

## Grant Fund Recipients Expected to Toe the Line for Equal Opportunity, Non-Discrimination Training and Limited English Proficiency Rules in the Future

### Part 1

#### Beware of Additional Tightening of Requirements for Grant Funds in the Future

Counties who are federal grant fund recipients can expect that Equal Opportunity and Non-Discrimination Compliance rules will be strictly applied in the future. Since 2010 there has been a growing trend by the Office of Federal Contract Compliance Programs (OFCCP) to expand requirements on their audit list and the office is under an order to increase the number of equal opportunity violations that they find. See: <http://affirmativeactionnews.blogspot.com/2010/02/ofccp-budget-plan-for-2011.html>. The best source for OFCCP rules is the Federal Compliance Advisor at <http://www.dol.gov/elaws/ofccp.htm> and you can sign up for OFCCP updates at <http://ofccp.blogspot.com>.

Although signed in 2000, as recently as August 2011, and the Executive Order's guidance was first posted in the [http://www.lep.gov/guidance/final\\_guidance\\_2002.pdf](http://www.lep.gov/guidance/final_guidance_2002.pdf), the separate federal Agencies were charged with implementation of the Executive Order. Thus the separate sources of funding and grants have different rules.

#### What This Means For Counties

1. When audited, insist that the auditor provide you with a business card, the name of the auditing agency, a list of the requirements, and the specific link to the regulations under which

these are required. If the auditor refuses, insist on a name, current agency address, and phone number so that you can consult with the auditor's supervisor.

2. When considering filing for or renewing grant applications, or on multiyear grants, send a written request for a list of all federal regulations and rules with which you must comply if it does not appear on the application documentation. Take advantage of any educational resources or consulting phone numbers for compliance, and always ask for them at any stage of the procedure. This list of referral sources should be readily available.
3. Review the list of legal compliance requirements in detail with an attorney or grant/contract expert BEFORE your grant application, make a timetable for the steps you need to follow in order to be in timely compliance, and keep a record of all of your work product. The auditors will be sure to do this and they do not have discretion over many items, they must ask for them. If you have not prepared you will be in noncompliance.
4. Keep notes of conversations with various consulting and government agents. If you are told something verbally at any point through the process of application through to the end of the audit, ask for a confirmation in writing,

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### Part 2

or get them to point to the law from which this comes and write it down. Or, do your correspondence by email and keep a copy of responses in the grant funding file.

5. Any grant applicant or multi-year grant recipient should assign some staff to check on Federal websites at least once a month, and to be aware of guidance posted on the web or in the Federal Register. Most of the following (not an exhaustive list) are also available through links at <http://www.lep.gov/>. This Limited English Proficiency (LEP) website is maintained by the Department Of Justice Office of Civil Rights and purports to post all agency information. It has not been updated since May 4, 2011 according to the site.
6. A sample policy is available on our website [www.ctsi.org](http://www.ctsi.org)

#### May 2011

Language Access and Planning Tool from the Office of Civil Rights (21 Pages)

[http://www.lep.gov/resources/2011\\_Language\\_Access\\_Assessment\\_and\\_Planning\\_Tool.pdf](http://www.lep.gov/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf)

#### June 28, 2011

Settlement Agreement with Colorado Judicial Department regarding LEP

[http://www.justice.gov/crt/about/cor/agreements/Colorado\\_MOA\\_6\\_28\\_11.pdf](http://www.justice.gov/crt/about/cor/agreements/Colorado_MOA_6_28_11.pdf)

#### August 11, 2011

Exec Order 13166 <http://www.justice.gov/crt/about/cor/Pubs/eolep.php>

#### August 2011

Questions and Answers posted on the DOJ Office of Civil Rights webpage.

[http://www.lep.gov/resources/081511\\_Language\\_Access\\_CAQ\\_TA\\_Guidance.pdf](http://www.lep.gov/resources/081511_Language_Access_CAQ_TA_Guidance.pdf)