

ELEMENT THREE

Review Assurances, Job Training Plans, Contracts and Policies and Procedures *Reference: 29 CFR 37.54(d)(1)(i) and (d)(2)(I), (iii)*

and (iv).

Statement of Commitment

The South Dakota Department of Labor and Regulation (SDDLRL), as the recipient of Workforce Investment Act funding shall review assurances, local area plans, contracts and policies and procedures for compliance with Section 188 of the WIA. SDDLRL shall assess the ability of funded grant applicants and eligible training providers to comply with Section 188. Grant administrators and others involved in the solicitation of proposals and service provision shall be trained in the incorporation of required assurances. This training shall be the responsibility of the WIA State EO Officer and the legal division of SDDLRL.

Notification of Applicants for Financial Assistance

Applicants for funding assistance under Title I of the WIA shall be notified of their obligation under §188 as a part of the application process. Applications for grant funding and training provider eligibility shall be required to incorporate the assurances contained in 29 CFR Part 37.20 through 37.27. These assurances commit the potential recipient to “comply fully with the nondiscrimination and equal opportunity provisions” of the Workforce Investment Act. Applications shall be signed by the applicant’s responsible part and a copy retained by them. The form *Equal Opportunity is the Law* shall be included in the applicant’s application package.

Assurance Incorporation in Grants, Agreements, Contracts and other Arrangements

SDDLRL shall require that each grant, cooperative agreement, contract, memorandum of understanding and other such agreements incorporate the assurances required under §37.20 through §37.22 either by reference as outlined in §37.30(a)(2) or by inclusion of the form *Equal Opportunity is the Law*.

Accessibility for Individuals with Disabilities

SDDLRL shall require that each grant applicant and training provider seeking eligibility assure their ability to provide programmatic and architectural accessibility for individuals with disabilities as required under 29 CFR Part 32 Subpart C §32.26 through §32.28. It shall be the responsibility of grant administrators and others in the Department who solicit such applications to review these applications for the required assurances. The form *Equal Opportunity is the Law* shall be included in the applicant’s application package.

Recipient Agreements

SDDLRL, through grant administrators and others in the department who negotiate and enter into job training plans, contracts, assurances and other such agreements shall assure that the agreements are nondiscriminatory and contain the assurances regarding nondiscrimination and equal opportunity. Each State grant monitoring guide includes a nondiscrimination and equal

opportunity clause/section. All State grantees are also required to monitor their sub-grantees/subcontractors for compliance with the EO provisions.

Policy Issuances

The WIA State EO Officer and legal division of SDDL R shall review policy issuances from the department and recipients to assure such issuances are nondiscriminatory.

Development and Implementation of Nondiscriminatory and EO Policies

State level EO Officers, with the assistance of the Civil Rights Center, shall develop and oversee the implementation of policies on equal opportunity issues. These policies include such issues as sexual harassment and religious accommodation. Such policies shall cover all recipients of WIA Title I funding as defined

Documentation for Element Three

On-the-Job Training Application
Equal Opportunity is the Law (WIA-EO1111)
Workforce Training Means Opportunity brochure
Helping You Meet Your Workforce Needs brochure

DRAFT