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OKLAHOMA EMPLOYMENT AND TRAINING ISSUANCE #06 - 2008

TO: Chairpersons of Local Workforce Investment Boards
Workforce Investment Board Staff
Director, Workforce Quality
Director, Workforce Integrated Programs

FROM: 
Barbara Williams, State Designated WIA Equal Opportunity Officer
Executive Director's Office

DATE: March 14, 2008

SUBJECT: Clarification of the Designation of Equal Opportunity (EO) Officers based on the 2007 Recertification of the Methods of Administration for Equal Opportunity and Nondiscrimination

PURPOSE: To update the list of Designated Local Workforce Investment Area Equal Opportunity (EO) Officers

MESSAGE: As a requirement for recertification, a review of the Oklahoma Methods of Administration (MOA) for Equal Opportunity and Nondiscrimination pursuant to 29 CFR 37.55 was completed. Upon the review, some local areas have not designated a Local area Equal Opportunity (EO) Officers. As a requirement of receiving federal funds from the U. S. Department of Labor (DOL) under the Workforce Investment Act (WIA), Section 188 of the regulation state that recipients of federal financial assistance shall designate State and Local level EO Officers. Small recipients and service providers shall have someone designated to handle alleged complaints of discrimination.

Recipients Designation of Equal Opportunity Officer

All recipients, other than small recipients or service providers, as defined in 29 CFR. 37.4 shall designate an Equal Opportunity (EO) Officer to coordinate its responsibility under the implementing regulations. "A small recipient means a recipient who: (a) serves a total of fewer than 15 beneficiaries during the entire grant year, **and** (b) Employs fewer than 15 employees on any give day during the grant year."

Recipient means any entity to which financial assistance under WIA Title I is extended, either directly from the Department of Labor or

through the Governor or another recipient including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiaries. "Recipients" 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; (3) State and local Workforce Investment Boards; (4) LWIA grant recipients; (5) One-Stop operators; (6) Service providers, including eligible training providers; (7) On-the –Job training (OTJ)employers; (8) Job Corps contractors and center; (9) Job Corps national training contractors; (10) Outreach and admissions agencies; (11) Placement agencies; and (12) Other National Program recipients.

Such responsibilities include, but are not limited to, serving as liaison with the State Administrative Entity's EO officer and the U. S. DOL's Civil Rights Center and implementation of the MOA pursuant to 29 part 37, Section 188 of WIA at the local level.

Local Equal Opportunity Officers shall report directly to the WIA area director or board on equal opportunity issues. The recipient shall make public the name, title of position, address and telephone number of the equal opportunity officer. Small recipients and service providers shall designate an individual responsible for the adoption and publication of all WIA nondiscrimination and equal opportunity matters including, but not limited to, adoption and publication of complaint procedures and processing of complaints of discrimination.

Section 188 of the WIA regulations and CRC require that a recipient's local level appointment of an EO officer comply with 29 CFR 37.24 to ensure that the EO Officer does not have other responsibilities or activities that create a conflict with the responsibilities of an EO Officer. The State Designated EO Officer will recommend reassignment of the Local level EO Officer appointment if any other responsibilities or activities create a conflict, or the appearance of a conflict, with the responsibilities of an EO Officer.

A written description of the EO Officer's responsibilities and documentation regarding the EO Officer's placement within the organizational structure must also be maintained. As required by 29 CFR 37.26, dissemination of the EO Officer designation must include but is not limited to: identification by name, position, title, business address, e-mail address (if applicable), and telephone number (including TDD/TTY number) on all internal and external communication regarding nondiscrimination and equal opportunity provisions.

Local level EO Officers, who do not perform EO Officer functions on a full-time basis, must describe all responsibilities, including those performed as the EO Officer, on their position descriptions.

The Local level EO Officer must have the necessary education and experience, and receive required training on a regular basis to maintain competency. The appointed individual must also have access to sufficient staff and adequate resources to perform his or her duties assigned under 29 CFR 37. Each recipient is required to offer training on nondiscrimination and equal opportunity provisions of all WIA Title I-financially assisted programs and/or activities each biennium. The LWIA's Executive Director shall not be designated as the LWIA's EO Officer.

ACTION REQUIRED: If you have not submitted your Local EO Officer information, please do so immediately. Submit the following information by March 31, 2008 if you have not updated your information as of the date of this memo.

1. Name of Equal Opportunity Officer(s) or designee(s); address, telephone and fax numbers, TTY number;
2. Official Job Title and detailed job duties as assigned (including EO position)
3. An organization chart;
4. Copy of the "Equal Opportunity is the Law" Notice showing the EO Officers required information as stated above;
5. List any Equal Opportunity training for 2006 / 2007 that the EO Officers has received; and a
6. List of training that the EO Officers has given to the board, staff and service providers.

RECISSION: OETI # 7-2007

INQUIRIES: If you have any questions, please call Barbara Williams at 405.557.7255 or email barbara.williams@oesc.state.ok.us .