

Element 6 - Collection and Maintenance of Equal Opportunity Data and Other Information

(29 C.F.R. § 38.37-38.41; 29 C.F.R. § 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 C.F.R. § 38.37 through § 38.41, 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 WIOA 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 WIOA Title I-B programs (Exhibit B). The collection of data shall enable the local level Equal Opportunity (EO) Officers and State EO Officer 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
- Limited English proficiency and preferred language

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. (Exhibit B)

Medical or Disability-related Information

The medical information from a participant shall be collected only when necessary to fulfill the intent of the program. Any medical or disability-related information obtained

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about a particular individual, including information that could lead to the disclosure of a disability, must be collected on separate forms. All such information, whether in hard copy, electronic, or both, must be maintained in one or more separate files, apart from any other information about the individual, and treated as confidential. Whether these files are electronic or hard copy, they must be locked or otherwise secured (for example, through password protection).

Persons in the following categories may be informed about an individual's disability or medical condition and have access to the information in related files under the following listed circumstances:

- (a) Program staff who are responsible for documenting eligibility, where disability is an eligibility criterion for a program or activity.
- (b) First aid and safety personnel who need access to underlying documentation related to a participant's medical condition in an emergency.
- (c) Government officials engaged in enforcing this part, any other laws administered by the Department, or any other Federal laws.

Supervisors, managers, and other necessary personnel may be informed regarding restrictions on the activities of individuals with disabilities and regarding reasonable accommodations for such individuals.

Complaint Log

Each recipient of the WIOA Title I-funding shall maintain a log of complaints filed alleging discrimination on the grounds of (Exhibit C):

- **Race**
- **Color**
- **Religion**
- **Sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity)**
- **National Origin (including limited English proficiency)**
- **Age**
- **Disability**
- **Political affiliation or belief,**
- **Citizenship, and**

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➤ WIOA 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 Local Level 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 (Exhibit C).

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), U.S.DOL, when any administrative enforcement actions or lawsuits are filed against it alleging discrimination on the grounds of race, color, religion, sex (including pregnancy, childbirth or related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIOA Title I financially assisted program or activity. This notification must include:

- (1) The names of the parties to the action or lawsuit;

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- (2) The forum in which each case was filed; and
- (3) The relevant case numbers.

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 C.F.R. § 38.37 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.

Equal Opportunity Employer/Program
Auxiliary aids and services are available upon request to individuals with disabilities.
TDD/TTY: Dial 711 then ask for (808) 586-8866

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PART B

Supporting Documentation

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| Exhibit A | HireNet Hawaii Web Page |
| Exhibit B | Sample Data Tables of Program Participants |
| Exhibit C | Discrimination Complaint Instructions and Log |