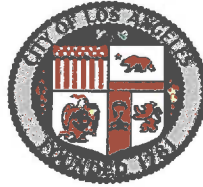


CITY OF LOS ANGELES

CALIFORNIA



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DEVELOPMENT DEPARTMENT

1200 W. 7TH STREET
LOS ANGELES, CA 90017

DATE: June 27, 2019

TO: LA's Workforce Development System

FROM: Gerardo Ruvalcaba, Director
Workforce Development System

A handwritten signature in black ink, appearing to read 'G. Ruvalcaba'.

SUBJECT: WDS DIRECTIVE NO. 19-25
(Supersedes WDS Directive No. 18-16)

**COLLECTION AND MAINTENANCE OF CONFIDENTIAL AND
MEDICAL INFORMATION**

EFFECTIVE DATE

This directive is effective upon date of issue.

PURPOSE

The purpose of this directive is to update and clarify the required procedures for the collection, maintenance, and storage of a participant's confidential and medical information.

BACKGROUND

Section 188 of the Workforce Innovation and Opportunity Act (WIOA), 29 CFR 38.41 delineates the requirements pertaining to the collection and maintenance of equal opportunity data and other information.

29 CFR 38.41 (b)(2) states that beginning on January 3, 2019 Limited English Proficiency (LEP) status and Preferred Language of every WIOA applicant must be collected. This information is considered confidential and must be treated as such.

29 CFR 38.41 (b)(3) clearly states that any medical information that is provided by an individual, including information that could lead to the disclosure of a disability, must be kept in a separate file. These files must be kept in a secure location and access to the files must be on a need-to-know basis only. These regulations apply to both staff employees and clients.

REQUIRED ACTION

Collection and Maintenance of Equal Opportunity Data:

The WIOA application process requires the LEP status and preferred language of each applicant to be collected. This data must be collected on a questionnaire independent of the general application, as this information is considered confidential and must not

appear within the participant's main file. The LEP status and preferred language data must be entered into CalJOBSSM and the physical form must be placed within a secure and confidential binder.

A participant's disclosure of medical and disability-related information is voluntary. However, if this information is collected at any point in the application process, it must not appear within the participant's main file. This includes medical information recorded in case notes; medical provider releases; agency partner referral forms; etc. All questions pertaining or alluding to an individual's disability, including the basic "Do you have a disability, Yes/No" question or disclosures of SSI or SSDI as a potential source of household income must be asked on this separate medical questionnaire. Once the disclosed information is entered into CalJOBSSM, the medical questionnaire must be placed in the participant's confidential file.

Printing the Required WIOA Application from CalJOBSSM:

If the participant has voluntarily disclosed medical or disability-related information during the WIOA application process, after entering this data into CalJOBSSM, staff must choose the "Print Application with Disability Information" option and place this document in the participant's secure and confidential medical file.

Upon completion of the WIOA application in CalJOBSSM, the print option "Print Eligibility Information Only" should be utilized. This version of the printed WIOA application will not contain any confidential, medical, or sensitive information and must be placed in the participant file (no need for redaction). No other versions of the printed WIOA application should be placed in the applicant's file.

CONTACT

If you have any questions or require further information, please contact your assigned Program Monitor or Richard Cheng, EO Compliance Officer at (213) 744-9351 or TTY (213) 744-7290.

GR:RC:cg