**EQUAL OPPORTUNITY**

**Chapter 4: Data Information Collection and Maintenance (29 CFR 38.41 - 38.45)**

**Summary**
This chapter identifies DEED’s compliance with Element 4 of the Nondiscrimination Plan which requires that recipients of Workforce Innovation and Opportunity Act (WIOA) Title I funds collect certain WIOA Title I and other related activity and equal opportunity data for program evaluation. It is the Governor’s responsibility to ensure that the State is collecting and maintaining records in a manner that is consistent with the requirements under this provision**.**

**Relevant Laws, Rules, or Policies**
[WIOA, Final Rules, 20 CFR, Part 603, 651, 652 et al](https://www.govinfo.gov/content/pkg/FR-2016-08-19/pdf/2016-15975.pdf)[Minnesota Statute Chapter 13](https://www.revisor.mn.gov/statutes/cite/13)

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**Policy**

Recipients of Workforce Innovation and Opportunity Act (WIOA) Title I funds are required to collect demographic and other certain data for program evaluation and to determine if recipients are complying with the nondiscrimination regulations.

It is the policy of the State of Minnesota and DEED that all WIOA Title I and related services program providers follow the policies and procedures outlined in the Workforce One (WF1) system.  Recipients are also required to ensure the confidentiality of customer demographics.  When WIOA customers are asked to provide private or confidential data about themselves, program providers must provide the customer a "Tennessen Warning Notice/Use of Data Statement.” The usage of this "Tennessen Warning Notice/Use of Data Statement” complies with the Minnesota Government Data Practices Act (M.S. 13) to give notice each time new or additional private or confidential information is requested of an individual.

**Standards**

The data collection system that is used must, at a minimum, collect and maintain information on the quality and quantity of services provided to applicants, registrants, eligible applicants/registrants, participants, employees, and applicants for employment.  For each person in these categories, the system must record demographic information including race/ethnicity, sex, age, and disability status, where known, the preferred language of the individual, and if they have limited English proficiency.

Asserted considerations of privacy or confidentiality are not a basis for withholding information from the Department of Labor Civil Rights Center (CRC) and will not bar CRC from evaluating or seeking to enforce compliance with the nondiscrimination and equal opportunity provisions of WIOA Title I and 29 CFR Part 38.

**Recipient Responsibilities**

Recipients will comply with the policies and procedures outlined in WF1 to ensure the collection of customer demographic data in WIOA Title I-financially assisted programs.

The recipient must notify and inform each WIOA customer of his or her rights relative to collecting their private data before collecting data from the WIOA customer.  A “Tennessen Warning Notice” is used for this notification.  The “Tennessen Warning Notice” should be in writing and staff must have the customer sign and date it.  The recipient should make a copy for the customer to keep and must file the original.

WIOA customer signed/dated "Tennessen Warning Notice/Use of Data Statements" must be maintained, whether they exist in electronic form (including email) or hard copy, for not less than three (3) years from the close of the applicable program year.

Ensure that the Tennessen Warning/Use of Data Statement appropriately covers any sharing of information with other providers or agencies mentioned on the form; and if not, recipients provide an expanded version of the Tennessen and receive authorization from the customer to share their private data.

Each recipient must maintain, and submit to CRC upon request, a log of complaints filed with the recipient that allege discrimination on the bases of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin, age, disability, political affiliation or belief, citizenship, and/or participation in a WIOA Title I-financially assisted program or activity.

The complaint log must include the name and address of the complainant; the basis of the complaint; a description of the complaint; the date the complaint was filed; the disposition and date of disposition of the complaint; and other pertinent information. Information that could lead to the identification of a particular individual as having filed a complaint must be kept confidential.

**State’s Responsibilities**

The State of Minnesota and the Minnesota Department of Employment and Economic Development (DEED) are responsible for using Department of Labor (DOL) approved data management and data collection techniques.  The State is also responsible for:

* Operating, maintaining, and overseeing the administration of WF1, the State’s management information system (MIS) where WIOA Title I data is maintained.
* Maintaining the security of the system in coordination with MNIT.
* Updating the WF1 system as necessary to maintain compliance with applicable laws and requirements.
* Providing reports from WF1.
* Monitoring recipients to ensure compliance with this provision.

**Related**
See Chapter 3: Notice and Communication for Tennessen warnings (Data Privacy Notice)

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