

Introduction: 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 29 CFR §38.91(b); and,
- 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. At a minimum, this review must include an assessment to determine whether the recipient has fulfilled its administrative obligations under Section 188 of WIOA or this part (for example, recordkeeping, notice and communication) and any duties assigned to it under the Nondiscrimination Plan.

		Citation	Entity Response	Source (Name of Person or Document Inspected)	Controls in place as reported	Compensating controls	Controls operating as intended	Results of Inquiry Performed	Location of Supporting Docs
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Subpart A: General Provisions

1	In communications containing <i>vital information</i> does the LWDA provide a <i>"Babel Notice"</i> ? <i>Babel Notice</i> means a short notice included in a document or electronic medium (e.g., Web site, "app," email) in multiple languages informing the reader that the communication contains vital information, and explaining how to access language services to have the contents of the communication provided in other languages. <i>Vital information</i> means information, whether written, oral or electronic, that is necessary for an individual to understand how to obtain any aid, benefit, service, and/or training; or required by law. Examples of documents containing vital information include, but are not limited to applications, consent and complaint forms; notices of rights and responsibilities; notices advising LEP individuals of their rights under this part, including the availability of free language assistance; rulebooks; written tests that do not assess English language competency, but rather assess competency for a particular license, job, or skill for which English proficiency is not required; and letters or notices that require a response from the beneficiary or applicant, participant, or employee.	29 CFR §38.9(g)(3); Definitions: 29 CFR §38.4(tt) and 29 CFR §38.4(i)							
2	Does the LWDA have a significant population that speaks a language other than English? · If so, which language(s)?								
3	Has the recipient taken reasonable steps to ensure meaningful access to each <i>LEP individual</i> ? i.e. Are all LEP individuals effectively informed about and/or able to participate in the programs offered by the recipient?	29 CFR §38.9(b); Definition: 29 CFR §38.4(hh)							
4	Does the LWDA provide any of the following aids: · An assessment that allows you to determine language assistance needs? · Oral interpretation or written translation of both hard copy and electronic materials? · Outreach to LEP communities to improve service delivery in needed languages? · Another type of accommodation not listed here? If so, detail.	29 CFR §38.9(b)(1)							
5	Does the one-stop have policies and procedures to ensure that no individual is excluded from participation or denied the benefits of any WIOA Title I program on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation?	29 C.F.R. § 38.5							
6	Are LEP individuals provided meaningful access to training programs through either translated written training materials OR oral training content provided through in-person or telephone interpretation?	29 CFR §38.9(b)(2)							
7	For languages spoken by a significant number or portion of the population eligible to be served, or likely to be encountered, has the LWDA translated vital information in written materials into these languages and made sure the translations are readily available in hard copy, or electronically?	29 CFR §38.9(g)(1)							
8	For languages not spoken by a significant number or portion of the population eligible to be served or likely to be encountered, in the case that vital information cannot be translated does the LWDA ensure that vital information can be conveyed orally?	29 CFR §38.9 (g)(2)							
9	Does the one-stop ensure that no qualified individual with a disability is excluded from participation in, or denied the benefits of a service, program or activity because the one-stop facility is inaccessible or unusable by individuals with disabilities?	29 C.F.R. § 38.13							
10	Does the one-stop comply with the applicable provision of Title II of the ADA in that new facilities or alterations of facilities that began construction after January 26, 1992, comply with the applicable federal accessible design standards, such as the ADA Standards for Accessible Design (1991 or 2010) or the Uniform Federal Accessibility Standards?	29 C.F.R. § 38.13							
11	Does the one-stop comply with the accessibility obligations under Section 504 of the Rehabilitation act and the implementing regulations at 29 C.F.R. part 32? (<i>That the one-stop is ADA accessible.</i>)	29 C.F.R. § 38.13							
12	Does the one-stop provide programming and activities that are programmatically accessible, which includes providing reasonable accommodations for individuals with disabilities, making reasonable modifications to policies, practices, and procedures, administering programs in the most integrated setting appropriate, communicating with persons with disabilities as effectively as with others, and providing appropriate auxiliary aids or services, including assistive technology devices and services, where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the program or activity?	29 C.F.R. § 38.13							
13	Does the recipient ensure that its comprehensive one-stop complies with the obligations outlined in subparts A and B of 29 C.F.R. § 38 which are the implementing regulations of WIOA Section 188? (<i>That the one-stop is compliant with the EO provisions</i>)								

Subpart B - Recordkeeping and Other Affirmative Obligations of Recipients

Equal Opportunity Officers									
14	Does the recipient have an EO officer? What is the name of the EO Officer?	29 CFR §38.28(b)							
15	Does the recipient's EO Officer report directly to the individual in the highest-level position of authority for the entity? You may provide an organizational chart for reference.	29 CFR §38.28(b)							
16	Does the EO officer have staff and resources sufficient to carry out the requirements of this section (29 CFR §38.28) and 29 CFR §38.31?	29 CFR §38.28(b)							
17	Does the recipient make the EO Officer's name, position title, address, and telephone number (voice and TDD/TTY) public?	29 CFR §38.29(c)							
18	Does the recipient ensure that the EO Officer's identity and contact information appear on all internal and external communications about the recipient's nondiscrimination and equal opportunity programs?	29 CFR §38.29(d)							
19	Does the recipient ensure that the EO Officer and the EO Officer's staff are afforded the opportunity to receive (at the recipient's expense) the training necessary and appropriate to maintain competency?	29 CFR §38.29(f)							
20	Does the EO Officer monitor and investigate 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 subrecipients are not violating their nondiscrimination and equal opportunity obligations under WIOA Title I and this part?	29 CFR §38.31(b)							
21	Does the EO Officer review the recipient's written policies to make sure that those policies are nondiscriminatory?	29 CFR §38.31(c)							
22	Does the EO Officer develop and publish the recipient's procedures for processing discrimination complaints? (Procedures fall under 29 CFR §38.72 through 29 CFR §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? · Making available to the public, in appropriate languages and formats, the procedures for filing a complaint?	29 CFR §38.31(d)							
23	Does the EO Officer conduct outreach about equal opportunity and nondiscrimination requirements consistent with 29 CFR §38.40 and about how an individual may file a complaint consistent with 29 CFR §38.69?	29 CFR §38.31(e)							
Notice and Communication									
24	Is the EO notice as defined in 29 CFR §38.36 provided to the following individuals? · Registrants, applicants, and eligible applicants/registrants? · Participants? · Applicants for employment and employees? · Subrecipients that receive WIOA Title I financial assistance from the recipient?	29 CFR §38.34							

	- Members of the public, including those with impaired vision or hearing and those with limited English proficiency?								
25	Is the EO notice: - Posted prominently, in reasonable numbers and places, in available and conspicuous physical locations and on the recipient's Web site pages? <i>(The entire EO Notice is expected)</i> - Disseminated in internal memoranda and other written or electronic communications with staff? <i>(The entire EO Notice is not expected. It has been suggested that a local area must include the line "Equal Opportunity is the Law" along with a hyperlink to the full EO Notice.)</i> - Included in employee and participant handbooks or manuals regardless of form, including electronic and paper form if both are available? <i>(The entire EO Notice is expected)</i> - Made part of each employee's and participant's file? <i>(The entire EO Notice is expected)</i> - Is the notice made a part of both paper and electronic files, if both are maintained? <i>(The entire EO Notice is not expected. It has been suggested</i> - Where EO notice has been given in an alternate format to registrants, applicants, eligible applicants/registrants, participants, applicants for employment and employees with a visual impairment, has a record that such notice has been given been made a part of the employee's or participant's file? <i>(The entire EO Notice is expected)</i>	29 CFR §38.36							
26	As provided in 29 CFR §38.15, does the recipient: - Take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others? - Ensure that this notice is provided in appropriate languages to ensure meaningful access for LEP individuals? (as described in 29 CFR §38.9)	29 CFR §38.34							
27	Does the EO notice contain the specific wording found in 29 CFR §38.35?	29 CFR §38.35							
28	Do recipients indicate that the WIOA Title I-financially assisted program or activity in question is an "equal opportunity employer/program," and that "auxiliary aids and services are available upon request to individuals with disabilities," in recruitment brochures and other materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or on paper, to staff, clients, or the public at large, to describe programs financially assisted under Title I of WIOA or the requirements for participation by recipients and participants?	29 CFR §38.38(a)							
29	Where such materials indicate that the recipient may be reached by voice telephone, do the materials also prominently provide the telephone number of the text telephone (TTY) or equally effective telecommunications system, such as a relay service, videophone, or captioned telephone used by the recipient, as required by 29 CFR §38.15(b)?	29 CFR §38.38(a)							
30	Do recipients that publish or broadcast program information in the news and media ensure that such publications and broadcasts state that the WIOA Title I-financially assisted program or activity in question is an equal opportunity employer/program (or otherwise indicate that discrimination in the WIOA Title I-financially assisted program or activity is prohibited by Federal law), and indicate that auxiliary aids and services are available upon request to individuals with disabilities?	29 CFR §38.38(b)							
31	During each presentation to orient new participants, new employees, and/or the general public to its WIOA Title I-financially assisted program or activity, in person or over the internet or using other technology, does the recipient include a discussion of rights and responsibilities under the nondiscrimination and equal opportunity provisions of WIOA and this part, including the right to file a complaint of discrimination with the recipient?	29 CFR §38.39							
32	Is this information communicated in appropriate languages (as required in 29 CFR §38.9) and in formats accessible for individuals with disabilities? (as required in this part and specified in 29 CFR §38.15?)	29 CFR §38.39							
Data Information and Maintenance									
33	Does the recipient maintain the records of applicants, registrants, eligible applicants/registrants, participants, termines, employees, and applicants for employment, whether they exist in electronic form (including email) or hard copy, for a period of not less than three years from the close of the applicable program year?	29 CFR §38.43							
34	Does the LWDA collect and maintain race/ethnicity, sex, age, and where known, disability status of the classes of individuals named above?	29 CFR §38.41(b)(2)							
35	Does the LWDA collect LEP status and preferred languages among the classes listed above? <i>(this is not required until Jan 3, 2019)</i>								
36	Is medical and disability status collected and stored in a separate and secure manner?	29 CFR §38.41(b)(3)							
37	Does the recipient maintain a log of complaints that allege discrimination which includes: - 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? - Other pertinent information?	29 CFR §38.41(c)							
38	Are EO complaints and supporting information maintained for three years from the date of final action?	29 CFR §38.43(b)							
Subpart D - Compliance Procedures									
Required contents of complaint									
39	Does the recipient state in their grievance form and/or Policies and Procedures and notify complainants that a complaint must be filed within 180 days of the alleged discrimination or retaliation?	29 CFR §38.69(c)							
40	Are complaints required to be filed in writing, either electronically or in hard copy?	29 CFR §38.70							
41	Does the LWDA's EO complaint form include the following information? (a) The complainant's name, mailing address, and, if available, email address (or another means of contacting the complainant)? (b) The identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination)? (c) A description of the complainant's allegations which will allow the LWDA to decide whether: (1) The recipient has jurisdiction over the (2) The complaint was filed in time? (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 (d) The written or electronic signature of the complainant or the written or electronic signature of the complainant's representative? (e) Does the complaint form inform the complainant of their right to file a complaint with the CRC?	29 CFR §38.70							
42	Does the recipient's complaint form or Policies and Procedures explain that both the complainant and the respondent have the right to be represented by an attorney or other individual of their choice?	29 CFR §38.71							
Complaint Processing Procedures									
43	At a minimum, do the procedures include the following elements: Initial, written notice will be provided to the complainant that contains the following information: - An acknowledgment that the recipient has received the complaint? - Notice that the complainant has the right to be represented in the complaint process? - Notice of rights contained in 29 CFR §38.35? - Notice that the complainant has the right to request and receive, at no cost, auxiliary aids and services, language assistance services, and that this notice will be translated into the non-English languages as required in §29 CFR §38.4(h) and (i), 29 CFR §38.34, and 29 CFR §38.36?	29 CFR §38.72(b) 29 CFR §38.72(b)(1) 29 CFR §38.72(b)(1)(i) 29 CFR §38.72(b)(1)(ii) 29 CFR §38.72(b)(1)(iii) 29 CFR §38.72(b)(1)(iv)							
44	Do the procedures include: A written statement of the issue(s) will be provided to the complainant, that includes the following information: - A list of the issues raised in the complaint? - For each such issue, a statement of whether the recipient will accept the issue for investigation or reject the issue, and the reasons for each	29 CFR §38.72(b)(2) 29 CFR §38.72(b)(2)(i) 29 CFR §38.72(b)(2)(ii)							
45	Do the recipient's complaint procedures state that the following will be provided in the case of a complaint: - A period for fact-finding or investigation of the circumstances underlying the complaint? - A period during which the recipient attempts to resolve the complaint? - A statement that in cases in which a recipient has determined that it does not have jurisdiction over a complaint, it will notify the complainant, in writing, within five business days of making such determination?	29 CFR §38.72(b)(3) 29 CFR §38.72(b)(4) 29 CFR §38.74							

	In cases deemed outside the jurisdiction of the recipient, a Notice of Lack of Jurisdiction that includes: (1) A statement of the reasons for that determination? (2) Notice that the complainant has a right to file a complaint with CRC within 30 days of the date on which the complainant receives the Notice?							
		29 CFR §38.74(a)						
		29 CFR §38.74(b)						
46	Do the procedures that a recipient adopts and publishes for processing complaints permitted under this part and WIOA Section 188 state that the recipient will issue a written Notice of Final Action on EO complaints within 90 days of the date on which the complaint is filed?	29 CFR §38.72(a)						
47	Do the procedures state that the Notice of Final Action must contain the following information: (i) 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? (ii) 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?							
		29 CFR §38.72(b)(5)(i)						
		29 CFR §38.72(b)(5)(i)(A)						
		29 CFR §38.72(b)(5)(i)(B)						
		29 CFR §38.72(b)(5)(ii)						
48	Do the recipient's complaint procedures inform the complainant that if, by the end of 90 days from the date on which the complainant filed the complaint, the recipient has failed to issue a Notice of Final Action, the complainant or the complainant's representative may file a complaint with the CRC Director within 30 days of the expiration of the 90-day period? In other words, that the complaint must be filed with the CRC Director within 120 days of the date on which the complaint was filed with the recipient?	29 CFR §38.76						
49	Do the procedures the recipient adopts provide for alternative dispute resolution (ADR) as a means to resolve the complaint? Do the recipient's ADR procedures contain the following? (1) The complainant may attempt ADR at any time after the complainant has filed a written complaint with the recipient, but before a Notice of Final Action has been issued. (2) The choice whether to use ADR or the customary process rests with the complainant. (3) A party to any agreement reached under ADR may notify the CRC Director in the event the agreement is breached. In such circumstances, do the procedures include that the following rules will apply: (i) The non-breaching party may notify the CRC Director within 30 days of the date on which the non-breaching party learns of the alleged breach. (ii) The CRC Director must evaluate the circumstances to determine whether the agreement has been breached. If the CRC Director determines that the agreement has been breached, the complaint will be reinstated and processed in accordance with the recipient's procedures. (4) A statement that if the parties do not reach an agreement under ADR, the complainant may file a complaint with the CRC Director as described in 29 CFR §38.69 through 29 CFR §38.71?	29 CFR §38.72(c)						
		29 CFR §38.72(c)(1)						
		29 CFR §38.72(c)(2)						
		29 CFR §38.72(c)(3)						
		29 CFR §38.72(c)(3)(i)						
		29 CFR §38.72(c)(3)(ii)						
		29 CFR §38.72(c)(4)						
50	Does the local EO Officer ensure that the EO Complaint Processing Procedures are made known to its service providers?	29 CFR §38.73						
51	Do you have any technical assistance needs regarding any of the parts of this tool? If so, detail.							
52	Please identify any other questions, concerns, and/or issues related to EO and nondiscrimination not addressed above.							