



Category/Subject: Affirmative Outreach
Colorado Policy Guidance Letter#: ADM-2019-04
Revise/Replace PGL#: ADM-2002-03
Date: February 22, 2019
Distribution: CDLE Management/Finance, State/Local Workforce Directors & Staff, Partners

**I. REFERENCE(S):**

- 29 CFR Part 38, Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act of 2014, specifically 29 CFR 38.54(c)(1)(v).
- Section 188 of the Workforce Innovation and Opportunity Act of 2014

**II. PURPOSE:**

This Policy Guidance Letter (PGL):

Provides guidance on the United States Department of Labor requirements regarding universal access to programs and activities financially assisted under Title I of the Workforce Innovation and Opportunity Act of 2014.

**III. BACKGROUND:**

The requirements for affirmative outreach are addressed in the Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act (WIOA) of 2014, 29 CFR Part 38. These requirements are treated separately from the requirements regarding reasonable accommodation for individuals with disabilities. A separate Policy Guidance Letter will address reasonable accommodation.

The programs and activities established by and financed through WIOA are designed to serve the broadest possible representation of potential customers within a Local Area (identified as a Local Workforce Investment Area [LWIA] in the WIOA legislation). The section in the Equal Opportunity (EO) regulations pertaining to affirmative outreach may be found at 29 CFR Part 38.40. The EO regulations state, “Recipients must take appropriate steps to ensure that they are providing equal access to their WIOA Title I-financially assisted programs and activities. These steps 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.”

**IV. POLICY/ACTION:**

The US Department of Labor Civil Rights Center strongly recommends the following implementation of the EO regulations to reduce the risk of non-compliance:

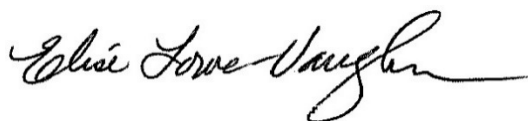
1. When advertising programs and activities in the various media (including the internet), ensure that the above-mentioned groups are targeted and included in those publications, stations, and websites.
2. Advertisements or program offerings should be shared with schools and community service agencies that serve the above groups.
3. A list of various media, schools, and community service agencies should be developed and maintained at the Local Area level for advertisement and recruitment purposes.
4. Efforts should be made to consult with community service agencies and One-Stop partners about ways to improve outreach and service for the populations mentioned above. A record of these efforts should be maintained for monitoring purposes.
5. As developed, samples of advertisements, public service announcements, posters and recruitment material that take into account the requirement for universal access should be maintained for monitoring purposes.
6. The needs of various groups such as individuals with disabilities and individuals who communicate in languages other than English should be considered when advertising, recruiting, and preparing brochures or other types of publications and electronic communications.
7. The Local Areas, Colorado Department of Labor and Employment and One-Stop centers should obtain Census or other reliable information to determine the characteristics of individuals in the area who could potentially use WIOA Title I financially assisted services.

**V. IMPLEMENTATION DATE:**

The requirements set forth in this directive are effective immediately. Documentation of all advertisement and outreach efforts must be maintained and be available for review by local, state, or federal EO Officials.

**VI. INQUIRIES:**

Inquiries concerning this PGL should be directed to Scott Bowers, (303) 318-8206 or [scott.bowers@state.co.us](mailto:scott.bowers@state.co.us).



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