**Local Equal Opportunity and Nondiscrimination Monitoring Tool**

**Recipient:**

**Contact/Name:**

**Address:**

**Phone:**

**Date:**

**References**

* **Section 188 of the Workforce Innovation and Opportunity Act** <https://www.dol.gov/crc/188rule/>
* **Ensuring Equal Access to the Nation’s Workforce Development System *Final Rule to promote nondiscrimination and equal opportunity in WIOA Title I–financially assisted programs and activities FACT SHEET*** (WIOA Section 188 Nondiscrimination and Equal Opportunity, 29 CFR Part 38) <https://www.dol.gov/crc/188rule/fact-sheet.htm>

# Monitoring Review Instrument

**Action:** Please type in your answers. Be as detailed as possible in your response. If you have any questions or need technical assistance in Elements 1 through 9, please state as such.

Element 1: Designation of Equal Opportunity (EO) Officers

Reference: 29 CFR Part §38.28; §38.29-.33 and DWD Policy 2016-09

1. Name of recipient being reviewed/location and date**:**
2. Who is your Local EO Officer?
3. On what internal and external communications concerning the recipient’s nondiscrimination and equal opportunity programs does the Local EO Officer’s identity and contact information appear?

1. What equal opportunity training has been provided to staff within the recipient? (Please specify dates and locations) Dates:
2. How are staff trained to receive a discrimination complaint as well as complete the complaint information form and customer service record log?

Element 2: Notice and Communication

Reference: 29 CFR §38.34 – §38.39; DWD Policy 2016-09

1. Where are the WIOA “Equal Opportunity is the Law” posters displayed? Are they posted in reasonable numbers and places and located in plain sight?

6a. which versions are displayed?

□ English □Spanish □Other (please list language(s):

1. How is it ensured that participants are notified of their rights to file a complaint? Does the form include the required WIOA “Equal Opportunity is the Law” language?

7a. Where paper files are maintained, is the notice included in the participant’s file? Yes\_**\_**\_\_ No\_\_\_\_

7b. During each presentation to orient new participants, new employees, and/or the general public to its

WIOA Title I-financially assisted program or activity, how does the recipient include a discussion of rights under the nondiscrimination and equal opportunity provisions of WIOA, including the right to file a complaint of discrimination with the recipient or the Director of the U.S. DOL CRC? For example, is this done in WorkOne Sessions, Rapid Response Sessions and RESEA sessions?

1. What steps are taken to see that continuing notice is provided in the appropriate language when a significant number or proportion of the population eligible to be served, or likely to be directly affected, need services or information in a language other than English?
2. Is the tagline: This *WIOA Title I-financially assisted program is an “equal opportunity employer/program,” and that “auxiliary aids and services are available upon request to individuals with disabilities”* included in all of the recipient’s publications, brochures, flyers, announcements, websites, and broadcast and print mass media?
3. How has the recipient communicated the requirement not to discriminate on the basis of disability and the obligation to provide reasonable accommodations to its sub recipients?
4. What efforts does the recipient make to ensure that communications with individuals with disabilities are just as effective as communications with others?
5. In all communications indicating that the recipient/Agency may be contacted by telephone, is the telephone number for the TDD/TTY or relay service provided?
6. How is the Equal Opportunity Notice provided in alternate formats for individuals with visual impairments?

Element 3: Assurances

Reference: 29 CFR §38.25 – 38.27; DWD Policy 2016-09

1. Does the recipient include a written equal opportunity/nondiscrimination assurance in each grant, agreement, contract or other WIOA Title I-financial assistance application? Yes\_ \_\_\_ No\_\_\_\_

Element 4: Affirmative Outreach

Reference: §38.40; DWD Policy 2016-09

1. Describe local outreach efforts to provide affirmative outreach to persons of various racial/ethnic groups, persons with disabilities, minority groups and persons of different age groups to broaden the applicant pool.

1. Does the recipient review Labor Market, Censusor, or other statistical data to develop outreach strategies to job seekers and employers? Yes\_\_\_\_ No\_\_\_\_
2. What reasonable steps has the recipient taken to ensure services and other information is provided to Limited English Proficient persons?
3. In what languages is information within the recipient provided, other than English?
4. What documents have been determined "vital" and translated into languages designated as essential?

Element 5: Compliance with Section 504

Reference: §38.72 – 38.73; DWD Policy 2016-09

1. Have WorkOne offices within the recipient been assessed to ensure they are physically accessible to persons with disabilities? Yes\_\_ No\_\_\_\_

21a. List the offices that have been surveyed within the last two program years and the date the surveys

took place.

22.For necessary modifications or corrections, have corrective measures been put in place to ensure the changes will be made? Yes\_\_\_\_ No\_\_\_\_

**Please see attached table for any corrective measures. (ADA Surveys)**

23. Are contractor and service provider sites accessible to individuals with disabilities? Yes\_\_ \_\_ No\_\_\_\_

24. is there at least one entrance to the buildings that are wheelchair accessible? If no, explain.

* If yes, does it have the international symbol for accessibility for individuals with disabilities posted? If no, explain.

25.Describe efforts to prohibit discrimination on the basis of disability in employment practices by the recipient and its partners.

* Requiring the provision of reasonable accommodations in employment, when appropriate
* Reviewing job qualifications to ensure that it does not use selection criteria that screen out or tend to screen out an individual with a disability on the basis of that disability unless the criteria is job related for the position in question and consistent with business necessity.
* Prohibiting pre-employment inquiries regarding disability except to ask for the individual to self-identify himself or herself as a person with a disability on a voluntary basis for reporting purposes and will be maintained confidentially.

1. How does the recipient insure that programs and activities are administered in the most integrated settings possible?
2. Please describe the availability of assistive equipment for individuals with disabilities.
3. Please describe the recipient’s web site in regard to its ADA accessibility.
4. Please describe any reasonable accommodations that have been provided for applicants, participants, or employees with disabilities.
5. How are reasonable accommodations provided regarding the registration for, and the provision of, aid, benefits, services or training--including core and intensive training--and support services to qualified individuals with disabilities?
6. Describe how medical condition information is maintained separate from other files and secured.

Element 6: Data and Information Collection and Maintenance

Reference: §38.41 – 38.45; DWD Policy 2016-09

1. How is staff made aware that data must be collected on race, sex, age, disability, etc.?
2. Does the Local EO officer maintain a discrimination complaint log/file? Yes\_\_\_\_\_ No\_\_\_\_\_

Element 7: Monitor Recipients for Compliance

Reference: §38.51 – 38.53; DWD Policy 2016-09

1. Does the LWDA EO officer monitor service providers for compliance with WIOA equal opportunity and nondiscrimination regulations? Yes\_\_\_\_\_ No\_\_\_\_\_
2. Describe the EO and general monitoring process.
3. List the Local EO Officer monitoring visits conducted for WorkOne Comprehensive, Affiliates and service providers within the last two program years.

.

1. How often is on-site monitoring conducted?

Element 8: Complaint Processing Procedures

Reference: §38.60 – 38.73; DWD Policy 2016-09

1. What discrimination complaint policies and procedures are used in the recipient?
2. Explain how customers and employees obtain a copy of the discrimination complaint policy and procedures and/or discrimination complaint form?

|  |  |  |
| --- | --- | --- |
| **Does the discrimination complaint log for complaints include:** | **Y** | **N** |
| Name and address |  |  |
| Basis of complaint |  |  |
| Brief description of complaint |  |  |
| Date filed |  |  |
| Disposition |  |  |

1. Please list any formal complaints that have been filed with the last two program years.

|  |  |  |
| --- | --- | --- |
| **Please respond to the following concerning each complaint:** | **Y** | **N** |
| Was the complaint filed within 180 days? |  |  |
| Was the complainant provided a written notification of receipt of the complaint? |  |  |
| Was the complainant provided a written statement of each of the issues raised in the complaint and whether you would accept or reject each issue? |  |  |
| Was the complainant sent a written notice of lack of jurisdiction when the recipient determined that it did not have jurisdiction over a complaint? |  |  |
| Was the complainant notified that they have the right to representation in the complaint process? |  |  |
| Was the complainant offered Alternative Dispute Resolution as an effort to resolve the complaint? |  |  |
| Was the complainant provided a written Notice of Final Action within 90 days of the date the complaint was filed? |  |  |
| Did the Notice of Final Action contain your decision on each issue and an explanation of the reason underlying the decision? |  |  |
| Did the Notice of Final Action inform the complainant that he/she has a right to file a complaint with CRC within 30 days of the date in which the Notice of Final Action is issued if he/she is dissatisfied with your final action on the complaint? |  |  |
| Has the State EO Officer been advised of the complaint? |  |  |

1. How is an individual protected from discharge, intimidation, retaliation, threat or coercion when s/he:

* Filed a complaint;
* Opposed a practice prohibited by the nondiscrimination and equal opportunity provisions of WIOA; or
* Assisted or participated in any manner in an investigation?

1. Describe the recipient’s policy for handling discrimination complaints from contractors regarding participants.

Element 9: Corrective Actions/Sanctions

Reference: §38.72 – 38.73; DWD Policy 2016-09

1. Describe the recipient’s procedures for obtaining voluntary compliance when equal opportunity violations are found.
2. What is the follow up policy for violations?
3. Describe any corrective actions/sanctions taken against contractors within the last two program years.