

§38.9(b)(2)(i) &(ii). What does “appropriate non-English language” mean? That term is not defined. Does it mean languages meeting the threshold of 5% or 1000 individuals or something else? If it is something else the requirements of these sections are cost prohibitive and unreasonable. Also if it means something other than the threshold, it should be defined.

§38.28. This section requires the Governor to designate a state level EO officer who reports directly to the Governor. “Governor” is defined as “the Chief Elected Official ... or the Governor’s designee.” Would like a clarification that the EO officer can be appointed and report to the Governor’s designee. This section also requires the EO officer to have sufficient staff and resources, yet WIOA funding is insufficient to support this requirement.

§38.28 (b) references small recipients in 38.4(fff) and service providers in 38.4(eee). The references are incorrect references to Service animals and Section 504, respectively. The reference to “small recipients” should be 38.4(hhh) and the reference to “service providers” should be 38.4(ggg).

§38.29 requires that the EOO must be a senior level employee who reports directly to the Chief Executive officer or equivalent. This section contradicts §38.28 as the EO Officer reports to the “Governor” which is defined as “the Chief Elected Official ... or the Governor’s designee.” Also, who is the equivalent of the “Chief Executive Official”? The change in terminology is contradictory. The terminology is different here than in the previous section. Chief Executive Officer is not defined and §38.28 refers to the Governor. Does Chief Executive Officer mean the Governor and the Governor’s designee? It is impractical for an EO Officer to report directly to the Governor.

§38.42 provides that “at the discretion of the Director, recipients may be required to provide in a timely manner the particularized information or to submit the periodic reports the Director considers necessary to determine compliance with nondiscrimination ...” This is very broad and vague. The requirements and reports should be more specifically defined.

§38.51 provides that the Governor is to monitor on an annual basis the compliance of state programs with WIOA. This creates more workload without funding or staff available to perform this annual monitoring. Less WIOA funding is available to states yet more workload and staffing requirements are placed on the states.

Threshold criteria of Limited English Proficiency. The reality of a lower threshold than 5% or 1000 places significant additional burdens without additional funding from USDOL. States cannot continue to do more with less.