

# DIRECTIVE

## WORKFORCE SERVICES

Number: WSD07-7

Date: May 20, 2008

69:123:cs:11959

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: BIENNIAL LWIA SELF-ASSESSMENT

### EXECUTIVE SUMMARY:

#### Purpose:

The purpose of this directive is to communicate to Local Workforce Investment Boards (LWIB), Local Workforce Investment Areas (LWIA), One-Stop Career Center (OSCC) operators, and associated partners, the requirements regarding compliance with federal and State disability laws. In addition, it includes procedures to ensure that all customers have universal access (physical and program) to services.

This directive informs the workforce development community of two changes in the process for ensuring compliance with federal and State requirements relating to self-assessments. First, the Compliance Monitoring Checklist (CMC) now incorporates the Workforce Investment Act (WIA) Nondiscrimination and Equal Opportunity (NEO) Self-Evaluation Guide and the Physical and Program Access (PPA) Self-Assessment and Checklist into one package. Second, the completed CMC and PPA should now be submitted to the Employment Development Department's (EDD) Equal Employment Opportunity (EEO) Office rather than the Compliance Review Division. This directive transmits as attachments, the CMC and PPA Self-Assessment and Checklist.

#### Scope:

This directive applies to all LWIBs, LWIAs, OSCC operators, and other recipients of WIA Title I funds.

#### Effective Date:

This directive is effective upon its release.

### REFERENCES:

- Section 188 of the Workforce Investment Act of 1998
- Americans with Disabilities Act (ADA) of 1990
- Section 504 and Section 508 (as amended) of the Rehabilitation Act of 1973

*EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Special requests for services, aids, and/or special formats need to be made by calling (916) 654-8055 (Voice). TTY users, please call the California Relay Service at 711.*

- Title 20 of the Code of Federal Regulations (CFR) Sections 667.260(a), 667.275(a)(3), 667.410(b)
- Title 29 CFR Part 37
- Title 24 of the California Building Code
- California Government Code Section 11135
- WIA Directive WIAD00-7, Subject: Standards for Oversight and Instructions for Substate Monitoring (April 10, 2001)
- Workforce Services Directive WSD07-6, Subject: Nondiscrimination and Equal Opportunity Procedures (January 16, 2008)

### **STATE-IMPOSED REQUIREMENTS:**

This directive contains some State-imposed requirements. These requirements are indicated in ***bold, italic*** type.

### **FILING INSTRUCTIONS:**

This directive supersedes WIA Directive WIAD02-15, dated May 2, 2003, and finalizes Workforce Services Draft Directive WSDD-7 issued for comment on April 25, 2008. The Workforce Services Division received one comment during the draft comment period requesting that we extend the deadline for submitting the CMC and PPA Self-Assessment and Checklist. This comment resulted in an extension of the due date from June 30, 2008 to August 29, 2008. This change is viewed as highlighted text. The highlighted text will remain on the Internet for 30 days from the issuance date. A summary of the comment and the corresponding resolution is provided as an attachment to this directive. Retain this directive until further notice.

### **BACKGROUND:**

The [WIA Section 188](#) and [Title 29 CFR Part 37](#) set forth the authority of the Civil Rights Center of the Department of Labor to monitor all recipients of WIA assistance to determine whether they are in compliance with these provisions and with [Section 504 of the Rehabilitation Act of 1973](#), and [Section 508 of the Rehabilitation Act](#), as amended. The ADA became effective in 1992. 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. The LWIAs in California also must meet the physical and program access standards in law, including [ADA Title II Accessibility Guidelines \(ADAAG\)](#) and [Title 24 of the California Building Code](#).

The [WIAD00-7](#), Standards for Oversight and Instructions for Substate Monitoring, requires that LWIA monitoring include compliance with the federal and State requirements regarding nondiscrimination and equal opportunity. The State's Nondiscrimination and Equal Opportunity Procedures Directive [WSD07-6](#) outlines 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\(b\)](#), the EDD's, EEO Office is responsible for monitoring recipients of WIA funds in California for compliance with the WIA and related regulations.

## **POLICY AND PROCEDURES:**

The [WIAD00-7](#) requires the LWIAs to monitor the compliance of local grant recipients of WIA funds, including OSCCs. In order to assist the LWIAs in identifying the compliance status of their programs and those elements of compliance for which they may require technical assistance, the EDD created the NEO and PPA Addendum. ***Beginning in PY 2003-04, each LWIB was required to integrate the NEO and PPA Addendum (or subsequent State revisions) into staff monitoring of LWIA administrative offices, OSCCs and other local recipients of WIA funds.*** This process has been changed, beginning with PY 2007-08. The NEO and PPA Addendum (including the PPA Self-Assessment and Checklist to address Element Five of the CMC) are now incorporated into one package, the CMC.

As part of its overall monitoring of LWIAs for compliance with WIA Section 188 and Title 29 CFR Part 37, ***EDD requires that LWIAs complete and submit biennially (i.e., every two years) a CMC and PPA Self-Assessment.*** The EDD's EEO Office will request the documents accordingly.

The LWIA Equal Opportunity (EO) Officers are responsible for assuring that a CMC and PPA Self-Assessment is completed at the LWIA level and that each OSCC within the LWIA also completes the self-assessment for their individual facility. The LWIA EO Officer will gather and incorporate their OSCC offices' self-assessments into one LWIA package for submission.

***The LWIAs should begin to complete the CMC evaluations as described above. Once the CMC and PPA Self-Assessments have been completed for the LWIA administrative office and all local OSCCs, the EO Officer for the LWIA should organize the information into one package for submission to the EDD's EEO Office no later than August 29, 2008.*** Submittal instructions are included under "Action" below. ***Additionally, the EDD requires that copies of the completed CMC and PPA checklists be kept on file locally. This will allow for any later inspection that may be required by authorized federal and State reviewers.***

The EDD's EEO Office staff will coordinate with the Department of Rehabilitation to address technical issues and concerns from the LWIAs. The EDD's EEO Office will continue its compliance reviews of the CMC and PPA. Any additional information will be forwarded by the EEO Office when they commence their reviews.

The PPA self-assessment tool is considered to be the first step in assisting the LWIAs to become physically and programmatically accessible to customers with disabilities. This tool does not meet all State accessibility standards. The State standards are more stringent and must be met before a lease can be executed to house State employees in an OSCC or LWIA 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 amount 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 LWIA EO Officer(s), or to the staff person(s) assigned that function, and any other applicable individuals in the LWIA.

***Forward the completed LWIA office CMC and PPA checklists to:***

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

Hand Deliver: Employment Development Department  
Equal Employment Opportunity Office  
800 Capitol Mall, Room 2130, MIC 49  
Sacramento, CA 95814

The EO Officer for the LWIA should organize the information into one package for submission to the EDD's EEO Office **no later than August 29, 2008**.

**INQUIRIES:**

If you have any questions, please contact your [Regional Advisor](#) at (916) 653-6347.

/S/ BILL BURKE  
Assistant Deputy Director  
Workforce Services Branch

/S/ BOB HERMSMEIER  
Chief  
Workforce Investment Division

Attachments are available on the Internet:

1. [CMC Self-Assessment Checklist](#) (DOC) (383k)
2. [PPA Self-Assessment Checklist](#) (DOC) (433k)
3. [Summary of Comments](#) (PDF)