

WORKFORCE SERVICES DIRECTIVE

Number: WSD15-21

Date: March 25, 2016
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TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: BIENNIAL LOCAL AREA SELF-ASSESSMENT

EXECUTIVE SUMMARY

Purpose

This policy provides guidance on the biennial compliance monitoring review of the Local Workforce Development Areas (Local Areas).

Scope

This directive applies to all Local Areas.

Effective Date

This directive is effective on the date of issuance.

REFERENCES

- *Workforce Innovation and Opportunity Act (WIOA) (Public Law 113-128) Section 188*
- *Americans with Disabilities Act of 1990 (ADA) (Public Law 110-325)*
- *Rehabilitation Act of 1973 (Rehab Act) (Public Law 93-112) Section 504 and Section 508*
- *Title 29 Code of Federal Regulations (CFR) Part 38: "Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act"*
- *California Government Code Section 11135*
- *Title 24 California Code of Regulations (CCR): "California Building Standards Code"*
- *Workforce Services Directive WSD15-10, Subject: Nondiscrimination and Equal Opportunity Procedures*
- *Workforce Investment Act 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

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

This directive replaces Workforce Services Directive WSD10-2, dated July 21, 2010, and finalizes Workforce Services Draft Directive WSDD-133, dated January 21, 2016. Retain this directive until further notice.

BACKGROUND

Section 188 of WIOA and Title 29 CFR Part 38 set forth the authority of the Civil Rights Center of Department of Labor to monitor all recipients of WIOA assistance to determine whether they are in compliance with these provisions and with Sections 504 and 508 of the *Rehab 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. Local Areas in California must also meet the physical and program access standards in law, including ADA Title II Accessibility Guidelines and Title 24 CCR.

Guidance released in WIAD00-7, Standards for Oversight and Instructions for Substate Monitoring, states Local Area monitoring must include compliance with the federal and state requirements regarding nondiscrimination and equal opportunity. The Nondiscrimination and Equal Opportunity Procedures, outlined in WSD15-10, provide general requirements for universal access to programs and activities, including access for individuals with disabilities. In accordance with WIOA Section 183, the Employment Development Department's (EDD) Equal Employment Opportunity (EEO) Office is responsible for monitoring recipients of WIOA funds in California for compliance with WIOA and related regulations.

POLICY AND PROCEDURES

Equal Opportunity (EO) Officers in the Local Areas are required to monitor the compliance of all local grant recipients and subrecipients of WIOA or W-P funds, including America's Job Center of CaliforniaSM (AJCC) locations. In order to assist the Local Areas in identifying the compliance status of their programs and those elements of compliance that may require technical assistance, the EDD created the *Electronic Compliance Monitoring Checklist (ECMC)*, which is divided into two checklists, the *Compliance Monitoring Checklist (CMC)* and the *Physical and Program Accessibility (PPA) checklist*, as required by the WIOA. Both the CMC and the PPA are completed on-line and submitted to the EDD EEO Office electronically.

The EDD's compliance monitoring review of the Local Areas regarding WIOA Section 188 and Title 29 CFR Part 38 is conducted biennially (every two years). EDD's EEO Office requires that all Local Area EO Officers coordinate the completion and submission of 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 Local Areas helps to validate their efforts in meeting these regulatory requirements.

The PPA checklist combines physical and program access elements that Local Area offices and AJCCs must assess. This may only be the first action 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 Local Area EO Officers are responsible for assuring that a CMC is completed at the Local Area administrative level, and that each individual AJCC receiving WIOA funding within the Local Area also completes the PPA self-assessment portion for each facility.

The EDD 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 while a hard copy of the *Required Attachments Checklist* (Attachment 1) shall be mailed to the EEO Office. A PDF copy of the CMC and PPA checklists will be provided to each EO Officer.

The Local Areas must complete the CMC and PPA assessments as described above. When completed, the Local Area EO Officer shall organize the information into one package for electronic submission to the EDD EEO Office. Electronic submittal instructions are 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 submitted via one of the following methods:

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

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 Local Area 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 Local Area reviews.

It should be noted that the assessment checklists do not meet all state architectural accessibility standards. The state standards are more stringent and must be met before a lease can be executed to house state employees in an AJCC or Local Area 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 all relevant parties.

INQUIRIES

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

/S/ JOSÉ LUIS MÁRQUEZ, Chief
Central Office Workforce Services Division

Attachment is available on the internet:

1. [Required Attachments Checklist](#)