



Workforce Development System Technical Advisory



March 25, 2008

Workforce Development System Technical Advisory #02-10.1

- To:** Chairpersons of Local Workforce Investment Boards
Chief Elected Officials
WIA Grant Recipients
WIA Fiscal Agents
WIA Local Area Contact Persons
Regional Administrators
- Subject:** **REVISED:** New York State Department of Labor's **Methods of Administration** (Required by Regulations Implementing Section 188 of the Workforce Investment Act (WIA) of 1998 and 29 CFR Part 37, Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act)
- Purpose:** To advise the Local Workforce Investment Areas (LWIAs) and other WIA recipients of the New York State Department of Labor's updated **Methods of Administration (MOA) which was Re-certified by USDOL Civil Rights Center (CRC) on December 27, 2007.**
- Background:** The regulations that implement the nondiscrimination and equal opportunity provisions of the Workforce Investment Act of 1998 (WIA), published at 29 CFR Part 37, require that each Governor establish and adhere to a Methods of Administration (MOA) for his/her State programs. The MOA is a document that describes the actions an individual state will take to ensure that its WIA Title I financially assisted programs, activities, and recipients are complying, and will continue to comply, with the nondiscrimination and equal opportunity requirements of WIA and its implementing regulations.
- The New York State Department of Labor's [Methods of Administration](#) consists of an [Introduction and Nine \(9\) Elements](#):
- [Element 1: Designation of State and Local Equal Opportunity Officers:](#) The intent of this Element is to ensure that any individual appointed as EO Officer by the State or LWIA has the education, training, and experience, and is provided the necessary ongoing training and qualified staff, to perform his or her duties under 29 CFR Part 37.
- [Element 2: Notice and Communication:](#) The State ensures the establishment of a notice and communication system that makes all applicants, recipients, employees and interested members of the public aware of both the State and LWIAs obligation to operate its programs and activities in a nondiscriminatory manner.
- [Element 3: Review Assurances, Job Training Plans, Contracts, and Policies and Procedures:](#) The State describes how it and its recipients (LWIAs or any sub-recipient) review assurances, job training plans, contracts, policies and procedures.
- [Element 4: Universal Access:](#) The State demonstrates how it and the LWIAs are providing universal access to programs and activities by members of the population to be served for each One-Stop/LWIA including: various race and ethnic groups; members of both sexes; individuals with disabilities; individuals in different age groups and individuals with different language needs.
- [Element 5: Compliance with Section 504 of the Rehabilitation Act of 1973, as Amended, and 29 CFR Part 37:](#) This Element shows how the State and its recipients comply with the disability requirements of Section 504 of the Rehabilitation Act of 1973 and its implementing regulations. It describes steps taken to make the One-Stops accessible to individuals with disabilities.
- [Element 6: Data and Information Collection and Maintenance:](#) In this Element, the State describes the Equal Opportunity data and information collection and maintenance system used to assist CRC and those assigned by the State (State or LWIA EO Officers) in monitoring recipient Equal Opportunity performance, identifying instances of discrimination, and identifying individuals or groups of individuals who have been discriminated against on a basis prohibited by WIA Section 188 and 29 CFR Part 37.

Element 7: Monitor Recipients for Compliance: In this Element, the State illustrates the procedures used to periodically monitor all aspects of the LWIAs' compliance with WIA Section 188 and 29 CFR Part 37.

Element 8: Complaint Processing Procedures: In this Element the State addresses the Equal Opportunity and Discrimination Complaint Processing Procedures. These procedures provide the complainant with the option to file with either the State WIA EO Officer, LWIA EO Officer or directly with the USDOL Civil Rights Center.

Element 9: Corrective Actions/Sanctions: In this Element, the State outlines its policies and procedures for corrective actions and sanctions to assure LWIAs' compliance with WIA nondiscrimination requirements.

The MOA can be viewed on the NYSDOL website at www.labor.state.ny.us and the NYSDOL Workforce Development website at www.workforcenewyork.com. Hard copies of the Introduction and Narratives of each Element will be sent to all 33 LWIAs in the near future. Any future updates or revisions will be made directly to the electronic MOA version.

Action: The LWIAs, as recipients of WIA Title I financial assistance, are responsible for reviewing the Methods of Administration's Introduction and Narratives of the Nine Elements and supporting documentation. LWIAs are required to incorporate and comply with the requirements of Section 188 of WIA and 29 CFR Part 37 in all of their program areas.