

U.S. DEPARTMENT OF LABOR Employment and Training Administration Washington, D.C. 20213	CLASSIFICATION
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	August 16, 1989

DIRECTIVE : UNEMPLOYMENT INSURANCE PROGRAM LETTER NO. 46-89
 TO :
 ALL STATE EMPLOYMENT SECURITY AGENCIES
 FROM : DONALD J. KULICK *DJ Kulick*
 Administrator
 for Regional Management
 SUBJECT : Equal Opportunity (EO) Data Requirements for
 Unemployment Insurance (UI)

1. Purpose. a) To clarify and emphasize to State Employment Security Agencies (SESAs) their responsibilities for complying with EO data collection and maintenance requirements for the UI program; and b) to announce the procedures of the Department of Labor (DOL), Directorate of Civil Rights (DCR), for monitoring EO data, e.g., race, ethnicity, age, sex, and handicap status, pertinent to all claims activities for UI claimants for the purpose of compliance review monitoring and/or complaint investigations.

2. References. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d et seq.; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794; the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 et seq.; Section 167 of the Job Training Partnership Act of 1982, as amended, 29 U.S.C. 1577; and U.S. Department of Labor Regulations at 29 CFR Part 31, and 29 CFR Part 32.

3. Background. The authority for enforcing Title VI of the Civil Rights Act of 1964, as amended, the Age Discrimination Act of 1975, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, and Section 167 of the Job Training Partnership Act of 1982, as amended, has been delegated by the Secretary of Labor through the Office of the Assistant Secretary for Administration and Management (OASAM) solely to the DCR within OASAM.

DOL regulations at 29 CFR 31.5, 29 CFR 32.44 and 29 CFR 32.50 specifically require recipients of DOL grant funds to collect, maintain and make available data as may be necessary to ascertain compliance with the requirements of the nondiscrimination statutes.

REVISIONS	EXPIRATION DATE
	August 31, 1990

DISTRIBUTION

The regulatory requirements addressed by this directive are not new. However, we recognize that a transition period may be necessary for some SESAs to implement the appropriate modifications to their data collection systems. Accordingly, a 6-month lead time is provided for all system modifications to be in place from the issuance of this directive.

Public reporting for this collection of information is estimated to average 88 hours per response. This burden is prorated over a 12-month period since it includes gathering and maintaining the data needed, in addition to reviewing instructions, searching existing data sources, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Information Management and Productivity, Directorate of Information Resource Management, OASAM, U.S. Department of Labor, Washington, D.C. 20210; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

4. EO Data Collection and Maintenance Requirements. Data collection requirements have been approved by the Office of Management and Budget (OMB) according to the Paperwork Reduction Act of 1980 under OMB approval No. 1225-0046, to expire March 31, 1992. SESAs are required to collect, maintain and provide upon request to the Directorate of Civil Rights the following claimant information for each local UI office according to OMB definition for race/ethnic identification (i.e., White (non-Hispanic), Black (non-Hispanic), Hispanic, American Indian and Alaskan Native, and Asian and Pacific Islander), sex, age (14-21, 22-29, 30-54, 55 and over) and handicap status:

a. Overall Single-Claimant Claims Processed - By OMB race/ethnic identification, sex, age and handicap status for the following:

- o Total number of new initial claims
- o Total number of additional initial claims
- o Total number of initial claims (new and additional)

b. Single-Claimant Monetary Determinations - By OMB race/ethnic identification, sex, age and handicap status for the following:

- o Total number of monetary determinations made
- o Total number of monetary determinations resulting in ineligibility

c. Single-Claimant Nonmonetary Determinations - By OMB race/ethnic identification, sex, age and handicap status and by adjudicator for the following:

- o Total number of nonmonetary determinations made
- o Total number of nonmonetary determinations denying benefits

(1) Separation Issues - By OMB race/ethnic identification, sex, age and handicap status for the following:

(a) Total number of separation from work determinations made because of:

- o Voluntary quits
- o Discharge for misconduct
- o Other

(b) Total number of separation from work determinations denying benefits because of:

- o Voluntary quits
- o Discharge for misconduct
- o Other

(2) Nonseparation Issues - By OMB race/ethnic identification, sex, age and handicap status for the following:

(a) Total number of nonseparation determinations made by the following issues:

- o Able, available and actively seeking work
- o Disqualifying or deductible income
- o Refusal of suitable work
- o Reporting requirements
- o Other

(b) Total number of nonseparation determinations denying benefits made by the following issues:

- o Able, available and actively seeking work
- o Disqualifying or deductible income
- o Refusal of suitable work
- o Reporting requirements
- o Other

d. Single-Claimant Appeals - By OMB race/ethnic identification, sex, age and handicap status for the following:

(1) Lower Authority

(a) Total number of lower authority appeals decisions made by the following:

- o Separation Issues: Voluntary quits; Discharge for misconduct; and Others.
- o Nonseparation Issues: Able and available and actively seeking work; Disqualifying or deductible income; Refusal of suitable work; Reporting requirements; and Others.

(b) Total number of appeals decisions in favor of claimants;

(c) Total number of appeals decisions not in favor of claimants.

(2) Higher Authority

(a) Total number of higher authority appeals decisions made;

(b) Total number of appeals decisions in favor of claimants;

(c) Total number of appeals decisions not in favor of claimants.

5. Equal Opportunity Responsibilities in each SESA. SESAs are reminded that consistent with the requirements set forth in 29 CFR 31.6(b) and 32.7, that each SESA must establish or identify an organizational unit to effectively coordinate and ensure implementation of its equal opportunity responsibilities, including data collection and the development and implementation of a system for periodically monitoring the compliance status of local offices.

6. Equal Opportunity Compliance Review Process. To implement its responsibilities, the DCR conducts on-site compliance reviews of selected recipients of Federal financial assistance from the Department. The State will be notified by letter from DCR at least forty-five days in advance that a specific local office has been selected by DCR for such a compliance review along with the State central office. The notification letter will request the submission of the EO data specified in paragraph 4 for the latest 12-month period.

7. Action Required. SESA administrators are to:

a. establish systems for collecting and maintaining EO data on all claims activities;

b. identify or establish an organizational unit to coordinate and ensure effective implementation of its EO responsibilities, including:

- the periodic monitoring of local offices
- complying with requests by DCR for specific data on local office claims activities in conjunction with the equal opportunity compliance review process.

c. Collect and maintain data on a regular basis as required by this directive.

8. Inquiries. Inquiries concerning this directive should be directed to the appropriate ETA Regional Office. Inquiries concerning equal opportunity data and compliance review requirements should be directed to Ms. Danetta Fofanah, DCR, Chief, Division of Technical Assistance and Compliance Monitoring, 8-523-7026.

9. Attachment. 29 CFR 31.5, 31.6(b); 29 CFR 32.7, 32.44, 32.49 and 32.50.