



**EQUAL OPPORTUNITY
AND NONDISCRIMINATION
ON-SITE MONITORING TOOL**

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Scope: SD DLR Administrative Services Division

Sources: 29 CFR 38; WIOA section 188

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Completed By:

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Summary of Review

Element 1: Designation of EO Officers: [REDACTED]

Element 2: Notice and Communication: [REDACTED]

Element 3: Assurances: [REDACTED]

Element 4: Universal Access & Affirmative Outreach: [REDACTED]

Element 5: Compliance with Section 504: [REDACTED]

Element 6: Data and Information Collection and Maintenance: [REDACTED]

Element 7: Monitor Recipients for Compliance: [REDACTED]

Element 8: Complaint Processing Procedures: [REDACTED]

Element 9: Corrective Actions/Sanctions: [REDACTED]

I. Element 1: Designation of EO Officers

Reference:

- Non-Discrimination Plan, Element 1
- 29 CFR Part 38.28 through 38.33

A. Local Office Guidance

1. Name of Local EO Coordinator: [REDACTED]
2. To whom do the EO Coordinator report EO matters to? [REDACTED]
3. Describe any non-EO related job functions that may create a conflict of interest or the appearance of a conflict of interest with EO responsibilities. [REDACTED]
4. Does the EO Coordinator:
 - a. Process complaints? Yes No [REDACTED]
 - b. Review participant reports for equity of service? Yes No [REDACTED]
 - c. Provide EO training to staff? Yes No [REDACTED]
 - d. Review written policies to ensure they are nondiscriminatory? Yes No [REDACTED]
 - e. Maintain a workplace free of harassment, discrimination, and retaliation. ? Yes No [REDACTED]
5. Has a discrimination complaint been filed against the local office in the past three years? Yes No
[REDACTED]
6. What equal opportunity training has been provided to staff within the LWIOA? (Please specify dates and EO topics covered)? [REDACTED] Please provide any material used during training (i.e., agenda, training material, etc.).
7. What is the process for distributing pertinent EO information to all registrants, applicants, and eligible applicants/registrants for WIOA Title I programs or services, applicants for employment, and new and existing employees (e.g., EO Poster, and any other information regarding notifying that the DLR does not discriminate and is an equal opportunity provider)? [REDACTED]
8. Where is DLR's WIOA Non-Discrimination Plan located? [REDACTED] If you have a written discrimination policy and procedure (other than the DLR's Non-Discrimination Plan), please provide it with your supporting documentation.
9. What professional training has the Local EO Coordinator attended? [REDACTED] Identify the training received and dates: [REDACTED]
10. Describe staffing support for the EO Coordinator, if any. [REDACTED]

Do you need technical assistance with element 1? [REDACTED] If so, explain: [REDACTED]

B. EO Officer Guidance

1. Review the training that the EO coordinator has conducted.
 - a. Does the training ensure staff are knowledgeable of South Dakota's Equal Opportunity Methods of Administration (NDP), 29 CFR 38 and all other regulations implementing equal opportunity? [REDACTED]

2. Conduct an interview of a local office employee using Element 7, Exhibit E – EO Employee Interview.

Employees Interviewed: [REDACTED]

- a. Section I Equal Services to an LEP Individual comments: [REDACTED]
- b. Section II –Equal services to an Individual who is deaf, hard-of-hearing, deaf-blind, and or speech disabled comments: [REDACTED]
- c. Section III – Discrimination Complaints Comments: [REDACTED]
- d. Section IV File Review Comments: [REDACTED]
- e. Summary: [REDACTED]
- f. Was the employee able to demonstrate the knowledge and ability to provide equal opportunity services to all participants including disabled participants and participants with limited English proficient? [REDACTED]

EO Officer Notes for Element I: [REDACTED]

II. Element 2: Notice and Communication

Reference:

- Non-Discrimination Plan, Element 2
- 29 CFR 38.34 through 38.39

The appropriate tagline for brochures, pamphlets, and flyers is: DLR (the WIOA Title I-financially assisted program) is an “*equal opportunity employer/program,*” and that “*auxiliary aids and services are available upon request to individuals with disabilities.*”

A. Local Office Guidance

1. Where are the WIOA “Equal Opportunity is the Law” posters displayed and which versions are displayed—English, Spanish or both? [REDACTED]
 - a. Are they posted in reasonable numbers and places? Yes No [REDACTED]
 - b. Are the posters centrally located and in plain sight? Yes No [REDACTED]
2. How does your office make the Equal Opportunity Is the Law poster available to each participant? [REDACTED]
3. Do you include the poster in each participant’s file? Yes No [REDACTED]
4. How is it ensured that participants are notified of their rights to file a complaint? [REDACTED]
5. What steps are taken to see that continuing notice is provided in the appropriate language when a significant number or proportion of the population eligible to be served, or likely to be directly affected, need services or information in a language other than English? [REDACTED]
6. How has the LWIOA communicated the requirement not to discriminate on the basis of disability and the obligation to provide reasonable accommodations to its employees? [REDACTED]
7. What efforts does the LWIOA make to ensure that communications with individuals with disabilities are just as effective as communications with others? [REDACTED] In all communications indicating that the LWIOA/Agency may be contacted by telephone, is the telephone number for the TDD/TTY or relay service provided? [REDACTED]

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

Do you need technical assistance with element 2? _____ If so, please explain: _____

B. EO Officer Guidance

1. Have the interviewer show you where the Equal Opportunity is the Law poster is located in their office.

a. Does the location meet the NDP requirements? Yes No _____

b. Does the poster contain the specific language required by 29 CFR 38? Yes No _____

c. Did the files reviewed include the EO Notice and Acknowledgement Form? Yes No _____

EO Officer Notes for Element II: _____

III. Element 3: Assurances

Reverence:

- Non-Discrimination Plan, Element 3
- 29 CFR 38.25 through 38.27

A. Local Office Guidance

1. Does the LWIOA have any WIOA contracts agreements with other entities? Yes No If yes, please answer the following questions. If no, please skip to section IV.

2. Do contracts contain the approved equal opportunity assurance language? _____

Please provide an example of a contract Equal Opportunity Assurance section.

3. How is the contractor or service provider made aware that the EO assurances is incorporated by operation of law if it is physically incorporated in the contract or agreement? _____

4. How do you insure equal opportunity and nondiscrimination for employees? _____

a. What equal opportunity and nondiscrimination policies are in place for employees? _____ Please provide a copy.

Do you need technical assistance with element 3? _____ If so, please explain: _____

B. EO Officer Guidance

1. Review any contracts the local office has made and ensure they meet the NDP's requirements. _____

EO Officer Notes for Element III: _____

IV. Element 4: Universal Access & Affirmative Outreach

Reference:

- Non-Discrimination Plan, Element 4
- 29 CFR 38.40

A. Local Office Guidance

1. Describe efforts to conduct a demographic analysis of the population to be served in the LWIOA using labor market information? Please provide examples.
2. What reasonable steps has the LWIOA taken to ensure services and other information is provided to Limited English Proficient (LEP) persons?
3. In what languages is information within the LWIOA provided, other than English?
4. What documents have been determined "vital" and translated into languages designated as essential? Please provide examples.
5. Where telephone numbers are indicated, what alternate provisions are listed for the hearing impaired, such as TTY/TDD or relay service?
6. What TTY/TDD or relay service does the LWIOA use for LEP or deaf, have a hearing impairment, or speech disability?
7. Has any WIOA participant needing TTY/TDD or relay services not successfully been served using the selected TTY/TDD or relay service?
8. How are the required notifications provided in alternative formats for the visually impaired?
9. How do training providers provide programmatic and architectural accessibility for individuals with disabilities?
10. What outreach plans, strategies, and activities have been identified for various groups (members of both sexes, various racial and ethnic groups, individuals with disabilities, individuals in differing age groups, LEP persons) served?

Do these measures include:

 - a. Advertising?
 - b. Notices to schools and community service groups?
 - c. Consultation with community service groups?

Do you need technical assistance with element 4? If so, please explain:

B. EO Officer Guidance

1. Review efforts to conduct a demographic analysis of the population to be served in the LWIOA using labor market information. Are the efforts adequate? Yes No

2. Does the local office adequately provide equal access to all the Title I WIOA services it provides? Yes No
-
- Review material used to disseminate Title I WIOA information
 - Review analysis conducted in Element 7
 - Review staff interview results
 - Check staff work areas to ensure Relay service information is readily available.
 - Review any other pertinent information regarding equal access

EO Officer Notes for Element IV:

V. Element 5: Compliance with Section 504

Reference:

- Non-Discrimination Plan, Element 5
- 29 CFR 38.7 through 38.9
- 29 CFR 38.54 (d)(2)(v)
- 29 CFR 32 Subparts B and C

A. Local Office Guidance

- Does the Local Workforce Investment Area have an Americans with Disabilities Act (ADA) self-survey on file? If yes, provide a copy.
- Have ADA assessments been completed for One-Stops and Affiliates? If so, please explain the shortfalls? If not, when are they anticipated?
- If structural changes are needed, does the LWIOA have transition plans on file? If so, please provide a copy. If not, please explain when they are anticipated to be completed.
- Are contractor and service provider sites accessible to individuals with disabilities?
- Do buildings meet the following requirements:
 - Is there at least one entrance to the buildings that are wheel chair accessible? If yes, does it have the international symbol for accessibility for individuals with disabilities posted? Yes No If no, where are these clients directed to go? Explain.
 - Do inaccessible entrances have signs indicating the location of the nearest accessible entrance? Yes No Explain:
 - Are there designated restrooms with appropriate signage available for individuals with disabilities? Yes No Explain:
- Does the LWIOA have the following efforts to prohibit discrimination based on a disability in employment practices:
 - Provide reasonable accommodations in employment, when appropriate. Yes No Explain:
 - Ensure job qualifications 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. Yes No Explain:

- c. Prohibit pre-employment inquiries regarding disability except to ask for the individual to self-identify himself or herself as a person with a disability on a voluntary basis for reporting purposes and will be maintained confidentially. Yes No Explain:
7. Does the LWIOA's current practice include the following efforts to prohibit discrimination based on a disability in providing Title I WIOA services:
- Does not aid or perpetuate discrimination by providing significant assistance to a person or entity that discriminates on the basis of disability? Yes No Explain:
 - Prohibit the denial of services of a qualified individual with a disability the opportunity to participate in or benefit from a Title I WIOA aid, benefits, services, or training. Yes No Explain:
 - Eligibility criteria that screen out or tend to screen out an individual with a disability or class of individuals with disabilities are not imposed unless such criteria can be shown to be necessary for the provision of the aid, benefit, service, training, program or activity being offered? Yes No Explain:
 - 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? Yes No Explain:
8. Please describe the availability of assistive equipment for individuals with disabilities.
9. Please describe the LWIOA web site in regard to its ADA accessibility.
10. Please describe any reasonable accommodations that have been provided for applicants, participants, or employees with disabilities.
- How are reasonable accommodations provided regarding the registration for, and the provision of, aid, benefits, services or training--including core and intensive training--and support services to qualified individuals with disabilities?
 - Describe how you meet the obligation of a recipient 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: redesign of equipment; reassignment of classes or other services to accessible buildings; assignment of aides to beneficiaries; home visits; delivery of services at alternative accessible sites; alteration of existing facilities and construction of new facilities in conformance with standards for new construction; or any other method that results in making its program or activity accessible to individuals with disabilities?
 - Does the Local Workforce Investment Area have a written "reasonable accommodation policy"? If so, please provide a copy.
11. Describe how medical condition information is maintained separate from other files and secured.
12. Does the LWIOA impose a surcharge on a particular individual with a disability, or any group of individuals with disabilities, to cover the costs of measures, such as the provision of auxiliary aids or program accessibility, that are required to provide that individual or group with the nondiscriminatory treatment required by WIOA Title I services? Yes No

Do you need technical assistance with element 5? If so, please explain:

B. EO Officer Guidance

- Review the files of participants who did not get enrolled in a WIOA Title I service. Were individuals in the protected class equally offered the services? Yes No

2. Review case file documents. Were medical records or disability info is included in case notes? Yes No [REDACTED]
3. Review the eligibility criteria used to determine if an individual is qualified to receive Title I WIOA services. Are they discriminatory? Yes No [REDACTED]
4. Review the Americans with Disabilities Act (ADA) self-survey the LWIOA has on file. [REDACTED]

EO Officer Notes for Element V: [REDACTED]

VI. Element 6: Data and Information Collection and Maintenance

Reference:

- Non-Discrimination Plan, Element 6
- 29 CFR 38.38 through 38.41 – 38.45

A. Local Office Guidance

1. Does the LWIOA maintain the following records for a period of not less than three years from the close of the applicable program year:
 - a. Records of applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment; and Yes No [REDACTED]
 - b. Records regarding complaints and actions taken on the complaints (three years from the date of the resolution of the complaint). Yes No [REDACTED]
2. Explain how EO data has been collected (race/ethnicity, sex age, and where known, disability status) within the LWIOA? [REDACTED]
3. Please explain how statistical/quantifiable analysis with regards to the population being served has been conducted? [REDACTED]
 - a. How is this data maintained under safeguards that will restrict access to authorized personnel only? Please explain. [REDACTED]
 - b. Are the records kept for a period of three years? [REDACTED]
 - c. How is staff made aware that data must be collected on race, sex, age, disability, etc.? [REDACTED]
 - d. How is the data collected by staff? [REDACTED]
4. How is participant's confidential information stored? [REDACTED]
5. Who has access to participant's confidential information and for what purposes is the information used? [REDACTED]
6. Does the LWIOA have a Complaint Log? Yes No [REDACTED]
7. Do you need technical assistance in this element? [REDACTED] If so, please explain: [REDACTED]

B. EO Officer Guidance

1. Participant File Review: Conduct a file review and complete the File Review Form. Pull a random sample of participant files from SDWORKS. See the File Review form for the list of files reviewed.
 - a. Do only authorized staff have access to information? Yes No [REDACTED]

- b. Do the sample files contain the Equal Opportunity Notice and Acknowledgment Form, describing how to file a complaint and/or grievance, in each file. Yes No [REDACTED]
- c. Is medical records and disability related info collected and stored separately and protected? Yes No [REDACTED]
- d. Does the LWIOC collect the required demographic data including LEP data?
 - i. Race/ethnicity: Yes No [REDACTED]
 - ii. Sex: Yes No [REDACTED]
 - iii. Age: Yes No [REDACTED]
 - iv. Disability Status, if known: Yes No [REDACTED]
 - v. Limited English proficiency and preferred language: Yes No [REDACTED]
- e. Additional File Review comments:

EO Officer Notes for Element VI: [REDACTED]

VII. Element 7: Oversight and Monitoring

Reference:

- Non-Discrimination Plan, Element 7
- 29 CFR 38.51 through 38.53

A. Local Office Guidance

1. List the LWIOA subrecipients receiving WIOA Title I funds needing to be monitored by the LWIOA EO Coordinator (if any): [REDACTED]
2. How often is on-site monitoring conducted of the subrecipients listed above? [REDACTED]
 - a. Please provide a record and/or summary report of the EO monitoring visits (dates, locations, entities, and findings) since your last WIOA Monitoring review.

Do you need technical assistance in this element? [REDACTED] If so, please explain: [REDACTED]

B. EO Officer Guidance

Use Element 7, Exhibit F – Equal Opportunity Data Analysis Guide to complete the three designed data analysis reports. Go over each report and note any findings or areas of concerns.

1. Population Demographic to Population Served Analysis comments: [REDACTED]
 - a. By Race Standard Deviation [REDACTED]
 - b. By Age Standard Deviation [REDACTED]
 - c. By Disability Standard Deviation [REDACTED]
 - d. By Gender Standard Deviation [REDACTED]
 - e. By LEP Standard Deviation [REDACTED]
2. Registered to Enrolled Analysis comments: [REDACTED]
 - a. By Race Standard Deviation [REDACTED]
 - b. By Age Standard Deviation [REDACTED]
 - c. By Disability Standard Deviation [REDACTED]
 - d. By Gender Standard Deviation [REDACTED]

VIII. Element 8: Complaint Processing Procedures

Reference:

- Non-Discrimination Plan, Element 8
- 29 CFR 38.72 through 37.73

A. Local Office Guidance

1. What discrimination complaint policies and procedures are used in the LWIOA? [REDACTED]
Please provide copies.
2. Explain how participants and employees obtain a copy of the discrimination complaint policy and procedures and/or discrimination complaint form? [REDACTED]
3. Please list any formal complaints that have been filed with the LWIOA since the last EO monitoring visit. [REDACTED]
4. Describe the process established to keep the discrimination complaint records for a period of three years? [REDACTED]
5. Describe the process for keeping the identity of the complainant or any individual who furnishes information relating to, or assisting in, an investigation confidential to the extent possible, consistent with a fair determination of the issues. [REDACTED]
6. How is an individual who filed a complaint, opposed a practice prohibited by the nondiscrimination and equal opportunity provisions of WIOA, or assisted or participated in any manner in an investigation protected from discharge, intimidation, retaliation, threat or coercion? [REDACTED]
7. Describe the LWIOA policy for handling discrimination complaints from contractors regarding participants. [REDACTED]

Do you need technical assistance in this element? [REDACTED] If so, please explain: [REDACTED]

B. EO Officer Guidance

1. Does the discrimination complaint log for formal discrimination complaints include the following: [REDACTED]
 - a. Name and address
 - b. Basis of complaint
 - c. Brief description of complaint
 - d. Date filed
 - e. Disposition
2. Review the LWIOA discrimination complaint log form:
 - a. Was the complaint filed within 180 days? [REDACTED]
 - b. Was the complainant provided a written notification of receipt of the complaint within 10 days? [REDACTED]
 - c. Was the complainant provided a written statement of each of the issues raised in the complaint and whether you would accept or reject each issue? [REDACTED]

- d. Was the complainant sent a written notice of lack of jurisdiction when the LWIOA determined that it did not have jurisdiction over a complaint? [REDACTED]
- e. Was the complainant notified that they have the right to representation in the complaint process? [REDACTED]
- f. Was the complainant offered Alternative Dispute Resolution as an effort to resolve the complaint? [REDACTED]
- g. Was the complainant provided a written Notice of Final Action within 90 days of the date the complaint was filed? [REDACTED]
- h. Did the Notice of Final Action contain your decision on each issue and an explanation of the reason underlying the decision? [REDACTED]
- i. Did the Notice of Final Action inform the complainant that he/she has a right to file a complaint with CRC within 30 days of the date in which the Notice of Final Action is issued if he/she is dissatisfied with your final action on the complaint? [REDACTED]
- j. Has the State EO Officer been advised of the complaint? [REDACTED]

3. Have manager discuss the Complaint Log process:

EO Officer Notes for Element VIII: [REDACTED]

IX. Element 9: Corrective Actions/Sanctions

Reference:

- Non-Discrimination Plan, Element 9
- 29 CFR 38.54

A. Local Office Guidance

1. Describe the LWIOA procedures for obtaining voluntary compliance when equal opportunity violations are found. [REDACTED]
2. What is the follow up policy for violations? [REDACTED]
3. Describe any corrective actions/sanctions taken against contractors since the last monitoring review. [REDACTED]

Do you need technical assistance in this element? [REDACTED] If so, please explain: [REDACTED]

B. EO Officer Guidance

1. Review this monitoring tool and determine if any corrective actions/Sanctions are needed. Summarize the results in an EO Monitoring Report. [REDACTED]

EO Officer Notes for Element IX: [REDACTED]