



COMMONWEALTH OF VIRGINIA
VIRGINIA COMMUNITY COLLEGE SYSTEM

WORKFORCE INNOVATION AND OPPORTUNITY ACT

The Virginia Community College System
VIRGINIA WORKFORCE LETTER (VWL) #15-04 (Replaces VBWD Policy #01-01)

TO: LOCAL WORKFORCE DEVELOPMENT BOARDS

FROM: George Taratsas
Administrator, Federal Workforce Programs

SUBJECT: WIOA Methods of Administration

DATE: March 4, 2016

PURPOSE:

The purpose of the Methods of Administration (MOA) is to provide a reasonable guarantee that all of Virginia's Workforce Innovation and Opportunity Act (WIOA) Title I financially assisted programs, activities and recipients comply with the nondiscrimination and equal opportunity requirements stipulated under Section 188 of the Workforce Innovation and Opportunity Act of 2014.

REFERENCES:

Section 188, Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act of 2014

29 CFR Part 37, Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act of 2014

Training and Employment Guidance Letter (TEGL), WIOA No. 37-14, "Update on Complying with Nondiscrimination Requirements: Discrimination Based on Gender Identity, Gender Expression and Sex Stereotyping are Prohibited forms of Sex Discrimination in the Workforce Development System"

Training and Employment Notice (TEN), WIOA No. 1-15, "Promising Practices in Achieving Universal Access and Equal Opportunity: A Section 188 Disability Reference Guide"

Age Discrimination Act of 1975, as amended

Section 504 of the Rehabilitation Act of 1973, as amended

Title IX of the Education Amendments of 1972

Title VI of the Civil Rights Act of 1964, as amended

BACKGROUND:

Though there have been many sweeping programmatic changes in the workforce development system over the years, the one constant has been the prohibition against discrimination. As such, Virginia's Methods of Administration, provides that no individual, shall on the grounds of race, color, national origin, disability, age, sex, political affiliation or belief, or religion be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under federally-assisted Title I programs and activities of the Workforce Innovation and Opportunity Act of 2014.

GUIDANCE:

The Methods of Administration is comprised of nine elements that describe the actions Virginia has taken and will continue to take to ensure that its WIOA Title I-financially assisted programs, activities, and recipients are complying and will continue to comply, with the nondiscrimination and equal opportunity requirements of WIOA and its implementing regulations.

STATE AND LOCAL WORKFORCE DEVELOPMENT AREA REQUIREMENTS

All recipients of WIOA Title I funds are required to abide by the following elements to ensure compliance.

Element 1 Designation of State and Local-level EO Officers (29 CFR 37.23-28)

The State WIOA administering entity and each Local Workforce Development Areas (LWDA) must have or appoint an EO Officer(s) who have the education, training and experience, and are provided the necessary ongoing training and qualified staff, to perform his/her duties. The EO Officer(s) may not be in a position that would constitute, or appear to constitute, a conflict of interest; on EO matters, must report directly to the appropriate official in their organization, and have the authority to direct the State/Local level EO effort.

Element 2 Notice and Communication (29 CFR 37.29-36)

The State WIOA and LWDA EO Officers must ensure the establishment of a notice and communication system that makes all registrants, applicants, eligible applicants/registrants, applicants for employment, employees and interested members of the public aware of the recipient's obligation to operate in a nondiscriminatory manner, and further, the extent of the right of members of these groups to file complaints of discrimination.

Element 3 Review Assurance, job training plans, contract, and policies and procedures (29 CFR 37.54 (d) (1) (i) and (d) (2) (i), (iii) and (iv))

The State WIOA and LWDA EO Officers must ensure that program related documentation including assurances, job training plans, contracts and policies and procedures, etc., are compliant with WIOA Section 188 and 29 CFR Part 37.

Element 4 Universal Access (29 CFR 37.54 (d) (1) (vi))

The State WIOA and LWDA EO Officers are required to ensure universal access to programs and activities. This is accomplished by extending outreach to all local populations eligible for participation or

employment, to include all genders, various racial and ethnic groups, varying age groups, persons with disabilities, and those with limited English proficiency, and making program information available 24/7.

Element 5 Compliance with Section 504 of the Rehabilitation Act of 1973 (as amended) (29 CFR 37.54 (d) (V))

The State WIOA and LWDA EO Officers must ensure that all programs and activities are physically, as well as programmatically, accessible to persons with disabilities. This is accomplished by ensuring that service provider facilities are compliant with the Americans with Disabilities Act (ADA) requirements, communication with persons with disabilities are as effective as communications with others, and auxiliary aids and services, and reasonable accommodations are provided if needed to afford equal access to program activities.

Element 6 Data and Information Collection and Maintenance (29 CFR 37.54 (d) (1) (IV) and (VI))

The State WIOA and LWDA EO Officers must ensure that data and information collected from clients is used only for record keeping, reporting, determining applicant eligibility and program EO compliance, is kept confidential, and maintained per the records retention requirements.

Element 7 Monitoring Recipients for Compliance (29 CFR 37.54 (d) (2) (ii))

The State WIOA and LWDA EO Officers are required to monitor service providers and One-stops to ensure that compliance with all of the equal opportunity and nondiscrimination provisions of Section 188 of the Workforce Innovation and Opportunity Act of 2014.

Element 8 Complaint Processing Procedures (29 CFR 37.76-79)

The State WIOA and LWDA EO Officers are required to adopt and publish of procedures for processing complaints alleging violations of the nondiscrimination and equal opportunity provisions in Section 188 of the Workforce Innovation and Opportunity Act of 2014 (WIOA) and Title 29 Part 37 of the Code of Federal Regulations. The EO officers are also required to process and document all complaints filed.

Element 9 Corrective Actions/Sanctions Procedures (29 CFR 37.54 (d) (2) (vii))

The State WIOA and LWDA EO Officers are required to apply corrective actions or sanctions as necessary, when violations of WIOA section 188 or 29 CFR 37 are found.

MOA CERTIFICATION

As provided in 20 CFR 37.55(b), which addresses the requirements relating to submitting and updating the MOA, the Governor, or an authorized designee, is required to review the MOA and its implementation every two years, to determine if any changes are necessary, either to the document or the way in which it is implemented.

As the Governor's designee, the VCCS' Vice Chancellor for Workforce Development Services reviews the MOA and either (1) certifies to the Director of the Department of Labor's Civil Rights Center, in writing, that no changes are necessary, or (2) provides the Director with any changes that have been made to the plan.