

PUBLIC SUBMISSION

As of: March 29, 2016
Tracking No. 1k0-8or9-crg9
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-2016-0001-0341](#)

Comment from Pat Sherlock, South Carolina Department of Employment and Workforce

Submitter Information

Name: Pat Sherlock

Organization: South Carolina Department of Employment and Workforce

General Comment

The South Carolina Department of Employment and Workforce ("DEW") respectfully submits the following comments on the proposed regulations at 29 CFR Part 38:

1. 38.28 Designation of Equal Opportunity Officer: By requiring the EO officer to be a direct report of the Governor, the proposed rule improperly inserts an additional EO officer level without additional funding. The current requirement that each recipient have an EO officer with sufficient staff and resources is sufficient to enforce the requirements of WIOA. DEW recommends that this section be deleted.

2. 38.41 Collection and maintenance of equal opportunity data and other information: This section adds two new data elements (limited English proficiency and preferred language) to be collected, without providing any additional funding. The impact on existing data collection procedures/systems is unknown. Further, these collection requirements are arguably outside the scope of WIOA, as neither is mentioned in Section 188. DEW recommends removing the requirement to collect and record limited English proficiency and preferred language in sections 38.41 and 38.51(b)(1).

3. 38.51 Governor's oversight and monitoring responsibilities for State Programs: This section requires that WIOA grant recipients be monitored annually (as opposed to the current

requirement of "periodic monitoring"). This change significantly increases workload and travel expenses with no additional funding. DEW recommends that the phrase "annual" be replaced with "periodic" in Section 38.51(b).