



## EQUAL OPPORTUNITY COMPLIANCE MONITORING

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### PURPOSE

This policy provides the requirements and process to be utilized for all Service and Eligible Training Providers in the Workforce Alliance of the North Bay (Alliance) Local Workforce Development Area (LWDA) when monitoring compliance with the Nondiscrimination and Equal Opportunity (EO) requirements of Section 188 of the Workforce Innovation and Opportunities Act (WIOA).

### SCOPE

Workforce Innovation and Opportunity Act Title I contracted Service Providers

### RESPONSIBLE PARTY

Workforce Alliance of the North Bay  
Regional Workforce Development Board

### REFERENCES

- Workforce Innovation and Opportunities Act (WIOA) Section 188
- Title 29 Code of Federal Regulations (CFR), Part 38
- Employment Development Department (EDD) Workforce Services Directive WSD17-05

### DOCUMENTS

- WANB 113 - Workforce Alliance of the North Bay EO Compliance Monitoring Tool
- WANB 114 - Workforce Alliance of the North Bay EO Compliance Monitoring Tool - ETP

### DEFINITIONS

*Equal Opportunity Compliance Monitoring Tool* – a tool or instrument that the Alliance utilizes to conduct compliance monitoring reviews of Local Areas. It contains all the different elements of the onsite compliance monitoring review and documents findings of noncompliance

*Corrective Action* – A list of specific steps that recipients must take within a stated period of time in order to achieve compliance

*Recipient* – Any entity to which financial assistance under WIOA Title I is extended, either directly from Department of Labor or through the Governor or another recipient (including any successor, assignee, or transferee of a recipient), but excluding the ultimate beneficiaries of the WIOA Title I funded program or activity. In addition, One-Stop partners, as defined in Section 121(b) of WIOA, are treated as “recipients” and are subject to the nondiscrimination and equal opportunity requirements of 29 CFR Part 38, to the extent that they participate in the One-Stop delivery system (29 CFR Section 38.4[zz]).

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## POLICY

- I. The nondiscrimination and equal opportunity provisions outlined in Section 188 of WIOA and 29 CFR Part 38 prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency (LEP)), age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in a WIOA Title I financially assisted program or activity.

Under these same provisions the LWDA's are to conduct annual monitoring reviews to determine whether each recipient, which includes all service providers and eligible training providers, are operating its WIOA Title I financially assisted program or activity in a nondiscriminatory way.

In the counties of Mendocino, Lake, Marin, and Napa, the Alliance is responsible for the oversight and monitoring of all the WIOA Title I financially assisted state programs. Consequently, the Alliance will conduct annual compliance monitoring reviews of all service providers and eligible training providers listed on the State Eligible Training Provider List (ETPL) who are utilized by the Alliance or its Contractors for WIOA funded services as well as service providers and America's Job Centers of California (AJCC).

- II. Notification – Approximately two to four weeks prior to conducting an EO compliance monitoring review, the Alliance will notify each selected provider's indicated representative about the upcoming review.
- III. Request for Preliminary Information – The notification of the compliance monitoring review will include a request for preliminary information such as client/applicant demographic information, nondiscrimination policies, complaint policies, and other information necessary to determine compliance. The request for preliminary information will also include a copy of the EO Compliance Monitoring Tool that the Alliance staff will use to conduct the compliance monitoring review. Preliminary information must be submitted to the Alliance within 10 days of the request.
- IV. Desk Review – Upon receipt of the preliminary information, Alliance staff will review the completed EO Compliance Monitoring Tool and submitted items that were requested for compliance with the EO requirements. Any issues or concerns will be noted in a draft report to be provided to the provider.
- V. Site Visit – A site visit will be conducted for all AJCC. If any issues or concerns have been identified from the desk review a site visit may be conducted.
- VI. Draft Report – A draft report will be created and issued to the provider upon completion of the desk review. Potential findings of noncompliance will be noted in the draft report and a period of 30 days will be allowed for correction of potential findings. Proof of corrections to potential findings shall be provided by the provider to Alliance staff within this 30-day period to avoid a finding.
- VII. Final Report – A final report will be created and issued to the provider upon expiration of the 30-day period provided in the draft report. Any issues which have not been resolved will be noted as finding of noncompliance and will require corrective action. Due dates will be provided for accomplishment of corrective actions in the Final Report. A follow-up review may be made to assess the progress made by the provider resolving the identified areas of noncompliance.
  - A. It is important to note that monetary corrective actions may not be paid from federal funds.



VIII. The Alliance will keep copies of all compliance monitoring efforts and reports on file to be used as an assessment reference for scheduled onsite monitoring reviews that may be required by authorized federal and state reviewers.

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## **POLICY UPDATE HISTORY**

February 13, 2019 – New Policy

## **INQUIRIES**

Questions regarding this policy can be sent to Operations Unit.

