



# State of Indiana Nondiscrimination Plan

*Implementing Section 188 of the Workforce Innovation and Opportunity Act*

**2024 - 2026**

Equal Opportunity Employer/ Program  
*Auxiliary aids and services are available upon request to individuals with disabilities.*

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## Element 1: Designation of State and Local Equal Opportunity (EO) Officers *[29 CFR 38.28 through 38.33]*

The Governor of Indiana has delegated authority to the Commissioner of the Department of Workforce Development (DWD) to administer and oversee the nondiscrimination and equal opportunity (EO) provisions of Section 188 of the Workforce Innovation and Opportunity Act (WIOA) and its implementing regulations at 29 CFR Part 38 (collectively, Section 188).<sup>1</sup> The DWD Commissioner, on behalf of the Governor, is ultimately responsible for Indiana's Section 188 compliance, including development and implementation of this Nondiscrimination Plan (NDP). DWD employs a designated State EO Officer to ensure that Indiana's Local Workforce Development Areas (LWDAs), sub-recipients, and workforce system partners are aware of, and in compliance with, the NDP and all Section 188 responsibilities. Similarly, each LWDA has designated a Local EO Officer to carry out these duties at the local level.

### State EO Officer Designation

In compliance with Section 188, Jennifer Long has been designated as the State EO Officer.<sup>2</sup> In this role, she oversees the coordination, implementation, maintenance, and monitoring of the nondiscrimination and EO requirements of Section 188. Ms. Long reports directly to DWD's Compliance and Policy Workforce Division Associate Chief Connie Wray, who reports to Chief Workforce Officer Katie Rounds. Ms. Long has access to the DWD Commissioner, the Governor's designee, for EO and nondiscrimination matters as needed.<sup>3</sup>

Ms. Jennifer Long, State EO Officer

Indiana Department of Workforce Development 10 N. Senate Avenue, IGCS SE 312

Indianapolis, IN 46204

317-233-4380

TDD/TTY: 800-743-3333

### State EO Officer Designation and Program Liaisons

Unemployment Insurance Quality Control Division:

EO Liaisons for the Unemployment Insurance Program are the UI Policy Director and the UI Access, Equity, and Outreach Director. Both assist the State-Level EO Officer in providing reasonable accommodations to customers and gathering and providing information for unemployment customer discrimination complaints.

Adult Education Division:

EO liaison, the Director of Adult Education, assists the State-Level EO Officer in providing reasonable accommodations to customers and gathering and providing information for Adult Education customer discrimination complaints.

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<sup>1</sup> Governor's Designation Letter: <https://www.in.gov/dwd/files/Governors-Designation-Letter.pdf>

<sup>2</sup> Governor's Designation Letter: <https://www.in.gov/dwd/files/Governors-Designation-Letter.pdf>

<sup>3</sup> Documentation 1.1: State Level Organizational Chart

#### Workforce Services Field Operations Division:

EO liaisons within Workforce Operations include staff from Wagner-Peyser, Trade Adjustment Assistance (TAA), Reemployment Services and Eligibility Assessment (RESEA), Migrant Seasonal Farmworker (MSFW), and Veterans services.

Discrimination complaints are forwarded to the State-Level EO Officer who collaborates, when needed, on investigations.

#### Workforce Education Division:

INTraining is comprised of two lists: INTraining list and the Eligible Training Provider (ETP) list. These two lists are Indiana's resource to locate quality occupational training.

The EO liaison for Workforce Education's INTraining and ETP lists assists in ensuring that all training providers meet the criteria per WIOA which includes section 188 in providing reasonable accommodations to customers and gathering and providing information on discrimination complaints to the State-level EO Officer.

#### Local EO Officer Designation

Indiana's twelve LWDA's have each designated a senior-level employee as the Local EO Officer.<sup>4,5</sup> Contact information for each Local EO Officer is listed below.

#### **Indiana Local EO Officer Directory**

##### **LWDA 1**

Becky Fry, Director of Policy/EO Officer  
Center of Workforce Innovations, Inc.  
2804 Boilermaker Ct., Valparaiso, IN 46383  
Phone: 219-248-7488  
Email: [bfry@cwicorp.com](mailto:bfry@cwicorp.com)

##### **LWDA 2**

Vivian Schwartz, Director of Business Services/EO Officer  
Northern Indiana Workforce Board, Inc. 430 Waterfall Drive, Elkhart, IN 46516  
Phone: 260-909-3304  
Email: [vivian.schwartz@gotoworkone.com](mailto:vivian.schwartz@gotoworkone.com)

##### **LWDA 3**

Erica Lillie, Director of Quality Initiatives/EO Officer  
Northeast Indiana Works  
200 E. Main Street, Ste. 910, Ft. Wayne, IN 46802  
Phone: 260-469-4319

Email: [elillie@neinworks.org](mailto:elillie@neinworks.org)

**LWDA 4**  
Mellisa Leaming, Director of Operations/EO Officer  
Region 4 Workforce Board  
976 Mezzanine Drive, Suite C, Lafayette, IN 47905

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<sup>4</sup> Documentation 1.2: Sample Local Level Organizational Chart

<sup>5</sup> For a map of Indiana's LWDA's, see Documentation 1.3: Indiana LWDA's

Phone: 765-807-0888

Email: [mlearning@tap.lafayette.in.us](mailto:mlearning@tap.lafayette.in.us)

**LWDA 5**

Cindy Gosser, PHR/SHRM-CP, Human Resources Manager/EO Officer  
WorkOne Central

836 S. State Street, PO Box 69, Greenfield, IN 46140

Phone: 317-467-0248, Ext. 303

Email: [cgosser@workonecentral.org](mailto:cgosser@workonecentral.org)

**LWDA 6**

Kathryn Neely, Information Services Manager/EO Officer  
Eastern Indiana Works/ASG

4620 W. Bethel Ave., Muncie, IN 47304

Phone: 765-807-2355

Email: [kneely@easternindianaworks.org](mailto:kneely@easternindianaworks.org)

**LWDA 7**

Nikkie Spurr, Chief Operations Officer/EO Officer  
Western Indiana Workforce Development Board, Inc.

900 Wabash Ave., Ste. 203, Terre Haute, IN 47807

Phone: 812-238-5616 x 103

Email: [Nspurr@workforcenet.org](mailto:Nspurr@workforcenet.org)

**LWDA 8**

Rob King, WDB Executive Director/EO Officer  
South Central Region 8 Workforce Board / Vincennes University

333 S Landmark Avenue, Bloomington, IN 47403

Phone: 812-322-6835

Email: [reking@vinu.edu](mailto:reking@vinu.edu)

**LWDA 9**

Amanda Getzendanner, Quality Assurance Manager/EO Officer  
Southeast Indiana Workforce Board

500 Industrial Drive, Lawrenceburg, IN 47025

Phone: 513-602-4495

Email: [amandag@workonesoutheast.org](mailto:amandag@workonesoutheast.org)

**LWDA 10**

ShiLese Stover, VP of Operations/EO Officer  
Region 10 Workforce Board, Inc.

2125 State St., Suite 16, New Albany, IN 47150

Phone: 812-941-6422

Email: [shilese@soinworks.com](mailto:shilese@soinworks.com)

**LWDA 11**

Jody Robinson, Administrative Coordinator/EO Officer  
Southwest Indiana Workforce Board  
4600 Washington Avenue, Suite 113, Evansville, IN 47714  
Phone: 812-428-4455  
Email: [jody.robinson@swinworkforce.org](mailto:jody.robinson@swinworkforce.org)

### **LWDA 12**

Kevin Duffy, Senior Director, External Affairs/EO Officer  
EmployIndy  
101 W. Washington St., Suite 1200, Indianapolis, IN 46204  
Phone: 317-289-9781  
Email: [kduffy@employindy.org](mailto:kduffy@employindy.org)

### Public Notice of State and Local EO Officers

DWD makes the identity of the State EO Officer known to applicants, registrants, eligible applicants/registrants, participants, employers, employees, applicants for employment, and the public by the following methods:

- Formal notice to Indiana’s workforce development system is disseminated through DWD Policy.<sup>6</sup>
- Name and full contact information published on DWD’s EO webpage at <https://www.in.gov/dwd/eo.htm>.

The Local EO Officers make their identities known to applicants, registrants, eligible applicants/registrants, participants, employers, employees, applicants for employment, and the public by posting notices of “Equal Opportunity is the Law” in the American Job Center offices, which Indiana refers to as WorkOne offices. The notices are posted in languages other than English that reflect the language spoken by significant portions of the population within the relevant service area. DWD provides printable/fillable notice templates on its EO webpage at <https://www.in.gov/dwd/compliance-policy/equal-opportunity/eo-reference-materials/>. Additionally, each LWDA has developed local policy in conformance with Section 188 and State guidance. The local policies provide contact information for the respective Local EO Officer.

### Duties of State and Local EO Officers

DWD’s State EO Officer is a full-time position.<sup>7</sup> As such, none of the State EO Officer’s duties create a conflict of interest, or the appearance of a conflict, with the responsibilities of an EO Officer.<sup>8</sup> The State EO Officers’ responsibilities include, but are not limited to:

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<sup>6</sup> DWD Policy 2016-09: EO and Nondiscrimination Guidance Letter: [https://www.in.gov/dwd/files/activepolicies/2016-09-P\\_EO\\_Nondiscrimination\\_Guidance.pdf](https://www.in.gov/dwd/files/activepolicies/2016-09-P_EO_Nondiscrimination_Guidance.pdf)

<sup>7</sup> Documentation 1.4: State EO Officer Job Description

<sup>8</sup> EO NDP Training Element 1 PowerPoint: <https://www.in.gov/dwd/files/EO-Training-Element-1-State-and-Local-Equal-Opportunity-Officers.pdf>

- Overseeing the development and implementation of the NDP;
- Serving as the state’s liaison with CRC;
- Monitoring compliance of Section 188 requirements on an annual basis;
- Undergoing training and providing training and technical assistance to Local EO Officers; and
- Developing procedure for and investigating discrimination matters that rise to the state level.

Most Local EO Officers operate in this role on a part-time basis.<sup>9</sup> Although the Local EO Officer may have other job duties, those duties do not create a conflict of interest, or the appearance of a conflict, with the EO Officer responsibilities. While formally reporting to their respective LWDA directors, the Local EO Officers also functionally report to the State EO officer on matters pertaining to Section 188.

The Local EO Officer’s responsibilities include, but are not limited to:

- Reporting EO/Nondiscrimination matters to the State EO Officer;
- Processing and investigating local discrimination complaints;
- Monitoring compliance of regional WIOA Title I recipients;
- Undergoing training and providing training for staff and service providers (participation required for quarterly conference calls and training sessions conducted by DWD’s State EO Officer);
- Surveying American Job Center (WorkOne) offices to ensure compliance with applicable accessibility requirements;
- Reviewing the Region’s policies to ensure they are nondiscriminatory;
- Conducting outreach and education about EO and nondiscrimination requirements and how an individual may file a complaint; and
- Ensuring overall implementation of the NDP.

### Support and Training

The State EO Officer has both operational and administrative support through additional Compliance and Policy Workforce Division staff, several of which have been cross trained regarding Section 188 compliance. Ms. Long also has two direct reports, the Compliance Specialist, who focuses primarily on EO functions<sup>10</sup> and the Access Coordinator, who focuses on language and disability accessibility for the agency.<sup>11</sup> The entire Compliance and Policy Workforce Division works closely together to coordinate and conduct annual compliance monitoring of each LWDA. Further,

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<sup>9</sup> Documentation 1.5: Sample Local EO Officer Job Description

<sup>10</sup> Documentation 1.6: Compliance Specialist Job Description

<sup>11</sup> Documentation 1.7: Access Coordinator Job Description

the State EO Officer, Compliance Specialist, and Access Coordinator design and implement various training and technical assistance methods to support the Local EO Officers and the various departments in the agency. The State EO Officer, Compliance Specialist, and Access Coordinator salaries are funded by WIOA and UI Administration funds.

The State EO Officer developed a series of Section 188 trainings that followed the nine elements of the NDP via PowerPoint presentation.<sup>12</sup> In 2019, the PowerPoint presentations were made mandatory for Local EO Officers and contained a Survey Monkey quiz at the end to ensure completion and comprehension.<sup>13</sup> Questions frequently missed were discussed with Local EO Officers by the State EO Officer and provided insight to additional training needed. The following topics were covered:

- Element 1: State and Local Equal Opportunity Officers
- Element 2: Notice and Communication
- Element 3: Assurance Language
- Element 4: Affirmative Outreach
- Element 5: Compliance with Disability Nondiscrimination Requirements
- Element 6: Data and Information Collection and Maintenance
- Element 7: Monitoring Recipients for Compliance
- Element 8: Complaint Processing Procedures
- Element 9: Corrective Actions and Sanctions

These nine PowerPoint presentations are posted on DWD's EO webpage as a resource for both the Local EO Officers and the public. Additionally, in July 2019, the State EO Officer developed a PowerPoint presentation titled "Equal Opportunity 101", which is meant to be used by Local EO Officers to introduce and train LWDA staff to equal opportunity and certain aspects of the NDP they would encounter working in the WorkOne offices.<sup>14</sup> To provide continual training, the State has implemented further training around specialized topics, including EO data analysis,<sup>15</sup> local monitoring requirements, language interpretation services, and complaint procedures.<sup>16</sup> Local EO Officers are continuously sent training opportunities and resources from the State EO Officer.<sup>17</sup>

When a new individual is designated as a Local EO Officer, the State EO Officer provides them with the necessary training and resources to carry out their responsibilities. The State EO Officer created a welcome packet for new Local EO Officers. This packet includes a checklist of reading materials,

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<sup>12</sup> Local EO Officer Training: <https://www.in.gov/dwd/compliance-policy/equal-opportunity/eo-reference-materials/>

<sup>13</sup> Documentation 1.8: NDP Regional Training Completions

<sup>14</sup> See EO Program 101 Training under Local EO Officer Training: <https://www.in.gov/dwd/compliance-policy/equal-opportunity/eo-reference-materials/>

<sup>15</sup> Documentation 1.9: Equal Opportunity Data Analysis Presentation

<sup>16</sup> Documentation 1.10: Complaint Procedures Presentation

<sup>17</sup> Documentation 1.11: Equal Opportunity Trainings



things to do to get started, and a guide with listed resources.<sup>18</sup>

The State EO Officer hosts quarterly conference calls where the Local EO Officers are required to participate to discuss current activity within the twelve LWDAs. Items discussed include, but are not limited to, structural and programmatic accessibility of buildings, programs, and services to ensure equal access, integration, outreach efforts, training needs of staff, monitoring, and the development and implementation of necessary policies and procedures. These conference calls are used as a vehicle to distribute information, gain insight into training needs for Local EO Officers, and respond to questions from the field.<sup>19</sup>

The State EO Officer participates in statewide leadership operations meetings, held quarterly, to educate the local area leadership on EO responsibilities and requirements.

The State EO Officer is a member of the National Association of State Workforce Agencies (NASWA) EO Committee and regularly attends the quarterly EO Committee meetings. For example, in September 2023, Indiana's State EO Officer attended the EO Committee meeting in Los Angeles, California<sup>20</sup> and in June of 2024 attended (virtually) in Burlington, Vermont.<sup>21</sup> The meeting provided sessions on best practices, CRC updates, and discussions of EO challenges and opportunities in various states throughout the country. Additionally, the State EO Officer is a member of the William J. Harris Award Committee.<sup>22</sup> The committee selects nominations from all the states who have created significant contributions towards the achievement of equal opportunity and nondiscrimination initiatives. The State EO Officer is also on the Communications and Discrimination Complaints NASWA workgroups.<sup>23</sup>

In 2020, the Indiana State Personnel Department's Diversity and Inclusion Program Manager provided a mandatory Diversity and Inclusion training for all employees of the State of Indiana. Topics of the training were defining diversity and inclusion; unconscious bias and how it inadvertently produces bias actions; making the workplace inclusive versus diverse; culture, the cultural lens, and how it can create a toxic work culture; working through four action steps to combat unconscious bias to reprogram thinking; and bringing the unconscious to the conscious so that everyone can work on their thoughts that cause them to work against other people. In addition, virtual trainings for managers are available on a continual basis, such as Utilizing Equitable Hiring Toolkits, Understanding Workplace Accommodations, Navigating the Multi-Generational Workplace, Identifying Unconscious Bias, and Fostering allyship by better understanding the struggle and oppression that others face in a marginalized group so that others can learn and actively attempt to make a change in equity and inclusion.

The State EO Officer and other members of DWD's Compliance and Policy Workforce Division frequently participate in various topic-specific webinars, conference calls, partner training opportunities, and networking events to ensure continual training and competency concerning

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<sup>18</sup> Documentation 1.12: Welcome Packet Checklist and Guide

<sup>19</sup> Documentation 1.13: EO Quarterly Conference Call Meeting Minutes

<sup>20</sup> Documentation 1.14: NASWA Meeting Agenda Los Angeles

<sup>21</sup> Documentation 1.15: NASWA Meeting Agenda Vermont

<sup>22</sup> Documentation 1.16: The William J. Harris Committee Information

<sup>23</sup> Documentation 1.17: The Communications and Discrimination Complaints Committee Information

Section 188 compliance.<sup>24</sup>

In August 2023, DWD established a cross-divisional Access Workgroup with representation from all major divisions within DWD for the purpose of enhancing awareness and identifying opportunities for continuous improvement across the agency. To further enhance these efforts, in late 2023, DWD created an Access Coordinator position, which was filled in early 2024. The Access Coordinator reports to the State EO Officer and will lead accessibility-related training, provide technical assistance and recommendations concerning acquisition of adaptive technologies, and serve as a primary point of contact for interpretation and translation services.

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<sup>24</sup> For further details, see Element 5

## Element 1 Documentation

Documentation 1.1: State Level Organizational Chart

Documentation 1.2: Sample Local Level Organizational Chart

Documentation 1.3: Indiana LWDAs

Documentation 1.4: State EO Officer Job Description

Documentation 1.5: Sample Local EO Officer Job Description

Documentation 1.6: Compliance Specialist Job Description

Documentation 1.7: Access Coordinator Job Description

Documentation 1.8: NDP Regional Training Completions

Documentation 1.9: Equal Opportunity Data Analysis Presentation

Documentation 1.10: Equal Opportunity Complaint Procedures Presentation

Documentation 1.11: Equal Opportunity Trainings

Documentation 1.12: Welcome Packet Checklist and Guide

Documentation 1.13: EO Quarterly Conference Call Meeting Minutes

Documentation 1.14: NASWA Meeting Agenda Los Angeles

Documentation 1.15: NASWA Meeting Agenda Vermont

Documentation 1.16: The William J. Harris Committee Information

Documentation 1.17: The Communications and Discrimination Complaints Committee Information

## Element 2: Notice and Communication

[29 CFR 38.34 through 38.39]

WIOA Title I recipients, including one-stop partners (OSPs)<sup>25</sup> to the extent they participate in the one-stop delivery system, must provide initial and continuing notice that they do not discriminate on any prohibited basis. This notice must be provided to registrants, applicants and eligible registrants/applicants, participants, applicants for employment and employees, unions or professional organizations that hold collective bargaining or professional agreements with the recipient, sub-recipients that receive WIOA Title I funds from the recipient, and members of the public, including those with impaired vision or hearing and those with limited English proficiency.<sup>26</sup>

### EO Notice Requirements

Recipients were advised of the posting and dissemination requirements of the “Equal Opportunity is the Law” notice (the EO Notice)<sup>27</sup> as well as the requirement that appropriate steps are taken to ensure communications with individuals with disabilities are as effective as communications with others, and that the notice is provided in appropriate languages to ensure meaningful access for limited English proficient (LEP) individuals via DWD Policy 2016-09 (DWD EO Policy).<sup>28</sup> The State’s Equal Opportunity webpage has the “Equal Opportunity is the Law” notice available in 17 languages.<sup>29</sup>

The DWD EO Policy covers law and regulations under Section 188. All EO Notices are posted and are verified during annual EO Monitoring site visits.

The acknowledgment of EO Notice appears in the DWD Case Management System, Indiana Career Connect (ICC) when the applicant reaches the final page of the WIOA application,<sup>30</sup> the Wagner Peyser application,<sup>31</sup> and the TAA application.<sup>32</sup> The case manager prints out the completed application and provides the applicant with a copy of the EO Notice with their Local EO Officer’s information on it, which is acknowledged by their signature on the final page. If a user is registering for online services through the ICC website, upon selecting to register as an individual, they are immediately directed to the EO Notice that requires their acknowledgment to proceed.<sup>33</sup>

Acknowledgment of the EO Notice has been added to all DWD employee files through the State of Indiana Employee personnel platform, Success Factors, in August 2023.<sup>34</sup> The EO is the Law notice is provided to all new employees during new employee orientation and onboarding and is reviewed and completed yearly.

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<sup>25</sup> OSFs, as defined in WIOA 121(b), are considered recipients for purposes of 29 CFR 38.

<sup>26</sup> 29 CFR 38.34

<sup>27</sup> EO is the Law Notice: [https://www.in.gov/dwd/files/EO\\_Law.pdf](https://www.in.gov/dwd/files/EO_Law.pdf)

<sup>28</sup> DWD Policy 2016-09 (see Documentation 1.5)

<sup>29</sup> <https://www.in.gov/dwd/compliance-policy/equal-opportunity/eo-reference-materials/>

<sup>30</sup> Documentation 2.1: WIOA Application EO Acknowledgment

<sup>31</sup> Documentation 2.2: WP Application EO Acknowledgment

<sup>32</sup> Documentation 2.3: TAA Application EO Acknowledgment

<sup>33</sup> Documentation 2.4: ICC Registration EO Acknowledgment

<sup>34</sup> Documentation 2.5: Indiana DWD Employee EO Notice Acknowledgment

### Publications, Broadcasts, and Other Communications

All recipients must include an EO Tagline in recruitment brochures, pamphlets, and other publications which promote WIOA programs and activities. While the DWD EO Policy follows Section 188, it also gives flexibility for recipients to tailor the EO Tagline dependent on subject matter of the program or materials they are publishing. All recipients must include two required clauses: that the program or activity in question is an "equal opportunity employer/program" and that "auxiliary aids and services are available upon request to individuals with disabilities." Tagline compliance is checked during annual Compliance and Policy Workforce Division/EO Monitoring visits, with corrective action required as needed. The EO Tagline and a link to the EO Notice is listed at the bottom of every page on DWD's website. Additionally, the EO Tagline is on all DWD associated social media sites.

When a phone number is provided, it must be accompanied by the telephone number of the text telephone (TTY) or equally effective communication system, such as a relay service,<sup>35</sup> videophone, or captioned telephone used by the recipient.

An informal tip sheet was created for internal use with DWD Marketing/Communications which was shared with the LWDA communications directors as "Equal Opportunity Guidelines" providing more specific guidance on appropriate EO Tagline use.<sup>36</sup>

A policy pertaining to social media management was issued in November 2023, which provided LWDA's with guidance on social media including the requirement for the EO Tagline on their social media sites.<sup>37</sup> Compliance with this policy is checked during monitoring.

### Information in Languages Other than English

According to the most recent data available, Spanish is the predominant non-English language spoken by LEP individuals in Indiana.<sup>38</sup> As such, the "Equal Opportunity is the Law" notice is available in both English and Spanish, and copies of the EO Notice in both languages are posted in all WorkOne offices. Copies of the EO Notice and additional state and federal posters, such as the Unemployment Insurance and Migrant and Seasonal Agricultural Worker Protection, are provided in English and Spanish on DWD's website.<sup>39</sup> Additionally, the State EO Officer has provided to all LWDA's the guide to using the accessibility workstation in Spanish for them to put in all the WorkOne offices with accessibility workstations.<sup>40</sup>

LEP individuals can translate the information provided on the ICC website from English to their native language using a built-in function. Additional LEP services are provided at the regional level. Examples include, but are not limited to, bilingual staff, hand-held translators, English as a Second Language classes, Google Translate, and specialized software such as Rosetta Stone.

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<sup>35</sup> Relay Indiana, Indiana's statewide Relay Service, is more fully discussed in Element 5.

<sup>36</sup> Documentation 2.6: Equal Opportunity Guidelines

<sup>37</sup> DWD Policy 2023-03: Social Media Management: [https://www.in.gov/dwd/files/activepolicies/2023-03-P\\_Social\\_Media\\_Management.pdf](https://www.in.gov/dwd/files/activepolicies/2023-03-P_Social_Media_Management.pdf)

<sup>38</sup> Documentation 2.7: Excerpt of Indiana Census Data on Languages Spoken

<sup>39</sup> State and Federal posters in Spanish: <https://www.in.gov/dwd/2455.htm>

<sup>40</sup> Documentation 2.8: Spanish Accessibility Workstation Guide

Sample LEP documents in Spanish and other languages can be found on the State's Equal Opportunity webpage. <sup>41</sup>

In accordance with regulation prohibiting discrimination against LEP individuals as a form of national origin discrimination,<sup>42</sup> Google Translate was added to ICC in the Fall of 2019 in order to translate words from English into other languages. All regional leadership and WorkOne staff were notified and trained on how it works in the system. Babel notices are also available for all communication of vital information. Vital information includes information, whether written, oral or electronic, that is necessary for an individual to obtain, or understand how to obtain, any aid, benefit, service, and/or training.<sup>43</sup> Babel notices indicate, in appropriate languages, that language assistance is available<sup>44</sup> and are given with vital information such as consent and complaint forms, notices of rights and responsibilities, and communications posted on websites. DWD provides Babel notice samples<sup>45</sup> based on the CRC's Babel notice and the demographics of Indiana.<sup>46</sup> In October 2019, Babel notices were uploaded into ICC and can be accessed when the EO Notice is displayed.<sup>47</sup> Additionally, LWDAs have the notices in various prominent locations throughout the WorkOnes. DWD's Unemployment Insurance (UI) program includes Babel notices to all claimant monetary determinations, determinations of eligibility, and appeals documents. In addition, WIOA, RESEA, and TAA also include Babel notices to all individuals who participate in these programs.

On May 2, 2022, Indiana received \$6.7 million for the UI Equity Grant from USDOL. One of the focus areas for this grant has involved partnering with a/an expert(s) in the field of interpretation, translation, and plain language services to review communication methods, existing documentation sent to claimants and employers, and process flows for communicating with interested parties.

To fully meet the needs of LEP persons in Indiana, DWD also provides telephonic<sup>48</sup> and in-person interpreter services<sup>49</sup> at no charge to the client. A contract establishes 24 hour/7 day a week telephonic interpretive services, billed by the minute and based on the language selected. Similarly, several contracts establish hourly rates for face-to-face interpretive services, based on the language selected for different service areas throughout Indiana. Contracts such as Propio and Globo provide language interpreters on-demand via a mobile application platform and Video Interpreting with average connection time of less than 20-30 seconds for up to 50 different languages and includes American Sign Language.<sup>50</sup> DWD's website highlights interpretation services on its website for different services, like UI.<sup>51</sup> In addition, all AJCs have posters in the front area upon entry

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<sup>41</sup> Sample LEP Documents: <https://www.in.gov/dwd/compliance-policy/equal-opportunity/eo-reference-materials>

<sup>42</sup> 29 CFR 38.9

<sup>43</sup> 29 CFR 38.4(ttt)

<sup>44</sup> Local EO Officer NDP Training Element 2 PowerPoint: <https://www.in.gov/dwd/files/EO-Training-Element-2-Notice-and-Communication.pdf>

<sup>45</sup> Documentation 2.9: Babel Notice for Vital Documents

<sup>46</sup> See Indiana Census Data on Languages Spoken

<sup>47</sup> Documentation 2.10 Babel Notice Display in ICC

<sup>48</sup> Documentation 2.11: Telephonic Interpretation Services Contract

<sup>49</sup> Documentation 2.12: In-Person Interpretation Services Contracts

<sup>50</sup> Documentation 2.13: Propio One Mobile Application

<sup>51</sup> DWD Contact Us Webpage: <https://www.in.gov/dwd/contact-us/>

highlighting “Your Right to an Interpreter at no cost to you” with a list of 35 languages.<sup>52</sup>

Questions regarding LEP and preferred language are in ICC.<sup>53</sup> LWDA's are encouraged to access this data in order to better serve individuals that are LEP by knowing what preferred languages are prevalent in their local area. This includes providing notice and documentation in those languages. In addition, in January of 2024, UI added “preferred language” questions to the UI Client Self Service system. This will help us to ensure that LEP individuals will be offered free language assistance services while participating in programs and services.

As recommended in the regulations,<sup>54</sup> DWD developed policy providing guidance for Language Accessibility and creating a Language Access Plan (LAP), a written plan which ensures that LEP individuals have meaningful access to WIOA Title I-financially assisted programs and activities.<sup>55</sup> This guidance applies to the programs and activities that are part of the One-Stop delivery system, Indiana’s WorkOne/American Job Centers (WorkOne/AJC). DWD is establishing an agency-level Language Access Plan, with both Unemployment Insurance and Workforce Programs contributing their Language Access information and procedures. All local LAPs must follow the guidelines in 29 CFR 38.

#### Orientation and Nondiscrimination Efforts

During any program orientation session, in-person or remote, DWD and OSPs include a discussion of rights under the nondiscrimination and EO provisions of WIOA. DWD and the local WorkOne offices distribute the EO Notice to registrants, applicants, eligible registrants/applicants, applicants for employment, employees, and interested members of the public to ensure that individuals have been notified of their rights under Section 188.<sup>56,57</sup>

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<sup>52</sup> Documentation 2.14: “Your Right to an Interpreter” Poster

<sup>53</sup> Documentation 2.15: Preferred Language Questions in ICC

<sup>54</sup> 29 CFR 38.9; Appendix to 38.9

<sup>55</sup> DWD Policy 2023-07: Language Accessibility and Language Access Plans:  
[https://www.in.gov/dwd/files/activepolicies/DWD\\_Policy\\_2023-07\\_Language\\_Accessibility\\_and\\_Language\\_Access\\_Plans.pdf](https://www.in.gov/dwd/files/activepolicies/DWD_Policy_2023-07_Language_Accessibility_and_Language_Access_Plans.pdf)

<sup>56</sup> Documentation 2.16: Rapid Response Orientation Presentation

<sup>57</sup> Documentation 2.17: RESEA Orientation Presentation

## Element 2 Documentation

Documentation 2.1: WIOA Application EO Acknowledgment

Documentation 2.2: WP Application EO Acknowledgment

Documentation 2.3: TAA Application EO Acknowledgment

Documentation 2.4: ICC Registration EO Acknowledgment

Documentation 2.5: Indiana DWD Employee EO Notice Acknowledgment

Documentation 2.6: Equal Opportunity Guidelines

Documentation 2.7: Excerpt of Indiana Census Data on Languages Spoken

Documentation 2.8: Spanish Accessibility Workstation Guide

Documentation 2.9: Babel Notice for Vital Documents

Documentation 2.10: Babel Notice Display in ICC

Documentation 2.11: Telephonic Interpretation Services Contract

Documentation 2.12: In-Person Interpretation Services Contracts

Documentation 2.13: Propio One Mobile Application

Documentation 2.14: "Your Right to an Interpreter" Poster

Documentation 2.15: Preferred Language Questions in ICC

Documentation 2.16: Rapid Response Orientation Presentation

Documentation 2.17: RESEA Orientation Presentation



## Element 3: Review Assurances, Job Training Plans, Contracts, and Policies and Procedures

*[29 CFR 38.25 through 38.27 and 38.54]*

Indiana ensures compliance with 29 CFR Part 38.25 and 38.54 regarding the review of assurances, job training plans, contracts, policies, and procedures through various means. This includes requiring that all WIOA Title I grant applicants and recipients agree to the EO assurance language prescribed by Part 38.25<sup>58</sup> and are able to provide programmatic and physical accessibility for individuals with disabilities. Further, it encompasses the review of job training plans, contracts, policies, and procedures at the state and local level to ensure they are nondiscriminatory and include the required assurances.

### Assurance Language

Indiana's WIOA State Plan (State Plan) offers an assurance that appropriate action has been taken to comply with Section 188.<sup>59</sup> Further, DWD Policy 2016-09 requires the inclusion of the EO assurance language in all contracts, grants, cooperative agreements, applications, or other arrangements.

DWD Policy, in compliance with Part 38.25(a)(2), informs all recipients that this nondiscrimination assurance is considered incorporated by operation of law in the grant, cooperative agreement, contract, or other arrangement whereby Federal financial assistance under WIOA Title I is made available, whether or not it is physically incorporated in such document and whether or not there is a written agreement between the USDOL and the recipient, between the USDOL and the Governor, between the Governor and the recipient, or between recipients.

The assurance also may be incorporated by reference in such grants, cooperative agreements, contracts, or other arrangements. In lieu of including the assurance language in its entirety for smaller contracts or agreements, DWD Policy has provided that the following reference to the language may be used:

"The equal opportunity and nondiscrimination assurances at 29 CFR Part 38.25 apply to this contract/ agreement."

The LWDA grant agreements for WIOA Title I funds reflect the following:<sup>60</sup>

"The parties to this Grant Agreement assure that each will fully comply with the nondiscrimination and equal opportunity provisions of Section 188 of WIOA and its implementing regulations."

The grant agreements also require the parties to assure the following is provided in the One- Stop delivery system:

- Facilities and programs are architecturally and programmatically accessible.
- Reasonable accommodations for individuals with disabilities.
- Cost allocation method for making reasonable accommodations.

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<sup>58</sup> See attachment B in DWD Policy 2016-09: EO and Nondiscrimination Guidance Letter: [https://www.in.gov/dwd/files/activepolicies/2016-09-P\\_EO\\_Nondiscrimination\\_Guidance.pdf](https://www.in.gov/dwd/files/activepolicies/2016-09-P_EO_Nondiscrimination_Guidance.pdf)

<sup>59</sup> <https://wioaplans.ed.gov/node/451966>

<sup>60</sup> Documentation 3.1: Grant Boilerplate Language Excerpt

The State EO Officer is currently working with internal partners to strengthen relationships, such as the program leads for the ETP list, Unemployment Insurance, and Adult Education to ensure that the required assurance is included when/where applicable.

#### Assurance Reviews

The State EO Officer and DWD's Compliance and Policy Workforce Division monitoring team periodically review each LWDA's contracts, policies, and other agreements to ensure they are nondiscriminatory and that they include all required EO assurances. The monitoring team and EO staff provide technical assistance as needed and conduct periodic desk audits to monitor each LWDA's compliance with EO and nondiscrimination requirements. DWD's EO Monitoring Tool outlines this process.<sup>61</sup> Some elements monitored include structural accessibility, parking for individuals with disabilities, designated restrooms, appropriate signage, program accessibility, and effective communication for persons with disabilities and LEP individuals. For further detail on the monitoring process, please refer to Element 7.

DWD Policy 2020-09, Change 1, "One-Stop American Job Center Certification" outlines Indiana's One-Stop Certification process.<sup>62</sup> In accordance with this policy, each LWDA completed a certification tool with verifications for EO provisions, including proper EO awareness and accessibility.<sup>63</sup> One- Stop Certifications were recently completed in March 2023.

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<sup>61</sup> For more information, see Element 7 and Documentation 7.8

<sup>62</sup> DWD Policy 2020-09, Change 1: One-Stop American Job Center Certification:  
[https://www.in.gov/dwd/files/activepolicies/2020-09-P-C1-WIOA\\_One-Stop\\_AJC\\_Certification.pdf](https://www.in.gov/dwd/files/activepolicies/2020-09-P-C1-WIOA_One-Stop_AJC_Certification.pdf)

<sup>63</sup> Documentation 3.2: Excerpt from One-Stop Certification Tool

## Element 3 Documentation

Documentation 3.1: Grant Boilerplate Language Excerpt

Documentation 3.2: Excerpt from One-Stop Certification Tool

## Element 4: Affirmative Outreach

[29 CFR 38.40]

Recipients must ensure equal access to programs and activities by making reasonable efforts to include members of the various groups protected by Section 188, including but not limited to persons of different sexes, various racial and ethnic/national origin groups, various religions, individuals with limited English proficiency, individuals with disabilities, and individuals in different age groups.<sup>64</sup> The DWD EO Policy<sup>65</sup> communicates this requirement and provides the following examples of outreach efforts:

- Targeting specific populations in advertisements
- Sending information to schools or community service groups
- Consulting with community service groups on ways to improve outreach and service

### Demographic Assessment

Local demographic information assists the LWDAs in their diversity planning and service development. Hoosiers by the Numbers<sup>66</sup> provides public data related to labor force, industry, occupations, unemployment, demographics, and job growth and serves as the official source for labor market information for the state of Indiana. Users can pull demographic data (e.g., population data by age, race, ethnicity, gender, etc.) by region to assist in determining targeted populations for outreach efforts.<sup>67</sup> Local demographic information can also be obtained using the United States Census Bureau data.<sup>68</sup> Data includes demographics as they relate to unemployment, labor force participation, and total population for all counties in Indiana. The LWDAs have been trained on obtaining this data and doing statistical analyses using this data and/or local office program data.<sup>69</sup> The State EO Officer uses this data in annual monitoring.<sup>70</sup>

### General Outreach Efforts

DWD and its WorkOne Centers strive to serve a broad range of customers through outreach and other utilization of partner resources. Such efforts include community outreach, job fairs, job information centers, as well as posters, flyers, and brochures promoting WIOA Title I programs and activities. WorkOne Centers participate in college/school career days, job fairs and on-site dislocated worker Rapid Response services to disseminate information on re-employment services and career opportunities for the general community and, more specifically, for minorities, older workers, veterans, and non-veterans with disabilities.<sup>71</sup>

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<sup>64</sup> 29 CFR 38.40

<sup>65</sup> [https://www.in.gov/dwd/files/activepolicies/2016-09-P\\_EO\\_Nondiscrimination\\_Guidance.pdf](https://www.in.gov/dwd/files/activepolicies/2016-09-P_EO_Nondiscrimination_Guidance.pdf)

<sup>66</sup> [www.hoosierdata.in.gov](http://www.hoosierdata.in.gov)

<sup>67</sup> Documentation 4.1: Hoosiers by the Numbers Sample Data

<sup>68</sup> Documentation 4.2: United States Census Bureau Sample Data

<sup>69</sup> Documentation 4.3: ICC Demographics Sample Data

<sup>70</sup> For further details, see Element 7

<sup>71</sup> Documentation 4.4: Affirmative Outreach Samples

Many services are available in multiple formats, including web-based applications for labor exchange, unemployment insurance, and labor market information. Customers can go online to access their specific region's WorkOne website to view information regarding programs, services, training, upcoming job fairs, special events, employment opportunities, and unemployment insurance. The websites are available at <http://www.in.gov/dwd/WorkOne/locations.html>.

To ensure affirmative outreach at the local level, many WorkOne Centers have taken action such as:

- Posting signs to inform customers of telephone numbers to call or see the manager if an accommodation is needed to receive services;
- Identifying individuals and organizations available if assistance is needed to provide services or information in a language other than English;
- Utilizing employees who have skills in languages other than English to assist customers by providing instruction, conveying information, or assisting with completing forms;
- Developing and maintaining contacts with community-based organizations and advocacy groups to ensure the center meets specific needs;
- Coordinating linkages with other federal, state, and local agencies serving the various segments of the populations have been developed;
- Participating in community employment events such as job fairs, seminars, and public recruitment for employers to publicize the services of WorkOne Centers; and
- Encouraging employers to engage with Indiana's workforce system via on-site visits with employers and community agencies, participation in job fairs, special recruitment efforts, and employer seminars.

#### Specific Population Outreach Efforts

The full range of employment and training services delivered through Indiana's WorkOne system is accessible to, and meets the needs of, specific populations. Such populations include dislocated workers, displaced homemakers, low-income individuals, migrant and seasonal farm workers, women, minority individuals, individuals training for non-traditional employment, veterans, public assistance recipients, and individuals with multiple barriers to employment, including older individuals, people with limited English proficiency, and people with disabilities. LWDA's are encouraged to develop innovative outreach methods for these populations and to develop relationships with various local organizations and community service groups that may target certain populations.

In August 2023, DWD established a cross-divisional Access Workgroup with representation from all major divisions within DWD for the purpose of enhancing awareness and identifying opportunities for continuous improvement across the agency. To further enhance these efforts, in late 2023, DWD created an Access Coordinator position, which was filled in early 2024. The Access Coordinator

reports to the State EO Officer and will lead accessibility-related training, provide technical assistance and recommendations concerning acquisition of adaptive technologies, and serve as a primary point of contact for interpretation and translation services.

Examples of specific population outreach efforts are outlined below.

#### *Limited English Proficient (LEP)*

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be classified as LEP. Various services are offered within the twelve LWDAs, including but not limited to, bilingual staff, hand-held translators, English as a Second Language classes, and the use of accessibility stations.

Further, the Unemployment Insurance call center employs Spanish-speaking staff to assist customers as needed. At the state level, DWD has existing contracts for Interpreter Services. These services are available to all WorkOne offices, including additional guidance regarding service to the LEP population.

Recipients are aware that written materials containing vital information must be translated and readily available for languages spoken by a significant number or portion of the population eligible to be served, or likely to be encountered, and further, reasonable steps must be taken to meet the particularized language needs of any LEP individual, regardless of population size.<sup>72</sup> Once a recipient becomes aware of an LEP individual's preferred language, the recipient must convey vital information in that language. Various documents are readily available in Spanish, which is the second most preferred language in Indiana after English.<sup>73</sup>

#### *Indiana Digital Equity Plan*

In April 2024, the federal government released a notice of funding opportunity (NOFO), and Indiana submitted the State Digital Equity Planning Grant Program, part of the Infrastructure Investment and Jobs Act (IIJA), that provides funding for all states and territories to draft a digital equity plan, paying particular attention to eight covered populations. Covered populations are individuals that may require additional help in overcoming the digital divide due to unique digital equity barriers and needs. Those covered are aging individuals; incarcerated individuals, other than individuals who are incarcerated in a Federal correctional facility; veterans; individuals with disabilities; individuals with a language barrier, including individuals who are English learners and have low levels of literacy; individuals who are members of a racial or ethnic minority group; and individuals who primarily reside in a rural area. Capacity-building funds will then be distributed to states and territories to aid in the implementation of the plan. Indiana submitted a five-year plan and is expecting final approval by Fall of 2024. Final approval will release the allocation of Digital Equity funds and implementation of the plan will then begin.

The five-year plan will serve as Indiana's first-ever statewide digital equity plan. The five-year plan contains five sections, including the introduction that outlines the purpose and process for the

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<sup>72</sup> 29 CFR 38.9

<sup>73</sup> Documentation 4.5: Sample of Spanish Materials

plan's creation. The next section, The Current State of Digital Equity, provides context for the plan by briefly reviewing the data gathering and community engagement that informed this plan. The third section showcases the vision, goals, strategies, and objectives that make up the heart of the digital equity plan. Then the fourth section, Moving Forward, puts the plan into action by outlining implementation strategies, an anticipated timeline, and evaluation procedures.

### *Unemployment Insurance (UI)*

Funds from the UI Equity Grant<sup>74</sup> were used to create a dedicated position to target, facilitate, advocate, and promote equitable access and outreach for individuals who have historically experienced barriers to the unemployment insurance benefits program.

DWD has hired a UI Access, Equity, and Outreach Director to target, facilitate, advocate, and promote equitable access and outreach for claimants who have historically experienced barriers to the unemployment insurance benefits process. A list of community outreach sites includes the following:

- American Indian Center
- Migrant Seasonal Farmworker event
- Burmese American Community Institute
- Indiana Black Expo
- Fiesta Latino Fort Wayne
- Latino Express Fest Lafayette
- Indiana Latino Expo Indianapolis

UI has implemented Standard Operating Procedures for translation requests to assist AJC staff in requesting translation of vital documents in the claimant's preferred language.<sup>75</sup> This has facilitated timely requests, with no interruption of services, and improves UI service delivery for LEP claimants.

Another initiative undertaken by UI involves the use of plain language and involves insights into the user experience that engaged interviews and deployed two surveys, one internal to DWD UI staff and one external to UI claimants. The survey targeted to UI claimants received 628 responses. The consultant reviewed UI documents and webpages and provided DWD with rewritten content leveraging the plain language principles. Additional documents were analyzed for reading level and other required changes including format and design, and DWD now has a detailed roadmap outlining an approach and preparation steps for the work that needs the plain language initiative. This initiative is in the implementation phase with a projected end date of March 31, 2025.

UI has contracted a consultant to review all UI public facing websites, communication methods, existing documentation sent to claimants or employers, and process flows for communicating with LEP claimants. Additionally, UI materials such as Claimant Handbooks, Work Search Logs, and UI correspondences have been translated into Spanish, Burmese, Arabic, Bulgarian, Haitian-Creole,

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<sup>74</sup> See Element 2

<sup>75</sup> Documentation 4.6: UI Translation Request and Procurement Procedure

Haka-Chin, Kinyarwanda, Mandarin, Somali, Swahili, Tigrinya, and Braille, with additional languages being added based on preferred language questions in ICC and UI CSS systems.

### *Migrant and Seasonal Farm Workers*

The Wagner Peyser (WP) Act funds the Monitor Advocate System, which was established to ensure MSFWs receive services that are qualitatively equivalent and quantitatively proportionate to services provided to all other job seekers. The structure of the Monitor Advocate System is composed of a State Monitor Advocate (SMA) and an outreach program. The State Monitor Advocate (SMA) provides technical assistance to AJC staff to ensure migrant and seasonal farmworkers have equitable access to job orders, career services, referrals, and workforce protections to improve their working and living conditions. The State Workforce Agency Outreach Program conducts outreach to MSFWs who are not being reached through normal intake activities at the local WorkOnes.

The Outreach Specialists work together with WIOA 167 NFJP Grantee Proteus Inc. and various other MSFW partners through joint outreach. The Outreach Specialists communicate to MSFWs individually or in large groups about the services available at the local one-stop centers, information on the complaint system, and an overview of their farmworker rights. At times, Outreach Specialists will provide on-site assistance with WP application for services, and other WP activities, when an MSFW cannot or wishes not to visit the local one-stop center.

The SMA and Outreach Specialists work with crew leaders/contractors and agricultural employers to recruit and fill their local seasonal or temporary job orders. Technical assistance is also provided to crew leaders applying or renewing their farm labor contractor registrations.

Indiana has approximately 138 licensed agricultural labor camps which house about 3,047 migrant farmworkers each season. Also, farm labor contractors continue to utilize non-traditional housing for MSFWs such as, public accommodations like trailer parks, hotel/motel, and apartment complexes. It is estimated that this program year 260 additional migrant workers were housed in non-traditional housing. A total of 3,852 migrant farm workers were living in traditional and non-traditional housing according to DWD's records. Reports are provided to DWD and Employment and Training/Department of Labor at the end of every quarter, season, and program year. These reports are composed of all the information gathered from farm workers through outreach efforts, intake and referrals, and the assessment process.

### *Youth: Jobs for America's Graduates (JAG)*

Indiana has implemented a statewide multi-year drop-out prevention and workforce preparation program targeting high school juniors and seniors with barriers to success. An advisory group consisting of a JAG classroom Specialist, high school counselors, school administrators, and workforce program managers select thirty-five (35) to forty-five (45) students per program. Students, ranging from 7<sup>th</sup> – 12<sup>th</sup> grade, with academic, socioeconomic, cultural, or familial barriers are selected to participate in the program, which is an Indiana Department of Education (DOE) credited course. Students receive two years of employability skills training, academic remediation,



leadership development training, and workforce preparation. Indiana operates several programs targeted at special populations, including a program for students who are deaf and hard of hearing at the Indiana School for the Deaf, and other programs working with minority students in some of Indiana's urban school environments.

### *Disabled Individuals*

The special needs of the disabled are addressed in Indiana's WorkOne Centers through various programs and services. Job seekers with disabilities can access information and link to various resources on the Indiana Career Ready (ICR) website<sup>76</sup> and DWD's website<sup>77</sup> for support in preparing for, obtaining, and retaining employment. The State and Local EO Officers ensure that all staff are knowledgeable about the importance of meaningful access to services and monitor facilities, programs, and services for physical and programmatic accessibility.

DWD staff participated in The Indiana Governor's Council for People with Disabilities program called "Snack Chats" specifically for people with intellectual and developmental disabilities.<sup>78</sup> These occurred from January 23, 2024 through February 27, 2024 and were thirty-minute casual virtual meetings so that they could share their thoughts about what kinds of life opportunities are most important to them. The session topics were World of Opportunities, Employment, Education, Healthcare and Wellness, Neighborhoods and Transportation, and Community and Relationships. These sessions opened opportunities for DWD and other community service providers to learn more about what people with intellectual and developmental disabilities experience and are most concerned and interested.

In August of 2022 through April 2023, DWD conducted outreach to 68,264 individuals who finished high school in the last 10 years with a certificate of completion to alert them to Indiana's continuing education and workforce training resources. The goal of the outreach is to re-engage people and help connect them, especially those with disabilities, to resources that will support them in achieving a high school equivalency diploma, job training, and beyond. The project offers a vital pathway to informing students who timed out of the K-12 system that there are free resources available to them that can support the advancement of their professional and academic careers.

### *Jobs for Veterans State Grant (JVSG)*

Indiana is committed to serving transitioning service members, veterans, and their families by providing resources to assist and prepare them to obtain meaningful careers and to maximize their employment opportunities. DWD operates the JVSG program, which provides federal funding for hiring dedicated staff to provide individualized career and training-related services to veterans and eligible persons with qualifying employment barriers and to assist employers in filling their workforce needs with job-seeking veterans. The JVSG program supports the Disabled Veterans' Outreach Program (DVOP) specialist position and the Local Veterans' Employment Representative (LVER) staff. Indiana currently has 24 DVOP specialists and 16 LVER staff. DVOP specialists provide individualized career services and facilitate placements to meet the employment needs of eligible veterans and eligible persons. DVOP specialists must prioritize service to special disabled veterans,

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<sup>76</sup> <https://www.indianacareerready.com/JobSeeker/DisabilityServices>

<sup>77</sup> <https://www.in.gov/dwd/2416.htm>

<sup>78</sup> Documentation 4.12: GCPD Snack Chat Flyer

other disabled veterans, and other categories of eligible veterans, placing maximum emphasis on assisting eligible populations who are economically or educationally disadvantaged. LVERs conduct outreach to employers and business associations and engage in advocacy efforts with hiring executives to increase employment opportunities for veterans and encourage the hiring of disabled veterans. Veteran-focused policies on the State level include DWD Policy 2019-03,<sup>79</sup> which further explains required roles and responsibilities for DVOPs and LVERs, and DWD Policy 2015-08,<sup>80</sup> which outlines priority of service for Veterans and eligible spouses.

### Priority of Service

WIOA requires that priority of service be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient for receipt of career services and training services.<sup>81</sup> Priority of service assists with ensuring meaningful access to all populations served, including disabled and LEP individuals. DWD has instructed LWDAs<sup>82</sup> that priority must be given to participants that fall into those three categories, as summarized below to include:

1. Recipients of public assistance.
2. Other low-income individuals, meaning an individual who:
  - Receives, or in the past six months has received, or is a member of a family that is receiving or has received in the past six months, assistance through the supplemental nutrition program (SNAP), Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI) under title XVI of the Social Security Act, or a state or local income-based public assistance program; or
  - Is in a family with total family income that does not exceed the higher of the poverty line or 70% of the lower living standard income level; or
  - Is a homeless individual; or
  - Receives or is eligible to receive a free or reduced-price lunch; or
  - A foster child on behalf of whom state or local government payments are made; or
  - Is an individual with a disability whose own income meets the income requirements above, but who is a member of family whose income does not meet this requirement.
3. Individuals who are basic skills deficient, meaning a youth or adult who is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society. DWD considers an individual who meets ANY ONE of the following to be basic skills deficient:
  - Lacks a high school diploma or equivalency and is not enrolled in secondary education; or
  - Scores 8.9 or below on the TABE; or
  - Is enrolled in Title II adult education (including enrolled for ESL); or
  - Has poor English language skills (and would be appropriate for ESL even if the individual

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<sup>79</sup> DWD Policy 2019-03: DVOP and LVER Roles/Responsibilities: [https://www.in.gov/dwd/files/activepolicies/2019-03\\_P\\_JVSG\\_Roles.pdf](https://www.in.gov/dwd/files/activepolicies/2019-03_P_JVSG_Roles.pdf)

<sup>80</sup> DWD Policy 2015-08: Priority of Services for Veterans and Eligible Spouses: [https://www.in.gov/dwd/files/activepolicies/2015-08-P\\_POS\\_Veterans\\_WorkOne\\_Offices.pdf](https://www.in.gov/dwd/files/activepolicies/2015-08-P_POS_Veterans_WorkOne_Offices.pdf)

<sup>81</sup> WIOA Section 134(c)(3)(E)

<sup>82</sup> DWD Policy 2019-04, Change 3: WIOA Title I Adult Priority of Service: [https://www.in.gov/dwd/files/activepolicies/2019-04-PC3\\_WIOA\\_Title\\_I\\_Adult\\_POS\\_Change-3.pdf](https://www.in.gov/dwd/files/activepolicies/2019-04-PC3_WIOA_Title_I_Adult_POS_Change-3.pdf)

isn't enrolled at the time of WIOA entry into participation); or

- The case manager makes observations of deficient functioning and records those observations as justification in a case note.

The LWDA's track priority of service within ICC. Each LWDA must have written policy delineating how it will give priority of service.

Participants served as incumbent workers are excluded from the priority calculation.

#### Partnership with Vocational Rehabilitation Services

DWD and its WorkOne system strive to maximize partner resources. For example, DWD coordinates with the Indiana Family and Social Services Administration (FSSA) and its Vocational Rehabilitation Services (VR or VRS) Division. VRS provides quality individualized services to enhance and support people with disabilities to prepare for, obtain or retain employment. Examples of the coordination between DWD, FSSA/VRS include:

- Cross training and service coordination. Trainings provide an opportunity for the partner agencies to learn more about each other and the services offered by each. Training is conducted to assist each partner in understanding VR and WIOA eligibility requirements, challenges, disability etiquette, and how best to serve various disabilities.
- FSSA/VRS promotion of the WorkOne system's accessible workstations and referring/meeting clients at the WorkOne centers to assist with their client's job search. DWD plans to provide additional staff training on the accessible workstations.
- DWD invited Bureau of Rehabilitation Services to utilize their customer relationship management (CRM) system, INGage, to track business engagement efforts which are reported annually to DOL and U.S. Dept. of Education Rehabilitation Services Administration through a federally required annual report. A VR staff member is lead on this and began using the system in 2018 and continues to collect data and information about employers with who we are engaged through activities such as sharing job openings and providing disability awareness training. This collaborative effort helps both partners to know which business are actively working with each agency.
- The Disability and Employment eLearning Task Force in collaboration with the Employment and Training Administration (ETA) released three eLearning Training Modules to help support the professional development needs of the workforce development staff across the country. The eLearning task force was comprised of 27 members from 20 states across WIOA programs to help shape the development of online training tools to support nearly 2,400 American Job Centers. Individuals from DWD and VR were active members of this e-learning task force to create the three e-learning modules for AJCs. In building on the lessons learned from the Workforce Innovation Cohort on Disability and Employment that finished in May 2019, members of this new task force shared their ideas and insights to help drive the content in supporting the development of the eLearning modules. These modules are designed to help support AJCs provide more effective and efficient services to individuals with disabilities and businesses using services. The eLearning modules developed were:
  - Module 1: Serving Individuals with Disabilities-A Day in the Life of an American Job Center

- [Module 2: Working Across Partners-A Day in the life of an American Job Center](#)
  - [Module 3: Providing Inclusive Business Services-A Day in the Life of an American Job Center](#)
- In August of 2023, the Indiana Department of Disability and Rehabilitation Services (DDRS) and the Indiana Department of Workforce Development, along with several other agencies, participated in the first Indiana Employment First Cross-Council Summit.<sup>83</sup> DDRS is currently undertaking a significant employment systems transformation effort with the goal of increasing competitive employment outcomes for Hoosiers with disabilities served by the division from 22% in 2022 to 37% in 2027. This represents a 60% increase in competitive integrated employment outcomes over the 5-year period.

The goal also supports Indiana’s Employment First policy, passed in 2017, which in part mandated state agencies collaborate to support employment as the first and preferred outcome for individuals with disabilities. The goal will require collaboration and coordination between relevant state agencies, community rehabilitation providers, key advocacy groups, the business community, self-advocates, and families.

- DWD and VR will continue cross-training efforts (building upon previous cross training). The new training initiative is webinar training for DWD, VR, and partner staff. There is a pre-work component for our staff and partners, as well as a request for all DWD/VR and partner staff to complete the following training:
  - [Module 1: Serving Individuals with Disabilities](#)
  - [eLearning Module 1 Activity Sheet](#)
  - [Module 2: Working Across Partners](#)
  - [Module 3: Providing Inclusive Business Services](#)
  - [Disability and Employment eLearning Modules Homepage](#)
  - [Manager’s Toolkit: Disability and Employment eLearning Modules](#)

The first training course is the first of a three-part series that discusses workforce collaboration and integration. This course was provided to all AJC staff in the summer of 2022 and provided staff/partners with a foundation for collaboration and integration for the state of Indiana by using co-enrollment and joint case management strategies to achieve this goal. The following was covered in the first Cross Training initiative:

- Introduction- In this module, learners are welcomed to the course and provided with information about how to navigate the course.
- Integration and Collaboration- In this module, learners learn more about how Indiana is changing their focus to deliver activities and services with more collaboration and integration. Specifically, this course will cover the goals, approach, and method for achievement of this combined approach. In late 2022 and still continuing, Vocational

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<sup>83</sup> Documentation 4.13: Indiana Employment First Cross-Council Summit Registration Information

Rehabilitation hired VR Navigators to be liaisons between WorkOne American Job Centers, VRS staff, and shared customers to deliver employment and training services. VR Navigators help the referral processes between the two agencies to ensure customers have the resources available to assist and build their pathway to entering the labor force. The Navigators help to ensure that customers do not fall through the cracks on their workforce journey.

- DWD leveraged WIOA discretionary funding to purchase the Learning Management System (LMS) in the fall of Program Year 2022 to support cross agency training. In partnership with USDOL, DWD and Indiana Vocational Rehabilitation Services (VRS) developed a training program to cross-train staff within the American Job Centers and VRS field offices to better coordinate and deliver services to joint customers. Two training courses were developed:
  - Workforce Collaboration and Integration: Co-enrollment and Joint Case Management
  - Workforce Collaboration and Integration: Indiana's Workforce System and WIOA Program Partners

## Element 4 Documentation

Documentation 4.1: Hoosiers by the Numbers Sample Data

Documentation 4.2: United States Census Bureau Sample Data

Documentation 4.3: ICC Demographics Sample Data

Documentation 4.4: Affirmative Outreach Samples

Documentation 4.5: Sample of Spanish Materials

Documentation 4.6: UI Translation Request and Procurement Procedure

Documentation 4.7: USDOL JVSG Program Fact Sheet

Documentation 4.8: Order of Selection

Documentation 4.9: Order of Selection FAQ

Documentation 4.10: DWD/VR Roundtable Summit Notes

Documentation 4.11: Excerpts from DWD/VR Training Presentations

Documentation 4.12: GCPD Snack Chat Flyer

Documentation 4.13: Indiana Employment First Cross-Council Summit Registration Information

## Element 5: Compliance with Disability Nondiscrimination Requirements *[29 CFR 38.12 through 38.17]*

Indiana complies with the disability related requirements of WIOA Section 188, Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act (ADA) of 1990, as amended, as well as implementing regulations, including, but not limited to 29 CFR Parts 32 and 38. These laws and regulations prohibit discrimination on the basis of disability in any program or activity receiving federal financial assistance. Applicable requirements are communicated through DWD Policy 2016-09 “Equal Opportunity and Nondiscrimination Guidance Letter” and general training was provided to the Local EO Officers via presentation module/conference call training in 2016-2017.<sup>84</sup>

The accessibility provisions of 29 CFR Part 38 require that facilities are accessible and usable by individuals with disabilities<sup>85</sup> and that programs and activities be programmatically accessible, which includes providing reasonable accommodations for individuals with disabilities, making reasonable modifications to policies, practices, and procedures, administering programs in the most integrated setting appropriate, communicating with persons with disabilities as effectively as with others, and providing appropriate auxiliary aids or services, including assistive technology devices and services, where necessary.<sup>86</sup>

In August 2023, DWD established a cross-divisional Access Workgroup for the purpose of enhancing awareness and identifying opportunities for continuous accessibility-related improvements across the agency. This workgroup includes representation from all major divisions within DWD. To further enhance these efforts, in late 2023, DWD created an Access Coordinator position, which was filled in early 2024. The Access Coordinator reports to the State EO Officer and will lead accessibility-related training, provide technical assistance and recommendations concerning acquisition of adaptive technologies, and serve as a primary point of contact for interpretation and translation services.

### Physical Accessibility

As part of the One-Stop Certification process<sup>87</sup> discussed in Element 3, each LWDA EO Officer utilizes an informal checklist, adapted from a checklist frequently used by VRS, to note major compliance areas such as parking, accessible routes, ramps, entrances and doors, signage, and restrooms.<sup>88</sup> The EO Officers identified areas of noncompliance and have completed, or are in process of corrective action where necessary.<sup>89</sup> Required modifications depend upon which facilities may be subject to the “safe harbor” provisions of the 2010 ADA standards. If a facility was

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<sup>84</sup> Local EO Officer NDP Training Element 5 PowerPoint: <https://www.in.gov/dwd/files/EO-Training-Element-5-Compliance-with-Disability-Nondiscrimination-Requirements.pdf>

<sup>85</sup> 29 CFR 38.13(a)

<sup>86</sup> 29 CFR 38.13(b)

<sup>87</sup> DWD Policy 2016-10: [https://www.in.gov/dwd/files/activepolicies/2016-09-P\\_EO\\_Nondiscrimination\\_Guidance.pdf](https://www.in.gov/dwd/files/activepolicies/2016-09-P_EO_Nondiscrimination_Guidance.pdf); See Documentation 3.3 (Section 8)

<sup>88</sup> ADA Inspection Form: [https://www.in.gov/dwd/files/ada\\_vr\\_checklist.pdf](https://www.in.gov/dwd/files/ada_vr_checklist.pdf)

<sup>89</sup> Documentation 5.1: Sample WorkOne Office Completed ADA Inspection Form

in compliance with the 1991 ADA standards as of March 15, 2012, that facility may be “safe harbored” and therefore not required to make modifications unless the facility undergoes alterations. If alternations are made, however, they may trigger a requirement for compliance with the newer 2010 ADA standards.<sup>90</sup> DWD anticipates additional training for its State and Local EO Officers to better understand ADA requirements for existing facilities.

The State EO Officer, in conjunction with Compliance and Policy Workforce Division Monitoring staff, conduct annual on-site monitoring of each LWDA where physical accessibility compliance is an element of review and discussion. Annual office reviews typically include, but are not limited to, a check of parking spaces/signage, compliant restroom facilities, wheelchair accessible entrances, and access to TTY/TDD or Relay services. Whenever there are new AJC offices, the State EO Officer ensures that the office has been reviewed for compliance in ADA standards.

### Programmatic Accessibility

In efforts to improve programmatic accessibility, DWD utilized Disability Employment Initiative (DEI) grant funding to install several new assistive technology (AT) workstations in WorkOne offices throughout the state. These workstations were installed in 2016 and include adjustable workstations, articulating arm supports, large print keyboards, and ultra-HD video magnifiers.<sup>91</sup> Following up on this AT initiative, the State EO Officer conducted an informal full state audit in 2024 to determine what equipment and software were available in each WorkOne office, as well as adequacy of staff training to utilize the AT.

The audit results indicated a variety of AT being utilized in the WorkOne offices, some of which includes print, visual, and audio materials in multiple mediums to include Zoom Text software, large key caps, and other accommodations for individuals with disabilities.<sup>92</sup> Additionally, all comprehensive WorkOne offices have an accessibility workstation like those installed under the DEI grant.<sup>93</sup> These workstations may include a larger computer screen, Braille keyboards, and keyboards with large text letters and headsets for effective communication, all WorkOne offices have access to TTY/TDD and/or Relay Indiana<sup>94</sup> services as well as interpreter services as discussed in Element 2, including American Sign Language (ASL) interpreter services. Handbooks on using accessibility workstations are available in English and Spanish and are at all accessibility workstations.

Results varied regarding staff knowledge and training, with some LWDA reporting the need for additional training and others providing examples of local training tools in current use.<sup>95</sup>

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<sup>90</sup> ADA Update: A Primer for State and Local Governments, [https://www.ada.gov/regs2010/titleII\\_2010/title\\_ii\\_primer.html](https://www.ada.gov/regs2010/titleII_2010/title_ii_primer.html)

<sup>91</sup> Documentation 5.2: DWD News Release

<sup>92</sup> Documentation 5.3: Accessible Hardware Overview; Documentation 5.4: Accessible Software Overview

<sup>93</sup> For WorkOne Accessible Workstation Training (closed captioning is provided), see <https://www.youtube.com/watch?v=jJ8XF9jJSrc>

<sup>94</sup> For information on Relay Indiana, see [www.relayindiana.com](http://www.relayindiana.com)

<sup>95</sup> Documentation 5.5: Sample LWDA Auxiliary Area Guide



Recognizing the need for further AT training, as well as general disability-related training for WorkOne staff, DWD collaborated with partners such as VRS and Easter Seals Crossroads to develop and implement staff training. For example, DWD and VRS cohosted a “Disability Etiquette” training as part of a staff training initiative in 2017 and provided the LWDA’s several resources for local level AT training, some of which was derived from prior training from Easter Seals Crossroads. These resources included instructional videos, reference guides, software user manuals, and other documents that were shared with LWDA’s in late 2017. DWD directed the LWDA’s to complete the local level staff training in early 2018.<sup>96</sup> These resources including training are located on DWD’s EO website. Additional training on Microsoft Ease of Access tools was provided April 27, 2023.

The Reemployment Services and Eligibility Assessment (RESEA) Program is funded by the U.S. Department of Labor to help unemployment insurance claimants return to work faster. Permanently separated claimants are required to participate in the RESEA program. In January of 2023, the State’s RESEA program had all its required workshops and forms translated into a Braille format.

DWD’s webmaster has continued to participate in various trainings that address accessibility for web design. The knowledge gained from these trainings has been implemented to DWD’s website throughout to make it more accessible to individuals with disabilities. Examples include checking that all images had alt text, added appropriate roles and aria labels to the top ten pages, and added aria labels to pages with sub-navigation. DWD’s webmaster attended the MS Ability Summit in May of 2022 and has completed several additional trainings with topics including making PDFs accessible, digital accessibility, Easter Seals trainings on accessibility tools, and accessibility components with animation. DWD’s state forms that are frequently used by customers have been made accessible in terms of alternative texts for images. In addition, DWD is exploring ways to improve overall digital accessibility for those with a disability. Those living with low vision often need text descriptions for images and typically use a keyboard rather than a mouse to interact with elements on a web page. And people who are deaf or hard of hearing often choose to engage with text captions on video and audio content. Looking into “user experience” research on web content for people with disabilities who access our web site for services will ensure DWD is making accessibility for all Indiana Hoosiers. DWD has also created a “form building tool” that IOT provides to the webmaster. The webmaster will be providing refresher training to all DWD division staff and our subgrantees on document accessibility. Also, the webmaster is making handbooks into web pages instead of PDF’s that would be more accessible.

Accessibility is a focus of the webmaster’s daily work and a main performance goal. The webmaster is continually working on making DWD’s PDFs, UI documents, and public web pages accessible from Adobe Acrobat Standards. DWD’s webmaster has been a consultant for Indiana’s LWDA’s and various teams throughout DWD on Web Content Accessibility Guidelines (WCAG), which led to various discussion and increased awareness around the topic of accessibility. DWD provided agency training on accessibility provided by the webmaster and collaborated with FSSA on reviewing components of DWD’s website. This was also provided to the LWDA’s local EO Officers June of 2024.

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<sup>96</sup> Documentation 5.6: DWD Technical Guidance and Training Deadline Email

On January 24, 2024, DWD issued Technical Assistance on Document Accessibility Tips to all agency divisions.<sup>97</sup> This guidance provides resources for DWD staff to improve document accessibility for all agency generated documents and included training.

In 2022, Indiana's state website underwent a redesign, which included DWD's website. Now the website includes several accessibility adjustment settings including several accessibility profiles including a vision impaired profile and ADHD friendly profile. Adjustments can also be customized for font sizing, line height, letter spacing, color contrast, color saturation, and more. There is also screen reading and translation.<sup>98</sup> An accessibility feedback form is also available for the public to provide the State of Indiana with information on accessibility issues with the website. The public can also view the website accessibility policy.<sup>99</sup>

### Medical Information

DWD and its recipients may not conduct pre-employment medical examinations or question an applicant for employment or training as to whether the applicant has a disability or the severity of the disability. However, recipients may make a pre-employment inquiry of an applicant's ability to perform job-related functions.<sup>100</sup> Job postings on ICC are written to ensure postings do not contain discriminatory language or language that would screen out an individual on the basis of the disability.

Pursuant to confidentiality requirements, disability status and medical information are kept in a secured location, apart from other files, and accessible only to certain staff on a need-to-know basis, including supervisors and managers, first aid and safety personnel, and program staff responsible for documenting eligibility (where disability is an eligibility criterion for a program or activity).<sup>101</sup> Government officials may also access this information as necessary to enforce laws and regulations.

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<sup>97</sup> DWD Technical Assistance 2023-06: Document Accessibility Tips:

[https://www.in.gov/dwd/files/activepolicies/DWD\\_TA\\_2023\\_06\\_Document\\_Accessibility.pdf](https://www.in.gov/dwd/files/activepolicies/DWD_TA_2023_06_Document_Accessibility.pdf)

<sup>98</sup> Documentation 5.8: DWD Website Accessibility Adjustments

<sup>99</sup> <https://www.in.gov/core/accessibility-feedback.html>

<sup>100</sup> 29 CFR 32.15

<sup>101</sup> 29 CFR 38.41

## Element 5 Documentation

Documentation 5.1: Sample WorkOne Office Completed ADA Inspection Form

Documentation 5.2: DWD News Release

Documentation 5.3: Accessible Hardware Overview

Documentation 5.4: Accessible Software Overview

Documentation 5.5: Sample LWDA Auxiliary Area Guide

Documentation 5.6: DWD Technical Guidance and Training Deadline Email

Documentation 5.7: DWD Website Accessibility Adjustments

## Element 6: Data and Information Collection and Maintenance

[29 CFR 38.41 through 38.45]

Recipients must collect and maintain records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment and must record race/ethnicity, sex, age, and where known, disability status. Beginning on January 3, 2019, each recipient began recording LEP and preferred language. Data collected must be stored in a manner that ensures confidentiality and used only for purposes of recordkeeping and reporting, determining eligibility for WIOA Title I-funded programs or activities, or other uses authorized by law.

### Systems

Indiana Career Connect (ICC) is Indiana's job-matching and client tracking system. The web-based system may be accessed online or at terminals in WorkOne offices by both employers and job seekers to facilitate job-matching.<sup>102</sup> Employers may post job openings and find candidates. Job seekers can register for work, find job openings, and use other services, such as resume drafting, available on the website.

As part of DWD's demand-driven workforce system (DDWS) that provides job-matching, case management, and data collection services, ICC also collects and reports data for the programs administered by DWD. ICC collects data for applicants and participants receiving WIOA career services.<sup>103</sup> The State EO Officer is able to retrieve and cross-reference Job Service and demographic information from ICC. The collected information is examined during the monitoring process using a participant file review tool.<sup>104</sup> We continue to expand our efforts in collecting meaningful data.

Uplink is Indiana's portal for filing Unemployment Insurance (UI) claims and is accessible online and in WorkOne offices. The State EO Officer is currently working with UI management to develop better system integration and enrich the quality and understanding of participant data. As a result, DWD has an assigned UI liaison who works closely with the state EO Officer which will expand our efforts in educating UI in the requirements of EO and section 188 of WIOA. For example, as of February 2024, Uplink now collects and maintains data of Limited English proficiency and preferred language of each UI claimant.<sup>105</sup>

### Records and Resources

Demographic information is collected at the United States Census Bureau,<sup>106</sup> which provides several data tables with a demographic breakdown by counties. This is used in conjunction with the ICC reporting system, as outlined in Element 7's monitoring procedures.

Certain participant records, such as those containing medical information, are secured and kept

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<sup>102</sup> See <http://www.indianacareerconnect.com>

<sup>103</sup> Documentation 6.1: WIOA ICC Application

<sup>104</sup> Documentation 6.2: WIOA Adult Participant File Review Checklist; See Element 7 for further detail on monitoring.

<sup>105</sup> Documentation 6.3: UI Uplink Limited English Proficiency Screenshot

<sup>106</sup> See <https://data.census.gov/cedsci/>

separate from other information to ensure confidentiality.<sup>107</sup> All participant data collected is retained for a period of three years from the date of application, and for complaints, three years after resolution of the complaint.<sup>108</sup>

Each LWDA utilizes a formal Complaint Log<sup>109</sup> to record complaints filed that allege discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship status, and/or participation in a WIOA Title I-financially assisted program or activity. The Local EO Officers submit the Complaint Log on a quarterly basis (April 5, July 5, October 5, and January 5) to the State EO Officer.

### Enforcement

WIOA grant applicants and recipients must notify the State EO Officer of any administrative enforcement actions or lawsuits filed regarding discrimination. Additionally, the Director of CRC will be notified of any administrative enforcement actions and lawsuits against recipients that allege discrimination on one or more of the bases prohibited by WIOA Section 188.<sup>110</sup>

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<sup>107</sup> 29 CFR 38.41. See also DWD Policy 2016-09: [https://www.in.gov/dwd/files/activepolicies/2016-09-P\\_EO\\_Nondiscrimination\\_Guidance.pdf](https://www.in.gov/dwd/files/activepolicies/2016-09-P_EO_Nondiscrimination_Guidance.pdf) and DWD Policy 2021-10, Change 2: Safeguarding Protected Information and DWD User Accounts Management: [https://www.in.gov/dwd/files/activepolicies/2021-10-PC2\\_Safeguarding\\_Protected\\_Information.pdf](https://www.in.gov/dwd/files/activepolicies/2021-10-PC2_Safeguarding_Protected_Information.pdf)

<sup>108</sup> 29 CFR 38.43; See Indiana Record Retention guidelines at <https://www.in.gov/iara/files/gr.pdf>.

<sup>109</sup> Documentation 6.4: Complaint Log

<sup>110</sup> 29 CFR 38.42

## Element 6 Documentation

Documentation 6.1: WIOA ICC Application

Documentation 6.2: WIOA Adult Participant File Review Checklist

Documentation 6.3: UI Uplink Limited English Proficiency Screenshot

Documentation 6.4: Complaint Log

## Element 7: Monitor Recipients for Compliance

[29 CFR 38.51 and 38.53]

Monitoring in the form of desk reviews, on-site reviews, and data analysis contribute to continued, robust implementation of WIOA Section 188 and 29 CFR Part 38. The coordinated efforts of the State and Local EO Officers and the DWD Compliance and Policy Workforce Division Monitoring Unit ensure monitoring and compliance of the Local Areas.

### Monitoring

Each of the twelve LWDA's are reviewed annually for compliance with the nondiscrimination and EO requirements of WIOA Section 188 and 29 CFR Part 38 through a combination of desk review, on-site monitoring, and data analysis. If the review reveals disparities in services rendered, the State and/or Local EO Officer will conduct a follow-up investigation to determine if the differences are due to discrimination. This will be done through a variety of techniques such as interviews and records review.<sup>111</sup>

Monitoring is based on:

- Desk reviews;
- On-site reviews;
- Complaint records;
- The review and analysis of data output reports from the ICC System and the United States Census Bureau;<sup>112</sup> and
- Reports from DWD Program Monitors or other interested parties.

At the regional level, Local EO Officers are responsible for monitoring subrecipients in their respective LWDA's. In addition to the training PowerPoints, the State EO Officer disseminated an optional sample Local Monitoring Tool to the Local EO Officers to help guide their monitoring and provide a framework for their efforts.<sup>113</sup>

### Desk Review

The state-level annual EO monitoring process begins with desk review, where each LWDA submits relevant documentation to the Compliance and Policy Workforce Division Monitoring Unit and State EO Officer.<sup>114</sup> LWDA's submit information such as:

- Local EO policies
- Job description of the Local EO Officer

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<sup>111</sup> Local EO Officer NDP Training Element 7 PowerPoint: <https://www.in.gov/dwd/files/EO-Training-Element-7-Monitoring-Recipients-for-Compliance.pdf>

<sup>112</sup> Documentation 7.1: ICC Reports; Documentation 7.2 United State Census Bureau Reports

<sup>113</sup> Documentation 7.3: Local EO Monitoring Tool

<sup>114</sup> Documentation 7.4: DWD EO Pre-Monitoring Document Request

- EO Notice requirements
- Complaint procedures
- Contracts, training agreements, and Memoranda of Understanding (to review for required nondiscrimination language)

The State EO Officer reviews the pre-monitoring tool along with the document assessment and data review to make an initial evaluation of compliance and prepare for on-site reviews.

### On-site Reviews

The State EO Officer conducts annual on-site reviews concurrently with the Compliance and Policy Workforce Division monitoring team to ensure compliance with the equal opportunity and nondiscrimination provisions of Section 188 and 29 CFR Part 38.<sup>115</sup> These reviews consist of interviews with the Local EO Officer as well as assessments of the WorkOne offices and interviews with WIOA case managers.

The interviews are guided largely by the EO Monitoring Tool, which is modeled after the nine elements of this NDP and 29 CFR Part 38.<sup>116</sup> On-site structural accessibility, parking for individuals with disabilities, designated restrooms, appropriate notice and signage, program accessibility, and effective communication with persons with disabilities are some of the elements monitored by the State EO Officer and/or Compliance and Policy Workforce Division Monitoring staff.

### Data Analysis

During annual monitoring, the State EO Officer conducts data analysis with statewide data as well as individual LWDA data. Following the analysis, a summary of findings and investigation into significant differences is written up to determine if differences are due to discrimination.<sup>117</sup> The State EO Officer has utilized two different types of data analyses (adverse impact and standard deviation) during each LWDA monitoring, which allowed for examination of different types of data to understand potential sources of discrimination or lack of outreach. An adverse impact data analysis was completed on each LWDA's WIOA participant demographics.<sup>118</sup> The data analysis included race, gender, and disability status and analyzed if there is potential discrimination in basic career services, individualized career services, and training services for WIOA participants. A standard deviation analysis was completed on each LWDA's WIOA participant demographics in comparison to United States Census labor force and unemployment population for that LWDA.<sup>119</sup> The data analysis included race, gender, disability status, age, LEP status, and ethnicity. This current monitoring year, the data analysis expanded to include an analysis comparing the Wagner-Peyser participant demographics to United States Census labor force and unemployment population for the State of Indiana and each LWDA. The State EO Officer plans to continue to run a standard deviation analysis for both WIOA and WP populations as well as monitoring each LWDA for

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<sup>115</sup> Documentation 7.5: PY 2024-25 LWDA Monitoring Schedule

<sup>116</sup> Documentation 7.6: DWD EO Monitoring Tool

<sup>117</sup> Documentation 7.7: DWD PY24 Data Analysis Summary

<sup>118</sup> Documentation 7.8: Adverse Impact Data Analysis Example

<sup>119</sup> Documentation 7.9: Standard Deviation Data Analysis Example



completing their own data analysis, interpretation and investigation of the results, and implementation of potential plans for resolving discrepancies their data analysis exposed. DWD Policy<sup>120</sup> directs its LWDA's to conduct a statistical analysis on their data in order to investigate significant differences and determine if it's due to discrimination. Both data analyses have been presented to the Local EO Officers during quarterly conference calls and during annual monitoring.<sup>121</sup> Additional individual training from the State EO Officer has been offered.

### Findings & Resolution

A formal monitoring report is issued to each LWDA following the annual monitoring review process. The State EO Officer collaborates with Compliance and Policy Workforce Division Monitoring staff to incorporate an EO segment into each report. The monitoring reports recognize best practices, areas of concern, and compliance findings that require corrective action.<sup>122</sup> All findings are detailed and tracked through report close-out utilizing a formal resolution process.<sup>123</sup>

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<sup>120</sup> DWD Policy 2016-09: EO and Nondiscrimination Guidance Letter: [https://www.in.gov/dwd/files/activepolicies/2016-09-P\\_EO\\_Nondiscrimination\\_Guidance.pdf](https://www.in.gov/dwd/files/activepolicies/2016-09-P_EO_Nondiscrimination_Guidance.pdf)

<sup>121</sup> See Documentation 1.9

<sup>122</sup> Documentation 7.10: Sample Monitoring Report

<sup>123</sup> See Element 9, Documentation 9.1

## Element 7 Documentation

Documentation 7.1: ICC Reports

Documentation 7.2: United States Census Bureau Reports

Documentation 7.3: Local EO Monitoring Tool

Documentation 7.4: DWD EO Pre-Monitoring Document Request

Documentation 7.5: PY 2024-25 LWDA Monitoring Schedule

Documentation 7.6: DWD EO Monitoring Tool

Documentation 7.7: DWD PY24 Data Analysis Summary

Documentation 7.8: Adverse Impact Data Analysis Example

Documentation 7.9: Standard Deviation Data Analysis Example

Documentation 7.10: Sample Monitoring Report

## Element 8: Complaint Processing Procedures

[29 CFR 38.69 through 38.85]

DWD published EO complaint processing procedures mirroring those found in 29 CFR Part 38 via the DWD EO Policy.<sup>124</sup> These procedures provide a complainant with the option to file a complaint with the LWDA's Local EO Officer or directly with the CRC Director. Local EO Notices provide filing instructions, the Local EO Officer's name and contact information, as well as CRC contact information.<sup>125</sup> Additionally, DWD published and distributed a technical assistance guide to further provide guidance regarding requirements and best practices for processing discrimination complaints under 29 CFR Part 38.<sup>126</sup>

### Complaints

Applicants, registrants, eligible applicants/registrants, participants, employees, and applicants for employment are notified of their right to the complaint process by way of posters and notices in the WorkOne offices with the prescribed language from 29 CFR Part 38. The "Equal Opportunity is the Law" notice communicates that any person who believes that she/he/they, or any specific class of individuals, has been or is being subjected to discrimination prohibited by WIOA, may file a written complaint within 180 days of the alleged discrimination.

A complainant may file a complaint by completing and submitting a LWDA developed form or CRC's Complaint Information and Privacy Act Consent Forms, which may be obtained either from the Local/State EO Officer or from CRC. The forms are available on CRC's website at <https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/external/how-to-file-complaint>. Complaints must be filed in writing, either electronically or in hard copy, and must contain the following information:

- Complainant's name, mailing address, and if available, email address (or other means of contact);
- Identity of respondent;
- Description of allegations;
- Written or electronic signature of the complainant or complainant's representative.

### Complaint Processing

Whether a complaint is filed locally with a recipient's Local EO Officer or directly with CRC, established complaint processing procedures must be followed.<sup>127</sup> DWD Policy 2016-09 outlines the procedures that must be followed by recipients. Those procedures including

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<sup>124</sup> DWD Policy 2016-09: [https://www.in.gov/dwd/files/activepolicies/2016-09-P\\_EO\\_Nondiscrimination\\_Guidance.pdf](https://www.in.gov/dwd/files/activepolicies/2016-09-P_EO_Nondiscrimination_Guidance.pdf)

<sup>125</sup> Documentation 8.1: Sample Local EO Notice

<sup>126</sup> DWD Technical Assistance 2021-07: Complaint Procedures for WIOA Nondiscrimination and Equal Opportunity Provisions: [https://www.in.gov/dwd/files/activepolicies/2021-07-TA\\_Complaint\\_Procedures\\_WIOA\\_Nondiscrimination\\_EO\\_Provisions.pdf](https://www.in.gov/dwd/files/activepolicies/2021-07-TA_Complaint_Procedures_WIOA_Nondiscrimination_EO_Provisions.pdf)

<sup>127</sup> Local EO Officer NDP Training Element 8 PowerPoint: <https://www.in.gov/dwd/files/EO-Training-Element-8-Complaint-Processing-Procedures.pdf>

technical assistance on Complaint Procedures for WIOA Nondiscrimination and Equal Opportunity Provisions must include, at a minimum, the following elements:

- Initial, written notice to complainant acknowledging receipt of complaint, notice of complainant's right to representation, notice of rights contained in the EO poster, and notice that the complainant has the right to request and receive, at no cost, auxiliary aids and services, language assistance services, and that the notice will be translated as required;
- Written statement of the issue(s), provided to complainant, that includes a list of issues raised in the complaint and whether the recipient will accept or reject each issue;
- Stated period for fact-finding or investigation;
- Stated period for attempt to resolve complaint, including provision for alternative dispute resolution (ADR);
- Written Notice of Final Action (NFA) provided to complainant within 90 days of filing date.

#### Notice of Final Action

Recipients must issue the NFA to the complainant within 90 days of the date on which the complaint was filed. The NFA informs the complainant of the ruling for the issue(s) raised in the initial complaint and an explanation of each decision, or a description of the way the parties resolved the issue. The NFA also advises the complainant of the right to file a complaint with the CRC within 30 days of receiving the NFA if dissatisfied with the recipient's decision.

If, by the end of 90 days from the filing date, the Recipient has failed to issue an NFA, the complainant may file a complaint with the CRC within 30 days of the expiration of the 90-day period (i.e., within 120 days of the filing date).

#### Alternative Dispute Resolution

At any point after complaint filing, but before issuance of the NFA, the parties may request the use of an ADR process such as mediation.<sup>128</sup> Election whether to use ADR is a decision of the complainant. Should an agreement reached under ADR be breached, the non-breaching party may file a complaint directly with CRC within 30 days of the date on which the non-breaching party learns of the alleged breach. If the CRC Director determines that the agreement has been breached, the complaint will be reinstated and processed in accordance with the recipient's procedures.

If the parties are unable to reach an agreement through ADR, the recipient will continue the investigation, or the complainant may file the complaint directly with CRC as described in 29 CFR 38.69 – 38.72.

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<sup>128</sup> Documentation 8.4: Sample Mediation Agreement Form from ICRC

## Element 8 Documentation

Documentation 8.1: Sample Local EO Notice

Documentation 8.2: Sample Mediation Agreement Form from ICRC

## Element 9: Corrective Actions/ Sanctions

*[29 CFR 38.86 through 38.115]*

If voluntary efforts in seeking compliance fail, corrective actions, or sanctions, may be imposed for violations of EO/Nondiscrimination requirements per 29 CFR Part 38. Sanctions are imposed as a last resort, with technical assistance, guidance, and corrective action opportunities offered first.

### Corrective Actions

Corrective actions must be designed to completely address each violation and may result from an annual monitoring review, a discrimination complaint, or both. Recipients must have procedures in place for obtaining prompt corrective action. Local EO Officers must notify the State EO Officer of violations discovered, corrective actions implemented, and timeframes for completion.

If the State EO Officer determines a violation has occurred, the recipient will be notified and corrective action, including anticipated resolution timelines, will be required.<sup>129</sup> The State EO Officer and/or Compliance and Policy Workforce Division Monitoring Resolution staff will provide technical guidance and thoroughly track the resolution process. If a recipient does not undertake the corrective actions specified, a conciliation agreement should be initiated and completed based on the model outlined in 29 CFR Part 38.

### Sanctions

Generally, and as provided in DWD Policy,<sup>130</sup> sanctions may be necessary when a recipient refuses to implement voluntary corrective action, submit requested data or documentation, or refuses to provide access to premises or records during a compliance review. Sanctions are considered as a last resort, and may include, but not be limited to:

- Termination or reduction of funding;
- Disallowance of selected costs;
- Restriction from bidding on competitive or discretionary funds.

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<sup>129</sup> Documentation 9.1: Sample Resolution Document

<sup>130</sup> DWD Policy 2016-09: [https://www.in.gov/dwd/files/activepolicies/2016-09-P\\_EO\\_Nondiscrimination\\_Guidance.pdf](https://www.in.gov/dwd/files/activepolicies/2016-09-P_EO_Nondiscrimination_Guidance.pdf)

Element 9 Documentation

Documentation 9.1: Sample Resolution Document