

INTRODUCTION AND PURPOSE

The WIOA Section 188 Nondiscrimination Plan establishes policies and procedures that ensure compliance with the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act (WIOA) Title I and 29 CFR Part 38. This plan outlines the State of Delaware's commitment to providing fair and equitable access to all WIOA Title I-financially assisted programs and activities, regardless of race, color, religion, sex, national origin, age, disability, political affiliation, or belief. It also protects individuals who participate in WIOA-funded programs from discrimination based on their status as a WIOA program participant.

This document serves as a framework for implementing nondiscrimination and equal opportunity standards within Delaware's workforce development system. It details the required steps, monitoring of responsibilities, and enforcement mechanisms to ensure that recipients, sub-recipients, and partners comply with Section 188 of WIOA.

The Governor, in coordination with the State Equal Opportunity Officer, is responsible for overseeing compliance with this plan and ensuring that all recipients and service providers meet their obligations under federal law. This includes providing appropriate training, monitoring workforce system partners, and enforcing corrective actions when necessary.

By adhering to this plan, Delaware affirms its commitment to fostering an inclusive and accessible workforce system that serves individuals of all backgrounds equitably, strengthens community engagement, and upholds the principles of equal opportunity in employment and training services.

Delaware has numerous 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 WIOA. Many have their own hierarchal structures, functional requirements, and policies.

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 with collaborative guidance in accordance with provisions in WIOA, implementing regulations, and guidance related to non-discrimination and equal opportunity.

Consistent with Section 188 and 29 CFR Part 38, Delaware applies implementing regulations and this plan to those receiving WIOA Title I financial assistance and those programs that are participating in the one-stop delivery system and have a signed MOU per the requirements of Section 121 of WIOA.

The following partners and programs are considered recipients for the purpose of applicability to non-discrimination law and regulations and are, therefore, subject to the nondiscrimination and equal opportunity requirements when they have an active signed MOU with the Delaware Workforce Development Board and participate in the one-stop delivery system as a one-stop partner.

1. Delaware Department of Labor (DEDOL) (State Workforce Agency and Unemployment Insurance)
 - Division of Employment and Training
 - WIOA Title I-Statewide Activities
 - WIOA Title I-Youth

- WIOA Title I-Adults & Dislocated Workers
- WIOA Title I- National Dislocated Worker Grants
- WIOA Title III-Wagner-Peyser Act
- Trade Act
- Jobs for Veterans State Grants (JVSG)
- Disabled Veterans Outreach Program (DVOP)
- Ticket to Work Program administered by the Social Security Administration established under sec. 1148 of Social Security Act (42 U.S.C §1320b-19)
- Division of Unemployment Insurance
 - State Unemployment Insurance
 - RESEA (in partnership with Division of Employment and Training)
- Division of Vocational Rehabilitation
 - WIOA Title IV-Vocational Rehabilitation Services (except for the visually impaired)
 - The Client Assistance Program (CAP) authorized under sec. 112 of the Rehabilitation Act of 1973 (29 U.S.C §732)
- 2. Delaware Department of Health and Social Services
 - Division for the Visually Impaired
 - WIOA Title IV-Vocational Rehabilitation Services (only for the visually impaired)
 - 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(0) of the Food and Nutrition Act of 2008 (7 U.S.C §732)
 - Community Services Block Grant
 - Office of Financial Empowerment
 - 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)
- 3. Delaware State Housing Authority
 - Employment and Training Activities carried out by the Department of Housing and Urban Development
- 4. Wilmington Job Corps Center
 - Job Corps (Title I Subtitle C WIOA)
- 5. Criminal Justice Council
 - Programs authorized under sec. 212 of the Second Chance Act of 2007 (42 U.S.C §17532)
- 6. Delaware Department of State*
 - Division of Libraries
 - Employment and training activities that occur within Delaware Libraries
 - Division of Small Business

**The Department of State partners are strong partners for referrals and information sharing. They are not providing services as part of the one stop delivery system and, therefore, are not considered recipients and are not subject to this plan.*

ASSURANCES 29 CFR 38.25-38.27

Delaware assures that it can comply with nondiscrimination and equal opportunity provisions of the following laws and will remain in compliance for the duration of the award of federal financial assistance:

1. Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I-financially assisted program or activity;
2. Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color and national origin;
3. Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
4. The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and
5. Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

Delaware assures that, as a recipient of WIOA Title I financial assistance, it will comply with 29 CFR part 38 and all other regulations implementing the laws listed above. This assurance (above and found in 29 CFR § 38.25 (a)(1)(i)) applies to Delaware's operation of the WIOA Title I-financially assisted program or activity and to all agreements the Delaware makes to carry out the WIOA Title I-financially assisted program or activity.

As a condition to the award of financial assistance under Title I of WIOA, a recipient must assure the grantor (i.e., USDOL, Delaware Department of Labor, or Delaware Workforce Development Board) that the recipient can comply with the nondiscrimination and equal opportunity provisions and will remain in compliance for the duration of the award.

For those carrying out WIOA Title I financially assisted programs or activities or providing service as a one-stop system partner, the assurance language will be included in applicable request for proposals, resulting contracts or agreements, and/or memoranda of understanding (MOU) that recipients will sign that includes a statement acknowledging the requirement to comply with all implementing WIOA regulations.

Where the WIOA Title I financial assistance is intended to provide, or is in the form of, either personal property, real property, structures on real property, or interest in any such property or structures, the assurance will obligate the recipient or (in the case of a subsequent transfer) the transferee, for the longer of:

1. the period during which the property is used either:
 - i. for a purpose for which WIOA Title I financial assistance is extended; or
 - ii. for another purpose, involving the provision of similar services or benefits; or
2. the period during which either:
 - i. the recipient retains ownership or possession of the property; or
 - ii. the transferee retains ownership or possession of the property without compensating grant making agency for the fair market value of that ownership or possession.

In all other cases, the assurance will obligate the recipient for the period during which WIOA Title I financial assistance is provided or participation in the one-stop delivery system.

Consistent with 29 CFR §38.25 (b), Delaware will include the assurance above in each Strategic Four-Year State Plan submitted to carry out a WIOA financially assisted program or activity. Delaware understands this is a condition to the approval of the Four-Year Plan and the extension of any WIOA Title I assistance under the Plan. Delaware understands it also must certify that it has developed and maintains a Nondiscrimination Plan.

Covenants

Consistent with 29 CFR §38.27, where WIOA Title I financial assistance is provided in the form of a transfer of real property, structures, or improvements on real property or structures, or interests in real property or structures, the instrument effecting or recording the transfer must contain a covenant assuring nondiscrimination and equal opportunity for the period described in §38.25(a)(1).

Where no Federal transfer of real property or interest therein from the Federal Government is involved, but real property or an interest therein is acquired or improved under a program of WIOA Title I financial assistance, the recipient must include the covenant described in the above paragraph in the instrument effecting or recording any subsequent transfer of such property.

When the property is obtained from the Federal Government, the covenant described in the first paragraph of this section also may include a condition coupled with a right of reverter to the Department in the event of a breach of the covenant.

EQUAL OPPORTUNITY (EO) OFFICERS (29 CFR 38.28 - 38.33)

Delaware is a single service delivery area and acts as both a state and local board. The State EO Officer is responsible for ensuring that all recipients receiving WIOA Title I financial assistance programs and activities are operated in a nondiscrimination manner and comply with the nondiscrimination and equal opportunity provisions of Section 188 of WIOA and 29 CFR Part 38.

The Governor of Delaware must designate an individual as a State Level Equal Opportunity Officer (State EO Officer) who reports directly to the Governor and who is responsible to administer the implementation of the nondiscrimination and equal opportunity requirements in WIOA including but not limited to 29 CFR §§38.51, 38.53, 38.54, and 38.55 for State Programs. The State EO Officer must have staff and resources sufficient to carry out these requirements.

Every recipient, except small recipients and service providers, as defined in 29 CFR § 38.4(hhh) and (ggg), must designate a recipient-level Equal Opportunity Officer (recipient-level EO Officer), who reports directly to the individual in the highest level position of authority for the entity that is the recipient, such as the Governor, the Administrator of the State Department of Employment Services, the Chair of the State Workforce Board, the Chief Executive Officer, the Chief Operating Officer, or an equivalent official. The recipient-level EO Officer must have staff and resources sufficient to carry out the requirements of 29 CFR Part 38.

In Delaware, the State EO Officer reports directly to the Secretary of Labor within the Delaware Department of Labor regarding WIOA Section 188 29 CFR part 38 matters related to equal opportunity and nondiscrimination.

Small recipients and service providers (including Eligible Training Providers approved by the Delaware Workforce Development Board), consistent with 29 CFR §§ 38.32 and 38.33 are not required to designate an EO Officer. Small recipients do have to identify to the State EO Officer an individual who is responsible for adopting and publishing complaint procedures and processing complaints. Small recipients can request that the State EO Officer process complaints as long as the published compliant procedure is adopted.

The State EO Officer will review recipients annually to determine if any meet the definition of small recipients.

All recipients will meet the obligations listed in 29 CFR §38.29 regarding their EO Officers.

State of Delaware Governor's WIOA Designee

On May 27, 2025, Governor Matt Meyer signed Executive Order #10¹ which designated the Office of Workforce Development within the Delaware Department of Labor as the Performance Accountability and Customer Information Agency (PACIA) and grant recipient for funds allocated by the WIOA Title I and III programs. Given this Workforce Development Office falls within the Delaware Department of Labor, the Secretary of Labor is the head of the State Workforce Agency and Unemployment Insurance Agency and is the Governor's WIOA designee. The Secretary of Labor reports directly to the Governor. The State EO Officer will coordinate all efforts with the Secretary of Labor. Contact information for the Governor's WIOA designee is as follows:

Secretary, Delaware Department of Labor
LaKresha Moultrie
4425 N. Market Street
Wilmington, DE 19802
Lakresha.Moultrie@Delaware.gov
Phone: 302-761-8008

The WIOA State Level Equal Opportunity Officer:

The State EO Officer is responsible for ensuring that all recipients receiving WIOA Title I financial assistance are operating in a nondiscriminatory manner and comply with the nondiscrimination and equal opportunity provisions of Section 188 of WIOA and 29 CFR Part 38. The State EO Officer reports directly to the Governor's designee and is as follows:

Carlene Clark, Director of Administrative Appeals and Policy
4425 N. Market Street
Wilmington, DE 19802
carlene.clark@Delaware.gov
Phone: 302-761-8004

Delaware's State EO Officer will also serve as the recipient-level EO officer for the Delaware Department of Labor.

¹ Executive Order #10 is publicly available at the following link:
<https://governor.delaware.gov/executive-orders/executive-order-10/>.

Communicating the Identity of the State Level Equal Opportunity Officer

The dissemination of the State EO Officer and recipient-level EO's name and contact information is on the "Equal Opportunity is the Law" notice/poster. The notice contains information including contact name, title, business address, email address, and telephone number including the TDD/TTY number.

The "Equal Opportunity is the Law" notice is posted in Delaware's American Job Centers (AJCs) and Department of Labor offices throughout the State, on the DWDB website at <https://labor.delaware.gov/wdb/> and the state Labor Exchange site <https://joblink.delaware.gov> as an integrated part of registration for services.

The notice is posted in English and other languages spoken by significant portions of the population of the area in which the notice is posted which, at the time of this plan being written, is Spanish.

Equal Opportunity Officer Duties

Under 29 CFR 38.31 the responsibilities of the State EO Officer include, but are not limited to:

- Serving as a recipient's liaison with Civil Rights Center (CRC);
- Monitoring and investigating the recipient's activities, and the activities of the entities that receive WIOA Title I-financial assistance from the recipient and applicable one-stop partner, to make sure that the recipient and its subrecipients are not violating their nondiscrimination and equal opportunity obligations under WIOA Title I and this part, which includes monitoring the collection of data required in this part to ensure compliance with the nondiscrimination and equal opportunity requirements of WIOA;
- Reviewing the recipient's written policies to make sure that those policies are nondiscriminatory;
- Developing and publishing the recipient's procedures for processing discrimination complaints under §§38.72 through 38.73, including tracking the discrimination complaints filed against the recipient, developing procedures for investigating and resolving discrimination complaints filed against the recipient, making sure that those procedures are followed, and making available to the public, in appropriate languages and formats, the procedures for filing a complaint;
- Conducting outreach and education about equal opportunity and nondiscrimination requirements consistent with §38.40 and how an individual may file a complaint consistent with §38.69;
- Conducting, leading, or assisting monitoring investigations (i.e., determine jurisdiction, scope, investigation, and conclusion).
- Undergoing training (at the recipient's expense) to maintain competency of the EO Officer and staff, as required by the Director.
- If applicable, overseeing the development and implementation of the recipient's Nondiscrimination Plan under §38.54.
- Providing appropriate resource and referral information for complainants and for members of the general public relative to discrimination and employment law.
- Reviewing data and information to discern specific trends or patterns which could reflect possible accessibility issues or need for targeted outreach.
- Providing technical assistance and training, as required, to recipients, including one-stop system partners, subrecipients, and contractors.

- Preparing and presenting Equal Opportunity information and/or concerns to executive management, directors, managers, and supervisors.

Requisite Skill and Authority of Equal Opportunity Officers

The State EO Officer is a senior level employee who has the knowledge, skills and abilities necessary to fulfill the responsibilities competently as described in this section. The body of knowledge includes knowledge of WIOA regulations, principles, and practices of compliance monitoring, as well as federal and state laws, rules, and regulations. In addition, the State Level 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 compliance practices.

The State Level EO Officer scope of authority for ensuring compliance and monitoring equal opportunity and nondiscrimination extends to all WIOA related providers, programs and activities. The State EO Officer has the authority to set equal opportunity program priorities and make decisions regarding WIOA equal opportunity and nondiscrimination compliance, complaints of alleged discrimination and other related areas.

The State Level EO Officer provides oversight, completes, and may delegate tasks.

NOTICE AND COMMUNICATION (29 CFR PART 38.34 THROUGH 38.39)

The State ensures the establishment of a notice and communication system that is accessible to all registrants, beneficiaries of, applicants to, or participants in WIOA Title I financially assisted programs, applicants for employment, employees, and interested members of the public, including those with impaired vision or hearing, and Limited English Proficiency (LEP), making them aware of the recipients' 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.

EO Notice/Poster Requirement and Monitoring for Service Providers

The State EO Officer or staff will be responsible for maintaining, distributing, and monitoring compliance of the "Equal Opportunity Is the Law" notice as prescribed in 29 CFR §38.35. In Delaware, the notice will be provided in English and Spanish and any other language that becomes a language spoken by a significant number or portion of the population eligible to be served or likely to be encountered. Notices shall be provided in reasonable numbers and places, in available and conspicuous physical locations, and all facilities throughout the State where WIOA Title I funded activities are conducted, including American Job Centers, Unemployment Insurance locations, subrecipient locations, and service provider locations.

The notice will be distributed and updated with new contact information when necessary and sent electronically, or by other methods, to American Job Centers and WIOA recipients and any applicable partner program. The Labor Exchange System- Delaware JobLink-includes the notice for all those job seekers who register for Title III and Title I services as well as any other program that partners with Delaware JobLink, such Unemployment Insurance. As changes occur, the EO Officer will send changes out electronically to all WIOA recipients.

As required for all services, 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 the notice. 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.

The State EO Officer or staff will integrate the monitoring of compliance with notice posting into other appropriate on-site monitoring activities. Recipients may complete a self-evaluation of compliance with the Nondiscrimination Plan which can include a review of the required postings.

Publications, Broadcast, and Other Communications

Each recipient is responsible for including the statements "equal opportunity employer/program" and "auxiliary aids and services are available upon request to individuals with disabilities" on recruitment brochures and other materials routinely made available to the public, including websites.

Where a telephone number is included in recruitment brochures and other materials, 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. The Delaware Office for the Deaf and Hard of Hearing within the Delaware Department of Labor may be used as consultation on latest technology and resources.

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 communicate or enable those customers to participate in departmental programs or activities.

When it is determined that 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 Department of Labor or its 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. Programs will provide interpreters for LEP customers who are not part of a significant group to provide the customer meaningful access to programs and services.

The State ensures each recipient follows this requirement during monitoring as well as ensuring this requirement is included in appropriate request for proposals and agreements. 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.

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.

Communication of EO Notice/Poster in Orientations

29 CFR §38.39 requires that each orientation for new participants, new employees, and/or the general public for programs or activities, in person or over the internet, or using other technology must include a discussion of rights and responsibilities under Section 188 of

WIOA, including the right to file a complaint of discrimination with the State or the USDOL Civil Rights Center Director. This information must be communicated in appropriate languages as required under 29 CFR §38.9 and in formats accessible for individuals with disabilities as required in 29 CFR §38.15.

All AJC's have the EO Notice prominently displayed, and all participants at the time of registration are required to acknowledge receipt of a written or electronic copy of the notice detailing the equal opportunity law (EO Notice). This is primarily done through Delaware's labor exchange, case management, ETPL and USDOL reporting system (Delaware JobLink) used by majority of the programs within the one stop delivery system. Delaware JobLink is also required for subrecipients and EO Notices are provided to them for posting. If an orientation exists, participants will be provided the information again regarding the right to file a complaint of discrimination. The State EO Officer will, as necessary, check the participant's file (paper or electronic) during monitoring activities to verify EO notices being reviewed and signed.

Delaware may use monthly WIOA leadership and county team meetings as the forums for updating communications and conducting relevant training. State EO Officer and any applicable staff, will provide technical assistance and guidance to recipients on EO or nondiscrimination matters. In addition, the State EO Officer ensures appropriate EO training for one stop delivery partners and programs. In most instances, training will be conducted by the State EO Officer or staff, however, when necessary, the State EO Officer will secure certified training instructors or consultants including those provided by USDOL to provide training. Training may also be provided to state employees via the Delaware Statewide Learning Center platform. One-stop delivery system partner and programs' executive officers and staff are encouraged to pursue EO training opportunities as they become available, including those from sources outside of DEDOL, such as those offered through the USDOL, Employment and Training Administration (ETA), and Office of Civil Rights.

Human Resources for state personnel are centralized under the Department of Human Resources. This includes employees of Delaware Department of Labor as a state agency and WIOA Title I recipient. The State EO Officer will have to work with DHR to ensure state employees' compliance and notice, complaint filings, accommodations, etc. DHR currently handles all these standard HR functions.

DATA AND INFORMATION COLLECTION AND MAINTENANCE (29 CFR 38.41-38.45)

Delaware understands the data and information collection and maintenance requirements of 29 CFR 38.41 through 38.45 for recipients and sub-recipients. More than half of the programs offered through the one stop delivery system use Delaware JobLink as the data and information collection system for participants. The system and format in which these records and data are kept is system of record that provides all USDOL reporting for WIOA Title I financially assisted programs and activities. The State's data and information collection will comply with the requirements of the Participant Individual Record Layout (PIRL) as published by USDOL. All one stop delivery system partners and programs responsible for collecting and maintaining obtained client and potential client information. The State EO officer will review reports from Delaware JobLink monitor recipient compliance as well as a tool for investigation of complaints.

Collecting Demographic Data (29 CFR 38.41)

The State uses Delaware Joblink (DJL) for its Labor Exchange, WIOA programs, and TANF Employment and Training. DJL was designed to comply with federal data collection and reporting requirements including the reporting of EO information. All Employment Services and all Title I-B programs use DJL.

WIOA one-stop Partners and AJCs gather demographic information at the intake stage. Individuals are asked to complete a registration form that asks applicants to voluntarily provide their sex, age, race/ethnicity, and disability status. Updates to the DJL included an option for applicants to forego disclosing their race/ethnicity, disability status, or gender by selecting, "Not Disclosed". The baseline, or "customer core" data collected is also the data collected by one stop delivery system partners/programs when required by their applicable federal or state funder.

DEDOL, Division of Unemployment Insurance collects claimant demographics when claims are filed. This includes claimant's sex, birth date, race/ethnicity, and disability status, if known. In addition, most UI claimants also register with DJL for work search requirements, so data is also attainable from DJL.

Data collected for federal reports (including EO data) are maintained by DEDOL. This data is used by the State Level EO Officer and Local Level EO Officer staff members to monitor recipient EO performance. After conducting the analyses, any significant differences in participation for programs, activities, services, and employment practices must be investigated.

Confidentiality of Demographic Data

All EO related data collected by DEDOL relating to potential program applicants/participants and applicants for employment is maintained and stored in a confidential manner. In addition, all delaware.gov sites all abide by the State's Privacy Policy.

Pursuant to 29 CFR §38.37(b)(2), demographic data regarding race/ethnicity, sex, age, and disability status (where known), is stored in a manner that ensures confidentiality, and the data is used only for the purposes of recordkeeping and reporting. This data is not available to potential employers seeking program participants as potential employees and cannot be used as a category to match job requirements. Furthermore, all staff with access to information contained in DJL is subject to a confidentiality policy. This Confidentiality Policy defines any information "that identifies or describes an individual or employer, including, but not limited to, name, social security number, ethnicity, age, date of birth, [or] gender" as "Confidential Information." DJL system users must then sign an attestation that they will comply with the policy.

Complaint Log and Enforcement Actions

The State EO Officer maintains a log of complaints that allege discrimination, received by State EO Officer or any other appropriate recipient personnel. Each recipient must maintain, and submit to the State EO Officer and CRC, upon request, a log of complaints filed with the recipient that allege discrimination on the basis(es) of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin, age, disability, political affiliation or belief, citizenship, and/or participation in a WIOA Title I financially assisted program or activity. The log must include: 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 and date of disposition of the

complaint; and other pertinent information. Information that could lead to identification of a particular individual as having filed a complaint must be kept confidential.

The State EO Officer will be notified by recipients of 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. State EO Officer will notify USDOL Civil Rights Center (CRC) Director upon receipt of any notification.

The State EO Officer is responsible for maintaining a log of complaints that alleges discrimination by any recipient of unemployment claim programs as reported to the Department.

Records Retention

Each recipient will have a record retention policy that will include retention of records for no less than 3 years after exit from a WIOA Title I financially assisted program, or after no longer being employed by a recipient. Complaint forms, investigation notes, disposition letters, and other pertinent information on each complaint filed, as well as complaint logs, will be maintained by State EO Officer or other appropriate recipient personnel 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.

AFFIRMATIVE OUTREACH (29 CFR 38.40)

29 CFR §38.40 requires all recipients to take appropriate steps to ensure that all recipients provide equal access to their WIOA Title I-financially assisted programs and activities at the AJCs. The WIOA one-stop partner meetings will continue to be a venue for sharing and referring services to diverse groups. Advertisements and brochures about services will continue to be developed in appropriate languages and in accessible formats. For example, in 2024 and 2025, Department of Labor published billboards for services in English and Spanish all over the state.

Participant data compared to workforce population data will be used to identify needs for targeted outreach.

WIOA recipients and one-stop delivery system 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 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;
- 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; and
- Participation in community employment events such as job fairs, seminars, and public recruitment for employers has publicized the services of AJCs.

GOVERNOR'S OVERSIGHT RESPONSIBILITY REGARDING RECIPIENTS' RECORDKEEPING (29 CFR 38.53)

DEDOL ensures that recipients collect and maintain equal opportunity data and other information in a manner consistent with 29 CFR §38.41 and as further detailed in the Data and Information Collection and Maintenance section of this plan.

The State Level EO Officer will provide the Delaware Workforce Development Board an annual report which may be incorporated into the Annual Narrative report submitted to USDOL and distributed in Delaware to the Office of the Governor, Secretary of Labor, Delaware Senate President Pro Tempore, Delaware Speaker of the House, and others. The report will provide a summary of annual data to include demographics of individuals served by WIOA Title I financially assisted programs and claimants served by state Unemployment Insurance, number of complaints received, any notable activity that occurred in the year, and any other information requested but the Delaware Workforce Development Board.

COMPLAINT PROCESSING PROCEDURES (29 CFR PART 38.72 - 38.73)

The State Level EO Officer will ensure that DEDOL develops, publishes, and distributes a complaint processing procedures that are consistent with 29 CFR §38.72.

The procedure will provide access to the complaint process for LEP individuals and individuals with disabilities who have the right to request and receive, at no cost, auxiliary aids, and services, including language assistance/interpretation services. Additionally, the "Equal Opportunity is the Law" notice, which advises of the right to and process on how to file a complaint, will be readily posted in English, Spanish, and any other language that the State Level EO Officer communicates annually as required for vital information. This will be based on languages that are required as they would be considered spoken by a significant number or portion of the population eligible to be served, or likely to be encountered.

Who may file

Individuals who believe that they have been or are being discriminated against on one or more prohibited bases or believe they have been or are being retaliated against (as described in 29 CFR 38.19) have the right to file a written complaint. An individual may file themselves or through an authorized representative.

When and how to file

1. Complainants must file within 180 days of the alleged discrimination.
2. Complainants must file in writing or using a provided compliant form on DOL website or USDOL CRC approved complaint form.
3. Written complaints or completed forms can be submitted to the following, consistent with the information on the "Equal Opportunity is the Law" poster:
 - a. State Level EO Officer or
 - b. Director of the CRC or
 - c. Local EO Officer if one published on "Equal Opportunity" is the Law poster

Written Complaints

29 CFR §38.70 requires written complaints to contain several elements. Each complaint must be filed in writing, either electronically or in hard copy, and must contain the following information:

- The complainant's name, mailing address, and, if available, email address (or another means of contacting the complainant);
- The identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination);
- A description of the complainant's allegations. This description must include enough detail to allow the State EO Officer or the CRC Director or the recipient, as applicable, to decide whether:
 1. CRC or the State EO Officer recipient, as applicable, has jurisdiction over the complaint;
 2. The complaint was timely filed; and
 3. The complaint has apparent merit; in other words, whether the complainant's allegations, if true, would indicate noncompliance with any of the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR 38; and
- The written or electronic signature of the complainant or the written or electronic signature of the complainant's representative.

Jurisdiction and Notices

Recipient of complaint shall determine jurisdiction. If recipient is a local EO officer and is not sure about jurisdiction, the State Level EO Officer shall be consulted.

The State Level EO Officer or Local EO Officer, if one, will be considered to have jurisdiction if the following are met:

1. The complaint is filed within 180 days from the alleged act of discrimination; and
2. The complaint contains allegation of discrimination against a recipient which includes programs and partners listed under the Introduction and Purpose section of this plan; and
3. The complaint is not alleged within an employer/employee relationship.
 - a. **When a complaint is alleged within an employer/employee relationship**, the complaint will be sent to the Office of Anti-Discrimination within the Department of Labor (OAD). OAD will review and outreach complainant of next steps to complete for OAD to intake complaint, if applicable. OAD will provide State Level EO Officer updates and outcomes when referrals are made to OAD stemming from a complaint filed through WIOA EO process.
 - b. Consistent with the OAD process, **if the complaint is alleged within an employer/employee relationship and the employer is DEDOL**, OAD will review and inform the complainant to file with the EEOC as OAD does not investigate discrimination complaints against DEDOL.

Where it is determined that there is no jurisdiction over the complaint or the complaint was not filed timely, the State EO Officer, or Labor EO Officer, if one, will notify the complainant(s) in writing within five business days and include:

1. a statement of the reason(s) for that determination; and
2. notice that the complainant has a right to file a complaint with the USDOL CRC within 30 days of the date on which the complainant receives the notice.

Where it is determined that the State Level EO Officer or applicable Local EO Officer has jurisdiction, the EO Officer must provide initial, written notice to the complainant containing the following:

1. an acknowledgement that the recipient has received the complaint;
2. notice that the complainant has the right to request and receive, at no cost, auxiliary aids and service, language assistance services, and that this notice will be translated into the non-English languages as needed and upon request;
3. notice that both the complainant and the respondent have the right to be represented by an attorney or other individual of their choice;
4. notice of rights contained in §38.35;
5. notice of right to file complaint with CRC Director if State fails to issue a Notice of Final Action within 90 days after the date on which the complaint was filed; and
6. a written statement of the issue(s) to the complainant that will include:
 - a. a list of the issues raised in the complaint; and
 - b. for each issue, a statement whether the recipient of the complaint will accept the issue for investigation or reject the issue and the reasons for each rejection.

Investigation and Final Notice

The State Level EO Officer or applicable Local EO Officer has 90 days during which the recipient attempts to resolve the complaint, which includes time for fact-finding or investigation of the issues raised and accepted for investigation or underlying circumstances leading to the complaint.

Upon investigation being completed and within 90 days of the date on which the complaint was filed, the State Level EO Officer or applicable Local EO Officer will issue a written Notice of Final Action that contains the following information:

1. For each issue raised in the complaint, a statement of either:
 - a. the recipient's decision on the issue and an explanation of the reasons underlying the decision; or
 - b. a description of the way the parties resolved the issue; and
2. Notice that the complainant has a right to file a complaint with CRC within 30 days of the date on which the Notice of Final Action is received if the complainant is dissatisfied with the recipient's final action on the complaint.

Complaint investigations will result in one of the following conclusions: substantiated or unsubstantiated. Substantiated means that the research and/or evidence through corroboration verifies the allegation. Unsubstantiated means that investigative research failed to find sufficient evidence to support or verify the Complainant's claim. Substantiated allegations will be immediately forwarded to the State EO Officer, if not with them already, for review and disposition. The State EO Officer may seek guidance from the Delaware Department of Justice representative at any point but always in the case in substantiated allegations.

Alternative Dispute Resolution (ADR)

Options for resolving the complaint must include alternative dispute resolution (ADR), at the complainant's choice. The complainant may attempt ADR at any time after the date the written complaint was submitted but before the notice of final action has been issued.

A party to any agreement reached under ADR may notify the Director in the event the agreement is breached. In such circumstances, the following rules will apply:

1. the non-breaching party may notify with the Director within 30 days of the date on which the non-breaching party learns of the alleged breach; and
2. the Director must evaluate the circumstances to determine whether the agreement has been breached. If the Director determines that the agreement has been breached, the complaint will be reinstated and processed in accordance with the recipient's procedures.

If the parties do not reach an agreement under ADR, the complainant may file a complaint with the Director as described in §§ 38.69 through 38.71.

GOVERNOR'S OVERSIGHT RESPONSIBILITIES AND MONITORING (29 CFR 38.51-53)

Delaware ensures compliance with its administrative obligations under WIOA Section 188 and 29 CFR Part 38 through the monitoring process. Monitoring is conducted by the State EO Officer or staff and completed through data analysis, file/document review, and on-site monitoring as needed. Standard monitoring tools will be developed and provided to DEDOL staff who monitor Eligible Training Providers under WIOA and subrecipients such as WIOA youth programs so EO monitoring can be integrated into other monitoring activities. This will include monitoring for staff awareness of nondiscrimination and EO policies and procedures, communication/display of the "Equal Opportunity is the Law" poster, and accessibility components of including space and service delivery.

The State monitors recipients to ensure that programs and activities operate in a non-discriminatory manner, including:

- 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 recipients' compliance with WIOA Section 188 and this part to determine whether each recipient conducts its WIOA Title I-financially assisted program or activity in a nondiscriminatory way. Each annual monitoring review must include:
 - Analysis of data and records collected by the recipient pursuant to 29 CFR 38.41 through 29 CFR 38.45 to identify any significant differences based on race, ethnicity, sex, age, and disability;
 - Follow-up investigations when significant differences are found; and
 - Ensuring that record systems and data formats allow the Governor and CRC to conduct statistical or other quantifiable data analyses to verify compliance with WIOA Section 188.

The State Level EO Officer will conduct an annual statistical or other quantifiable analysis to determine any practical or statistical significance in participants served and outcomes, if available, compared to the workforce or population.

Throughout the year, the State EO officer will randomly select:

- at least one recipient to conduct a policy review, reviewing recipients' policies to ensure they are nondiscriminatory. DEDOL may outsource this function to a specialized organization; and

- at least one agreement for services to ensure agreements are both nondiscriminatory and contain required EO and nondiscriminatory language.

In addition, all complainants will be logged and reviewed by the State Level EO Officer. If not related to WIOA or the applicability of section 188, the complainant may be referred to the Office of Anti-Discrimination within the DEDOL or, if not employer/employee related, to the Delaware Division of Human and Civil Rights, a state office with various areas of jurisdiction related to civil rights.

The State EO Officer or staff may conduct on-site monitoring reviews in conjunction with a discrimination complaint investigation. Additionally, the EO Officer or staff may conduct unscheduled on-site reviews during normal business hours at any WIOA recipient's facilities.

ADDITIONAL ELEMENTS

Assessment for Compliance

DEDOL and the Delaware Workforce Development Board, before providing financial assistance, will conduct an internal review for compliance with State of Delaware applicable offices to include a compliance check with:

1. DEDOL, Division of Unemployment Insurance.
2. DEDOL, Division Industrial Affairs, Office of Ant-Discrimination.
3. DEDOL, Division Industrial Affairs, Office of Wage and Hour and Construction Enforcement.
4. DEDOL, Division Industrial Affairs, Office of Workers' Compensation.
5. DE Department of State, Division of Small Business
6. DE Department of Education

This check for compliance with other state laws helps drive compliance and assess if the potential recipient will comply with applicable nondiscrimination provisions.

Supporting Documentation

Other than the policies that are included in this plan, Delaware is working to reestablish written policies and procedures related to the implementation of this plan. This work is currently under way and Delaware will submit to the Director finalized policies and procedures as they occur.