

EMPLOYERS' TRAINING RESOURCE

1600 E. Belle Terrace
Bakersfield, CA 93307

POLICY BULLETIN: #ETR 24-18

TO: All ETR Staff and ETR Service Providers
FROM: Teresa Hitchcock 
Assistant County Administrative Officer
DATE: February 22, 2018
SUBJECT: Recipient Monitoring Policy: Nondiscrimination and Equal Opportunity

**This Policy Bulletin Supersedes Any Previously Issued Policy Statements
Concerning Monitoring Recipients for Nondiscrimination and Equal
Opportunity Compliance**

**Workforce Innovation and Opportunity Act Section 188 and 29 CFR Part 38
Nondiscrimination and Equal Opportunity Recipient Monitoring Policy**

The Employment Development Department (EDD) of the State of California Directive WSD17-05 dated August 29, 2017 (http://www.edd.ca.gov/jobs_and_training/pubs/wsd17-05.pdf) is applicable to all California Local Workforce Development Areas (LWDA). This Directive requires LWDA's to annually monitor all service providers, including eligible training providers, for compliance with Nondiscrimination and Equal Opportunity (EO) provisions included in Section 188 of the WIOA and 29 CFR Part 38. As the administrative entity for the Kern, Inyo and Mono LWDA, Employers' Training Resource (ETR) will conduct the annual compliance monitoring following the process outlined below.

Compliance Monitoring Review Process

Request for Preliminary Information

ETR will send the training provider a request for information in the form of an EO Monitoring Guide (Guide). The training provider is asked to complete the Guide and submit it to ETR within 10 days of the request.

Desk Review

Upon receipt of the Guide, ETR staff will review the training provider's responses for compliance.

Corrective Action Process

Initial Written Report

ETR will issue an initial written report within 30 days of the receipt of the Guide from the training provider. The initial written report will address areas of non-compliance and outline those areas that are found to be in compliance.

When areas of non-compliance are found, ETR will make recommendation(s) for corrective action(s) in the initial written report. A response to areas of non-compliance and a Corrective Action Plan (CAP) must be forwarded to ETR by the response due date specified in the initial report. It is important to note that monetary corrective actions may not be paid from federal funds.

If a response to the initial report is not received from the training provider by the 5th day after the response due date, ETR will send the training provider a standardized memo requesting a response. A copy of the original report sent to the training provider will be included with the letter. This letter will give the training provider an additional 15 days from the due date stated in the original report to send their response to ETR. A training provider may request and receive from ETR an extension to respond to an overdue report on a case-by-case basis.

If an acceptable response is not received from the training provider by the 15th day from the response due date, ETR's Equal Opportunity Officer and ETR's Finance Division will be notified via email. Further reimbursement of current contract expenses will be withheld until such time as an acceptable response is received.

Final Written Report

ETR will review the training provider's response to the initial report and write a final report documenting the resolution of areas of non-compliance.