

to the Department in the event of a breach of the covenant.

§ 34.21 Equitable services.

Recipients shall make efforts to provide equitable services among substantial segments of the population eligible for participation in JTPA. Such efforts shall include but not be limited to outreach efforts to broaden the composition of the pool of those considered for participation, to include members of both sexes, the various race/ethnicity and age groups, and individuals with disabilities.

§ 34.22 Designation of Equal Opportunity Officer.

(a) A recipient, other than a small recipient or service provider as defined in § 34.2, shall designate an Equal Opportunity Officer to coordinate its responsibilities under this part. Such responsibilities include, but are not limited to, serving as the recipient's liaison with the Directorate and overseeing the development and implementation of the Methods of Administration pursuant to § 34.33. The Equal Opportunity Officer shall report on equal opportunity matters directly to the State JTPA Director, Governor's JTPA Liaison, Job Corps Center Director, SESA Administrator, or chief executive officer of the SDA or substate grant recipient, as applicable. The Director may require the Equal Opportunity Officer and his or her staff to undergo training, the expenses of which shall be the responsibility of the recipient. The recipient shall make public the name, title of position, address and telephone number of the Equal Opportunity Officer.

(b) Recipients shall assign sufficient staff and resources to the Equal Opportunity Officer to ensure compliance with the nondiscrimination and equal opportunity provisions of JTPA and this part.

(c) Small recipients shall designate an individual responsible for the adoption and publication of complaint procedures and the processing of complaints pursuant to § 34.42.

(d) Service providers as defined by § 34.2 shall not be required to designate an Equal Opportunity Officer. The responsibility for ensuring service pro-

vider compliance with the non-discrimination and equal opportunity provisions of JTPA and this part shall rest with the Governor, SDA grant recipient or Substate grantee, as provided in the State's Methods of Administration.

§ 34.23 Dissemination of policy.

(a) *Initial and Continuing Notice.* (1) A recipient shall provide initial and continuing notice that it does not discriminate on any prohibited ground, to: Applicants, eligible applicants, participants, applicants for employment, employees, and members of the public, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipient.

(2) The notice requirement imposed pursuant to paragraph (a)(1) of this section requires, at a minimum, that the notice specified in paragraph (a)(5) of this section be: posted prominently, in reasonable numbers and places; disseminated in internal memoranda and other written communications; included in handbooks or manuals; and made available to each participant and made a part of the participant's file. The required notice to the public applicable to generally-distributed publications is contained in paragraph (b) of this section.

(3) The recipient shall provide that the initial and continuing notice required by paragraph (a) of this section be provided in appropriate formats to individuals with visual impairments. Where notice has been given in an alternate format to a participant with a visual impairment, a record that such notice has been given shall be made a part of the participant's file.

(4) The notice required by paragraph (a) of this section must be provided within 90 days of the effective date of this part or of the date this part first applies to the recipient, whichever comes later.

(5) The notice required by paragraph (a) of this section shall contain the following prescribed language:

EQUAL OPPORTUNITY IS THE LAW

This recipient is prohibited from discriminating on the ground of race, color, religion,

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sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in programs funded under the Job Training Partnership Act, as amended (JTPA), in admission or access to, opportunity or treatment in, or employment in the administration of or in connection with, any JTPA-funded program or activity. If you think that you have been subjected to discrimination under a JTPA-funded program or activity, you may file a complaint within 180 days from the date of the alleged violation with the recipient's Equal Opportunity Officer (or the person designated for this purpose), or you may file a complaint directly with the Director, Directorate of Civil Rights (DCR), U.S. Department of Labor, 200 Constitution Avenue NW., room N-4123, Washington, DC 20210. If you elect to file your complaint with the recipient, you must wait until the recipient issues a decision or until 60 days have passed, whichever is sooner, before filing with DCR (see address above). If the recipient has not provided you with a written decision within 60 days of the filing of the complaint, you need not wait for a decision to be issued, but may file a complaint with DCR within 30 days of the expiration of the 60-day period. If you are dissatisfied with the recipient's resolution of your complaint, you may file a complaint with DCR. Such complaint must be filed within 30 days of the date you received notice of the recipient's proposed resolution.

(6) The Governor, the SDA grant recipient or the Substate grantee, as determined by the Governor in that State's Methods of Administration, shall be responsible for meeting the notice requirement of paragraph (a) of this section with respect to its service providers.

(7) Recipient's responsibility to provide notice. Whenever a recipient passes on Federal financial assistance under JTPA to another recipient, the recipient passing on such assistance shall provide the recipient receiving the assistance with the notice prescribed in paragraph (a)(5) of this section.

(b) *Publications.* (1) In recruitment brochures and other materials which are ordinarily distributed to the public to describe programs funded under JTPA or the requirements for participation by recipients and participants, recipients shall indicate that the JTPA-funded program or activity in question is an "equal opportunity employer/program" and that "auxiliary aids and services are available upon re-

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quest to individuals with disabilities." Where such materials indicate that the recipient may be reached by telephone, the materials shall state the telephone number of the TDD or relay service used by the recipient, as required by §34.6.

(2) Recipients required by law or regulation to publish or broadcast program information in the news media shall ensure that such publications and broadcasts state that the JTPA-funded program or activity in question is an equal opportunity employer/program (or otherwise indicate that discrimination in the JTPA-funded program or activity is prohibited by Federal law), and indicate that auxiliary aids and services are available upon request to individuals with disabilities.

(3) A recipient shall not use or distribute a publication of the type described in paragraph (b) of this section which suggests, by text or illustration, that such recipient treats beneficiaries, applicants, participants, employees or applicants for employment differently on any prohibited ground specified in §34.1(a), except as such treatment is otherwise permitted under Federal law or this part.

(c) *Services or information in a language other than English.* A significant number or proportion of the population eligible to be served or likely to be directly affected by a JTPA-funded program or activity may need service or information in a language other than English in order that they be effectively informed of or able to participate in the JTPA-funded program or activity. In such circumstances, the recipient shall take reasonable steps, considering the scope of the program and the size and concentration of such population, to provide to such persons, in appropriate languages, the information needed; the initial and continuing notice required pursuant to paragraph (a) of this section; and such written materials as are distributed pursuant to paragraph (b) of this section.

(d) *Orientation.* The recipient shall, during each presentation to orient new participants and/or new employees to its JTPA-funded program or activity, include a discussion of participants' and/or employees' rights under the

nondiscrimination and equal opportunity provisions of JTPA and this part, including the right to file a complaint of discrimination with the recipient or the Director.

(e) As provided in §34.6, the recipient shall take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others.

§ 34.24 Data and information collection; confidentiality.

(a) *Data and information collection.* The Director shall not require submission of data that can be obtained from existing reporting requirements or sources, including those of other agencies, if the source is known and available to the Director.

(1) Each recipient shall collect such data and maintain such records, in accordance with procedures prescribed by the Director, as the Director finds necessary to determine whether the recipient has complied or is complying with the nondiscrimination and equal opportunity provisions of JTPA or this part.

(2) Such records shall include, but are not limited to, records on applicants, eligible applicants, participants, terminees, employees and applicants for employment. Each recipient shall record the race/ethnicity, sex, age, and where known, disability status, of every applicant, eligible applicant, participant, terminee, applicant for employment and employee. Such information shall be stored in such a manner as to ensure confidentiality and shall be used only for the purposes of record-keeping and reporting; determining eligibility, where appropriate, for JTPA-funded programs or activities; determining the extent to which the recipient is operating its JTPA-funded program or activity in a nondiscriminatory manner; or other use authorized by the nondiscrimination and equal opportunity provisions of JTPA or this part.

(3) In addition to the information which shall be collected, maintained, and upon request, submitted to the Directorate pursuant to paragraphs (a)(1) and (a)(2) of this section:

(i) Each grant applicant and recipient shall promptly notify the Director of any administrative enforcement ac-

tions or lawsuits filed against it alleging discrimination on the ground of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in JTPA;

(ii) Each grant applicant (as part of its application) and recipient (as part of a compliance review conducted pursuant to §34.40 (b) or (c), or monitoring activity carried out pursuant to §34.34) shall provide: the name of any other Federal agency that conducted a civil rights compliance review or complaint investigation during the two preceding years in which the grant applicant or recipient was found to be in noncompliance; and shall identify the parties to, the forum of, and case numbers pertaining to, any administrative enforcement actions or lawsuits filed against it during the two years prior to its application (or, with respect to recipients, its renewal application) which allege discrimination on the ground of race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship or participation in JTPA;

(iii) Each recipient shall maintain a log of complaints filed with it that allege discrimination on the ground of race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship or participation in JTPA. The log shall include: the name and address of the complainant; the ground of the complaint, i.e., race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship or participation in JTPA; a description of the complaint; the date the complaint was filed; the disposition and date of disposition of the complaint; and other pertinent information.

(4) At the discretion of the Director, grant applicants and recipients may be required to provide such information and data as are necessary to investigate complaints and conduct compliance reviews on grounds prohibited under the nondiscrimination and equal opportunity provisions of JTPA and this part, other than race/ethnicity, sex, age, and disability.

(5) At the discretion of the Director, recipients may be required to provide such particularized information and/or