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## STATE INSTRUCTION NUMBER 16-11, Change 1

**To:** Local Workforce Area Signatory Officials  
Local Workforce Area Board Chairs  
Local Workforce Area Administrators

**Subject:** Confidentiality of Equal Opportunity Records

**Issuance Date:** April 25, 2025

**Effective Date:** Immediately

**Purpose:** To transmit requirements for confidentiality of equal opportunity (EO) records.

**Change 1 Revision:** This state instruction has been reviewed for currency and revised for clarity. No significant changes were otherwise made to this policy.

**References:**

- Workforce Innovation and Opportunity Act, Public Law 113-128, § 188
- 29 CFR § 38.41

**Background:** Recipients/Subrecipients of Workforce Innovation and Opportunity Act (WIOA) Title I funds must collect data and maintain records as required by the US Department of Labor (DOL) to determine whether the recipient has complied or is complying with the nondiscrimination and EOs provisions of WIOA.

Such records must include, but are not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. Each recipient/subrecipients must record the following for every applicant, registrant, participant, terminee, applicant for employment, and employee: race/ethnicity; sex; age; and disability status, where known. And for each applicant, registrant, participant, and terminee, they must also record limited English proficiency and preferred language.

**Policy:** EO information must be stored in a manner that ensures confidentiality and is used only for the following purposes:

- Recordkeeping and reporting
- Determining eligibility, where appropriate, for WIOA Title I-financially assisted programs or activities
- Determining the extent to which the recipient is operating its WIOA Title I-financially assisted program or activity in a nondiscriminatory manner
- Other use authorized by law

### **Medical and Disability-Related Information**

Any medical or disability-related information obtained about an individual, including information that could lead to the disclosure of a disability, must be maintained as follows:

- Collected on separate forms
- Maintained in one or more separate files (whether in hard copy, electronic, or both) apart from any other information about the individual
- Treated as confidential

**NOTE:** Both electronic and hard copy files must be locked or otherwise secured (for example, through password protection).

Information about an individual's disability or medical condition and access to the information in related files may be given to the following people and under the following circumstances:

- Program staff who are responsible for documenting eligibility, where disability is an eligibility criterion for a program or activity
- First aid and safety personnel who need access to underlying documentation related to a participant's medical condition in an emergency
- State and federal government officials engaged in enforcing WIOA and its nondiscrimination and EO regulations

Supervisors, managers, and other necessary personnel may be informed regarding restrictions on activities of individuals with disabilities and regarding reasonable accommodations for such individuals.

### **Complaints Log for DOL's Civil Rights Center (CRC)**

Recipients must maintain, and submit to CRC upon request, a log of complaints filed with the recipient that allege discrimination on the basis(es) of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin, age, disability, political affiliation or belief, citizenship, and/or participation in a WIOA Title I-financially assisted program or activity. Information that could lead to identification of a particular individual as having filed a complaint must be kept confidential.

**Action:** Please ensure that all appropriate staff receive and understand this policy.

**Inquiries:** Questions may be directed to [WorkforcePolicy@dew.sc.gov](mailto:WorkforcePolicy@dew.sc.gov).

*Nina Staggers*

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