

## **ELEMENT SIX**

### **Data and Information Collection and Maintenance**

*Reference: 29 CFR 37.54(d)(1)iv) and (vi)*

#### **Statement of Commitment**

The South Dakota Department of Labor and Regulation, as the recipient of Workforce Investment Act funding shall maintain the existing data and information collection and maintenance system as required under 29 CFR §37.37.

#### **Data Collection and Maintenance**

As required by §37.37(b)(2) and the Workforce Services Division and all sub-recipients shall collect data including but not limited to the race/ethnicity, sex, age, and where known, disability status for each applicant, registrant, eligible applicant/registrant, participant, employee and applicant for employment. As per State policy, a Division approved standard (paper) application form for participation in WIA funded programs generally is completed for each applicant, registrant, eligible applicant/registrant, participant, employee, and applicant for employment. The application includes all required elements and where used, will be placed in each participant's file. This data is required to be entered into the appropriate section(s) of DLR's SDWORKS Management Information System (MIS) used for all program registrations including ES, WIA, and UI. In some instances, staff may enter registration data directly into the MIS without the use of a paper application. Job seekers may use the Department's Self-Registration component using a secure Internet based program. This registration information which includes the required data elements is then complied with the MIS.

All information collected for each applicant, registrant, eligible applicant/registrant, participant, employee, and applicant for employment is maintained for a minimum of three (3) years from the close of the applicable program year.

#### **Confidentiality**

SDDLRL policy requires that all information collected on applicants, registrants, eligible applicants/registrants, participants, employees and applicants for employment shall be maintained in such a manner as to assure their confidentiality. Access to the electronic MIS shall be limited to such persons authorized by the department who have legitimate need.

Information contained in the MIS, SDWORKS, and participant files shall be used only for the purpose intended. A variety of permissions and practices are being developed to ensure the security of confidential information.

Participant medical information shall be collected only when necessary to fulfill the intent of the program. Such information shall be confidential and shall be kept separately from the participant's general information where feasible.

## **Complaint Log**

Each recipient of WIA Title I funding shall maintain a log of complaints filed that allege discrimination on any of the bases prohibited under §37.5. A copy of the complaint log shall be maintained by the recipient's EO officer or by the recipient where no EO officer is posted. A copy of the complaint log shall be forwarded to the State level EO officer periodically so that the State level EO office can maintain a record of all complaints along with all elements required.

Complaints shall be processed in the manner prescribed in Element 8 of this document.

Records regarding complaints and the actions taken must be maintained for a period of three (3) years from the date of resolution of the complaint.

## **Notification of Action**

Grant applicants and recipients shall notify the State EO officer and the Director, Civil Rights Center immediately of any administrative enforcement actions brought against them that allege discrimination on any of the bases prohibited by §37.5.

Director, Civil Rights Center  
US Department of Labor  
200 Constitution Ave. NW Room N-4123  
Washington, DC 20210  
Voice: (202) 219-7026  
TTY: (800) 326-2577  
Fax: (202) 219-5658  
E-mail: [CivilRightsCenter@dol.gov](mailto:CivilRightsCenter@dol.gov)

## **EO Reports**

Such raw data as is specified by the EO officer shall be extracted from the recipient's management information system, or taken from hard copy documents and provided to the EO officer upon request for monitoring or complaint processing. This data can be extracted via an electronic report in a format acceptable for review.

Such data shall be made available to the Director, Civil Rights Center or designee upon request.

## **Documentation for Element Six**

WIA/EO Data Collection and Reporting Information (SDWORKS)  
State complaint forms used by local offices  
Form 8429 (Employment Service Complaint/Referral Record)

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