

COLLECTION AND MAINTENANCE OF EO DATA

This document provides a summary of the Workforce Innovation and Opportunity Act (WIOA) equal opportunity (EO) data collection and maintenance requirements found in 29 CFR 38.41.

- All WIOA program providers must collect and maintain the following records on applicants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment:
 - Race/ethnicity
 - Sex
 - Age
 - Where known, disability status
 - Language access needs (also known as Limited English Proficiency)
 - Primary language (also known as preferred language)
- Program providers must use Office of Management and Budget (OMB) standards for collecting and maintaining data on race and ethnicity. Specific guidance about this requirement can be found in the [OMB Statistical Policy Directive No. 15](#).
- Links to Definitions:
 - Applicant – [29 CFR 38.4\(c\)](#)
 - Eligible Applicant/Registrant – [29 CFR 38.4\(r\)](#)
 - Participant – [29 CFR 38.4\(pp\)](#)
 - Terminee – [29 CFR 38.4\(nnn\)](#)
 - Applicants for Employment - [29 CFR 38.4\(d\)](#)
 - Disability – [29 CFR 38.4\(g\)](#)
 - Individual with a Disability – [29 CFR 38.4\(ff\)](#)
 - Language Access Needs and Primary Language – [29 CFR 38.4\(hh\)](#) – [Limited English Proficiency](#) and refer to the Glossary of Terms (Section G.) in the [Vermont WIOA Language Access Plan](#).
- Records should be stored in a manner that ensures confidentiality. Medical or disability related information must be collected and stored separately from other records.
- When requested, the EO data must be available in a format that allows for the State EO Officer and the U.S. Department of Labor Civil Rights Center to conduct statistical or other quantifiable data analyses (i.e. downloaded to an Excel spreadsheet).
- All WIOA program providers must maintain a log of discrimination related complaints. See [29 CFR 38.41\(c\)](#) for specific requirements and go to the Vermont Department of Labor [EO webpage for WIOA Program providers](#) to find a [complaint log template](#).

References:

- Code of Federal Regulations (CFR) requirement: [29 CFR 38.41](#)
- Further information can be found in the [Vermont WIOA Non-Discrimination Plan](#), Element 4

The Vermont Department of Labor is an equal opportunity employer that administers equal opportunity programs. Auxiliary aids are available upon request to individuals with disabilities. Free language access assistance is also available. Send an email to labor.eoofficer@vermont.gov if you are in need of these services.