



GENERAL PROGRAM MANAGEMENT POLICIES AND PROCEDURES

MEMORANDUM #04-12

To: All Interested Parties

Subject: Data and Information Collection and Maintenance

Effective Date: April 1, 2005

A. BACKGROUND

On November 12, 1999, the United States Department of Labor issued a final rule entitled *29 CFR Part 37 Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998*. This landmark Rule provides detailed instructions for implementing the equal opportunity and nondiscrimination provisions of the Act. This Rule governs a wide range of practices within the WorkSource Washington system including, but not limited to, the designation of EO Officers, the dissemination of the Equal Opportunity is the Law notification, and policies regarding the collection and maintenance of data and information. The Rule also requires each state to develop a Methods of Administration that describes the actions the State will take to ensure that its WIA Title I-financially assisted programs, activities, and recipients are complying, and will comply, with all requirements imposed by the Rule. Washington State Employment Security Department issued the Methods of Administration in response to this requirement. This memorandum clarifies the policy that has been in effect since December, 2001 and specific procedures that have been in effect since March, 2002. The form provided in Attachment A has been in effect since 2004.

B. POLICY

The Snohomish County Workforce Development Council (WDC), all its subrecipients, and all WorkSource Snohomish County partners must assure that they will comply fully with the Washington State Methods of Administration and the nondiscrimination and equal opportunity provisions of the following laws in the treatment of applicants for WorkSource Snohomish County services, WorkSource Snohomish County program participants, applicants for employment, and employees:

- Section 188 of the Workforce Investment Act (WIA) which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against

beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I-financially assisted program or activity;

- Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, and national origin;
- Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
- The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of sex in education programs.

The WDC, its subrecipients, and WorkSource Snohomish County partners also assure that they will comply with 29 CFR Part 37 and all other regulations implementing the laws listed above. This assurance applies to the subrecipients' and other WorkSource Snohomish County partners provision of any and all WorkSource Snohomish County services and to all agreements any subrecipient or WorkSource Snohomish County partner makes to carry out WorkSource Snohomish County program(s) or activity(ies). The United States has the right to seek judicial enforcement of this assurance which has been or will be incorporated into the Operations Plan, the Memorandum of Understanding, and each Basic Contract between the WDC and its subrecipients by December 31, 2001.

C. PROCEDURES

Consistent with 29 CFR Part 37 and the Washington State Methods of Administration, all information that relates to any specific disability or medical condition that an applicant or participant may have must be maintained in a file separate from the primary participant case management file. An original copy of the NOTICE OF CONFIDENTIAL FILE form provided in Attachment A is to be maintained in the primary participant case management file.



NOTICE OF CONFIDENTIAL FILE

Participant Name: _____

The above-named participant has a separate confidential file. Please contact the following Case Manager and/or Supervisor should you require any information from the other file. Please be advised that access may require a separate authorization to release information from the above-named participant.

Case Manager Name: _____

Supervisor Name: _____