

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: BIENNIAL LOCAL AREA SELF-ASSESSMENT

SUBJECT MATTER HIGHLIGHTS

The Employment Development Department (EDD) is providing the requirements regarding compliance with federal and state disability laws to Local Workforce Development Boards (Local Boards), Local Workforce Development Areas (Local Areas), America’s Job Center of CaliforniaSM (AJCC) operators, and associated partners. Included are procedures to ensure that all customers have universal access to all *Workforce Innovation and Opportunity Act* (WIOA) or *Wagner-Peyser Act* (W-P) programs and services.

The Electronic Compliance Monitoring Checklist (ECMC) remains 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’s Equal Employment Opportunity (EEO) Office electronically.

COMMENTS DUE

February 11, 2016

Comments can be submitted through one of the following ways:

Fax	WSD, Attention: Rolando Cordova at 916-654-9753
E-Mail	Rolando.Cordova@edd.ca.gov (Include “draft comments” in the subject line)
Mail	WSD / P.O. Box 826880 / MIC 50 / Sacramento, CA 94280-0001

All comments received by the end of the comment period will be considered before the final directive is issued. The Workforce Services Branch does not respond individually to each comment received. However, a summary of comments will be released with the final directive.

Comments received after the specified due date will not be considered.

WORKFORCE SERVICES DRAFT DIRECTIVE

Number: WSDD-133

Date: January 21, 2016
69:175:rc:17885

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EXECUTIVE SUMMARY

Purpose

The Employment Development Department (EDD) is providing the requirements regarding compliance with federal and state disability laws to Local Workforce Development Boards (Local Boards), Local Workforce Development Areas (Local Areas), America's Job Center of CaliforniaSM (AJCC) operators, and associated partners. Included are procedures to ensure that all customers have universal access to all *Workforce Innovation and Opportunity Act (WIOA)* or *Wagner-Peyser Act (W-P)* programs and services.

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Please note that this guidance makes reference to Workforce Services directive WSD10-1, which is also in the process of being reissued by the EDD to reflect the WIOA.

Scope

This directive applies to all Local Boards, Local Areas, AJCC operators, and other recipients providing services through WIOA Title I or W-P funded programs and activities.

Effective Date

This directive is effective on the date of issuance.

REFERENCES

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

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

- Title 20 of the *Code of Federal Regulations* (CFR) Sections 667.260(a), 667.275(a)(3), 667.410(b)
- Title 29 CFR Part 38
- 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 replaces Directive WSD10-2, dated July 21, 2010. 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 the 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 *Rehabilitation Act of 1973*, 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 (ADAAG) and Title 24 of the *California Building Code*.

Workforce Services directive WIAD00-7, *Standards for Oversight and Instructions for Substate Monitoring*, requires that Local Area monitoring include compliance with the federal and state requirements regarding nondiscrimination and equal opportunity. The state's *Nondiscrimination and Equal Opportunity Procedures*, outlined in WSD10-1, provides 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 WIOA Section 183 (a), (b) and (c), the EDD's EEO Office is responsible for monitoring recipients of WIOA funds in California for compliance with WIOA and related regulations.

POLICY AND PROCEDURES

Workforce Services directive, WIAD00-7, dated April 10, 2001, requires the Equal Opportunity (EO) Officers in the Local Areas to monitor the compliance of all local grant recipients and subrecipients of WIOA or W-P funds, including AJCCs. 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 CMC and PPA self-assessment checklists.

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 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 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 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'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 while a hard copy of the Required Attachments Checklist 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 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 mailed to one of the addresses shown below in the Action section of this 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 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 the Local Area EO Officer, Assistant EO Officer, and any other applicable individuals in support of WIOA Section 188 within the Local Area.

The EO Officer for the Local Area shall 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 one of the following:

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](#) 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](#)