



Tony Evers

Office of the Governor | State of Wisconsin

December 21st, 2020

Ms. Naomi M. Barry-Pérez, Director
Civil Rights Center
U.S. Department of Labor
200 Constitution Avenue NW
Washington, DC 20210

Re: 2020-23 Nondiscrimination Plan

Dear Ms. Barry-Pérez,

The State of Wisconsin Department of Workforce Development (DWD) is pleased to submit the Nondiscrimination Plan as required by 29 CFR 38.54 of the Workforce Innovation and Opportunity Act of 2014 (WIOA).

The Nondiscrimination Plan will be in effect for the period December 21, 2020 through December 20, 2023 and is attached for your review.

If you have questions, please do not hesitate to contact Annette Meudt, Director, Bureau of Workforce Training, Division of Employment and Training, Department of Workforce Development at annette.meudt@dwd.wisconsin.gov or (608) 733-3905.

Thank you.

A handwritten signature in cursive script that reads "Tony Evers".

Tony Evers
Governor

Attachment: 2020-23 Nondiscrimination Plan

CC: Rob Cherry, Deputy Secretary, DWD
Michele Carter, Administrator, DET, DWD
Bruce Palzkill, Deputy Administrator, DET, DWD
Annette Meudt, Director, BWT, DET, DWD

STATE OF WISCONSIN



Department of Workforce Development

Nondiscrimination Plan

2020 – 2023

Equal Opportunity Officer

Telephone: 1-888-258-9966

State of Wisconsin

Department of Workforce Development



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Introduction

The Department of Workforce Development (DWD) is the state agency designated by the Governor of Wisconsin, the Honorable Tony Evers, to administer the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act in the State of Wisconsin. The Secretary of DWD leads the state agency charged with developing and strengthening Wisconsin's workforce.

DWD has six divisions: Division of Employment and Training (DET), Division of Operations (DO), Equal Rights Division (ERD), Unemployment Insurance (UI) Division, Division of Vocational Rehabilitation (DVR), and Worker's Compensation (WC) Division.

DET is the division charged with responsibility for administering the WIOA and Wagner-Peyser Act (Employment Services) programs in the state. The DET Administrator oversees the responsibilities of the Division, including its responsibilities under WIOA and Wagner-Peyser. A copy of the DWD, DWD-DET and DWD-DET-BWT organizational charts are appended in Exhibits I-1, I-2, and I-3.

Wisconsin has 11 designated Workforce Development Areas (WDAs), as shown on the WDA map appended in Exhibit I-4. Each WDA is individually governed by a local Workforce Development Board (WDB). Each WDA designates an Equal Opportunity (EO) Officer who is responsible for the development, implementation, and oversight of equal opportunity and civil rights compliance at the local Board level. The WDA's EO is responsible to monitor their subrecipients.

Wagner-Peyser Employment Services are administered by DWD-DET's Bureau of Job Service (BJS). All public labor exchange services to businesses and job seekers are provided through comprehensive job centers and several affiliates and outreach sites throughout the State. Comprehensive job centers offer a full selection of workforce programs, services, and activities that meet the needs of employers and job seekers. Additionally, Wisconsin's businesses and job seekers can access services through the Job Center of Wisconsin employment website jobcenterofwisconsin.com/.

The UI Division administers state and federal unemployment insurance programs and is led by the UI Division Administrator. Claimant and Employer services are primarily provided through a web-based system. A copy of the UI organizational chart is appended in Exhibit I4.

The Nondiscrimination Plan narrative and exhibits provide a detailed summary and evidence of how DWD-DET implements the WIOA equal opportunity nondiscrimination provisions of 29 CFR Part 38.

As of the date of this submission, DWD is in discussions with the U.S. DOL Civil Rights Center to enhance access to individuals with limited English proficiency (LEP) to DET's job centers and UI programs by committing to translating additional documents, identifying and correcting any barriers to language interpretation services, and increasing training for staff who may encounter LEP individuals. If an agreement is reached, those measures may overlap with elements in this plan.

Supporting Documentation (Introduction)

1. Exhibit I1: DWD Organizational Chart
2. Exhibit I2: DWD-DET Organizational Chart
3. Exhibit I3: DWD-DET-BWT Organizational Chart
4. Exhibit I4: UI Division Organizational Chart
5. Exhibit I5: WDAs Map

Element 1: Assurances (29 CFR §§ 38.25-38.27)

This section describes DWD-DET's compliance with Element 1, Assurances (29 CFR §§ 38.25-38.27), which requires that all applications for financial assistance under Title I of WIOA include a written assurance that the applicant can comply with the nondiscrimination and equal opportunity provisions of various laws and that the applicant will remain in compliance for the duration of the grant award.

Assurance Requirements

Wisconsin's Combined State Plan (PY2020-2023) is the starting point for DWD's equal opportunity assurances. The Combined Plan will continue to be Wisconsin's assurance to the Department of Labor that it is complying with and will continue to comply with the nondiscrimination provisions of Section 188 and its implementing regulations and 29 CFR § 38.54.

Assurance Language

As a condition of the award of financial assistance from DWD under Title I of WIOA, each grant applicant agrees to comply with 29 CFR Part 38 and WIOA Section 188, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I-financially assisted program or activity. Each grant applicant also agrees to comply with all other applicable civil rights laws, which include, but are not limited to, the following:

- Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin.
- Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities.
- The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age.
- Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.
- Americans with Disability Act, which prohibits discrimination against individuals with disabilities.
- Section 508 of the Rehabilitation Act of 1973, as amended, which requires that electronic and information technology developed, procured, maintained, or used by the Federal government be accessible to people with disabilities.

To comply with State nondiscrimination laws, all applicants also agree to comply with Wisconsin's standard contractual terms with respect to nondiscrimination, which prohibit the discrimination against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01(5), Wis. Stats., sexual orientation as defined in s. 111.32(13m), Wis. Stats., or national origin. Applicants also must agree to comply with 2019 Wisconsin Executive Order 1, which prohibits discrimination against any persons performing a contract, subcontract or grant because of military or veteran status, gender identity or expression, marital or familial status, genetic information or political affiliation.

Notice of the Assurance Requirement

In all grant agreements for WIOA Title-I funds, DWD's subrecipients are required to comply with all current, applicable DWD-DET WIOA policies and procedures. The requirement that grantees include the assurance language found at 29 CFR §§ 38.25(a)(1)(i) and (ii) in all contracts, agreements, or applications for financial assistance under Title I is included in Section 5.4 of DET's WIOA Title IA & I-B Policy and Procedure Manual. Accordingly, DWD requires that all contracts, agreements, or applications for financial assistance under WIOA Title I include the assurance statement.

DWD-DET informs all subrecipients of federal financial assistance under WIOA Title I in writing that they must include this language in agreements the subrecipient makes to carry out the WIOA Title I-financially assisted program or activity. DWD-DET currently informs and will continue informing all subrecipients that the nondiscrimination assurance is considered incorporated by operation of law in the grant, cooperative agreement, contract or other arrangement whereby federal financial assistance under WIOA Title I is made available, whether or not it is physically incorporated in such document and whether or not there is a written agreement between DWD and the subrecipient or between subrecipients, and that the assurance may be incorporated by reference in such grants, cooperative agreements, contracts, or other arrangements.

Assurance Reviews

DWD-DET follows the Parley Pro internal review procedures to route all grants for review and comment to ensure all required language is included in its grant agreements and contracts before issuance, and to make sure the required assurances and certifications have been signed by the applicant/subrecipient. DWD-DET reviews subrecipient's required assurances and certifications during the annual monitoring process.

During DET's scheduled compliance reviews of its subrecipients, the EO Officer reviews the job training plans, contracts, and other similar agreements to ensure they are nondiscriminatory and contain the required nondiscrimination assurance statement using a desk review survey tool, see [Exhibit E1-3: 2020-2021 DWD-DET Desk Review Survey](#).

Programmatic and Physical Accessibility

Language regarding programmatic and physical accessibility to accommodate individuals with disabilities is also included in all agreements to carry out WIOA Title I activities. Programmatic and physical accessibility is addressed in more detail in 29 CFR § 38.13. The DWD-DET EO Officer and Local Level EO Officers assess the applicant facilities as it pertains to programmatic and architectural accessibility for individuals with disabilities as explained in 29 CFR § 38.13.

Assurances for the Purchase of Personal Property and Real Property

If DWD-DET allows for the purchase of personal property, real property, structures on real property, or any such interest in any such property or structures to carry out a WIOA Title I-financially assisted program or activity, DWD-DET will comply with 29 CFR §§ 38.25 (a)(1), 38.26 and 38.27, as applicable.

Supporting Documentation (Element 1)

1. [Exhibit E1-1 WIOA Title I-A & I-B Policy & Procedure Manual Chapter 5.4 \(EO\)](#)
2. [Exhibit E1-2 WIOA Title I-A & I-B Policy & Procedure Manual Policy 1.5.2](#)
3. [Exhibit E1-3: 2020-2021 DWD-DET Desk Review Survey](#)
4. [Exhibit E1-4: CRC/EO Monitoring Guide](#)

Element 2: Designation of Equal Opportunity Officers (29 CFR §§ 38.28-38.33)

This Section describes DWD-DET's compliance with Element 2, which requires the governor of each state to designate a state-level Equal Opportunity Officer and requires that each local area subrecipient designate an EO Officer. The Wisconsin Department of Workforce Development is the state-level agency designated to administer WIOA, employment services, and the unemployment insurance programs. The Governor appointed a state-level EO Officer. The DWD-DET also has an EO Officer responsible for EO and Civil Rights compliance functions. The DWD-DET EO Officer, along with DWD-DET leadership can contact the state-level EO Officer when needed. See [Exhibit E2-4: WD-DET WIOA Title I-A & I-B Policy & Procedure Manual Chapter 5.2](#).

The DWD-DET EO Officer:

- Coordinates State EO responsibilities under WIOA Section 188 and 29 CFR Part 38;
- Serves as the DWD-DET liaison with the U.S. Department of Labor (DOL) Civil Rights Center (CRC);
- Develops, implements, and updates the Nondiscrimination Plan;
- Regularly reports significant events related to EO and civil rights compliance to DWD-DET leadership and state-level EO Officer;
- Trains local WDA EO Officers on their roles and responsibilities regarding WIOA EO policies and procedures;
- Provides technical assistance to local EO Officers;
- Monitors subrecipients receiving WIOA funds to ensure compliance with WIOA Section 188 and 29 CFR Part 38;
- Oversees Wisconsin's One-Stop Job Center Complaint referral system, providing technical assistance and training;
- Serves as the primary state-level contact for processing WIOA program discrimination, fraud, and/or program abuse complaints; and,
- Implements corrective actions when there are findings of noncompliance.

Exhibit E2-2 includes the DWD-DET EO Officer Position Description.

The DWD- DET EO Officer's identity and contact information is made known to applicants, registrants, eligible applicants/registrants, participants, employees, and applicants for employment, as well as interested members of the public. The identity and contact information are also included on the "Equal Opportunity is the Law" notice required by 29 CFR § 38.35. The "Equal Opportunity is the Law" notice is posted in all comprehensive one-stop job centers, affiliate, and outreach sites in each local WDA. The DWD-DET EO Officer's contact information appears as follows:

Department of Workforce Development
Division of Employment and Training
201 East Washington Avenue, Room E100
P.O. Box 7972
Madison, Wisconsin 53707
Phone: (608) 1-888-258-9966
TTY/TDD call 711
EO mailbox: DETEOContact@dwd.wisconsin.gov

Local EO Officers

Wisconsin established eleven local WDAs. See Exhibit E2-3. Each WDA is individually governed by a local WDB. Each WDB designates a local EO Officer. Local EO Officers responsibilities include the following:

- Coordinate WDB obligations under Section 188 of WIOA and 29 CFR Part 38;
- Serve as the WDB liaison with the DWD-DET EO Officer and/or the CRC;
- Monitor and investigate the WDB's activities and the activities of subrecipients receiving WIOA Title I financial assistance from the WDB to ensure that subrecipients are not violating their nondiscrimination and equal opportunity obligations under Title I and other applicable civil rights statutes and regulations;
- Review and update the WDB's written policies and procedures to ensure the policies and practices are not discriminatory, including those applicable to the WIOA program;
- Develop, update, and publish the WDB's policies and procedures for processing discrimination complaints and adhere to those procedures;
- Report directly to the WDB Chief Executive Officer, President, and/or Board Chair regarding EO matters; and
- Attend EO training (at the WDB's expense) to maintain competency.

Local WDBs must list the duties and responsibilities of the local EO Officer in their job descriptions for local accountability. In some WDAs, local EO Officers perform dual functions. Where the local EO Officer has multiple responsibilities, the DWD-DET EO Officer reviews their job duties for any potential conflicts of interest.

Service Providers and Small Subrecipients

Service providers are not required to designate an EO Officer. Service providers make assurances that they will abide by the nondiscrimination regulations and the DWD-DET EO Officer ensures service provider know that they should work directly with their local EO Officer. Additionally, when service providers are monitored by the WDA EO Officer, they are asked if they know who the EO Officer is and where to file a complaint.

Small subrecipients, as defined in 29 CFR § 38.4 (hhh), are also not required to designate EO Officers. Rather, small subrecipients are required to designate an individual as a point of contact who will take complaints. Currently, there are no small subrecipients in Wisconsin.

Training and Technical Assistance

The DWD-DET EO Officer currently receives and will continue to receive appropriate training to fulfill her/his responsibilities. Funds are available through the DWD-DET budget for travel and participation in local, regional, and state conferences for AA/EO/CRC training.

The DWD-DET EO Officer provides training and technical assistance to Local WDA EO Officers to ensure all WDA staff and subrecipients are implementing their responsibilities relative to nondiscrimination and EO. WDA staff training on nondiscrimination and equal opportunity is an ongoing effort arranged and/or conducted by the EO Officer in coordination with Local WDA EO Officers. DWD-DET develops, coordinates, and monitors EO training. Areas of training include, but are not limited to: equal opportunity laws and regulations; sexual harassment; serving limited English proficient (LEP) individuals/English language learners; Non-Discrimination Plan (NDP) requirements; Section 504 of the

Rehabilitation Act of 1973, as amended; Americans With Disabilities Act of 1990; Title IX of the Educational Amendments of 1972; Title VI and Title VII of the Civil Rights Act of 1964; and complaint procedures.

DWD-DET also provides technical assistance to WDBs, local EO Officers, and their subrecipients throughout the year, as needed. DWD-DET makes annual EO on-site monitoring visits to verify compliance, to provide additional opportunities to offer needed technical assistance, and to address areas of noncompliance or concern. The DWD-DET EO Officer offers Affirmative Action, Equal Opportunity and Civil Rights trainings to local EO Officers and other appropriate staff and conducts a monthly call with local EO Officers to address any concerns, technical assistance needs, and other current issues.

Local EO Officers conduct EO training for staff and subrecipients and discuss EO issues as needed at monthly staff meetings.

Supporting Documentation (Element 2)

1. Exhibit E2-1: State-level EO Officer Appointment Letter
2. Exhibit E2-2: DWD DET EO Officer Position Description
3. Exhibit E2-3: Local WDB EO Officers Contact Information
4. [Exhibit E2-4: DWD-DET WIOA Title I-A & I-B Policy & Procedure Manual Chapter 5.2](#)

Element 3: Notice and Communication of Nondiscrimination and Equal Opportunity Policies (29 CFR §§ 38.34-38.39)

This section addresses DWD-DET's compliance with Element 3, which requires states to provide initial and continuing notice of nondiscrimination policies and requirements and ensure that communications with individuals with disabilities are as effective as communications with others. Notice must be provided to all registrants, applicants, eligible applicants/registrants, participants, applicants for employment, employees, unions of professional organizations, subrecipients that receive WIOA Title I assistance from the subrecipient and interested members of the public.

Equal Opportunity Notice/Poster

The "Equal Opportunity Is the Law" poster is disseminated to all local WDB EO Officers. This notice, as required by federal regulations, contains the exact wording found at 29 CFR § 38.35. See Exhibit E3-1: "EO is the Law" poster.

DWD-DET's desk review survey, which is based on the US Department of Labor, DOL, Section 188 Checklist of WIOA, requires that the "Equal Opportunity Is the Law" notice be:

- Posted prominently, in reasonable numbers and places;
- Disseminated in internal memoranda and other written or electronic communications with staff;
- Included in handbooks or manuals;
- Made available to each participant and made a part of the participant's file; and
- Provided in appropriate formats to individuals with visual impairments. Where notice has been given by subrecipients in an alternative format to a participant with a visual impairment, a record that such notice has been given is to be made a part of the participant's file.

Based on 29 CFR § 37 and regulations implementing the laws listed above, local WDBs are responsible for posting the notice in appropriate languages based on the populations of their WDAs and ensuring this information is communicated to individuals in their preferred language. The "Equal Opportunity is the Law" notice is routinely made available to all WDAs in Spanish and Hmong and is available in other languages upon request.

Notice Requirement for Service Providers

Local WDBs are responsible for meeting the notice requirement with respect to their service providers. Compliance with this requirement by local WDBs is verified by the DWD-DET EO Officer during the annual on-site monitoring.

Publications, Broadcasts, and Other Communications

Based on 29 CFR § 38, In publications, broadcasts, and other communications, DWD-DET and subrecipients state that the WIOA Title I-financially assisted program or activity in question is an "equal opportunity employer/program," and that "auxiliary aids and services are available upon request to individuals with disabilities."

To ensure that DWD-DET speaks with one voice and that the content produced by DWD reflects consistent messaging and design, all public information produced by DWD-DET is routed through the Communications Liaison for final approval and distribution.

All job postings posted on the Job Center of Wisconsin website include the notice, "Equal Opportunity Employer."

Requirement to Disseminate Equal Opportunity Notice

Based on 29 CFR § 38.39 and the [WIA Policy Manual](#) pages 102 and 118, which has been adopted for complying with WIOA, during each presentation to orient new participants, new employees, and/or the general public regarding a WIOA Title-I financially assisted program or activity, whether in person, over the phone, or using other technology, DWD-DET and/or its subrecipients must discuss the rights and responsibilities of the new participants, new employees, and/or the general public under the nondiscrimination and equal opportunity provisions of WIOA, including the right to file a complaint of discrimination with the CRC or an EO Officer. This information must be communicated in appropriate languages, as required by 29 CFR § 38.9, and in formats accessible for individuals with disabilities, as required by 29 CFR § 38.15. This information is communicated in appropriate languages and in formats accessible for individuals with disabilities.

Effective Communication with Individuals with Disabilities

The Americans with Disabilities Act (ADA) requires that all programs, services, and activities are readily accessible to, and useable by, qualified individuals with disabilities. Based on 29 CFR § 38.15 and adopting [WIA Policy Manual](#) pages 34 and 38, DWD- DET requires that subrecipients communicate effectively with individuals with disabilities and provide auxiliary communication aids.

DWD-DET and local WDBs and their service providers use Wisconsin Relay Service for those individuals who are deaf, have hearing impairments, or have speech disabilities and need interpreter services. Wisconsin Relay Service is a free service providing telephone access to people who are deaf, hard-of-hearing, deaf-blind, and speech disabled. This service allows text-telephone (TTY) users to communicate with standard telephone users through specially training relay operators. Many local WDBs and their service providers now use Video Remote Interpreting (VRI). Local WDBs and service provider staff are trained in using VRI and in providing reasonable accommodations.

Meaningful Access to Limited English Proficient Individuals

Preferred language data is collected at intake at all comprehensive and affiliate job centers. It is the responsibility of all local WDBs and their service providers to ensure equal opportunity and equal access within their specific facility. When customers arrive for WIOA Title I services and need assistance in a language other than English, the local WDB staff and their service providers use established procedures to provide translation services for the customer. The local WDB ensures communications and important documents are translated, provides Babel notices, and ensures postings notify customers of their right to language assistance at no cost.

Unemployment Insurance

UI offers information in alternative languages in print, online, and by phone. Most UI program functions can be completed online. If an applicant for benefits or an employer is having difficulty with a UI-related issue, they can call the UI call center for assistance. Free language services are provided to LEP individuals.

The LEP plan, Exhibit E3-2 Wisconsin Department of Workforce Development Unemployment Insurance Limited English Proficiency Plan 2021-2022, addresses the language access requirements under Title I of

the Workforce Innovation and Opportunity Act (WIOA). WIOA and related federal regulations require all unemployment insurance (UI) agencies to provide to meaningful access to their LEP customers.

Supporting Documentation (Element 3)

1. Exhibit E3-1 Equal Opportunity is the Law Poster
2. Exhibit E3-2 Wisconsin Department of Workforce Development Unemployment Insurance Limited English Proficiency Plan 2021-2022.

Element 4: Equal Opportunity Data and Information Collection and Maintenance (29 CFR §§ 38.41-38.45)

This section addresses DWD-DET's compliance with Element 4, which requires DWD and its subrecipients to collect and maintain equal opportunity data and other information for WIOA Title I programs. DWD collects data and maintains records in a manner consistent with the procedures prescribed by the CRC Director under 29 CFR § 38.41. See [Exhibit E4-1: WIOA Title I-A & I-B Policy & Procedure Manual Chapter 5.7 Collection and Maintenance of Medical and Disability-Related Information](#).

DWD maintains records regarding individuals who use its services. DWD developed a standardized way of collecting records and data by means of a management information system called ASSET (Automated System Support for Employment and Training). See [Exhibit 4-3: ASSET Training Video](#). This system, which is accessible online, collects job seeker registration, case management information, and eligibility screening data. ASSET also allows for statistical or other quantifiable data analyses to verify DWD's compliance with WIOA Section 188 and 29 CFR Part 38.

ASSET is the participant reporting and data collection system that all career planners and local WDBs must use for WIOA Title I and partner services reporting for both performance measures and Performance Information Reporting (PIRL). ASSET is designed to ensure that performance measure calculations are consistent with current Federal reporting requirements including equal opportunity data requirements as specified in 29 CFR §§ 38.41-38.45.

WIOA data collected during the intake process is recorded in ASSET and updated as needed. EO demographic data collected from applicants, registrants, eligible applicants/registrants, and training participants includes race; ethnicity; sex; age; and where known, disability status. The DWD-DET EO Officer is involved to ensure compliance when system changes are made.

Local WDBs are responsible for assuring participant data is kept up to date within ASSET by collecting and entering data in a DWD-DET approved format as a condition of receiving the WIOA grant award.

Compliance with data and information collection and maintenance of WIOA registrants, applicant, and participants records are verified during annual on-site monitoring visits by Local Program Liaisons (LPLs). LPLs review program participants files and compare them with the case management information entered in ASSET. The DWD-DET EO Officer verifies EO demographic data in ASSET through the Desk Review Survey and on-site monitoring.

WIOA customer data is collected and maintained in ASSET in accordance with the procedures prescribed in 29 CFR § 38.41(b)(1).

Statistical/Quantifiable Data

EO demographic data is maintained in ASSET and is designed to allow the CRC, the Governor's Office, and the DWD-DET EO Officer the ability to conduct statistical or other quantifiable data analyses to verify compliance with WIOA Section 188. This information is also used to monitor EO performance, identify instances or areas of discrimination, and identify individuals or groups who have been discriminated against.

LEP Data

The Limited English Proficiency status of individuals is collected by WDAs at the time of application and enrollment. The preferred languages of LEP individuals are routinely collected via customer sign-in logs when customers access services through the one-stop job centers.

Confidentiality

Under 29 CFR § 38.41(b)(2), demographic data regarding race/ethnicity, sex, age, and disability status (where known), is stored in a manner that ensures confidentiality, and is only for the purposes of recordkeeping and reporting; determining eligibility, where appropriate, for WIOA Title I-financially assisted programs or activities; determining the extent to which subrecipients are operating its WIOA Title I-financially assisted program or activity in a non-discriminatory manner; or other use authorized by law.

This data is not available to individuals who do not have the right to view such information. All related electronic records are maintained in a confidential manner using ASSET. The system assigns passwords to users. Data security and confidentiality of information are emphasized at all levels. Service delivery staff receive training in the proper collection and reporting of required information. DWD will continue to upgrade and improve ASSET to ensure data security.

Complaint Log

The DWD-DET EO Officer shall maintain a log of complaints alleging discrimination on the grounds of:

- Race;
- Color;
- Religion;
- Sex (including pregnancy, childbirth, and related medical conditions; transgender status; and gender identity);
- National origin (including limited English proficiency);
- Age;
- Disability;
- Political affiliation or belief;
- Citizenship; and
- WIOA participation.

Complaint logs contain the name and address of the complainant, the basis for the complaint, a description of the complaint, the filing date, a disposition statement and date of issuance, and any other pertinent information.

General complaints, not alleging discrimination, are primarily handled locally. Each WDBs assigns a Job Center Complaint Coordinator to manage complaints. That individual logs all complaints received in their assigned job center or WDA. Complaint coordinators also maintain a complaint log that includes the name, contact information of the complainant, the reasons for the complaint, to whom the complaint was referred, and the date the complaint was filed. Copies of complaint logs are maintained locally but are reviewed annually when the DWD-DET EO Officer conducts an on-site monitoring visit, or as needed.

Notification Requirement

Based on 29 CFR § 38.42, the DWD-DET EO Officer and the Director of the CRC shall be promptly notified when any administrative enforcement actions or lawsuits are filed against DWD alleging discrimination on the grounds of race, color, religion, sex (including pregnancy, childbirth or related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIOA Title I financially assisted program or activity. This notification must include the names of the parties to the action or lawsuit; the forum in which each case was filed; and the relevant case numbers.

In compliance with the WIOA Title I-A & I-B Policy & Procedure Manual, DWD-DET has engaged and will continue to engage stakeholders to develop policies and to properly research and resolve complaints and appeals.

Records Maintenance and Retention

In accordance with Section 1.6.2 of the WIOA Title I-A & I-B Policy & Procedure Manual, subrecipients must maintain records related to the management and administration of the grant sufficient to supply information for required reporting; ensure adequate training of funding; and ensure lawful expenditures of funding. Additionally, in accordance with Section 1.6.4 of the WIOA Title I-A & I-B Policy & Procedure Manual, all records pertinent to grants and agreements funded by DWD-DET must be retained for a minimum period of three years. See [Exhibit E4-1: WIOA Title I-A & I-B Policy & Procedure Manual Section 1.6 \(Maintenance and Records Retention\)](#).

Confidentiality Responsibilities of Grant Applicants, Subrecipients, and DWD

Per [WIA Policy Manual](#) pages 9, 35 and 36, which has been adopted for WIOA grant applicants, subrecipients, and DWD must keep confidential to the extent possible, consistent with a fair determination of the issues, the identity of any individual who furnishes information relating to, or assists in, an investigation or a compliance review, including the identity of any individual who files a complaint. An individual whose identity is disclosed must be protected from retaliation.

The document retention time period for discrimination complaints should be not less than three years.

Supporting Documentation (Element 4 and 6)

1. [Exhibit E4-1: WIOA Title I-A & I-B Policy & Procedure Manual Section Chapter 5.7 \(Collection and Maintenance of Medical and Disability-Related Information\)](#)
2. [Exhibit E4-1: WIOA Title I-A & I-B Policy & Procedure Manual Section 1.6 \(Maintenance and Records Retention\)](#)

Element 5: Affirmative Outreach (29 CFR § 38.40)

This section describes DWD's compliance with Element 5, which requires the State and its subrecipients to take appropriate steps to ensure it is providing equal access to its WIOA Title I-financially assisted programs and activities. DWD is committed to ensuring all citizens of Wisconsin benefit from the programs administered by DWD, including its WIOA Title I financially assisted programs and activities. Every year, the DWD-DET EO ensures WDAs perform affirmative outreach to their various populations.

This section provides a description of applicable offices and programs and how they address target populations and broaden the composition of individuals represented. See [Exhibit E5-1: WIOA Title I-A & I-B Policy & Procedure Manual Chapter 5.5 \(Affirmative Action\)](#).

Local Workforce Development Boards

In accordance with Section 5.5 of the WIOA Title I-A & I-B Policy & Procedure Manual, local WDBs must conduct affirmative outreach to groups and communities protected by the WIOA regulations when participant enrollment data indicates an under-representation in program enrollment of certain protected groups. Through onsite compliance reviews, the DWD-DET EO Officer continually monitors and evaluates efforts by local WDBs to broaden representation of persons in programs, services, and employment funded under WIOA Title I. See 29 CFR § 38.31.

Outreach by the One-Stop System

A Memorandum of Understanding entered into annually between the local WDB and the One-Stop partners establishes the organizational relationships, responsibilities, and activities of the One-Stop system.

The One-Stop partners provide affirmative outreach through the following:

1. Perform annual demographic analysis to appropriately prioritize outreach;
2. Provide comprehensive services designed to assist the unemployed citizens of the Wisconsin in obtaining gainful employment;
3. Support the underemployed citizens of the state in preparing for a new and more rewarding career;
4. Provide universal access to all customers, including those with special needs or barriers to employment;
5. Provide customer choice in the way services are accessed, and in the services themselves, based on individual need; and
6. Allow integrated services through a planning process at the state and local levels, coordinate activities and services for customers, and be fully aware of the role each Partner has within the system and to understand the services each Partner provides.

Partnered Entities

DWD can access the expertise of all required WIOA partner agencies. This allows for a seamless method to make referrals to DLR programs and services. Through collaborative efforts with these partner entities, DLR will continue to broaden the composition of the pool of individuals considered for participation and employment. DLR looks for such efforts to be directed at including members of both sexes, of the various racial and ethnic groups, and of various age groups, as well as individuals with disabilities and LEP.

The DLR communications staff, job service office managers, Career Learning Center directors, and WIOA service providers work together to ensure all segments of the population are aware and informed about the programs and activities available within WIOA. This includes providing information to various agencies and organizations for the promotion of DWD-DET programs and activities; providing press releases to appropriate news media throughout the state on the availability of DWD-DET programs and activities; and conducting outreach efforts throughout the state to inform and recruit participation of job seekers and businesses.

Mobile Career Lab

DWD operates a [Mobile Career Lab](#). The Mobile Career Lab delivers workforce resources and services to individuals and businesses throughout Wisconsin. The Mobile Career Lab assists those who may have challenges accessing workforce services, employers who have a training or hiring need, and partners who could use additional resources.

The Mobile Career Lab delivers Job Center services anywhere in Wisconsin. This new tool is equipped with computers and display screens that can be used as a classroom for training and employment workshops or as a resource room for resume and job application assistance.

The Wisconsin Mobile Career Lab can serve constituents of all abilities. The Mobile Career Lab is ADA compliant with the use of a lift for constituents to use if they are in a wheelchair or need assistance climbing stairs. Additionally, there are two computer stations within the Mobile Career Lab that are ADA accessible. The use of JobCenterofWisconsin.com on the computers is also in a version that is compliant for the visually and hearing impaired.

The Mobile Career Lab has been at employer-sponsored hiring events, job fairs sponsored by the WDBs and DWD, Workforce and Education conferences, Rapid Response events, Registered Apprenticeship events, and Dislocation events. These events have been held across Wisconsin, including:

- Milwaukee Drive Thru Job Fair
- NWPRC Job Fair
- Forward Careers Job Fair
- Baraboo Drive Thru Job Fair
- Dane County Job Fair
- Bay Area Job Fair
- Sheboygan Job Fair
- WIOA Roundtable Conference
- Migrant Seasonal Farmworker Events
- National Apprenticeship Week Events
- Rapid Response Events
- Dislocation Events

Governor's Executive Order 59

In 2019, Governor Tony Evers signed [Governor's Executive Order 59](#) relating to diversity, equity, and inclusion in state government. Executive Order 59, among other things, requires state agencies to develop and implement equity and inclusion action plans, directs the Wisconsin Department of Administration to develop and provide mandatory equity and inclusion training for all state agency employees, and creates the Governor's Advisory Council on Equity and Inclusion.

Correctional Facilities

DWD and the Department of Corrections (DOC) have collaborated on an innovative project to serve the persons in DOC's care with the ability to be career ready upon release to their returning community. Under this collaboration, DWD and DOC have created 10 correctional job centers located across Wisconsin. These correctional job centers include the following services: job readiness, career exploration, registration on JobCenterofWisconsin.com, career assessments, mock interviews, resume building, and in-person/phone/virtual interviews with employers. This project helps to serve the most barriered populations for persons in DOC's care. DWD also provides specific veterans services and vocational rehabilitation services for these specific populations. DWD also serves young adults (18-24) with its correctional job center soon to be located at the Racine Youthful Correctional Center, as well as DOC's female correctional populations with correctional job centers located at Taycheedah Correctional Institution, Milwaukee Women's Correctional Center, and Robert E. Ellsworth Correctional Center.

Public Libraries

DWD-DET partnered with public libraries to increase access to programs and services. DET's Job Service has updated its strategy and is committed to meeting customers where they are at. This includes providing more services throughout the community instead of just in the local job centers throughout the state. The libraries have been an integral partner in this new strategy to expand the reach and capacity of job service across Wisconsin. DWD-DET has focused on relationship-building, scheduling, workforce activities, and other job service-related services. Libraries have identified a point of contact to connect with questions. Libraries are traditionally a first point of entry for our customers and this will allow for additional coordination and outreach to let the audience know that our services are available.

Jobs Database and Labor Market Information

DWD-DET maintains the Job Center of Wisconsin to provide the public with easy access to search for and post-employment opportunities over the internet. Wisconsin employers use the online system to post job listings, search resumes for qualified candidates, and review labor market information and trends. Job seekers can self-register, search for jobs listed in the database, and review labor market information.

DWD-DET Bureau of Workforce Information and Technology Services (BWITS) collects, analyzes, and provides this labor market information to the public. This includes information such as employment levels, unemployment rates, wage and earnings data, estimates of available labor, employment projections, business staffing patterns, career planning information, etc. Employers, career decision makers, and education, economic development, job placement, and training program planners use this information.

Supporting Documentation (Element 5)

[Exhibit E5-1: WIOA Title I-A & I-B Policy & Procedure Manual Chapter 5.5. \(Affirmative Action\)](#)

Element 6: Governor's Oversight Responsibility Regarding Subrecipients' Recordkeeping (29 CFR § 38.53)

This section describes DWD's compliance with Element 6, which outlines oversight responsibilities regarding subrecipient's recordkeeping. DWD-DET ensures that subrecipients collect and maintain records in a manner consistent with the provisions of 29 CFR § 38.41 and any procedures prescribed in Section 188 of WIOA. Please see Element 4: Equal Opportunity Data Information Collection and Maintenance (29 CFR §§ 38.41-38.45) for more information about the State's compliance with these requirements.

Element 8 describes how DWD-DET carries out its WIOA Title I oversight and monitoring responsibilities. Please see Element 8: Governor's Oversight and Monitoring Responsibilities for State Programs (29 CFR §§ 38.51-38.53) for more information about the State's compliance with those requirements.

Element 7: Complaint Processing Procedures (29 CFR §§ 38.72-38.73)

This section describes DWD's compliance with Element 7, which outline the requirements for complaint processing procedures. DWD-DET developed complaint procedures applicable to all WIOA Title I discrimination complaints, as well as procedures for general program complaints.

Required Elements of a Subrecipient's Complaint Processing Policy and Procedure

DWD-DET's complaint processing procedures include elements required in 29 CFR § 38.7, see Exhibit E7-1: DWD-DET follows the complaint process established in the [WIA Policy Manual](#) Chapter 9 (Complaints/Grievances and Appeals) for its WIOA Section 188 complaints and has entered an agreement with DWD's Equal Rights Division to meet ADR requirements:

1. Initial written notice to the complainant;
2. Written statement of the issue(s) provided to the complainant;
3. A period for fact-finding or investigation of the circumstances underlying the complaint;
4. A period during which DWD attempts to resolve the complaint;
5. Written notice of Final Action provided to the complainant;
6. The option to request alternative dispute resolution (ADR) (see Exhibit E7-3: DET-ERD MOA for ADR Services); and
7. Notice of the right to file a complaint with CRC within 30 days of the date the Final Action is received.

Adopting the [WIA Policy Manual](#) Chapter 9 (Complaints/Grievances and Appeals) for WIOA Section 188 procedures, WDAs inform individuals that they cannot be retaliated against if they file a discrimination complaint. DWD-DET's complaint form is included as [Exhibit E7-2: WIOA Grievance Information and Form \(DETS-7627\)](#).

Responsibility for Developing and Publishing Complaint Processing Procedures for Service Providers

DWD-DET develops and publishes, on behalf of our service providers, the complaint processing procedures required in 29 CFR § 38.72 and by adopting the procedures in its [WIA Policy Manual](#) Chapter 9 for WIOA Section 188 matters. The service providers must then follow those procedures.

Supporting Documents (Element 7)

1. [Exhibit E7-1: WIA Policy Manual Chapter 9 \(Complaints/Grievances and Appeals\)](#)
2. [Exhibit E7-2: WIOA Grievance Information Form \(DETS-7627\)](#)
3. Exhibit E7-3: DET-ERD MOA for ADR Services.
4. Exhibit E7-4: DWD-DET JCCCS Complaint Poster

Element 8: Governor's Oversight and Monitoring Responsibilities for State Programs (29 CFR §§ 38.51-38.53)

This section describes DWD's compliance with Element 8, which outlines the State and subrecipient oversight and monitoring responsibilities of all WIOA Title I—financially assisted State Programs.

The State is required to establish procedures to monitor all aspects of subrecipients' compliance with WIOA Title I. To meet this requirement, DWD-DET conducts annual coordinated on-site monitoring visits of the 11 WDBs who receive WIOA Title I funds through DWD. The coordinated monitoring visit includes a review of the program, governance, fiscal, and EO elements.

The DWD-DET EO Officer has been assigned the overall responsibility for EO monitoring. The DWD-DET EO Officer conducts in-depth EO and nondiscrimination compliance monitoring reviews of each WDB to assess their compliance with the EO and nondiscrimination provisions of WIOA Section 188 and 29 CFR Part 38 and provides training and technical assistance to local EO Officers.

Local EO officers oversee and monitor Title I programs and activities of the local WDB and its contracted service providers in their respective WDAs and report to the DWD-DET EO Officer. The DWD-DET EO Officer reviews local actions during the annual on-site coordinated monitoring visit.

Monitoring Requirements

The on-site EO monitoring visits include the following:

1. Review of compliance with administrative obligations under WIOA Section 188 and 29 CFR Part 38;
2. Review of programs and activities to determine whether nondiscrimination and equal opportunity is occurring;
3. Review of compliance with responsibilities the WDB has been assigned;
4. Identification of technical assistance needs;
5. Identification of system-wide issues requiring policy or program review and resolution; and
6. Identification and sharing positive practices with others in the workforce development system.

The monitoring review also includes analyses of data, reports, and records collected by local WDBs, including analyses by race/ethnicity, sex, age, English proficiency, and disability status, pursuant to 29 CFR § 38.51. Local EOs will conduct deeper investigations if differences are identified in participation in the programs, activities, or employment, to determine whether these differences appear to be caused by discrimination.

Monitoring Procedures

The DWD-DET EO Officer monitors the local WDBs receiving WIOA Title I-funding by conducting desk and or onsite monitoring reviews using a Desk Review Survey tool. The Desk Review Survey tool includes sections for program/governance review, fiscal review, and EO review. Both the desk and onsite EO monitoring reviews assess each local WDB's compliance with 29 CFR Part 38 related to:

- Element 1: Assurances;
- Element 2: Equal Opportunity Officers;
- Element 3: Notice and Communications;
- Element 4: Data and Information Collection and Maintenance;

- Element 5: Affirmative Outreach;
- Element 6: Governors' Oversight, Responsibility Regarding Subrecipient's Recordkeeping;
- Element 7: Complaint Processing Procedures;
- Element 8: Governor's Oversight and Monitoring Responsibilities for State Programs;

The onsite review is a comprehensive look at the programs, services, and employment practices of subrecipients receiving WIOA Title I-funding. The review also assesses the physical and programmatic access to services the WDB is providing to individuals, including individuals with disabilities. The onsite review includes:

1. An entrance conference identifying the scope of the review and subject matter, followed by local discussion;
2. An interview with the local WDB EO Officer based on information received in the Desk Review Survey;
3. A file review for EO elements, including the handling of medical and disability-related information and whether the WDB is effectively communicating with participants with limited English proficiency;
4. Site visits at comprehensive and affiliate job centers to review:
 - a. Staff awareness of nondiscrimination and EO laws;
 - b. Physical aspects of the site, including programmatic and architectural accessibility;
 - c. Observance of reception, intake, and assessment processes, if applicable;
 - d. Display of announcements, mandatory WIOA "Equal Opportunity is the Law" posters, and posters and signs for clients with limited English-speaking abilities to verify that notice is being provided to participants, applicants, and employees, is available in languages pertinent to the area, and is posted prominently;
 - e. Auxiliary aids and assistive devices and ability to use the equipment; and
 - f. Whether there are signs posted for the public identifying available assistive technology;
5. Review of complaint procedures and complaint log; and
6. Review of reasonable accommodation procedures for applicants and employees.

Immediately following the onsite review, the coordinated monitoring team conducts an exit conference with the WDB to discuss positive practices, areas of concern, and findings.

Upon completion of the desk and onsite reviews, DWD-DET drafts a coordinated monitoring report that identifies technical assistance needs, areas of noncompliance, and required actions. DWD-DET sends this report to the WDB Director within 45 days of the onsite visit. The local WDB has 45 days to respond and provide follow up actions and identify corrections it has made since receiving the report.

Corrective Action and Sanctions

DWD-DET developed policies and procedures for correction action and sanctions when it finds noncompliance with the WIOA Title I equal opportunity and nondiscrimination requirements. Any corrective action needs to be appropriate for the violation identified and provide a reasonable time to correct the violation. Technical assistance will be provided based on DWD-DET and local assessments.

Sanctions are considered a last resort if voluntary compliance cannot be achieved. If sanctions are necessary, the deliberateness, seriousness, and frequency of the violation will determine the precise nature of the sanction.

Supporting documentation (Element 8)

1. [Exhibit E8-1: DWD-DET WIOA Title I-A & I-B Policy & Procedure Manual Chapter 1.2 \(Oversight and Monitoring\)](#)
2. [Exhibit E8-2: DWD-DET WIOA Title I-A & I-B Policy & Procedure Manual Chapter 5 \(Nondiscrimination/EO and AA\)](#)
3. [Exhibit E8-3: 2020-2021 Monitoring Schedule](#)
4. [Exhibit E1-3: 2020-2021 DWD-DET Desk Review Survey](#)
5. [Exhibit E1-4: CRC/EO Monitoring Guide](#)

Element 9: Identification of Eligible Providers of Training Services

This section describes DWD-DET's compliance with Element 9, which requires a system for determining whether an Eligible Training Provider is likely to conduct its WIOA Title I—financially assisted programs or activities in a nondiscriminatory way and comply with federal nondiscrimination and EO provisions.

Wisconsin's Eligible Training Program List (ETPL) must be used to select Individual Training Account (ITA) funded training services for WIOA Title I Adult Program and Dislocated Worker Program participants who qualify for training and, it may be used for the same purpose for Out-of-School Youth (OSY) Program participants. Other core and partner programs are not required to use the ETPL but the state may choose to leverage it as a resource. If an institution's training program is not on the list, it can take steps to add the program or, the program may be allowable as a non-ITA training option. The ETPL does not apply to services other than training. The ETPL policy is located [here](#).

Supporting documentation (Element 9)

Included in links above.

Element 10: Review of Subrecipients' Policy Issuances to Ensure they are Nondiscriminatory

This section describes DWD-DET's compliance with Element 10, which requires DWD-DET to review all subrecipient's job training plans, contracts, assurances, and EO policies that are issued or updated to ensure they are nondiscriminatory. DWD-DET conducts these reviews before the subrecipient's on-site monitoring review, during the on-site view, and throughout the course of the year when subrecipients request technical assistance.

Subrecipients must submit all current policies, procedures, and other EO documents and checklists as part of the DWD-DET Coordinated Monitoring Guide-Desk Review Survey before the on-site monitoring review. See [Exhibit E1-3: 2020-2021 DWD-DET Desk Review Survey](#) Part IV Civil Rights and Equal Opportunity (CR/EO) section of the Desk Review Survey and [Exhibit E1-4: CRC/EO Monitoring Guide - Civil Rights Compliance Guide](#).

Supporting documentation (Element 10)

Included in links above.

Element 11: Subrecipient Job Training Plans, Contracts, Assurances, and Agreements

This section describes DWD-DET's compliance with Element 11, which requires a system for reviewing subrecipients' job training plans, contracts, assurances, and other similar agreements to ensure that they are both nondiscriminatory and contain the required language regarding nondiscrimination and equal opportunity.

The DWD-DET EO Officer is the designated individual responsible for ensuring subrecipient's Job Training Plans are reviewed to ensure they are nondiscriminatory.

As a member of the Bureau of Workforce Training, Governance and Compliance Section, BWT-GCS, the DWD-DET EO Officer works collaboratively with other grant management and program/governance staff to ensure proper equal opportunity and nondiscrimination language is included in grant awards.

See Element 1: Assurances (29 CFR §§ 38.25-38.27) regarding the mandatory assurance language subrecipients must include in their agreements to carry out WIOA Title I financially assisted programs and activities.

Supporting documentation (Element 11)

1. Exhibit E11-1: DWD-DET WIOA Contract

Element 12: Ensuring Subrecipients' Compliance with the Nondiscrimination and Equal Opportunity Requirements

This section describes DWD-DET's compliance with Element 12, which requires procedures for ensuring that subrecipients comply with the nondiscrimination and equal opportunity requirements of 29 CFR § 38.5.

DWD-DET requires subrecipients of WIOA Title I funds to comply with all applicable DWD-DET WIOA policies and procedures as a condition of receiving the financial assistance. Chapter 5 contains the nondiscrimination and equal opportunity requirements that subrecipients must follow. A copy of Chapter 5 is included in [Exhibit 12-1: WIOA Title I-A & I-B Policy & Procedure Manual Section 5 \(Assurance Requirements\)](#). Subrecipients are responsible for flowing these requirements down to their subrecipients.

DWD-DET uses annual reviews of subrecipients' overall administration of the WIOA program to ensure that subrecipient and their subrecipients are administering all aspects of the WIOA programs in a nondiscriminatory manner.

See Element 1: Assurances (29 CFR §§ 38.25-38.27) regarding the mandatory assurance language subrecipients and their subrecipients must include in their agreements to carry out WIOA Title I financially assisted programs and activities.

Chapter 9 of the [State WIA Policy Manual](#) includes the Complaint, Grievance, and Appeal requirements subrecipients must use in developing local policies and procedures for their subrecipients, which has been adopted for WIOA Section 188 matters.

The DWD-DET EO Officer provides local EO Officers with resources and technical assistance as part of each monitoring visit to ensure they are carrying out WIOA requirements. All local EO Officers must attend EO training at least 8 hours annually, see policy in [Exhibit E12-3: WIOA Title I-A & I-B Policy & Procedure Manual, Section 5.2.2 EO Officer Training](#). As an example, Employ Milwaukee, Inc., WDA 2, takes the lead in organizing and sponsoring virtual EO trainings. The trainings are attended by local EO Officers and other subrecipient staff. Recently, DWD-DET EO Officer delivered an EO training titled "Beyond Performance: Non-Discrimination Provisions", which includes an overview of equal opportunity and nondiscrimination provisions and monitoring tips. See Exhibit 12-4: DWD-DET EO Training.

Supporting documentation (Element 12)

Included in links above.

Element 13: Ensuring Subrecipients are Compliant with Section 504 and Title II of the ADA

This section describes DWD-DET's compliance with Element 13, which requires procedures for ensuring that subrecipients comply with the requirements of applicable Federal disability nondiscrimination law.

See Element 1: Assurances (29 CFR §§ 38.25-38.27) regarding DWD-DET's compliance with including assurance language in its agreements to carry out WIOA Title I financially assisted programs and activities. This language includes the requirement to comply with Section 504 of the Rehabilitation Act of 1973, as amended, and ADA Title II, which prohibits discrimination against qualified individuals with disabilities.

DWD-DET also requires subrecipients of WIOA Title I funds are required to comply with all applicable DWD-DET WIOA policies and procedures as a condition of receiving the financial assistance. Chapter 5 contains the nondiscrimination and equal opportunity requirements that subrecipients must follow. A copy of Chapter 5 is included in [Exhibit 12-1: WIOA Title I-A & I-B Policy & Procedure Manual Section 5 \(Assurance Requirements\)](#)

DWD-DET also issues a monitoring guide used by the DWD-DET EO Officer when conducting annual on-site monitoring reviews of local subrecipient' programs. See [Exhibit E1-4: CRC/EO Monitoring Guide - Civil Rights Compliance Guide](#). The focus of the on-site reviews is to determine compliance with civil rights, equal opportunity, and nondiscrimination requirements, and to review significant differences or disparities identified during the review of documentation submitted with the desk review survey requested beforehand. Areas of emphasis during the on-site review include, but are not limited to:

1. Staff composition (agency labor force/Affirmative Action Plan);
2. Management and client interviews;
3. Staff awareness of civil rights, equal opportunity, and nondiscrimination laws;
4. Complaint files (if appropriate);
5. Client file reviews;
6. Client interviews;
7. Physical aspects of the site, including programmatic and architectural accessibility;
8. Observance of reception, intake, and assessment processes, if applicable;
9. Maintenance of relevant policies and complaint files;
10. Interviews of minority community-based organizations when complaints or equal opportunity concerns are raised;
11. Review agreements with local organizations to provide needed services to persons with special needs; and
12. Display of announcements, mandatory posters, and posters or signs for clients with visual and/or hearing disabilities or LEP needs.

The Section 504 and ADA requirements are in Element 5 of the 2018-2020 Civil Rights Compliance, Equal Opportunity Nondiscrimination Monitoring Review Guide, pages 13 – 15. A copy of the Monitoring Review Guide included as [Exhibit E1-4: CRC/EO Monitoring Guide - Civil Rights Compliance Guide](#).

Local EO Officers are encouraged to continually use the DWD-DET's monitoring guide as a self-evaluation tool to assess whether its programs, services, and activities are fully accessible to persons

with disabilities. The monitoring guide includes a series of questions specific to the requirements that must be met and lists the various accessibility checklists to use in determining whether programs are physically and programmatically accessible. DWD-DET requires subrecipients' local EO Officers to complete the self-assessment checklists and submit it with the Coordinated Monitoring Review Guide – Desk Review Survey at least 20 days before the annual on-site review occurs. See guide in [Exhibit E1-3: 2020-2021 DWD-DET Desk Review Survey](#).

Physical Accessibility Checklist

DWD-DET adopted the use of the ADA checklists produced by the New England ADA Center, a project of the Institute for Human Centered Design and a member of the ADA National Network. The checklist was developed under a grant from the Department of Education and follows the four priorities that are listed in the Department of Justice ADA Title III regulations. These priorities are equally applicable to state and local government facilities as well.

ADA Checklist for Existing Facilities

[Priority 1 – Approach & Entrances](#)

[Priority 2 – Access to Goods & Services](#)

[Priority 3 – Toilet Rooms](#)

[Priority 4 – Additional Access](#)

Programmatic Accessibility Checklist

DWD-DET follows the modern accessibility standards, such as Section 508 Standards (36 CFR Part 1194) and has adopted the Section 508 Checklists to help local subrecipients and their subrecipients comply with the standards and to ensure local programs use more accessible electronic information technology. Local EO Officers are strongly encouraged to use the various checklists when developing, procuring, maintaining, or using information communication technology to ensure that persons with disabilities have equal access to programs, services, activities, and equipment provided through one-stop centers and affiliate sites. Section 508 Checklists are provided in Appendix B through Appendix I in the Civil Rights Compliance and Equal Opportunity Nondiscrimination Monitoring Review Guide, see [Exhibit E1-4: CRC/EO Monitoring Guide - Civil Rights Compliance Guide](#).

Local subrecipients are required to complete the WIOA Section 188 Disability Checklist at least annually. The checklist must be submitted along with other checklists required to be submitted together with the 2018-19 Coordinated Monitoring Guide – Desk Review Survey. The Section 188 Disability Checklist is appended as part of [Exhibit E1-3: 2020-2021 DWD-DET Desk Review Survey](#).

Supporting documentation (Element 13)

Included in links above.

Element 14: Policy Communication and Training

This section describes DWD-DET's compliance with Element 14, which requires a system of policy communication and training to ensure those with assigned responsibilities under the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR § 38.54 are aware of and can effectively carry out those responsibilities.

DWD-DET communicates its policies to its subrecipients through the DWD-DET State WIOA Policy Manual, administrative memoranda, guidance, and monitoring review guides. This link contains examples of administrative memoranda, [Exhibit 14-1: DWD-DET Issued Administrative Memos](#). Subrecipients of WIOA Title I funds are required to comply with all applicable DWD-DET WIOA policies and procedures as a condition of receiving the financial assistance.

The DWD-DET State Policy Manual contains the basic provisions governing administration of the WIOA grant awards to subrecipients. Policies in the manual have been written and adopted by DWD-DET for DET WIOA funded programs in the State of Wisconsin. Local subrecipients may also have their own policies for the local administration of their WIOA programs; however, local subrecipient policies for the local administration of WIOA programs (including policies issued to their subrecipients for administration of the programs, services, and activities) must comply with applicable provisions of the DWD-DET State Policy Manual.

System of Training

The DWD-DET EO Officer is responsible for providing EO civil rights compliance training to local EO Officers. Local subrecipient EO Officers are responsible for providing EO civil rights compliance training to local subrecipient staff and to their subrecipients.

Local EO Officers provide annual training to local subrecipient and WDB staff. Training consists of an overview of internal nondiscrimination policies and procedures and refreshers on applicable civil right statutes. Some local EO Officers develop online civil rights compliance trainings that staff are required to take annually. Other local EO Officers will invite speakers to present at annual, all-day staff training sessions conducted at the local level.

The DWD-DET EO Officer provides local EO Officers with resources and technical assistance as part of each monitoring visit to ensure they are carrying out WIOA requirements. All local EO Officers must attend EO training at least 8 hours annually, see policy in [Exhibit E12-3: WIOA Title I-A & I-B Policy & Procedure Manual, Section 5.2.2 EO Officer Training](#). As examples, Employ Milwaukee, Inc., WDA 2, often takes the lead in organizing and sponsoring virtual EO trainings. The trainings are attended by local EO Officers and other subrecipient staff. As a second example, the DWD-DET EO Officer recently delivered an EO training titled "Beyond Performance: Non-Discrimination Provisions," which included an overview of equal opportunity and nondiscrimination provisions and monitoring tips. See Exhibit 12-4: DWD-DET EO Training. Finally, the DWD-DET EO officer recommends that WDA staff take Civil Rights training modules available at this [link](#).

Supporting documentation (Element 14)

Included in links above.

Element 15: Corrective Action and Sanctions

This section describes DWD-DET's compliance with Element 15, which requires procedures for obtaining corrective action and applying sanctions. Subrecipients of Federal funds must participate in monitoring reviews conducted by the State pass-through agency or the Federal awarding agency. Subrecipients must provide state-level monitors with all necessary program, participant, and fiscal records at the time of an on-site or desk review, see [Exhibit E1-3: 2020-2021 DWD-DET Desk Review Survey](#) and [Exhibit E1-4: CRC/EO Monitoring Guide](#).

US DOL or DWD-DET may identify findings of noncompliance during the desk and/or on-site monitoring review of the subrecipient's programs. In situations where US DOL or DWD-DET finds violations or noncompliance, DWD-DET will notify the subrecipient of the violation, make them aware of the risk of sanctions for noncompliance, and provide them with an appropriate opportunity to respond. All notices of findings will address the possibility of sanctions, if:

1. The subrecipient does not remedy the violation or problem;
2. The subrecipient does not submit or adhere to appropriate clarifications; and/or
3. The subrecipient does not take the appropriate corrective action.

The Coordinated Monitoring Report identifies the requirements for Corrective Action. If an acceptable corrective action plan is presented to DWD-DET within 45 days of the notice of violation or discrimination, DET may do one of the following:

1. Postpone the initiation of sanctions;
2. Lift the sanctions; or
3. Impose the sanctions.

Corrective action plans must be designed to completely remedy the findings. The corrective action plan must include timeframes to rectify noncompliance, and the timeframes must be established in a manner to assure deliberate and timely efforts are made to resolve the findings. DWD-DET may also require that the subrecipient provide interim status reports to the DWD-DET EO Officer to assure oversight of progress toward compliance.

Supporting documentation (Element 15)

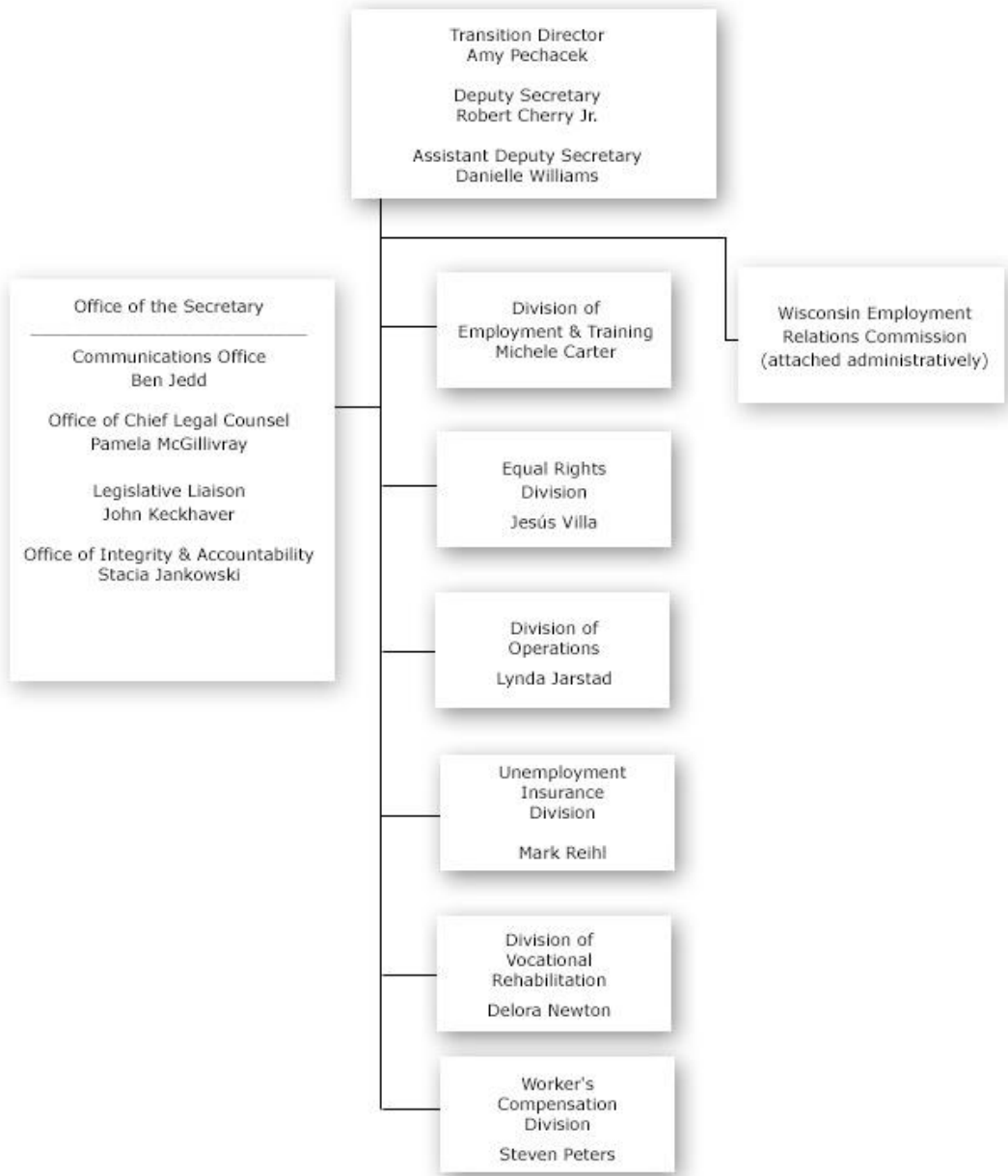
Included in links above.

Element 16: Supporting Documentation

Exhibit I-1: DWD Organizational Chart

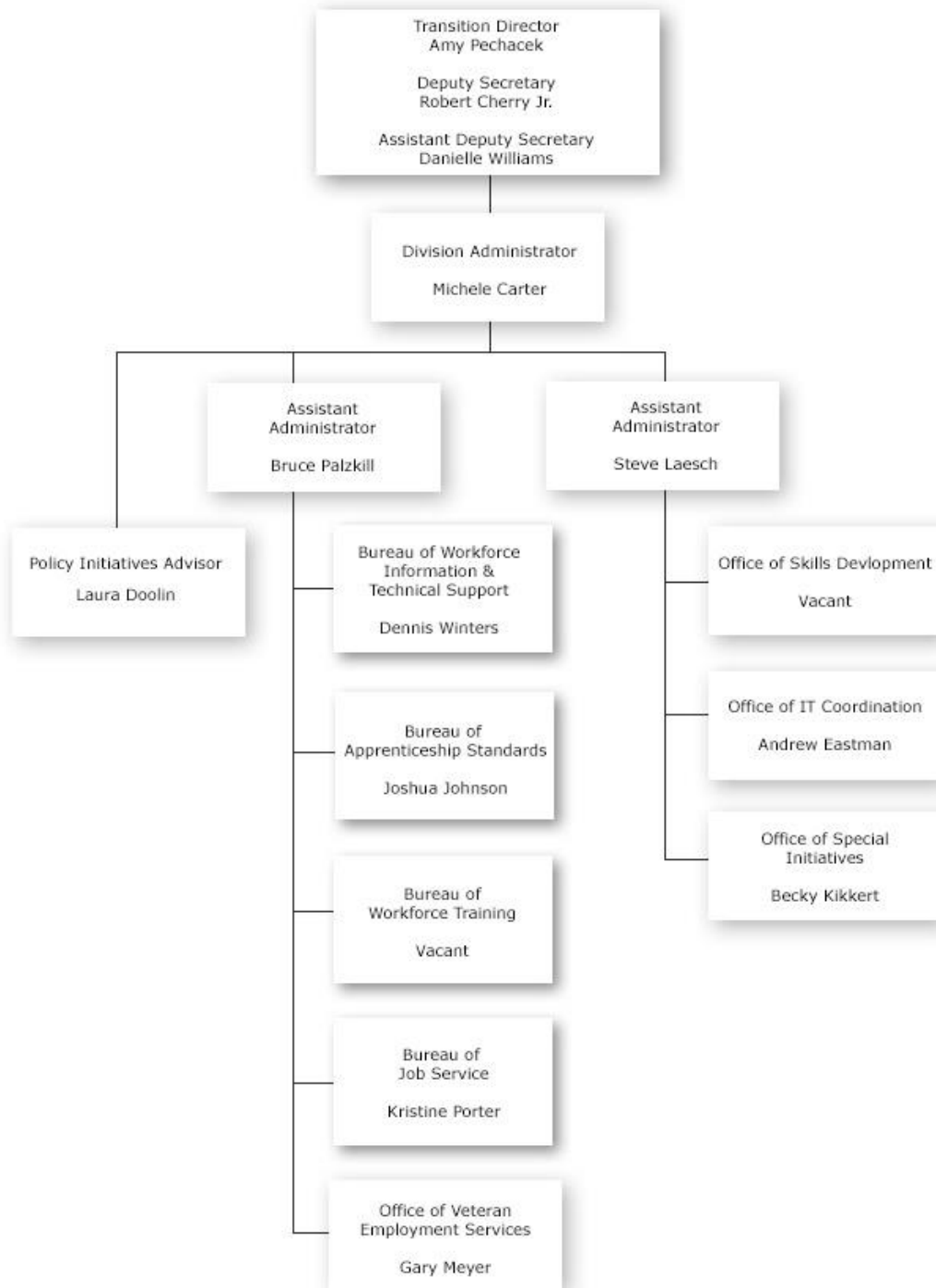


DET Human Resources
DWD/DET Organization Charts
November 15, 2020



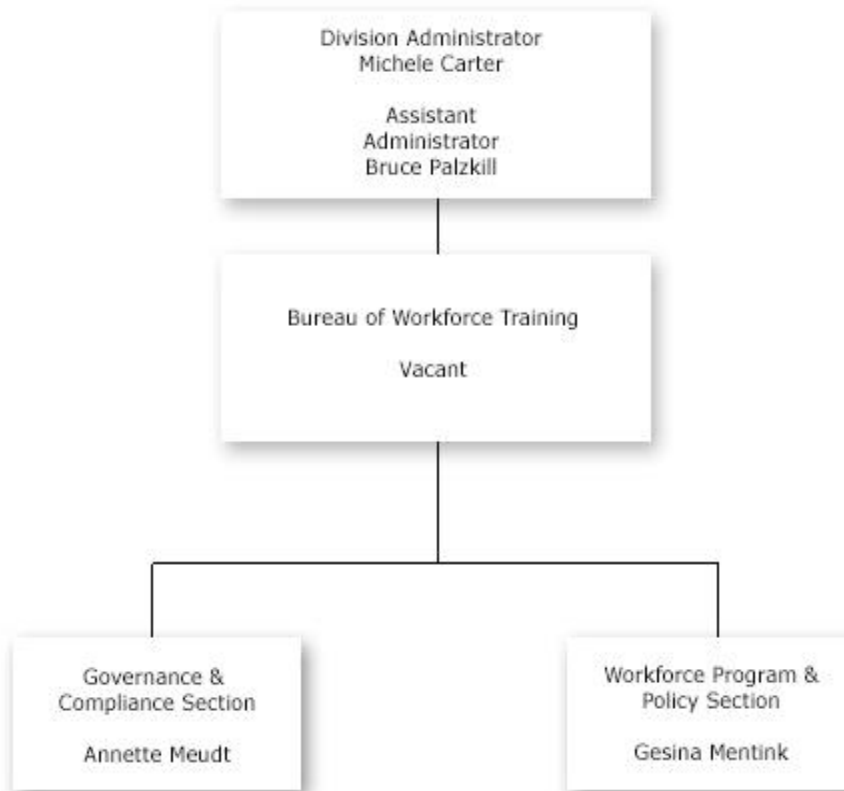
<https://dwdworkweb/dwd/orgcharts/dwd-overview.htm>

Exhibit I-2: DWD DET Organizational Chart



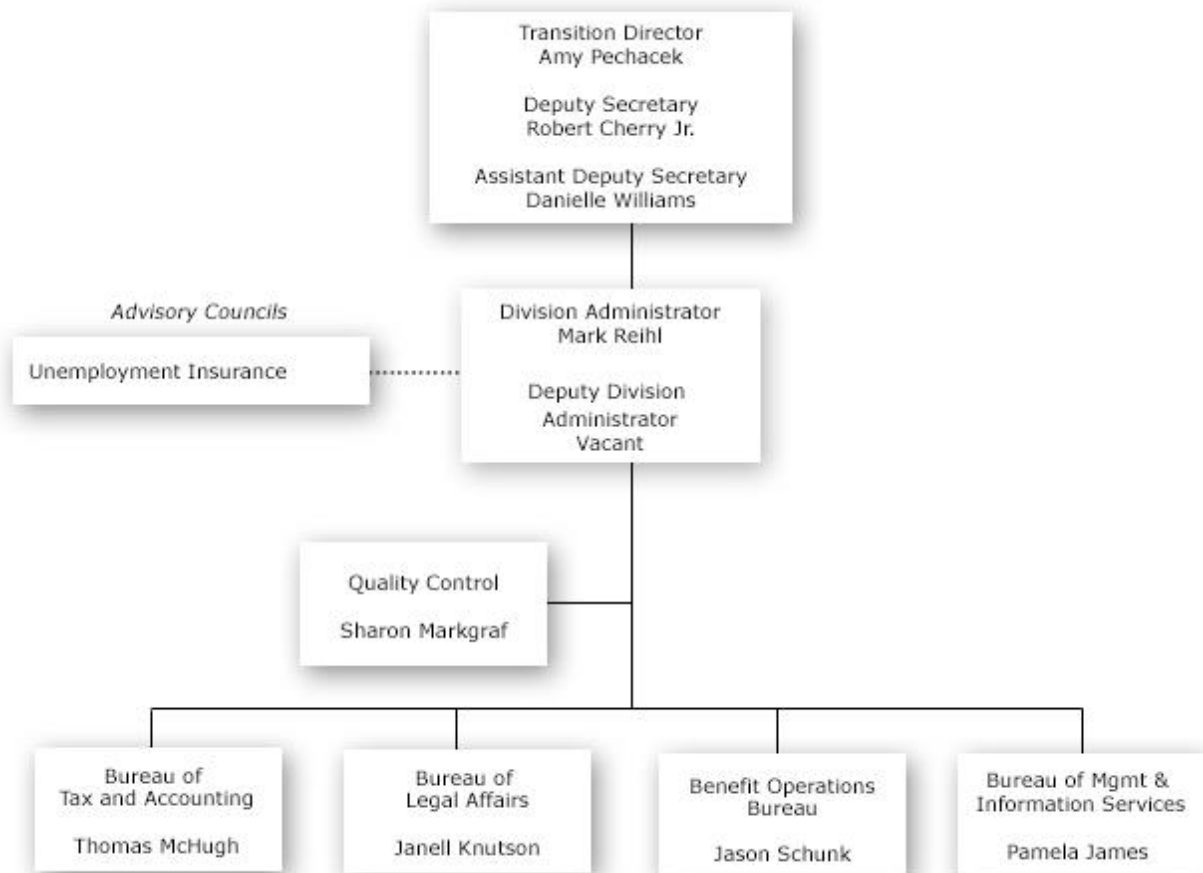
<https://dwdworkweb/dwd/orgcharts/det/default.htm>

Exhibit I-3: DWD DET-BWT Organizational Chart



<https://dwdworkweb/dwd/orgcharts/det/workforce-training.htm>

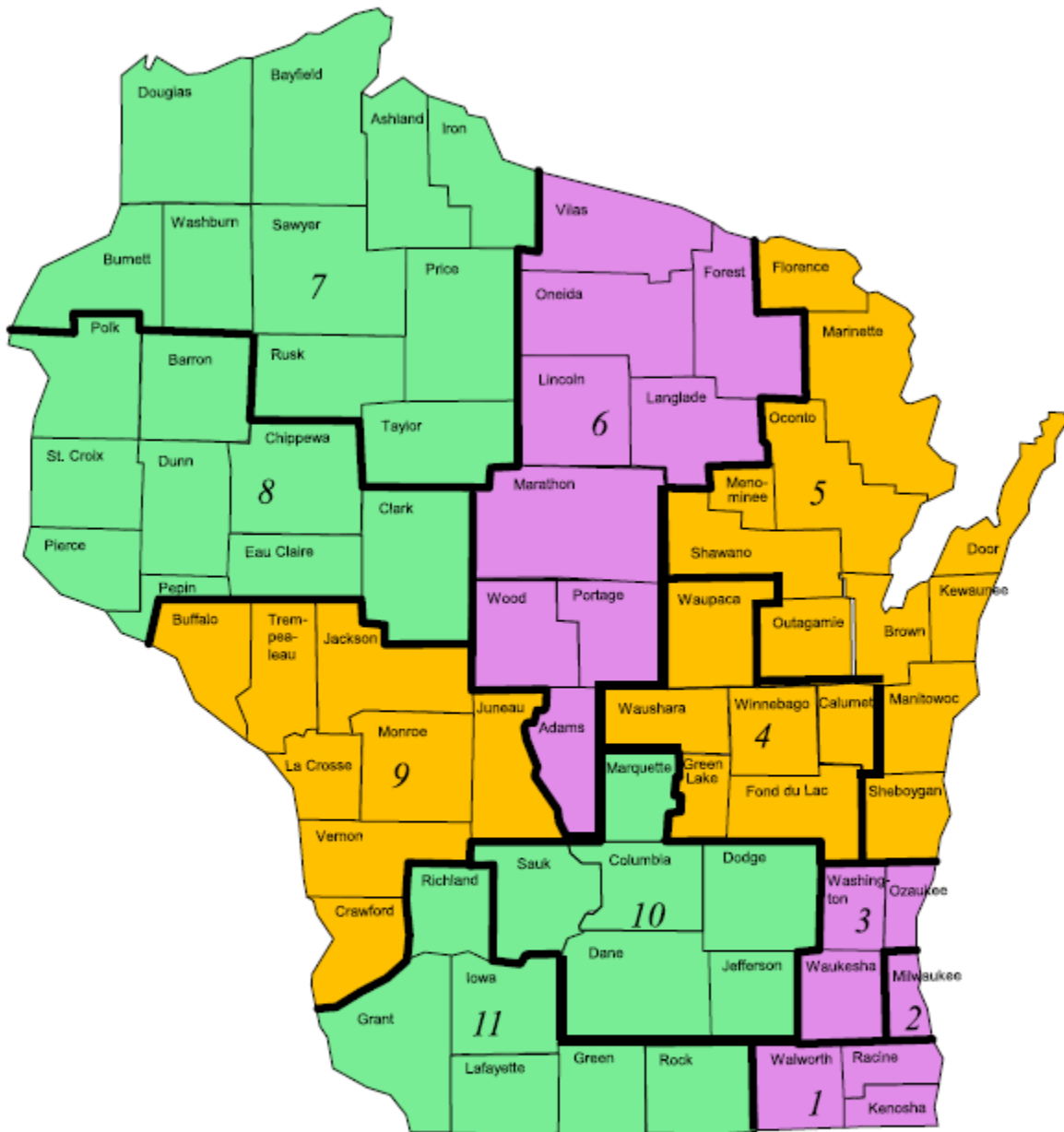
Exhibit I-4: Unemployment Insurance Division Organizational Chart



<https://dwdworkweb/dwd/orgcharts/ui/default.htm>

Exhibit I-5: WDA Map

Wisconsin's Workforce Development Areas



Local Program Liaison Assignments

<p>Jennifer Arzt (808) 733-3849 WDA #7 - Northwest WDA #8 - West Central WDA #10 - South Central WDA #11 - Southwest</p>	<p> </p>	<p>Tara Cowe-Spigai (808) 733-3864 WDA #4 - Fox Valley WDA #5 - Bay Area WDA #9 - Western</p>	<p>Renee O'Day (808) 733-3908 WDA #1 - Southeast WDA #2 - Employ Milwaukee, Inc. WDA #3 - WOW WDA #6 - North Central</p>
--	--	--	--

S:\S:\DET\DET-Share\Maps\WDAs\color Local Program Liaison 09-25-2020

Figure 1

Exhibit E2-1: State EO Officer Appointment Letter



Tony Evers

Office of the Governor | State of Wisconsin

December 10, 2020

Amy Pechacek, Transition Director
Department of Workforce Development
201 E. Washington Ave.
P.O. Box 7946
Madison, WI 53707

Dear Director Pechacek,

Pursuant to Title 29, Code of Federal Regulations, Section 38.28, the Governor is required to designate an individual as a State-level Equal Opportunity (EO) Officer, who reports directly to the Governor, and is responsible for State program-wide coordination of compliance with the equal opportunity and nondiscrimination requirements of the Workforce Innovation and Opportunity Act (WIOA) of 2014 and Part 38 of the Code of Federal Regulations.

In accordance with my authority as Governor, I hereby appoint Rob Cherry, Deputy Secretary of the Department of Workforce Development (DWD) as the State-level Equal Opportunity Officer of the State of Wisconsin.

I am confident that he has the knowledge, skills, and abilities to competently perform the duties of the EO Officer and will do an excellent job in this position. Be assured that this office will provide the resources for you to fulfill this important responsibility for the State of Wisconsin.

Sincerely,

A handwritten signature in black ink that reads "Tony Evers".

Tony Evers
Governor

CC: Rob Cherry, Deputy Secretary, DWD

Office of the Governor • PO Box 7863, Madison, WI
53707 (608) 266-1212 • www.evers.wi.gov

Exhibit E2-2: DWD-DET EO Officer Position Description

Equal Opportunity Specialist Sr.

POSITION SUMMARY

The Equal Opportunity Specialist – Senior position serves as a liaison between the Department of Workforce Development (DWD) and the federal Civil Rights Center (CRC) of the United States Department of Labor (USDOL). This position reports to the Governance and Compliance Section Chief in the Bureau of Workforce Training in the Division of Employment and Training (DET).

This position is responsible for developing, authoring, implementing and monitoring Wisconsin's Nondiscrimination and Equal Opportunity Plan (NP). The Nondiscrimination Plan provides a detailed summary and evidence of how DWD-DET implements the Workforce Innovation and Opportunity Act (WIOA) equal opportunity nondiscrimination and civil rights compliance provision of 29 CFR Part 38. The NP is a compliance document which the state submits to the cognizant federal agency (CRC) as a condition for receipt of federal financial assistance.

This position administers a multifaceted Equal Opportunity and Civil Rights Compliance program which ensures that Wisconsin's eleven Workforce Development Boards (WDBs) and job centers comply with federal and state equal opportunity and civil rights statutes, regulations, guidelines and Executive Orders. The position designs equal opportunity systems of which local WDBs and their subrecipients provide services and benefits to eligible program participants. Another critical function is as the Complaint, Grievance, and Appeal contact for all WIOA program and discrimination complaints. Specifically, this position is responsible for complaint technical assistance and information, investigation, fact-finding, dispute resolution, issuance of final determinations and referring complaints, grievances and appeals to federal and state administrative and law enforcement agencies. This position ensures that if any citizen feels they are not treated appropriately, there is a complaint and resolution process they can follow.

The Equal Opportunity Specialist – Senior position also provides Equal Opportunity and Civil Rights guidance to Wisconsin's employment and training (E&T) community and its job centers. A primary guidance source is the Wisconsin Workforce Innovation and Opportunity Act (WIOA) State Plan. The EO Specialist - Senior authors several portions of the Plan including the Complaint/Grievance/Appeal System and the Nondiscrimination/Equal Opportunity Assurances.

It is required that this position build and maintain a network of resources and team members to appropriately resolve WIOA disputes. This network includes experts in equal opportunity, civil rights, affirmative action, disability law, procedural specialists such as attorneys, hearing examiners, administrative law judges, and employment and training program experts at the local level.

TIME %

GOALS AND WORKER ACTIVITIES

70% A.
complies

Administer an Equal Opportunity Program which ensures that the State of Wisconsin with applicable federal and state nondiscrimination law, statutes and regulations covered under the Workforce Innovation and Opportunity Act of 2014 (WIOA) and

employment

and training legislation. This includes knowledge of a complex matrix of equal access laws and regulations, such as Americans with Disabilities Act of 1990, laws related to welfare, veterans, Limited English Proficiency (LEP), Vocational Rehabilitation,

Unemployment Insurance, Vocational Technical and Adult Education, Apprenticeship Standards and Workers Compensation.

- A1. Develop and submit, on behalf of the Secretary of the Department of Workforce Development (DWD), an Equal Opportunity Nondiscrimination Plan to the Civil Rights Center (CRC) for their review and certification of Wisconsin's Equal Opportunity/Nondiscrimination systems ensuring compliance under Section 188 of the Workforce Innovation and Opportunity Act.
- A2. Develop and provide training to local WIOA Workforce Development Board Equal Opportunity Officers and subrecipient's staff on equal opportunity, nondiscrimination, disability requirements and universal access trends and compliance standards.
- A3. Serve as the primary state level contact for processing program, discrimination, fraud, and/or program abuse complaints. Provide technical assistance to complainants, respondents, and other interested parties (including members of the public and public officials) on the WIOA Complaint, Grievance and Appeal system.
- A4. Annual on-site monitoring of the eleven local workforce boards to ensure their compliance with policies, procedures, regulations, the State WIOA Plan, the local WIOA Plan, and Equal Opportunity and Nondiscrimination policies, programs, and activities.
- 15% B. Review compliance of Wisconsin's One-Stop Job Centers with the Job Center Complaint Coordinator (JCCC) referral system. The State of Wisconsin identified this system in the WIOA State Plan Strategic Plan Assurances as the system that would respond to customer complaints and comply with the One Stop Complaint procedure required by Statute.
- B1. Monitor and provide statewide oversight to local job centers regarding compliance with the job center complaint coordinator referral system.
- B2. Provide technical assistance and training to local job center staff regarding the Complaint Coordinator system. This includes revising and updating training material, manuals, public information, and related information.
- B3. Periodically, survey Job Center Compliant Coordinators to determine the occurrence of turnover, ensure that new JCCC staff are oriented to the duties and responsibilities associated with the function and provide technical assistance on their inquiries and concerns.
- B4. Address concerns and issues raised from job center customers, members of the general public, and other interested parties that are not resolved at the local level.
- 10% C. Assist other Bureaus and Units in the Division and the Department, where necessary, on Civil Rights Compliance and Complaint and Grievance Processing.
- C1. Provide technical assistance and training upon request on Civil Rights matters, such as compliance with the Civil Rights Act, the Americans with Disabilities Act and the Wisconsin Fair Employment Statute, consistent with primary job duties, responsibilities and workload.
- C2. Provide independent investigative services (upon request) to other Bureaus and units within the Division and Department based upon availability and consistent with primary job duties, responsibilities, and workload.
- C3. Coordinate delivery of technical assistance to other DET staff/other agencies and grantees (as requested) to address CRC program administration or performance deficiencies.
- 5% D. Other Activities.
- D1. Prepare materials and make presentations on assigned topics, programs,

- and services as requested.
- D2. Respond to requests for information as needed.
- D3. Initiate and/or assist in the development of policy and procedures when requested or required.

Knowledge, Skills, and Abilities

1. Effective oral and written communication skills.
2. Effective skills in prioritizing and managing multiple priorities.
3. Considerable skill in problem analysis and resolution.
4. Ability to read and interpret federal, state, and local equal opportunity and nondiscrimination laws and regulations.
5. Ability to interpret and apply equal access and nondiscrimination laws as they relate to federal and state funded program services administration.
6. Skill in problem analysis and resolution.
7. Proven ability to build partnerships.
8. Proven ability to work independently or in a team environment.

Exhibit E2-3: Listing of Local WDB's EO Officers and Contact Information

WORKFORCE DEVELOPMENT BOARDS LOCAL EQUAL OPPORTUNITY OFFICERS 2020

WDA# & Counties	WDA/WIB Director	Equal Opportunity Officer
1 Kenosha, Racine & Walworth	SOUTHEAST WISCONSIN WORKFORCE DEVELOPMENT BOARD Doug Bartz, WDA Contact 8600 Sheridan Road, Ste. 100 Kenosha, WI 53143-6507 Phone: (262) 697-4586 Fax: (262) 697-4655 email: doug.bartz@kenoshacounty.org Web site: none DUNS#: Needs to apply Supplier#: N/A	Doug Bartz, Director & EO Officer See to the left for contact information. TTY/TDD use WI Relay Services 7-1-1
2 Milwaukee	EMPLOY MILWAUKEE Chytania Brown, Chief Executive Officer (CEO) 2338 North 27th Street, Milwaukee, WI 53210 Main Phone: (414) 270 1700 Fax: (414) 225-2375 email: Chytania.brown@employmilwaukee.org Director Phone: (414) 270-1776, Cell: 414-801-9424 Note: for all day-to-day business copy: Peter Coffaro peter.coffaro@employmilwaukee.org Web site: www.employmilwaukee.org	Carrie Hersh, EO Officer See to the left for address. Phone: (414) 270-1767 TTY/TDD use WI Relay Services 7-1-1 Email: carrie.hersh@employmilwaukee.org
3 Waukesha, Ozaukee & Washington	WAUKESHA-OZAUKEE-WASHINGTON WORKFORCE DEVELOPMENT BOARD Laura Catherman, Director 515 Moreland Blvd., Rm AC260 Waukesha, WI 53188 Main Phone: (262) 695-7800 Fax: (262) 695-7890 Direct Phone: (262) 896-8312 email: lcatherman@waukeshacounty.gov Web sites: www.wowwdb.org & www.wfdc.org DUNS#: Needs to apply Supplier#: N/A	Beth Norris, EO Officer See to the left for address & phone numbers. TTY/TDD use WI Relay Services 7-1-1 Email: bnorris1@wctc.edu
4 Calumet, Fond du Lac, Green Lake, Waupaca, Waushara & Winnebago	Fox Valley Workforce Development Board, INC. Anthony E. Snyder, Chief Executive Officer 1401 McMahon Drive, Suite 200, Neenah, WI 54956 Phone: (920) 720-5600, Ext. 302 Fax : (920) 720-5606 email: asnyder@fvwdb.com Note: for all business correspondence & emails copy: web site: www.foxvalleywork.org	Anthony E. Snyder, Chief Executive Officer and EO Officer See to the left for contact information. TTY/TDD use WI Relay Services 7-1-1
5 Brown, Door, Florence, Kewaunee, Manitowoc, Marinette, Menominee, Oconto, Outagamie, Shawano & Sheboygan	BAY AREA WORKFORCE DEVELOPMENT BOARD James Golembeski, Director 317 West Walnut Ave Green Bay, WI 54303 Main Phone : (920) 431-4100 Fax : (920) 431-4101 Directos Phone : (920) 431-4102 email: jgolembeski@bayareawdb.org Web site: www.bayareawdb.org	James Golembeski, Director and EO Officer See to the left for contact information. TTY/TDD use WI Relay Services 7-1-1

WDA# & Counties	WDB/WIB Director	Equal Opportunity Officer
6 Adams, Forest, Langlade, Lincoln, Marathon, Oneida, Portage, Vilas & Wood	NORTH CENTRAL WISCONSIN WORKFORCE DEVELOPMENT BOARD, INC Ms. Jane Spencer, Executive Director 3118 Post Road, Ste. A Stevens Point, WI 54481 Phone: (715) 204-1640; Fax: (715) 204-1649 Email: jspencer@ncwwdb.org CC: Nicole Rice nrice@ncwwdb.org web site: www.ncwwdb.org	John Cokl, Finance Director and EO Officer See to the left for address. Phone: (715) 204-1643 TTY/TDD use WI Relay Services 7-1-1 Email: cokl@ncwwdb.org
7 Ashland, Bayfield, Burnett, Douglas, Iron, Price, Rusk, Sawyer, Taylor & Washburn	NORTHWEST WISCONSIN WORKFORCE INVESTMENT BOARD, INC. Mari Kay-Nabozny, Executive Director 422 3rd Street West, Suite 200 P.O. Box 616 Ashland, WI 54806 Phone: (715) 682-7235 ext. 101 Fax: (715) 682-9181 Email: mari@nwwib.com copy: Melissa Rabska mrabska@nwwib.com ext. 122 web site: www.nwwib.com DUNS#: 117406644 Supplier#: N/A	Skyler R. Dural-Eder, HR Director & EO Officer Phone: (715) 682-9141 ext. 115 Email: sdural-eder@nwcep.org TTY/TDD use WI Relay Services 7-1-1
8 Barron, Chippewa, Clark, Dunn, Eau Claire, Pepin, Pierce, Polk & St. Croix	WEST CENTRAL WDB Jon Menz, Executive Director, Workforce Development 401 Technology Dr. East, Suite 400 Menomonie, WI 54751 Phone: (715) 235-8393 ext. 100 Cell: (715) 505-6498 Fax: (715) 232-2240 Email: jmenz@wdbwcw.org web site: www.wdbwcw.org	Jon Menz, Executive Director and EO Officer See to the left for contact information. TTY/TDD use WI Relay Services 7-1-1
9 Buffalo, Crawford, Jackson, Juneau, La Crosse, Monroe, Trempealeau & Vernon	WESTERN WISCONSIN WORKFORCE DEVELOPMENT BOARD, INC. Melisa Myers, Director 2615 East Avenue South, Ste. 101 La Crosse, WI 54601 Phone: (608) 789-5499 Main Phone: (608) 789-5620 Fax: (608) 789-6046 Email: myersm@westernwdb.org Copy: Amy Scarborough scarborougha@westernwdb.org web site: www.westernwdb.org	Melisa Myers, Director and EO Officer See to the left for contact information. TTY/TDD use WI Relay Services 7-1-1
10 Columbia, Dane, Dodge, Jefferson, Marquette & Sauk	WORKFORCE DEVELOPMENT BOARD OF SOUTH-CENTRAL WISCONSIN, INC. Seth Lentz, Executive Director Workforce Dev. Board of South-Central WI, Inc. (WDBSCW) The T.E.C. Center 3513 Anderson St., Suite 104 Madison, WI 53704 Phone: (608) 249-9001 Ext 222 Fax: (608) 249-9356 Email: slentz@wdbscw.org ; website www.wdbscw.org has links to area's Job Ctrs. CC: Chris Ziegel cziegel@wdbscw.org	Jackie Hall, Director of Quality & Communications and EO Officer Phone: (608) 249-9001 Ext. 232 Email: jhall@wdbscw.org TTY/TDD use WI Relay Services 7-1-1
11 Grant, Green, Iowa, Lafayette, Richland & Rock	SOUTHWEST WISCONSIN WORKFORCE DEVELOPMENT BOARD, INC. Rhonda Suda, Chief Exec. Officer SWWDB Admin Office 1370 N. Water St. (use street adrs. only for UPS, Fedex, etc.) P.O. Box 656 Platteville, WI 53818-0656 (9-digit zip for POB only) Phone: (608) 342-4220 Fax: (608) 342-4429 Email: r.suda@swwdb.org Web site: www.swwdb.org has link to the Job Centers web site: www.jobcenter.org .	Ryan Schomber, EO Officer 1900 Center Avenue Janesville, WI 53546 Phone: (608) 314-3300 ext. 303 Fax: (608) 741-3528 TTY/TDD use WI Relay Services 7-1-1 Email: r.schomber@swwdb.org

<S:\DET\DET-Share\Program Support\Labels\WDA Lists>

Update : 08/24/2020

Exhibit E3-1: DWD-DET "EO is the Law" Poster



EQUAL OPPORTUNITY IS THE LAW

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases: 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 the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.

The recipient must not discriminate in any of the following areas: deciding who will be admitted, or have access, to any WIOA Title I-financially assisted program or activity; providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

Recipients of federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

If you think that you have been subjected to discrimination under a WIOA Title I financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with any of the following:



Local Level	State Level	Federal Level
Equal Opportunity Officer Name WDB Name: Address: Phone: Fax: TTY No. or WI Relay Services Number Email:	Equal Opportunity Officer Wisconsin Department of Workforce Development 201 East Washington Avenue, Room E100, P.O. Box 7972 Madison, WI 53707-7972 (608) 1-888-258-9966 (voice) (608)-261-8506 (Fax) TTY/TDD users contact us through WI Relay Services at 7-1-1 Email: DETEOContact@dwd.wisconsin.gov	Director, Civil Rights Center (CRC) U.S. Department of Labor 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210 or electronically as directed on the CRC website at www.dol.gov/crc

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient). If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.



DWD is an equal opportunity employer and service provider. If you have a disability and need assistance with this information, please dial 7-1-1 for Wisconsin Relay Service. Please contact the Division of Employment and Training at 608-258-9966 and press 6 to request information in an alternate format, including translated to another language.

DET-12400-P (R.08/2018)

S:\DET\BWT\Monitoring&Compliance\Equal Opportunity\EO\EO is the Law Posters

Wisconsin Department of Workforce Development Unemployment Insurance Limited English Proficiency Plan 2021-2022

Approved by:

Mark Reihl, Division Administrator

Emily Savard, Division LEP Coordinator

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Introduction

This plan addresses the language access requirements under Title I of the Workforce Innovation and Opportunity Act (WIOA). WIOA and related federal regulations require all unemployment insurance (UI) agencies to provide to meaningful access to their Limited English Proficient (LEP) customers.

Purpose

To outline UI's efforts to provide meaningful access for LEP customers to UI programs and services.

UI's statement of commitment to meaningful access for LEP individuals

LEP individuals face unique challenges because of their limited ability or inability to speak, read, write, or understand English.

The key to ensuring meaningful access for LEP individuals is effective communication. UI will ensure effective communication by developing and implementing a comprehensive language assistance program that includes policies and procedures for identifying and assessing the language needs of its LEP customers. The program provides for a range of interpreter options, notice to LEP individuals of the right to language assistance, periodic training of staff, monitoring of the program and, upon request, the translation of written materials.

How UI will determine the extent of its obligation to provide LEP services

UI will determine the extent of its obligation to provide LEP services based on guidelines supplied by the U.S. Department of Labor, the Wisconsin Department of Workforce Development, and from statistical data on language chosen by claimants when filing their initial application for benefits and language line records.

Who is Limited English Proficient?

A Limited English proficient (LEP) individual is an individual whose primary language for communication is not English and who has a limited ability to read, speak, write, and/or understand English.

Selecting language assistance services:

The Unemployment Insurance Division uses service vendors for telephone interpretation services, written translation, and in-person interpretation. This allows UI to provide meaningful access to UI programs and services to those individuals who are not proficient in English, and to those individuals who request services in their native languages. To simplify the management of contracts, the Wisconsin Department of Administration (DOA) elected to have all State agencies use the same language services vendors:

- **Oral language services (interpretation)**

UI provides oral language services and oral interpretation of written documents via a language line interpreter service. The current vendor, Lionbridge Global Solutions, was selected in accordance with the DOA Statewide Telephone Interpretation Services contract, which expires in 2022.

- **Written language services (translation)**

UI provides written language services via a translation service. The current vendor, Interpreters Unlimited, was selected in accordance with the DOA Statewide Written Foreign Language Translation Services contract, which expires in 2022.

- **In person services (translation)**

UI provides in person translation services via a translation service. The current vendor, SWITS, Ltd, was selected in accordance with the DOA Statewide In-Person Interpretation Service for Foreign Language contract with SWITS, Ltd, which expires in 2022.

The programs, services, and activities provided by UI

The UI Division collects taxes from covered employers and pays unemployment benefits to eligible workers. Major areas of responsibility include processing of claims at help centers, issuing eligibility determinations, issuing UI benefit payments, resolving disputed claims and appeals, determining employer coverage, conducting employer audits, collecting taxes and benefit overpayments, and preventing and detecting fraud.

LEP population statistics in UI's service areas

UI provides services to people:

- working and living in Wisconsin
- living in Wisconsin, with employment in multiple states
- living in Wisconsin, with employment outside of Wisconsin (by referring them to the appropriate out-of-state UI office)
- living outside Wisconsin who worked in Wisconsin in the prior 18 months

The Department of Justice defines the Safe Harbor Threshold to require translation of vital documents whenever 1,000 people or 5% of the total population (whichever is less) have Limited English proficiency and speak English less than "very well". Based on the 2019 American Community Survey (ACS) data from the U.S. Census Bureau, there are 16 language groups that meet that threshold (see below). However, based on the frequency with which those LEP individuals contact UI services, the translation of documents is currently limited to Spanish and Hmong.

Table C16001: LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER

Universe: Population 5 years and over

Source: U.S. Census Bureau, 2019: American Community Survey 1-Year Estimates

**Total State Population
(Estimate)
5,495,176**

Wisconsin LEP Language Groups of 1000 or more individuals who Speak English Less than "Very Well"	Total Number of LEP Individuals (Estimate)	Percentage of State Population
Spanish	94,245	1.72
Hmong	15,659	0.28
Chinese	8,008	0.15
German	5,338	0.1
Pennsylvania German	3,972	0.07
Vietnamese	3,440	0.06
Russian	2,344	0.04
Urdu	2,252	0.04
Albanian	1,902	0.03
Arabic	1,895	0.03
Bengali	1,749	0.03
Hindi	1,558	0.03
Burmese	1,456	0.03
Somali	1,361	0.02
Tagalog	1,224	0.02
Chin languages	1,194	0.02

2018

When filing an initial claim, claimants self-report a language preference, race and/or ethnicity. Claimants must answer the questions but may choose "decline to answer". See below for the frequency of the language selected on new claims and the ethnicity/race indicated.

In 2018, Wisconsin UI required online filing of UI claims unless the claimant was unable to file online. This transition impacted the collection of race and ethnicity data. Wisconsin implemented the multiple race selection and separated the race and ethnicity into two questions on the online filing system.

Note: The numbers reported in the chart below are based on preliminary claim data, not federally countable totals.

Language Indicated by Claimant on Initial Claim

Based on 2018 preliminary claims data, 165,505 claimants filed 284,088 initial claims. A claimant can file more than one initial claim in a year.

Claimant Indicated Language	Total Claimants	Percent of Total	Claimant Indicated Language	Total Claimants	Percent of Total
English	160,212	96.80%	Thai	6	0.00%
Spanish	4,150	2.51%	Laotian	5	0.00%
Declined to answer	774	0.47%	Bosnian	4	0.00%
Hmong	166	0.10%	Urdu	3	0.00%
Other	88	0.05%	Mandarin	3	0.00%
Russian	18	0.01%	Cambodian	3	0.00%
Serbian	14	0.01%	Croatian	2	0.00%
Albanian	13	0.01%	Italian	2	0.00%
Arabic	12	0.01%	TTY	1	0.00%
French	10	0.01%	Hindi	1	0.00%
Vietnamese	10	0.01%	Tibetan	0	0.00%
Korean	8	0.00%			

Ethnicity	Initial claims	%
Hispanic or Latino	17,845	6.28%
Not Hispanic or Latino	247,696	87.19%
Declined to answer	18,547	6.53%
Total	284,088	100.00%

Race		%
American Indian or Alaskan Native	4,395	1.55%
Asian	3,235	1.14%
Black or African American	31,389	11.09%
Declined to answer	25,385	8.97%
Native Hawaiian/Other Pacific Islander	320	0.11%
White	218,290	77.13%
Total	283,014	100.00%

Claimants can check one Ethnicity but multiple Races, so those totals do not match. Typically, this would result in a higher race total. However, in 2018, the department was using two data collection methods, which resulted in some data irregularities. These irregularities were resolved in September 2018.

Language Services

UI provided vendor-assisted interpretation services by telephone for LEP individuals in a total of 41 languages in 2018, which comprised 9,769 calls totaling 140,592 minutes. The counts include calls for initial claims, continued claims, inquiries, adjudication, and appeals.

Language	Total Calls	% of Total Calls	Language	Total Calls	% of Total Calls
Spanish	9,143	93.59	Amharic	3	0.03
Hmong	207	2.12	Bosnian	3	0.03
Somali	144	1.47	Swahili	3	0.03
Russian	47	0.48	Croatian	2	0.02
Serbian	39	0.40	Lingala	2	0.02
Albanian	30	0.31	Assyrian	1	0.01
Arabic	18	0.18	Cantonese	1	0.01
French	17	0.17	Chin	1	0.01
Karen	15	0.15	Czech	1	0.01
Tagalog	13	0.13	Dinka	1	0.01
Korean	12	0.12	Fulani	1	0.01
Haitian Creole	11	0.11	Italian	1	0.01
Vietnamese	11	0.11	Moroccan Arabic	1	0.01
Burmese	8	0.08	Portuguese	1	0.01
Thai	8	0.08	Rohingya	1	0.01
Laotian	7	0.07	Slovak	1	0.01
Polish	5	0.05	Taiwanese	1	0.01
Hindi	4	0.04	Urdu	1	0.01
Mandarin	4	0.04			

Claimants requested telephone language services in 2018 for Assyrian, Croatian, Czech, Dinka, Fulani, Hindi, Lingala, Moroccan Arabic, Portuguese, Rohingya, Taiwanese, Urdu. Claimants did not request telephone language services in those languages in 2017.

Claimants requested telephone language services in 2017 but not in 2018 for the following languages: Bengali, Cambodian, Dari, Farsi, Greek, Gujarati, Pashto, Sorani, Sudanese Arabic.

There was an increase of more than 50% in Albanian, Tagalog, and Korean. There was a decrease of more than 50% in Arabic, Burmese, Mandarin, Polish, Bosnian, and Chin.

2019

When filing an initial claim, claimants self-report a language preference, race and/or ethnicity. Claimants must answer the questions but may choose "decline to answer". See below for the frequency of the language selected on new claims and the ethnicity/race indicated.

Note: The numbers reported in the chart below are based on preliminary claim data, not federally countable totals.

Language Indicated by Claimant on Initial Claim

Based on 2019 preliminary claims data, 169,113 claimants filed 291,681 initial claims. A claimant can file more than one initial claim in a year.

Claimant Indicated Language	Total Claimants	Percent of Total	Claimant Indicated Language	Total Claimants	Percent of Total
English	163,548	96.71%	Urdu	7	0.00%
Spanish	4,512	2.67%	Mandarin	5	0.00%
Decline to Answer	669	0.40%	Bosnian	6	0.00%
Hmong	154	0.09%	Thai	6	0.00%
Other	101	0.06%	Croatian	4	0.00%
Albanian	19	0.01%	TTY	3	0.00%
Laotian	14	0.01%	Vietnamese	2	0.00%
French	14	0.01%	Cambodian	2	0.00%
Russian	12	0.01%	Tibetan	2	0.00%
Serbian	12	0.01%	Italian	1	0.00%
Arabic	10	0.01%	Hindi	1	0.00%
Korean	9	0.01%			

Ethnicity	Initial Claims	%
Hispanic or Latino	19,122	6.56%
Not Hispanic or Latino	13,178	4.52%
Information not available	259,381	88.93%
Total	291,681	100.00%

Race		%
American Indian or Alaskan Native	5,822	2.00%
Asian	3,227	1.11%
Black or African American	32,088	11.00%
Information not Available	21,447	7.35%
Native Hawaiian/Other Pacific Islander	423	0.15%
White	228,717	78.40%
Total	291,724	100.00%

Claimants can check one Ethnicity but multiple Races, so those totals do not match.

Language Services

UI provided vendor-assisted interpretation services by telephone for LEP individuals in a total of 36 languages in 2019, which comprised 10,507 calls totaling 162,939 minutes. The counts include calls for initial claims, continued claims, inquiries, adjudication, and appeals.

Language	Total Calls	Percentage of Total Calls	Language	Total Calls	Percentage of Total Calls
Spanish	9,853	93.77	Burmese	5	0.05
Hmong	196	1.86	Karen	5	0.05
Somali	87	0.82	Tagalog	5	0.05
Albanian	52	0.49	Swahili	4	0.04
French	42	0.40	Lingala	3	0.03
Serbian	39	0.37	Portuguese	3	0.03
Russian	32	0.30	Amharic	2	0.02
Arabic	23	0.22	Chuj, Ixtatán	2	0.02
Korean	23	0.22	Croatian	2	0.02
Laotian	23	0.22	Greek	2	0.02
Urdu	18	0.17	Hindi	2	0.02
Cantonese	16	0.15	Dinka	1	0.01
Mandarin	15	0.14	Gheg	1	0.01
Bosnian	12	0.11	Indonesian	1	0.01
Karen Segaw	12	0.11	Italian	1	0.01
Thai	8	0.08	Malay	1	0.01
Polish	7	0.07	Rohingya	1	0.01
Vietnamese	7	0.07	Serbo-Croatian	1	0.01

Claimants requested telephone language services in 2019 for Chuj/Ixtatan, Gheg, Greek, Indonesian, Karen Segaw, Malay, Serbo-Croatian. Claimants did not request telephone language services in those languages in 2018.

Claimants requested telephone language services in 2018 but not in 2019 for the following languages: Assyrian, Chin, Czech, Fulani, Haitian Creole, Moroccan Arabic, Slovak, Taiwanese.

There was an increase of more than 50% in French, Laotian, Mandarin, Bosnian, Cantonese, Portuguese, Urdu. There was a decrease of more than 50% in Tagalog.

UI's translated vital documents

UI has translated all outreach documents and informational documents into Spanish and Hmong. Most pertinent UI documents are customized for each customer and will be translated upon request. UI reviews its written materials, webpages, and online filing systems to determine which documents should be translated.

Outreach: Outreach documents notify customers of UI services and how to access services.

- *UCB-7 Notice to Employees About Applying for Wisconsin Unemployment Benefits*
All Wisconsin employers subject to UI law are required to post this publication in a common employee area. This publication is available in English, Spanish and Hmong. A fourth panel includes a language block.
- *UCB-15533-P How to Apply for Unemployment Benefits and Eligibility Frequently Asked Questions*
This publication is primarily available at the Job Centers and is used in Rapid Response sessions. This publication is available in English/Spanish and Hmong/Other Languages. This publication is available online.

Outreach Language Blocks: Outreach language blocks notify customers how to access UI services and are translated into many languages.

The UCB-7 language block is available in Bosnian/Croatian/Serbian, Albanian, Russian, Laotian, Vietnamese, Polish, and Somali.

The UCB-15533-P language block is available in Bosnian/Croatian/Serbian, Albanian, Russian, French, Laotian, Vietnamese, Chinese (Cantonese, Mandarin and Taiwanese), Somali, Polish, Hindi, Arabic, Khmer/Cambodian, Tagalog, Italian, Japanese, Korean, Thai, Czech, Urdu, French Canadian, and German.

UCB-7 and UCB-15533-P language block says the following:

To ask questions about or to apply for unemployment benefits, call 414-438-7700 between 7:35 a.m. and 3:30 p.m. on Monday-Friday. An interpreter will be provided for Unemployment Insurance services at no cost.

Informational: Informational documents provide information, instructions, and notice requirements regarding UI.

- *UCB-10 Claimant Handbook*
This publication is available online in English, Spanish and Hmong.
- *UCB-17399-P, Handbook for Claimants Flyer*
Inserted with all claim confirmations to notify customers where to locate the UCB-10

Claimant Handbook online. The content of the UCB-17339-P is in English, Spanish and Hmong.

- *UCB-10148 with Work Search Notice and UCB-10148 without Work Search Notice*
This publication is mailed with each new claim filed and is dependent on the work search requirement of the customer. This publication is available in English, Spanish and Hmong.
- *UCB-12 Weekly Work Search Notice*
This publication can be mailed to claimants who are required to search for work. This publication is available in English, Spanish and Hmong.
- *UCB-8238 and UCB-8239 Weekly Work Search Notice*
This publication is mailed to claimants whose work search had been waived, but the waiver expired or was not verified by the employer, to notify the claimant to search for work. This publication is available in English, Spanish and Hmong.
- *UCB-10125 (Notice of Profiling Orientation)*
This publication is mailed to customers who have been selected to participate in Reemployment Services. It provides notice of required attendance at an orientation session. This publication is available in English, Spanish and Hmong.
- *UCB-10112 – Notary Public Signature Verification*
This publication is mailed to customers when verification of identity was not possible through the initial claims process. This publication is available in English and Spanish
- *UCL-4478-P Attending an Unemployment Insurance Hearing*
This publication is available online to customers who have filed an appeal. This publication is available in English, Spanish and Hmong. The UCL-4478-1-P is inserted with each hearing notice to notify customers where to locate the UCL-4478-P online. The content of the UCL-4478-1-P is in English, Spanish, and Hmong.
- *UCB-13611-P Unemployment Insurance Interpreter and Translation Services*
This publication is mailed with the monetary computation of benefits to all customers who indicate they speak a language other than English (as identified when the initial claim is filed).

The UCB-13611-P block is translated into Spanish, Hmong, Bosnian/Croatian/Serbian, Albanian, Russian, French, Laotian, Vietnamese, Chinese/Cantonese/Mandarin/Taiwanese, Somali, Polish, Hindi, Arabic, Khmer/Cambodian, Tagalog, Italian, Japanese, Korean, Thai, and Czech.

UCB-13611-P language block says the following:

IMPORTANT! This document contains important information about your unemployment rights, responsibilities and/or benefits. It is critical that you understand this information.

To ask questions or to have unemployment documents translated, call (414) 435-7069 during business hours. An interpreter will be provided at no cost to you.

UI's vital documents containing a language block

- *UCB-20 Initial Determination*

When Spanish or Hmong is identified as the customer's language a mini format will be included on each initial determination mailed to the customer. The mini format will either be in Spanish or Hmong depending on the customer's language.

UCB-20 language block says the following:

To ask questions or to have unemployment insurance documents translated, call 414-438-7700 between 7:45 a.m. and 4:30 p.m. on Monday-Friday. An interpreter will be provided for Unemployment Insurance services at no cost.

- *UCB-37 – Notice of Overpayment*

When the customer's language is identified as other than English a language help text block will be included on each notice of overpayment mailed to the customer. The language help text block will either be in English, Spanish, or Hmong depending on the customer's language.

UCB-37 language block says the following:

To ask questions or to have unemployment insurance documents translated, call 414-438-7700 between 7:45 a.m. and 4:30 p.m. on Monday-Friday. An interpreter will be provided for Unemployment Insurance services at no cost.

UI's vital documents mailed with a UCB-13611-P

A UCB-13611-P publication is mailed with all correspondence to all Benefits customers.

Actions that UI will take to ensure that LEP customers are provided with meaningful access to the programs, services, and activities UI provides

All Wisconsin covered employers are required to post the UCB-7, Notice to Employees about Applying for Wisconsin Unemployment Benefits. This publication notifies LEP customers of their right to file for UI benefits. UI also does outreach through labor law clinics and other public meetings and LEP information is made available.

All benefit services for UI in the State of Wisconsin are provided online.

Online Services: Customers are required to use online services to file an initial claim, weekly claim or to get information about their claim.

The DWD-Unemployment Insurance website displays a section titled "Other Languages", with links to "En Español" (Spanish), "Txhais lus Hmoob" (Hmong), "Ask Questions or Apply for Unemployment Benefits" which displays language blocks for How To Apply for Benefits (UCB-

15533-1-P), and "Interpreter and Translation Services (UCB-13611-P)" also known as the Babel notice, which displays language block directions for how non-native English speakers can access those services.

The following DWD-Unemployment Insurance- Claimant websites has a tab reading "Help" in English, Spanish, and Hmong ("Help! Ayuda! Pab!"): Apply for Benefits Online, File Your Weekly Claim, Your Claim Information, and Handbook for Claimants. When the "Help" tab is chosen, the customer goes to a page with information in English, Spanish, and Hmong on how to get help using online services or for questions not answered online. The "Other Languages" section and associated links noted above are also on this page.

A customer calling the assistance number is taken through an Integrated Voice Response (IVR) system. They are prompted to press 1 for English, 2 for Spanish, and 3 if they need a translator for any other language. When a customer presses 3, the call is transferred to a special queue where staff will access language line services to assist with the call.

Claimant Portal: Customer must create a username and password to obtain access to the Claimant Portal, through which claimants file their initial claims, weekly claims, and obtain information on benefits payments and issues. The department has a video linked to the Unemployment Insurance > Claimants> Apply for Benefits Online webpage titled "How to Create a Username and Password" available in both English and Spanish.

Initial Claims: Customers are required to file their initial claims through online services if they can do so. The Internet initial claim application is available only in English.

The department has a video on the Unemployment Insurance > Claimants> Apply for Benefits Online webpage titled "How to Apply for Benefits Online" available in English.

A link is displayed on the Unemployment Benefits for Claimants page for language assistance. The link for Spanish and Hmong speakers will display the program related information that is available in those languages. The link for assistance with other languages displays the UCB-15533-P.

Customers who are not able to file their initial claim online due to a language barrier will be granted an exception to the requirement and the claim will be taken with a Claims Specialist and the assistance of language line services.

When a LEP customer is identified at the time the claim is filed they will be read a language rights message via the interpreter.

This message says the following:

As part of your claim with us we will provide an interpreter for unemployment insurance services at no cost. If you have questions about your claim, need help filing your weekly

claims, or need a document from us translated, call us at the same number you used today.

Once qualifying has been determined the LEP customer will also be mailed an UCB-13611.

When a claim is filed and a language need is identified, a language indicator will be set to the customer's language. This indicator will appear on the database and notify all staff that language assistance is needed when in contact with the customer.

We will explore additional claims translations when we modernize our system.

- In 2018, 94.97% of all initial claims were completed on Internet with 5.03 % being completed with the assistance of a Claim Specialist.
- In 2019, 95.35% of all initial claims were completed on Internet with 4.65 % being completed with the assistance of a Claim Specialist.

Weekly Claims: Customers are required to file their weekly claims through online services if they are able to do so. The department has a video on the Unemployment Insurance > Claimants> File Your Weekly Claim webpage titled "How to File a Weekly Claim Online" available in English and Spanish. The weekly claim application is available in English and Spanish. The link for Spanish and Hmong speakers will display the program related information that is available in those languages. The link for assistance with other languages displays the UCB-15533-P.

Customers who are not able to file their weekly claim online due to a language barrier (other than Spanish), may file their claims with a Claims Specialist and the assistance of language line services.

- In 2018, 98.80% of all weekly claims were completed on Internet with 1.20% being completed with the assistance of a Claim Specialist.
- In 2019, 98.81% of all weekly claims were completed on Internet with 1.19% being completed with the assistance of a Claim Specialist.

Inquiries: Customers are expected to use the online resources to answer questions about their claim as well as general information if they are able to do so.

Currently, claimant specific information is only available in English. A claimant with a language barrier would access the information with the assistance of a Claims Specialist and interpretation services.

There is general information available to UI customers and potential UI customers on the Unemployment Insurance web site that is fully translated into Spanish and Hmong. Resources translated into Spanish include flyers, handbooks, and videos as follows:

- a. Hours of Operation - Online Services and Contact Information
- b. How to Create a Username and Password – Video

- c. Frequently Asked Questions about Online Benefit Services logon
- d. Notice to Employees about Applying
- e. Unemployment Benefits – How to Apply and Eligibility Frequently Asked Questions
- f. Handbook for Claimants
- g. How to File a Weekly Claim – Video
- h. Reporting Other Types of Income
- i. Work Search Log
- j. Work Search Actions Insert
- k. Calendars
- l. 1099-G tax Information
- m. How to File an Appeal
- n. Attending a Hearing
- o. Employee or Independent Contractor-Why It Matters

Publications/resources that are translated into Hmong are as follows:

- a. Hours of Operation - Online Services and Contact Information
- b. Notice to Employees about Applying
- c. Unemployment Benefits – How to Apply and Eligibility Frequently Asked Questions
Handbook for Claimants
- d. Reporting Other Types of Income
- e. Work Search Log
- f. Work Search Actions Insert
- g. Calendars
- h. How to File an Appeal
- i. Attending a Hearing

Adjudication: When there is an eligibility issue, the adjudicator conducting the investigation will contact the language line to obtain an interpreter for the investigation as necessary.

Appeals and Hearings: The Department conducts nearly all hearings by telephone. When an LEP individual files an online appeal, they are prompted to report if they need an interpreter or Wisconsin Relay to communicate at the hearing. Wisconsin Relay is a free service that provides full telephone accessibility for individuals who are deaf, hard-of-hearing, deaf-blind and speech-disabled. Arrangements are made to use Wisconsin Relay or to contact a language line service for interpreter services. The LEP individual is notified via the hearing notice that an interpreter will be available for the hearing.

This message says the following:

Arrangements have been made for an interpreter. If you feel this is not necessary, immediately contact the hearing office.

When an LEP individual first identifies as such at the time of hearing, the Administrative Law Judge contacts a language line service for interpreter services.

When a visually impaired claimant requests an appeal accommodation, staff verify that the individual has been exempted from the online claims filing requirement. If so, staff take a recorded appeal by telephone and transcribe it for the visually impaired appellant.

Sign language interpreters are provided for deaf individuals at in-person hearings. UI will continue to provide interpreter and translation services in-person or via a language line service.

UI plan dissemination process

The UI LEP plan will be available on the Intranet. New language assistance procedures will be incorporated into existing staff training and UI is exploring adding additional LEP training modules. During the training, staff is instructed on communicating with the LEP customer, connecting to the language line, providing services to LEP customers, and all the services that are available to LEP customers.

Technology

As new technology becomes available, UI may improve its service delivery by using technology which allows for better service to LEP customers.

Exhibit E4-3: ASSET Users' Guide Index

ASSET User Manual

ASSET Updates

Each time new or modified functionality is released in the production ASSET system, information about the changes included in the given release is posted in a [technical bulletin](#), which users can locate via the ASSET Infoline.

Chapter 1 - Introduction

This chapter of the Guide covers all the information about becoming an ASSET user and other details about the system

Chapter 1 (All Sections)	
1-1 Overview	1-5 System Time Out
1-2 DET Security Procedures for ASSET Access	1-6 ASSET Staff Information
1-3 ASSET Sign On	1-7 ASSET Staff Search Function
1-4 Changing Your Password	

Chapter 2 - Overview

The Overview chapter is to familiarize the ASSET user with the structure of the ASSET and how to move through the system.

Chapter 2 (All Sections)	
2-1 Presentation of ASSET Information	
2-2 Navigation within ASSET	
2-3 Organization of Program Information	

Chapter 3 - Case Management Functions

The purpose of this chapter is to provide the ASSET user with the detailed description of each function in Case Management, including how the worker uses ASSET to documents the services and customer information necessary for program management and federal reporting

Chapter 3 (All Sections)	
3-1 Structure of System Functions	
3-2 Manage Customer	
3-3 Manage Employment	
3-4 Manage Assessments	
3-5 Manage Employability Plans	
3-6 Manage Programs	
3-7 Manage Services	
3-8 Manage Exits	
3-9 Manage Follow-Up	

Chapter 4 - Other Functions

This chapter explains the policy and process to be used when submitting data change requests to ASSET and the process for matching an ASST customer to job orders listed on Job Center of Wisconsin (JCW)

Chapter 4 (All Sections)	
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[4-1 Staff Requests](#)

[4-2 ASSET Job Matching Function](#)

Chapter 5 - System Reports

Available in ASSET are reports that run in real-time. The list below provide instructions, by topics, on accessing those real-time reports.

Chapter 5 (All Sections)	
5-1 Customer Summary Report	5-2 Customer Notes
5-3 Customer Employment History	5-4 Veterans Report
5-5 Case Managed Veterans	5-6 Youth Individual Service Strategy
5-7 Ineligible Youth Participants	5-8 Exit Warning Report
5-9 Exited Report	5-10 Case Managed DOC/CDP
5-11 Case Load Report	5-12 Employment Plan
5-13 UI Participant Report	5-14 Supplemental Data Report
5-15 TAA Financial Plan	5-16 Workshop Roster
5-17 TAA Waiver Deadline	5-18 Literacy/Numeracy Warning Report
5-19 TAA Work Authorization Expired	

Appendices

[Appendix 01 - Frequently Asked Policy Questions about ASSET Fields and Reporting Requirements](#)

Exit ASSET

When you have completed using ASSET, click on the "Exit ASSET". This closes the ASSET application and returns a page with a link to the DWD homepage. You may either click on this link or close the browser from this page. As a good security practice, closing the browser is the preferred way to ensure that you have completely left the ASSET system.

Posting Tools

Workshop Posting. The function is used by designated Re-employment Services Staff (RES) to locate or add a Workshop Search. These functions are visible on the ASSET menu to staff that are designated as RES Administrators, Case Managers, and Receptionists. RES staff can create and make changes to workshops, and update the Roster as needed.

Workshop Roster Update. The Roster is used by RES staff to make changes or to inactivate a scheduled workshop. This function provides staff the ability to conduct a Search for workshops that may be available in their respective areas. The Workshop Search is conducted by selecting the Workshop Type, Availability and Office Site.

Administration Tools

This function is available only to specified State and local staff who have authority to perform administrative functions on the system. This option is not active for the majority of ASSET users and will not appear on their menu tree.

CHAPTER 9 – COMPLAINTS/GRIEVANCES AND APPEALS

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Exhibit E7-3: DET-ERD MOA for ADRs Services

**MEMORANDUM OF AGREEMENT BETWEEN
THE DEPARTMENT OF WORKFORCE DEVELOPMENT
DIVISION OF EQUAL RIGHTS
AND
DIVISION OF EMPLOYMENT AND TRAINING**

The Department of Workforce Development (DWD) Division of Employment and Training (DET) administers the Youth, Adult, and Dislocated Worker Programs under Title I, Subtitle B, of the Workforce Innovation and Opportunity Act (WIOA), 29 USC §§ 3151-3181, and its implementing regulations found at 20 CFR parts 675 to 685 and 29 CFR part 38 (collectively hereinafter, "WIOA Title I"). DET is the state workforce agency as it pertains to WIOA Title I.

The Equal Rights Division (ERD) is a division in DWD that administers state antidiscrimination laws, wage and hour laws and various other provisions related to employment in Wisconsin. ERD has in-house Administrative Law Judges (ALJs) who act as hearing examiners and are qualified and trained to hold hearings and take testimony in administrative hearings and who are qualified and trained to conduct mediation, informal settlement negotiations and other alternative dispute resolution (ADR) methods.

This Memorandum of Agreement (MOA) is entered by DET and ERD for DET to engage the services of ERD in providing a process for review of certain grievances, complaints and appeals to DET and for alternative dispute resolution of nondiscrimination and equal opportunity complaints as required under WIOA Title I.

I. Preamble

A. Hearings Under Title I, Subtitle B, of the Workforce Innovation and Opportunity Act.

This agreement provides a process for addressing grievances or appeals under the following WIOA Title I provisions:

- (1) **20 CFR § 683.600(d)(1)**. When a participant or other interested/affected person or entity files a grievance with DET alleging a violation of the requirements of Title I by the statewide workforce development system.
- (2) **20 CFR § 683.600(d)(2)**. When a participant or other interested/affected person or entity files a grievance with the local workforce development system alleging a violation of the requirements of Title I and the matter is appealed to DET because either party is dissatisfied with the local hearing decision or the local level appeal process failed to reach a decision within 60 days of the filing of the grievance.
- (3) **20 CFR § 683.630(b)**. When a provider of training services appeals a denial or termination of eligibility to be included on the State's Eligible Training Programs List (ETPL) or a denial of eligibility to be a provider of on-the-job training (OJT) or customized training under section 122(h) of WIOA, 29 U.S.C. § 3152(h).

With this MOA, DET enters into this agreement with ERD to provide impartial case hearing services for DET with respect to WIOA Title I, Subtitle B, related grievances and

appeals, as described above.

B. Alternative Dispute Resolution Under Section 188 of the Workforce Innovation and Opportunity Act.

Per 29 CFR § 38.69(a), the regulations implementing Section 188 of WIOA, 29 USC § 3248, any person or their representative may file a written complaint, if:

- (1) A person, or any specific class of individuals, has been or is being discriminated against on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, citizenship status, or participation in any WIOA Title I, Subtitle B financially assisted program or activity prohibited by WIOA or this part.
- (2) Either the person, or any specific class of individuals, has been or is being retaliated against as described in 29 CFR § 38.19.

As provided by 29 CFR § 38.72(c), DET's complaint processing procedures must include ADR procedures that provide as follows:

- (1) The complainant may attempt ADR at any time after the complainant has filed a written complaint with the subrecipient, but before a Notice of Final Action has been issued.
- (2) The choice whether to use ADR or the customary process rests with the complainant.
- (3) A party to any agreement reached under ADR may notify the Director [of the Civil Rights Center, Office of the Assistant Secretary for Administration and Management, US. Department of Labor] in the event the agreement is breached. In such circumstances, the following rules will apply:
 - (i) The non-breaching party may notify with the Director within 30 days of the date on which the non-breaching party learns of the alleged breach; and
 - (ii) The Director must evaluate the circumstances to determine whether the agreement has been breached. If the Director determines that the agreement has been breached, the complaint will be reinstated and processed in accordance with the subrecipient's procedures.
- (4) If the parties do not reach an agreement under ADR, the complainant may file a complaint with the Director as described in 29 CFR §§ 38.69 through 38.71.

ERD employs ALJs with experience in performing ADR between parties in discrimination claims. With this MOA, DET enters into this agreement with the ERD to provide ADR services as required by 29 CFR § 38.72(c) for DET, with respect to complaints arising from Section 188 of the WIOA and 29 CFR part 38.

II. Agreement

A. Hearing Services

DET and ERD agree that ERD shall conduct impartial hearings for DET arising under WIOA Title I occurrences set forth in Section I.A., above, for the period beginning December 1, 2019 and continuing through June 30, 2021. ERD will ensure an impartial and properly trained ALJ is assigned as a hearing examiner for each proceeding. The assigned ALJ will conduct the hearing and issue an administrative decision.

For matters under **20 CFR § 683.600(d)(1)**, DET shall certify issues for hearing to ERD within 5 business days of receipt of the grievance or complaint. The certification shall state the date the grievance or complaint was received. DET will submit all materials it has relating to the grievance or complaint to ERD by email to jim.chiolino@dwd.wisconsin.gov. The date the email is sent by DET shall be deemed the date of receipt by ERD. The ALJ shall conclude the hearing and issue a decision within 60 days of the date the grievance was received by DET. The decision shall inform the parties that it is appealable to the Secretary of the Department of Labor per 20 CFR § 683.610(a).

For matters under **20 CFR § 683.600(d)(2)**, DET shall certify issues for hearing to ERD within 5 business days of receipt of the appeal. The certification shall state the date the appeal was received. DET will submit all materials it has relating the appeal to ERD by email to jim.chiolino@dwd.wisconsin.gov. The date the email is sent by DET shall be deemed the date of receipt by ERD. The ALJ shall conclude the hearing and issue a decision within 60 days of the date the appeal was received by DET. The decision shall either uphold or reverse the local level decision. If the decision is reversed, in whole or in part, the matter will be remanded to the local area for further action. The decision shall inform the parties that it is appealable to the Secretary of the Department of Labor per 20 CFR § 683.610(a).

For matters under **20 CFR § 683.630(b)**, DET has a two-level appeals process. The first level is conducted internally by DET. If the training provider is dissatisfied with the decision from the first level of appeal, it may file an appeal with DET requesting a hearing on the matter. DET shall certify issues for hearing to ERD within 5 business days of receipt of the training provider's appeal for a hearing. The certification shall state the date the appeal for hearing was received. DET will submit all materials it has relating to the appeal to ERD by email to jim.chiolino@dwd.wisconsin.gov. The date the email is sent by DET shall be deemed the date of receipt by ERD. The ALJ shall conclude the hearing within 60 days of the date the appeal for hearing was received by DET and issue a decision within 30 days from the conclusion of the hearing. The decision shall inform the parties that it is final and therefore **not** appealable to the Secretary of the Department of Labor.

For all matters set forth in this section, DET and ERD agree to the following:

- (1) DET may attempt to informally resolve the grievance or complaint or appeal at any time up to a final decision from ALJ.
- (2) The hearing may be conducted in-person or via telephone or video conferencing, or through a combination of approaches as deemed appropriate by the ALJ.
- (3) For purposes of conducting the hearings, ERD will adopt the procedures provided by Wis. Stat. § 227.46 to set hearing procedures and to examine evidence.

However, nothing in this MOA attempts to convey jurisdiction or relies on authority under state law that would be subject to judicial review under Wis. Stat. § 227.52.

(4) The ALJ's decision shall be in writing and include the findings of fact, conclusions of law, opinion and order.

(5) ERD will ensure that a copy of the decision is served, by either mail or personal service, or at the election of the respective parties by email, to each party to the proceeding and an electronic copy sent to DET by email to DETWIOA@dwd.wi.gov. If DET is a party to the proceeding, ERD satisfies the requirement to serve the decision to DET by emailing it to DETWIOA@dwd.wi.gov.

(6) Within 5 business days from the date of the decision, ERD will return the complete record to DET, including any files and records generated by ERD as part of the proceeding. ERD will not serve as the custodian for these records.

B. Alternative Dispute Resolution Services

After filing a written discrimination or retaliation complaint pursuant to Section 188 of WIOA, the complainant may attempt ADR at any time before DET issues a Notice of Final Action. The DET agrees to refer ADR requests to ERD within 2 business days of receipt of the complaint. ERD agrees to complete the ADR process within 45 calendar days. ERD will communicate the results of the ADR to DET within two business days.

C. Additional Terms

DET agrees to provide the ERD ALJs necessary training regarding WIOA Title I programs at an agreed upon time and location. DET agrees to pay the costs associated with the ALJs' time to participate in any training related to this agreement. DET and ERD agree to consolidate the training into the fewest number of sessions as possible. DET further agrees to supply any documentation it possesses that may be needed as part of the hearing or ADR proceedings; this may include secure or protected information.

DET will pay ERD for the costs incurred under this agreement. For each State Fiscal Year (SFY), ERD agrees to provide DET either a quarterly estimate of its total costs for services rendered under this agreement or an invoice of actual costs within 45 days of the end of the quarter. At minimum, ERD will supply DET an annual invoice for its services within 45 days of the close of the SFY. Invoices are to be sent to

DETWIOA@dwd.wi.gov.

ERD agrees to provide DET documentation for actual costs incurred for hearing and ADR services, in accordance with this agreement.

Modifications to the section II of this agreement may be made by mutual agreement.

III. Signatures

IN WITNESS WHEREOF, the parties hereto have executed this agreement on _____, in Madison, Wisconsin.

By: _____

Jesus Villa, Administrator

Division of Equal Rights

By: _____

Chytania Brown, Administrator
Division of Employment and Training

By: _____

JoAnna Richard, Deputy Secretary
Department of Workforce Development



COMPLAINTS?

¿QUEJAS?

TSIS TXAUS SIAB?

If You Have a Complaint About:

- ◆ A program in which you are enrolled
- ◆ An employment-related complaint
- ◆ Services from one of the Job Center locations

Contact your Complaint Coordinator in this Job Center.

DWD is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format, or need it translated to another language, please contact (608) 266-6889.

For civil rights questions, call (608) 266-6889 or (866) 275-1165 (TTY).

Si Usted Tiene Quejas Acerca de:

- ◆ Un programa en que está inscrito
- ◆ Una situación de empleo
- ◆ Cualquier otro servicio del Centro de Empleos

Póngase en contacto con su Coordinador de Quejas en el Centro de Empleos.

DWD es un empleador y proveedor de servicios que ofrece igualdad de oportunidades. Si usted tiene alguna discapacidad y necesita tener acceso a esta información en un formato alternativo o necesita la traducción de esta información a otro idioma, por favor llame al (608) 266-6889 ó al (866) 275-1165 TTY.

Si usted tiene alguna pregunta relacionada con los derechos civiles llame al (608)266-6889 ó al (866) 275-1165.

Yog Koj Muaj Lus Tsis Txaus Siab Txog:

- ◆ Ib qho kev pab uas koj muaj feem nrog
- ◆ Kev tsis txaus siab txog ib txoj hauj lwm
- ◆ Keb pab hauv Chaw Nrhiav Hauj Lwm

Hu rau koj Tus Neeg Saib Xyuas Kev Tsis Txaus Siab Nyob Hauv Lub Chaw Nrhiav Hauj Lwm No.

Department of Workforce Development (DWD) yog ib tug trsv hauj lwm thiab muab kev pab cuam muaj vaj huam sib luag rau sawv daws. Yog hais tias koj yog ib tug neeg xiam-oob-qhab es xav tau cov txheej lus no ua tej yam kom koj thiaj nyeem tau, los sis xav kom muab txhais ua lwm hair neeg cov lus, thov hu rau (608) 266-6889 los sis (866) 275-1165 TTY.

Muaj lus nug txog neeg cov cai (civil rights) hu rau (608) 266-6889 los sis (866) 275-1165 TTY.



DETW-11481-P (R. 08/2016)

Exhibit 11.1: DWD-DET WIOA Contract

PY 2020 GRANT AGREEMENT BETWEEN Wisconsin Department of Workforce Development (DWD)-Division of Employment and Training (DET) SOUTHWEST WISCONSIN WORKFORCE DEVELOPMENT BOARD, INC WIOA Title I Admin			
Grantee Name: SOU		Supplier ID: 000	
Fiscal Agent: N/A		Grant Period:	
DUNS No.:	DWD Log No:	Comet Contract #:	
CFDA #: 17.259,17.258,17.278			
Federal Award #:		Federal Award Date:	
Name of Federal awarding agency: Department of Labor		Is this Award for Research and Development (R&D): Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
COMET Expenditure Activity:	Current Grant Level	Grant Change Amount	New Grant Level
ADMIN Expenditure Total			Error! MergeField was not found in header record of data source.
<i>Total Federal Funds Obligated/Committed to the subrecipient including the current obligation as of PY20: Error! MergeField was not found in header record of data source.</i>			
Indirect Cost Rate: Cost Allocation Plan			
<i>This contract obligates the Admin funding from the PY20 Youth Funds only.</i>			
<p>Contact Info for Pass-through entity: Bureau of Workforce Training Division of Employment and Training Department of Workforce Development Bruce Palzkill, Interim DET Administrator Bruce.Palzkill@dwd.wisconsin.gov 608-773-3911</p>			
<p>Statement of Work: Please refer to Appendix A: Award Terms and Conditions.</p>			
<p>Applicable Authorities: In performing its responsibilities under this Grant Agreement, the Grantee agrees to comply with the following:</p> <ul style="list-style-type: none"> • All applicable federal statutes, regulations and guidance, including those of the Workforce Innovation and Opportunity Act (WIOA); • All applicable state laws, local laws, ordinances, and regulations which are in effect during the period of this Grant Agreement and which in any manner affect the Grantee's work or its conduct under this Grant Agreement; • Current, applicable DWD-DET WIOA policies and procedures; • Section 188 of WIOA and 29 CFR Part 38 WIOA Nondiscrimination and Equal Opportunity Regulations, and other applicable civil rights laws; • The Workforce Development Area's (WDA) local plan; and • 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements, and 2 CFR Part 2900, Uniform Administration Requirements for DOL. • The Training and Employment Guidance Letter (TEGL) No. 18-19, is hereby incorporated into this Grant Agreement. Recipients are bound by the authorizations, restrictions, and requirements contained in the TEGL. 			
<p>Additional Terms and Conditions</p> <ul style="list-style-type: none"> • <i>Appendix A.</i> All terms of the award outlined in Appendix A are hereby incorporated into this Grant Agreement by reference. • <i>Reimbursement.</i> The Department will only reimburse costs in accordance with the amounts allocated above. Any changes to the allocated amounts require approval by the Department and a modification to this Grant Agreement. The Department will reimburse administrative expenses in accordance with the terms outlines below. • <i>Personnel Costs.</i> Personnel and related non-personnel costs of staff who perform both administrative functions and programmatic services or activities must be allocated appropriately as program or administrative based on documented distributions of actual time worked or other equitable cost allocation methods. • <i>Modification.</i> This Grant Agreement may be modified at any time by the written, mutual agreement of the parties. • <i>Termination for Cause.</i> The Department may terminate this Agreement for cause if the Grantee breaches the terms of this Agreement. The Department's right to terminate for cause may only be exercised if the Grantee fails to cure its breach of this Agreement within 30 calendar days of receiving written notice of said breach from the Department. In the event of termination 			

Agreement within 30 calendar days of receiving written notice of said breach from the Department. In the event of termination for cause by the Department, the Grantee shall only be entitled to receive compensation for any payments owed under the Grant Agreement at the time of termination and/or only for deliverables that have been approved and accepted by the Department.

- **Termination for Convenience.** Either party may terminate this Grant Agreement at any time, without cause, by providing a written notice to the other party at least 30 calendar days in advance of the intended date of termination. In the event of termination for convenience, the Grantee shall be entitled to receive compensation for any payments owed under the Grant Agreement as of the date of termination.
- **Cancellation.** The State of Wisconsin reserves the right to cancel this Grant Agreement if the Grantee fails to follow the requirements of s. 77.06, Wis. Stats., and related statutes regarding certification for collection of sales and use tax. The State of Wisconsin also reserves the right to cancel this Grant Agreement if it finds that the Grantee is a federally debarred contractor or a contractor that is presently identified on the list of parties excluded from federal procurement and non-procurement contracts. Finally, the State of Wisconsin reserves the right to cancel this Grant Agreement in whole or in part without penalty due to any delay or change in the amount of WIOA funding it receives from the Federal Awarding Agency, the U.S. Department of Labor.
- **Public Records.** It is the intention of the state to maintain an open and public process in the for all Grant Agreement activities. Pursuant to §19.36 (3), Wis. Stats., all records of the Grantee that are produced or collected under this Grant Agreement are subject to disclosure pursuant to a public records request. Upon receipt of notice from the State of Wisconsin of a public records request for records produced or collected under this Grant, the Grantee shall provide the requested records to the Department. The contractor, following final payment, shall retain all records produced or collected under this Grant Agreement for three (3) years.
- **Recordkeeping and Access to Records.** The Grantee shall establish and maintain adequate records of all expenditures incurred under this Grant Agreement. All records must be kept in accordance with generally accepted accounting procedures. All procedures must be in accordance with federal, state and local ordinances. The Department shall have the right to audit, review, examine, copy, and transcribe any pertinent records or documents relating to this Grant Agreement or from any contract resulting from this Grant Agreement.
- **Use of State Employees.** The Grantee will not engage the services of any person or persons now employed by the State of Wisconsin, including any department, commission or board thereof, to provide services relating to this Grant Agreement without the written consent of the employing agency of such person or persons and of the Department.
- **Indemnification.** The Grantee will indemnify and save harmless the State of Wisconsin and all of its officers, agents and employees from all suits, actions, or claims of any character brought for or on account of any injuries or damages received by any persons or property resulting from the operations of the Grantee, or of any of its contractors, in prosecuting work under this Grant Agreement.
- **Force Majeure.** Neither party shall be in default by reason of any failure in performance of this Grant Agreement in accordance with reasonable control and without fault or negligence on their part. Such causes may include, but are not restricted to, acts of nature or the public enemy, acts of the government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes and unusually severe weather, but in every case the failure to perform such must be beyond the reasonable control and without the fault or negligence of the party.

Administrative Expenses

Administration expenditures are defined at 20 CFR § 683.215 and delineates the following functions and activities as constituting administrative costs:

1. accounting, budgeting, financial and cash management functions;
2. procurement and purchasing functions;
3. property management functions;
4. personnel management functions;
5. payroll functions;
6. coordinating the resolution of findings arising from audits, reviews, investigations and incident reports;
7. audit functions;
8. general legal services functions;
9. developing systems and procedures, including information systems, required for carrying out administrative functions;
10. fiscal agent responsibilities;
11. performing oversight and monitoring responsibilities related to WIOA administrative functions;
12. costs of goods and services required for administrative functions of the program, including rental or purchase of equipment, utilities, office supplies, postage, and rental and maintenance of office space.
13. travel costs incurred for official business in carrying out administrative activities or the overall management of the WIOA system; and
14. costs of information systems related to administrative functions (for example, personnel, procurement, purchasing, property management, accounting and payroll systems) including the purchase, systems development and operating costs of such systems.

Nondiscrimination:

In connection with the performance of work under this Grant Agreement, the Grantee agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01(5), Wis. Stats., sexual orientation as defined in s. 111.32(13m), Wis. Stats., or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or

termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Except with respect to sexual orientation, the contractor further agrees to take affirmative action to ensure equal employment opportunities.

The Grantee agrees to post in conspicuous places, available for employees and applicants for employment, a notice to be provided by the contracting state agency that sets forth the provisions of the State of Wisconsin's nondiscrimination law.

Pursuant to 2019 Wisconsin Executive Order 1, Grantee agrees it will hire only on the basis of merit and will not discriminate against any persons performing a contract, subcontract or grant because of military or veteran status, gender identity or expression, marital or familial status, genetic information or political affiliation.

Signatory Information: By signing below, the signatories agree to the terms and conditions of this agreement, including all applicable assurances and certifications, on behalf of their respective agencies indicated below.

Approved for the Grantee by:

Approved for the DWD by:

Grantee Authorized Representative

Bruce Rajzki, Interim Administrator DWD-DET

Print Name of Authorized Representative

Date

Title


Robert Cherry, Jr., DWD Deputy Secretary

Date

Date

Exhibit 12-4: DWD-DET EO Training

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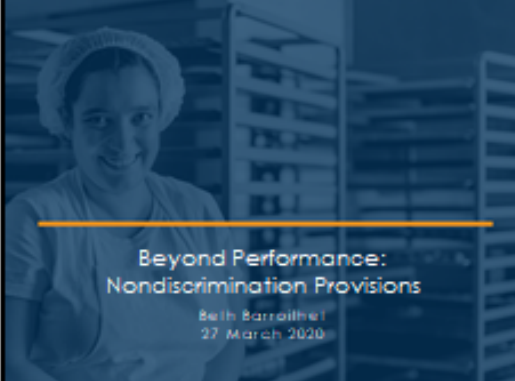
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Beyond Performance: Nondiscrimination Provisions

Beith Barnathert
27 March 2020

2

Today's Objectives

- Overview of Equal Opportunity and Nondiscrimination Provisions
- Monitoring tips

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What is Equal Opportunity?

"No individual in the United States may, on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in any WIOA Title I-financially assisted program or activity, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any WIOA Title I-financially assisted program or activity."

29 CFR § 38.5

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How do you ensure EO is being provided?

- Notice and Communication
- Affirmative Outreach
- Accessibility (Physical and Programmatic)
- Address Complaints
- Monitor for Compliance

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Element 1: Designation of the EO Officer


- Senior Level Employee
- Report to the Executive Director/highest-level position of authority
- May have other duties
- Consider partnering with O&O to fulfill some EO duties

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Duties of the Local EO Officer

- Reporting EO matters to the DWD-DET EO Officer
- Undergoing and providing training for staff and service providers
- Surveying Comprehensive and Affiliate Job Centers to ensure compliance with accessibility requirements
- Reviewing policies to ensure they are nondiscriminatory
- Conducting outreach and education about EO and nondiscrimination requirements
- Investigating discrimination complaints




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Monitoring Element 1

- Do Title I staff know who the EO Officer is?
- Is the contact information for the EO Officers up-to-date?
- Position Description, including reporting relationships
- Training completed in the past program year (for EO Officer and staff)




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Element 2: Notice & Communication

- EO is the Law Posting
- EO Taglines:
 - “Equal Opportunity Employer/ Program”
 - and
 - “Auxiliary aids and services are available upon request to individuals with disabilities”
- Babel Notice with Vital Documents
- Continuing Notice – Do participants receive a copy of relevant information? (EO is the Law, grievance procedures)




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Element 3: Assurance Language

Recipient is aware of its obligations and has the ability to comply with the nondiscrimination and equal opportunity provisions for the duration of the grant contract

- Recipient maintains a policy that describes how EO Regulations will be carried out
- The required assurance language of 29 CFR Part 38.25, or a reference to it, is provided on all grant applications, agreements, and contracts
- Local staff have reviewed and are aware of the current DWD EO policies and local policies




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Element 4: Universal Access & Affirmative Outreach

Must make reasonable efforts to include members of the various protected groups, including, but not limited to;

- Persons of different sexes
- Various racial and ethnic/national origin groups
- Individual with Limited English Proficiency
- Individuals with disabilities
- Individuals in different age groups




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Limited English Proficiency

What is Limited English proficient (LEP)?

- An individual whose primary language for communication is not English and who has a limited ability to read, speak, write, and/or understand English
- LEP individuals may be competent in English for certain types of communication, but still be LEP for other purposes
 - Example: A Spanish speaking individual who speaks English well, but cannot read or write in English
- Discrimination against LEP individuals falls under national origin – 29 CFR § 38.9




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Monitoring Element 4

- Review Outreach Strategies
- Demographic Analysis
- LEP Plan
- Review of services provided for LEP individuals
 - Do staff understand steps to take when serving an LEP individual?


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Element 5: Accessibility

Physical Accessibility

Facilities must be accessible to and usable by individuals with disabilities

- Review of the comprehensive and affiliate job centers for parking spaces, accessible entrances/ramps, access to bathrooms, adjustable work stations, and appropriate signage
- Continuous improvement



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Programmatic Accessibility

Must:

- Make modifications to policies, practices, and procedures
- Provide appropriate auxiliary aids or services
- Provide reasonable accommodations for individuals with disabilities
- Administer programs in the most integrated setting appropriate
- Communicate with persons with disabilities as effectively as with others


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Accessibility




A customer indicates she is receiving both SSI/SSDI, but is interested in full-time work. She does not discuss her disability or say if she needs any accommodations, although she does appear to have physical limitations.

- Can the AJC assist this individual?
- Can the AJC ask about the individual's disability and need for accommodations?
- Can the AJC discuss any accommodations needs with an employer?


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Accessibility



A Deaf customer has been using the computers in the job center resource room for months. One day this person writes a message and gives it to the front desk, "need help job look for, please interpreter meeting job counselor."


- What should the AJC do?
- Does the AJC need to get an interpreter?
- Can the AJC refer to DVR?


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Monitoring Element 5

- Have staff been trained on the use of the assistive technology to ensure that they can properly assist participants?
- Status of ADA surveys
 - Is there a plan to address physical accessibility issues?
- Accessibility of IT/website


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Element 6: Data & Information




- Collect EO/demographic data
- Keep information confidential
- Separate medical/disability information

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Monitoring Element 6

- File Review
 - How is EO data handled? What procedures are in place, and who has access to this information?



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Element 7: Subrecipient Monitoring & Element 9: Corrective Action

- Local Monitoring of Equal Opportunity Program:
 - Conducted by your local EO Officer at each Comprehensive and Affiliate Job Center in the region
- Annual Monitoring by DWD-DET EO Officer:
 - Structural accessibility, parking for individuals with disabilities, designated restrooms, appropriate signage, program accessibility, and effective communication for persons with disabilities and LEP individuals
 - Desk review of local EO policies, job description of the local EO Officer, EO Notice requirements, complaint procedures, and contracts and agreements, files
 - On-site interviews with local EO officer and assessments of the Comprehensive and Affiliate Job Center
- What is a corrective action?

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Element 8: Complaint Processing Procedures

- WIOA Discrimination Complaints
 - Required Information
 - Timelines
- Job Center Complaint Coordinator
- Must have a complaint log!
 - Do staff know the process?

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What questions do you have?



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References

WIOA sec. 188(a)
 20 CFR § 683.285
 29 CFR § 38
 29 CFR § 32.27

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