There were five comments to the draft version of this Directive:

**Comments #1-2** – Must medical or disability-related information obtained about a particular individual, including information that could lead to the disclosure of a disability, be collected on separate forms?

**Resolution** – As outlined in Title 29 *Code of Federal Regulations* (CFR) Section 38.41(b)(3), any medical or disability-related information obtained about a particular individual, including information that could lead to the disclosure of a disability, must be collected on separate forms. All such information, whether in hard copy, electronic, or both, must be maintained in one or more separate files, apart from any other information about the individual, and treated as confidential. Whether these files are electronic or hard copy, they must be locked or otherwise secured (e.g., password protected).

**Comments #3-4** – How will recipients document “preferred language” in CalJOBSSM when the system does not have a field to collect this information?

**Resolution** – The Employment Development Department is in the process of identifying what changes will need to be made to CalJOBS system in order to collect Limited English Proficiency and preferred language data as required by 29 CFR Part 38. However, the Department of Labor’s Civil Rights Center (CRC) has decided to delay enforcement of this requirement for two years from the January 3, 2017 effective date of 29 CFR Part 38 in order to allow recipients adequate time to update their data collection and maintenance systems. This means that full compliance is required by January 3, 2019, when the CRC will begin enforcing the collection of “LEP and preferred language” data.

**Comment #5** – If an individual believes that they are being subjected to discrimination prohibited by the provisions of *Workforce Innovation and Opportunity Act* (WIOA) Section 188 and 29 CFR Part 38, must a Local Workforce Development Area (Local Area) provide them with the Discrimination Complaint Form (Attachment 2) in order for the individual to file a written complaint?

**Resolution** – Because the Discrimination Complaint Form was developed to assist clients, participants, and service providers, Local Areas should use this form in an effort to provide more consistent information when processing discrimination complaints from participants of WIOA and Wagner-Peyser funded programs and activities. However, Local Areas are encouraged to personalize the form with the name of the Local Area, logo, and slogan information, and use the form for any and all discrimination complaints that may be received.