



Gary R. Stockbridge, Chairman  
William J. Potter, Executive Director

Phone: (302) 761-8160  
Fax: (302) 762-2138

August 4, 2020

Office of the Assistant Secretary  
For Administration and Management  
Attn. Mr. David Laboy  
Washington, D.C. 20210

Dear Mr. Laboy:

Please accept Delaware's submission of its Two-Year Non-Discrimination Plan. We intend to review/modify the plan during every two-year WIOA Plan Modification and during every four-year WIOA State Plan Submission. More importantly, this plan reflects Delaware's dedication to Non-Discrimination and Equal Opportunity.

Sincerely,

A handwritten signature in black ink, appearing to read "W. J. Potter", is written over the typed name.

William J. Potter  
Executive Director  
Delaware Workforce Development Board

**STATE OF DELAWARE  
WORKFORCE DEVELOPMENT BOARD**



**NON-DISCRIMINATION PLAN**

**2020 - 2021**

## TABLE OF CONTENTS



















---

<b>Introduction</b>	<b>Page 3</b>
<b>One Stop Partners</b>	<b>Page 4</b>
<b>Element One: Designation of State and Local Level EO Officers</b>	<b>Page 6</b>
• <i>Element One Enclosures: A thru E</i>	<b>Page 10</b>
<b>Element Two: Notice and Communication</b>	<b>Page 11</b>
• <i>Element Two Enclosure: F, Monitoring and Self-Evaluation Tool</i>	<b>Page 15</b>
<b>Element Three: Review Assurances, Job Training Plans, Contracts and Policies Procedures (29 CFR 38.25 and 38.54)</b>	<b>Page 16</b>
<b>Element Four: Affirmative Action (29 CFR 38.54 (C) (1) (V))</b>	<b>Page 18</b>
<b>Element Five: Compliance with Section 504 of the Rehabilitation Act of 1973, As Amended and 29 CFR Part 38 (29 CFR38.54)</b>	<b>Page 22</b>
<b>Element Six: Data and Information Collection and Maintenance (29 CFR 38.54)</b>	<b>Page 26</b>
• <i>Element Six Enclosure: G, Equal Opportunity Complaint Log</i>	<b>Page 29</b>
<b>Element Seven: Monitoring Recipients for Compliance (29 CFR 38.54 (c) (1) (viii))</b>	<b>Page 30</b>
<b>Element Eight: Complaint Processing Procedures (29 CFR 38.54)</b>	<b>Page 35</b>
• <i>Element Eight Enclosure: H, Non-discrimination Complaint Form</i>	<b>Page 37</b>
<b>Element Nine: Corrective Actions/Sanctions (29 CFR 38.54 (c) (2) (vii))</b>	<b>Page 38</b>
<b>Contact Us</b>	<b>Page 41</b>

## INTRODUCTION

Delaware’s publicly funded workforce development system is a partner and demand driven system overseen by the Delaware Workforce Development Board (DWDB) composed of required and optional service delivery partners. This plan represents Delaware’s Non-discrimination Plan (NDP) in compliance with the Workforce Innovation Opportunity Act of 2014 (WIOA). This NDP reflects an evolution of the Delaware’s publicly funded workforce development system. The plan is outlined by sections or **Elements** followed by relevant attachments or **Enclosures** associated within each appropriate Element. Enclosure A to this plan is a responsibility matrix outlining activities needing to be executed to update our management system to reflect this submitted Non-Discrimination Plan (NDP). (See Element One: Enclosure A)

Delaware’s workforce development partners serve a diversity of clients within a population of 973,764 Delawareans, as can be seen in the most recent US Census Bureau demographic data published July 1, 2019 in the table below:

 Population estimates, July 1, 2019, (V2019)	973,764
 <b>PEOPLE</b>	
<b>Population</b>	
 Population estimates, July 1, 2019, (V2019)	973,764
 Population estimates base, April 1, 2010, (V2019)	897,937
 Population, percent change - April 1, 2010 (estimates base) to July 1, 2019, (V2019)	8.4%
 Population, Census, April 1, 2010	897,934
<b>Age and Sex</b>	
 Persons under 5 years, percent	△ 5.6%
 Persons under 18 years, percent	△ 20.9%
 Persons 65 years and over, percent	△ 19.4%
 Female persons, percent	△ 51.7%
<b>Race and Hispanic Origin</b>	
 White alone, percent	△ 69.2%
 Black or African American alone, percent (a)	△ 23.2%
 American Indian and Alaska Native alone, percent (a)	△ 0.7%
 Asian alone, percent (a)	△ 4.1%
 Native Hawaiian and Other Pacific Islander alone, percent (a)	△ 0.1%
 Two or More Races, percent	△ 2.7%
 Hispanic or Latino, percent (b)	△ 9.6%
 White alone, not Hispanic or Latino, percent	△ 61.7%

Delaware has 13 partner organizations covering a variety of separate and independent service activities. All workforce development partners sign a Memorandum of Understanding (MOU) agreeing to perform certain functions in accordance with the Workforce Innovation Opportunity Act of 2014 (WIOA). Many have their own hierarchal structures, functional requirements, and policies. It is important to note; the Delaware’s Division of Libraries are not required partners. Delaware’s partners and programs are listed below:

## **DELAWARE'S ONE-STOP PARTNER ORGANIZATIONS AND PROGRAMS**

---

### **The Delaware Department of Labor, Division of Employment and Training**

- Workforce Innovation and Opportunity Act Statewide Activities
- Workforce Innovation and Opportunity Act Youth
- Workforce Innovation and Opportunity Act Adults & Dislocated Workers
- Workforce Innovation and Opportunity Act Wagner-Peyser Act
- Trade Act
- Workforce Innovation and Opportunity Act National Dislocated Worker Grant
- Local Veterans Employment Representative
- Disabled Veterans Outreach Program
- Ticket to Work Program administered by the Social Security Administration established under sec. 1148 of Social Security Act (42 U.S.C 1320b-19)

### **Delaware Department of Labor, Division of Vocational Rehabilitation**

- Title I of the Vocational Rehabilitation Act
- The Client Assistance Program (CAP) authorized under sec. 112 of the Rehabilitation Act of 1973 (29 U.S.C 732)

### **Delaware Department of Health and Social Services, Division for the Visually Impaired**

- Title I of the Vocational Rehabilitation Act

### **Delaware Department of Education**

- Adult Education and Literacy Activities authorized under Title II
- Post-Secondary Vocational Education Activities Authorized under the Carl D. Perkins Vocational and Applied Technology Act (20 USC 3201)

### **Delaware Department of Labor, Division of Unemployment Insurance**

- Programs Authorized under State Unemployment Compensation Laws (In accordance With Federal Law)

### **Delaware Department of Health and Social Services, Division of Social Services**

- Temporary Assistance for Needy Families (TANF) authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 *et seq*)
- Supplemental Nutrition Assistance Program (SNAP) employment and training programs authorized under secs. 6(d)(4) and 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C 732)

### **Delaware Department of Health and Social Services, Division of State Service Centers**

- Employment and Training Activities Carried out under the Community Services Block Grant (42 USC 9901)

### **Delaware Department of Health and Social Services, Division of Services for Aging and Adults with Physical Disabilities**

- Senior Community Service Employment Activities Authorized under title V of the Older Americans Act of 1965 (42 USC 3056)

**The Delaware State Housing Authority**

- Employment and Training Activities carried out by the Department of Housing and Urban Development

**Wilmington Job Corps Center**

- Job Corps (Title I Subtitle C WIOA)

**Criminal Justice Council**

- Programs authorized under sec. 212 of the Second Chance Act of 2007 (42 U.S.C 17532)

**Delaware Department of Health and Social Services, Office of Financial Empowerment**

- Stand by Me

**Delaware Department of State**

- Division of Libraries
- Division of Small Business

**Concept of the Non-Discrimination Plan**

---

Delaware's Non-Discrimination Plan (NDP) is a two-pronged effort. Most of the day-to-day work, inspections, and inquiries will be carried out by Required WIOA One Stop Partner (RWOSP). The oversight for the NDP activities falls under the State Equal Opportunity Officer (SEO). The Delaware SEO is both a DWDB board member and a senior official in Delaware's Department of Human Resources. The DWDB Executive Director assures alignment of NDP activities between the State EO and RWOSP.

This non-discrimination plan does not intend to replace any partner organization's internal non-discrimination processes and policies, but rather augment those existing plans and provide specific guidance in accordance with WIOA.

## **ELEMENT 1: DESIGNATION of STATE and LOCAL LEVEL EQUAL OPPORTUNITY OFFICERS**

---

### **PURPOSE**

This Non-discrimination Plan (NDP) provides a reasonable guarantee of Delaware's compliance with the Americans with Disability Act, Section 504 of the Rehabilitation Act of 1973 (as amended); Section 188 of the Workforce Innovation and Opportunity Act (WIOA) of 2014, and 29 CFR Part 38. The NDP applies to: (1) any recipient; (2) programs and activities that are part of the WIOA One-Stop delivery system and are operated by Required WIOA One-Stop Partners (RWOSP) listed in this element, to the extent that the programs and activities are being conducted as part of the One-Stop delivery system; and (3) the employment practices of a recipient and/or WIOA One Stop Partners, as provided in 29 CFR 38.2. The NDP must be renewed every two years, and the state must advise the United States Department of Labor's (DOL) Civil Rights Center (CRC) promptly of updates to the NDP, and of changes to the State-level WIOA Equal Opportunity (EO) Officer (hereafter State EO Officer) to ensure compliance with 29 CFR 38.55(b). Additionally, the State EO Officer should not be in a position that would constitute a conflict of interest. The State must assure that on equal opportunity matters, the State EO Officer reports directly to the Governor and/or designee. *(See Element One: Enclosure B for Appointment Notification of SEO)*

### **NARRATIVE**

Listed below is everyone designated as a State-level EO Officer and everyone designated as a local level Equal Opportunity Officer, by name, position title, business address and telephone number. **(29 CFR 32.28)**

#### **Keith A. Hunt**

Chief Diversity Officer  
Office of Diversity and Inclusion  
Delaware Department of Human Resources  
Carvel State Office Building, SLC – C1030  
Phone: 302-577-8798 | Fax: 302-577-3996  
[Keith.Hunt@Delaware.gov](mailto:Keith.Hunt@Delaware.gov)

#### **William J. Potter**

Delaware Workforce Development Board  
Executive Director  
4425 N. Market St.  
Wilmington, DE 19802  
302-761-8136  
[William.potter@delaware.gov](mailto:William.potter@delaware.gov)

#### **Wanda Holifield**

Equal Opportunity Required WIOA One Stop Partner  
Management Analyst II  
Delaware Workforce Development Board

4425 N. Market St.  
Fox Valley, 3<sup>rd</sup> Fl.  
Wilmington, De 19802  
302-761-8160  
[Wanda.holifield@Delaware.gov](mailto:Wanda.holifield@Delaware.gov)

**Jill Morrison**

Equal Opportunity Required WIOA One Stop Partner  
Constituent Relations/Special Projects  
Delaware Department of Health and Social Services  
Division for the Visually Impaired  
Division Director  
1901 N. DuPont Hwy  
New Castle, DE 19720  
302-255-9857  
[jill.morrison@delaware.gov](mailto:jill.morrison@delaware.gov)

**Michelle Statham**

Equal Opportunity Required WIOA One Stop Partner  
Social Services Manager,  
Delaware State Housing authority SHA  
26 The Green  
Dover, DE 19901  
PHONE: (302) 739-7416  
FAX: (302) 739-7423  
TOLL FREE: 888-363-8808  
[Michelle@destatehousing.com](mailto:Michelle@destatehousing.com)

**The level within the organization (described in such terms as the individual's authority and position relative to the top of the hierarchy) occupied by the EO Officer.**

August 2019 the State of Delaware designated Keith Hunt as the State EO Officer responsible for ensuring that all WIOA Title I, One-Stop Partners and Delaware Employment Security Commission (OESC) programs are operated in a non-discriminatory manner. The State EO Officer is designated by the Secretary, Delaware Department of Labor the Governor's designee, and has full accessibility to the Governor's Office for matters related to equal opportunity and non-discrimination. The State EO Officer is responsible for ensuring the One-Stop Center programs that receive federal financial assistance comply with the non-discrimination and equal opportunity provisions in Section 188 of WIOA and 29 CFR Part 38. The State EO Officer has knowledge of WIOA, principles and practices of compliance monitoring, federal and state laws, as well as rules and regulations.

In addition, the State EO Officer's body of knowledge includes the workforce system policies, computerized products used in tracking, performance reports, the monitoring of systems and processes, and the compliance practices and techniques.

The State EO Officer attends EO related trainings allowed by the State's administrative budget



to maintain these competencies to oversee and assist in the development and implementation of Delaware's Non-discrimination Plan under 29 CFR 38.54.

**Describe the duties of the State EO Officer, and the way those duties are carried out. Describe both the State EO duties, responsibilities and activities associated with the implementation of 29 CFR Part 38, and all other duties, responsibilities, and activities.**

The Delaware Workforce Development Board (Delaware is a single service delivery area and acts as both a state and local board), and the State EO officer provide oversight and assist RWOSP EOs in:

- a) Preparing monitoring reports including any needed corrective actions and monitors the corrective actions for completion and compliance
- b) Developing, coordinating, providing oversight, researching, analyzing data, preparing reports, revising policies and procedures for equal opportunity and civil rights as well as other communications relative to programmatic performance on assigned, WIOA One Stop Partner, and UI
- c) Conducting, leading, or assisting monitoring investigations (i.e., determines nature, scope, and direction of the investigation)
- d) Writing correspondence and reports regarding findings of investigations
- e) Providing appropriate resource and referral information for complainants and for members of the public relative to discrimination and employment law
- f) Reviewing and analyzing complaints for WIOA jurisdiction and basis of discrimination
- g) Reviewing data and information to discern specific trends or patterns which could reflect possible accessibility issues or need for targeted outreach
- h) Initiating and coordinating meetings to provide information to or resolve issues with contractors, service programs or other groups both within and outside the department and/or the public
- i) Providing technical assistance and training, as required, to contracted providers and Department staff relating to the implementation and operation of contracted activities and requirements within designated DWDB, WIOA One Stop Partners and UI
- j) Interpreting federal and state laws, regulations, policies, and procedures related to program services, as well as RWOSP, s, UI policies and procedures to ensure compliance with equal opportunity and civil rights
- k) Overseeing and assisting the development and implementation of the recipient's Non-discrimination Plan under 29 CFR 38.54
- l) Preparing and presenting Equal Opportunity information and/or concerns to executive management, directors, managers, and supervisors; and
- m) Performing equal opportunity related work as required.

**Describe the way recipient makes the identity of the EO Officer(s) known to applicants, registrants, eligible applicants/registrants, participants, employees, and applicants for employment, as well as interested members of the public.**

The "Equal Opportunity Is the Law" notice/poster will be distributed to all RWOSP. Notices will

appear on participant enrollment forms, policies, etc. Registrants, eligible applicants, participants, claimants, employees, and applicants for employment and interested members of the public are made aware of the RWOSP EO Officer's information through the RWOSP non-discrimination posters, policies, and letters. The State, RWOSP, UI and WP EO Officer's name and contact information appear on any communications regarding non-discrimination and equal opportunity programs.

Appropriate Policies are posted on the DWDB web site at <https://wib.delawareworks.com/> and the state Labor Exchange site <https://Joblink.delaware.gov> .

The primary dissemination of the State EO Officer's name and contact information is on the "Equal Opportunity Is the Law" notice/poster. The notice contains information including the State EO Officer by name, title, business address, e-mail address, and telephone number including the TDD/TTY number. Additionally, the State publishes a directory on <https://wib.delawareworks.com/> to locate the State EO Officer.

**Describe the level of staff and other resources available to State and local level EO Officer(s) to ensure that WIOA Title I financially assisted programs and activities operate in a nondiscriminatory way.**

The Delaware Workforce Development Board (DWDB) employs sufficient staff and adequate resources to ensure the State EO Officer follows the non-discrimination and equal opportunity provisions of Section 188 of the WIOA and with 29 CFR 38.28.

**Describe the State's plan for ensuring that State and local level EO Officers and their staff are sufficiently trained to maintain competency.**

The State EO Officer is a member of the DWDB and will attend annually sponsored Equal Opportunity trainings, as well as EO classes and training conferences offered through webinars from Workforce GPS, U.S. Department of Labor (USDOL)/CRC, National Skills Coalition (NSC), Equal Employment Opportunity Commission (EEOC) to maintain competency.

Delaware will ensure RWOSP receive annual EO training via Local EO Officers, the State EO Officer, these will usually occur at Delaware's Annual Convening of WIOA partners.

DWDB will make training available to the State EO Officer in areas related to equal opportunity and non-discrimination, such as the Section 504 of the Rehabilitation Act, Age Discrimination Act, Fair Labor Standards Act, Family and Medical Leave Act, Sexual Harassment and Diversity, Limited English Proficiency, Equal Employment Opportunity Principles and Practices, American Disability Act Management Responsibilities and the Health Insurance Portability Accountability Act. This training helps ensure the State and Local EO Officers understand the responsibilities required in the enforcement of equal opportunity and non-discrimination laws under WIOA.

## Element One Enclosures: A thru E

---

- A. Responsibility Matrix of Initial Tasks**
- B. State Equal Opportunity Officer Appointment Letter**
- C. State Equal Opportunity Officer Duty Description (Suggested)**
- D. Equal Opportunity Is the Law Notice – State EO Officer (*English*)**
- E. Equal Opportunity Is the Law Notice – State EO Officer (*Spanish*)**

**Element One: Enclosure A**  
**Responsibility Matrix of Initial Tasks**

Enclosure A to this plan is a responsibility matrix outlining activities needing to be executed to update our management system to reflect the submitted Non-Discrimination Plan (NDP) as follows:

**Responsibility Matrix of Initial Tasks**

<b>Task</b>	<b>Responsible</b>	<b>Accountable</b>	<b>Consult</b>	<b>Inform</b>
Orientation for State EO and RWOSP	Bill Potter	Bill Potter	RWOSP	Directors WIOA
Meet with Deputy Attorney General	Bill Potter	Keith Hunt	Deputy Attorney General	Leaders WIOA
Provide Initial Training	Keith Hunt	Bill Potter	Hope Ellsworth	Leaders WIOA
Conduct Internal Monitoring of One Stop Centers	RWOSP	Keith hunt	Bill Potter	Leaders WIOA
Conduct initial training with EO - RWOSP	Keith Hunt	Bill Potter	RWOSP, WIOA Team	Leaders WIOA
Identify Additional RWOSP - EO Officers	Bill Potter	Keith hunt	Team leader	Directors WIOA
Check Contract Language	RWOSP	Bill Potter	Directors DWDB	Directors DWDB
Check RFP Language	Contracting Division	RWOSP	Bill Potter	Directors DWDB
Check Eligible Training Provider List Language	Wanda Holifield	Bill Potter	Directors DWDB	DWDB
Check Job Link Language	Lori Reder	RWOSP	Directors DWDB	Keith Hunt



STATE OF DELAWARE  
**OFFICE OF THE GOVERNOR**  
TATNALL BUILDING, SECOND FLOOR  
MARTIN LUTHER KING, JR. BOULEVARD SOUTH  
DOVER, DELAWARE 19901

**JOHN CARNEY**  
GOVERNOR

PHONE (302) 744-4101  
FAX (302) 739-2775

August 20, 2019

Mr. Keith L. Hunt  
9 Bangalore Court  
Smyrna, DE 19977

Dear Mr. Hunt:

In accordance with the Workforce Innovation and Opportunity Act (WIOA), I hereby appoint you to serve as the State of Delaware Equal Opportunity Officer.

Please coordinate all your efforts with my designee, Secretary Cerron Cade. You will be responsible for State Program-wide coordination of compliance with the equal opportunity and nondiscrimination requirements in WIOA.

Please know that as you accept this official position, you will contribute to the residents of Delaware in an important way.

Thank you for your willingness to serve. All Delawareans appreciate your forthcoming and important contribution.

Sincerely,

A handwritten signature in blue ink that reads "John C. Carney".

John C. Carney  
Governor

JCC: mat

Enclosure B



# STEPS TO UNDERSTAND YOUR ROLES AND RESPONSIBILITIES AS A NEW EQUAL OPPORTUNITY OFFICER

NASWA EO Policy Subcommittee 2019

## 1. Read and understand 29 CFR Part 38 and Section 188 of the Workforce Innovation and Opportunity Act (WIOA).

- DOL's role and responsibility
- ETAs role and responsibility
- CRC's role and responsibility
- State's/Governor's responsibility
- WIOA Recipient's responsibility

## 2. The EO Officer has an obligation to read and understand:

- Title VI and Title VII of the Civil Rights Act of 1964
- Title IX of the Education Amendments Act of 1972
- The American's with Disabilities Act of 1990 and the ADA Amendments Act of 2008
- Section 504 of the Rehabilitation Act of 1973

The following is taken from the CRC's website:

### *Equal Opportunity Officer*

An Equal Opportunity Officer is responsible for coordinating a recipient's obligations under this part. Those responsibilities include, but are not limited to:

- Monitoring and investigating the recipient's activities, and the activities of the entities that receive WIOA Title I—financial assistance from the recipient, to make sure that the recipient and its sub recipients are not violating their nondiscrimination and equal opportunity obligations;
- Developing and publishing the recipient's procedures for processing discrimination complaints;
- Conducting outreach and education about equal opportunity and nondiscrimination requirements;
- If applicable, overseeing the development and implementation of the recipient's Nondiscrimination Plan under § 38.54.
- The rule requires recipients' EO Officers to oversee the collection of EO data and information, including on LEP status and preferred language use.
- The rule makes clear that outreach is an essential responsibility of recipients' EO Officers in order to ensure equal opportunity; the rule clarifies recipients' obligations to actively conduct affirmative outreach in order to expand access to services.

*Governor (or Representative)*

The Governor is responsible for oversight and monitoring of all WIOA Title I—financially assisted State Programs. This responsibility includes:

- Ensuring compliance with the nondiscrimination and equal opportunity provisions of WIOA and this part, and negotiating, where appropriate, with a recipient to secure voluntary compliance when noncompliance is found under § 38.91 (b).
- Annually monitoring the compliance of recipients with WIOA Section 188 and this part, including a determination as to whether each recipient is conducting its WIOA Title I—financially assisted program or activity in a nondiscriminatory way.
- The rule changes the title of the tool used by Governors to implement their monitoring and oversight responsibilities from the “Methods of Administration” to “Nondiscrimination Plan.”
- The rule also provides more direction on Governors’ responsibilities and the CRC’s procedures for enforcing those responsibilities. The final rule also requires States to conduct monitoring annually instead of periodically and to include copies of the monitoring conducted in the State’s Nondiscrimination Plan submission.

**3. Understand Your State’s Agency Programs (any program or activity that receives financial assistance under Title I of WIOA as well as by the one-stop partners listed in WIOA Section 121(b) that offer programs or activities through the one-stop American Job Center System.**

Federal Programs:

- Workforce Innovation and Opportunity Act
- Unemployment Insurance
- Wagner-Peyser
- Adult Basic Education
- Vocational Rehabilitation
- Migrant and Seasonal Farm Workers
- Trade
- Veterans
- TANF
- SNAP

**4. Obtain Knowledge of Those Programs**

- |  |  |   |
|--|--|---|
| 1. What are the programs?<br>i. WIOA<br>ii. UI<br>iii. Trade, etc. | 2. Where do participants access the programs?<br>i. Telephone<br>ii. On-line<br>iii. In-person | 3. How are the programs administered?<br>i. Systems<br>ii. Programs<br>iii. Processes |
|--|--|---|

## **5. Understand the Demographics of Your State**

- a. Population
  - i. Age, Gender, Race/Ethnicity
- b. Languages
- c. Areas
  - i. Rural, Counties, Cities

## **6. Analyze and Review Your State's Activity for Compliance**

Compliance → Technical Assistance Visit → Data Analysis → Monitor → Training → Compliance

- Review reports/logs of complaints your agency has previously received
- Contact your predecessor to learn the history and process

## **7. Ensure Your State's Nondiscrimination Plan complies with the Regulations**

- Title 29 CFR Part 38 → Section 188 WIOA → Non-Discrimination Plan

## **8. Get to know other similarly situated state EO Officers**

- Connect with State EO Officers at NASWA Meetings.
- Consult the NASWA State Matrix to see States have a similar organizational structure. (posted on EO Committee resource area of NASWA website).

Enclosure C



# Equal Employment Opportunity is **THE LAW**

## **Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations**

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

### **RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN**

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

### **DISABILITY**

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

### **AGE**

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

### **SEX (WAGES)**

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

### **GENETICS**

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

### **RETALIATION**

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

### **WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED**

There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected:

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at [www.eeoc.gov](http://www.eeoc.gov) or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at [www.eeoc.gov](http://www.eeoc.gov).

---

## Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

### **RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN**

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

### **INDIVIDUALS WITH DISABILITIES**

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

### **DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS**

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within

three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

### **RETALIATION**

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at [OFCCP-Public@dol.gov](mailto:OFCCP-Public@dol.gov), or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

---

## Programs or Activities Receiving Federal Financial Assistance

### **RACE, COLOR, NATIONAL ORIGIN, SEX**

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

### **INDIVIDUALS WITH DISABILITIES**

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

# La igualdad de oportunidades de empleo es

# LA LEY

## **Empleadores privados, gobiernos locales y estatales, instituciones educativas, agencias de empleo y organizaciones de trabajo**

Los postulantes y empleados de la mayoría de los empleadores privados, los gobiernos locales y estatales, las instituciones educativas, las agencias de empleo y las organizaciones de trabajo están protegidos por la ley federal contra la discriminación en función de:

### **RAZA, COLOR, RELIGIÓN, SEXO, PROCEDENCIA**

El Título VII de la Ley de Derechos Civiles (Civil Rights Act) de 1964, con sus modificaciones, protege a los postulantes y a los empleados contra la discriminación en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, la clasificación, las referencias y los demás aspectos del empleo, en función de raza, color, religión, sexo (incluidas las embarazadas) o procedencia. La discriminación religiosa se refiere a la falta de adaptación razonable a las prácticas religiosas de un empleado, siempre y cuando dicha adaptación no provoque una dificultad económica desmedida para la compañía.

### **DISCAPACIDAD**

Los Títulos I y V de la Ley de Estadounidenses con Discapacidades (Americans with Disabilities Act) de 1990, con sus modificaciones, protege a las personas idóneas contra la discriminación por discapacidad en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, la clasificación, las referencias y los demás aspectos del empleo. La discriminación por discapacidad se refiere a la falta de adaptaciones razonables para las limitaciones físicas o mentales de una persona idónea que tiene una discapacidad y que es un postulante o un empleado, salvo que dichas adaptaciones provoquen una dificultad económica desmedida para la compañía.

### **EDAD**

La Ley contra la Discriminación Laboral por Edad (Age Discrimination in Employment Act) de 1967, con sus modificaciones, protege a los postulantes y empleados de 40 años o más contra la discriminación por cuestiones de edad en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, la clasificación, las referencias y los demás aspectos del empleo.

### **SEXO (SALARIOS)**

Además de lo establecido en el Título VII de la Ley de Derechos Civiles, con sus modificaciones, la Ley de Igualdad en las Remuneraciones (Equal Pay Act) de 1963, con sus modificaciones, también prohíbe la discriminación sexual en el pago de los salarios a las mujeres y los hombres que realicen básicamente el mismo trabajo, en empleos que requieran las mismas habilidades, esfuerzo y responsabilidad, en condiciones laborales similares, en el mismo establecimiento.

### **GENÉTICA**

El Título II de la Ley de No Discriminación por Información Genética (Genetic Information Nondiscrimination Act, GINA) de 2008 protege a los postulantes y empleados contra la discriminación basada en la información genética en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, la clasificación, las referencias y los demás aspectos del empleo. La GINA también limita la adquisición de información genética por parte de los empleadores y condiciona de manera estricta su divulgación. La información genética incluye las pruebas genéticas de los postulantes, empleados o integrantes de sus familias, la manifestación de enfermedades o trastornos de los miembros de la familia (historia médica familiar) y las solicitudes o la recepción de servicios genéticos por parte de los postulantes, empleados o integrantes de sus familias.

### **REPRESALIAS**

Todas estas leyes federales prohíben a las entidades cubiertas que tomen represalias en contra de una persona que presenta un cargo por discriminación, participa en un procedimiento por discriminación o que, de algún otro modo, se opone a una práctica laboral ilícita.

### **QUÉ DEBE HACER SI CONSIDERA QUE ES VÍCTIMA DE LA DISCRIMINACIÓN**

Existen plazos estrictos para presentar cargos por discriminación laboral. A fin de preservar la capacidad de la Comisión para la Igualdad de Oportunidades en el Empleo (Equal Employment Opportunity Commission, EEOC) de actuar en representación suya y proteger su derecho a iniciar una demanda privada si fuese necesario en última instancia, debe comunicarse con la EEOC apenas sospeche que se produjo un hecho de discriminación: Comisión para la Igualdad de Oportunidades en el Empleo de los Estados Unidos, 1-800-669-4000 (línea gratuita) o 1-800-669-6820 (línea gratuita TTY para las personas con problemas auditivos). Puede encontrar información sobre las sucursales de la EEOC en [www.eeoc.gov](http://www.eeoc.gov) o en la mayoría de las guías telefónicas en la sección Gobierno Federal o Gobierno de los Estados Unidos. También puede obtener información adicional sobre la EEOC, incluso cómo presentar un cargo, en [www.eeoc.gov](http://www.eeoc.gov).

---

## Empleadores que tengan contratos o subcontratos con el gobierno federal

Los postulantes y empleados de las compañías que tengan un contrato o subcontrato con el gobierno federal están protegidos por la ley federal contra la discriminación en función de:

### **RAZA, COLOR, RELIGIÓN, SEXO, PROCEDENCIA**

El Decreto Ejecutivo 11246, con sus modificaciones, prohíbe la discriminación en el trabajo en función de raza, color, religión, sexo o procedencia y exige que se implementen acciones afirmativas para garantizar la igualdad de oportunidades en todos los aspectos laborales.

### **PERSONAS CON DISCAPACIDADES**

La Sección 503 de la Ley de Rehabilitación (*Rehabilitation Act*) de 1973, con sus modificaciones, protege a las personas idóneas contra la discriminación por discapacidad en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, la clasificación, las referencias y los demás aspectos del empleo. La discriminación por discapacidad se refiere a la falta de adaptaciones razonables para las limitaciones físicas o mentales de una persona idónea que tiene una discapacidad y que es un postulante o un empleado, salvo que dichas adaptaciones provoquen una dificultad económica desmedida para la compañía. La Sección 503 también exige que los contratistas federales implementen acciones afirmativas para emplear y avanzar en el empleo de personas idóneas con discapacidades en todos los niveles laborales, incluido el nivel ejecutivo.

### **VETERANOS DISCAPACITADOS, RECIÉN RETIRADOS, BAJO PROTECCIÓN Y CON MEDALLA POR SERVICIO A LAS FUERZAS ARMADAS**

La Ley de Asistencia a la Readaptación de Veteranos de Vietnam (*Vietnam Era Veterans' Readjustment Assistance Act*) de 1974, con sus modificaciones, 38 U.S.C. 4212, prohíbe la discriminación laboral y exige que se implementen acciones afirmativas para emplear y avanzar en el empleo de los veteranos discapacitados, recién retirados

(en el plazo de los tres años posteriores a la baja o al cese del servicio activo), otros veteranos bajo protección (los veteranos que prestaron servicio durante una guerra o en una campaña o expedición para la cual se les autorizó una insignia de campaña) y los veteranos con medalla por servicio a las Fuerzas Armadas (aquellos que durante el servicio activo, participaron en una operación militar de los Estados Unidos por la cual se los reconoció con una medalla por servicio a las Fuerzas Armadas).

### **REPRESALIAS**

Quedan prohibidas las represalias contra una persona que presenta una demanda por discriminación, participa en un procedimiento de la Oficina de Programas de Cumplimiento de Contratos Federales (*Office of Federal Contract Compliance Programs*, OFCCP) o que se oponga, de algún otro modo, a la discriminación según estas leyes federales.

Toda persona que considere que un contratista violó sus obligaciones de acción afirmativa o no discriminación según las autoridades mencionadas anteriormente debe comunicarse de inmediato con:

La Oficina de Programas de Cumplimiento de Contratos Federales (OFCCP), Departamento de Trabajo de los Estados Unidos, 200 Constitution Avenue, N.W., Washington, D.C. 20210, teléfono 1-800-397-6251 (línea gratuita) o (202) 693-1337 (línea TTY). También puede enviar un mensaje de correo electrónico a la OFCCP (OFCCP-Public@dol.gov) o bien, llamar a una de sus oficinas regionales o del distrito, las cuales aparecen en la mayoría de las guías telefónicas en la sección Gobierno de los Estados Unidos, Departamento de Trabajo.

---

## Programas o actividades que reciben asistencia financiera federal

### **RAZA, COLOR, PROCEDENCIA, SEXO**

Además de las protecciones establecidas en el Título VII de la Ley de Derechos Civiles de 1964 y sus modificaciones, el Título VI de dicha ley, con sus modificaciones, prohíbe la discriminación por raza, color o procedencia en los programas o las actividades que reciben asistencia financiera federal. La discriminación laboral está cubierta por el Título VI si el objetivo principal de la asistencia financiera es brindar empleo, o si la discriminación laboral provoca o puede provocar discriminación cuando se proporcionan los servicios de dichos programas. El Título IX de las Reformas Educativas de 1972 prohíbe la discriminación laboral según el sexo en los programas o las actividades educativas que reciben asistencia financiera federal.

### **PERSONAS CON DISCAPACIDADES**

La Sección 504 de la Ley de Rehabilitación de 1973, con sus modificaciones, prohíbe la discriminación laboral por discapacidad en cualquier programa o actividad que reciba asistencia financiera federal. Queda prohibida la discriminación en todos los aspectos laborales contra las personas discapacitadas que, con o sin adaptaciones razonables, pueden desempeñar las funciones esenciales del trabajo.

Si cree que ha sido víctima de discriminación en algún programa de una institución que reciba asistencia financiera federal, debe comunicarse de inmediato con la agencia federal que brinda dicha asistencia.

## **ELEMENT 2: NOTICE AND COMMUNICATION**

---

### **PURPOSE**

Element Two, addresses how WIOA One Stop Partners, training providers and others comply with the requirements of 29 CFR 38.29 through 38.36. The State ensures the establishment of a notice and communication system that is accessible to all registrants for WIOA funded services, applicants for employment, employees and interested members of the public, making them aware of the WIOA One-Stop's requirements to operate its programs and activities in a nondiscriminatory manner, and the extent of the rights of members of these groups to file complaints of discrimination.

### **NARRATIVE**

**Describe The methods and frequency of dissemination of the notice/poster, including initial dissemination. (29 CFR 38.34)**

**Delaware RWOSP will and the State EO will ensure the following:**

The "Equal Opportunity Is the Law" notice/poster (English and Spanish), will be distributed annually and sent electronically, or by other methods, to all American Job Centers and WIOA One Stop Partners. This allows the partners to edit the documents to include information about the identification and contact information of the EO Officer for each.

As changes occur, the RWOSP and/or the State EO Officer will send changes out electronically to all WIOA recipients.

**Describe how the notice is made available to individuals with disabilities. (29 CFR 38.36)**

In the instructions for posting the "Equal Opportunity Is the Law" notice/poster, the RWOSPs will read the notice/poster to anyone who requests assistance or when staff observe the customer is visually impaired or might have difficulty reading the poster without assistance.

Auxiliary aids will be obtained for an individual who requests an aide, or staff have observed the customer is visually or hearing impaired or might have difficulty reading. Auxiliary aids or services may include qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, telecommunications devices for deaf persons (TDDs/TTYs), videotext displays, or other effective means of making aurally delivered materials available to individuals with hearing impairments. Also used are qualified readers, recorded texts, audio recordings, large print materials, and/or other effective means of making visually delivered materials available to individuals with hearing impairments.

**Describe The means by which the State ensures that recipients post the notice/poster. (29 CFR 38.37)**

The State will notify each RWOSP in writing as required by the law under WIOA Section 188 to clearly display the “Equal Opportunity Is the Law” notice/poster in all facilities throughout the State where WIOA One Stop Partners, Unemployment Insurance, and WIOA Title I funded activities are conducted, including One-Stop Centers.

The State EO Officer will conduct on-site monitoring of a sample of at least one Center on an annual basis to ensure RWOSPs have the required posters in place. RWOSP will annually complete a self-evaluation of compliance with the Non-discrimination Plan. The review includes review of the required postings.

**Explain how a copy of the notice is placed in the participant’s file (29 CFR 38.37), or where the files are maintained electronically, how the requirement of 38.31(a) is and will continue to be met.**

RWOSP will maintain records in accordance with programmatic guidance and make available permanent records as needed.

State ensures that recruitment brochures and other materials routinely made available to the public include the statements “equal opportunity employer/program” and “auxiliary aids and services are available upon request to individuals with disabilities.” (29 CFR 38.34(a))

In accordance with 29 CFR 38.34, all recipient publications will include the equal opportunity policy statement that indicates the recipient is an “an equal opportunity employer/program”. Additionally, all recipient publications must include the appropriate tag lines “auxiliary aids and services available upon request to individuals with disabilities”.

The State’s RWOSPs will include the equal opportunity policy statement and the appropriate tag lines in publications, and other broadcasts it disseminates. Each recipient is responsible for including the equal opportunity policy statement and the appropriate tag lines on all brochures, publications, web sites, and broadcasts. The State ensures each recipient follows this requirement during compliance reviews using the State Section’s “Equal Opportunity Monitoring Review Guide,” that is currently being revised. Where a telephone number is included on recruitment brochures and other materials, how the State ensures that the materials indicate a TDD/TTY number or provide for an equally effective means of communication with individuals with hearing impairments. (29 CFR 38.15)

During the desk and/or on-site compliance reviews, the State checks each of the American Job Center sites for recruitment brochures and other materials ensuring that such materials provide for an equally effective means of communication with individuals with hearing and visual impairments.

Delaware will require updates to any materials intended for public notification to be reviewed by either the RWOSP or Delaware EO Officers prior to the release of the material. This ensures compliance with 29 CFR 38.15 is met.

The State also requires that RWOSPs utilize an effective telecommunications system. The

State has in place (7-1-1) system that ensures communication is as available to individuals with disabilities as other participants.

**Describe The steps taken to ensure that communications with individuals with disabilities are as effective as communications with others. (29 CFR 38.38)**

The RWOSP and State EO Officer will ensure that communications, offices, and programs are physically accessible to disabled individuals during on-site compliance reviews. The State ensures materials indicate a TDD/TTY number and all other materials routinely made available to the public include the statements “equal opportunity employer/program” and “auxiliary aids and services available upon request to individuals with disabilities”. All current available aides in the comprehensive offices throughout the State are to be maintained and staff trained in the One-Stop Centers to assist individuals with disabilities in using them.

**Describe The means by which program-related information is published or broadcast in the news media (e.g., youth summer employment/training programs; job fairs) and the means by which the State ensures that publications/broadcasts state that the program is an equal opportunity employer/program and that auxiliary aids and services are available upon request to individuals with disabilities. (29 CFR 38.38)**

As required by law under WIOA, all recipients of WIOA Title I financially assisted programs will advertise in their broadcasts or media publications that they are an equal opportunity employer/program with auxiliary aids and services available upon request for individuals with disabilities.

During desk reviews, the State EO Officer will check for statements that the program is an equal opportunity employer/program and that auxiliary aids and services are available upon request to individuals with disabilities. During desk reviews and on-site compliance reviews, the RWOSP or State EO will check each of the American Job Center sites for evidence that program-related information published in the news media (e.g., publication of Requests for Proposal) include statements that the program is an equal opportunity employer/program and that auxiliary aids and services are available upon request to individuals with disabilities. The Local staff are trained to recognize and alert the appropriate EO Officer when an employer uses any discriminatory practices. The EO Officer will take the necessary corrective actions and appropriate enforcement remedies.

**Describe the manner in which and the extent to which information in languages other than English is provided, and the manner in which the State ensures that persons of Limited English-Speaking ability have access to its programs and activities on a basis equal to that of those who are proficient in English. (29 CFR 38.40)**

It is the policy of the State to provide services and information in a language other than English for customers with Limited English Proficiency (LEP) to effectively inform or enable those customers to participate in departmental programs or activities.

When the RWOSP and/or the DWDB determines a significant proportion of the population

eligible to be served are more likely to be directly affected by a program/activity needs information in a single language other than English, the WIOA One Stop Partner will translate its written program materials into that language and provide effective interpretation services to members of the significant LEP group. The State can provide interpreters for LEP customers who are not part of a significant group to provide the customer meaningful access to programs and services. When an interpreter for the needed language cannot be located.

**Describe the manner in which and the extent to which orientations for registrants, applicants, eligible applicants/registrants, employees, applicants for employment, and members of the public include a discussion of the rights of such persons under WIOA Section 188 and 29 CFR Part 38. (29 CFR 38.36)**

WIOA One Stop Partner will include a discussion of equal opportunity and non-discrimination rights as part of orientations for registrants, applicants, eligible applicants/registrants, and employees. RWOSPs will be required, at the time of orientation, to include a written copy of the notice detailing the equal opportunity law and all other WIOA documentation in the participant's permanent file. RWOSP and/or the State EO Officer will, as necessary check the participant's permanent paper files or electronic records for these documents during the on-site monitoring.

**Describe the process the State uses to develop and communicate policy and conduct training regarding non-discrimination and equal opportunity. (29 CFR 3.25(c), and 38.54)**

Delaware will use the monthly WIOA State Leadership and WIOA County Leadership team meetings as the forums updating communications and conduct relevant trainings.



## **Element Two Enclosures: F, Delaware Monitoring and Self- Evaluation Tool**

---

### **F. Delaware Monitoring and Self- Evaluation Tool**

# EQUAL OPPORTUNITY AND NONDISCRIMINATION MONITORING

## Delaware Monitoring Tool

### ELEMENT 1: ASSURANCES

- 1 Do contracts contain the approved equal opportunity assurance language?

[Click here to enter text](#)

- 2 Please be prepared to provide an example of a contract Equal Opportunity Assurance section.

[Click here to enter text](#)

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

[Click here to enter text](#)

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

[Click here to enter text](#)

- 5 What equal opportunity and nondiscrimination policies are in place for employees? Please have examples ready for viewing during on-site visit.

[Click here to enter text](#)

**DO YOU NEED TECHNICAL ASSISTANCE IN THIS ELEMENT? IF SO, PLEASE EXPLAIN:**

[Click here to enter text.](#)

### ELEMENT 2: DESIGNATION OF EO OFFICERS

- 1 Name of Local EO Officer: [Click here to enter text.](#)

- 2 To whom does the EO Officer report? [Click here to enter text.](#)

3 How is the EO Officer's identity made known to participants and service providers?

[Click here to enter text](#)

4 On what internal and external communications concerning MDES, LWDAs, sub-recipient, contractors, and eligible training providers nondiscrimination and equal opportunity programs does the EO Officer's (State [WIOA EO/Local EO](#)) identity and contact information appear? **Please have examples ready for viewing during on-site visit.** [Click here to enter text.](#)

**DO YOU NEED TECHNICAL ASSISTANCE IN THIS ELEMENT? IF SO, PLEASE EXPLAIN:**

[Click here to enter text](#)

**ELEMENT 3: NOTICE AND COMMUNICATION**

1. Where are the WIOA "Equal Opportunity is the Law" posters displayed and which versions are displayed-English, Spanish, both or if applicable other language?

[Click here to enter text.](#)

- Are they posted in reasonable numbers and places?

[Click here to enter text.](#)

- Are the posters centrally located and in plain sight?

[Click here to enter text.](#)

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

[Click here to enter text.](#)

- Does the form include the required WIOA "Equal Opportunity is the Law" language?

[Click here to enter text.](#)

- Please have examples ready for viewing during on-site visit.

3. What steps are taken to see that continuing notice is provided in the appropriate language when a significant number or proportion of the population eligible to be served, or likely to be directly affected, need services or information in a language other than English?

[Click here to enter text.](#)

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

[Click here to enter text.](#)

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

[Click here to enter text.](#)

6. Is the tagline included in public announcements and broadcasts?

[Click here to enter text.](#)

*The appropriate tagline indicates that the WIOA Title I-financially assisted program is an "equal opportunity employer/program" and that "auxiliary aids and services are available upon request to individuals with disabilities".*

- Please have examples ready for viewing during on-site visit.

7. How is the requirement communicated not to discriminate on the basis of disability and the obligation to provide reasonable accommodations?

[Click here to enter text.](#)

8. What efforts are made to ensure that communications with individuals with disabilities are just as effective as communications with others?

[Click here to enter text.](#)

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

[Click here to enter text.](#)

**DO YOU NEED TECHNICAL ASSISTANCE IN THIS ELEMENT? IF SO, PLEASE EXPLAIN:**

[Click here to enter text](#)

#### **ELEMENT 4: DATA/INFORMATION: COLLECTION AND MAINTENENCE**

1. Please explain how EO data has been collected (race/ethnicity, sex, age, and where known, disability status)? [Click here to enter text.](#)

2. Please explain how files/records about the population being served have been maintained?

[Click here to enter text.](#)

3. How are these data maintained under safeguards that will restrict access to authorized personnel only? Please explain. [Click here to enter text.](#)

4. Are the records kept for a period of three years? [Click here to enter text.](#)

5. How is staff made aware that data must be collected on race, sex, age, disability, etc.? [Click here to enter text.](#)

6. How is the data collected by staff? [Click here to enter text.](#)

**DO YOU NEED TECHNICAL ASSISTANCE IN THIS ELEMENT? IF SO, PLEASE EXPLAIN:**

[Click here to enter text](#)

**ELEMENT 5: AFFIRMATIVE OUTREACH**

1. Have ADA assessments been completed for WIN Job Centers and Affiliates?  
[Click here to enter text.](#)

If so, please explain the shortfalls? [Click here to enter text.](#)

If not, when are they anticipated? [Click here to enter text.](#)

2. If structural changes are needed are transition plans on file? [Click here to enter text.](#)

If so, please provide a copy.

If not, please explain when they are anticipated to be completed. [Click here to enter text.](#)

3. Are contractor and service provider sites accessible to individuals with disabilities? [Click here to enter text.](#)

4. Is there at least one entrance to the buildings that are wheel chair accessible? If yes, does it have the international symbol for accessibility for individuals with disabilities posted? [Click here to enter text.](#)

5. If no, where are these clients directed to go? **Explain.** [Click here to enter text.](#)

6. Do inaccessible entrances have signs indicating the location of the nearest accessible entrance? **Explain.** [Click here to enter text.](#)

7. Are there designated restrooms with appropriate signage available for individuals with disabilities? **Explain.** [Click here to enter text.](#)

8. Is a TTY/TDD or Relay Services available for use? **Explain.** [Click here to enter text.](#)

9. Are there provisions for reasonable accommodations in employment? **Describe.**  
[Click here to enter text.](#)

10. Please describe the availability of assistive equipment for individuals with disabilities.  
[Click here to enter text.](#)

11. Please describe any reasonable accommodations that have been provided for applicants, participants, or employees with disabilities.  
[Click here to enter text.](#)

12. How are reasonable accommodations provided regarding the registration for, and the provision of, aid, benefits, services or training--including core and intensive training--and support services to qualified individuals with disabilities? [Click here to enter text.](#)

*Describe how you meet the obligation of a recipient to operate programs or activities so that, when viewed in their entirety, they are readily accessible to qualified individuals with disabilities, through means such as: redesign of equipment; reassignment of classes or other services to accessible buildings; assignment of aides to beneficiaries; home visits; delivery of services at alternative accessible sites; alteration of existing facilities and construction of new facilities in conformance with standards for new construction; or any other method that results in making its program or activity accessible to individuals with disabilities?*

13. Is there a written reasonable accommodation policy? [Click here to enter text.](#)

- If so, please have a copy ready for viewing during on-site visit.

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

[Click here to enter text](#)

**DO YOU NEED TECHNICAL ASSISTANCE IN THIS ELEMENT? IF SO, PLEASE EXPLAIN:**

[Click here to enter text.](#)

## **ELEMENT 6: GOVERNOR'S RESPONSIBILITIES (FOR STATE OFFICE ONLY)**

Element 6 is monitored and administered by staff in the MDES State Office. Any monitoring activity related to this element is covered under other areas.

## **ELEMENT 7: COMPLIANCE REVIEW**

1. List the EO Officer monitoring visits. [Click here to enter text.](#)
2. How often on-site monitoring is conducted? [Click here to enter text.](#)

### **DO YOU NEED TECHNICAL ASSISTANCE IN THIS ELEMENT? IF SO, PLEASE EXPLAIN:**

[Click here to enter text.](#)

## **ELEMENT 8: COMPLAINT PROCESSING PROCEDURE**

1. What discrimination complaint policies and procedures are used by the WIN Job Center? Please be prepared to provide copies during the on-site visit. [Click here to enter text.](#)
2. Explain how customers and employees obtain a copy of the discrimination complaint policy and procedures and/or discrimination complaint form? [Click here to enter text.](#)
3. Does the discrimination complaint log for formal discrimination complaints include the following:  
[Click here to enter](#)
  - Name and address
  - Basis of complaint
  - Brief description of complaint
  - Date filed
  - Disposition

Please be prepared to provide copies during the on-site visit.

4. Please list any formal complaints that have been filed since the last EO monitoring visit.  
[Click here to enter text](#)



5. Has the State EO Officer been advised of the complaint?

Click here to enter

6. Describe the process established to keep the discrimination complaint records for a period of three years.

Click here to enter

7. Describe the process for keeping the identity of the complainant confidential.

Click here to enter text

**DO YOU NEED TECHNICAL ASSISTANCE IN THIS ELEMENT? IF SO, PLEASE EXPLAIN:**

### **ELEMENT 9: CORRECTIVE ACTIONS (FOR STATE OFFICE ONLY)**

Element 9 is monitored and administered by staff in the MDES State Office. Any monitoring activity related to this element is covered under other areas.

**Completed By:** Click here to enter text

**Date:** Click here to enter text

*If you have questions, please contact:*

[eo@mdes.ms.gov](mailto:eo@mdes.ms.gov) or 601-321-6024

Enclosure F

## **ELEMENT 3: REVIEW ASSURANCES, JOB TRAINING PLANS, CONTRACTS AND POLICIES AND PROCEDURES (29 CFR 38.25 AND 38.54)**

---

---

### **PURPOSE**

Delaware will ensure non-discrimination and equal opportunity provisions of WIOA are incorporated in all grants, agreements, or other similar applications for federal financial assistance under WIOA. Each application for WIOA funds will include the specified assurance committing the potential sub-recipient to comply fully with the non-discrimination and equal opportunity provisions of WIOA. The assurance is deemed incorporated, whether it is physically incorporated in the resulting contract or other arrangement.

### **NARRATIVE**

Even though Delaware is single service delivery area, the DWDB Executive director acts as the state's "Big Submitter" of the state plan and will ensure all entries in the Combined WIOA State Plan are compliant with language below:

- **Section 188 of the WIOA**, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation, or belief, and against beneficiaries on the basis of either citizenship, status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I financially assisted program or activity;
- **Title VI of the Civil Rights Act of 1964**, as amended, which prohibits discrimination based on 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 based on age; and
- **Title IX of the Education Amendments of 1972**, as amended, which prohibits discrimination based on sex in educational programs. The grant recipient also assures compliance with 29 CFR Part 38 and all other regulations implementing the laws listed above. This assurance applies to the grant recipient's operation of the WIOA Title I financially assisted program or activity and to all agreements the grant recipient makes to carry out the WIOA Title I financially assisted program or activity.

The DWDB and required partners provide funds through programmatic funding and contracts thru a competitive request for proposal process. The state will review all processes to ensure all funded activities display the appropriate non-discrimination assurance. The DWDB Executive Director will ensure compliance. The RWOSP EOs will ensure all WIOA One Stop Partners incorporate the assurance language into cooperative agreements. The State EO will provide oversight.

**Describe how each grant applicant, and each training provider seeking eligibility, can provide**

**programmatic and architectural accessibility for individuals with disabilities. (Subpart C of 29 CFR Part 32.28)**

The DWDB will incorporate the appropriate non-discrimination assurance to its Eligible Training Provider List initial eligibility application and subsequent renewal documents.

The EO Officers will utilize a monitoring tool to guide them in monitoring the contracts established by the recipients for activities, trainings, and services.

Compliance results from reviews completed by the EO Officers will be reported to the DWDB. If accessibility guidelines are not met, the State will require corrective action plans and follow-up monitoring conducted to ensure any findings are corrected with identified timeframes. The DWDB works in consultation with the Delaware Department of Labor, Division Vocational Rehabilitation (DVR) to ensure architectural accessibility for all individuals with disabilities.

**Describe how job training plans, contracts, assurances, and other similar agreements entered by recipients are both nondiscriminatory and contain the required language regarding non-discrimination and equal opportunity. (29 CFR 38.25)**

RWOSP EO officers will periodically check client files of WIOA One Stop Partners to ensure grantee and its recipients to ensure compliance with the documents contain the required language regarding non-discrimination and equal opportunity.

**Describe State and local level policy issuances, or issuances from other recipients, are not discriminatory either in intent or effect. (29 CFR 38.54)**

The State requires equal opportunity policies for all recipients and sub-recipient programs receiving financial assistance through WIOA Title I. The policies developed are checked by the RWOSP EO Officer to ensure they are not discriminatory either in intent or effect.

**Describe Policies on WIOA Title I non-discrimination and/or equal opportunity issues are developed and implemented in a timely manner.**

The State will make a concerted effort to ensure all needed non-discrimination and/or equal opportunity policies are published as quickly as possible. The State will review and rewrites all policies to ensure that directives follow the federal regulations

## **ELEMENT 4: AFFIRMATIVE ACTION (29 CFR 38.54(C)(1)(V))**

---

### **PURPOSE**

Element Four addresses how the State of Delaware and its recipients will comply with the requirements of 29 CFR 38.40 relating to the provision of affirmative outreach to programs and activities.

### **NARRATIVE**

The State will communicate the obligation of WIOA to broaden the composition of program participants and applicants of programs and other partner activities to ensure the participant pool is reflective of each county's demographic mix.

The State uses a monitoring tool to ensure that all EO Officers are kept cognizant of their Affirmative Outreach obligations by inquiring into their process of broadening the participation in their programs.

**Describe how recipients have made and will continue to make efforts to broaden the composition of those considered for participation or employment in their programs and activities, as described above.**

The DWDB and its required One-Stop Partners will provide services to individuals with disabilities or refer them to appropriate partner, which can serve them best to mitigate barriers to employment and/or independent living through its referral system. Delaware's RWOSP consider accessibility both a physical space issue and an accessibility to technology issue. Both are a focus of Delaware's publicly funded workforce system. All WIOA One Stop Partners are physically and programmatically accessible to individuals with disabilities, as described in 29 CFR Part 38, the implementing regulations of WIOA Section 188.

For Delaware's WIOA One Stop Partners, technology is a key component in ensuring affirmative outreach by employing several strategies to include the following:

- Increased referral services
- A no "wrong door" entry system
- Access to services for persons of all levels of computer literacy; and
- Assistance in using the self-service component of the One-Stop Center.

All recipients and sub-recipients will work to enhance the employability and increase the earning potential of individuals with multiple barriers to employment. Strategies to address individual needs include assessments of skills and abilities, basic skills programs, occupational skill training, job analyses, job accommodations, disability awareness training, and other activities that address barriers and support achievement of positive employment outcome. Individuals with multiple barriers to employment are offered a continuum of education, job training, career counseling and job development to enhance attainment and

retention of employment. To enhance the employability skill of individuals with disabilities.

WIOA One-Stop Centers and providers assure:

- Priorities of services for participants beyond the self-service phase are implemented
- Representation of individuals with disabilities on staff, where feasible
- Cross-training of staff
- Disability awareness training for staff
- Outreach programs for individuals with disabilities
- Technical assistance to employers including information regarding ADA requirements

The One-Stop system provides the broadest possible menu for all job seekers. Eligible individuals include:

- Special needs participants
- Individuals with disabilities
- Persons with Limited English-speaking ability
- Persons training for nontraditional employment
- Displaced homemakers
- Public assistance recipients
- Veterans
- Persons with multiple barriers to employment
- Elderly participants
- Women
- Minorities
- Lesbian, Gay, Bisexual, Transgender & Queer (LGBTQ) communities

Recipients and their service providers strive to provide access to services to clients of both sexes, LGBTQ, the various race, ethnic and age groups, individuals with disabilities as well as individuals with Limited English Proficiency (LEP) which includes:

- Publicity materials (brochures, letters) designed to provide an overview of employment services to the public
- Participation in local and statewide job-related events
- Coordination and involvement with various agencies, committees, task forces, and projects that focus on employment-related functions, and Wagner-Peyser special programs for targeted groups (e.g., Veterans, Youth, Dislocated Workers, etc.)

WIOA One-Stop Partners will take, or will have taken the following actions to ensure affirmative outreach:

- Signs posted to inform customers of telephone numbers to call or to see the manager if an accommodation is needed to receive services.
- Individuals and organizations will/or have been identified and are available if assistance is needed to provide services or information in a language other than English, and written procedures are available to staff to assist LEP individuals
- Employees who have skills in languages other than English have identified themselves and offered their services in assisting any customers by providing instruction, conveying information, or assisting with completing forms
- Contacts have been developed and maintained with community-based organizations and advocacy groups to ensure the center meets the specific needs of each constituency
- Coordination linkages with other federal, state, and local agencies serving the various segments of the populations have been developed
- Participation in community employment events such as job fairs, seminars, and public recruitment for employers has publicized the services of One-Stop Centers
- On-site visits with employers and community agencies, participation in job fairs, special recruitment efforts, employer seminars, and public relations campaigns have encouraged employer use Delaware's workforce system; and
- Delaware Works, a proud partner of the American Job Center Network, is the statewide workforce development network that helps employers of all sizes and types recruit, develop and retain the best employees for their needs.

**Describe How the State will monitor and evaluate the success of recipient efforts to broaden the composition of those considered for participation and employment in their programs and activities, as described above.**

The State will take reasonable steps to ensure that policies and procedures do not deny equal access to individuals with Limited English Proficiency (LEP) and. The State implements, evaluates, and documents programs, activities, and services to customers with LEP.

The RWOSP EO Officers will be responsible for monitoring recipient programs and ensuring compliance with the affirmative outreach element of non-discrimination and equal opportunity provisions of Section 188 of WIOA. The State continually stresses to recipients the importance of their obligation to expand the diversity of the participant pool and staffing selections.

The State will annually monitor the recipients to measure the effectiveness of their efforts to serve and employ a diverse population, including members of genders, various racial, ethnic and age groups, and individuals with disabilities.

In the selection of center locations, consideration is given to accessibility to members of the general population for all programs, services, and benefits.

Current State practices designed to broaden the composition of those considered for participation and employment at the One-Stop Centers will include the following:

- Identification of staff with bilingual skills
- Information exchange and collaboration with community organizations regarding translators, interpreters, and resources for LEP
- Publication of selected materials in languages other than English
- Use of interpreters, telephone interpreters and contract interpreters as needed to provide language assistance to customers on a case-by-case basis.

## **ELEMENT 5: COMPLIANCE WITH SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED AND 29 CFR PART 38 (29 CFR 38.54)**

---

### **PURPOSE**

Delaware addresses how it and its recipients will comply with the disability related requirements of the Workforce Innovation and Opportunity Act (WIOA) Section 188; Section 504 of the Rehabilitation Act of 1973, as amended; and their implementing regulations, including, but not limited to, 29 CFR 38.7, 38.8, and 38.9 and Subparts B and C of 29 CFR Part 31, 29 CFR 32.12(a), 32.26, and 29 CFR 38.7.

### **NARRATIVE**

Delaware is committed to making all services, facilities, and information accessible for individuals with disabilities. This applies to all programs, activities, and services provided by or made available to potential employees, volunteers, contractors, service providers, licensees, clients, and potential clients within the One-Stop system. To reinforce this commitment, all recipients and service providers will be required to provide written assurance in their agreements, grants and contracts that they are committed to and will comply with the requirements of the WIOA Section 188, Americans with Disabilities Act (ADA), Rehabilitation Act of 1973, and with 29 CFR Part 32 and Part 38.

#### **Describe How Delaware will meet its obligation not to discriminate based on disability. (29 CFR 32.12(a), 32.26, and 38.6)**

Delaware's RWOSPs, and its WIOA EO Officer – in coordination with the Division Vocational Rehabilitation (DVR) – will jointly act as the WIOA ADA Coordination team to oversee ADA efforts, as required.

When applicable, the recipients will have established policies and procedures addressing reasonable accommodations, auxiliary aids and services, effective communication; and site selection assuring accessibility. These recipients must also conduct self-evaluations which include corrective action plans, when necessary that are developed to ensure compliance with obligations not to discriminate based on disability and to provide reasonable accommodations.

When the WIOA One Stop Partners enter into contractual agreements with WIOA recipients, compliance with program-specific laws and regulations are specified as standard boilerplate language. This same language further specifies that sub-recipients are required to comply as well. Ongoing training and monitoring ensure the DWDB and WIOA One Stop Partners, Wagner Peyser (WP), and UI continue to meet their requirements not to discriminate. WIOA One Stop partners will conduct site assessments in accordance with the ADA Checklist for Existing Facilities. In the written contracts Terms and Conditions require all contractors meet the requirements of the ADA.

Delaware's Demand Driven Four Year Plan 2020 - 2023 supports the needs of persons with



disabilities in preparing for, obtaining, and maintaining employment within the Workforce System.

Delaware WIOA One Stop Partners will complete an ADA self-evaluation checklist of its facilities utilizing the ADA Checklist for Existing Facilities version 2.1. The EO Officers and One Stop Partners will be trained and made aware of ADA regulations and implementation processes. The State's monitoring procedures for the recipients include documentation where all areas are reviewed. If any area(s) of noncompliance findings are noted, the local EO Officer must submit a corrective action plan to ensure compliance. The monitoring includes structural, programmatic accommodations, and technical assistance, if requested.

**Describe how Delaware will provide reasonable accommodation for individuals with disabilities. (29 CFR 32 and 29 CFR 38.14)**

The DWDB and the RWOSP use the Division of Vocational Rehabilitation (DVR) and the Division of the Visually Impaired to (DVI) as technical experts. These two divisions provide insight and inform the DWDB and its RWOSP of shortcomings and corrective actions as needed.

**Describe how Delaware will provide reasonable modification of policies, practices, and procedures as required. (29 CFR 38.14)**

Title II of the ADA requires that programs, services, and activities of State and local governments be accessible to and usable by individuals with disabilities. The State provides general guidance on reasonable accommodation for program participants, and fair and equal access to communication for individuals with disabilities.

**Describe how Delaware will provide architectural accessibility for individuals with disabilities.**

The Division of Vocational Rehabilitation will perform periodic annual site visits to ensure a facility remains in compliance unless compliance issues require more frequent visits. The ADA Checklist for Readily Achievable Barrier Removal, is utilized as a field evaluation. Site reviews for accessibility to individuals with disabilities include wheelchair accessible entrances, signs indicating the nearest accessible entrance, designated restrooms, and TTY-TDD or Relay Services.

**Describe How the State plans provide for communication and program accessibility for individuals with disabilities.**

Entities within the One Stop delivery system, including system/center operators and partners, comply with Section 188 of WIOA, if applicable, and the appropriate provisions of ADA regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including providing staff training and support for addressing the needs of individuals with disabilities.

The DWDB and the WIOA One Stop Partners are committed to complying with the

requirements of WIOA Section 188 and the ADA to maximize access for people with disabilities. Entities within the one-stop delivery system will comply with WIOA Section 188 and the ADA by implementing policies, procedures, protocols, and practices for programmatic accessibility of facilities, programs, and services. The One-Stop Centers will comply with the ADA by promoting inclusion, choice, and accessibility.

The State is committed to working with our partners to expand access to employment and training, education, and supportive service. The State will encourage and promote continued education and training on topics related to Section 188 and ADA programmatic.

The State does utilize auxiliary aids and a telephone system (7-1-1) that meets this “equally effective” requirement. These aids include but are not limited to TTY/TDD services for those individuals that rely on these services.

**Explain how Delaware provides for and adhere to a schedule to evaluate job qualifications to ensure that the qualifications do not discriminate based on disability.**

State job postings for hiring at the DWDB are reviewed by the Delaware Department of Human Resources, and the Delaware Department of Labor HR Section to ensure compliance.

Employers utilizing Delaware Joblink to enter jobs are notified that job listings must satisfy non-discrimination requirements.

**Describe how the state will limit pre-employment/employment medical inquiries to those permitted by and in accordance with WIOA Section 188, Section 504, the Americans with Disabilities Act of 1990, and their implementing regulations. (29 CFR 32.41)**

Pre-employment/employment medical inquiries are limited to those permitted by and in accordance with WIOA Section 188 and ADA Section 504. All questions regarding the nature and severity of any disability are generally prohibited. Any response is voluntary and does not change the scope of services available for the customer.

**Describe how the state will Ensure the confidentiality of medical information provided by registrants, applicants, eligible applicants/registrants, participants, employees, and applicants for employment. (29 CFR 32.41)**

The Code of Federal Regulations provides rules for the confidentiality of information collected and maintained regarding all individuals. Medical information obtained in the course of a post-offer medical examination or inquiry may be provided to and used by appropriate decision-makers involved in the hiring process in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) in order to make employment decisions consistent with the ADA. Staff are allowed limited access to relevant confidential information on a need-to-know basis including, supervisors and managers, first aid and safety personnel, and employers (once a conditional offer of employment has been made).

**Describe how WIOA Title I financially assisted programs and activities so that everyone**

**with a disability participates in the most integrated setting appropriate to that individual.**

The DWDB and the RWOSPs will ensure individuals with disabilities participate in the most integrated setting appropriate to everyone. DVR/DVI has supplied the One-Stop Centers with equipment and staff resources to accommodate individuals with physical disabilities, as well as the hearing and vision impaired, to provide universal access to all customers entering the One-Stop Centers.

**Describe how persons with disabilities can effectively communicate others. (29 CFR 38.9)**

DVR will work with all the WIOA One-Stop Partners to ensure effective communication with persons with disabilities by assessing an individual's needs. Assistive technology is available to allow individuals with disabilities to participate in all programs in the most integrated setting appropriate to the individual and to ensure that recipients can communicate with persons with disabilities as effectively as with others.

## **ELEMENT 6: DATA AND INFORMATION COLLECTION AND MAINTENANCE (29 CFR 38.54)**

---

### **PURPOSE**

The State addresses how it and recipients will comply with the requirements of 29 CFR Part 38 related to data and information collection and maintenance. The State ensures a data and information collection and maintenance system, for all its recipients and federal financially assisted programs, are established and maintained. The system and format in which the records and data are kept is designed to allow the Governor and the Civil Rights Center (CRC) to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with Section 188 of WIOA.

### **NARRATIVE**

The State's data and information collection will comply with the requirements of the Participant Individual Record Layout (PIRL) as published by DOL. All RWOSPs are responsible for collecting and maintaining obtained client and potential client information. The State is responsible for reporting the information to DOL via the PIRL. All recipients are monitored annually by the State EO Officer and the UI EO Officer to ensure compliance with record keeping and contract requirements, to assess recipient equal opportunity performance, to identify instances or areas of discrimination, and to identify individuals or groups of individuals who may have been discriminated against on a basis prohibited by WIOA Section 188 and 29 CFR Part 38.

**Discuss how all recipients collect and maintain records on applicants, registrants, eligible applicants/ registrants, participants, terminates, employees, and applicants for employment. (29 CFR 38.41)**

WIOA One Stop Partners collect the information during the eligibility process and update as needed throughout the individual's participation in federal programs and activities. Partners are responsible for maintaining records on applicants for employment as well as entering and maintaining data in the database system. The WIOA State EO Officer will check the data via a desk review of the records for a recipient prior to an on-site visit to compare the paper files against the database records for data validity. Most claimants in Delaware's publicly funded workforce system have an account in the state's labor exchange system Delaware Joblink <https://joblink.delaware.gov/> .

**Discuss recipients record the race/ethnicity, sex, age, and disability status of each applicant, registrant, eligible applicant/registrant, participant, employee, and applicant for employment. (29 CFR 38.41)**

Partners collect the demographic (race, ethnicity, sex, age, and disability status) information of each applicant, registrant, eligible applicant/registrant, participant, employee, and applicant for employment. WIOA One Stop Partners maintain electronic files for each applicant, employee, and applicant for employment, and electronic records are kept for each registrant and participant for services.

Delaware is working with America's Job Link Alliance (AJLA) to collect LEP data consistent with 29 CFR 38.41(b)(2). Although the updated LEP requirements are not currently included in the PIRL, we do collect information that is consistent with LEP requirements. PIRL element 803 defines "English Language Learner at Program Entry" as a person who has limited ability in speaking, reading, writing, or understanding the English language. This is a mandatory field that is currently collected on everyone that registers for Wagner-Peyser and Title I service in Delaware. DOL-only PIRL element 804, Basic Skills Deficient/Low Levels of Literacy at Program Entry, is also collected on each individual, it provides the information needed to determine who is unable to compute and solve problems, or read, write, or speak English at a level necessary to function on the job, in the participant's family, or in society. We currently collect preferred language and are working with our vendor to implement this as a mandatory collection field to be consistent with 29 CFR 38.41(b)(2).

AJLA is an alliance of workforce organizations across multiple states partnering to produce a cost-effective system, and in order to maintain consistency with federal reporting requirements across programs and states, the specific LEP requirements need to be included in the PIRL to avoid incurring additional programming costs. In addition to collecting LEP data, OOWD has issued an LEP policy to further ensure LEP individuals have equal access to all programs.

**Describe how partners will treat records, particularly those containing medical information, in a manner that ensures their confidentiality. (29 CFR 32.15; and 29 CFR 38.41)**

The State provides, as required in 29 CFR 38.41, for the confidentiality of information collected and maintained regarding the disabilities of individuals. This requirement applies regardless of the status of the individual whether he or she is an applicant, participant, or candidate for employment, etc.

When an applicant/participant for any federally funded services provides medical or psychological information to substantiate an eligibility determination or for reasonable accommodations for program participation, the information is kept in a confidential file separate from the participants' record file and in a locked cabinet.

Recipients will maintain a log of complaints filed that allege discrimination on one or more of the bases prohibited by WIOA Section 188. **(29 CFR 38.54)**

Complaints alleging discrimination with regard to race, color, sex, gender identity, sexual orientation, national origin, religion, age, disability, marital or veteran status, genetic information, political affiliation or belief, citizenship, or any other legally protected status, and/or participation in a WIOA 1B financially assisted program or activity are kept in a log as required by the Civil Rights Center. Complaints may be filed at the local level, the State level or with the CRC Director. The Local Equal Opportunity Coordinator notes each complaint filed in a discrimination complaint log and the log is forwarded to the State EO Officer for documentation. The complaint log contains the name and address of the complainant, the basis of the complaint, a description of the complaint, date complaint was filed, disposition, date of disposition and any other pertinent information relating to the complaint. *(See Element Eight: Enclosure H Non-discrimination Complaint Form)*

The Local EO Officers inform the State EO Officer about complaint investigations and submit complaint reports on at minimum, a quarterly basis. The State EO Officer reports to CRC upon request.

**Describe how RWOSPs maintain such records for a period of three years. (29 CFR 38.43(a))**

Complaint forms, investigation notes, disposition letters, and other pertinent information on each complaint filed, as well as complaint logs, will be maintained by recipients or sub-recipients for a period of three years from the close of the applicable program year, unless a complaint has been filed and is not yet resolved in which it will be a period of three years from the closure of the open complaint, in accordance with 29 CFR 38.43.

The RWOSPs monitor sub-recipient's equal opportunity compliance by identifying areas and individuals or groups of individuals that appear to be discriminated against to assure compliance with WIOA Section 188 and 29 CFR Part 38.

RWOSPs and other recipients will notify the DWDB Executive Director of administrative enforcement actions and lawsuits brought against them that allege discrimination on one or more basis prohibited by WIOA Section 188. **(29 CFR 38.42)**

The State, as well as each grant applicant and recipient, are required to promptly notify the CRC Director when any administrative enforcement actions or lawsuits are filed against it alleging discrimination with regard to race, color, sex, gender identity, sexual orientation, national origin, religion, age, disability, marital or veteran status, genetic information, political affiliation or belief, citizenship, or any other legally protected status. In addition, the State policy requires recipients to notify the CRC Director under 29 CFR 38.42(a) and the State concurrently.

## Element Six Enclosure: G, Equal Opportunity Complaint Log

---

### G. Equal Opportunity Complaint Log



For Official Use Only

**Complaint/Apparent Violation Form<sup>1</sup>**

Complaint No.		Date Received	
<b>Part I. Complainant's Information<sup>2</sup></b>		<b>Respondent's Information<sup>3</sup></b>	
1. Name of Complainant (Last, First, Middle Initial)		4. Name of Person, Company, or Agency the Complaint is Made Against	
2a. Permanent Address (No., St., City, State, ZIP Code)		5. Name of Employer (if different from Part I #4 above) /One-Stop Office	
b. Temporary Address (if Appropriate)		6. Address of Employer/One-Stop Office	
3a. Permanent Telephone ( ) -	b. Temporary Telephone ( ) -	7. Telephone Number of Employer/One-Stop Office ( ) -	
8. Description of Complaint or Apparent Violation (If additional space is needed, use separate sheet(s) of paper and attach to this form)			

**Certification** I CERTIFY that the information furnished is true and accurately stated to the best of my knowledge. I AUTHORIZE the disclosure of this information to other enforcement agencies for the proper investigation of my complaint. I UNDERSTAND that my identity will be kept confidential to the maximum extent possible, consistent with applicable law and a fair determination of my complaint.

9. Signature of Complainant <sup>4</sup>	10. Date Signed / /
--	------------------------

<sup>1</sup> For information regarding complaints that are covered through the Employment Service and Employment-Related Law Complaint System see 20 CFR 658 Subpart E.  
<sup>2</sup> If the Complaint/Apparent Violation Form is used to submit an Apparent Violation, the name of the Complainant is not necessary and may remain anonymous. Parts 2a and 2b also do not need to be filled out if the form is used for an Apparent Violation.  
<sup>3</sup> For definition of "Respondent" see 20 CFR 651.  
<sup>4</sup> No signature is required at Part 9 if this form is submitted as an Apparent Violation.



---

**Part II. For Official Use Only**

<p><b>1. Migrant or Seasonal Farmworker?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <hr/> <p><b>2. Complaint or Apparent Violation?</b>          Complaint <input type="checkbox"/>    Apparent Violation <input type="checkbox"/></p> <p><b>3. Type of Complaint or Apparent Violation</b>          ("X" Appropriate Box(es)):</p> <p><input type="checkbox"/> Employment Service Related</p> <p style="margin-left: 20px;"><input type="checkbox"/> Job Order No. _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> Against Local Employment Service Office</p> <p style="margin-left: 20px;"><input type="checkbox"/> Against Employer</p> <p style="margin-left: 20px;"><input type="checkbox"/> Alleged Violation of Employment Service Regulations</p> <p><input type="checkbox"/> Employment-Related Law</p>	<p><b>4. Issue(s) involved in Complaint or Apparent Violation</b> ("X" Appropriate Box(es)):</p> <table style="width:100%; border: none;"> <tr> <td style="width:50%;"><input type="checkbox"/> Wage Related</td> <td style="width:50%;"><input type="checkbox"/> Housing</td> </tr> <tr> <td><input type="checkbox"/> Child Labor</td> <td><input type="checkbox"/> Pesticides</td> </tr> <tr> <td><input type="checkbox"/> Working Conditions</td> <td><input type="checkbox"/> Health/Safety</td> </tr> <tr> <td><input type="checkbox"/> Migrant and Seasonal Agricultural Worker Protection Act (MSPA)</td> <td><input type="checkbox"/> Disability Discrimination</td> </tr> <tr> <td><input type="checkbox"/> Discrimination Other<sup>5</sup> (Specify)</td> <td>_____</td> </tr> </table>	<input type="checkbox"/> Wage Related	<input type="checkbox"/> Housing	<input type="checkbox"/> Child Labor	<input type="checkbox"/> Pesticides	<input type="checkbox"/> Working Conditions	<input type="checkbox"/> Health/Safety	<input type="checkbox"/> Migrant and Seasonal Agricultural Worker Protection Act (MSPA)	<input type="checkbox"/> Disability Discrimination	<input type="checkbox"/> Discrimination Other <sup>5</sup> (Specify)	_____	<p><b>5. H-2A/Criteria Employer</b>          ("X" Appropriate Box(es)):</p> <p><input type="checkbox"/> U.S./Domestic Worker</p> <p><input type="checkbox"/> H-2A Worker</p> <p><input type="checkbox"/> Wages</p> <p><input type="checkbox"/> Transportation</p> <p><input type="checkbox"/> Meals</p> <p><input type="checkbox"/> Housing</p> <p><input type="checkbox"/> Other _____</p>
<input type="checkbox"/> Wage Related	<input type="checkbox"/> Housing											
<input type="checkbox"/> Child Labor	<input type="checkbox"/> Pesticides											
<input type="checkbox"/> Working Conditions	<input type="checkbox"/> Health/Safety											
<input type="checkbox"/> Migrant and Seasonal Agricultural Worker Protection Act (MSPA)	<input type="checkbox"/> Disability Discrimination											
<input type="checkbox"/> Discrimination Other <sup>5</sup> (Specify)	_____											

<p><b>6a. Referrals To Other Agencies</b> ("X" Appropriate Box(es))</p> <p><input type="checkbox"/> WHD. U.S. DOL.    <input type="checkbox"/> OSHA U.S. D.O.L.</p> <p><input type="checkbox"/> EEOC    <input type="checkbox"/> Other _____</p>	<p><b>7. Address of Referral Agency</b> (No., St., City, State, ZIP Code and Telephone No.)</p> <p>_____</p> <p>_____</p> <p>( ) - _____</p>
<p><b>b. Follow -Up</b>    <input type="checkbox"/> Monthly    <b>c. Next Follow-up Date</b></p> <p><input type="checkbox"/> Yes    <input type="checkbox"/> No    <input type="checkbox"/> Quarterly    / /</p>	

**8. Explanation of Complaint/Apparent Violation** (If additional space is needed, use separate sheet of paper)

**9. Actions Taken on Complaint/Apparent Violation** (If additional space is needed for multiple actions taken, use a separate paper):

Action Taken By: \_\_\_\_\_ On: \_\_\_\_\_  
(First and Last Name) (Date)

Action Taken: \_\_\_\_\_

**10. Complaint /Apparent Violation resolved?**  Yes  No If "No", explain.

**11. Provided other One-Stop Services?**  Yes  No If "No", explain.

<b>12a. Name and Title of Person Receiving Complaint</b>	<b>12b. Office Address</b> (No., St., City, State, ZIP Code)	
<b>12c. Phone No.</b> ( ) -	<b>12d. Signature</b>	<b>12e. Date</b> / /

**Public Burden Statement**  
 Persons are not required to respond to this collection of information unless it displays a currently valid OMB Control Number. Obligation to reply is required to obtain or retain benefits (44 USC 5301). Public reporting burden for this collection is estimated to average 30 minutes per response, including the time to review instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection of information. Send comments regarding this burden estimate or any other aspect of this collection, including suggestions for reducing this burden, to the U.S. Department of Labor, Employment and Training Administration, Office of Workforce Investment, Room C-4510, 200 Constitution Avenue, NW, Washington, DC 20210.

<sup>5</sup> For DISCRIMINATION COMPLAINTS ONLY. Persons wishing to file complaints of discrimination may file either with the State Workforce Agency, or with the Directorate of Civil Rights (DCR), U. S. Department of Labor, 200 Constitution Avenue, NW, Room N-4123, Washington, D.C. 20210

## **ELEMENT 7: MONITORING RECIPIENTS FOR COMPLIANCE (29 CFR 38.54(c)(1)(viii))**

---

### **PURPOSE**

Delaware addresses how the WIOA EO Officer(s) monitors the recipients. The State will establish procedures to monitor all aspects of the recipient's compliance with the WIOA Section 188 and 29 CFR Part 38. The EO Officer's monitoring reviews include a review of compliance and responsibilities that have been assigned through the State's Non-discrimination Plan (NDP). A review of each recipient's programs and activities to determine whether discrimination is occurring is also included in the monitoring.

### **NARRATIVE**

The State ensures compliance with its administrative obligations under the WIOA Sections 188 and 29 CFR Part 38 during the monitoring process. Monitoring is conducted by WROSP and reviewed by State EO Officer. Delaware will use desk and field reviews to determine a recipient's compliance with the provisions of WIOA Section 188. These reviews check for compliance with the administrative obligations including assurances in contracts and agreements, notices, brochures, and communication responsibilities under the State's NDP, as well as its programs and activities.

The state will monitor recipients to ensure their programs and activities are operating in a non-discriminatory manner and must involve, at a minimum:

- Analysis of the data and records collected by the recipient pursuant to 29 CFR 38.41 through 29 CFR 38.45 to determine whether any differences based upon race, ethnicity, sex, age, and disability have practical or statistical significance
- Where significant differences are found, follow-up investigations are done
- The system and format in which the records and data are kept must be designed to allow the Governor and CRC to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with Section 188 of WIOA

In order to ensure that WIOA Title I financially assisted programs and/or activities are operating in a non-discriminatory manner, the State's monitoring regimen will include a desk analysis of the data and records collected by the recipient pursuant to 29 CFR 38.41 through 29 CFR 38.45. This analysis, conducted by the EO Officer or designees should determine if any differences based upon race, ethnicity, sex, age, or disability exist and whether such differences have a practical or statistical significance. Complying with the administrative obligations of 29 CFR 38 includes but is not limited to:

- **Assurances (29 CFR 38.25 through 38.27)**

Assurances are required to be provided by the DWDB in Delaware's State and Local Plan.

- **Equal Opportunity Officers (29 CFR 38.28 through 29 CFR 38.32)**  
EO Officers are listed in Element One: Designation of State and local level Equal Opportunity Officers.
- **Notice and communication (29 CFR 38.34 through 29 CFR 38.39)**  
"Equal Opportunity Is the Law" notices are listed in Element Two: Notice and Communication.
- **Affirmative Outreach (29 CFR 38.40)**  
Affirmative Outreach is addressed in Element Four to ensure that recipients are required to provide equal access to their programs and activities to include various groups that are protected by these regulations.

The State will develop the "Equal Opportunity Monitoring Review Guide" when facilitating on-site monitoring reviews for recipients' programs and activities.

- **Data and information collection and maintenance (29 CFR 38.41)**  
Data and information collection and maintenance are kept in a system that allows the Governor and to conduct analysis as described in Element Six: Data and Information Collection and Maintenance.
- **Complaint processing procedures (29 CFR 38.72)**  
The State provides a non-discrimination and equal opportunity complaint process and offers Alternate Dispute Resolution (ADR) throughout the complaint processing procedure. All sub-recipients must comply with these procedures which meet the requirements of 29 CFR 38.70 through 29 CFR 38.80.

**Conducting Equal Opportunity monitoring and evaluation, review of applicants for and recipients of WIOA Title I financial assistance (including assurance of programmatic and architectural accessibility).**

The State, through a monitoring process, determines if the EO Officer or designee has reviewed applicants for and recipients of WIOA Title I financial assistance from or through the DWDB, including sub-recipient agencies. Monitoring includes the review of:

- Receipt of the right to file grievance information for applicants and recipients
- Records of local discrimination complaint reports and resolution

- Applicable equal opportunity notices and signage for individuals with disabilities and other special needs populations
- Appropriate signage and equal opportunity information presented in languages other than English
- Review participant's case files, both electronic and paper for required notices, signatures, or appropriate documentation
- The State and Local Plan for non-discrimination and equal opportunity provisions of the WIOA Section 188
- Contractual assurances of compliance with the non-discrimination and equal opportunity provisions of the WIOA
- Programmatic and physical accessibility for disabled individuals to appropriately receive WIOA services
- Staff and participant interviews
- Review of the recipient's policy and procedures to ensure they are not discriminatory
- Review the procedures for obtaining prompt corrective action when applying sanction when noncompliance is found
- Reports of monitoring reviews and reports of follow-up actions taken under those reviews where violations were found, including the sanctions

Delaware will write an annual monitoring report identifying all discrepancies found and the actions required to address each specific discrepancy. Each EO Officer and designee is responsible for monitoring these elements, not only in their internal service delivery system but also for all sub-recipients who provide WIOA Title I funded services or activities.

**Describe how the state will impose sanctions and corrective actions for violations noted by a recipient during its monitoring reviews.**

The State EO Officer issues a report summarizing all non-compliance issues found during annual monitoring. These issues are then put into a Corrective Action Plan with timelines that each WIOA One stop Partner is responsible for implementing. When implementation of a Corrective Action Plan is incomplete by the specified deadline, the state will issue appropriate sanctions based on the severity of the non-compliance issues identified in the Corrective Action Plans.

**Delaware ensures policy development, communication, and training are implemented.**

State policies and procedures will be posted on the DWDB website. Additionally, policy changes and updates are sent via email to all RWSOPs, staff, and to ETPL and contract providers.

**Describe how Delaware ensures the federal programs and activities are operating in a nondiscriminatory manner and provide equal opportunity, including but not limited to:**

- Conducting analyses by race, ethnicity, sex, age and disability of program and employment

activity including but not limited to rates of application, placement, and termination, to determine if significant differences exist; and

- Conducting follow-up monitoring to determine the cause of any such differences, through the analysis of the records of individual and eligible registrants, applicants, employees and applicants for employment, interviews, and other appropriate techniques.

The statewide internet-based workforce data reporting system, Delaware Joblink, allows for necessary reports to identify issues regarding equal opportunity and non-discrimination.

These reports will be used to calculate service performance based on standard deviation for each of the applicant groups with respect to service delivery such as job referrals, referred to training, entered employment, placements, and wages.

The UI program housed at Delaware DOL, collects information when initial unemployment claims are filed. Records are maintained on each claimant in a secure system. Data is stored in secure UI databases. Stored data is used to conduct analyses to determine whether any discriminatory issues exist. If any discriminatory issues exist, the State EO Officer will work with the State EO Officer to address them pursuant to policy.

**Describe the procedure for reviewing recipients' policies and procedures, to ensure that the policies and procedures do not violate the prohibitions contained in 29 CFR 38.5 through 38.10.**

The EO Officer conducts a desk audit prior to on-site reviews to analyze program materials and the Local Plan to ensure no discrimination is occurring in local program policies, sub-contracts, and procedures. Plans must have the following assurances:

- State EO Officer in conjunction with the DWDB Executive Director will develop a system manual that includes compliance with Title IV of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Age Discrimination Act of 1975, Title IX of the Education Act of 1972, Section 188 of WIOA and the Current State of Delaware Non-discrimination Plan (NDP)
- The DWDB will describe how each One stop site will ensure compliance with Equal Opportunity and Americans with Disabilities and
- The DWDB will provide contact information and identification of the Local, State and Federal EO Officers available in all facilities used to conduct WIOA Title I funded trainings, service programs and activities
- RWOSPs are required to publish their Equal Opportunity and Non-discrimination Complaint policy statement and procedure on their website.

The State EO Officer will conduct interviews, as needed, as a part of the monitoring process.

**Discuss how written reports prepared for each review must provide, among other things that the results of the monitoring review will be made available to the recipient(s) reviewed.**

At the conclusion of the review, the State EO Officer or designee conducts an exit interview with pertinent recipient staff and the RWOSP director or designee. This conference is a brief discussion of issues or discrepancies identified during the monitoring review.

An EO Monitoring Review Report is written by the State EO Officer or the staff person conducting the visit. The EO Monitoring Review Report is reviewed and submitted to the DWDB Executive Director for approval before being distributed for corrective action. The report identifies areas in which the WIOA One Stop Partner(s) is out of or could be out of compliance (discrepancies) and other areas of concern. The EO Monitoring Review Report may also make recommendations for corrective actions needed to correct deficiencies.

The One Stop Partner will maintain communication with the State EO Officer until all equal opportunity related discrepancies have been corrected.

Where EO monitoring is carried out by individuals other than the State EO Officer or designee, the narrative should provide the names, titles, and organizations of those persons.

The State EO Officer, and the DWDB Executive Director are the primary reviewers; the name of the State EO Officer and a list of RWOSP EO Officers are contained in Element One of this NDP. The State EO Officer reviews certain equal opportunity items as a part of the annual reviews. Any issues identified during the annual EO monitoring reviews involving equal opportunity and non-discrimination are discussed with the State EO Officer to ensure compliance with applicable regulations. The State EO Officer conducts the review to ensure that past identified issues were appropriately addressed and resolved.

**Describe the procedure for determining which recipients are to be reviewed, the frequency of reviews of recipients, and the number of recipients to be reviewed per year.**

The State EO officer will review select recipient annually through desk reviews and/or on-site reviews issues. A review schedule will be developed at the beginning of each program year identifying when each RWOSP is scheduled for a desk and on-site review. Each recipient is provided with a copy of the review schedule along with a copy of the desk review guides that will be utilized during the review. RWOSP Directors are sent a letter by the State EO Officer notifying them of the review 30 days prior to the review date. In addition to these scheduled monitoring reviews, the State reserves the right to conduct monitoring with increased frequency throughout the program year.

## **ELEMENT 8: COMPLAINT PROCESSING PROCEDURES (29 CFR 38.54)**

---

### **PURPOSE**

The State and its RWOSP will comply with the requirements of 29 CFR 38.69 through 29 CFR 38.79 regarding complaint processing procedures. The State will revise/review – usually in November -- published procedures for processing complaints alleging discrimination by any program or activities funded under the WIOA Title I.

### **NARRATIVE**

**All RWOSP will – In Accordance With 29 CFR 38.74 -- develop and publish complaint procedures.**

RWOSP will report complaints through internal chain-of-command and provide the State EO Officer and DWDB Executive Director a copy. Partners will conduct appropriate inquiries to determine whether complaints are substantiated, or unsubstantiated. Respondents to complaints will not investigate themselves.

RWOPS will maintain a complaint log which will include at a minimum the name and address of the complainant, the basis of the complaint, a description of the complaint, the date the complaint was filed, the disposition, the date of the disposition, and any other pertinent information relating to the complaint. Required One Stop Partner will forward this log to the WIOA EO Office and the DWDB Executive Director. Complaints will be processed within 90 days in accordance with 29 CFR § 38.79.

The complaint process at a minimum will include these steps in accordance with 29 CFR 38.72.:

- 1) Receive the complaint
- 2) Assign a person to conduct an inquiry
- 3) Analyze the complaint
- 4) Acknowledge the complaint
- 5) The person conducting the inquiry will – in writing – acknowledge receipt of the complaint to the complainant
- 6) The written acknowledgement will establish an initial deadline
- 7) Begin filling out the log
- 8) Conduct an inquiry. The inquirer will
  - a) Interview the complainant
  - b) Gather facts
  - c) Determine what if any standard was violated
  - d) Determine whether the complaint is substantiated, unsubstantiated, neither substantiated, not unsubstantiated



- e) Write a report with a recommendation
- 9) Close the Complaint. The inquirer will:
  - a) Forward report up the chain of command
  - b) Forward a copy to WIOA EO officer for review
  - c) Forward a copy to the DWDB Executive Director for review

Substantiated allegations that might require sanctions, will be immediately forwarded to the State EO Officer for review and disposition. The State EO Officer will forward the allegation to the Delaware Department of Human Resources for final disposition.

## **Element Eight Enclosure: H, Non-discrimination Complaint Form**

---

### **H. Non-discrimination Complaint Form**



## **ELEMENT 9: CORRECTIVE ACTIONS / SANCTIONS (29 CFR 38.54(c)(2)(vii))**

---

### **PURPOSE**

Delaware will address how it and its recipients intend to comply with the requirements of 29 CFR 38.54(c)(2)(vii) in developing procedures for obtaining prompt corrective action when instances of noncompliance with the WIOA Section 188 or 29 CFR Part 38 are found or, as necessary, applying sanctions.

### **NARRATIVE**

The State will establish procedures for corrective and remedial actions to be applied when there is a violation of WIOA Section 188 and/or 29 CFR Part 38 are found.

Corrective actions and sanctions are intended to guarantee equal access to programs, activities, and employment opportunities provided by WIOA financially assisted recipient organizations. Corrective actions must be appropriate for the violation identified and serve to end the discrimination or redress specific violations(s).

Corrective and remedial action will be enforced when any deficiency is identified because of any monitoring review or any employment opportunity complaint. Deficiencies can be technical violations, which are deficiencies that do not involve discrimination, require written assurance from the State, Unemployment Insurance (UI), and RWOSP. Technical violations may include, but are not limited to: failure to post the required "Equal Opportunity is The Law" notice/poster, failure to include assurances in service plans, failure to include a signed "Equal Opportunity is The Law" notice/poster in a WIOA participant's file, as well as failure to include a signed statement confirming participant knowledge of Complaint Procedures and Grievance Procedures in their program file or in an electronic file.

Corrective and remedial actions must be designed to completely correct each violation. For each corrective action, a time frame should be established that sets the minimum time necessary to completely correct the violation. In the case of a finding of discrimination, the procedures must provide, where appropriate, for retroactive relief (including but not limited to back pay) and prospective relief (e.g., training, policy development and communication) to ensure that the discrimination does not recur.

Discrimination violations involve any complaint where discrimination is alleged. Discrimination violations may include but are not limited to discrepancies of disparate treatment, disparate impact, and failure to provide reasonable accommodation. These discrepancies may require an Alternative Dispute Resolution (ADR) agreement, conciliation agreement or assurance statement.

Required One Stop Partners will notify the State EO Officer if they are contacted directly by USDOL CRC regarding an alleged violation. Any corrective actions, when necessary, will be reported to USDOL CRC.

Where a compliance review or complaint investigation results in a finding of non-compliance,

the State EO Officer must notify the:

- Grant applicant or recipient
- Grant making agency; and
- Governor's Office.

Sanctions may include written warnings for non-compliance, recommendation for termination of funding (partial, offset, and/or temporary suspension), and legal action under applicable laws. Recipients acknowledge notice that corrective actions and sanctions may be imposed to move recipients into compliance with the requirements of the WIOA and the Non-discrimination Plan.

### **Standards for Corrective and Remedial Actions**

The State reserves accountability for implementation of the Non-discrimination Plan to the Governor, including complaint processing and resultant corrective or remedial action. The Governor also reserves the right to sanction grantees for failure to comply with the terms and conditions of grant contracts. The State EO Officer will monitor corrective action determined against a respondent in a Notice of Final Action for a specific complaint.

These actions must be designed to completely correct each violation. For each corrective action, a time frame should be established that sets the minimum time necessary to completely correct the violation. In the case of a find of discrimination, the procedures must provide, where appropriate, for retroactive relief (including but not limited to back pay) and prospective relief (e.g., training, policy development and communication) to ensure that the discrimination does not recur.

For each corrective action identified, the recipient must submit their corrective action plans within 30 days of receipt of the Monitoring Review Guide Report or equivalent notification. Corrections to the discrepancies should be made within 30 days of the Equal Opportunity Monitoring Review Report or equivalent notification of non-compliance and designed to completely correct the violation and bring the recipient into compliance.

Recipients will complete all corrective actions in the monitoring report and the recipient must submit a written assurance that the discrepancies have been corrected and will not recur. The assurance will list the deficiency and corrective action as specified in the written notification, describe the corrective actions taken and the dates of those actions, state that the recipient or sub-recipient is taking and will continue to take steps to assure that the deficiency does not recur, and certify that the assurance is signed by the highest level official of the recipient or sub-recipient. If the discrepancies involve discrimination, a conciliation agreement is required.

Remedial actions are designed to make whole an individual or individuals who have suffered injury or loss because of unlawful discrimination. A person or persons wronged by discriminatory acts or policies must be restored to the status they would have expected had the discrimination not occurred. In a finding of discrimination, the procedures must provide, where appropriate, for retrospective relief (including, but not limited to, back pay) and

prospective relief (including, but not limited to, to training, policy development and communication) to ensure the discrimination does not recur.

**Briefly discuss the procedures for follow-up monitoring to ensure that commitments to take corrective action and remedial action are fulfilled.**

When a corrective or remedial action plan is established, the EO Officer overseeing the action plan will do a desk review and/or an on-site visit, as appropriate, to ensure that the commitments of the plan are satisfied, and the violation will not recur. Any instances of non-compliance will be examined as a follow-up with an on-site visit or as part of the next scheduled monitoring review of the recipient.

**Discuss reports required from the violating recipient regarding actions to correct the violation(s).**

The violating recipient will develop and submit a corrective action plan in writing to the EO Officer within 30 days of receiving the EO Monitoring Review Report or equivalent documentation. The corrective action plan will identify the violating recipient's plan and require that follow-up reports be prepared and forwarded to the EO Officer on a periodic basis for all completed actions. The EO Officer will conduct a follow-up to ensure that all the discrepancies and issues of noncompliance have been resolved and will close out the monitoring reviews.

**Discuss Sanction procedures to be followed where voluntary compliance cannot be achieved.**

Prior to implementing a sanction, a corrective action plan will be developed and submitted to the EO Officer. The corrective action plan included deadlines to address all issues of noncompliance identified during monitoring. Once the deadlines included in the corrective action plan have passed, the EO Officer follows-up with the appropriate monitoring and issues a final determination.

Sanctions penalize or censure a recipient and require the EO Officer to issue a final determination in writing and take such actions as allowable by law. The final determination must contain the following information:

- Statement of the efforts made to achieve voluntary compliance, and a statement that those efforts have been unsuccessful
- Statement of those matters upon which the recipient and the EO Officer continue to disagree
- List of any modifications to the findings of fact or conclusions that were set forth in the initial determination
- Statement of the recipient's liability and, if appropriate, the extent of that liability
- Description of the corrective or remedial actions that the recipient must take to come into compliance; and
- Notice that if the recipient fails to come into compliance within ten days of the date on which it receives the final determination, one or more of the following consequences may result:
  - WIOA funds may be withheld in whole or in part

- Applications for set-aside funds may be denied when the recipient is determined to be noncompliant with EO requirements
- Delaware Office of Workforce Development may refer the case to the Delaware State Attorney General or the U.S. Department of Justice with a request to file suit against the recipient; or
- Delaware Office of Workforce Development may take any other action against the recipient allowable by law.

A recipient has the right to appeal a final determination to the Director of the Civil Rights Center, U.S. Department of Labor, 200 Constitution Avenue, Northwest, Room N-4123, Washington, D.C. 20210. The appeal must be in writing and made within 30 days after the complainant receives the final determination or 90 days from the date of the filed complaint. Such an appeal, however, will not forestall the initiation of sanctions unless the Director of the CRC extends the deadline.

## **CONTACT US**

---

If there are any questions please contact either William Potter, Delaware Workforce Development Board Executive Director, or Keith Hunt, State Equal Opportunity Officer.

### **William J. Potter**

Delaware Workforce Development Board  
Executive Director  
4425 N. Market St.  
Wilmington, DE 19802  
302-761-8136  
[William.Potter@Delaware.gov](mailto:William.Potter@Delaware.gov)

### **Keith A. Hunt**

Delaware Workforce Development Board  
State Equal Opportunity Officer  
Office of Diversity and Inclusion  
Delaware Department of Human Resources  
Carvel State Office Building, SLC – C1030  
Phone: 302-577-8798 | Fax: 302-577-3996  
[Keith.Hunt@Delaware.gov](mailto:Keith.Hunt@Delaware.gov)