



STEPS TO UNDERSTAND YOUR ROLES AND RESPONSIBILITIES AS A NEW EQUAL OPPORTUNITY OFFICER

NASWA EO Policy Subcommittee 2019

1. Read and understand 29 CFR Part 38 and Section 188 of the Workforce Innovation and Opportunity Act (WIOA).

- DOL's role and responsibility
- ETAs role and responsibility
- CRC's role and responsibility
- State's/Governor's responsibility
- WIOA Recipient's responsibility

2. The EO Officer has an obligation to read and understand:

- Title VI and Title VII of the Civil Rights Act of 1964
- Title IX of the Education Amendments Act of 1972
- The American's with Disabilities Act of 1990 and the ADA Amendments Act of 2008
- Section 504 of the Rehabilitation Act of 1973

The following is taken from the CRC's website:

Equal Opportunity Officer

An Equal Opportunity Officer is responsible for coordinating a recipient's obligations under this part. Those responsibilities include, but are not limited to:

- Monitoring and investigating the recipient's activities, and the activities of the entities that receive WIOA Title I—financial assistance from the recipient, to make sure that the recipient and its sub recipients are not violating their nondiscrimination and equal opportunity obligations;
- Developing and publishing the recipient's procedures for processing discrimination complaints;
- Conducting outreach and education about equal opportunity and nondiscrimination requirements;
- If applicable, overseeing the development and implementation of the recipient's Nondiscrimination Plan under § 38.54.
- The rule requires recipients' EO Officers to oversee the collection of EO data and information, including on LEP status and preferred language use.
- The rule makes clear that outreach is an essential responsibility of recipients' EO Officers in order to ensure equal opportunity; the rule clarifies recipients' obligations to actively conduct affirmative outreach in order to expand access to services.

Governor (or Representative)

The Governor is responsible for oversight and monitoring of all WIOA Title I—financially assisted State Programs. This responsibility includes:

- 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).
- 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.
- The rule changes the title of the tool used by Governors to implement their monitoring and oversight responsibilities from the “Methods of Administration” to “Nondiscrimination Plan.”
- The rule also provides more direction on Governors’ responsibilities and the CRC’s procedures for enforcing those responsibilities. The final rule also requires States to conduct monitoring annually instead of periodically and to include copies of the monitoring conducted in the State’s Nondiscrimination Plan submission.

3. Understand Your State’s Agency Programs (any program or activity that receives financial assistance under Title I of WIOA as well as by the one-stop partners listed in WIOA Section 121(b) that offer programs or activities through the one-stop American Job Center System.

Federal Programs:

- Workforce Innovation and Opportunity Act
- Unemployment Insurance
- Wagner-Peyser
- Adult Basic Education
- Vocational Rehabilitation
- Migrant and Seasonal Farm Workers
- Trade
- Veterans
- TANF
- SNAP

4. Obtain Knowledge of Those Programs

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| 1. What are the programs?
i. WIOA
ii. UI
iii. Trade, etc. | 2. Where do participants access the programs?
i. Telephone
ii. On-line
iii. In-person | 3. How are the programs administered?
i. Systems
ii. Programs
iii. Processes |
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5. Understand the Demographics of Your State

- a. Population
 - i. Age, Gender, Race/Ethnicity
- b. Languages
- c. Areas
 - i. Rural, Counties, Cities

6. Analyze and Review Your State's Activity for Compliance

Compliance → Technical Assistance Visit → Data Analysis → Monitor → Training → Compliance

- Review reports/logs of complaints your agency has previously received
- Contact your predecessor to learn the history and process

7. Ensure Your State's Nondiscrimination Plan complies with the Regulations

- Title 29 CFR Part 38 → Section 188 WIOA → Non-Discrimination Plan

8. Get to know other similarly situated state EO Officers

- Connect with State EO Officers at NASWA Meetings.
- Consult the NASWA State Matrix to see States have a similar organizational structure. (posted on EO Committee resource area of NASWA website).

Enclosure C