

Workforce Investment Act Methods of Administration

589-020-0110 (1) The Department of Community Colleges and Workforce Development will comply with the equal opportunity and nondiscrimination provisions of Section 188 of the federal Workforce Investment Act of 1998 (P.L. 105-220) and 29 CFR part 37 with respect to all programs and activities conducted as part of the Oregon One-Stop delivery system. This includes staff and employment practices of the staff responsible for implementing and administering the Act's programs and activities.

(2) Definitions: As used in OAR 589-020-0100, unless the context requires otherwise:

(a) "One-Stop delivery site" means a Workforce Investment Act center designated by a local board, and other certified centers recognized in the Memoranda of Understanding;

(b) "Workforce Investment Act" means the federal Act as codified in Public Law 105-220.

(3) In conducting both programs and activities that are part of the Oregon One-Stop delivery system, the Department will follow the Methods of Administration promulgated by the Governor in accordance with 29 CFR § 37.4. In particular, the Department shall:

(a) Appoint an agency Equal Opportunity Officer to carry out the duties specified in the Methods of Administration and ensure that, if employed less than full-time as the agency Equal Opportunity Officer, any other duties, responsibilities or activities do not create a conflict of interest or the appearance of a conflict of interest with the duties of the agency Equal Opportunity Officer;

(b) Collect data on participants as required by 29 CFR § 37.37 to 37.41 and the Methods of Administration and provide aggregate data to the state Equal Opportunity Officer and the Department of Labor, as required;

(c) Permit the designated state Equal Opportunity Officer to monitor the Department's compliance with the Workforce Investment Act, 29 CFR part 37, and the Methods of Administration by providing the state Equal Opportunity Officer access to:

(A) One-Stop delivery sites, including affiliate sites, from which the Department operates its programs and activities;

(B) Equal Opportunity Notices created by the Department and provided to participants; and

(C) Any contracts, grants, interagency agreements, or other arrangements between the Department and other providers pertaining to programs and activities provided in the One-Stop system; and

(D) Data required to be collected pursuant to paragraph (b).

(d) Develop procedures and adopt administrative rules, as necessary, to comply with and monitor compliance with the Workforce Investment Act, 29 CFR part 37, and the Methods of Administration by:

(A) The Department and its employees;

(B) Recipients of financial assistance from the agency under Title I of the Workforce Investment Act and their employees; and

(C) Entities operating programs or activities, or providing services, conducted as part of the Oregon One-Stop delivery system on behalf of the Department, and employees thereof, including training providers; and

(e) Ensure that the agency's Equal Opportunity Officer and other appropriate staff attend scheduled periodic training about the Methods of Administration and associated duties; and

(f) Comply with any corrective actions imposed by the Governor for violations of the nondiscrimination and equal opportunity provisions of the Workforce Investment Act, 29 CFR part 37, and the Methods of Administration and cooperate with any investigative activities or monitoring requirements of the state Equal Opportunity Officer.

(4) Notwithstanding periodic monitoring by the state Equal Opportunity Officer, the Department is responsible for all violations of the nondiscrimination and equal opportunity provisions of the Workforce Investment Act, 29 CFR part 37, and the Methods of Administration committed by:

(a) The Department and its employees;

(b) Recipients of financial assistance from the Department under Title I of the Workforce Investment Act and their employees; and

(c) Entities operating programs or activities, or providing services, conducted as part of the Oregon One-Stop delivery system on behalf of the Department, and employees thereof, including training providers.

Statutory Authority: 326.370

Statutes Implemented: New