



Nondiscrimination Plan

Nondiscrimination and
Equal Opportunity Provisions
of the Workforce Innovation
and Opportunity Act

2025-2026

*Prepared by the Arizona Department
of Economic Security (DES)
Office of Equal Opportunity (OEO)*



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Purpose

This Nondiscrimination Plan (“Plan” or “NDP”) represents the State of Arizona’s (State) commitment to pursue equitable access in its provisions of services in compliance with Section 188 of the Workforce Innovation and Opportunity Act (WIOA) of 2014, and 29 CFR Part 38. As a recipient of WIOA funds, the Department of Economic Security (“Department” or “DES”) is required by Section 188 to take reasonable steps to ensure equal opportunity and accessibility to WIOA-funded programs and services. The following Plan sets forth the measures the State takes to prevent discrimination and to ensure that individuals with disabilities and limited English proficiency have equal access to these programs and services. The Plan was constructed in compliance with Section 188 and demonstrates the observance of requirements outlined in the Americans with Disabilities Act (as amended), Section 504 of the Rehabilitation Act of 1973 (as amended), and Title VI of the Civil Rights Act, as well as other federal and state nondiscrimination laws and regulations. It is the policy of the Department that no person shall be excluded from participation in, be denied the benefits of, or be otherwise discriminated against under any of its federally funded programs and activities.

The NDP applies to: (1) any recipient; (2) programs, services and activities that are part of the ARIZONA@WORK delivery system and that are operated by ARIZONA@WORK Job Center partners listed in this element, to the extent that the programs, activities, and services are being conducted as part of the ARIZONA@WORK delivery system; and (3) the employment practices of a recipient and/or ARIZONA@WORK Job Center partners, as provided in 29 CFR 38.2.

ARIZONA@WORK serves as the comprehensive statewide network for workforce development and extends a diverse array of resources and services to assist job seekers throughout the entire state in securing high-quality employment opportunities. As a collaborative effort between public and private entities, ARIZONA@WORK operates seamlessly across 12 Local Workforce Development Areas (LWDAs) and 73 local offices under a unified mission: develop a customer-driven, integrated workforce system that delivers business, education, and training services to ensure equitable access to high-quality jobs that meet the diverse needs of employers and job seekers. Supported by federal funding, services are provided free of charge, ensuring accessibility to all.

The 12 Local Area Workforce Boards (LWDBs) in Arizona promote effective relationships between the Chief Local Elected Officials and economic, education, and workforce partners throughout the LWDA. The LWDBs are responsible for developing strategies to continuously improve and strengthen the workforce development system in their local areas and design services that are compliant with the nondiscrimination and equal opportunity provisions of WIOA and this part.

The NDP is renewed every two years, and the State must advise the United States Department of Labor’s (USDOL) Civil Rights Center (CRC) promptly of updates to the NDP, and of changes to the State-level WIOA Equal Opportunity (EO) Officer to ensure compliance with 29 CFR 38.55(b).

Element 1 – Assurances (29 CFR 38.25 – 38.27)

This section identifies the State of Arizona Department of Economic Security's (DES) compliance with Element 1 of the NDP which requires that recipients of WIOA Title I funding include an assurance of nondiscrimination and equal opportunity into all grants, agreements or other similar applications for federal financial assistance under WIOA. Each application for Title I WIOA funds, as defined in 29 CFR 38.4, includes the specified assurance committing the potential subrecipient to comply fully with the nondiscrimination and equal opportunity provisions of WIOA. The assurance is deemed incorporated, whether it is physically incorporated in the resulting contract or other arrangement.

Assurance Requirements

Arizona's WIOA State Plan is the starting point for equal opportunity assurances and Arizona's commitment to comply with the nondiscrimination provisions of Section 188 and its implementing regulations¹. As a conditional requirement for Title I WIOA funds, as defined in 29 CFR 38.4, each grant applicant must provide written assurances to DES. The potential subrecipient must assure that it can and will comply fully with nondiscrimination and equal opportunity provisions of WIOA financial assistance and remain in compliance with the requirements for the duration of the federal assistance. The assurance is deemed incorporated, whether it is physically incorporated in the resulting contract or other arrangement.

This obligation extends to all grant agreements made by the State. All grantees that receive any type or amount of WIOA funding, including discretionary funding, are held to the same requirements and conditions under 29 CFR Part 38 regarding equal opportunity and nondiscrimination.

The State requires that each LWDB and LWDA include equal opportunity and nondiscrimination assurances in its Local Workforce Development Plan to ensure a system that complies with:

- Section 188 of the WIOA of 2014, 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.
- Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of 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.

¹ [Workforce Innovation and Opportunity Act \(WIOA\) Plans, Reports, and Waivers | Arizona Department of Economic Security](#)

Every four years, each of Arizona's 12 local workforce development boards are responsible for developing WIOA plans and submitting them to DES for review and approval in accordance with federal guidance as well as any additional guidance provided by DES to align plans with the vision, mission, goals, and strategies of the four-year WIOA State Plan. Similar to the WIOA State Plan, these local and regional plans are modified and reviewed by DES and include the strategies and procedures carried out by the LWDBs to provide equal opportunity and accessibility of services to all residents in their areas or regions.²

Accessibility

All WIOA grantees must ensure that their sites, services, and programs are accessible to all customers, including individuals with disabilities and those that have limited English proficiency. DES Office of Equal Opportunity (OEO) provides guidance and resources to help overcome barriers to access.

The LWDBs monitor their sites yearly by completing the *WIOA EO Monitoring Review Guide Desk Review* (WIO-1108A). Additionally, compliance is monitored through an annual Equal Opportunity (EO) and Americans with Disabilities Act (ADA) Assessment conducted on site. Monitoring for this assessment is detailed in Element 6.

Additionally, DES OEO conducts annual site reviews of all ARIZONA@WORK locations and LWDBs on an annual basis to ensure that each facility is ADA compliant and accessible to customers with disabilities and those with limited English proficiency. During this review, the State-level EO Officer references the ADA Checklist based on the 2010 ADA standards for accessible design³ and ensures that each site has adaptive equipment to provide access to customers with disabilities and that each site has considered how to overcome barriers to access. Access issues are identified and resolved through a collaborative effort between OEO and the LWDB.

Additionally, the DES OEO ensures that each ARIZONA@WORK and LWDB facility has appropriate signage, posts required notifications in both English and Spanish and ensures that facilities have a process that ensures that individuals with limited English proficiency have access to services and programs.

Assurance Language of Master Contract

Title I of WIOA, as defined in 29 CFR § 38.4, the grant applicant assures that it is able to comply with the nondiscrimination and equal opportunity provisions of WIOA and other federal and state civil rights statutes and will remain in compliance for the duration of the award of federal financial assistance.

2 [Workforce Innovation and Opportunity Act \(WIOA\) Plans, Reports, and Waivers | Arizona Department of Economic Security](#).

3 <https://www.ada.gov/law-and-regs/design-standards/2010-stds/>.

The Arizona WIOA State Plan indicates that the State has taken the appropriate actions to ensure compliance with WIOA Section 188, Nondiscrimination. The State provides funds to all approved grant applicants. Contracts provided for each recipient through the DES Office of Procurement must include nondiscrimination assurances required by the Federal regulations and assure that each entity complies with this requirement. Intergovernmental Agreements (IGA) between any recipients, subrecipient or service provider must include a section on nondiscrimination. The IGA assures that all recipients, participants and applicants, including Native Americans, must comply with the regulations required by grantees accepting federal financial assistance under Title I of WIOA. The DES WIOA Equal Opportunity Policy Manual, Section 702, states that: *“Each contract, agreement, or application using WIOA Title I funds must include, in its entirety and without changes, EO and nondiscrimination assurance language found at 29 CFR Part 38.25(a). For smaller contracts or agreements, such as OJT, the following reference to the language may be used: “The assurances at 29 CFR Part 38.25(a) apply to this contract/agreement.”*⁴

Supporting Documentation

1.1 [WIOA Equal Opportunity & Nondiscrimination, Chapter 2 Section 700, last revised April 27, 2023.](#)

Element 2 – Equal Opportunity Officers (29 CFR 38.28 – 38.33)

Section 188 requires that each Governor designate an individual as a State-level Equal Opportunity Officer, who reports directly to the Governor, or designee, and is responsible for State Program-wide coordination of compliance with equal opportunity and nondiscrimination requirements in WIOA. The State-level Officer must have staff and resources sufficient to carry out these requirements. Additionally, the State-level WIOA EO Officer must not be in a position that would constitute a conflict of interest.

All recipients, except small recipients and service providers, must designate a recipient-level Equal Opportunity Officer, who reports directly to the LWDB or Chief Executive Officer, or equivalent. The recipient-level Equal Opportunity Officer must have staff and resources necessary to carry out the requirements in 29 CFR § 38.31.

Designation of Equal Opportunity (EO) Officers

Governor Katie Hobbs designated DES as the entity to implement the WIOA. DES administers a broad range of programs related to the workforce, including WIOA funded programs, such as employment assistance and unemployment insurance, as well as children’s services, guardianship and adoption, child support enforcement, developmental disabilities, vocational rehabilitation, domestic violence, adult protective services, medical assistance eligibility, nutrition assistance, and independent living, DES Director, Angie Rodgers, serves as the Governor’s Designee. In accordance with the U. S. Department of Labor (DOL) regulations at 29 CFR Part 38.28, Angie Rodgers has designated Monica Sheble, the Administrator of the DES OEO, as the State-level WIOA EO Officer to carry out matters regarding equal opportunity and ensure that all WIOA Title I programs, ARIZONA@WORK Job Center Partners (AWJCP), One-Stop Partners (OSPs), and the State Unemployment Insurance (UI) programs are operated in a nondiscriminatory manner and following the nondiscrimination provisions of Section 188 of the WIOA and 29 CFR Part 38.29. The State-level WIOA EO Officer has knowledge of the WIOA, principles and practices of compliance practices and techniques.

The DES Organizational Chart reflects the structure within DES.⁵

⁴ [WIOA Equal Opportunity & Nondiscrimination, Chapter 2 Section 700, last revised April 27, 2023.](#)

⁵ [DES-Organizational-Chart.pdf; last updated January 23, 2025.](#)

Office of Equal Opportunity (OEO)

The DES OEO provides oversight and direction of the agency's equal opportunity efforts, which includes ensuring that EO Officers are designated for each local area, trained in their roles, supported to carry out their responsibilities, and provide consultation on outreach methods to the program areas. DES OEO is also responsible for investigating and resolving discriminatory issues for clients and employees of DES.

Monica Sheble is the DES OEO Administrator and WIOA State-level EO Officer. The State-level EO Officer reports directly to the Department's Office of General Counsel on equal opportunity matters. General Counsel Nicole Davis reports directly to DES Director Angie Rodgers, who reports directly to Governor Hobbs. The OEO Administrator oversees nine positions.

DES provides funding to support the OEO and its activities, which includes:

- Salaries and benefits for ten full-time positions which includes office equipment and expenses, supplies, space, and training. Office space with six private offices, two mediation rooms, and a small meeting room.
- Travel budget that supports National Association of State Workforce Agencies (NASWA) Equal Opportunity Committee representation, attendance at annual EO training sponsored by NASWA or the USDOL CRC, other EO training, complaint investigations, and on-site monitoring reviews.
- Advanced training, which ensures that OEO's staff maintain a high level of expertise in equal opportunity subjects.

The State-level WIOA EO Officer's designated duties corresponding to the implementation of 29 CFR Part 38.31 include:

- Monitoring the LWDA's and ARIZONA@WORK facilities to ensure the WIOA Title I financially assisted programs, services, and/or activities are operating in a nondiscriminatory manner. The State-level WIOA EO Officer prepares monitoring reports including any needed corrective actions and monitors the corrective actions for completion and compliance.
- 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 LWDA's and ARIZONA@WORK facilities.
- Conducting, leading, or assisting monitoring investigations (i.e., determines nature, scope, and direction of the investigation).
- Writing correspondence and reports regarding findings of investigations.
- Providing appropriate resource and referral information for complainants and for members of the public relative to discrimination and employment law.
- Reviewing and analyzing complaints for WIOA jurisdiction and basis of discrimination.
- Reviewing data and information to discern specific trends or patterns which could reflect possible accessibility issues or need for targeted outreach.
- Initiating and coordinating meetings to provide information to or resolve issues with contractors, programs, or other groups both within and outside the Department and/or the public.

- Providing technical assistance and training, as required, to local area EO officers and Department staff relating to the implementation of services, activities and training in a nondiscriminatory manner.
- Interpreting federal and state laws, regulations, policies, and procedures related to program services, as well as LWDA, One-Stop Partners (OSP), UIA policies and procedures to ensure compliance with equal opportunity and civil rights.
- Assisting in the client advocacy process as it relates to issues with contractors and One-Stop programs for designated LWDAs.
- Overseeing and assisting the development and implementation of the recipient's Nondiscrimination Plan under 29 CFR 38.54.
- Preparing and presenting Equal Opportunity information and/or concerns to executive management, regional directors, managers, and supervisors.
- Performing equal opportunity related work as required.

OEO Staff Training

The State-level WIOA EO Officer and EO Staff are afforded the opportunity to receive all EO related trainings at the State's expense to maintain these competencies to oversee and assist in the development and implementation of Arizona's NDP under 29 CFR 38.54. OEO staff undergo mandatory training and are required to attend ongoing training on equal opportunity topics each quarter. These trainings ensure that OEO staff develop and maintain competencies in nondiscrimination, equal opportunity, ADA, and LEP. Each OEO employee is required to engage in training to build knowledge in areas including Preventing Inappropriate Behavior and Workplace Harassment, Diversity, Limited English Proficiency, and ADA 504 Compliance.

OEO employees responsible for investigating allegations of discrimination are also required to attend the following training each quarter:

- Two courses addressing general nondiscrimination issues.
- Two courses addressing LEP or WIOA.
- Two courses addressing investigation skills.
- Two courses addressing the Americans with Disabilities Act Title I/II.

Additionally, in 2023-2024, OEO staff attended the following training to ensure continuous knowledge building in the areas of equal opportunity and nondiscrimination:

- Monica Sheble, State-level EO Officer, participates in NASWA's conferences and quarterly EO Committee meetings.
- Ben Ostroff, EO Compliance Program Manager, attended an ADA Coordinator Training Certification Program Conference.
- Other OEO staff completed regular virtual workshops offered by the U.S. Equal Employment Opportunity Commission (EEOC) and the ADA Network. A few examples of these efforts are listed below:
 - Navigating Workplace Interactions: Preventing Harassment & Cultivating Civil Workplaces.
 - Creating Inclusive Workplaces for Individuals with Hidden Disabilities (EEOC).
 - Investigative Interviewing Techniques.

DES Staff Training

DES recognizes that training is essential to ensure that its staff are providing its services to a diverse community with empathy, respect, cultural sensitivity, and in compliance with federal and state laws pertaining to equal opportunity and nondiscrimination. OEO has developed mandatory training for DES employees to ensure that no one is turned away due to accessibility or discriminatory issues.

Examples of this training include:

- Mandatory training for supervisors and employees which enhances knowledge of the federal laws governing equal opportunity and nondiscrimination.
- New Employee Orientation Training which provides a basic overview of equal opportunity regulations to expose new employees to equal opportunity requirements and enhance compliance.
- Lunch & Learn webinars are offered periodically through the year as refreshers for employees in the areas of civil rights, investigations, ADA, and LEP.
- Employee Groups to create an inclusive and engaging workplace by uniting employees with shared interests and provide a platform for networking and cultural development while promoting diversity and inclusion.

DES employees are aware of their obligations to ensure accessibility and provide meaningful access to information and services to individuals with disabilities and individuals with LEP. DES ensures that staff are aware of their requirements under federal law by implementing the following measures:

- New Employee Orientation Sessions which incorporate WIOA EO requirements, language assistance requirements, and ADA Title II training.
- Mandatory Computer Based Training (CBT) which instructs staff on the importance of providing language assistance and required actions to take when interacting with individuals with LEP and individuals with disabilities.
- Virtual Lunch & Learn sessions to encourage information sharing and ensure staff are knowledgeable on EO, ADA, and LEP requirements.
- Gemba Walks to ensure staff are capable of aiding individuals with physical, mental, mobility, visual, and hearing challenges.
- Division-specific training to ensure staff understand how to utilize procedures tailored to division-specific processes.

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Local Workforce Development Area Equal Opportunity Officers

The State of Arizona has 12 designated LWDA's. Each LWDA has identified an EO Officer and a Director. The LWDA's are responsible for developing strategies to continuously improve and strengthen the workforce development system in their local areas and design services to the nondiscrimination and equal opportunity provisions of WIOA and this plan.

DES provides oversight to the LWDA's through its WIOA Equal Opportunity Policy Manual, which contains policies and procedures for the implementation of WIOA Title I nondiscrimination and equal opportunity provisions. The selection of an EO Officer and respective duties and expectations are included in the Policy Manual, as well as the responsibilities of LWDA EO Officers when they have subrecipients.

Chapter 702.02 of the Policy Manual, *Local Workforce Development Board EO Officer*, provides that: "Each LWDB must designate an EO Officer who does not hold another position that would constitute a conflict of interest. The LWDB EO Officer is responsible for ensuring EO and nondiscrimination in the administration and in the operation of programs, activities, and services within the ARIZONA@WORK system in the LWDA."⁶ The EO Officer is responsible for coordinating a recipient's obligations under WIOA Section 188.

6 [WIOA Equal Opportunity & Nondiscrimination, Chapter 2 Section 700](#)

Training Provided to LWDA EO Officers

OEO provides ongoing training and technical support to the LWDA EO Officers. Annually, before the start of the on-site monitoring cycle, the State-level EO Officer, or designee(s), provide training for all Local EO Officers and designated staff. In 2023 and 2024, LWDA EO Officers shared feedback on training topics and OEO developed training to address these areas. Examples of recent training topics include:

- Limited English Proficiency
- Discrimination Complaint Process
- Annual Monitoring Trends
- Laws and Policies Pertaining to WIOA Title I

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Note: The Nineteen Tribal Nations (NTN) Workforce Development Area (NTNWDA), a consortium of 13 Arizona tribal entities, is a designated LWDA for Arizona. The NTNWDA Strategic Plan states, “As Sovereign Nations, Tribal Governments establish their own policy regarding equal opportunity commitments on each Indian reservation to ensure compliance with applicable Federal and Tribal laws and regulations.” Thus, it is the decision of the Nineteen Tribal Nations Workforce Development Board (NTNWDB) to designate its own NTN EO Officer to resolve disputes in a timely manner and at a local level.

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Service Provider Equal Opportunity Obligations

Service providers do not designate an Equal Opportunity Officer; however, service providers make assurances that they will abide by the nondiscrimination regulations and are asked to work directly with their local area Equal Opportunity officers. The State-level EO Officer and EO Compliance Program Manager are available for technical assistance.

Supporting Documentation

- 2.1 DES-Organizational-Chart.pdf; last updated January 23, 2025.
- 2.2 [WIOA Equal Opportunity & Nondiscrimination, Chapter 2 Section 700.](#)

Element 3 – Notice and Communication (29 CFR 38.34 – 38.39)

In Element Two, the State addresses how the State and its Workforce Innovation and Opportunity Act (WIOA) One-Stop system partners (OSPs) and their recipients comply with the requirements of 29 CFR 38.34 through 38.39. The State ensures the establishment of a notice and communication system that is accessible to all clients of DES, registrants for WIOA funded services, applicants for employment, employees, interested members of the public, participants, professional organizations, and subrecipients of WIOA funds. This system informs these individuals and the public of WIOA's One-Stop requirements to operate its programs and activities in a nondiscriminatory manner and the rights they maintain to file complaints of discrimination.

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

Annually, the “Equal Opportunity is The Law” notice (English and Spanish) is sent electronically to the LWDA Directors, EO Officers, and, if needed, the OSPs.⁷ The notice allows the LWDA and OSPs to edit the documents to include information about the identification and contact information of the EO Officer for each LWDA. The notice also explains how to file a complaint at the local level, the state-level or directly with the USDOL CRC. As changes occur, the notice is updated, and notification is sent electronically to all WIOA recipients and includes the name of any new WIOA State-level and/or LWDA EO Officer(s).

In addition, UI claimants who file online claims receive a publication titled “A Guide to Arizona UI Benefits,” which advises claimants that discrimination is prohibited and provides information on how to file a complaint at the local level, the state-level or directly with the USDOL CRC.⁸

The means by which the notice is made available to individuals with disabilities. (29 CFR 38.36)

In 29 CFR 38.36 the instructions for posting the “Equal Opportunity is the Law” notice/poster, the LWDA and OSPs are instructed to read the notice/poster to anyone who requests assistance or when staff have observed that the customer is visually impaired or might have difficulty reading the poster without assistance.

Auxiliary aids must be obtained for an individual who requests an auxiliary aid or where staff have observed that the customer is visually or hearing impaired or might have difficulty reading. Auxiliary aids or services include qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD/TTY), 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, Braille materials, large print materials, and other effective means of making visually delivered materials available to individuals with visual impairment(s).

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

The State has notified the ARIZONA@WORK system partners 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 that provide WIOA Title I-B funded services throughout the State. This includes facilities where ARIZONA@WORK partners, UI, and WIOA Title I funded activities are conducted, including ARIZONA@WORK Job Centers which the State-level EO Officer monitors.

The State’s WIOA partners must follow the directives in a publication titled “Equal Opportunity Monitoring Review Guide,” which provides instructions regarding equal opportunity issues including, but not limited to, verifying that the “Equal Opportunity is the Law” notices/posters are prominently displayed and easily accessible to the public. The State requires that at least two posters be available in an 11 x 14-inch size in all offices. One poster must be in English and the other in a predominant language within the local area.

⁷ Equal Opportunity is the Law Poster: <https://des.az.gov/sites/default/files/dl/OEO-1014A.pdf>.

⁸ [Forms & Pamphlets for Unemployment Insurance | Arizona Department of Economic Security](#).

The means by which a copy of the notice is placed in the participant's file (29 CFR 38.36), or where the files are maintained electronically, how the requirement of 38.36(a)(4) is and will continue to be met.

The State requires that a permanent paper file or electronic record be maintained for all participants. All LWDA's in the State are required, at the time of orientation, whether in a group setting or one-on-one, to include the notice detailing the equal opportunity laws and all other WIOA documentation in the participant's permanent paper or electronic file. The "Equal Opportunity Monitoring Review Guide" requires that orientations include a discussion of equal opportunity and nondiscrimination under WIOA Section 188 and 29 CFR Part 38. It also requires that a paper and/or electronic copy of the notice be placed in a participant's file. The State requires each participant to register in the Arizona Job Connection (AJC) system and, as part of that registration, to actively acknowledge the EO statement.⁹

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 38.38, recipients—including the State, LWDA, and subrecipients—must contain an equal opportunity policy statement in their publications indicating that the recipient is "An equal opportunity employer/program." Additionally, all publications must include the statement "Auxiliary aids and services available upon request to individuals with disabilities." The State requires that LWDA's and OSPs include these statements in any publication or broadcast. Each recipient must ensure subrecipients include these statements on all brochures, publications, websites, and broadcasts. The State ensures each recipient is compliant with this requirement during its compliance reviews by using the State's WIOA Equal Opportunity Monitoring Review Guide.¹⁰

Where a telephone number is included on recruitment brochures and other materials, the means by which 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 38.38(a))

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

The State requires that all recipients provide any materials that are intended for public notification to be reviewed by LWDA EO Officers prior to the release of the material, which ensures compliance with the requirements outlined in 29 CFR 38.38. The State also requires that LWDA's use the Telecommunications Relay Service (TRS), also referred to as the 7-1-1 system, or another TDD/TTY-compatible telecommunications system that makes communication equally available to individuals with disabilities.

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

The State-level EO Officer conducts on-site compliance reviews to ensure that communications, as well as facilities and programs are physically accessible to individuals with disabilities. The State ensures that publications and other materials available to the public provide a TDD/TTY number and include the statements "Equal opportunity employer/program" and "Auxiliary aids and services available upon request to individuals with disabilities." The State requires that all available auxiliary aids must be maintained by each LWDA, and all One-Stop Center staff must be trained on how to use the auxiliary aids to ensure that they are readily available to assist individuals with disabilities.

⁹ [Equal Opportunity Statement - AZ Job Connection.](#)

¹⁰ [WIO-1108A-Workforce Innovation and Opportunity Act \(WIOA\) EO Monitoring Review Guide.](#)

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)

The State requires all recipients of WIOA Title I financially assisted programs to 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-level EO Officer ensures the LWDA and OSP publications available to the public 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. During on-site compliance reviews, the State checks each of the LWDA sites for evidence that program-related news media publications (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 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 an LWDA or ARIZONA@WORK Job Center Partner determines that a significant proportion of the population that is eligible to be served needs information in a single language other than English in order to have equal access to programs and activities, the LWDA and/or partner must translate its written program materials into that predominant language and provide effective interpretation services to members of the significant LEP group. The State requires that LWDA/partners provide interpreters for LEP customers so that the customer is provided meaningful access to programs and services. The State encourages LWDAs and ARIZONA@WORK Job Center Partners to utilize language service providers to provide translation to ensure effective communication to individuals with LEP.

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 38.39).

All LWDAs and OSPs include a discussion of equal opportunity and nondiscrimination rights as part of orientations for registrants, applicants, eligible applicants/registrants, and employees. LWDAs are required, at the time of orientation, to include a written copy of the notice detailing the equal opportunity laws and all other WIOA documentation in the participant's permanent file. The State-level EO Officer ensures the participant's permanent paper files or electronic records for these documents are compliant during on-site monitoring. One-Stop applicants/registrants must register using the AJC system and are required to acknowledge the "Equal Opportunity is the Law" notice to complete registration and use the AJC system.

The process the State has used and will continue using to develop and communicate policy and conduct training regarding nondiscrimination and equal opportunity (29 CFR 38.29(f), and 38.31(f)).

The State uses its WIOA Title I-B Policy and Procedure Manual which is available on the DES website, and which includes Chapter 700 – Equal Opportunity and Nondiscrimination.¹¹

To ensure that training is accessible to more LWDA and OSP staff at lower costs, the DES WIOA Unit incorporates technology-based training solutions, statewide technical assistance conferences, a Question & Answer section, as well as the posting of the Workforce Administration Training calendar on the DES WIOA webpage.¹²

Supporting Documentation

- 3.1 [Equal Opportunity is the Law Poster \(English\).](#)
- 3.2 [Equal Opportunity is The Law Poster \(Spanish\).](#)
- 3.3 [Forms & Pamphlets for Unemployment Insurance | Arizona Department of Economic Security.](#)
- 3.4 [Equal Opportunity Statement - AZ Job Connection.](#)
- 3.5 [Title I-B Policy and Procedure Manual | Arizona Department of Economic Security.](#)
- 3.6 [WIO-1108A-Workforce Innovation and Opportunity Act \(WIOA\) EO Monitoring Review Guide.](#)

Element 4 – Data and Information Collection and Maintenance (29 CFR 38.41 – 38.45)

This element addresses how the State and its recipients are complying and will continue to comply with the data, information collection, and maintenance requirements for WIOA Title I programs.

The State utilizes the AJC system to gather data and collect information which complies with the requirements of the Participant Individual Record Layout (PIRL) as published by the U.S. Department of Labor (DOL).¹³ All recipients are responsible for collecting and maintaining client and potential client information. All recipients are monitored annually by the State-level EO Officer to ensure compliance with recordkeeping and other contractual obligations, to assess recipients' 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.

All recipients collect and maintain records on applicants, registrants, eligible applicants/registrants, participants, terminees,¹⁴ employees, and applicants for employment (29 CFR 38.43).

Recipients collect information such as name, address, birth date, last four digits of the social security number, last date worked (etc.) from an applicant, registrant, or participant during the eligibility process and updates as needed throughout the individual's participation in federal programs and activities. Recipients must maintain records on applicants for employment as well as enter and maintain the applicants' information in the AJC database system. ¹⁵ The State-level EO Officer, or designee, checks the AJC data via a desk review of the records for a recipient prior to an on-site visit as time allows and if not prior then shortly after to ensure proper EO requirements are met.

11 [Title I-B Policy and Procedure Manual | Arizona Department of Economic Security.](#)

12 <https://des.az.gov/services/employment-workforce-innovation-and-opportunity-act/wioa-resources>.

13 [AZ Job Connection.](#)

14 Terminees are individuals who have completed their participation in a WIOA program and are no longer actively receiving services.

15 [AZ Job Connection.](#)

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(b)(2)).

Recipients collect the demographic information (race, ethnicity, sex, age, and disability status) of each applicant, registrant, eligible applicant/registrant, participant, employee, and applicant for employment. LWDAs and OSPs maintain either paper or electronic files for each applicant, employee, and applicant for employment, and paper and electronic records are kept for each registrant and participant for WIOA, LWDA, OSP services. An individual is considered an applicant when he/she submits personal information (e.g., name, address, social security number, etc.).

Recipients treat records, particularly those containing medical information, in a manner that ensures their confidentiality (29 CFR 32.15, 29 CFR 32.41(b)(2), and 29 CFR 38.45).

The State maintains the confidentiality of information collected and maintained regarding the disabilities of all individuals, including applicants, participants, and candidates for employment, in compliance with 29 CFR 32.15, 29 CFR 32.41(b)(2), and 29 CFR 38.45.

Medical information obtained in the course of a post-employment offer medical examination or inquiry may be provided to appropriate decision-makers involved in the hiring process to make employment decisions consistent with Americans with Disability Act (ADA). The following individuals are allowed access to this confidential information: supervisors and managers, first aid and safety personnel, and employers (once a conditional offer of employment is made).

When an applicant/participant for any federally funded service provides medical or psychological information to substantiate an eligibility determination or for reasonable accommodations for program participation the information is kept in a confidential sealed envelope separate from the participant's record file and in a locked cabinet. If medical or psychological information is provided by an applicant/participant for any other reason, this information is not kept as part of the file.

Recipients maintain a log of complaints filed that allege discrimination on one or more of the bases prohibited by WIOA Section 188 (29 CFR 38.41(c)).

Complaints filed alleging discrimination on one or more of the bases prohibited by WIOA Section 188 (race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship, or participation in any federally funded program or activity) are kept in a log maintained by each EO Officer as required by the USDOL CRC. Complaints may be filed at any of the One-Stop Centers throughout the State and at any level of government whether local, State or Federal. The EO Officer records each complaint filed in a discrimination complaint log, and the log is forwarded quarterly to the State-level EO Officer for review. The complaint log contains the name and address of the complainant, the basis of the complaint, a description of the complaint, the date the complaint was filed, disposition, date of disposition and any other pertinent information. The EO Officers inform the State-level EO Officer about the complaints, investigations and submit complaint updates on an as-needed basis. The WIOA State-level EO officer, or designee, maintains complaint logs for all LWDAs to be submitted to the USDOL CRC upon request.

Recipients maintain such records for a period of three years (29 CFR 38.43).

The Federal regulations require that complaint forms, investigation notes, disposition letters, and other pertinent information on each complaint filed, as well as complaint logs, must be maintained by recipients or subrecipients 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 would be three years from the date of the final action.

The LWDAs monitor subrecipients' equal opportunity compliance by identifying areas and individuals or groups of individuals that appear to be discriminated against in order to take corrective action and assure compliance with WIOA Section 188 and 29 CFR Part 38. Records are maintained for a period of three years from the close of the applicable program year. The "applicable program year" is determined using the date of final action on a complaint.

Grant applicants and recipients notify the USDOL CRC Director of administrative enforcement actions and lawsuits brought against them that allege discrimination on one or more of the bases prohibited by WIOA Section 188 (29 CFR 38.42).

The USDOL CRC requires the State, grant applicants, and grant recipients to promptly notify the USDOL CRC Director when any administrative enforcement actions or lawsuits are filed against it alleging discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation, or belief. 29 CFR 38.42 requires recipients to promptly notify the USDOL CRC Director and the State concurrently by hard copy or electronically.

The State uses the AJC system to collect the equal opportunity information required by 29 CFR 38.41(b)(2). This information can be provided to the Governor and the USDOL CRC upon request.

Supporting Documentation

4.1 [AZ Job Connection](#).

Element 5 – Affirmative Outreach (29 CFR 38.40)

The State and its recipients must take appropriate steps to ensure that they are providing equal access to WIOA Title I financially assisted programs and activities. The State ensures that recipients are complying with the obligation to conduct affirmative outreach in order to broaden the population of individuals considered for participation and employment. The State will ensure that recruitment of potential participants is conducted in a non-discriminatory manner and that the participant pool fairly represents local demographics and includes individuals with disabilities or limited English proficiency. This element describes the programs, offices, community partners, and how they address target populations and broaden their composition of individuals represented.

The State has established an Office of Community Engagement which connects with external stakeholders and constituents throughout the State with the goal of building relationships and improving access to DES programs and services.

The Department of Economic Security, Division of Employment and Rehabilitation Services (DERS), Rehabilitation Services Administration (RSA) provides services to individuals with disabilities that break down barriers to employment and independent living. As a required core partner in the One-Stop system, RSA's Vocational Rehabilitation program staff work with the One-Stop operators and other WIOA Partner programs to increase employment opportunities for individuals with disabilities. ¹⁶

¹⁶ [Rehabilitation Services Information | Arizona Department of Economic Security](#).

DES's Ticket to Work program is authorized by the Ticket to Work and Work Incentives Improvement Act (TWWIIA), which was signed into law December 1999. ¹⁷ This program expands the universe of service providers available to assist beneficiaries with disabilities who are seeking employment services, vocational rehabilitation services, and other support services in obtaining, regaining and maintaining self-supporting employment. Under the Ticket to Work Program, the Social Security Administration provides disability beneficiaries with a "ticket" they may use to obtain the services and jobs they need from a new universe of organizations called Employment Networks (ENs). Beneficiaries receiving tickets can contact one or more ENs to discuss services and, once an agreement between the beneficiary and EN is reached, the beneficiary and EN staff collaboratively develop a work plan to assist the beneficiary in reaching his or her employment goal.

For ARIZONA@WORK, LWDA's and ARIZONA@WORK Job Center Partners, technology is a key component in ensuring affirmative outreach by employing several strategies, including the following:

- Referral services.
- Provision of equal opportunities for workforce training services for both rural and urban areas, as well as for persons with disabilities or barriers to communication.
- Access to services for persons of all levels of computer literacy.
- Assistance in using the self-service component of the AJC system.

All recipients and subrecipients work to enhance the employability and increase the earning potential of individuals with multiple barriers to employment. Individuals are offered a continuum of education, job training, career counseling and job development to enhance attainment and retention of employment.

To enhance the employability of individuals with disabilities, LWDBs, One-Stop Centers, and provider strategies 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.
- Specific staff, service goals and expectations.
- Technical assistance to employers including information regarding ADA requirements and available tax credits.
- Outcome measures of goals and expectations.

The State requires that recipients and service providers take meaningful steps toward the inclusion of members of both sexes, various racial and ethnic groups, various age groups, individuals with disabilities, individuals with limited English proficiency, and veterans. Therefore, the State monitors and evaluates the success of recipient efforts to broaden the composition of those considered for participation and employment in their programs and activities.

¹⁷ [Ticket to Work Program Information | Arizona Department of Economic Security.](#)

The State has developed policies to address the segments of the population who need equitable services and outreach efforts in languages other than English. The Limited English Proficiency Policy and Procedures¹⁸ and the State's Language Access Plan¹⁹ are both available on the DES website. All recipients are required to provide translation services when the local population needs services or information in an alternate language. One-Stop Centers have taken the following actions to ensure affirmative outreach:

- Post signs to inform customers of telephone numbers to call or to see the manager if an accommodation is needed to receive services.
- Identify individuals and organizations to assist, as needed, with the provision of services or information in a language other than English and provide written procedures to staff to assist individuals with limited English proficiency.
- Identify employees who have skills in languages other than English to assist customers by providing instruction, conveying information, or assisting with completing forms for individuals with limited English proficiency.
- Retain a list of local community organizations that serve or represent the various ethnic, gender, and age group segments and individuals with disabilities.
- Maintain ongoing contacts with community-based organizations and advocacy groups to ensure the One-Stop Center meets the specific needs of each constituency.
- Coordinate with other federal, state and local agencies serving diverse segments of the population.
- Publicize services through community employment events such as job fairs, seminars, and public recruitment for employers.
- Serve on the advisory boards of, and offer technical assistance to, advocacy groups and community-based organizations.
- Conduct on-site visits with employers and community agencies, participation in job fairs, special recruitment efforts, employer seminars, and public relations campaigns encourage employer use of the AJC system.
- Provide office space, where available, to local groups and organizations for recruitment, promotional efforts, and other related activities.

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

- Establishment of a Department ADA/LEP Coordinator position to ensure that the State complies with federal and state regulations pertaining to ADA and LEP.
- Recruitment of applicants with bilingual skills and experience (for which a stipend is provided).
- 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.
- Publication of a Limited English Proficiency Brochure to inform individuals with LEP of their right to meaningful access and the process for filing a complaint.

18 [Limited English Proficiency Policy and Procedures.](#)

19 [AZ DES Language Access Plan.](#)

- Usage of volunteer interpreters, telephone interpreters and contract interpreters as needed to provide language assistance to customers on a case-by-case basis.
- Offer a TTY line (7-1-1) to allow individuals who are deaf or hard of hearing access to all services.
- Use of sign language service providers to allow individuals with hearing impairments to ensure meaningful access to services.
- Use of the Google Translate application to allow individuals with LEP access to all services available on the DES website.
- Implementation of a client survey to receive feedback from individuals with LEP about any language assistance services received. The survey is available in both English and Spanish.²⁰

Supporting Documentation

- 5.1 [Rehabilitation Services Information | Arizona Department of Economic Security.](#)
- 5.2 [Ticket to Work Program Information | Arizona Department of Economic Security.](#)
- 5.3 [Limited English Proficiency Policy and Procedures.](#)
- 5.4 [AZ DES Language Access Plan.](#)
- 5.5 [Limited English Proficiency Information | Arizona Department of Economic Security.](#)

Element 6 – Oversight Responsibilities and Monitoring (29 CFR 38.51 – 38.53)

This element addresses how the State-level EO Officer monitors recipients. The State has established procedures to monitor all aspects of recipients' compliance with WIOA Section 188 and 29 CFR Part 38. Every monitoring review by an EO Officer includes a review for compliance with the responsibilities that have been assigned through the State's NDP. A review of each recipient's programs and activities to determine whether discrimination is occurring is also included in the monitoring.

The State 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-level EO Officer (or designee) and includes a desk and field review to determine a recipient's compliance with the provisions of WIOA Section 188. During these reviews, the State-level EO Officer verifies that each recipient fulfills its obligations under the State's NDP in all contracts, agreements, notices, brochures, communications, programs, and activities. State-level EO Officers also inspect facilities to ensure architectural accessibility as required by the ADA.

State-level EO Officers ensure that recipients' programs and activities are operating in a nondiscriminatory manner by performing the following tasks:

- Analyzing the data and records collected by the recipient pursuant to 29 CFR 38.41 through 38.45 to determine whether any differences based upon race, ethnicity, sex, age and disability have practical or statistical significance.
- Conducting interviews with at least one employee and one participant per LWDA site to ensure EO compliance. Employees are asked questions about the policies and procedures of the LWDA site as they relate to EO compliance. Participants are asked questions about how they were treated in their services to ensure there were no discriminatory actions taking place.

²⁰ [Limited English Proficiency Information | Arizona Department of Economic Security.](#)

- Conducting follow-up investigations, when issues have been found, to ensure that concerns have been addressed.

The AJC system retains data on all participants to allow a statistical analysis to determine demographic information for the purpose of verifying a recipient’s compliance with Section 188 of WIOA. This information can be provided to the Governor and the USDOL CRC upon request.

Demographic information for LWDA employees is retained by each individual LWDA and provided to the State-level EO Officer during each monitoring period upon request.

To ensure that WIOA Title I financially assisted programs and/or activities are operating in a nondiscriminatory manner, the State’s monitoring regimen includes a desk analysis of the data and records collected by the recipient. This analysis, conducted by the EO Officer or designee, determines if any differences exist that are based upon race, ethnicity, sex, age, or disability and whether such differences have a practical or statistical significance. Recipients record the preferred language and, if applicable, limited English proficiency of each applicant, registrant, participant, and temporary participants. This information is stored for confidentiality and is used only for purposes of recordkeeping and reporting or determining eligibility where appropriate.

Compliance with 29 CFR Part 38 is achieved by, among other things:

- *Assurances. (29 CFR 38.25 through 38.27)*
Assurances are required to be provided by each recipient in their Local Business Plan and are listed in Element One: Assurances.
- *Equal Opportunity Officers. (29 CFR 38.28 through 29 CFR 38.32)*
State-level and LWDB EO Officers are listed in Element Two: Equal Opportunity Officers.
- *Notice and communication. (29 CFR 38.34 through 29 CFR 38.39)*
The use of “Equal Opportunity Is the Law” notices is described in Element Three: Notice and Communication.
- *Data and information collection and maintenance. (29 CFR 38.41)*
Data and information collection is addressed in Element Four: Data and Information Collection and Maintenance. Data and information are maintained in a database system. When needed, the information can be shared with the Governor and the USDOL CRC to conduct statistical analysis as described in Data Collection and Maintenance upon request.
- *Affirmative outreach. (29 CFR 38.40)*
Affirmative outreach is addressed in Element Five: Affirmative Outreach and describes the means by which the State ensures that recipients provide equal access to their programs and activities.
- *Oversight responsibilities. (29 CFR 38.51 through 38.53)*
As referenced in this Element, the State utilizes the “Equal Opportunity Monitoring Review Guide” when facilitating on-site monitoring reviews for recipients’ programs and activities. The State conducts equal opportunity monitoring and evaluation, which includes an on-site review of recipients of WIOA Title I financial assistance. The State utilizes a Monitoring Tool to ensure the nondiscrimination components of Section 188 are in place. To ensure programmatic and architectural access, the State uses the ADA Checklist based on the 2010 ADA standards to ensure that the State’s and recipients’ facilities are accessible to individuals with disabilities.

- Complaint processing procedures. (29 CFR 38.72)

The complaint process is addressed in Element Seven: Complaint Processing Procedures. The State provides for an additional level of appeal to the State-level EO Officer through the Alternate Dispute Resolution (ADR) process. All subrecipients must comply with these procedures which meet the requirements of 29 CFR 38.70 through 29 CFR 38.80.

The State, through a monitoring process, determines if the LWDA Local EO Officer has reviewed applicants for and recipients of WIOA Title I financial assistance from or through the LWDA's, including subrecipient agencies. Monitoring includes review of:

1. Receipt of the right to file grievance information for applicants and recipients.
2. Records of local discrimination complaint reports and resolution.
3. Applicable equal opportunity notices and signage for individuals with disabilities and other special needs populations.
4. Appropriate signage and equal opportunity information presented in languages other than English and Spanish as required depending on the language needs of the area.
5. A random sampling of employee and participant electronic case files, to ensure they include all required notices, signatures, and other appropriate documentation.
6. The Local Plan for nondiscrimination and equal opportunity provisions of the WIOA Section 188.
7. Contractual assurances of compliance with the nondiscrimination and equal opportunity provisions of the WIOA.
8. Programmatic and physical accessibility for individuals with disabilities to appropriately receive WIOA services.
9. Staff and participant interviews.
10. Recipients' policies and procedures to ensure they are not discriminatory.
11. Procedures for obtaining prompt corrective action when applying sanctions following discovered noncompliance.
12. Follow-up actions taken where violations were found, including any sanctions.

The State provides an annual monitoring report identifying all discrepancies found and the actions required to address each specific discrepancy. Each LWDA Local EO Officer bears the responsibility for monitoring these same elements, not only in their internal service delivery system but also for all subrecipients who provide WIOA Title I funded services or activities in their local areas.

Imposing sanctions and corrective actions for violations noted by a recipient during its monitoring reviews.

After a review, the State-level EO Officer, or designee, issues an EO Monitoring Review Guide Report to any noncompliant recipient with each discrepancy identified. The EO Officer for that recipient has twenty (20) business days to provide a written response and the resolution to the discrepancies along with verifiable documentation. Then the State has twenty (20) business days to review the response for compliance and determine if the documentation provided is acceptable. If accepted, the State will issue a letter notifying the recipient that the review will be closed. If the State reviews the verifiable documentation or pertinent information and determines the documentation does not resolve the discrepancies, the State will send a letter to the recipient that the documentation is unacceptable, and the recipient must provide a new resolution. The recipient, upon receipt of the letter, has a total of ten (10) business days to correct the discrepancy and may request any technical assistance necessary to address the discrepancies. If the recipient fails to resolve the discrepancies, then the State will notify the recipient by letter of noncompliance and that the State will start the sanctioning process.

Sanctions are considered only when the recipient fails to respond to technical assistance and does not agree to take voluntary corrective action. The ultimate sanction available is issuance of a Notice of Intent to revoke approval of all or part of the recipient's WIOA Title I financial assistance.

Ensuring policy development, communication, and training are implemented.

State WIOA policies and procedures are made available on the DES website through the WIOA Policy and Procedure Manual.²¹ Additionally, Policy Broadcasts or Informational Broadcasts are sent via email to all LWDAs and workforce staff to communicate changes to policy or provide immediate information that may affect Title I programs or activities.

The WIOA Policy and Procedure Manual and policy broadcasts direct recipients of Title I funds to develop local equal opportunity and nondiscrimination policies and procedures that include requirements to ensure subrecipient agencies meet their legal obligations. Recipients' policies are in each Local Plan and are updated as needed.

The State ensures the federal programs and activities are operating in a nondiscriminatory manner and provide equal opportunity by:

- Conducting a statistical or other quantifiable analysis of records and data kept by the recipients by race/ethnicity, sex, age, limited English proficiency, and disability status.
- Investigating any significant differences identified in participation in the programs, activities, or employment provided by the recipient that may be caused by discrimination.
- 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, as well as through interviews and other appropriate techniques.
- Ensuring that EO Officers are notified and aware of webinar trainings available to them from the USDOL CRC as they are announced.
- Conducting quarterly meetings to discuss any issues and to ensure that updates to policies, procedures, and best practices are made available to all recipients.

The statewide internet-based workforce data reporting system called the Arizona Job Connection (AJC) allows staff to conduct a thorough analysis to determine if any discriminatory issues can be identified. The workforce data reporting system can produce reports which identify issues regarding equal opportunity and nondiscrimination.

²¹ [Title I-B Policy and Procedure Manual | Arizona Department of Economic Security](#)

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 State-level EO Officer, or designee, conducts a desk audit review prior to on-site reviews—or during/after depending on time allotment—to analyze program materials and the Local Plan to ensure no discrimination is occurring in local program policies, procedures, or subcontracts.²²

All local plans are required to include the following specific assurances:

1. The LWDA will provide a system that includes compliance with Title IV of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act or 1973, Age Discrimination Act of 1975, Title IX of the Education Act of 1972, Section 188 of WIOA, and the current State of Arizona NDP.
2. The LWDA will describe how each access site identified in the NDP will ensure compliance with equal opportunity and accessibility regulations.
3. The LWDA will provide contact information and identification of the Local and State-level EO Officers available in all facilities used to conduct WIOA Title I funded training, programs, and activities.

Recipients are required to publish their Equal Opportunity and Nondiscrimination Complaint policy statement and procedure on their website.

The State-level EO Officer, or designee, conducts staff interviews as a part of the monitoring process for each recipient. During staff interviews, staff are asked about their knowledge of the local complaint process, location of policies, and knowledge of the procedures to respond to a client complaint. During participant interviews, the participant is asked if the office location was easy to access and find, if they have been informed of their EO rights, and if those rights were thoroughly explained. These are just a few of the areas covered during the monitoring review conducted annually by the State-level EO Officer or designee.

The 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-level EO Officer, or designee, conducts an exit interview with pertinent recipient staff and the local Program Director, or designee. This conference is a brief discussion of issues or discrepancies identified during the monitoring review.

An EO Monitoring Review Guide Report of the review is written by the State-level EO Officer or designee. The report identifies areas in which the LWDA is not in compliance (discrepancies) and other areas of concern (observations). The EO Monitoring Report includes recommendations for actions needed to correct deficiencies.

The EO Officer maintains communication with the State-level EO Officer, or designee, until all equal opportunity related discrepancies have been resolved.

²² [Workforce Innovation and Opportunity Act \(WIOA\) EO Monitoring Review Guide.](#)

The involvement of the State-level and Local-level EO Officer(s) in conducting reviews. Where EO monitoring is carried out by individuals other than the State or local level EO Officer, the narrative should provide the names, titles, and organizations of those persons.

The State-level, LWDA, and OSP EO Officers are the primary reviewers; the name of the State-level EO Officer and a list of LWDA EO Officers are contained in Element One of this NDP. The State-level EO Officer, or designee, 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 nondiscrimination are discussed with the State-level EO Officer to ensure compliance with applicable regulations. The State-level EO Officer, or designee, conducts the review to ensure that past identified issues were appropriately addressed and resolved.

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.

In the State, each recipient is reviewed annually, or more frequently if needed, through desk and on-site reviews or requested reports (Equity of Service, Staff Data Analysis) to track compliance issues. A review schedule is developed at the midway point of each program year identifying when each LWDA and OSP 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. LWDA Directors are sent a letter by the State-level EO Officer, or designee, notifying them of the review prior to the on-site review date. In addition to these scheduled monitoring reviews, the State reserves the right to conduct monitoring throughout the program year as issues arise or are identified that warrant additional monitoring, oversight or follow-up.

Supporting Documentation

6.1 [Title I-B Policy and Procedure Manual | Arizona Department of Economic Security.](#)

6.2 [Workforce Innovation and Opportunity Act \(WIOA\) EO Monitoring Review Guide.](#)

Element 7 – Complaint Processing Procedures (29 CFR 38.72 – 38.73)

The nondiscrimination plan requires the State to describe how it ensures that complaint procedures have been developed and published. The State and its recipients comply with the requirements of 29 CFR 38.69 through 29 CFR 38.74 regarding complaint processing procedures. The State has published procedures for processing complaints alleging discrimination by any program or activities funded under the WIOA Title I.

The State ensures that every individual served by a WIOA Title I recipient, service provider, program or activity is made aware of the right to file a complaint and the process to do so. These procedures allow complainants to file with the LWDA, the State-level EO Officer, or directly with the USDOL CRC Director. The State ensures that all WIOA Title I recipients have complaint processing procedures that are applicable to discrimination-related complaints.

Recipients That Must Comply with Complaint Procedures

A recipient is any entity that qualifies and receives financial assistance to provide WIOA programs or services. The State has issued WIOA Complaint Procedures and a State Alternative Dispute Resolution process which sets forth the complaint procedures for all LWDA, OSPs, and subrecipients. Complaints may be filed at the federal, state, or local level. The EO Officers document each complaint filed on an EO Discrimination Complaint Log, which is forwarded to the State-level EO Officer for review on a quarterly basis.

The Discrimination Complaint Log contains 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. Upon request from the USDOL CRC, the State-level EO Officer will provide the Discrimination Complaint Log.

Complaint Policy and Procedure

To address the requirements outlined in 29 CFR 38.72, the State developed a formal approach to the investigation of complaints of discrimination. The procedures include the following:

- Initial written notice.
- Acknowledgment of the written complaint.
- Notice to the complainant of his or her right to be represented in the complaint process.

Within five (5) business days from receipt of the written complaint, a letter of receipt and acceptance is issued which contains a list of issues raised in the complaint, and for each issue in the list, the letter identifies whether the State will accept or reject the issue for investigation, with an explanation for each rejection.

When a complaint is rejected for jurisdictional reasons, a written No Jurisdiction Dismissal Letter is sent to the Complainant within five (5) business days which includes:

- The reason(s) for the determination.
- Notice that the complainant has a right to file a complaint with the USDOL CRC within thirty (30) calendar days of receiving the written notice of lack of jurisdiction.

During the fact-finding process, investigators gather information related to the alleged discriminatory actions including:

- Interview with the complainant to record all elements of the complaint.
- Interviews with any witnesses or others who have knowledge of the issue involved.
- Interviews with the respondent.
- Review of records which pertain to the complainant and the alleged discrimination.

Additionally, the investigator attempts to resolve the complaint. No later than fourteen (14) calendar days after the receipt of the complaint, the Complainant is notified in writing of their right to participate in ADR. ADR consists of techniques that provide an opportunity to discuss and consider possible solutions with the assistance of a neutral third party.

Within ninety (90) calendar days of the date the complaint was filed, the Complainant receives a written Notice of Final Action which must include:

- The specific findings of the investigation and an explanation of the reasons underlying the decision.
- A description of the way the parties resolved the issue.
- Notice that the complainant has the right to file a complaint with the USDOL CRC Director within thirty (30) calendar days of the issuance date of the Notice of Final Action if the complainant is dissatisfied.

Due Process

The DES Office of Equal Opportunity - Client Complaints Policy and Procedures describes how staff handle discrimination complaints.^{23,24} A Client Discrimination Complaint form is supplied by the State and is housed on the DES internal and external website.²⁵ All parties receive due process including the issuance of a Notice of Complaint to Respondent. The State has a strict policy against retaliation and clients are informed that they cannot be retaliated against if they file a discrimination complaint.

Record Keeping

The State-level EO Officer and LWDA EO Officer maintains records regarding complaints and actions taken for three years from the date of resolution of the complaint. All complaints are annotated on a Complaint Log. The complaint log details information such as:

- The name of the client.
- The date the complaint was received.
- Date of alleged discrimination.
- The basis/ issue(s) of the complaint.
- The Respondent.
- Status of the complaint.
- Disposition of the complaint.
- Date of the determination.

Supporting Documentation

- 7.1 [Client Complaint Process.](#)
- 7.2 [Client Complaint Process Procedures.](#)
- 7.3 [Discrimination Complaint- Clients, Applicants and Contractors.](#)

23 [Client Complaint Process.](#)

24 [Client Complaint Process Procedures.](#)

25 [Discrimination Complaint-Clients, Applicants and Contractors.](#)



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