

# PUBLIC SUBMISSION

As of: March 29, 2016  
Tracking No. 1k0-8or8-ia2l  
Comments Due: March 28, 2016

**Docket:** [DOL-2016-0001](#)

Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act

**Comment On:** [DOL-2016-0001-0001](#)

Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act

**Document:** [DOL-2016-0001-0339](#)

Comment from Garrett Carter, Illinois Department of Commerce & Economic Opportunity and the Illinois Department of Employment Security

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## Submitter Information

**Name:** Garrett Carter

**Organization:** Illinois Department of Commerce & Economic Opportunity and the Illinois Department of Employment Security

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## General Comment

The attached comments are submitted on behalf of both the Illinois Department of Commerce & Economic Opportunity, as well as the Illinois Department of Employment Security.

1. "State Level Equal Opportunity Officer" must report directly to the Governor.

Proposed section 38.28(a) states:

Every Governor must designate an individual as a State Level Equal Opportunity Officer (EO Officer), who reports directly to the Governor and is responsible for statewide coordination of compliance with the equal opportunity and nondiscrimination requirements in WIOA and this part, including but not limited to 38.51, 38.53, 38.54 and 38.55. The State Level EO Officer must have staff and resources sufficient to carry out these requirements.

Comment(s): To the extent that the new language directs Governors themselves to create a new position and organize their staffs in a specific and direct way, the State's concern is over the apparent lack of any additional resources to fund the new mandates, as well as the questionable value of an additional administrative level.

## 2. "Annual" Monitoring Increased from "Periodic."

Proposed Section 38.51 (b) states:

[The Governor is responsible for... ] annually monitoring the compliance of recipients with WIOA section 188 and this part, including a determination as to whether each recipient is conducting its WIOA Title I-financially assisted program or activity in a nondiscriminatory way. At a minimum each annual monitoring review required by this paragraph must include....

Comment(s): The proposed regulation specifies in section 38.51 that WIOA grant recipients must be monitored annually. This is a significant change from the prior regulations in section 37.54, as well as Section 38.54 of the current rules, which contemplate "periodic monitoring" - i.e. less frequently than annually. The State's concern is that the proposed regulations would compound the monitoring workload with no apparent resources to cover the additional administrative burden.

## 3. Combined Nondiscrimination Plan.

Proposed Section 38.54 (a)(1) states:

Each Governor must establish and implement a Nondiscrimination Plan for State programs as defined in Section 38.4(11). In those States in which one agency contains both SWA or unemployment insurance and WIOA Title I-financially assisted programs, the Governor must develop a combined Nondiscrimination Plan.

Comment(s): It is not completely clear whether the intent of the rule is to require a combined plan for a state like Illinois, where the agency with oversight over WIOA does not administer the employment service and unemployment insurance programs.

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## Attachments

wioa nondiscrimination reg comments\_3-26-16 (3)

**Subject: Proposed Rule by the U.S. Department of Labor regarding Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act; RIN 1291-AA36**

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To the extent that the new language directs Governors themselves to create a new position and organize their staffs in a specific and direct way, the State’s concern is over the apparent lack of any additional resources to fund the new mandates, as well as the questionable value of an additional administrative level.

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It is not completely clear whether the intent of the rule is to require a combined plan for a state like Illinois, where the agency with oversight over WIOA does not administer the employment service and unemployment insurance programs.