



U.S. Department of Justice

Office of Justice Programs

Office for Civil Rights

Washington, D.C. 20531

Via Certified Mail

April 18, 2012

Edward E. Davis, Acting Division Chief
Alabama Dep't of Economic and Community Affairs
Law Enforcement and Traffic Safety Division
401 Adams Avenue
Montgomery, Alabama 36103

Re: Alabama Dep't of Economic and Community Affairs
Docket No. 09-OCR-0070

Dear Acting Division Chief Davis:

On June 18, 2007, the Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) initiated a compliance review of all State Administering Agencies, including the Alabama Department of Economic and Community Affairs (ADECA), in accordance with federal regulation 28 C.F.R. § 42.206. The focus of the review was on the ADECA's compliance with applicable federal civil rights laws along with its monitoring procedures for ensuring that subrecipients comply with these laws. Of particular interest to the OCR was the ADECA's implementation and monitoring of the DOJ regulation, Equal Treatment for Faith-Based Organizations, 28 C.F.R. pt. 38 [hereinafter Equal Treatment Regulations].

In our June 18, 2007 letter, we included a request for information in the form of a Data Request which inquired about the ADECA monitoring practices in the above-noted areas. The ADECA, Law Enforcement and Traffic Safety Division (LETS), responded to our Data Request on July 31, 2007, and per our request, Director Robert Pruit provided an updated data response in February 2009. On April 9, 2009, the OCR conducted an onsite visit to the ADECA located in Montgomery, Alabama to interview ADECA and LETS administrators and to conduct a training program for administrators and program staff on the federal civil rights laws the OCR enforces. The OCR wishes to thank ADECA and LETS administrators, and staff, especially Kathleen Rasmussen, for assisting Attorney [REDACTED] during the onsite visit.

On May 21, 2011, the OCR sent former Director Robert H. Pruit, ADECA, LETS, a draft copy of our Compliance Review Report (Report) and requested the LETS review the Report and notify the OCR of any factual inaccuracies within thirty days from May 21, 2011. In a letter dated June 17, 2011 (June Letter), you, as the new Acting Division Chief of LETS, responded to

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our May 21, 2011 letter, and provided two comments regarding information contained within the draft Report. The first comment you provided concerned the Standard Subgrant Conditions and Assurances (Assurances). You noted the recommendations the OCR made in reference to the Assurances were in conflict with information LETS received from the OJP's, Office for Victims of Crime (OVC), during a site visit conducted by OVC prior to the OCR's onsite review of LETS in April 2009. You went on to state that in January 2008, the LETS had modified its Assurances based on guidance provided by the OVC during the onsite visit conducted by that office, and you attached a copy of the modified Assurances for our review. With respect to this comment, please be advised that although the OVC is primarily responsible for ensuring that OJP grant recipients are complying with the programmatic and financial terms of their grant awards, the OCR, however, is responsible for ensuring that all recipients of financial assistance from the OJP are complying with applicable federal civil rights laws. To this end, the OCR's responsibility includes, but is not limited to, ensuring recipients are correctly citing and conveying the applicable legal standards in the award documents they present to subgrantees during the award process.

Accordingly, the OCR did review the modified Assurances document that you attached to your June letter. Upon review, it was immediately apparent that this document is *not* the same document the LETS provided to the OCR for its review prior to, and during, the OCR's onsite visit in April 2009, and the recommendations made by the OCR in our draft Report were based on a different version of the Assurances provided by the LETS staff. Upon review of the modified Assurances document, it appears that some, but not all, of our recommendations are incorporated into this version of the Assurances, however, the document continues to contain incomplete or inaccurate legal citations. It is not clear to the OCR as to why the LETS did not provide this version of the Assurances to the OCR either during our request for information or while we were onsite. Nonetheless, we did include the updated language contained in the Assurances you provided in your June letter in this Report which is now considered final. However, as just stated, the modified Assurances provided and which is currently in use by LETS, does not contain all of the necessary legal citations and that are clearly spelled out in Section II.C. of this Report. Please compare the legal clause that we have included in Section II.C. of this Report against the citations included in your Assurance document and be certain to incorporate the changes into the Assurances and all other award documents utilized by LETS.

With regard to the second comment you provided in your June letter, we appreciate your detailed response regarding the subgrant award process. We have taken your comment under consideration and incorporated those portions that are most relevant to the purposes of this review into the final Report.

Based on the ADECA's response to our data request and the information the OCR gathered during, and subsequent to, our onsite visit, we conclude, in regard to the limited scope of our review, that the ADECA is not fully compliant with the federal civil rights laws and regulations

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the OCR enforces. At this time, we have reservations about whether the ADECA has adequate complaint procedures in place to respond to discrimination complaints from beneficiaries and employees of subrecipients, whether it is sufficiently monitoring subrecipients for compliance with applicable federal civil rights laws and regulations and training and educating its subrecipients on those laws and regulations. The following Report includes recommendations for improving the ADECA's methods for monitoring the civil rights compliance of subrecipients and developing complaint procedures to address discrimination complaints received from employees or beneficiaries of subrecipients to ensure compliance with applicable federal civil rights laws.

Compliance Review Report: Overview and Recommendations

I. Overview

This Report first examines the ADECA's procedures for monitoring whether subrecipients are meeting their obligations to comply with the federal civil rights laws that are a condition for receiving federal financial assistance. The Report then focuses on the ADECA's implementation of the DOJ's Equal Treatment Regulations.

A. General Monitoring Procedures to Ensure Subrecipient Compliance with Applicable Federal Civil Rights Laws

Recipients of federal financial assistance from the OJP are responsible for certifying that contractors and subrecipients under DOJ grant programs comply with applicable federal civil rights laws. In reviewing the ADECA's general efforts to ensure subrecipients compliance with civil rights obligations, the OCR examined how the ADECA used the following four tools: (1) standard assurances, (2) onsite visits and other monitoring methods, (3) training programs and technical assistance, and (4) procedures for receiving, investigating, and resolving complaints alleging discrimination in the delivery of services.

1. Standard Assurances

At the time of our visit, the ADECA received funds through the DOJ's, Office on Violence Against Women (OVW) to include the Violence Against Women Act (VAWA), and the OJP's Office for Victims of Crime (OVC) and the Office of Juvenile Justice and Delinquency Prevention (OJJDP). The LET Division manages these programs.

In its data response, LETS stated that all subrecipients must endorse the following two contract documents prior to receiving federal grant funds: "Standard Subgrant Conditions and Assurances," and "Subgrant Award Document." The LETS explained to the OCR during our onsite review that both documents are used to ensure subrecipient notification and compliance

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with federal civil rights laws. The Standard Subgrant Conditions and Assurances, which the LETS Division stated is akin to OJP's Standard Assurances, must be endorsed and submitted with the prospective subrecipient's grant application. This document contains the following paragraphs addressing federal civil rights laws:

10. Discrimination Prohibited: No person shall, on the grounds of race, religion, color, national origin, sex, handicap, or limited English proficiency, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under or denied employment in connection with subgrants awarded by the ADECA LETS Division pursuant to funding from the U.S. Department of Justice, the U.S. Department of Education, the U.S. Department of Health and Human Services, the National Highway Traffic Safety Administration, or the U.S. Department of Transportation. Recipients of these federal funds are also subject to Title VI of the Civil Rights Act of 1964, 42 U.S.C.2000d, (prohibiting discrimination in federally-funded programs on the basis of race, color, or national origin); Section 504 of the Rehabilitation Act of 1973, 2 U.S.C. 794 (prohibiting discrimination in such programs on the basis of handicap); the Age Discrimination Act of 1975, 42 U.S.C. 8108, et seq., and the Department of Justice Nondiscrimination Regulations at 28 CFR, Part 42, Subparts C, D and G. Recipients of funds are also subject to Title 1 (employment of qualified disabled individuals), Title II (equal benefits of programs, services and activities to disabled individuals), and Title III (public accommodations to disabled individuals for services and activities). This grant condition shall not be interpreted to require the imposition in grant-supported projects of any percentage ratio, quota system, or other program to achieve racial balance or eliminate racial imbalance in a law enforcement agency.

In the event a federal or state court or administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, handicap, or limited English proficiency against a recipient of funds, the applicant will forward a copy of the finding to the appropriate federal funding agency from which the program is funded, as well as the ADECA LETS Division within 30 days of receiving notice.

No agency or victim assistance program shall discriminate against victims because the victim disagrees with the way the State is prosecuting the criminal case.

11. Equal Employment Opportunity Program: Applicant agrees to formulate, as required, an Equal Employment Opportunity Program (EEOP) in accordance with 28 C.F.R. 42.301 et. seq.¹ And certifies to the State that it, if required, has a current EEOP on file which EEOP will be provided to the State, if and when requested.
32. Age Discrimination in Employment Act of 1967: Any application for subgrants or subcontracts, involving the employment of personnel, must be in compliance with the Federal "Age Discrimination in Employment Act of 1967", which, in brief form, sets out: "Sec. 4(a) It shall be unlawful for an employer-(1) to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges or employment, because such individual's age; (2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's age; or (3) to reduce the wage rate of any employee in order to comply with this Act."²

The second document the ADECA requires subrecipients to endorse and which references federal civil rights requirements is the Subgrant Award Document. This document is mailed to each subgrantee when they are awarded funds and must be endorsed by an authorized official at the subgrantee agency and returned to the LETS Division. Page two of the Subgrantee Award Document contains fifteen numbered items. Item six entitled, "Equal Employment Opportunity Program Certification," reads as follows:

6. Equal Employment Opportunity Program Certification.
Prior to funding, the attached certification must be submitted to LETS/ADECA, certifying that either (1) a program has been formulated; or (2) a program is not required.

Attached to the Subgrant Award Document and pursuant to paragraph six of that document, the ADECA has attached an Equal Employment Opportunity Program Certification form. The

1 Please note the legal citation to the Equal Employment Opportunity Program regulations is as follows: 28 C.F.R. §§ 42.301-.308.

2 Please note the OCR has enforcement responsibility for the Age Discrimination Act of 1975, 42 U.S.C. § 6102) (Age Act), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance. The OCR enforces the Age Discrimination Act as it relates to services discrimination on the basis of age. For information on employment discrimination relating to age, please consult with the Equal Employment Opportunity Commission.

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certification form instructs the subgrantee to identify whether they have formulated an Equal Employment Opportunity Program or certify that one is not required. Upon selecting the appropriate response, the certification must be endorsed by an authorizing official and returned to the ADECA/LETS.³

Although there are some legal clauses contained within the ADECA's award documents as noted above, there are several instances in which applicable civil rights laws or requirements are not referenced or may be expanded upon. Specifically, neither award document references the Equal Treatment Regulations, or addresses the requirement to ensure meaningful access to individuals who are considered limited English proficient (LEP). Furthermore, although the ADECA does require subgrantees to endorse an Equal Employment Opportunity Program Certification, this document does not fully convey the EEOP requirements pursuant to 28 C.F.R. §§ 42.301-.308, nor does it instruct subgrantees to submit the EEOP Certification to the OCR. Finally, the Standard Subgrant Conditions and Assurances and the Subgrant Award Document and attached EEOP Certification, all either omit or contain incorrect legal citations to applicable federal civil rights laws which are outlined for your reference in Section II.C. of this Report.

2. Onsite Visits and Other Monitoring Methods

In its data response, the ADECA stated it monitors the compliance of its subrecipients with applicable federal civil rights obligations by requiring them to complete the above-referenced award documents, as well as conducting onsite monitoring visits of subrecipients. While onsite, the ADECA, LETS staff explained to the OCR that two employees are primarily responsible for conducting onsite monitoring visits which are conducted annually. To ensure all subrecipients are selected for an onsite review, the LETS staff has divided the State of Alabama in two parts, and assigned each employee to one region for which that employee is responsible for coordinating and conducting the onsite monitoring visits of all subrecipients located in that area. The LETS staff further explained that although the monitoring visits primarily focus on the programmatic and financial requirements of the grant award, they do monitor whether the subrecipient is complying with the EEOP requirement.⁴ The monitoring visits conducted by ADECA, LETS do not, however, monitor whether the subrecipient is complying with any other applicable federal civil rights laws and requirements.

3. Training and Technical Assistance

3 For the sake of brevity, the OCR has not provided a full recitation of the EEOP Certification provided by the ADECA. Please find attached, however, a copy of the certification with the ADECA's original indexing of the document as Attachment 2.

4 When conducting onsite monitoring visits of its subrecipients, ADECA, LETS staff utilize a document entitled, "Program Monitoring Questionnaire." Pages 2-3 and 11-13 of this document contain inquiries which the ADECA, LETS employee poses to the subrecipient to identify the subrecipient's compliance with the EEOP requirement.

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In its data response, the ADECA, LETS stated it coordinates training on applicable federal civil rights laws for its subrecipients "within the scope of managerial requirements" and provides technical assistance to subrecipients as needed. If, however, subrecipients require "serious advanced training," on federal civil rights laws the ADECA, LETS stated it would coordinate such training with ADECA's General Counsel, the appropriate OJP program manager or the OCR. In the event training is required from the OCR or the OJP program manager, the ADECA, LETS has developed a training request form for completion by its program managers. While onsite, the ADECA, LETS confirmed to the OCR it does not provide its subrecipients with any regularly scheduled or mandatory training on applicable federal civil rights laws or obligations.

4. Complaint Procedures

At the time of our visit, the ADECA did not have any formal written procedures in place to address either employment or services discrimination complaints received from employees or beneficiaries of its subrecipients. However, in its data response, the ADECA, LETS stated if they were informed, in writing, of a discrimination complaint from a subrecipient employee or beneficiary, they would promptly notify the LETS Division Director who in turn would notify the ADECA General Counsel who would handle all further responses regarding the matter on behalf of ADECA, LETS.

In its Data Request response, and also at the time of our onsite visit, the ADECA, LETS staff stated they were not aware of an employee or beneficiary of a subrecipient ever filing a discrimination complaint against a subrecipient.

B. Monitoring Compliance with Faith-Based Regulations

The purpose of the Equal Treatment Regulations is to ensure that "[r]eligious organizations are eligible, on the same basis as any other organization, to participate in any [Justice] Department program for which they are otherwise eligible." See § 28 C.F.R. 38.1(a). The Regulations prohibit the DOJ and its funding recipients from discriminating either for or against an organization on the basis of the organization's religious character or affiliation. *Id.* In evaluating the ADECA's treatment of faith-based organizations, this Compliance Review focuses on two issues: (1) the review process for making awards to applicant faith-based organizations; and (2) procedures for ensuring that funded faith-based organizations comply with applicable federal civil rights laws.

1. The Process for Making Awards to Applicant Faith-Based Organizations

For those grants from the OJP's, Office of Juvenile Justice and Delinquency Prevention, the ADECA, LETS solicits funding applications through requests for proposals (RFP). While onsite, the LETS staff explained in order to initiate a new award process, it first sends a letter by

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way of e-mail entitled, "Notice of Availability of Grant Program Funds," to all potential grant recipients. Upon receipt of grant applications, the LETS staff, along with members of the State Advisory Group (SAG)⁵ Application Review Committee, meets to review all applications to ensure they satisfy grant application requirements and recommend appropriate award amounts based on established criteria.

Next, the SAG conducts formal meetings, which are open to the public, to discuss and vote on awarding the grant funds. All attendees at the public meeting are afforded the opportunity to comment on grant application. Following the meeting, the SAG reconvenes and casts votes in order to select the newly awarded subrecipients.⁶ Once the SAG compiles the final list of newly awarded subrecipients, it is then funneled to the ADECA, LETS staff who prepare award documents for each subrecipient. All final award packages for each subrecipient are reviewed by the LETS Division Director and the Governor of Alabama. Finally, the ADECA stated in its data response, it does not require any of its nonprofit applicants, including faith-based organizations, to claim federal tax exempt status under 26 U.S.C. § 501(c)(3),⁷ in order to be eligible for grant award funding.

For those grants that are received from the OVW and OVC offices respectively, the ADECA, LETS explained to the OCR that the grants from these offices are not subject to the RFP process because the subawards are classified as continuation grants. As such, they are designated to the same subgrantee each grant award year. Those eligible to receive grant funding under from either the OVC or OVW, and who were designated subrecipients at the time of our visit, included a variety of local and state agencies and non-profit organizations.

⁵ The state advisory group (SAG) was developed in accordance with the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDP). Under the JJDP, in order to be eligible for grant funding, each State must empanel the SAG for the purposes of advising and making recommendations on juvenile justice and delinquency matters within the State to include the grant making award process. At the time of the OCR's visit, the ADECA, LETS SAG consisted of 27 members who were appointed by Governor Bob Riley and serve at the Governor's pleasure. The members on the SAG included representatives from local law enforcement and juvenile agencies, nonprofit organizations and public social service agencies. The SAG's Application Review Committee is comprised of five to six advisory group members.

⁶ In selecting subrecipients, the SAG can either adopt or reject the recommendations put forth by the application review committee regarding what prospective subgrantees are selected for an award. Nonetheless, there is a vote to decide which applications will be awarded grant funding.

⁷ Please note that the JJDP, Pub.L. 93-415, 42 U.S.C. § 5601 *et seq.*, requires nonprofit organizations funded under that statute to obtain tax exempt status under 26 U.S.C. § 501 (c)(3). The OCR understands that some of the ADECA's grants from the DOJ are authorized under the JJDP. The OCR recommends the ADECA, LETS contact its named grant advisor at the DOJ, OJP to discuss this requirement.

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In its supplemental data response dated February 2009, the ADECA, LETS stated one faith-based organization had received subawards from the ADECA in 2006 and no faith-based organization had applied for a subaward in 2007.⁸

2. Procedures for Ensuring that Faith-Based Organizations Comply with Applicable Federal Civil Rights Laws

The LETS stated in its data response that it does not currently have any procedures in place to ensure subrecipient faith-based organizations are complying with the applicable civil rights laws.

As explained in Section I.A.1. of this Report, although the LETS staff conducts annual monitoring visits of its subrecipients, the primary focus of the visit is to ensure compliance with the financial and programmatic terms of the grant award and not compliance with federal civil rights requirements to include faith-based organizations' compliance with the Equal Treatment Regulations.

II. Recommendations

The ADECA, LETS currently has minimal procedures in place for monitoring the civil rights compliance of its subrecipients. To strengthen its monitoring efforts, we offer the following six recommendations: (1) develop a comprehensive policy, including the establishment of written procedures, for addressing discrimination complaints; (2) add a citation referring to DOJ's Equal Treatment Regulations to its Standard Subgrant Conditions and grant application guidelines; (3) include information on all of the applicable federal civil rights laws in its Special Assurances and Conditions and Notice of Award Documents; (4) monitor subrecipients for compliance with federal civil rights laws during annual onsite monitoring visits; and (5) provide training to subrecipients on their obligations to comply with federal civil rights laws.

A. Develop Comprehensive Policy for Addressing Discrimination Complaints

While the ADECA did express some idea of what steps it may take if it receives an employment discrimination complaint, it did not have any explicit procedures in place which address how to process complaints of discrimination from ADECA, LETS beneficiaries or for addressing discrimination complaints from employees or beneficiaries of ADECA, LETS subrecipients. Accordingly, the ADECA should adopt a policy for addressing discrimination complaints that includes, at a minimum, the following elements:

- 1) designate a coordinator who is responsible for overseeing the complaint process;⁹

⁸ The subrecipient faith-based organization that was funded at the time of the OCR's initial Data Request was the Alabama Youth Home, Inc. The OCR did not visit this organization while onsite as it was no longer funded by the ADECA, LETS.

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- 2) notify employees of the ADECA, beneficiaries, and subrecipients of prohibited discrimination in funded programs and activities and the ADECA policy and procedures for handling discrimination complaints;¹⁰
- 3) establish written procedures for receiving discrimination complaints from the ADECA beneficiaries, and from subrecipient employees and beneficiaries;
- 4) refer each complaint to the appropriate agency for investigation and resolution, such as the EEOC; or referring the complaint to the OCR, which will review the complaint and work with the ADECA to resolve the complaint;
- 5) notify the OCR in writing when the ADECA refers a discrimination complaint to another agency or when the ADECA investigates the complaint internally; and
- 6) train ADECA program staff on their responsibility to refer discrimination complaints, or potential discrimination issues, to the ADECA complaint coordinator for processing as soon as the alleged discrimination comes to their attention.

Information about the applicable laws, complaint forms, and the investigative process may be found at the OCR's website at www.ojp.usdoj.gov/ocr/crc. Developing a comprehensive policy for addressing discrimination complaints should be a top priority for the ADECA. To assist the ADECA in the drafting process, we have developed, and provide for your consideration, sample procedures for addressing how to process complaints of discrimination from subrecipient employees and beneficiaries.

B. Add a Citation Referring to the Faith-Based Regulations to the Standard Subgrant Conditions and Assurances and the Subgrant Award Document

The ADECA, LETS should be sure to include a reference to the DOJ's Equal Treatment Regulations, 28 C.F.R. pt. 38, in its Standard Subgrant Conditions and Assurances, the Subgrant Award Document, and to any DOJ grant application documents that may reference prospective faith-based organizations. Subrecipients receiving funding from DOJ components need to be aware of the obligation to comply with these regulations.

C. Include Reference to Civil Rights/Nondiscrimination Provisions in Standard Subgrant Conditions and Assurances and the Subgrant Award Document

⁹ See 28 C.F.R. § 31.202 (a)(1).
¹⁰ *Id.* at 31.202 (b)(3).

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The ADECA, LETS should include a full and accurate reference to all of the federal civil rights laws the OCR enforces and that subrecipients are required to comply with in the documents noted in Section I (A)(1) of this Report and which contain the assurance and condition that subgrantees must sign when applying for, and receiving federal grant awards. To that end, the ADECA should incorporate, at a minimum, the following language in all DOJ subrecipient contracts regardless of the amount of the federal financial assistance at issue:

It will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12131-34); the Education Amendments of 1972 (20 U.S.C. §§ 1681, 1683, 1685-86); the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); Ex. Order 13279 (equal protection of the laws for faith-based and community organizations); and 28 C.F.R. pt. 38 (U.S. Department of Justice Equal Treatment for Faith-Based Organizations).

In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs and to the Executive Office of Public Safety (ADECA), Office of Grants and Research (OGR).

It will provide an Equal Employment Opportunity Plan (EEOP) to the Office for Civil Rights, Office of Justice Programs and the, if required to maintain one; otherwise, it will provide a certification to the Office for Civil Rights, Office of Justice Programs and the ADECA, OGR that it has a current EEOP on file, if required to maintain one. For grantee agencies receiving less than \$25,000; or grantee agencies with less than 50 employees, regardless of the amount of the award, no EEOP is required.

Information about civil rights obligations of grantees can be found at <http://www.ojp.usdoj.gov/ocr/>.

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The ADECA also should include a provision requiring subrecipients to certify that they will provide meaningful access to their programs and activities to LEP persons. In June of 2002, the DOJ published guidance for its financial aid recipients and state subrecipients about taking reasonable steps to provide meaningful access to programs and activities for LEP persons in accordance with Title VI and the Safe Streets Act. For a detailed discussion of the requirement to provide meaningful access to LEP persons, please review the guidance issued by the DOJ on this matter entitled, "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons." *See* 67 Fed. Reg. 41,455 (June 18, 2002).

Finally, the ADECA may wish to add a sentence stating that in accordance with federal civil rights laws, the subrecipient shall not retaliate against individuals for taking action or participating in action to secure rights protected by these laws.

D. Monitor for Compliance with Federal Civil Rights Laws during Onsite Monitoring Visits

The ADECA should ensure DOJ subrecipients comply with grant requirements. Pursuant to its responsibility to monitor the compliance of subrecipients with applicable federal civil rights laws, the LETS should broaden the scope of its current onsite monitoring visits to include monitoring for federal civil rights compliance. Specifically, in addition to evaluating subrecipient compliance with the EEO requirement, the ADECA, LETS should also evaluate its subrecipients for compliance with all civil rights requirements that are binding on recipients of federal funding (e.g., whether the subrecipient has a grievance procedure and a designated coordinator as required by section 504 of the Rehabilitation Act and Title IX of the Education Amendments of 1972). Also, the ADECA should be sure to monitor whether the subrecipient is complying with DOJ's Equal Treatment Regulations, including the prohibitions against using federal funds to engage in inherently religious activities and discriminating against program beneficiaries on the basis of religion.

To assist the ADECA, LETS in strengthening its onsite monitoring procedures, please find enclosed a monitoring checklist which was developed by the OCR and addresses the applicable federal civil rights laws and requirements that an SAA should monitor its subrecipients for compliance.

E. Provide Training to Subrecipients on Their Obligations to Comply with Federal Civil Rights Laws

At the time of our visit, the ADECA, LETS was not providing any regularly scheduled training for its subrecipients on compliance with applicable civil rights obligations. To ensure subrecipients are aware of their obligations under federal civil rights laws, we strongly

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recommend the ADECA, LETS provide periodic training programs for its subrecipients on the applicable federal civil rights laws. Training of this type should be for every subrecipient and offered at least once during a grant cycle, whether the training is provided in person, during a teleconference, or through other means. The OCR is available to provide the ADECA, LETS with technical assistance in developing civil rights training programs.

Conclusion

The ADECA should implement the recommendations set forth in the Report to ensure substantial compliance with the federal civil rights laws the OCR enforces. On request, the OCR is available to provide technical assistance to the ADECA in addressing the concerns raised in the Report. **Accordingly, immediately upon receipt of this document, we request that a responsible ADECA, LETS official contact Attorney [REDACTED] to develop a timeline and goals for implementing the OCR's recommendations.**

Thank you for your cooperation and the assistance of your staff throughout the compliance review process. If you have any questions, please contact [REDACTED] electronically at [REDACTED] or by telephone at [REDACTED].

Sincerely,

Michael L. Alston
Director

Enclosures

cc: Kathleen Rasmussen
Alabama Dep't of Economic and Community Affairs
Law Enforcement and Traffic Safety Division
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Montgomery, Alabama 36103