness from technical violations, such as failure to post EO notices, to discrimination violations based on the prohibited grounds of discrimination or equal opportunity protections afforded by the law. Corrective actions must correct the specific violation and/or make whole the complainant. The appropriate state agency will provide guidance and/or technical assistance to a non-complying sub-recipient, will obtain written agreement or assurance to document the correction of the violation, and provide reports on corrective actions taken and follow-up monitoring.

- 5. Implementation. Immediate
- 6. Action Required. Follow the State's Methods of Administration and requirements outlined in the Oregon Workforce Letters 1-5.
- 7. Inquiries. Contact Annette Talbott, Governor's Workforce Policy Coordinator, at 503-378-3921, x 24 or Janie McCollister, Equal Opportunity Officer, at 503-947-1324.

Attachments

- A Model MOU language and State Contract Assurance Language
- B Definition of Recipient under 29 CFR 37.4
- C Accommodations Requirements - 29 CFR 37.8 and 37.9
- D State Agencies Serving Individuals With Disabilities
- E Corrective Action/Sanctions Chart
- F Section 188 of the WIA

Attachment A

MOU LANGUAGE

Each signatory to the MOU which is a recipient of federal financial assistance as defined in 29 CFR Sec. 37.4, assures that it will comply with:

1. The state's Methods of Administration approved by the federal Department of Labor (located at www.workforce.state.or.us); and
2. The nondiscrimination and equal opportunity provisions of the following laws:
 - a. Section 188 of the Workforce Investment Act (WIA) and 29 CFR Part 37 which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief and against beneficiaries on the basis of either citizenship/status as lawfully admitted immigrants authorized to work in the United State or participation in any WIA Title I financially assisted program or activity;
 - b. Title VI of the Civil Rights Act of 1964 as amended (42 USC Sec. 2000d et seq.), which prohibits discrimination on the bases of race, color and national origin;
 - c. Section 504 of the Rehabilitation Act of 1973 as amended (29 USC 794), which prohibits discrimination against qualified individuals with disabilities;
 - d. Age Discrimination Act of 1975 as amended (42 USC Sec. 6101 et seq.), which prohibits discrimination on the basis of age; and
 - e. Title IX of the Education Amendments of 1972 as amended (20 USC Sec. 1681 et seq.), which prohibits discrimination on the basis of sex in educational programs.

STATE CONTRACT ASSURANCES

“Compliance with Applicable Law. Contractor will comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to the Work under this Contract. Without limiting the generality of the foregoing, Contractor expressly agrees to comply with: (i) Title VI of the Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659.425; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

Agency’s performance under this Contract is conditioned upon Contractor’s compliance with the provisions of ORS 279.312, 279.314, 279.316, 279.320, and 279.555, which are incorporated by reference herein. Contractor will ensure that the language “equal opportunity employer/program” and “auxiliary aids and services are available upon request to individuals with disabilities” in English and Spanish appear on each work product. Contractor will ensure that it does not discriminate on the basis of any of the protections covered by the Workforce Investment Act and described at 29 CFR part 37.”

Attachment B

Definition of "Recipient" under 29 CFR 37.4

Recipient means any entity to which financial assistance under WIA Title I is extended, either directly from the Department or through the Governor or another recipient (including any successor, assignee, or transferee of a recipient), but excluding the ultimate beneficiaries of the WIA Title I-funded program or activity. In instances in which a Governor operates a program or activity, either directly or through a State agency, using discretionary funds apportioned to him or her under WIA Title I (rather than disbursing the funds to another recipient), the Governor is also a recipient.

"Recipient" includes, but is not limited to:

- (1) State-level agencies that administer, or are financed in whole or in part with, WIA Title I funds;
- (2) State Employment Security Agencies; (*in Oregon this is the Employment Department*)
- (3) State and local Workforce Investment Boards (*In Oregon this would include regional workforce boards as well*);
- (4) LWIA grant recipients;
- (5) One-Stop operators (*In Oregon many of the One Stops are operated by consortiums so all of the members of the consortium would be considered operators*);
- (6) Service providers, including eligible training providers;
- (7) On-the-Job Training (OJT) employers;
- (8) Job Corps contractors and center operators, excluding the operators of federally-operated Job Corps centers;
- (9) Job Corps national training contractors;
- (10) Outreach and admissions agencies, including Job Corps contractors that perform these functions;
- (11) Placement agencies, including Job Corps contractors that perform these functions; and
- (12) Other National Program recipients. (*e.g. Green Thumb, Native American grantees, Veterans, and Migrant and Seasonal farmworker programs*)

In addition, for purposes of this part, One-Stop partners, as defined in section 121(b) of WIA, are treated as "recipients," and are subject to the nondiscrimination and equal opportunity requirements of this part, to the extent that they participate in the One-Stop delivery system. (*In Oregon this includes the welfare program - Temporary Assistance to Need Families (TANF) and the Food Stamp Employment and Training programs*)

Italic - comments added to clarify which partners this is in Oregon.

NOTE: The WIA is broken down into titles - Title I has several sections including provisions relating to One Stop partners as well as IB programs (adult, youth and dislocated worker).

Sec. 37.8 What are a recipient's responsibilities regarding reasonable accommodation and reasonable modification for individuals with disabilities?

(a) With regard to aid, benefits, services, training, and employment, a recipient must provide reasonable accommodation to qualified individuals with disabilities who are applicants, registrants, eligible applicants/registrants, participants, employees, or applicants for employment, unless providing the accommodation would cause undue hardship. See the definitions of "reasonable accommodation" and "undue hardship" in Sec. 37.4.

(1) In those circumstances where a recipient believes that the proposed accommodation would cause undue hardship, the recipient has the burden of proving that the accommodation would result in such hardship.

(2) The recipient must make the decision that the accommodation would cause such hardship only after considering all factors listed in the definition of "undue hardship" in Sec. 37.4. The decision must be accompanied by a written statement of the recipient's reasons for reaching that conclusion. The recipient must provide a copy of the statement of reasons to the individual or individuals who requested the accommodation.

(3) If a requested accommodation would result in undue hardship, the recipient must take any other action that would not result in such hardship, but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the aid, benefits, services, training, or employment provided by the recipient.

(b) A recipient must also make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless making the modifications would fundamentally alter the nature of the service, program, or activity. See the definition of "fundamental alteration" in Sec. 37.4.

(1) In those circumstances where a recipient believes that the proposed modification would fundamentally alter the program, activity, or service, the recipient has the burden of proving that the modification would result in such an alteration.

(2) The recipient must make the decision that the modification would result in such an alteration only after considering all factors listed in the definition of "fundamental alteration" in Sec. 37.4. The decision must be accompanied by a written statement of the recipient's reasons for reaching that conclusion. The recipient must provide a copy of the statement of reasons to the individual or individuals who requested the modification.

(3) If a modification would result in a fundamental alteration, the recipient must take any other action that would not result in such an alteration, but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the aid, benefits, services, training, or employment provided by the recipient.

Sec. 37.9 What are a recipient's responsibilities to communicate with individuals with disabilities?

(a) Recipients must take appropriate steps to ensure that communications with beneficiaries, registrants, applicants, eligible applicants/registrants, participants, applicants for employment, employees, and members of the public who are individuals with disabilities, are as effective as communications with others.

(b) A recipient must furnish appropriate auxiliary aids or services where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the WIA Title I--financially assisted program or activity. In determining what type of auxiliary aid or service is appropriate and necessary, such recipient must give primary consideration to the requests of the individual with a disability.

(c) Where a recipient communicates by telephone with beneficiaries, registrants, applicants, eligible applicants/registrants, participants, applicants for employment, and/or employees, the recipient must use telecommunications devices for individuals with hearing impairments (TDDs/TTYs), or equally effective communications systems, such as telephone relay services.

(d) A recipient must ensure that interested individuals, including individuals with visual or hearing impairments, can obtain information as to the existence and location of accessible services, activities, and facilities.

(e)(1) A recipient must provide signage at a primary entrance to each of its inaccessible facilities, directing users to a location at which they can obtain information about accessible facilities. The signage provided must meet the most current standards prescribed by the General Services Administration under the Architectural Barriers Act at 41 CFR 101-19.6. Alternative standards for the signage may be adopted when it is clearly evident that such alternative standards provide equivalent or greater access to the information.

(2) The international symbol for accessibility must be used at each primary entrance of an accessible facility.

(f) This section does not require a recipient to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity.

(1) In those circumstances where a recipient believes that the proposed action would fundamentally alter the WIA Title I--financially assisted program, activity, or service, the recipient has the burden of proving that compliance with this section would result in such an alteration.

(2) The decision that compliance would result in such an alteration must be made by the recipient after considering all resources available for use in the funding and operation of the WIA Title I--financially assisted program, activity, or service, and must be accompanied by a written statement of the reasons for reaching that conclusion.

(3) If an action required to comply with this section would result in the fundamental alteration described in paragraph (f)(1) of this section, the recipient must take any other action that would not result in such an alteration, but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the benefits or services provided by the recipient.

From 29 CFR 37.4, Definitions:

Reasonable accommodation.

(1) The term "reasonable accommodation" means:

(i) Modifications or adjustments to an application/registration process that enables a qualified applicant/registrant with a disability to be considered for the aid, benefits, services, training, or employment that the qualified applicant/registrant desires; or

(ii) Modifications or adjustments that enable a qualified individual with a disability to perform the essential functions of a job, or to receive aid, benefits, services, or training equal to that provided to qualified individuals without disabilities. These modifications or adjustments may be made to:

(A) The environment where work is performed or aid, benefits, services, or training are given; or

(B) The customary manner in which, or circumstances under which, a job is performed or aid, benefits, services, or training are given; or

(iii) Modifications or adjustments that enable a qualified individual with a disability to enjoy the same benefits and privileges of the aid, benefits, services, training, or employment as are enjoyed by other similarly situated individuals without disabilities.

(2) Reasonable accommodation includes, but is not limited to:

(i) Making existing facilities used by applicants, registrants, eligible applicants/registrants, participants, applicants for employment, and employees readily accessible to and usable by individuals with disabilities; and

(ii) Restructuring of a job or a service, or of the way in which aid, benefits, or training is/are provided; part-time or modified work or training schedules; acquisition or modification of equipment or devices; appropriate adjustment or modifications of examinations, training materials, or policies; the provision of readers or interpreters; and other similar accommodations for individuals with disabilities.

(3) To determine the appropriate reasonable accommodation, it may be necessary for the recipient to initiate an informal, interactive process with the qualified individual with a disability in need of the accommodation. This process should identify the precise limitations resulting from the disability and potential reasonable accommodations that could overcome those limitations.

Attachment D - State Agencies Serving Individuals With Disabilities

Vocational Rehabilitation Division

Oregon's Vocational Rehabilitation Division (VRD) provides rehabilitation services to persons with disabilities and makes eligibility decisions for disability benefits. It is a division of the state Department of Human Services (DHS). Rehabilitation services include: Vocational Counseling, Evaluation, Physical Restoration, Skills Training, Job Placement, Preparation for Independent Living. Services are provided in collaboration with other businesses, state agencies, community rehabilitation programs, workforce partners and independent living service providers. VRD has offices around the state and a list of these is located at <http://vrdweb.hr.state.or.us>. VRD provides Windmills training for partners on how staff can effectively serve individuals with disabilities.

Vocational Rehabilitation Division, DHS

500 Summer St. NE,
Salem, OR 97301-1120
(503) 947 -5880
(877) 277-0513 Toll Free
TTY: (503) 945-5894

Oregon Disabilities Commission

The Commission has two online Technical Assistance and Information Centers. There you can access over 1200 documents relating to people with disabilities including documents on the Americans with Disabilities Act (ADA), specific disabilities, technology, and many other topics. The Commission's website also offers advice on how to design accessible websites. It has individuals who are trained to review architectural accessibility and will provide these services for workforce.

In addition, the Commission is the state's Americans with Disabilities Act (ADA) Coordinating Agency. The designation fulfilled a requirement of Title I of the Act that each state and local government identify an ADA Coordinator. It also assists members of the public and state agencies in making agency programs available and accessible to individuals who are deaf and hearing impaired. Any public agency may contract with the Oregon Disabilities Commission for the coordination and provision of sign language interpreter services.

Contact information:

Oregon Disabilities Commission
1257 Ferry St. SE
Salem, OR 97310
1-800-358-3117 (V/TTY) (In-state only)
(503) 378-3142 (V/TTY)
(503) 378-3599 (Fax)
<http://www.odc.state.or.us>

Oregon Commission for the Blind (OCB)

For over 50 years, the Oregon Commission for the Blind has been a resource for visually impaired Oregonians, as well as their families, friends, and employers. It has nationally recognized programs and staff that make a difference in people's lives every day. The commission's vision is to achieve full inclusion of visually impaired people in society. Towards this aim, it helps people make informed choices about their individual goals and plans. The OCB operates from four main field offices (Portland, Eugene, Medford and Salem). Counselors and teachers provide services statewide and can meet with workforce partners to help assure services are accessible to those with visual impairments.

Call the Portland Headquarters toll-free **(888) 202 5463** to find the contact closest to your One Stop. Email address is ocbmail@state.or.us.

Attachment E- Corrective Actions and Corresponding Timeframes (Table 9-A in MOA)

<i>Area of Non-Compliance</i>	<i>Corrective Action</i>	<i>Pre-Sanction and Sanction</i>
<p><i>I. Practices and Policies</i></p> <p>A. Policies or procedures that discriminate, or have the effect of excluding identifiable groups of individuals or denying the administration of benefits, participation in, employment, or other activities in connection with the Workforce Investment Act.</p>	<ol style="list-style-type: none"> 1. Technical Assistance and Training 2. Elimination or modification of policies, practices and procedures that have been found to be discriminatory within a time period specified by State EO Officer and Governor's Office. 	<ol style="list-style-type: none"> 1. Written warning of non-compliance 2. Recommendation of reduction of funding 3. Reduction of funding 4. Legal action under applicable State or Federal laws
<p>B. Programs, activities, or services that are inaccessible to disabled or limited English-speaking individuals</p>	<ol style="list-style-type: none"> 1. Technical Assistance 2. Identification of inaccessible features, and modification of inaccessible features, within time frame given by the State EO Officer and Governor's Office. 	<ol style="list-style-type: none"> 1. Written warning of non-compliance 2. Reduction of funding 3. Disallowance of costs in inaccessible programs, activities, or services 4. Elimination of funding 5. Legal action under applicable laws
<p>C. Non-existent, incomplete, or inadequate accessibility assessment tool on file as required by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.</p>	<ol style="list-style-type: none"> 1. Acquisition of technical assistance materials 2. Production of such a document within a time period specified by the State 	<ol style="list-style-type: none"> 1. Written warning of non-compliance 2. Reduction of funding 3. Legal Action under State law, based upon the recipient's assurance of compliance with WIA, Federal Regulations and State Directives
<p>D. Policies, practices, or procedures which are not in compliance with 29 CFR 37 or other civil rights legislation</p>	<ol style="list-style-type: none"> 1. Acquisition of technical assistance materials 2. Immediate modification or elimination of non-compliant policies, practices, and procedures within a time specified by the State 	<ol style="list-style-type: none"> 1. Written warning of non-compliance 2. Reduction of funding 3. Elimination of funding 4. Legal action under State law, based upon the recipient's assurance of compliance with WIA, Federal Regulations and State Directives
<p>E. Non-existence of a staff analysis by race, sex, age or disability</p>	<ol style="list-style-type: none"> 1. Completion of staff analysis within 30 days of receipt of written report of non-compliance 	<ol style="list-style-type: none"> 1. Written warning of non-compliance 2. Recommendation of reduced funding 3. Reduction of Funding
<p>F. Non-existence of a analysis by race, sex, age or disability for participants, registrants, clients</p>	<p>Completion of analysis within specified period of time of receipt of written report of non-compliance</p>	<ol style="list-style-type: none"> 1. Written warning of non-compliance 2. Recommendation of reduced funding 3. Reduction of Funding

<i>Area of Non-Compliance</i>	<i>Corrective Action</i>	<i>Pre-Sanction and Sanction</i>
<p>II. <i>Methods of Administration</i></p> <p>A. Non-provision of services to individuals or substantial segments most in need</p>	<p>Determine substantial segments which are most in need. Prepare a plan detailing the methods that will be used to achieve and maintain compliance. Submit the plan to the State EO Officer within 30 days. Take immediate actions towards achieving compliance during the preparation of the plan. Upon submission of the plan, implement the plan in order to achieve compliance.</p>	<ol style="list-style-type: none"> 1. Written warning of non-compliance 2. Terminate Federal financial assistance
<p>C. Maintaining complaint procedures not in compliance with 29 CFR 37</p>	<p>Obtain technical assistance and take necessary steps to achieve compliance</p>	<ol style="list-style-type: none"> 1. Written warning of non-compliance 2. Suspension of Federal financial assistance 3. Terminate Federal financial assistance
<p>D. Failure to comply with equal opportunity directives issued by the State EO Officer or Governor's Office and with applicable laws and regulations</p>	<p>Take immediate action to comply within time frame specified by the State EO Officer</p>	<ol style="list-style-type: none"> 1. Written warning of non-compliance 2. Terminate Federal financial assistance
<p>E. Failure to carry out oversight responsibilities by monitoring equitable service performance of its service providers</p>	<p>Require immediate implementation of oversight and written report of the results of the State EO Officer within 30 days of the receipt of the written report of non-compliance</p>	<ol style="list-style-type: none"> 1. Written warning of non-compliance 2. Suspension of Federal financial assistance 3. Termination of Federal financial assistance
<p>F. Failure to collect and maintain records as required in 29 CFR 37</p>	<p>Take immediate action to comply within the time frame specified by the State EO Officer</p>	<ol style="list-style-type: none"> 1. Written warning of non-compliance 2. Suspension of Federal financial assistance 3. Termination of Federal financial assistance

Attachment F

SEC. 188. NONDISCRIMINATION.

(a) In General.--

(1) Federal financial assistance.--For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded or otherwise financially assisted in whole or in part under this Act are considered to be programs and activities receiving Federal financial assistance.

(2) Prohibition of discrimination regarding participation, benefits, and employment.--No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any such program or activity because of race, color, religion, sex (except as otherwise permitted under title IX of the Education Amendments of 1972), national origin, age, disability, or political affiliation or belief.

(3) Prohibition on assistance for facilities for sectarian instruction or religious worship.--Participants shall not be employed under this title to carry out the construction, operation, or maintenance of any part of any facility that is used or to be used for sectarian instruction or as a place for religious worship (except with respect to the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship, in a case in which the organization operating the facility is part of a program or activity providing services to participants).

(4) Prohibition on discrimination on basis of participant status.--No person may discriminate against an individual who is a participant in a program or activity that receives funds under this title, with respect to the terms and conditions affecting, or rights provided to, the individual, solely because of the status of the individual as a participant.

(5) Prohibition on discrimination against certain noncitizens.--Participation in programs and activities or receiving funds under this title shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.

(b) Action of Secretary.--Whenever the Secretary finds that a State or other recipient of funds under this title has failed to comply with a provision of law referred to in subsection (a)(1), or with paragraph (2), (3), (4), or (5) of subsection (a), including an applicable regulation prescribed to carry out such provision or paragraph, the Secretary shall notify such State or recipient and shall request that the State or recipient comply. If within a reasonable period of time, not to exceed 60 days, the State or recipient fails or refuses to comply, the Secretary may--

(1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; or

(2) take such other action as may be provided by law.

(c) Action of Attorney General.--When a matter is referred to the Attorney General pursuant to subsection (b)(1), or whenever the Attorney General has reason to believe that a State or other recipient of funds under this title is engaged in a pattern or practice of discrimination in violation of a provision of law referred to in subsection (a)(1) or in violation of paragraph (2), (3), (4), or (5) of subsection (a), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

(d) Job Corps.--For the purposes of this section, Job Corps members shall be considered as the ultimate beneficiaries of Federal financial assistance.

(e) Regulations.--The Secretary shall issue regulations necessary to implement this section not later than one year after the date of the enactment of the Workforce Investment Act of 1998. Such regulations shall adopt standards for determining discrimination and procedures for enforcement that are consistent with the Acts referred to in a subsection (a)(1), as well as procedures to ensure that complaints filed under this section and such Acts are processed in a manner that avoids duplication of effort.