

DIRECTIVE
WORKFORCE SERVICES

Number: WSD10-2

Date: July 21, 2010
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TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: BIENNIAL LWIA SELF-ASSESSMENT

EXECUTIVE SUMMARY:

Purpose:

The purpose of this directive is to communicate to Local Workforce Investment Boards (LWIB), Local Workforce Investment Areas (LWIA), One-Stop Career Center (OSCC) operators, and associated partners, the requirements regarding compliance with federal and State disability laws. In addition, it includes procedures to ensure that all customers have universal access to all Workforce Investment Act (WIA) or Wagner-Peyser (W-P) programs and services.

The Electronic Compliance Monitoring Checklist (ECMC) remains divided into two sections, the Compliance Monitoring Checklist (CMC) and the Physical and Program Accessibility (PPA) checklist, as required by WIA. Both the CMC and the PPA are completed on-line and submitted to the Employment Development Department's (EDD) Equal Employment Opportunity (EEO) Office electronically.

Scope:

This directive applies to all LWIBs, LWIAs, OSCC operators, and other recipients providing services through WIA Title I or W-P funded programs and activities.

Effective Date:

This directive is effective on date of issuance.

REFERENCES:

- WIA Section 188
- Americans with Disabilities Act (ADA) of 1990
- Section 504 and Section 508 (as amended) of the Rehabilitation Act of 1973

- Title 20 of the Code of Federal Regulations (CFR) Sections 667.260(a), 667.275(a)(3), 667.410(b)
- Title 29 CFR Part 37
- Title 24 of the California Building Code
- California Government Code Section 11135
- Workforce Services Directive WSD10-1, Subject: Nondiscrimination and Equal Opportunity Procedures (July 21, 2010)
- WIA Directive WIAD00-7, Subject: Standards for Oversight and Instructions for Substate Monitoring (April 10, 2001)

STATE-IMPOSED REQUIREMENTS:

This directive contains some State-imposed requirements. These requirements are indicated in ***bold, italic*** type.

FILING INSTRUCTIONS:

This directive supersedes Workforce Services Directive WSD07-7, dated May 20, 2008, and finalizes Workforce Services Draft Directive WSDD-41, issued for comment on June 3, 2010. There were no comments received during the draft comment period. Retain this directive until further notice.

BACKGROUND:

The WIA Section 188 and Title 29 CFR Part 37 set forth the authority of the Civil Rights Center of the Department of Labor to monitor all recipients of WIA assistance to determine whether they are in compliance with these provisions and with Section 504 of the Rehabilitation Act of 1973, and Section 508 of the Rehabilitation Act, as amended. Title II of the ADA prohibits State and local government agencies from discriminating against persons with disabilities and from excluding participation in, or denying benefits of programs, services, or activities to persons with disabilities. California Government Code Section 11135 also prohibits discrimination by any program or activity funded by or receiving financial assistance from the State. The LWIAs in California also must meet the physical and program access standards in law, including [ADA Title II Accessibility Guidelines \(ADAAG\)](#) and [Title 24 of the California Building Code](#).

The WIAD00-7, Standards for Oversight and Instructions for Substate Monitoring, requires that LWIA monitoring include compliance with the federal and State requirements regarding nondiscrimination and equal opportunity. The State's Nondiscrimination and Equal Opportunity Procedures, WSD10-1, outlines the general requirements for universal access to programs and activities, including access for individuals with disabilities. In accordance with Title 20 CFR Section 667.410(b), and WIA Section 183 (a), (b) and (c), the EDD's, EEO Office is responsible for monitoring recipients of WIA funds in California for compliance with the WIA and related regulations.

POLICY AND PROCEDURES:

The WIAD00-7, dated April 10, 2001, requires the LWIAs to monitor the compliance of all local grant recipients and subrecipients of WIA or W-P funds, including OSCCs. In order to assist the LWIAs in identifying the compliance status of their programs and those elements of compliance that may require technical assistance, the EDD created the CMC and PPA self-assessment checklists.

EDD's compliance monitoring review of the LWIAs regarding WIA Section 188 and Title 29 CFR Part 37 is conducted biennially (every two years). EDD's EEO Office requires that all LWIA Equal Opportunity (EO) Officers coordinate the completion and submission of the CMC and PPA self-assessment checklists.

The CMC is designed to collect information to ensure policies, procedures, and systems provide a reasonable guarantee of compliance with the nondiscrimination and equal opportunity requirements. The informational data gathered from the LWIAs helps to validate their efforts in meeting these regulatory requirements.

The PPA checklist combines physical and program access elements that LWIA offices and OSCCs must assess. This may only be the first in an effort to make the facilities and programs universally accessible for all customers with disabilities. Where deficiencies are found, further review and exploration with other experts or architects may be required to fully understand and respond to specific, detailed requirements.

The LWIA Equal Opportunity (EO) Officers are responsible for assuring that a CMC is completed at the LWIA administrative level and that each individual OSCC within the LWIA also completes the PPA self-assessment portion for each facility.

EDD's EEO Office will send each EO Officer an email containing: (1) an electronic link to the CMC and PPA self-assessment checklists, and (2) their distinct Authentication Identification Code to access and complete the checklists. The CMC and PPA checklists shall be submitted electronically and a hard copy of the required attachments be mailed to the EEO Office. A PDF copy of the CMC and PPA checklists can be viewed as attachments to this directive.

The LWIAs should complete the ECMC assessments as described above. When completed, the LWIA EO Officer should organize the information into one package for electronic submission to the EEO Office. Electronic submittal instructions will be included on the last page of the CMC and PPA Checklists. Additionally, a hard copy of all items listed on the Required Attachments Checklist is to be mailed to one of the addresses shown below in the Action area of the directive. ***The EDD requires that copies of the completed CMC and PPA checklists be kept on file locally. The checklists should be used as an assessment reference when developing corrective actions plans, and for a scheduled on-site review that may be required by authorized federal and State reviewers.***

The EEO Office monitoring staff will coordinate with the LWIA EO Officers to address any technical issues and concerns regarding compliance reviews. Any additional information, including the Required Attachments Checklist, will be requested by the EEO Office monitoring staff prior to beginning the LWIA reviews.

The assessment checklists do not meet all State accessibility standards. The State standards are more stringent and must be met before a lease can be executed to house State employees in a OSCC or LWIA office. If a partner is going to enter into a lease with the EDD or another State agency, the partner may be required to correct accessibility barriers within a shorter period of time than shown in their individual transition plans. The EDD may require the removal of certain architectural barriers prior to occupancy. Transition plans developed as part of this process are not approved or denied by the EDD's EEO Office. They are the first step in developing awareness at the local level of the various State and federal requirements.

ACTION:

Bring this directive to the attention of the LWIA EO Officer, Assistant EO Officer, and any other applicable individuals in support of Section 188 within the LWIA.

The EO Officer for the LWIA should organize the information into one package for electronic submission to the EDD's EEO Office.

Forward one hard copy of all items listed on the Required Attachments Checklist to:

Regular Mail: Employment Development Department
 Equal Employment Opportunity Office, MIC 49
 P.O. Box 826880
 Sacramento, CA 94280-0001

Overnight Mail: Employment Development Department
 Equal Employment Opportunity Office
 800 Capitol Mall, Room 2130, MIC 49
 Sacramento, CA 95814

INQUIRIES:

If you have any questions, please contact your [Regional Advisor](#) at (916) 654-7799.

/S/ MICHAEL EVASHENK, Chief
Workforce Services Division

Attachments are available on the Internet:

1. [Required Attachments Checklist](#)
(The 2010/2011 Required Attachments Checklist is no longer available. Please contact EDD's Equal Employment Opportunity Office at (916) 654-6154.)
2. [EMC Self-Assessment Checklist](#)
(The 2010/2011 EMC Self-Assessment Checklist is no longer available. Please contact EDD's Equal Employment Opportunity Office at (916) 654-6154.)
3. [PPA Self-Assessment Checklist](#)

(The 2010/2011 EMC Self-Assessment Checklist is no longer available. Please contact EDD's Equal Employment Opportunity Office at (916) 654-6154.)