

**Element 6 - Data and Information Collection and Maintenance (29 CFR 37.37 (b) and (c); 29 CFR 32.15 (d))**

***PART A***

The Department of Labor and Industrial Relations (DLIR) has developed a standardized record data collection by means of a Virtual One-Stop (VOS) data and information collection system, **HireNet Hawaii** (Exhibit A). The system is in compliance with the requirements of 29 CFR Part 37.37 through 37.41, related to data and information collection and maintenance.

**1. Recipients must collect and maintain data in a system that allows for statistical/quantifiable analysis of the recipient's compliance with the WIA equal opportunity policy.**

Recipients shall collect specific information during the intake process and update as needed, paper files and the VOS database system data pertaining to an individual's participation in the WIA Title I-B programs. The collection of data shall enable the LWIA Equal Opportunity Officers to:

- a. Monitor the recipient's equal opportunity performance;
- b. Identify instances or areas of discrimination; and,
- c. Identify individuals or groups who have been discriminated against.

Required Data

The system data must contain information on the quality and quantity of services provided to: program applicants, applicants for program employment, registrants, eligible applicants/registrants, participants, "terminees," and employees. This data must provide demographic information which shall include:

- Race/ethnicity \*
- Sex
- Age
- Disability status, if known

Note: There are two requirements regarding the collection of information about race/ethnicity:

- 1) In the recipient's record collection system, information about race/ethnicity and disability should be kept separate from individual record about each person to protect confidentiality.
- 2) The record-keeping system must use the designations approved by the Office of Management and Budget to identify the race/ethnicity of applicants, participants, and "terminees."

## Complaint Log

Each recipient of the WIA Title I-funding shall maintain a log of complaints filed alleging discrimination on the grounds of:

- **Race**
- **Color**
- **Religion**
- **Sex**
- **National Origin**
- **Age**
- **Disability**
- **Political affiliation or belief,**
- **Citizenship, and**
- **WIA Participation**

The complaint recorded in the Complaint Log shall include the following information:

- a. Name and address of complainant.
- b. Ground or basis of complaint.
- c. Description of the complaint.
- d. Date the complaint was filed.
- e. Disposition of complaint and date of issuance.
- f. Any other pertinent information.

A copy of the complaint log shall be maintained by the LWIA Equal Opportunity Officer and forwarded to the State Equal Opportunity Officer annually so that the State Equal Opportunity Office can maintain a record of all complaints along with all elements required,

The Complaint Log, and actions taken regarding the complaints, must be maintained for three (3) years from the date of the resolution of the complaint. Complaints shall be processed in the manner prescribed in Element 8 of this document.

## Data Retention Period

The records of applicants, registrants, eligible applicants/registrants, participants, "terminees," employee, applicants for employment, and other required records must be maintained for a period of three (3) years from the close of the applicable program year.

## **2. Recipient obligation on Notification of Action**

Each recipient is required to promptly notify the State Equal Opportunity Office and the Director of Civil Rights Center (CRC), USDOL, 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 CRC Director has the discretionary authority to request any information and data necessary from recipients for the purpose of investigating complaints and conducting compliance reviews.

## **3. Confidentiality of Data**

The implementing regulation 29 CFR 37.37 requires that all information collected on applicants, registrants, eligible applicants/registrants, participants, "terminees," employees, and applicants for employment shall be maintained in such a manner as to ensure their confidentiality.

Access to the electronic data maintained in the HireNet Hawaii system shall be limited to such persons authorized by the Workforce Development Division who have legitimate need. Information contained in the HireNet Hawaii system shall be used only for the purposes intended.

Medical information for a participant shall be collected only when necessary to fulfill the intent of the program. Such information shall be confidential and kept separate from the participant's general information where feasible.

**PART B**

Supporting Documentation

Exhibit A	HireNet Hawaii Electronic Information System
A-1	HireNet Hawaii Brochure
A-2	VOS Quick Reference Guide for individual User
A-3	HireNet Participant Background Information Screen (Participant information input sample)
A-4	Participant Personal Information Including Demographic. data
Exhibit B	Sample Data Tables of Program Participants
Exhibit C	Discrimination Complaint Log