



**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

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(SN 114)

WIA BULLETIN NO. 4-00, Change 1

TO: WIA Partners

SUBJECT: Revised Workforce Investment Act (WIA) Nondiscrimination and Equal Opportunity Provisions

PURPOSE

The purpose of this bulletin is to do the following:

- (1) Transmit the final federal rules for Title 29, Part 37, that implement the nondiscrimination and equal opportunity provisions of the WIA, Section 188; and
- (2) Transmit a notice that must be posted prominently, in reasonable number and places, included in participant files, handbooks or manuals, written or electronic communications, and provided in appropriate formats to individuals with visual impairments.

BACKGROUND

WIA Bulletin No. 4-00, WIA Equal Opportunity Provisions, issued on May 8, 2000, provided a copy of the Interim Final Rule (29 CFR Part 37) implementing Section 188 of the WIA statute regarding equal opportunity and nondiscrimination.

Since that time, the final rules were published, which supersede the Interim Final Rules.

POLICY

All counties and recipients of WIA funds are required to comply with the final rules in Enclosure 1 regarding nondiscrimination and equal opportunity provisions. Counties are responsible to ensure that all of their subrecipients and service providers, including training

providers, comply with the requirements of these federal rules. These provisions apply to all recipients of WIA funds, including, but not limited to, the following:

- ❖ State-level agencies that administer, or are financed in whole or in part with WIA Title I funds;
- ❖ State Employment Security Agencies;
- ❖ State and local Workforce Investment Boards
- ❖ Local Workforce Investment Area (LWIA) grant recipients;
- ❖ Service providers, including eligible training providers; and
- ❖ On-the-Job Training (OJT) employers.

In addition, for purposes of this part, One-Stop partners, as defined in Section 121(b) of WIA, are treated as “recipients,” and are subject to the nondiscrimination and equal opportunity requirements of this part, to the extent that they participate in the One-Stop delivery system.

Included in these requirements is the mandate that counties, their subrecipients, and training providers post the notice, *Equal Opportunity is the Law*, that is provided in Enclosure 2. Counties are responsible to ensure they and their subrecipients do the following:

- (1) Post the notice prominently, in reasonable number and places,
- (2) Include the notice, with participant’s acknowledgement of receipt of the notice, in the participant’s files,
- (3) Include the notice in handbooks or manuals, and written or electronic communications, and
- (4) Provide the notice in appropriate formats to individuals with visual impairments.

PROCEDURES

- (1) Replace the Interim Final regulations for 29 CFR Part 37 that was distributed through WIA Bulletin No. 4-00 with the Final regulations (Enclosure 1). The following website may be used to access electronic versions of 29 CFR Part 37:
 - a. <http://www.access.gpo.gov/index.html> GPO Access Government Information, A-Z Resource List
 - b. <http://www.access.gpo.gov/databases.html> “C” Code of Federal Regulations (CFR), April 1996 forward
 - c. <http://www.access.gpo.gov/cfr/index.html> Most Current 50 Titles (2007-2008), Quick Search, Title 2 Part 37

d. <http://frwebgate.access.gpo.gov/cgi-bin/multidb.cgi> Scroll to 29 CFR 37—
Part 37 - IMPLEMENTATION OF THE NONDISCRIMINATION AND EQUAL
OPPORTUNITY PDF (7-1-08 Edition)

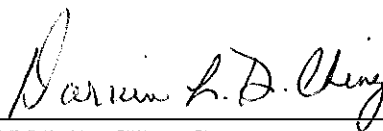
- (2) Immediately post the *Equal Opportunity Is the Law* poster in prominent locations in all offices receiving WIA funds;
- (3) Ensure that information regarding these nondiscrimination and equal opportunity provisions is provided to One-Stop Operators, service providers, training providers, and OJT employers;
- (4) Take steps to insure that all WIA participants receive a copy of and acknowledge receipt of the poster information, and a copy of such acknowledgement is retained in the participant file; and
- (5) Make reasonable efforts to ensure that the information regarding non-discrimination and equal opportunity procedures will be understood by the affected individuals, including youth and those who have limited English-speaking ability.

EFFECTIVE DATE

This Bulletin is effective immediately.

INQUIRIES

Questions regarding this bulletin should be directed to Mr. Gary Noda, State Equal Opportunity Officer, for WIA at (808) 586-8867 (voice) or (808) 586-8847 (TTY/TTD).



DARWIN L.D. CHING

Enclosures (2)

c: Gary Noda

ENCLOSURES AVAILABLE UPON REQUEST.