

ELEMENT SIX - DATA AND INFORMATION COLLECTION AND MAINTENANCE (29 CFR 38.54)

PURPOSE

The State addresses how it and their recipients are complying and will continue to comply with the requirements of 29 CFR Part 38 related to data and information collection and maintenance. The State ensures a data and information collection and maintenance system, for all its recipients and federal financially assisted programs, are established and maintained. The system and format in which the records and data are kept is designed to allow the Governor and the CRC to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with Section 188 of WIOA.

NARRATIVE

The State's data and information collection is in compliance with the requirements of the Participant Individual Record Layout (PIRL) as published by DOL. All recipients are responsible for collecting and maintaining obtained client and potential client information. The State is responsible for reporting the information to DOL via the PIRL. All recipients are monitored annually by the State EO Officer to ensure compliance with record keeping and contract requirements, to assess recipient equal opportunity performance, to identify instances or areas of discrimination, and to identify individuals or groups of individuals who may have been discriminated against on a basis prohibited by WIOA Section 188 and 29 CFR Part 38.

All recipients collect and maintain records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. (29 CFR 38.41)

The information is collected during the eligibility process and updated as needed throughout the individual's participation in federal programs and activities. The WIOA State EO Officer checks the data via a desk review of the records for a recipient prior to an on-site visit to compare the paper files against the database records for data validity. Records are maintained on each claimant in the system. The collected data is available in a data warehouse where data can be queried at any time.

Recipients record the race/ethnicity, sex, age, and disability status of each applicant registrant, eligible applicant/registrant, participant, employee, and applicant for employment. (29 CFR 38.41)

The OSPs collect the demographic (race, ethnicity, sex, age and disability status) information of each applicant, registrant, eligible applicant/registrant, participant, employee, and applicant for employment. OSPs maintain electronic files for each applicant, employee, and applicant for employment, and electronic records are kept for each registrant and participant for WIOA and OSP services. An individual is considered an applicant when he/she submits personal information (e.g., name, address, social security number-, etc.).

Idaho is working with our vendor, America's Job Link Alliance (AJLA) to collect LEP data consistent with 29 CFR 38.41(b)(2) by January 3, 2019. The DOL-only PIRL element 803 defines "English Language Learner at Program Entry" as a person who has limited ability in speaking, reading, writing, or understanding the English language. This is a mandatory field that is currently collected on each individual that registers for Wagner-Peyser and Title I services. DOL-only PIRL element 804, Basic Skills Deficient/Low Levels of literacy at Program Entry, is also collected on each individual, it provides the information needed to determine who is unable to compute and solve problems, or read, write, or speak English at a level necessary to function on the job, in the participant's family, or in society.

AJLA is an alliance of workforce organizations across multiple states partnering to produce a cost effective system, and in order to maintain consistency with federal reporting requirements across programs and states, the specific LEP requirements need to be included in the PIRL to avoid incurring additional programming costs.

Recipients treat records, particularly those containing medical information, in a manner that ensures their confidentiality. (29CFR 32.15; and 29 CFR 38.41)

The State provides, as required in 29 CFR 38.41, for the confidentiality of information collected and maintained regarding the disabilities of individuals. This requirement applies regardless of the status of the individual whether he or she is an applicant, participant or candidate for employment, etc.

When an applicant/participant for any federally funded services provides medical or psychological information to substantiate an eligibility determination or for reasonable accommodations for program participation, the information is kept in a confidential file separate from the participants' record file and in a locked cabinet.

Recipients maintain a log of complaints filed that allege discrimination on one or more of the bases prohibited by WIOA Section 188. (29 CFR 38.54)

Complaints alleging discrimination on one or more of the following basis: race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship, and/or participation in a WIOA 1B financially assisted program or activity are kept in an electronic claim filing system/log as required by the Civil Rights Center. *Complaints* may be filed at the local level, the State level or with the CRC Director. The complaint log contains the name and address of the complainant, the basis of the complaint, a description of the complaint, date complaint was filed, disposition, date of disposition and any other pertinent information relating to the complaint. The IDOL EO Officer informs the State EO Officer about complaint investigations and submits complaint reports on at minimum, a quarterly basis. The State EO reports to CRC upon request.

Recipients maintain such records for a period of three years. (29CFR 38.43/a)

Complaint forms, investigation notes, disposition letters, and other pertinent information on each complaint filed, as *well* as complaint logs, must be maintained by recipients or sub- recipients for a period of three years from the close of the applicable program year, unless a complaint has been filed and is not yet resolved in which it will be a period of three years from the closure of the open complaint, in accordance with 29 CFR 38.43.

Grant applicants and recipients notify the CRC Director of administrative enforcement actions and lawsuits brought against them that allege discrimination on one or more of the basis prohibited by WIOA Section 188. (29CFR38.42)

The State, as well as each grant applicant and recipient, are required to promptly notify the CRC Director when any administrative enforcement actions or lawsuits are filed against it alleging discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief. In addition, the State policy requires recipients to notify the CRC Director under 29 CFR 38.42(a) and the State concurrently.