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# ***Guide to Conducting Equal Opportunity Monitoring Reviews***





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## **DISCLAIMER:**

While the United States Department of Labor and its Civil Rights Center are supportive of the National Association of State Workforce Agencies' efforts to devise this guide, it has not approved the guide nor sanctioned its use as a means to demonstrate compliance with Title VI or Section 188 of WIA.

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## INTRODUCTION

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The United States Department of Labor (USDOL) in Section 188 of the Workforce Investment Act (WIA) and 29 CFR Part 37 requires each Governor to establish a Methods of Administration (MOA) that includes a system for periodically monitoring the compliance of recipients to determine if they are conducting their WIA Title I-financially assisted program in a nondiscriminatory manner.

Each periodic monitoring review must include:

- a statistical or quantifiable analysis of the records and data kept by the recipient, including analyses by race/ethnicity, sex, age, and disability status;
- an investigation of any significant differences found across groups in participation in the programs, activities, and employment as a result of the analysis;
- an assessment to determine if administrative obligations have been fulfilled, including recordkeeping, notice and communication;
- a review of policies to ensure they are nondiscriminatory;
- a system for reviewing job training plans, contracts, assurances and similar agreements to ensure they are nondiscriminatory and they contain the required language;
- procedures for ensuring compliance with Section 504;
- a system to ensure that individuals assigned responsibility for carrying out nondiscrimination requirements can do so effectively;
- procedures for obtaining prompt corrective action when noncompliance is found; and,
- supporting documentation to show that commitments made in the MOA are carried out.

Supporting documentation includes:

- the issuing of policies and procedures required by various elements of the MOA;
- copies of monitoring instruments and instructions;
- the development and communication of nondiscrimination policies;
- the extent to which Equal Opportunity training is planned and carried out;
- reports of monitoring reviews; and,
- reports of follow-up actions (where violations are found).

The purpose of this guide is to assist states in developing an equal opportunity monitoring system that aligns with the requirements of Title VI, Section 188 and Section 504. It provides basic steps for developing a system to ensure that programs, services, and employment, including those of subrecipients and contractors, are provided in a manner that ensures equal opportunity and nondiscrimination. The system will also ensure that applicants, participants, and employees who may be individuals with disabilities or who are limited in English proficiency will have access to WIA financially-assisted programs, services and employment.

While the guide provides basic steps in developing a monitoring system, adherence to this tool alone may not allow recipients to demonstrate compliance with Title VI, Section 188 or Section 504. This guide is not intended as a substitute for USDOL guidance or rules.

## Things to Consider when Developing EO Monitoring Procedures

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1. **Who has responsibility for Equal Opportunity (EO) Monitoring?**

*At the state level the State WIA Equal Opportunity Officer generally will have overall responsibility for EO Monitoring while at the Local Workforce Investment Area (LWIA) level the LWIA Director has overall responsibility.*

2. **Who makes up the Monitoring Team?**

*In most instances the State EO Officer and Local EO Officer work together as a team to conduct monitoring.*

3. **Are all monitors trained on WIA Section 188 EO monitoring requirements?**

*Monitors are generally trained on the WIA Methods of Administration (MOA) requirements and are familiar with the contents of their state's MOA. An understanding of the requirements of the following is also helpful: Section 188 of the WIA and 29 CFR Part 37; and, Section 504 of the Rehabilitation Act of 1973 and 29 CFR Part 32, Subparts B and C, and Appendix A. Also helpful is an understanding of: Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments Act of 1972, as amended; Title VII of the Civil Rights Act of 1964, as amended; and the Americans with Disabilities Act of 1990.*

4. **Who do monitors report to?**

*Normally the State EO Officers report to the Director of their agency on EO matters while LWIA EO Officers report to their Director or Agency Head. However, for the purpose of EO monitoring, LWIA EO Officers collaborate with the State EO Officer to ensure compliance with Section 188 requirements.*

5. **What role does the State EO and LWIA EO play in the coordination of the EO Monitoring?**

*In most cases the State and LWIA EO Officers work closely together to coordinate and schedule the EO monitoring. In some cases, the State EO Officer is included on the statewide WIA monitoring team for regularly scheduled on-site visits to One-Stop Career Centers.*

*Sometimes the LWIA EO Officer monitors its subrecipients and the State EO Officer sometimes monitors and spot-checks LWIA's. In single service areas the State EO Officer may perform EO monitoring.*

6. **Have policies/procedures/guidelines regarding EO monitoring been issued?**

*Either policy, procedures or guidelines, or some combination of the three are generally in place.*

7. **Is there an EO monitoring instrument or checklist?**

*A good monitoring instrument is a very useful tool that facilitates EO monitoring. States should develop an instrument.*

8. **Does the EO monitoring instrument/checklist address LEP and all of the nine MOA elements?**

*In many cases, the instrument or checklist covers the nine elements of the MOA.*

9. **Who is responsible for collecting the demographic data, and data on LEP customers?**

*Data regarding race/ethnicity, sex, age, English proficiency and disability status is collected at the state level.*

*The local EO Officer analyzes the data at the LWIA level. However, data collection may be coordinated between the state and local levels.*

10. **Who is responsible for analyzing the data collected?**

*Generally the State EO Officer analyzes the data from a statewide perspective and LWIA EO Officers analyzes the Local data.*

11. **How frequent are the monitoring reviews/site visits conducted?**

*Following are some of the practices being used by the states. Consult others within your state to determine what will work best.*

- *LWIA's and a few of their partners are monitored by the state once every two years, LWIA EO Officer monitors contractors and service providers once a year.*
- *In some cases, the LWIA's are staggered for intensive reviews but go through a self assessment for ADA facility checklist every year.*
- *One-Stop Career Centers are only visited every three years unless a complaint is received or a desk-audit indicates the need for an on-site review.*
- *A Facility Accessibility Review is completed for all new buildings and before a lease is renewed to determine compliance with the ADA Accessibility Guidelines (ADAAG).*
- *The State EO officer conducts two types of compliance reviews: desk audit compliance reviews and on-site compliance reviews. One third of the recipients receive the on-site review during a program year, while the remaining two thirds receive a desk audit. This is repeated on a rotating basis to ensure that an on-site audit is conducted on each recipient once every three years. LWIAs are to provide oversight and compliance monitoring for programs operating under their*



*jurisdiction. They must conduct monitoring/compliance reviews of 25% of their subrecipients on an annual basis.*

**12. Is there a written monitoring report produced from each monitoring visit?**

*Written monitoring reports are produced for all state EO visits while written summary reports are maintained for LWIA EO visits.*

**13. Who receives a copy of the monitoring report?**

*There are various options. Monitoring reports can be provided to:*

- *Director of State Agency*
- *Manager of Employment Security Division unit who does monitoring (programmatic & financial)*
- *Office of Workforce Development Program staff*
- *Director/Agency Head of applicable LWIA*
- *LWIA Program Director and EO Coordinator*
- *The Director/Head of Entity being monitored*

*Summary reports of LWIA EO visits are kept in their files.*

**14. Do your EO monitoring procedures provide for follow up and/or corrective actions/sanctions?**

*Generally, corrective action includes providing timeframes for the recipient to respond in writing with a plan to implement the recommendations. In some cases a follow-up review is conducted as needed.*

# EQUAL OPPORTUNITY AND NONDISCRIMINATION MONITORING PROCEDURES

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*(These procedures serve only as a guide. You may want to include other procedural information pertinent to your organizations.)*

Section 188 of Workforce Investment Act of 1998 (WIA) prohibits discrimination by recipients of federal financial assistance on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIA 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 WIA Title I is a recipient.

## ELEMENTS OF AN EQUAL OPPORTUNITY (EO) MONITORING REVIEW

When conducting an EO monitoring review, some or all of the following nine elements of the Methods of Administration (MOA) may be covered:

- EO Officer Designation;
- Notice and Communication;
- Assurances;
- Universal Access;
- Compliance with Section 504 of the Rehabilitation Act of 1973;
- Data and Information Collection and Maintenance;
- Monitoring System;
- Complaint Processing Procedures; and,
- Corrective Actions and Sanctions.

## MONITORING REVIEW PROCESS

### Notification and Request for Preliminary Information

Prior to conducting an on-site compliance review of a Local Workforce Investment Area (LWIA), the reviewer may notify the appropriate Director/Administrator approximately two to four weeks prior to the review. The EO Staffing Data Form (Appendix E), which collects demographic information on staff, may be forwarded at this time along with a request for preliminary data as appropriate, such as EO data on applicants and clients, random sample applications, non-monetary determinations, EO reports, discrimination complaints, etc. The Monitoring Review Instrument (Appendix C) may be forwarded also. The request should include instructions that the data should be returned at least 10 days prior to the review.

### Desk Review

Upon receipt of the preliminary information, a desk review may be performed. The reviewer may analyze the statistical and written program reports received, as well as the monitoring instrument responses if applicable. This may help to identify potential items to be addressed during the on-site review.

The desk review accomplishes the following:

1. Compile and/or analyze statistical reports on Employment Service or WIA services and program performance;
2. Review applicable reports, complaint files, prior review reports and other documents for areas of concern and corrective action; and
3. Prepare a review action plan based on the results of the desk review.

### On-site Review

The focus of the on-site review is to determine compliance with equal opportunity and nondiscrimination requirements and to review significant differences or disparities identified during the desk review. It is recommended that, upon entering the site, the reviewer meets with the appropriate Director/Administrator or Local EO Officer to discuss the scope of the review, make arrangements for client and staff interviews or file reviews, and to discuss preliminary findings of the data analysis.

Areas of emphasis during the on-site review may include, but are not necessarily limited to:

1. Staff composition;
2. Management and client interviews;
3. Staff awareness of nondiscrimination and EO laws;
4. Complaint files (if appropriate);
5. Client files;
6. Physical aspects of the site – programmatic and architectural accessibility;
7. Observance of reception, intake, and assessment processes - if applicable;
8. Maintenance of EO policies and complaint files;
9. Interviews with community-based organizations - when complaints or concerns have been identified or expressed;
10. Agreements with local organizations to provide needed services to persons with special needs; and
11. Display of announcements, mandatory WIA "Equal Opportunity is the Law" posters, and posters or signs for clients with limited English-speaking abilities.

### Exit Meeting

Immediately following the review the reviewer may conduct an exit meeting with the appropriate Director/Administrator or designee to discuss the findings and clarify areas in question. A preliminary compliance status may be given at this time and corrective action(s) suggested.

## **CORRECTIVE ACTION PROCESS**

### Follow-up

1. Within approximately thirty (30) working days of the completion of the review, the reviewer should prepare a written report.
  - a. The report may be disseminated to the appropriate executives/managers.
  - b. The report may discuss, in detail, areas of pending or non-compliance and outline those areas that are found to be in compliance.
2. When areas of non-compliance are found, the reviewer may make recommendations for corrective action(s) in the report and the following may occur:
  - a. Where management agrees with the recommendations, an implementation plan may be forwarded to the reviewer and the Local EO Officer (where applicable) within approximately thirty (30) days of the date recommendations are received.
  - b. Where management disagrees with recommendations, management may contact the reviewer to attempt an informal resolution of the issue(s).
    - (1) Where an informal resolution is reached, an implementation plan may be forwarded to the reviewer and the Local EO Officer (where applicable) within approximately thirty (30) days of the date recommendations are accepted.
    - (2) Where an informal resolution is not reached, a meeting may be held between the Local EO Officer, the reviewer, the State EO Officer and the appropriate management official with organizational responsibility for the program/unit under review.
    - (3) Where no agreement is reached at this level, the negotiations may be escalated to the next, or highest, level for review. The recommendation provided by the highest level reviewer may then be upheld by the State EO Officer and the LWIA.
  - c. Six to nine months after the recommendations are implemented, a follow-up review may be scheduled to assess the progress made in resolving the identified problem areas.



## **APPENDIX**



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## EQUAL OPPORTUNITY AND NONDISCRIMINATION MONITORING

### Data Analyses

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*The following are the routine data analyses to be performed as part of the desk review.*

*For information on conducting data analysis, see the “WIA/EO Data Collection and Reporting” guidance and data directives distributed in MOA Training for EO Officers and Implementation Staff. You may need to contact the Civil Rights Center for copies of the information.*

#### **Employment services**

- from job applicant to job referral
- from job referral to job placement
- average referral wage
- average placement wage
- receipt of core services
- receipt of intensive services

#### **Unemployment insurance**

- payment to nonpayment
- by reason for nonpayment
  - alleged misconduct
  - job refusal
  - not able to or available for work
  - reporting requirement not met
- denials by adjudicator
- results of appeal
- profiling

#### **WIA Title I**

- from population eligible to be served to applicant
- from applicant to eligible applicant
- from eligible applicant to participant
- completed WIA or partner services
- received supportive services

#### *Adult and Dislocated-Worker Programs*

- adult education/basic skills/literacy activities
- on-the-job training
- occupational skills training
- nontraditional training



*Youth Programs*

- education achievement services
- employment services
- summer youth employment opportunities

*Terminations*

- received follow-up services
- entered training-related employment
- entered nontraditional employment
- attained certificate/diploma/degree
- entered postsecondary/advanced training
- other exits (institutionalized/health-medical/deceased)

*Earnings at program completion*

(structure of the analysis is to be determined)

*Younger Youth*

- goal attainment
  - basic skills
  - occupational skills
  - work-readiness skills
- education
  - attained diploma/GED/is attending school
- placement
  - (structure of the analysis is to be determined)

*Any of the preceding analyses may be applied to specific groups, where appropriate, to include:*

- *migrant and seasonal farm workers*
- *veterans*
- *individuals with disabilities*
- *TANF recipients*
- *welfare-to-work program participants*
- *Job Corps participants*

and to programs for Native Americans, where appropriate.

**EQUAL OPPORTUNITY AND NONDISCRIMINATION  
MONITORING**

**Entrance Meeting/Entrance Conference**

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**Date of Visit:**

**Monitor(s):**

**LWIA/One-Stop/Service Provider:**

Name:

Address:

Phone:

**Representatives**

Director/Administrator:

Local EO Officer/Manager:

**Items Covered**

- Introduction
- Reason for the review
- Purpose of the review

**Elements of the Review**

- File Review
- Walk-through
- Employee Interview(s)
- Client Interview(s)
- Other:

- Exit Meeting/Conference to be held
- Questions?





- Conduct on-site visits to service providers and contractors or review monitoring reports to ensure that the LWIA and its contractors are not violating their nondiscrimination obligations?
  - Provide EO training to staff and contractors?
  - Review written policies to make sure they are nondiscriminatory?
  - Develop and publish discrimination complaint procedures?
7. What equal opportunity training has been provided to staff within the LWIA? (Please specify dates and locations)
8. What training has been provided to service providers and contractors? (Please be specific)
9. What professional training has the Local EO Officer attended? Identify the training received and dates:
10. Describe staffing support for the EO Officer, if any.

*Do you need technical assistance in this element? If so, explain:*

## Element 2: Notice and Communication

Reference:

- Methods of Administration, Element 2
- 29 CFR Part 37.29 through 37.36

11. Where are the WIA “Equal Opportunity is the Law” posters displayed and which versions are displayed—English, Spanish or both?

Are they posted in reasonable numbers and places?

Are the posters centrally located and in plain sight?

12. How is it ensured that participants are notified of their rights to file a complaint? Does the form include the required WIA “Equal Opportunity is the Law” language? Please provide copies of applicable documents.

13. 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?

14. What equal opportunity tagline is included in brochures, pamphlets and flyers?

In which is it included?

What other forms of communications is the tagline included in? (i.e., materials distributed or communicated in written, oral or electronic form to applicants, staff and the general public)

Is the tagline included in public announcements and broadcasts?

*The appropriate tagline indicates that the WIA 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.”*

Please provide examples.

15. How does the LWIA ensure that continuing notice is provided to the following applicable groups that it does not discriminate on any prohibited ground:
- Applicants, registrants, participants
  - Employees and applicants for employment
  - Other recipients of WIA funds in the LWIA
  - Members of the public
  - Members of the public with disabilities, including impaired vision and hearing
  - Unions or professional organizations that hold collective bargaining or professional agreement with your organization
16. Describe how photographs and other pictorial displays include and portray positive images of women, minorities, and individuals with disabilities and persons of varying age groups engaged in a variety of workplace and skilled training capacities.
17. How has the LWIA communicated the requirement not to discriminate on the basis of disability and the obligation to provide reasonable accommodations to its subrecipients?
18. What efforts does the LWIA make to ensure that communications with individuals with disabilities are just as effective as communications with others?
- In all communications indicating that the LWIA/Agency may be contacted by telephone, is the telephone number for the TDD/TTY or relay service provided?
19. How is the Equal Opportunity Notice provided in alternate formats for individuals with visual impairments?

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

**Element 3: Assurances**

Reference:

- Methods of Administration, Element 3
- 29 CFR 37.20 through 37.22

20. Do contracts contain the approved equal opportunity assurance language?

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

21. How is the contractor or service provider made aware that the EO assurances is incorporated by operation of law whether or not it is physically incorporated in the contract or agreement?

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

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

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



**Element 4: Universal Access**

Reference:

- Methods of Administration, Element 4
- 29 CFR Part 37.42

23. Describe efforts to conduct a demographic analysis of the population to be served in the LWIA using labor market information?
24. What reasonable steps has the LWIA taken to ensure services and other information is provided to Limited English Proficient persons?
25. In what languages is information within the LWIA provided, other than English?
26. What documents have been determined "vital" and translated into languages designated as essential?  
Please provide examples.
27. Where telephone numbers are indicated, what alternate provisions are listed for the hearing impaired, such as TTY/TDD or relay service?
28. Which brochures, pamphlets and flyers include a TTY/TDD or Relay Service telephone number for the hearing impaired.
29. How are the required notifications provided in alternative formats for the visually impaired?

30. How do training providers provide programmatic and architectural accessibility for individuals with disabilities?
31. 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) served?

Do these measures include:

Advertising?

Notices to schools and community service groups?

Consultation with community service groups?

*Do you need technical assistance in this element? If so, please explain:*

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

Reference:

- Methods of Administration, Element 5
- 29 CFR Part 37.7 through 37.9
- 29 CFR Part 37.54(d)(2)(v)
- 29 CFR Part 32 Subparts B and C

32. Does the Local Workforce Investment Area have an Americans with Disabilities Act (ADA) self-survey on file? If yes, provide a copy.
33. Have ADA assessments been completed for One-Stops and Affiliates? If so, please explain the shortfalls? If not, when are they anticipated?

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

35. Are contractor and service provider sites accessible to individuals with disabilities?

- 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? If no, where are these clients directed to go? Explain.
- Do inaccessible entrances have signs indicating the location of the nearest accessible entrance? Explain.
- Are there designated restrooms with appropriate signage available for individuals with disabilities? Explain.
- Are TTY/TDD or Relay Services available for use? Explain.
- How often are contractor's facilities monitored to ensure accessibility?

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

- Requiring the provision of reasonable accommodations in employment, when appropriate.
- Reviewing job qualifications to ensure that it does not use selection criteria that screen out or tend to screen out an individual with a disability on the basis of that disability unless the criteria is job related for the position in question and consistent with business necessity.
- Prohibiting preemployment 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.

37. How does the LWIA insure that it does not aid or perpetuate discrimination by providing significant assistance to a person or entity that discriminates on the basis of disability?

38. How does the LWIA insure that programs and activities are administered in the most integrated settings possible?
  
39. How does the LWIA insure that, in determining the site or location of a facility, selections are not made that have a discriminatory effect?
  
40. How does the LWIA insure that 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?
  
41. How does the LWIA insure that 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?
  
42. How does the LWIA insure that, for employment-related training, the selection criteria are 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?
  
43. Please describe the availability of assistive equipment for individuals with disabilities.
  
44. Please describe the LWIA web site in regards to its ADA accessibility.
  
45. 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.

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

*Do you need technical assistance in this element? If so, please explain:*

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

Reference:

- Methods of Administration, Element 6
- 29 CFR Part 37.37 through 37.49

47. Please explain how EO data has been collected (race/ethnicity, sex age, and where known, disability status) within the LWIA?

48. Please explain how statistical/quantifiable analysis with regards to the population being served has been conducted?

- How are these data maintained under safeguards that will restrict access to authorized personnel only? Please explain.

- Are the records kept for a period of three years?
- How is staff made aware that data must be collected on race, sex, age, disability, etc.?
- How is the data collected by staff?

*Do you need technical assistance in this element? If so, please explain:*

**Element 7: Monitor Recipients for Compliance**

Reference:

- Methods of Administration, Element 7
- 29 CFR Part 37.51 through 37.54

49. List the EO Officer monitoring visits conducted for One-Stops, Affiliates and service providers.

How often is on-site monitoring conducted?

Please provide a record and/or summary report of the EO monitoring visits (dates, locations, entities and findings) since your last WIA Monitoring review.

*Do you need technical assistance in this element? If so, please explain:*

**Element 8: Complaint Processing Procedures**

Reference:

- Methods of Administration, Element 8
- 29 CFR Part 37.70 through 37.89

50. What discrimination complaint policies and procedures are used in the LWIA? Please provide copies.

51. Explain how customers and employees obtain a copy of the discrimination complaint policy and procedures and/or discrimination complaint form?

52. Does the discrimination complaint log for formal discrimination complaints include the following:

- Name and address
- Basis of complaint
- Brief description of complaint
- Date filed
- Disposition

Please provide a copy of the discrimination complaint log for review.

53. Please list any formal complaints that have been filed with the LWIA since the last EO monitoring visit.

Please respond to the following concerning each complaint:

- Was the complaint filed within 180 days?
- Was the complainant provided a written notification of receipt of the complaint within 10 days?
- Was the complainant provided a written statement of each of the issues raised in the complaint and whether you would accept or reject each issue?
- Was the complainant sent a written notice of lack of jurisdiction when the LWIA determined that it did not have jurisdiction over a complaint?
- Was the complainant notified that they have the right to representation in the complaint process?

- Was the complainant offered Alternative Dispute Resolution as an effort to resolve the complaint?
  - Was the complainant provided a written Notice of Final Action within 90 days of the date the complaint was filed?
  - Did the Notice of Final Action contain your decision on each issue and an explanation of the reason underlying the decision?
  - Did the Notice of Final Action inform the complainant that he/she has a right to file a complaint with CRC within 30 days of the date in which the Notice of Final Action is issued if he/she is dissatisfied with your final action on the complaint?
  - Has the State EO Officer been advised of the complaint?
54. Describe the process established to keep the discrimination complaint records for a period of three years?
55. 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.
56. How is an individual who filed a complaint, opposed a practice prohibited by the nondiscrimination and equal opportunity provisions of WIA, or assisted or participated in any manner in an investigation protected from discharge, intimidation, retaliation, threat or coercion?
57. Describe the LWIA policy for handling discrimination complaints from contractors regarding participants.

*Do you need technical assistance in this element? If so, please explain:*



**Element 9: Corrective Actions/Sanctions**

Reference:

- Methods of Administration, Element 9
- 29 CFR Part 37.54

58. Describe the LWIA procedures for obtaining voluntary compliance when equal opportunity violations are found.

What is the follow up policy for violations?

59. Describe any corrective actions/sanctions taken against contractors since the last monitoring review.

*Do you need technical assistance in this element? If so, please explain:*

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

*If you have questions, please contact:*

Danielle Smith, State WIA EO Officer

**EQUAL OPPORTUNITY AND NONDISCRIMINATION  
MONITORING REVIEW INSTRUMENT**

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**Program Recruitment And Assessment**

Local Workforce Investment Area (LWIA): \_\_\_\_\_

Location: \_\_\_\_\_

Recruitment/Outreach service provider: \_\_\_\_\_

Program(s) (e.g., Youth, Adult): \_\_\_\_\_

Person(s) interviewed:

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Interviewer: \_\_\_\_\_ Date: \_\_\_\_\_

**Program Recruitment**

1. Describe your recruitment (marketing and outreach) process (e.g., school visits, media ads, etc.).
2. Who is responsible for recruitment, by name and job title?
3. How is the eligible population determined (for the program(s) listed above)?

4. What media are used to recruit applicants? What specific resources are used to recruit racial/ethnic minority applicants, female applicants, veterans, and applicants with disabilities?
5. When does a “customer” officially become an “applicant”?
6. How often is orientation offered to potential applicants? What is the “typical” number who attend?
7. Who is responsible for conducting the orientation (by name and title)?
8. What is the format of the orientation? [Lecture only? Video? Question and answer? (etc.)]
9. How is it determined whether a customer will need an accommodation (because of a disability) in order to attend orientation or to apply for services?
10. What attendance records are kept for each orientation session?
11. Are there follow-up contacts with individuals who attend orientation but do not complete an application?
12. Are there occupations that are in high demand in your region? (If so, name them)

### **Program Assessment**

13. Describe the assessment process.
14. Are there locally developed forms (that is, forms developed within the region) that are used in the process? (Describe)

15. Who evaluates the information provided on the application for services?
16. Are all applicants tested? If not, who or what determines which applicants are tested?
17. How are the tests scored? Is there a cut-off score to indicate “failed” or “passed”?
18. What tests, by name, are administered, and have they been validated?
19. Who administers the tests, and where?
20. Who scores the tests, and interprets the results?
21. How is consistency of interpretation determined?
22. Do test scores determine eligibility and placement in all programs or just in certain programs?  
(Name, if appropriate)
23. Are service providers, other than assessment staff involved in assessment, selection, and placement of individual into programs? (If so, describe)
24. What happens to someone who is not accepted into a particular program of his or her choosing?
25. Are individuals who do not qualify for WIA Title I programs informed of possible alternatives?  
(If so, describe)

26. Are individuals who are not selected for Title I programs tracked? If so, are any data retained on those individuals, and where is the information kept?
  
27. What accommodations are available for the applicant with disabilities or impairments during application and assessment, and are readers available to visually impaired persons who do not use Braille?
  
28. Discuss the percentage of women and racial/ethnic minority applicants and participants who go into nontraditional jobs. How are applicants informed of opportunities in nontraditional jobs?





**EQUAL OPPORTUNITY AND NONDISCRIMINATION  
MONITORING GUIDE**

**Participant File Review Worksheet**

Date of File Review:

LWIA/One-Stop/Service Provider:

Monitor:

#	Participant's Name	Last Four	Program	Gender	Race/ Ethnicity	LEP	Disability	Medical Condition Information	Inappropriate Comments	Notice
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
14										
15										
16										
17										
18										
19										
20										
21										
22										
23										
24										





## EQUAL OPPORTUNITY AND NONDISCRIMINATION MONITORING

### Client Interview

Interviews should be conducted in a location that ensures privacy.

*Sample introduction: "I am conducting a monitoring review of this office. [Provide a business card.] I would like to ask you a few questions regarding your experiences with this office. Your participation is completely voluntary. Neither your participation nor your responses will in any way affect the services you receive from this office. Absolutely none of the information will be recorded in any files pertaining to you. Do you have any questions regarding this?"*

Interviewer:

Location:

Date:

Client City of Residence:

*"The following is strictly voluntary and will be treated confidentially. It will not affect your status in receiving benefits or services:"*

Please indicate the following:

Gender:       Male     Female

Ethnic Origin:     Hispanic or Latino       Not Hispanic or Latino

Race (Check all that apply):

American Indian or Alaskan Native

Asian

Black or African American

Native Hawaiian or Other Pacific Islander

White

Are you an individual with a disability?     Yes     No

1. Please describe the frequency of your visits or contacts here:
  
2. Do you feel that this office is accessible to all, regardless of their:
  - Race/Color/Ethnicity?
  - Sex or Gender?
  - Disability?
  - Religion?
  - National Origin?
  - Age?
  - Limited ability to speak or understand English?
  - Citizenship?
  - Political Affiliation or Belief?
  
3. What recommendations, if any, do you have in order to assist the office in providing universal access?
  
4. What is your opinion of the quality of service provided here?
  
5. Did anyone inform you of your equal opportunity/nondiscrimination rights as a program applicant or participant? (For example, did anyone inform you of what to do if you believe you were discriminated against based on your race, gender, age, disability, national origin, etc.?)

When you registered, did you get a copy of those rights?

6. Do you have any comments, concerns, or suggestions about the program?

**“Would you like to be contacted regarding your concerns?”**

If so:

Name:

Address:

City, State, Zip:

Phone:

*Thank you.*

# EQUAL OPPORTUNITY AND NONDISCRIMINATION MONITORING GUIDE

## Employee/Staff Interview

*Assure the employee that his/her name will not be a part of the review record, only the nature of his/her response.*

**Employee's function in the office:**

**Interviewer:**

**Location:**

**Date:**

1. What training have you received regarding Equal Opportunity requirements related to your work?  
When and where?
2. Does your local supervisor or manager discuss equal opportunity and equal access for clients with the staff?
3. What arrangements are made to provide services to limited English proficient individuals? (Identify staff and partners used to help customers)
4. Are you aware of languages spoken by customers in this area who are limited English proficient? What are they?
5. Where do you obtain the unit's policies, procedures or guidance regarding limited English proficiency?

6. Do you have any questions on how to serve limited English proficient individuals?

If so, what are they?

7. What arrangements are made to provide services to the visually impaired, deaf clients, and non-ambulatory clients? (Please be specific)

8. What do you do if a person comes in with a need for an American Sign Language interpreter?

9. Do you know who to ask when you have a question about services to individuals with a disability? Please explain and be specific.

10. Are you aware of local policies and procedures regarding individuals with disabilities? Where do you find the policies, procedures or information?

11. Do you have any questions on how to serve individuals with disabilities? If so, what are they?

12. Are you involved with job orders?

If so, what is your understanding of nondiscriminatory job orders?

13. What do you do if a client tells you that she feels she has been discriminated against by you or someone in your office because of her race/ethnicity, color, religion, sex, national origin, age, disability, political affiliations or belief, or for WIA Title I program beneficiaries, her citizenship or participation in a WIA Title I financially-assisted program?

Do you know what her rights are? Please explain.

14. What do you do if you feel you have been discriminated against because of your race/ethnicity, color, religion, sex, national origin, age, disability, political affiliation or belief, or for WIA Title I program beneficiaries, citizenship or participation in a WIA Title I financially assisted program?

Do you know what your rights are? Please explain.

15. Do you have any questions or comments?

*Thank you.*

**EQUAL OPPORTUNITY AND NONDISCRIMINATION  
MONITORING GUIDE**

**Exit Meeting/Exit Conference**

---

**Monitor(s):**

**Local Office Representative(s):**

**Preliminary Observations/Findings**

- 

**Local Office Comments:**

**Initial Areas of Concern**

- 

**Local Office Comments:**

**Feedback from the Local Office**

-

**EQUAL OPPORTUNITY AND NONDISCRIMINATION  
MONITORING GUIDE**

## Monitoring Report

**Date of Report:**

**LWIA/One-Stop/Service Provider:**

**Date of Review:**

**EO Officer/Manager:**

**Monitor:**

**Notable Items**

•
•
•
•

**RECOMMENDED CORRECTIVE ACTIONS**

MOA Element	Deficiency	Recommended Corrective Action



## TECHNICAL ASSISTANCE REQUESTED

MOA Element	Request	Response

## INTERVIEW RESULTS

### Interviews with Staff

- Number of staff interviewed:
- Overall knowledge of rights:
- Overall understanding of illegal job orders:
- Overall understanding of access for LEP persons:
- Overall understanding of access for individuals with disabilities:

### Interviews with Clients

- Number of clients interviewed:
- Race/Gender of Clients:
- Overall client response regarding services:
- Overall client recommendations:



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