



**WORKFORCE INNOVATION & OPPORTUNITY ACT (WIOA)
EO MONITORING REVIEW GUIDE**

Program Year _____
(DESK REVIEW SECTION)

PURPOSE

The purpose of Arizona's Workforce Innovation and Opportunity Act (WIOA) oversight and monitoring responsibilities is to ensure recipients are complying with the requirements of WIOA Section 188 and 29 CFR Part 38. Each Equal Opportunity (EO) monitoring review includes a review of compliance to ensure each recipient's programs, services, and employment, including those of sub-recipients and contractors, are provided in a manner that ensures Equal Opportunity and nondiscrimination to applicants, participants, and employees who may be individuals with disabilities or who are limited in English proficiency will have access to WIOA financially assisted programs, services, and employment.

Section 188 of WIOA requires that States develop, implement, and maintain, for each of their State programs, a document known as the Nondiscrimination Plan (NDP). The NDP describes the actions the State takes to ensure its recipients [One-Stop Partners (OSP), Local Workforce Development Areas (LWDA) (WIOA)], and WIOA Title I-B financial assisted programs, activities, and program operators are complying with the EO and nondiscrimination requirements of WIOA and its implementing regulations. The regulations that implement the nondiscrimination provisions of the WIOA, published at 29 CFR Part 38, require that each Governor establish and adhere to an NDP for their State programs.

MONITORING METHODS

The monitoring process is accomplished through a combination of desk and onsite reviews. Both, the desk review, and the onsite review occur on an annual basis for each recipient. Desk reviews include a desk analysis of the data and records collected by the recipient pursuant to 29 CFR 38.51 through 29 CFR 38.54 and preparation for onsite reviews.

Onsite reviews must involve the following:

- A preview of the monitoring activities and requirements.
- Interviews with staff and participants.
- Review of client and employee paper and electronic files.
- Review of the physical aspects of the site.
- Review of EO, nondiscrimination, and programmatic accessibility issues in the facility.

Local Workforce Development Area: _____

Administrative Entity: _____

Address (No., Street) _____

City _____ State _____ ZIP Code _____

Contact: _____

State WIOA EO Officer/Designee: _____

Review Period Dates: _____

Instructions:

The checklist below indicates the list of documents that need to be provided in this desk review. Please gather the identified documents associated with the program year (PY) and place a checkmark next to each document to indicate that a copy of it is being submitted during this review. Provide an explanation for any items that are unavailable.

DOCUMENTATION CHECKLIST	
	Job description for the EO Officer
	Organizational Chart
	EO is the Law Notice/Poster (<i>English, Spanish, and any other language the poster is available in.</i>)
	Discrimination Complaint Processing Policies and Procedures
	Reasonable Accommodation Policy/Americans with Disabilities Act (ADA)
	Limited English Proficiency (LEP) Policy
	ADA Checklist/Survey for One-Stop Center and service providers/contractors
	Brochures, pamphlets, flyers, public announcements, broadcasts, agendas, letterheads, etc. that have been produced
	Local Workforce Development Area (LWDA) EO Monitoring Tool
	LWDA EO Monitoring Schedule
	Copies of the EO monitoring visits of service provides/contractors (<i>dates, locations, entities, findings</i>)
	On-the-job training (OJT)/work experience (WEX) agreement or other contracts, agreements, or similar applications for federal financial assistance under WIOA that includes written WIOA EO assurance statement (<i>including at least the reference to WIOA Section 188 and 29 CFR Part 38</i>)
	EO Corrective Action/Sanction Policy
	Equity of Service Reports, 80% Rule report, Two Standard Deviation report
	EO Staff Data Analysis
	All documents that have been deemed "vital" per Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (Provide List)
	Dates and locations of EO training provided to staff, service providers, and contracts (<i>include copies of sign-in sheets</i>)
	EO and Nondiscrimination policies (<i>employee manual/handbook for employees</i>)
	Local Plans
	Example of assurance language

LWDA EO Officer or Designee Signature _____ Date _____

ELEMENT 1: DESIGNATION OF LOCAL EO OFFICERS
Ref: Non-Discrimination Plan, Element 1; 29 CFR 38.28 through 38.33

- 1) Name of Local EO Officer or Designee: _____
- 2) To whom does the EO Officer report? (*Name and Title*) _____
- 3) Does the Local EO Officer:
- a) Process complaints? Yes No If No, please explain: _____
 - b) Review participant reports for equity of service? Please provide any reports (*i.e., Arizona Job Connection reports*).
 Yes No
 - c) Conduct on-site visits to service providers (*OJT/WEX*) and contractors to ensure that they are in compliance with WIOA Section 188? Yes No
 - d) Review service provider's written policies to make sure they are nondiscriminatory? Yes No
 - e) Develop and publish discrimination complaint procedures for participants? Yes No
 - f) Perform any non-EO related job functions that may create a conflict of interest or the appearance of a conflict of interest? If yes, please explain. Yes No
- 4) Explain how eligible applicants/registrants, participants, employees, and applicants for employment are made aware of the identity of the local EO Officer?
- 5) On what internal and external communications concerning the LWDA nondiscrimination and EO programs does the EO Officer's identity and contact information appear?
- 6) What training has the Local EO Officer attended during the program year? (*List locations and dates*)

7) What EO training has been provided to staff, service providers, and contractors within the local area during the program year? *(List dates and locations, include a copy of sign-in sheets):*

8) Explain how all service providers, sub-recipients, and contractors are provided with a clear written explanation of their EO and nondiscrimination responsibilities:

9) Does the Local EO Officer have sufficient staff and resources to ensure compliance with the nondiscrimination and EO provisions of WIOA? Y N If no, explain:

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

ELEMENT 2: NOTICE AND COMMUNICATION
Ref: Non-Discrimination Plan, Element 2; 29 CFR 38.34 through 38.39

1) Is the "Equal Opportunity is the Law" notice:

- a) Made available to each participant, and made part of each participant's file? Yes No
- b) Posted prominently, in required areas and easily accessible for all, including those individuals with disabilities?
 Yes No
- c) Disseminated in internal memoranda and other written or electronic communications? Yes No
 1) Available in alternate format and languages (*i.e., for individuals with language barriers, vision or hearing disabilities*)? Yes No
- d) What languages are the "Equal Opportunity is the Law" offered in? (*List all*)

e) Is "Equal Opportunity is the Law" included in handbooks or manuals for employees? Yes No

2) Explain at what point participants are provided an explanation of their rights to file a complaint:

3) Explain how local policies on LEP allow individuals with LEP equal and meaningful access to benefits, activities and services:

a. Explain how LEP individuals are made aware of their rights (*i.e., signage, banner, taglines*):

b. Explain what steps are taken to provide services and information in appropriate languages:

c. Explain how staff are made knowledgeable and aware of LEP policies and procedures:

- 4) Explain how you assure the EO taglines (“*Equal Opportunity Employer/Program*” and “*Auxiliary aids and services are available upon request to individuals with disabilities*”) are included in all WIOA publications, brochures, meeting notices/agendas, and broadcasts print mass media: (*provide examples*)
- 5) Explain how the EO policy is communicated at orientation or at the one-on-one interview for new participants, new employees and/or the general public: (*Please provide a written process.*)
- 6) Describe how the LWDA/OSP ensure that continuing notice is provided to the following applicable groups that it does not discriminate on any prohibited ground:
- Applicants, registrants, participants in activities or services.
 - Employees and applicants for employment.
 - Other recipients of WIOA funds in the LWDA.
 - Members of the public.
 - Members of the public with disabilities, including impaired vision and hearing.
 - Unions or professional organizations that hold collective bargaining or professional agreement with your organization.
- 7) Describe how the LWDA/OSP communicated “The requirement not to discriminate on the basis of disability and the obligation to provide reasonable accommodations to its sub-recipients”.

8) Describe the efforts the LWDA/OSP's make to ensure that communications with individuals with disabilities are just as effective as communications with others:

9) Is the telephone number for the TDD/TTY or relay service provided by the LWDA/OSP on all communication that also provides a contact number for the public? Yes No

Do you need technical assistance in this element? Yes No If so, explain:

ELEMENT 3: ASSURANCES***Ref: Non-Discrimination Plan, Element 3; 29 CFR 38.25 through 38.27***

- 1) Explain how the EO assurance language is incorporated into each grant, cooperative agreement, plan, contracts, or other similar documentation with your service providers and contractors, and their sub-recipients:
- 2) Explain how you ensure that your employees are made aware of their EO and Nondiscrimination rights:
- 3) Describe EO and Nondiscrimination policies that are in place for employees and where are they located:
- 4) Explain the trainings' that are in place to inform employees of their rights to file a discriminatory complaint and how they are conducted?
- 5) Describe how often orientations conducted for participants informing them of their rights to file a discriminatory complaint:

Do you need technical assistance in this element? Yes No If so, explain:

ELEMENT 4: AFFIRMATIVE OUTREACH

Ref: Non-Discrimination Plan, Element 4; 29 CFR Part 38.40

- 1) Explain what steps the recipient has taken to broaden the composition pool of those considered for participation or employment in their programs and activities including members of different sexes, various racial/ethnic groups, and individuals with disabilities or differing age groups:

- 2) Briefly explain what reasonable steps the recipient has taken to ensure services and other information is provided to is provided to LEP persons:

- 3) In what languages is information within the LWDA provided, other than English? *(Provide an example and list the languages available)*

- 4) Explain your process for deeming documents “vital” per Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency” and translating documents into languages designated as essential: *(Please list the documents you have translated).*

- 5) Describe the process for ensuring the required notifications are provided in alternative formats for the visually impaired *(provide an example and list the notifications):*

Do you need technical assistance in this element? Yes No If so, explain:

ELEMENT 5: COMPLIANCE WITH SECTION 504
Ref: Non-Discrimination Plan, Element 5; 29 CFR Part 38.6;
29 CFR Part 38.54; 29 CFR Part 32 Subparts B and C

1) Has a self-evaluation or assessment been conducted by the recipient to determine its accessibility in the last year?

Yes No If "YES", list a date and who conducted it: _____

2) Is the physical location architecturally accessible? Yes No

Do you have a copy of the ADA checklist or other assessment tool(s) used to determine accessibility? *(Provide a completed copy for each office)* Yes No

3) Describe what policies or procedures are in place to ensure that individuals with disabilities are provided reasonable accommodation:

4) Explain how each recipient of federal WIOA Title I funds, including ARIZONA@WORK One-Stop partners, service and training providers, assure programmatic accessibility and architectural accessibility *(Explain how this is ensured)*:

5) Explain how each recipient ensures contractor and service provider sites *(including OJT/WEX providers)* are accessible to individuals with disabilities:

- Assures there is at least one entrance to the building that is wheelchair accessible.
- Assures it has the international symbol for accessibility for individuals with disabilities posted. If no, where are these clients directed to go? *(explain)*

a) Do inaccessible entrances have signs indicating the location of the nearest accessible entrance? Yes No
If no, please explain:

b) Are there designated restrooms with appropriate signage available for individuals with disabilities?

Yes No (*If "NO", how are they accommodated?*)

c) Is a TDD or relay service available for use? Yes No

(*If NO, please explain how the hearing impaired are being accommodated?*)

d) Identify the frequency at which contractors and service providers (*including OJT/WEX providers*) facilities are monitored to ensure accessibility:

e) Explain how the recipient ensures that communication with persons with disabilities is as effective as communication with others:

f. Explain how the recipient ensures that each individual with a disability can participate in the most integrated setting appropriate to that individual:

6) Describe what efforts are made to prohibit discrimination on the basis of disability in employment practices:

a. Describe how the provision of reasonable accommodations is provided when requested:

7) Explain how job qualifications are reviewed to ensure that it does not use a selection criteria that screens out or tends to screen out an individual with a disability (*unless the criteria is job related for the position in question and consistent with the business necessity*) Describe what is done if it is found:

8) Describe how the LWDA/OSP ensures that an individual with a disability is not required to accept an accommodation, aid, benefit, service, training, or opportunity that the individual chooses not to accept:

9) Describe how the LWDA/OSP ensures that, for employment-related training, the selection criteria are reviewed to ensure that they do not screen out, or tend to screen out, an individual with a disability or any class of individuals with disabilities from fully and equally enjoying the training unless the criteria can be shown to be necessary for the training being offered:

10) Describe what assistive equipment for individuals with disabilities is available. Please list:

11) Does the LWDA/OSP website state that it is ADA accessible and show the federal tagline required? (*Equal Opportunity Employer Program, auxiliary aids and services are available upon request to individuals with disabilities.*)

12) Describe any reasonable accommodations that have been provided for applicants, participants, or employees with disabilities during the last program year:

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

Do you need technical assistance in this element? Yes No If so, explain:

ELEMENT 6: DATA INFORMATION COLLECTION AND MAINTENANCE
29 CFR Part 38.41 thru 38.45

- 1) Please explain how EO data has been collected (*race, ethnicity, sex, age, and where known, disability status and Limited English Proficiency (LEP)*) within the LWDA/OSP:
- 2) Are staff informed why the data is collected on race, sex, age, LEP, and disability?
- 3) Are recipients collecting and maintaining for a minimum of three years, the analytical data on applicants, registrants, eligible applicants/ registrants, participants terminated participants, employees, and applicants for employment?
 Yes No
- 4) Provide the results you are receiving using the 80% rule. Have there been noticeable discrepancies?
- 5) Where is this data maintained and are there safeguards that will restrict access to unauthorized personnel? (*brief description*)
- 6) Is staff made aware of the requirements of confidentiality of recipients' information? Yes No
 Explain the process to keeping information confidential:
- 7) Describe how grant applicants and recipients are directed to notify the Director of the Civil Rights Center, USDOL, of administrative enforcement and lawsuits:

Do you need technical assistance in this element? Yes No If so, explain:

ELEMENT 7: MONITORING RECIPIENTS FOR COMPLIANCE
29 CFR 38.54

1) Does the EO Officer monitor the recipient and its sub-recipients for compliance with EO related requirements?

Yes No If no, explain:

a) How often is on-site monitoring conducted?

2) List all subrecipients you have monitored in the last program year, by name, date, and location:

3) For all identified in question #2, has the local area EO has the EO Officer reviewed the sub-recipient's policy procedures for filing a complaint?

Do you need technical assistance in this element? Yes No If so, explain:

ELEMENT 8: COMPLAINT PROCESSING PROCEDURES
29 CFR 38.54

1) Explain how participants and employees obtain a copy of the discrimination complaint policy and procedures:

2) Explain how participants and employees obtain access to the discrimination complaint form:

3) Please list any formal complaints that have been filed with the LWDA, ARIZONA@WORK Job Centers, or OSP's in the PY:

(Complete only if you have had a formal Complaint filed in the PY, otherwise proceed to #5 within this section)

4) Please respond to the following questions concerning a filed formal complaint:

- Was the complaint filed within 180 days? Yes No
- Was the complainant provided a written notification of receipt of the complaint within 10 days? Yes No
- Was the complainant provided a written statement of each of the issues raised in the complaint and whether you would accept or reject each issue? Yes No
- Was the complainant sent a written notice of lack of jurisdiction when the LWDA determined that it did not have jurisdiction over a complaint? Yes No
- Was the complainant notified that they have the right to representation in the complaint process? Yes No
- Was the complainant offered Alternative Dispute Resolution as an effort to resolve the complaint? Yes No
- Was the complainant provided a written Notice of Final Action within 90 days of the date the complaint was filed?
Yes No
- Did the Notice of Final Action inform the complainant that he/she has a right to file a complaint with CRC within 30 days of the date in which the Notice of Final Action is issued if he/she is dissatisfied with your final action on the complaint? Yes No
- Has the WIOA State level EO Officer been advised of the complaint? Yes No

5) Please describe the process established to keep the discrimination complaint records for a period of three years:

6) Describe the process for keeping the identity of the complainant or any individual who furnishes information relating to, or assisting in, an investigation confidential to the extent possible, consistent with a fair determination of the issues:

a) Explain how an individual who filed a complaint protected from discharge, intimidation, retaliation, threat or coercion:

b) Describe the policy for handling discrimination complaints from the contractors, vendors, or service providers regarding participants:

Do you need technical assistance in this element? Yes No If so, explain:

EO STAFFING DATA

Local Workforce Development Area: _____

Site: _____

STAFF POSITIONS	ALL EMPLOYEES			WHITE		BLACK		ASIAN		AMER. IN. OR ALASKA N.		NAT. HAWAIIAN OR PAC. IS.		HISPANIC OR LATINO HISPANIC		NOT HISPANIC OR LATINO		INDIVIDUAL WITH A DISABILITY		
	TOTAL	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	

End of
(DESK Review)

THANK YOU FOR YOUR PARTICIPATION AND PROVIDING THE COMPLETED REVIEW IN A TIMELY MANNER.