

Dr. Bennett Boggs, Commissioner
Julie Carter, Director

Dept. of Higher Education & Workforce Development
Office of Workforce Development

December 20, 2024

The Honorable Mike Sauer, Presiding Commissioner
Perry County Administration Building
321 N. Main Street
Perryville, MO 63775

Valada Harp
Human Resource Director
Burch Food Services
108 Stallcup Drive
Sikeston, MO 63801

Dear Commissioner Sauer and Ms. Harp:

Both Section 188 of the Workforce Innovation and Opportunity Act (WIOA) and 29 CFR 38 require the State's monitoring system to provide at a minimum of an annual¹ monitoring review of its regions to ensure programs, services, and employment practices are nondiscriminatory². To ensure compliance, the Department of Higher Education Workforce Development, State Office of Equal Opportunity (DHEWD SOEO) performs an annual review of program, services, activities, and employment practices offered and delivered in each service area. During this monitoring, DHEWD SOEO reviewed the following in accordance with the law and the State of Missouri's Nondiscrimination Plan (NDP)³:

- Sections 38.25 through 38.27 (Assurances);
- Sections 38.28 through 38.33 (Equal Opportunity Officers);
- Sections 38.34 through 38.39 (Notice and Communication);
- Sections 38.41 through 38.45 (Data and Information Collection and Maintenance);
- Section 38.40 (Affirmative Outreach);

¹ [29 CFR 38.51\(b\)](#)

² [29 CFR 38.18\(a\)](#)

³ [Missouri Nondiscrimination Plan](#). See also [29 CFR 38.54](#).

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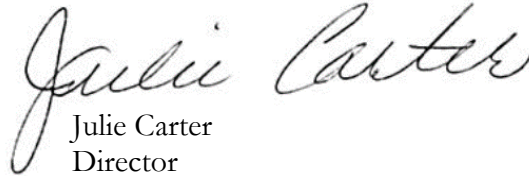
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- Section 38.53 (Governor's Oversight Responsibility Regarding Recipients' Recordkeeping);
- Sections 38.72 and 38.73 (Complaint Processing Procedures); and
- Sections 38.51 and 38.53 (Monitoring Responsibilities)

Please contact Danielle Smith, State Equal Opportunity Officer at (573) 751-2428 or (573) 751-3349 with questions.

Sincerely,



Julie Carter
Director

c: Gretchen Morse, LWDB Director
Allysia Long, Local EO Officer
Jeanne Hull, EO Coordinator
Sara Harrison, Deputy General Counsel
DHEWD OWD Senior Staff



Southeast Workforce Development Board
Section 188 of WIOA Compliance Review Summary Results PY23-24

DHEWD SOEO conducted a compliance review of the *Southeast Workforce Development Board's* policies, records, and other appropriate documents from PY23 to present by applying 29 CFR 38, Section 188 of WIOA, and the Missouri Nondiscrimination Plan (NDP). During this compliance review, DHEWD SOEO did not identify any concerns.

Sources Reviewed:

Complaint Logs
Employment Data Analysis Report
Program Data Analysis Report
EO Annual Report
Onsite Reviews
Local Board Website

Section 29 CFR 38.25 - 38.27 (Assurances):

As a recipient of WIOA Title I financial assistance, the recipient will comply with [29 CFR part 38](#) along with all other state and federal laws and regulations. The assurances in Sections 29 CFR 38.25-38.27 apply to the recipient's operation of the WIOA Title I-financially assisted program or activity and to all agreements the recipient makes to carry out the WIOA Title I-financially assisted program or activity.

***Source:** Southeast Workforce Development Board signed an annual contract agreement with DHEWD that it will not discriminate in the operation of programs, services, activities, and employment practices.*

***Rating:** No current concerns.*

Section 29 CFR 38.28 - 38.33 (Designating Local EO Officer):

Local boards must designate a Local EO Officer according to [29 CFR 38.28\(b\)](#). The EO Officer must be a senior-level employee reporting directly to the individual in the highest-level position of authority for the entity that is the recipient, such as the Chair of the Local Workforce Development Board, the Chief Executive Officer, the Chief Operating Officer, or an equivalent official.

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Source: Southeast Workforce Development Board designated a Local EO Officer to implement the regulation requirements under Section 188 of WIOA, 29 CFR 38, and the Missouri Nondiscrimination Plan.

Rating: No current concerns.

Section 29 CFR 38.34 - 38.39 (Notices and Communications):

At a minimum, the Equal Opportunity Notice required by [29 CFR 38.34](#) and [29 CFR 38.35](#) must be: posted prominently, in reasonable numbers and places, in available and conspicuous physical locations and on the recipient's Web site pages; The Equal Opportunity Notice must be disseminated in internal memoranda and other written or electronic communications with staff. The Equal Opportunity Notice must be included in employee and participant handbooks or manuals regardless of form, including electronic and paper form if both are available. Each participant and employee must be provided this notice, and it must be made part of each employee's and participant's file. The Equal Opportunity Notice must be a part of both paper and electronic files if both are maintained.

Source: Southeast Workforce Development Board's website: [Workforce Development Board of Southeast Missouri \(job4you.org\)](http://WorkforceDevelopmentBoardofSoutheastMissouri(job4you.org)

Rating: No current concerns.

Section 29 CFR 38.40 (Affirmative Outreach):

Recipients must take appropriate steps to ensure that they are providing equal access to WIOA Title I-financially assisted programs and activities. Providing equal access should involve reasonable efforts to include members of the various groups protected by these regulations including but not limited to persons of different sexes, various racial and ethnic/national origin groups, various religions, individuals with limited English proficiency, individuals with disabilities, and individuals in different age groups.

Source: Southeast Workforce Development Board's Employment Data Analysis and Program Data Analysis Reports.

Rating: No current concerns.

Section 29 CFR 38.41 - 38.45 (Data and Information Collection and Maintenance):

Each recipient must collect data and maintain the data within its records, in accordance with procedures prescribed in Section 188 of WIOA, 29 CFR 38, and the Missouri Nondiscrimination Plan. This requirement is necessary to determine whether the recipient complied or is complying with the nondiscrimination and equal opportunity provisions of WIOA. The system and format in which the records and data are kept must be designed to allow the DHEWD SOEO and US DOL

CRC to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with Section 188 of WIOA.

Source: Southeast Workforce Development Board's Program Data Analysis Report, Employment Data Analysis report, and Complaint logs.

Rating: No current concerns.

Section 29 CFR 38.51 - 38.53 (Governor's Oversight and Monitoring Responsibilities for State Programs):

Each local board is responsible for oversight and monitoring of all *recipients* to which financial assistance under Title I of WIOA is granted. This responsibility includes ensuring compliance with the nondiscrimination and equal opportunity provisions of Section 188 of WIOA, 29 CFR 38, and the Missouri Nondiscrimination Plan. Annual monitoring includes a determination as to whether each recipient is conducting its WIOA Title I-financial assistance programs or activities in a nondiscriminatory way.

Source: Southeast Workforce Development Board's EO Annual Report.

Rating: No current concerns.

Section 29 CFR 38.72 and 38.73 (Complaint Processing Procedures):

The recipient of WIOA funds must adhere to the Missouri Nondiscrimination Plan and [OWD Issuance 06-2021](#). This includes the develop and publication of the discrimination complaint processing procedures required in [29 CFR 38.72](#).

Source: Southeast Workforce Development Board's website provides the general public with the right to file discrimination complaints under Section 188 of WIOA and has complied with submitting quarterly Complaint logs.

Rating: No current concerns.