



NEW YORK STATE WORKFORCE DEVELOPMENT SYSTEM TECHNICAL ADVISORY

Workforce Development System Technical Advisory #01-12.1

TO: Workforce Development Community

DATE: December 30, 2011

SUBJECT: Local Workforce Investment Areas' (LWIAs) Designated Equal Opportunity (EO) Officers

Purpose:

To provide a means for LWIAs to notify the New York State Department of Labor (NYSDOL) of their designated EO Officers.

Action:

NYSDOL Division of Equal Opportunity Development (DEOD) must maintain the name of the current EO Officer of each Local Area. Each LWIA must notify DEOD of any changes in the designation of the LWIA EO Officer at the time those changes are made via the attached "EO Officer Designation Update" form, DEOD 315 (12/11).

Background:

Section 188 of the Workforce Investment Act (WIA) sets forth United States Department of Labor (USDOL) policy concerning nondiscrimination: programs and activities funded or financially assisted, in whole or in part, under WIA are prohibited from discrimination regarding participation, benefits and employment.

Federal Register, at 29 CFR Part 37, sets forth the regulations governing the "Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998."

According to 29 CFR Part 37, "a senior level employee of the recipient should be appointed as the recipient's Equal Opportunity Officer;...he or she must not have other responsibilities or activities that create a conflict, or the appearance of a conflict, with the responsibilities of an EO Officer." It is the intent of the regulations that the "EO Officer is able to give top priority to, and to adequately accomplish all of his/her responsibilities under the nondiscrimination and equal opportunity provisions of WIA." These responsibilities include, but are not limited to:

- handling discrimination complaints at the lowest level;
 - serving as the recipient's liaison with NYSDOL;
 - monitoring and investigating the recipient's activities and those of the entities that receive Title I funds from the recipient;
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- reviewing the recipient's written policies;
- developing and publishing the recipients procedures for processing discrimination complaints;
- reporting directly to the appropriate official;
- undergoing training to maintain competency; and
- training recipient staff in equal opportunity policies.

Technical Advisory (TA) #01-2, "Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998," was issued by NYSDOL in January 2001, and required that each LWIA designate an EO Officer. Therefore, NYSDOL expects that this designation has been made and that each LWIA has fully established its nondiscrimination procedures in accordance with 29 CFR Part 37. As the recipient of Title I funds, federal regulations require that the LWIA make "the Equal Opportunity Officer's name, and his or her position title, address, and telephone number (voice and TDD/TTY) public."

TA #01-12.1 has been issued to provide for current and ongoing notification of the designated LWIA EO Officer. LWIAs are instructed to report any changes in the EO Officer to DEOD, at the time those changes are made.

Inquiries:

Questions concerning this TA can be directed to Christine Cuomo at (518) 457-1984 or Christine.Cuomo@labor.ny.gov.

References:

Workforce Investment Act of 1998, §188
Federal Register, at 29 CFR Part 37

Attachments:

[EO Officer Designation Update form, DEOD 315 \(12/11\)](#)