



# **Washington State**

## **Workforce Innovation & Opportunity Act**

### **Equal Opportunity & Nondiscrimination**

#### **Monitoring Guide**

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# INTRODUCTION

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The Washington workforce development system, WorkSource, is committed to providing equal access to all individuals at all levels in the delivery of its programs and services in accordance with the equal opportunity and nondiscrimination provisions of the Workforce Innovation and Opportunity Act (WIOA) of 2014.

Section 188 of WIOA prohibits discrimination by recipients of federal financial assistance against any individual in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of WIOA, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity. Any entity that receives federal financial assistance, either directly or indirectly, to administer a program or activity under WIOA Title I is a recipient.

Programs and activities funded in whole or in part by WIOA are subject to the following equal opportunity (EO) laws, regulations and policies:

- Title VI, Civil Rights Act of 1964
- Age Discrimination Act of 1975
- Rehabilitation Act of 1973, Section 504
- Title IX, Education Amendment Act of 1972
- 29 Code of Federal Regulations Part 38
- Washington State Nondiscrimination Plan (NDP)
- Washington State WIOA Policy Number 1012, Customer Concern and Complaint Resolution

Other federal laws that impact the operations of state and local-level WIOA programs include, but are not limited to, the following:

- Title VII, Civil Rights Act of 1964
- Age Discrimination in Employment Act of 1967
- Americans with Disabilities Act of 1990, as amended
- Rehabilitation Act of 1973, Section 501 and 503

# EQUAL OPPORTUNITY AND NONDISCRIMINATION MONITORING PROCEDURES

## 1. LWDB EO Officer Monitoring

Each LWDB will conduct annual EO monitoring of each of its service providers and sites. The LWDB must follow this guide as their monitoring instrument, or enlist the assistance of the State-Level EO Officer in developing an instrument.

The LWDB EO Officer monitoring will cover the following elements of the Nondiscrimination Plan as required by 29 CFR Part 38:

- Designation of EO Officers (38.28-38.33, NDP Element 1)
- Notice and Communication (38.34-38.39, NDP Element 2)
- Assurances (38.25-38.27, NDP Element 3)
- Affirmative Outreach (38.40, NDP Element 4)
- Compliance with Section 504 of the Rehabilitation Act of 1973 (38.54, NDP Element 5)
- Data and Information Collection and Maintenance (38.41-38.45, NDP Element 6)
- Monitoring Recipients for Compliance (38.51-38.53, NDP Element 7)
- Complaint Processing Procedures (38.72-38.73, NDP Element 8)
- Corrective Actions/Sanctions (38.110, NDP Element 9)

The LWDB will create and maintain written monitoring reports for each of its service providers and sites to document the annual monitoring. The reports will include:

- Date of monitoring
- Service provider or site
- A review of each NDP Element
- EO training records
- A list of the noncompliance issues found, and information on the follow-up and resolution of the noncompliance issues.

Monitoring reports and supporting documentation will be kept on file for at least three years. The State-Level EO Officer or other reviewer will request a copy of the information as part of an annual monitoring review. The State-Level EO Officer is available to provide technical assistance regarding monitoring activities.

## 2. ESD EO Officer Monitoring

The ESD EO Officer will conduct annual EO monitoring of ESD programs (e.g., Unemployment Insurance, Paid Family & Medical Leave, ESD Central Office Programs). The ESD EO Officer monitoring will cover the following elements of the Nondiscrimination Plan as required by 29 CFR Part 38:

- Designation of EO Officers (38.28-38.33, NDP Element 1)
- Notice and Communication (38.34-38.39, NDP Element 2)
- Assurances (38.25-38.27, NDP Element 3)
- Affirmative Outreach (38.40, NDP Element 4)
- Compliance with Section 504 of the Rehabilitation Act of 1973 (38.54, NDP Element 5)
- Data and Information Collection and Maintenance (38.41-38.45, NDP Element 6)
- Monitoring Recipients for Compliance (38.51-38.53, NDP Element 7)

- Complaint Processing Procedures (38.72-38.73, NDP Element 8)
- Corrective Actions/Sanctions (38.110, NDP Element 9)

#### **Desk Audit:**

The ESD EO Officer will review the following information prior to their on-site monitoring:

- EO training records
- ESD discrimination complaint policy
- ESD EO/Nondiscrimination policy
- A sampling of participant files
- Monitoring reports from the previous year
- ESD's internal and external websites

#### **On-site Monitoring:**

- The ESD EO Officer will review Appendix F with each program manager.
- The ESD EO Officer will do a walkthrough of ESD facilities using Appendix E.
- The ESD EO Officer will conduct file reviews of a sampling of participant and medical files if hard copy files are available using Appendices A and B.
- The ESD EO Officer will conduct interviews with employees and customers as appropriate at each office visited, using Appendices C and D.

#### **Monitoring Report:**

- A draft report will be emailed to the ESD program division director for review and comment, no later than one month after the on-site visit.
- The report will include noncompliance issues found and recommendations and deadlines for achieving compliance. The ESD EO Officer will be available to provide technical assistance regarding compliance.
- A final report will be forwarded to the ESD program division director once any necessary changes have been made.
- The ESD EO Officer will keep monitoring reports on file and the State-Level EO Officer or other reviewer will request a copy of the information as part of their annual EO monitoring review. The State-Level EO Officer is available to provide technical assistance regarding monitoring activities.

### **3. State-Level EO Officer Monitoring Reviews**

The State-level EO Officer will gather input from the local EO officers and create a calendar for the local area reviews for the year. The calendar will be shared with the Local EO Officers, as well as any updates or adjustments.

The State-Level EO Officer, or designee, will conduct annual EO monitoring reviews of the monitoring done by each Local Workforce Development Board (LWDB) the previous year. Each year, the State-Level EO Officer will choose at least two service providers and at least two sites (if applicable) to review.

The State-Level EO Officer monitoring review will cover the following elements of the Nondiscrimination Plan as required by 29 CFR Part 38:

- Designation of EO Officers (38.28-38.33, NDP Element 1)
- Notice and Communication (38.34-38.39, NDP Element 2)
- Assurances (38.25-38.27, NDP Element 3)
- Affirmative Outreach (38.40, NDP Element 4)
- Compliance with Section 504 of the Rehabilitation Act of 1973 (38.54, NDP Element 5)
- Data and Information Collection and Maintenance (38.41-38.45, NDP Element 6)

- Monitoring Recipients for Compliance (38.51-38.53, NDP Element 7)
- Complaint Processing Procedures (38.72-38.73, NDP Element 8)
- Corrective Actions/Sanctions (38.110, NDP Element 9)

#### **Desk Audit:**

- The State-Level EO Officer will request information from the LWDB EO Officer at least one month prior to the on-site visit, including:
  - Appendix G completed by the LWDB
  - LWDB organizational chart
  - EO training records
  - LWDB discrimination complaint policy
  - LWDB EO/Nondiscrimination policy
  - A sampling of participant files
  - LWDB monitoring reports from the previous year
- The LWDB EO Officer will submit the requested documents to the State-Level EO Officer two weeks prior to the on-site visit. The information contained in these documents may assist in determining the items to be covered during the on-site review.

#### **On-site Monitoring Review:**

- An entrance meeting with the LWDB EO Officer and Executive Director.
- The State-Level EO Officer will review Appendix G with the LWDB EO Officer.
- The State-Level EO Officer will meet with service providers and review Appendix F with them.
- The State-Level EO Officer will do a walkthrough of at least two facilities (if applicable) using Appendix E.
- The State-Level EO Officer will conduct file reviews of a sampling of participant and medical files if hard copy files are available using Appendices A and B.
- The State-Level EO Officer will conduct interviews with employees and customers at each office visited, using Appendices C and D.
- An exit meeting with the LWDB EO Officer and Executive Director may be held.

#### **Monitoring Review Report:**

- A draft report will be emailed to the LWDB Executive Director and EO Officer for review and comment, no later than one month after the on-site visit.
- The report will document the review including best practices, areas found to be in compliance, and any noncompliance issues found. If any noncompliance issues are found it will include recommendations and deadlines for achieving compliance. The State-Level EO Officer is available to provide technical assistance regarding compliance.
- A final report will be forwarded to the LWDB Executive Director and EO Officer once any necessary changes have been made.

#### **4. Corrective Action Process**

1. When areas of non-compliance are found, the monitoring report will list the specific issue and provide corrective action(s) to be taken. As a result, the following will occur:
  - a. Where management agrees with the recommendations, an implementation plan will be forwarded to the State-Level EO Officer by the date given in the report.
  - b. Where management disagrees with recommendations, management will contact the State-Level EO Officer to attempt an informal resolution of the issue(s).

(1) Where an informal resolution is reached, an implementation plan will be forwarded to the State-Level EO Officer by the date stipulated in the report.

- (2) Where an informal resolution is not reached, a meeting will be held between the LWDB Executive Director and LWDB EO Officer and the appropriate management official with organizational responsibility for the program/unit under review to effect resolution.
  - (3) Where no agreement is reached at this level, the negotiations will be escalated to the Commissioner or the Commissioner's designee for a determination. The recommendation provided by the Commissioner will be upheld by the State-Level EO Officer, the LWDB and/or the unit, program, or office being reviewed.
- c. Six to nine months after the recommendations are implemented, a follow-up visit may be scheduled to assess the progress made in resolving the identified problem areas.

## Participant Files Review

Date										
Office										
EO Monitor(s)										
	Participant's Name	Last Four SSN or ID #	Program	Gender	Race/Ethnicity	LEP (Y/N)	Disability (Y/N)	Medical Information (Y/N)	EO Notice in file (Y/N)	Comments
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										

## Medical Files Review

	Participant's Name	Last Four SSN or ID #	File contains only medical information? (Y/N)	Comments
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				

## Employee Interview

<b><i>Assure the employee that their name will not be a part of the review record, only the nature of their responses.</i></b>	
<b>Date</b>	
<b>Office</b>	
<b>Interviewer</b>	
<b>Employee's role in the office</b>	
1. What training have you received regarding Equal Opportunity?	
2. In addition to that training, have you received information or had discussions at work about Equal Opportunity in the past year?	
3. What languages other than English do populations in this area speak? How would you assist a customer with limited English proficiency?	
4. How does your office handle reasonable accommodations? For example, someone who needs a sign language interpreter or for someone who is low vision?	
5. What is your office process for assisting customers who bring in service animals?	

<p>6. What is your understanding of people's rights to use the bathroom of the gender they identify with?</p> <ul style="list-style-type: none"><li>• If an employer maintains gender-specific restrooms, customers and employees should be permitted to use the restroom that is consistent with the individual's gender identity.</li><li>• All employers need to find solutions that are safe, convenient and respect the individual's dignity. If someone is uncomfortable using a particular restroom for whatever reason, it is up to that person to find an alternative restroom.</li></ul>
<p>7. What do you do if you witness acts of discrimination with customers or employees?</p>
<p>8. What is your process if your supervisor is out of the office and a customer tells you they are feeling discriminated against by someone in the office?</p>
<p>9. What do you do if you feel <u>you</u> have been discriminated against?</p>
<p>10. Do you have any questions or comments?</p>

## Customer Interview

<b>Sample introduction:</b> “I am conducting a monitoring review of this office. <i>[Provide your business card.]</i> I would like to ask you a few questions regarding your experiences here. Your participation is voluntary and will not impact the services you receive.”	
<b>Date</b>	
<b>Office</b>	
<b>Interviewer</b>	
1. How often do you come to this office? What types of services or programs do you participate in?	
2. Do you feel welcomed here? Do you feel the office and services are accessible to everyone? If not, do you have any recommendations on how the office can be welcoming and accessible to everyone?	
3. What is your opinion of the quality of service provided here?	
4. Do you have any other comments?	
5. The following question is voluntary and will be treated confidentially. It will not affect your status in receiving benefits or services. What is your race/ethnicity, gender and age?	
6. Would you like to be contacted regarding any of your comments or concerns? If yes, please obtain name and preferred contact method.	

## Walkthrough

<b>Date</b>	
<b>EO Monitor</b>	
<b>Facility</b>	
<b>Brochures, Pamphlets, Flyers</b>	
Correct tagline on brochures, pamphlets and flyers advertising WorkSource system services? <i>WorkSource is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is the Relay Service telephone number listed when the office phone number is included?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Notes:	
<b>EO Notice Posters (We Believe in Equal Opportunity)</b>	
Prominently located and in plain sight?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Located in staff break room?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Both English and Spanish?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Correct contact names on posters?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Notes:	
<b>Assistive Technology (AT)</b>	
<b>Resource room</b> - Is there a height adjustable table with an adjustable chair and large monitor? (There should be at least 1 per 25 computers.)	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Computer Training room(s)</b> - Is there a height adjustable table with an adjustable chair and large monitor? (There should be at least 1 per 25 computers.)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Do the accessible work stations have AT software?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Notes:	

<b>Building Accessibility (<a href="#">Reference the ADA Checklist for Existing Facilities</a>)</b>	
Are there accessible parking spaces available nearest to the accessible entrance? (There should be at least 1 per 25 spaces.)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is there an accessible path from the parking lot to the main entrance?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is the main entrance accessible? If the main entrance is not accessible, is there a sign that directs customers to an accessible entrance or a facility that is accessible?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Do all accessible entrances have the international sign for accessibility?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are aisles at least 36 inches wide (including classrooms)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Do internal doors require less than 5 lbs. pressure to open?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Do internal doors take 5 seconds or more to close?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are there accessible customer restrooms with at least one accessible stall in each?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Notes:	
<b>Reception/Welcome Area</b>	
Is there an LEP self-identification tool available?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the person greeting customers know what steps to take when assisting LEP customers?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are they aware of how to access WA Relay 711 to assist customers who are deaf or hard of hearing?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Notes:	
<b>Medical Information File</b>	
Is medical information that may reveal the presence of a disability kept in a separate, locked file?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is access to the locked medical files limited?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Notes:	
<b>Other</b>	

## WorkSource Center/Service Provider Review

<b>Date of visit:</b>	
<b>EO Monitor:</b>	
<b>Service Provider:</b>	
<b>Representative:</b>	
<b>Title:</b>	

### Element 1: Designation of EO Officers

Reference:

- Nondiscrimination Plan Element 1
- 29 CFR Part 38.28 through 38.33

1. What equal opportunity training has been provided to staff by the LWDB EO Officer? Please provide dates and locations.

### Element 2: Notice and Communication

Reference:

- Nondiscrimination Plan Element 2
- 29 CFR Part 38.34 through 38.39

2. Where are the “We Believe in Equal Opportunity” EO Notice posters displayed and which versions are displayed — English, Spanish or both?

Are the posters centrally located and in plain sight?  Yes  No

Do the posters have the correct names of the State-Level and LWDB EO Officers?  Yes  No

3. How is it ensured that participants are notified of their rights to file a discrimination complaint?

Does the form include the required USDOL “Equal Opportunity is the Law” language?  Yes  No  
*(Please provide a copy of applicable documents.)*

4. How is the Equal Opportunity Notice provided in alternate formats for individuals with visual impairments?	
5. What equal opportunity tagline is included in brochures, pamphlets and flyers? <b>Please provide examples.</b>	
<p>In what other forms of communications is the tagline included? (<i>i.e. materials distributed or communicated in oral or electronic form to applicants, staff and the general public</i>)</p> <p>The appropriate tagline is:</p> <p><i>“_____ is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.”</i></p>	
6. How has the service provider communicated to its staff and partners the requirement not to discriminate on the basis of disability and the obligation to provide reasonable accommodations to its clients?	
7. How does the service provider ensure that communications with individuals with disabilities are just as effective as communications with others?	
8. How does the service provider provide continuing notice to the following applicable groups that it does not discriminate on any prohibited ground:	
Applicants, registrants, participants	
Employees and applicants for employment	
Partners	
Members of the public	
Members of the public with disabilities, including impaired vision and hearing	
Community organizations	

### Element 3: Assurances

Reference:

- Nondiscrimination Plan Element 3
- 29 CFR 38.25 through 38.27

9. Do applicable Memorandum of Agreements and Memorandums of Understanding contain nondiscrimination language? **Please provide an example of the Equal Opportunity Assurance section from a contract.**

Yes  No

### Element 4: Affirmative Outreach

Reference:

- Nondiscrimination Plan Element 4
- 29 CFR Part 38.40

10. How is staff informed on the need to provide meaningful access to LEP persons?

11. What language groups does the service provider serve?

12. How does the service provider provide interpretation services to LEP persons when needed?

13. How does the service provider determine which documents to have translated into other languages? Which documents have been translated into other languages? How does the service provider determine which languages to have documents translated into?

14. What outreach plans, strategies, and activities have been identified for the various groups served in the area?

15. Describe the service provider efforts to:

- Advertise its programs or activities in media, such as newspapers or radio programs that specifically target various populations.
- Send notices about openings in its programs and or activities to schools or community service groups that serve various populations.
- Consult with appropriate community service groups about ways in which it may improve its outreach and service to various populations.

### **Element 5: Compliance with Section 504**

Reference:

- Nondiscrimination Plan Element 5
- 29 CFR Part 38.13 through 38.17
- 29 CFR Part 38.6
- 29 CFR Part 38.54(c)(2)(v)
- 29 CFR Part 32 Subparts B and C

16. Are there any shortfalls identified during your ADA accessibility review that still need to be corrected? If so what are they and what are the plans to correct them?

17. How are services provided to individuals with disabilities?

18. Please describe the availability of assistive equipment for individuals with disabilities.

19. Please describe any reasonable accommodations that have been provided for applicants, participants, or employees with disabilities?

### **Element 6: Data and Information Collection and Maintenance**

Reference:

- Nondiscrimination Plan Element 6
- 29 CFR Part 38.41 through 38.45

20. For customers not being registered in the State MIS, please explain how EO data has been collected and stored (race/ethnicity, sex age, and where known, disability status) within the WDA?	
21. Describe how medical condition information is maintained separate from other files and secured.	
22. If applicable, please describe any local or service provider monitoring.	
<b>Element 8: Complaint Processing Procedures</b>	
Reference:	
<ul style="list-style-type: none"> <li>● Nondiscrimination Plan Element 8</li> <li>● 29 CFR Part 38.72 through 38.85</li> </ul>	
23. How does the service provider ensure that copies of the discrimination complaint procedures are readily available for clients?	
24. How are <u>employees</u> made aware of the discrimination complaint procedures?	
25. Describe the process for handling formal discrimination complaints that are filed with a service provider by a customer.	
<b>Completed By (Signature) and Date:</b>	

*If you have questions or would like to receive technical assistance regarding equal opportunity responsibilities, please contact:*

*Your LWDB EO Officer  
or  
Teresa Eckstein  
State-Level Equal Opportunity Officer  
(360) 507-9890*

## Local Workforce Development Board Review

<b>Date of visit</b>	
<b>EO Monitor</b>	
<b>LWDB</b>	
<b>LWDB Representative/Title</b>	
<i>Please respond to the following items for the period since your last EO/Nondiscrimination monitoring review.</i>	
<b>Element 1: Designation of EO Officers</b>	
Reference:	
<ul style="list-style-type: none"> <li>● Nondiscrimination Plan Element 1</li> <li>● 29 CFR Part 38.28 through 38.33</li> </ul>	
1. Name of LWDB EO Officer:	
2. To whom does the EO Officer report? ( <b><i>Please provide a job description for the EO Officer and the LWDB organizational chart.</i></b> )	
3. How is the EO Officer's identity made known to participants and service providers? ( <b><i>Please provide examples.</i></b> )	
4. Does the EO Officer:	
Process discrimination complaints?	<input type="checkbox"/> Yes <input type="checkbox"/> No If marked No, list name
Conduct on-site EO monitoring visits to service providers and contractors to ensure its contractors are not violating their nondiscrimination obligations?	<input type="checkbox"/> Yes <input type="checkbox"/> No If marked No, list name
Provide EO training to staff and contractors?	<input type="checkbox"/> Yes <input type="checkbox"/> No If marked No, list name
5. What equal opportunity training has been provided to staff within the WDA and to service providers/contractors? <b>Please provide training records</b>	
6. What professional training has the Local EO Officer attended? (Identify the training received and dates.)	

## Element 2: Notice and Communication

Reference:

- Nondiscrimination Plan Element 2
- 29 CFR Part 38.34 through 38.39

7. Where are the English and Spanish “We Believe in Equal Opportunity” EO Notice posters displayed?

8. How is it ensured that participants are notified of their rights to file a complaint? Is the EO Notice printed and included in hard copy participant files (if applicable)?

9. Is the appropriate tagline included in brochures, pamphlets, flyers, electronic/oral marketing, etc.? **Please provide examples.**

**The appropriate tagline is:**

*“\_\_\_\_\_ is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.”*

10. How does the LWDB ensure that continuing notice is provided to the following applicable groups that it does not discriminate on any prohibited ground:

Employees and applicants for employment	
Sub-recipients or contractors	
Members of the public with disabilities, including impaired vision and hearing	

11. What efforts does the LWDB make to ensure that communications within the local area WorkSource system with individuals with disabilities are just as effective as communications with others?

12. How is the 'Equal Opportunity Notice' provided in alternate formats for individuals with visual impairments?

### Element 3: Assurances

Reference:

- Nondiscrimination Plan Element 3
- 29 CFR 38.25 through 38.27

13. Do contracts contain the exact equal opportunity assurance language found at 29 CFR 38.25(a)(i), or a citation to the assurance language? **Please provide an example of the equal opportunity assurance section from a contract.**

Yes  No

### Element 4: Affirmative Outreach

Reference:

- Nondiscrimination Plan Element 4
- 29 CFR Part 38.402

14. Describe demographic analysis of the population served in the LWDB.

15. What steps has the LWDB taken to ensure services and other information is provided to Limited English Proficient persons?

16. In what languages other than English is information within the LWDB provided? How is it determined what information is translated?

17. Which brochures, pamphlets and flyers include a Relay Service telephone number for the hearing impaired?

18. What outreach plans, strategies, and activities have been identified for various groups served in the LWDB?

### Element 5: Compliance with Section 504

Reference:

- Nondiscrimination Plan Element 5
- 29 CFR Part 38.13 through 38.17
- 29 CFR Part 38.6
- 29 CFR Part 38.54(c)(2)(v)

- 29 CFR Part 32 Subparts B and C

19. Does the LWDB have an ADA self-survey on file for the WorkSource centers and other sites where WIOA services are provided? **If yes, provide a copy and describe any issues identified and the correction plan(s).** ([Reference the ADA Checklist for Existing Facilities](#))

Yes  No

20. If structural changes are needed, does the LWDB have transition plans on file? If so, please provide a copy. If not, please explain when the changes are anticipated to be completed.

21. Describe efforts to prohibit discrimination on the basis of disability in **employment practices** by the LWDB and its partners.

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

22. Is the LWDB aware of the following?

It must not aid or perpetuate discrimination by providing significant assistance to a person or entity that discriminates on the basis of disability?	<input type="checkbox"/> Yes <input type="checkbox"/> No
---	---

Programs and activities must be administered in the most integrated settings possible?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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In determining the site or location of a facility, selections must not be made that have a discriminatory effect?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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Eligibility criteria that screen out or tend to screen out an individual with a disability or class of individuals with disabilities must not be imposed unless such criteria can be shown to be necessary for the provision of the aid, benefit, service, training, program or activity being offered?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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<p>An individual with a disability is not required to accept an accommodation, aid, benefit, service, training, or opportunity that the individual chooses not to accept?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>For employment-related training, the selection criteria must be reviewed to ensure that they do not screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying the training unless the criteria can be shown to be necessary for the training being offered?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>23. Please describe the availability of assistive technology for individuals with disabilities.</p>	
<p>24. Please describe the LWDB web site in regards to its ADA accessibility.</p>	
<p>25. Is the LWDB aware that reasonable accommodations must be provided regarding registration for and the provision of aid, benefits, services or training, including core and intensive training and support services to qualified individuals with disabilities?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>26. How are customers and staff made aware that reasonable accommodations will be provided?</p>	
<p>27. Please describe examples reasonable accommodations that have been provided for applicants or participants with disabilities.</p>	
<p>28. Are you aware of the obligation to operate programs or activities so that, when viewed in their entirety, they are readily accessible to qualified individuals with disabilities, through means such as:</p> <ul style="list-style-type: none"> <li>• redesign of equipment</li> <li>• reassignment of classes or other services to accessible buildings</li> <li>• delivery of services at alternative accessible sites</li> <li>• alteration of existing facilities</li> <li>• any other method that results in making its program or activity accessible to individuals with disabilities?</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No

## Element 6: Data and Information Collection and Maintenance

Reference:

- Nondiscrimination Plan Element 6
- 29 CFR Part 38.41 through 38.45

29. For customers not registered in the State Management Information System, please explain how EO data is collected and stored (race/ethnicity, sex age, and where known, disability status) within the LWDB.

30. Describe how medical condition information is maintained separate from other files and is secured.

31. Please explain any statistical/quantifiable analysis conducted with regards to the populations being served.

## Element 7: Monitor Recipients for Compliance

Reference:

- Nondiscrimination Plan Element 7
- 29 CFR Part 38.51 through 38.53

List the EO Officer monitoring visits conducted for One-Stops, Affiliates and service providers since the last EO monitoring review. **Please provide monitoring reports.**

## Element 8: Complaint Processing Procedures

Reference:

- Nondiscrimination Plan Element 8
- 29 CFR Part 38.72 though 38.85

32. What discrimination complaint policies and procedures are used in the WDA? Please provide copies of policies and procedures if WIOA Policy and Handbook #1012 are not used.

33. Explain how customers and employees obtain a copy of the discrimination complaint policy and procedures and/or discrimination complaint form if requested.

34. Are discrimination complaint records kept for a period of at least three years? **Please provide a copy of the discrimination complaint log.**

Yes  No

**Element 9: Corrective Actions/Sanctions**

Reference:

- Nondiscrimination Plan Element 9
- 29 CFR Part 38.110

35. Describe the LWDB procedures for obtaining voluntary compliance when equal opportunity violations are found.

36. Describe any corrective actions/sanctions taken against contractors/service providers since the last monitoring review.

<b>Completed By (Signature) and Date:</b>	
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*If you have questions or would like to receive technical assistance regarding equal opportunity responsibilities, please contact:*

*Your LWDB EO Officer  
or  
Teresa Eckstein  
State-Level Equal Opportunity Officer  
(360) 507-9890*

## Employment Security Department Program Review

<b>Date of visit</b>	
<b>EO Monitor</b>	
<b>Program</b>	
<b>Representative/Title</b>	
<b>Element 1: Designation of EO Officers</b>	
Reference:	
<ul style="list-style-type: none"> <li>● Nondiscrimination Plan Element 1</li> <li>● 29 CFR Part 387.28 through 38.33</li> </ul>	
1. What equal opportunity training has been provided to staff?	
<b>Element 2: Notice and Communication</b>	
Reference:	
<ul style="list-style-type: none"> <li>● Nondiscrimination Plan Element 2</li> <li>● 29 CFR Part 38.34 through 38.39</li> </ul>	
2. Where are the “We Believe in Equal Opportunity” EO Notice posters displayed and which versions are displayed — English, Spanish or both?	
<p>Are the posters centrally located and in plain sight? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Do the posters have the correct names of the State-Level and ESD EO Officers? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
3. Is the following required EO tagline on brochures and other materials distributed or communicated in written or oral form, or electronically to staff, applicants and the general public: <b>Please provide examples.</b>	
<p><i>“_____ is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.”</i></p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

4. How does management provide continuing notice with the following groups that it does not discriminate on any prohibited ground (EO Notice)?	
Registrants, applicants, participants	
Employees and applicants for employment	
Members of the public	
Members of the public with disabilities, including impaired vision and hearing	
5. How has management communicated the requirement not to discriminate on the basis of disability and its obligation to provide reasonable accommodations and modifications?	
6. How does management ensure that communications with individuals with disabilities are just as effective as communications with others?	
7. How is the EO Notice provided in formats for individuals with visual impairments?	
<b>Element 3: Assurances</b>	
Reference:	
<ul style="list-style-type: none"> <li>● Nondiscrimination Plan Element 3</li> <li>● 29 CFR 38.25 through 38.27</li> </ul>	
8. Do contracts contain the approved equal opportunity assurance language?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Please provide an example of the Equal Opportunity Assurance section from a contract.</b>	
<b>Element 4: Affirmative Outreach</b>	
Reference:	
<ul style="list-style-type: none"> <li>● Nondiscrimination Plan Element 4</li> <li>● 29 CFR Part 38.40</li> </ul>	
9. How is staff informed on the need to provide meaningful access to LEP persons?	
10. What language groups does the office serve?	

11. How does the office provide interpretation services to LEP persons when needed?
12. How does the office determine which documents to have translated into other languages? Which documents have been translated into other languages? How does the service provider determine which languages to have documents translated into?
13. How has management:
<ul style="list-style-type: none"> <li>• Advertised its programs or activities in media, such as newspapers or radio programs that specifically target various populations?</li>   <li>• Sent notices about openings in its programs and or activities to schools or community service groups that serve various populations?</li>   <li>• Consulted with appropriate community service groups about ways in which it may improve its outreach and service to various populations?</li> </ul>
<b>Element 5: Compliance with Section 504</b>
Reference:
<ul style="list-style-type: none"> <li>• Nondiscrimination Plan Element 5</li> <li>• 29 CFR Part 38.13 through 38.17</li> <li>• 29 CFR Part 38.6</li> <li>• 29 CFR Part 38.54(c)(2)(v)</li> <li>• 29 CFR Part 32 Subparts B and C</li> </ul>
14. Are there any shortfalls identified during your ADA accessibility review that still need to be corrected? If so what are they and what are the plans to correct them?
15. How are services provided to individuals with disabilities?
14. Please describe any reasonable accommodations that have been provided for applicants, participants, and employees with disabilities?

## Element 6: Data and Information Collection and Maintenance

Reference:

- Nondiscrimination Plan Element 6
- 29 CFR Part 38.41 through 38.45

15. For customers not being registered in the State MIS, please explain how EO data has been collected and stored (race/ethnicity, sex age, and where known, disability status) within the WDA?

16. Describe how medical condition information is maintained separate from other files and secured.

## Element 8: Complaint Processing Procedures

Reference:

- Nondiscrimination Plan Element 8
- 29 CFR Part 38.72 through 38.85

17. Have any formal discrimination complaints been received in the office? Describe the process for handling formal discrimination complaints.

18. How are clients made aware of their rights to file a discrimination complaint?

19. How are employees made aware of their rights to file a discrimination complaint?

**Completed By (Signature) and Date:**

*If you have questions or would like to receive technical assistance regarding equal opportunity responsibilities, please contact:*

*Teresa Eckstein  
State-Level Equal Opportunity Officer  
(360) 507-9890*

## Entrance Meeting (Form Optional)

<b>Date of Visit</b>	
<b>EO Monitor(s)</b>	
<b>LWDB, WorkSource Center or Service Provider</b>	
<b>Director/Administrator/Manager</b>	
<b>Items Covered</b>	
<p><input type="checkbox"/> Introduction</p> <p><input type="checkbox"/> Purpose of the review</p> <p>Elements of the Review:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Questionnaire Review</li> <li><input type="checkbox"/> File Reviews</li> <li><input type="checkbox"/> Facility Walkthrough</li> <li><input type="checkbox"/> Employee Interviews</li> <li><input type="checkbox"/> Customer Interviews</li> <li><input type="checkbox"/> Other:</li> </ul>	

## Exit Meeting (Form Optional)

<b>Date</b>	
<b>EO Monitor(s)</b>	
<b>LWDB, WorkSource Center or Service Provider</b>	
<b>Director/Administrator/Manager</b>	
<b>Best Practices</b>	
<b>Preliminary Findings</b>	
<b>Preliminary Areas of Concern</b>	
<b>Other Comments</b>	

## Monitoring Review Summary (Form Optional)

<b>Date of summary</b>		
<b>Date of review</b>		
<b>LWDB/WorkSource Center/Affiliate</b>		
<b>EO Officer</b>		
<b>Best Practices</b>		
<b>Recommended Corrective Actions</b>		
<b>Element</b>	<b>Deficiency</b>	<b>Recommended Corrective Action</b>
<b>Technical Assistance Requested</b>		
<b>Element</b>	<b>Request</b>	<b>Response</b>
<b>Other</b>		

<b>Employee Interviews</b>	
Number interviewed	
Overall knowledge of rights	
Overall understanding of access for LEP persons	
Overall understanding of access for individuals with disabilities	
Overall understanding of individual's right to use the bathroom of the gender they identify with	
<b>Customer Interviews</b>	
Number interviewed	
Race of customers	
Gender of customers	
Age of customers	
Overall customer response regarding services	
Overall customer recommendations	