**EQUAL OPPORTUNITY**

**Chapter 6.0: Oversight and Monitoring (29 CFR 38.51 and 38.53)**

**Summary**
This chapter identifies DEED’s compliance with Chapter 6 of the Nondiscrimination Plan and the nondiscrimination regulations which provide that every State Governor must establish one or more systems for annually monitoring the compliance of each recipient’s WIOA Title I-financially assisted programs and activity for compliance with the equal opportunity provisions of Section 188 of WIOA.

**Relevant Laws, Rules, or Policies**
[WIOA Section 188 (29 CFR 38)](https://www.gpo.gov/fdsys/pkg/FR-2016-12-02/pdf/2016-27737.pdf)

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**Policy**

Each Local Workforce Development Area (LWDA) recipient and sub-recipient of WIOA Title I funds must conduct regular oversight and monitoring of its WIOA activities and the activities of its contracted service providers. Minnesota’s Department of Employment and Economic Development (DEED) has oversight responsibility to ensure recipients are monitoring for compliance with the nondiscrimination and equal opportunity obligations in WIOA Title I.

**DEED’s Responsibilities**

The Governor designated the Department of Employment and Economic Development (DEED) as a recipient of WIOA funds. As such, DEED is required to:

* Develop policies, procedures, and tools for equal opportunity monitoring requirements of WIOA-funded programs including any State workforce development program.
* Develop a system of policy communication and training to ensure that LWDA Equal Opportunity (EO) Officers and other recipient staff who have been assigned responsibilities under the nondiscrimination and equal opportunity provision of WIOA, are aware of, and can effectively carry out their responsibilities.
* Conduct oversight and monitoring of LWDA recipients on an annual basis to ensure that recipients are carrying out their monitoring obligations.

**Local Area Recipient Responsibilities**

Each recipient’s Equal Opportunity Officer is responsible for ensuring that local monitoring takes place on an annual basis. Each equal opportunity monitoring review must include a review of each subrecipients:

* Compliance with its administrative obligations under WIOA and EO, such as the designation of EO Officers, assurances, notice, affirmative outreach, and serving individuals with disabilities.
* Compliance with responsibilities has been assigned through the Nondiscrimination Plan.
* Programs and activities to determine if discrimination is occurring.
* A statistical or other quantifiable analysis of records and data, including analyses by race/ethnicity, limited English proficiency, preferred language, sex, age, and disability status.
* An investigation of any significant differences identified by the statistical or quantifiable analysis, in participation in the programs, activities, or employment provided by the recipient, to determine whether these differences appear to be caused by discrimination.  This investigation must be conducted through a review of the recipient’s records and any other appropriate means.
* An assessment to determine whether the recipient has fulfilled its administrative obligations under Section 188 of WIOA (such as recordkeeping, notice, and communication) and any duties assigned to it under the Nondiscrimination Plan.
* Policy communication and training to ensure that Equal Opportunity Officers and other relevant staff members are aware of and can effectively carry out their regulatory responsibilities.
* Review of the recipients’ job training plans, contracts, assurances, and other similar documents and agreements to ensure that they are both nondiscriminatory and contain required language regarding nondiscrimination and equal opportunity.

**Monitoring Procedures**

LWDA recipients should follow DEED’s guidance and use DEED’s tools or assessments in conducting site reviews and EO monitoring.  Monitoring the compliance of a recipient or sub-recipient of WIOA Title I funds is comprised of three parts:

* Pre-onsite monitoring activities by the monitoring team and the Local Workforce Development Area (LWDA) EO Officer;
* Monitoring activities to include onsite monitoring visits and site accessibility reviews for site recertification (every 3 years) and review of statistical analyses provided; and
* Report and maintain records of all monitoring activities and follow up where necessary.

Alternate formats are available to individuals with disabilities by calling 651-259-7094 or by emailing DEED.ODEO@state.mn.us