

**Guidelines for Compliance with
Section 188 of the Workforce Investment Act:
Collection of Demographic Data**

OF INTEREST TO:

Workforce Florida, Inc. (WFI), Regional Workforce Boards (RWBs), One-Stop Operators and Service Providers.

SUBJECT:

Guidelines for compliance with federal regulations regarding the collection and maintenance of demographic information.

BACKGROUND AND UNDERLYING FEDERAL POLICY:

The U.S. Department of Labor's Civil Rights Center (CRC) conducted a review of Florida's compliance with Equal Opportunity regulations. As part of that review, CRC determined that Florida was not in full compliance with requirements regarding the collection of demographic data. CRC offered the following remedy:

Ensure that Florida's local workforce investment areas, as well as State programs and all other covered recipients within the State, make changes to their data collection systems so that customers are asked to provide demographic information at the point when they first submit personal information (such as name, Social Security number, e-mail address, or other personally identifying information) in response to a request by the recipient.

Although some regions may already be in full compliance, the "Method of Action" below will provide guidance regarding any necessary changes.

METHOD OF ACTION:

Federal regulations applicable to our programs require the collection, recording, and maintenance of demographic information about an individual's race/ethnicity, sex, age and, where known, disability status for every applicant and registrant. See 29 CFR Part 37.¹

¹ 29 CFR Part 37 states in part:

Each recipient [of federal financial assistance] must collect such data and maintain such records in accordance with procedures prescribed by the Director [of the Civil Rights Center] as the Director finds necessary to determine whether the recipient has complied or is complying with the nondiscrimination and equal opportunity provisions of WIA or this part. The system and format in which the records and data are kept must be designed to allow the Governor and CRC to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with section 188 of WIA and this part. 29 CFR 37.37(b)(1)b.

Such records must include, but are not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees and applicants for employment. Each recipient must record the race/ethnicity, sex, age and, where known, disability status of every applicant, registrant, eligible applicant/registrant, participant, terminee, applicant for employment, and employee. Such information must be stored in a manner that ensures confidentiality and must be used only for the purposes of: record keeping and reporting; determining eligibility, where appropriate, for WIA Title I-financially assisted programs or activities; determining the extent to which the recipient is operating its

“Applicant” and “registrant” are defined as individuals who have signified interest in receiving services from a recipient by “submitting personal information in response to a request by the recipient.” 29 CFR 37.4.

USDOL is not instructing us when to have individuals sign in. However, once this event occurs, USDOL requires that we request demographic information. If a region elects to use customer sign-in logs, it is important to note:

- A request for a customer’s name is considered to be a request for personal information. This includes at the point when a customer signs in at a One-Stop Career Center if that is the procedure used by the RWB.
- The request for personal information (such as name, Social Security number, email address, or other personally identifying information) triggers the requirement to request demographic information.

NOTE: Although we are required to request this information, provision of the information by the individual is voluntary.

Notice of the following must be given to applicants or registrants when the information is requested:

- providing the information is voluntary;
- the information will be kept confidential as provided by law;
- refusal to provide the information will not subject the individual to any adverse treatment;
- the information will be used only in accordance with the law.

It is recommended that the information above be included on any sign-in sheet or other document that includes a request for personal information.

In accordance with 29 CFR 37.37, “The system and format in which the records and data are kept must be designed to allow the Governor and CRC to conduct statistical or other quantifiable data analyses”

AUTHORITY:

29 CFR Part 37: *Implementation of the Nondiscrimination and EO Provisions of WIA*

29 CFR Part 32: *Nondiscrimination on the Basis of Handicap*