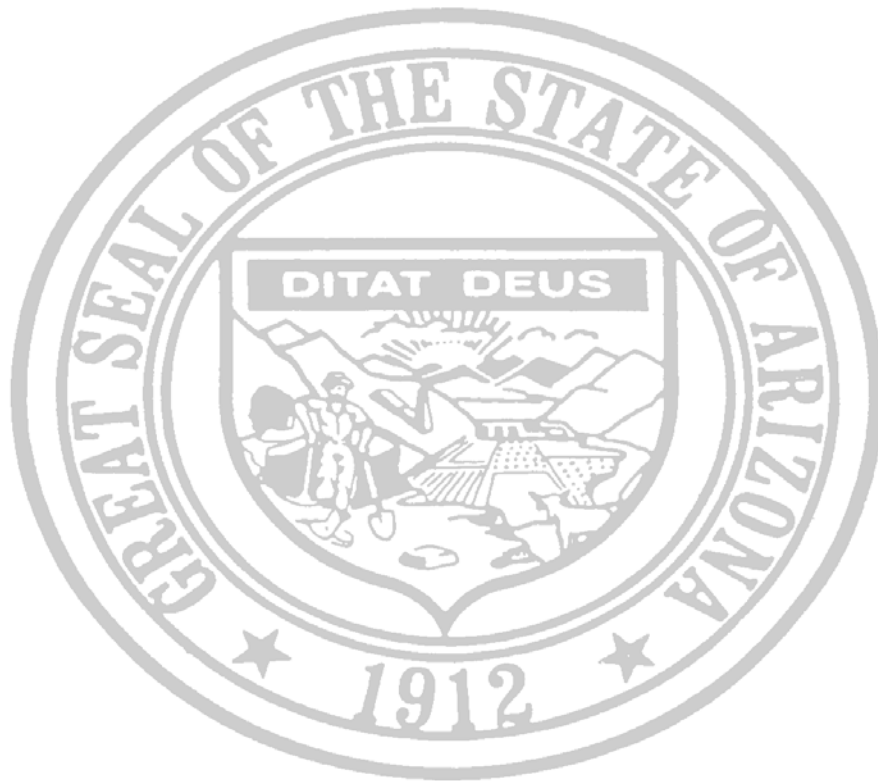


# *State of Arizona*



## **Methods of Administration**

**2015 - 2016**

**Element One**  
**Designation of State and Local Level Equal Opportunity Officers**  
(29 CFR 37.54(d)(1)(ii))

**PURPOSE:**

The purpose of this Methods of Administration (MOA) is to provide a reasonable guarantee of the State of Arizona's (State) compliance with the Americans with Disability Act, Section 504 of the Rehabilitation Act of 1973 (as amended), Section 188 of the Workforce Investment Act (WIA) of 1998, and 29 CFR Part 37. The MOA applies to: (1) any recipient; (2) programs and activities that are part of the WIA One-Stop delivery system and that are operated by One-Stop partners listed in this element, to the extent that the programs and activities are being conducted as part of the One-Stop delivery system; and (3) the employment practices of a recipient and/or One-Stop partners, as provided in 29 CFR 37.2 (b). The MOA must be renewed every two years, and the state must advise the United States Department of Labor's (DOL) Civil Rights Center (CRC) promptly of updates to the MOA, and of changes to the State WIA Equal Opportunity (EO) Officer to ensure compliance with 20 CFR 37.55(b). Additionally, the State WIA EO Officer should not be in a position that would constitute a conflict of interest. The State must assure that on equal opportunity matters, the State WIA EO Officer reports directly to the appropriate designated state agency official. (*Document Section – Attachment 1*)

**NARRATIVE:**

**Each individual designated as a State level Equal Opportunity (EO) Officer and each individual designated as a local level Equal Opportunity Officer, by name, position title, business address and telephone number. (29 CFR 37.23)**

**State WIA EO Officer**

Lynn A. Nedella  
State WIA EO Officer  
Employment Administration  
Arizona Department of Economic Security  
1789 West Jefferson, Site Code 920Z  
Phoenix, Arizona 85007  
Phone: (602) 542-3957  
Fax: (602) 542-2491  
TTY/TTD: 7-1-1  
Email: [WIAStateEOOfficer@azdes.gov](mailto:WIAStateEOOfficer@azdes.gov)

## UNEMPLOYMENT INSURANCE ADMINISTRATION (UIA)

### **Unemployment Insurance Administrator**

#### **Andrew Baldwin**

Administrator  
Unemployment Insurance Administration  
Arizona Department of Economic Security  
3000 East Valencia Road, Suite 190  
Site Code 204C  
Tucson, Arizona 85726  
Phone: (520) 770-3769  
Email: [abaldwin@azdes.gov](mailto:abaldwin@azdes.gov)

### **Equal Opportunity Officer**

#### **Lulu B. Guss**

Chief of Tax / EO Officer  
Unemployment Insurance Administration  
Arizona Department of Economic Security  
4000 North Central Avenue, Suite 500  
Site Code 911B  
Phoenix, Arizona 85012  
Phone: (602) 771-3724  
TDD/TTY: 7-1-1  
Email: [Lguss@azdes.gov](mailto:Lguss@azdes.gov)

### **Local Workforce Investment Area (LWIA) EO Officers:**

The State of Arizona has 12 designated LWIAs. Each LWIA has identified an EO Officer.

## CITY OF PHOENIX

### **LWIA Director**

#### **Cynthia Spell Tweh**

Deputy Director  
City of Phoenix  
Phoenix Workforce Connection  
200 West Washington Street, 19th Floor  
Phoenix, Arizona 85003-1611  
Phone: (602) 261-8622  
Fax: (602) 534-3915  
Email: [cynthia.spell.tweh@phoenix.gov](mailto:cynthia.spell.tweh@phoenix.gov)

### **Equal Opportunity Officer**

#### **Krista Cambern-Rippee**

Administrative Assistant II/EO Officer  
City of Phoenix  
Phoenix Workforce Connection  
200 West Washington Street, 19th Floor  
Phoenix, Arizona 85003-1611  
Phone: (602) 534-0548  
TDD/TYY: (602) 534-5500  
Email: [Krista.Rippee@Phoenix.gov](mailto:Krista.Rippee@Phoenix.gov)

## COCONINO COUNTY

### **LWIA Director**

#### **Carol Curtis**

Director  
Coconino County Career Center  
110 East Cherry Avenue  
Flagstaff, Arizona 86001  
Phone: (928) 679-7400  
Email: [ccurtis@coconino.az.gov](mailto:ccurtis@coconino.az.gov)

### **Equal Opportunity Officer**

#### **Janette Beaumont**

Deputy Director/EO Officer  
Coconino County Career Center  
2625 North King Street  
Flagstaff, Arizona 86004  
Phone: (928) 679-7400  
TDD/TTY: (928) 679-7131  
Email: [jbeaumont@coconino.az.gov](mailto:jbeaumont@coconino.az.gov)

## GILA/PINAL COUNTIES

### LWIA Director

#### **Malissa Buzan**

Director

Gila-Pinal Local Workforce Investment Board  
5515 South Apache Avenue, Suite 200  
Globe, Arizona 85501

Phone: (928) 402-8650

Fax: (928) 425-9468

Email: [mbuzan@gilacountyaz.gov](mailto:mbuzan@gilacountyaz.gov)

### Equal Opportunity Officer

#### **Christina Throop**

WIB Program Manager/EO Officer

Gila-Pinal Local Workforce Investment Board  
5515 South Apache Avenue, Suite 200  
Globe, Arizona 85501

Phone: (928) 425-7631 ext. 8657

TDD/TTY: (928) 425-3250

Email: [Cthroop@co.gila.az.us](mailto:Cthroop@co.gila.az.us)

## LA PAZ COUNTY

### LWIA Director

#### **Lillian Miller**

Director

La Paz County Career Center  
1113 Kofa Avenue  
Parker, Arizona 85501

Phone: (928) 669-6326

Fax: (928) 669-6326

Email: [lmiller@co.la-paz.az.us](mailto:lmiller@co.la-paz.az.us)

### Equal Opportunity Officer

#### **Danye Grissum**

Adult Education Program Manager/ EO Officer

La Paz County Career Center  
1113 Kofa Avenue  
Parker, Arizona 85501

Phone: (928) 669-9812

Fax: (928) 669-6326

TDD/TTY: (928) 669-8400

Email: [Dgrissum@co.la-paz.az.us](mailto:Dgrissum@co.la-paz.az.us)

## MARICOPA COUNTY

### LWIA Director

#### **Patricia Wallace**

Assistant Director

Maricopa Workforce Connections  
234 North Central Avenue, Suite 3201  
Phoenix, Arizona 85004

Phone: (602) 506-4146

Fax: (602) 506-2375

Email: [WP001@mail.maricopa.gov](mailto:WP001@mail.maricopa.gov)

### Equal Opportunity Officer

#### **Diana Shepherd**

EO Officer

Maricopa Workforce Connections  
735 N Gilbert Rd. Suite 134  
Gilbert, Arizona 85234

Phone: (602) 372-9739

TDD/TTY: (602) 506-4802

Email: [DShepherd@mail.maricopa.gov](mailto:DShepherd@mail.maricopa.gov)

## MOHAVE COUNTY

### LWIA Director

#### **Susie Parel-Duranceau**

Director  
Mohave County  
Community Services Development  
P.O. Box 7000  
Kingman, Arizona 86402  
Phone: (928) 753-0723 Ext 4780  
Fax: (928) 753-0776  
Email: [susie.parelduranceau@mohavecounty.us](mailto:susie.parelduranceau@mohavecounty.us)

### Equal Opportunity Officer

#### **Kenneth Cunningham**

EO Officer/HR Manager  
Mohave County  
Community Services Development  
700 West Beale Street  
Kingman, Arizona 86401  
Phone: (928) 753-0723 ext. 4780  
TDD/TTY: (928) 753-0726  
Email: [Ken.Cunningham@co.mohave.az.us](mailto:Ken.Cunningham@co.mohave.az.us)

## NAVAJO/APACHE COUNTIES

### LWIA Director

#### **Susan M. Tegmeyer**

Director  
Navajo & Apache County Workforce Partnership  
P.O. Box 668  
Holbrook, Arizona 86025  
Phone: (928) 524-4167  
Fax: (928) 524-4254  
Email: [susan.tegmeyer@navajocountyaz.gov](mailto:susan.tegmeyer@navajocountyaz.gov)

### Equal Opportunity Officer

#### **Carla Fails**

Executive Secretary/EO Officer  
Navajo & Apache County Workforce Partnership  
100 East Carter Road  
Holbrook, Arizona 86025  
Phone: (928) 524-4167  
TDD/TTY: (800) 367-8939  
Email: [Carla.Fails@navajocounty.az.gov](mailto:Carla.Fails@navajocounty.az.gov)

## NINETEEN TRIBAL NATIONS

### LWIB Chair

#### **Patrick Andrews**

Local WIB Chair  
P.C. Andrews Group LLC  
10710 East Pathside Drive  
Tucson, Arizona 85748  
Phone: (520) 383-8650  
Email: [patrick.andrews@pcandrewsgroup.com](mailto:patrick.andrews@pcandrewsgroup.com)

### Equal Opportunity Officer

#### **Ron Trusley**

Executive Director/Tribal EO Officer  
Nineteen Tribal Nations  
4206 South 62nd Lane  
Phoenix, Arizona 85043  
Phone: (602) 272-2398  
Fax: (602) 237-5920  
Email: [rtrusley@cox.net](mailto:rtrusley@cox.net)

**NOTE:** The Nineteen Tribal Nations Workforce Investment Area (NTNWIA) is a designated LWIA for Arizona. The NTNWIA is a consortium of 13 Arizona Tribal entities. The NTNWIA 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 Investment Board (NTNWIB) to designate their own NTN EO Officer to resolve any disputes in a timely manner and at a local level.

## PIMA COUNTY

### LWIA Director

**Arthur Eckstrom**

Director  
Pima County  
Community Services Employment & Training  
2797 East Ajo Way  
Tucson, Arizona 85713  
Phone: (520) 243-6777  
Fax: (520) 243-6799  
Email: [arthur.eckstrom@pima.gov](mailto:arthur.eckstrom@pima.gov)

### Equal Opportunity Officer

**Dana Katbah**

Program Manager/EO Officer  
Pima County  
Community Services Employment & Training  
340 North Commerce Park Loop  
Tucson, Arizona 85745  
Phone: (520) 798-0535  
TDD/TTY: (520) 243-6778  
Email: [Dana.katbah@pima.gov](mailto:Dana.katbah@pima.gov)

## SANTA CRUZ COUNTY

### LWIA Director

**Mauricio Chavez**

Director  
Santa Cruz County Workforce Development  
610 North Morley Avenue  
Nogales, Arizona 85621  
Phone: (520) 375-7670  
Fax: (520) 281-1166  
Email: [mchavez@santacruzcountyaz.gov](mailto:mchavez@santacruzcountyaz.gov)

### Equal Opportunity Officer

**Belinda St. John**

Staff Office Manager/EO Officer  
Santa Cruz County Workforce Development  
610 North Morley Avenue  
Nogales, Arizona 85621  
Phone: (520) 375-7688  
TDD/TTY: (520) 375-7680  
Email: [bstjohn@santacruzcountyaz.gov](mailto:bstjohn@santacruzcountyaz.gov)

## SOUTHEASTERN ARIZONA WORKFORCE CONNECTION

### LWIA Director

**Vada Phelps**

Executive Director  
Southeastern Arizona Workforce Connection  
900 Carmelita Drive  
Sierra Vista, Arizona 85635  
Phone: (520) 439-3542  
Fax: (520) 417-9910  
Email: [vphelps@cpic-cas.org](mailto:vphelps@cpic-cas.org)

### Equal Opportunity Officer

**Ana Polakowski**

Executive Administrative Asst./EO Officer  
Southeastern Arizona Workforce Connection  
900 Carmelita Drive  
Sierra Vista, Arizona 85635  
Phone: (520) 439-3541  
TDD/TTY: (520) 452-1667  
Email: [apolakowski@cpic-cas.org](mailto:apolakowski@cpic-cas.org)

## YAVAPAI COUNTY

### LWIA Director

#### **Teri Drew**

Regional Director  
Northern Arizona Council of Government  
221 North Marina, Suite 201  
Prescott, Arizona 86301  
Phone: (928) 778-1422  
Email: [tdrew@nacog.org](mailto:tdrew@nacog.org)

### Equal Opportunity Officer

#### **Cathy Steers**

HR Manager/EO Officer  
Northern Arizona Council of Government  
221 North Marina, Suite 201  
Prescott, Arizona 86301  
Phone: (928) 778-1422  
Email: [csteers@nacog.org](mailto:csteers@nacog.org)

## YUMA COUNTY

### LWIA Director

#### **John Morales**

Director  
Yuma Private Industry Council  
3834 West 16th Street  
Yuma, Arizona 85364  
Phone: (928) 329-0990  
Email: [jmorales@ypic.com](mailto:jmorales@ypic.com)

### Equal Opportunity Officer

#### **Nidia Herrera**

EO Officer  
Yuma Private Industry Council  
3834 West 16th Street  
Yuma, Arizona 85364  
Phone: (928) 329-0990  
TDD/TTY: (928) 329-6466  
Email: [nherrera@ypic.com](mailto:nherrera@ypic.com)

**The level within the organization (described in such terms as the individual's authority and position relative to the top of the hierarchy) occupied by the EO Officer(s). (29 CFR 37.24)**

In accordance with the U. S. Department of Labor (DOL) regulations at 29 CFR Part 37.23, the State of Arizona has designated Lynn A. Nedella, Administrative Services Officer I, as the State WIA EO Officer responsible for ensuring that all WIA Title IB, One-Stop Partner (OSP) and State Unemployment Insurance Administration (UIA) programs are operated in a nondiscriminatory manner. The State WIA EO Officer is designated by and has full accessibility to the Employment Administrator, Department of Economic Security (DES or Department), Employment Administration (EA), for matters related to equal opportunity and is responsible for ensuring the One-Stop Center programs that receive federal financial assistance are in compliance with the nondiscrimination and equal opportunity provisions of Section 188 of the WIA and 29 CFR Part 37.25. The State WIA EO Officer has knowledge of the WIA, principles and practices of compliance monitoring, federal and state laws, as well as rules and regulations. In addition, the State WIA EO Officer's body of knowledge includes the workforce system policies, computerized products used in tracking, performance reports, the monitoring of systems and processes, and the compliance practices and techniques.

The State WIA EO Officer also attends training to maintain these competencies in order to assist in administering the development and implementation of Arizona's Method of Administration (MOA) under 29 CFR 37.54.

**The duties of the EO Officer(s), and the manner in which those duties are carried out (At a minimum, duties assigned to the EO Officer must include those listed in 29 CFR 37.25). Describe both the EO duties, responsibilities and activities associated with the implementation of 29 CFR part 37, and all other duties, responsibilities and activities associated with the implementation of 29 CFR part 37, and all other duties, responsibilities and activities. (29 CFR 37.24)**

The State WIA EO Officer's designated duties corresponding to the implementation of 29 CFR Part 37.25 includes:

- Monitoring the Local Workforce Investment Areas (LWIAs) and One-Stop Partners (OSPs), and State UIA programs to ensure the WIA Title IB-financially assisted programs and/or activities are operating in a nondiscriminatory manner. The 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 LWIAs, OSPs, and UIA;
- Conducting, leading or 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 general public relative to discrimination and employment law;
- Reviewing and analyzing complaints for WIA 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 general public;
- Providing technical assistance and training, as required, to contracted providers and Department staff relating to the implementation and operation of contracted activities and requirements within designated LWIAs, OSPs and UIA;
- Interpreting federal and state laws, regulations, policies and procedures related to program services, as well as LWIA, 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 LWIAs;
- Overseeing and assisting the development and implementation of the recipient's MOA under 29 CFR 37.54;
- Preparing and presenting Equal Opportunity information and/or concerns to executive management, regional directors, managers, and supervisors; and
- Performing related work as required.

**The manner in which the recipient makes the identity of the EO Officer(s) known to applicants, registrants, eligible applicants/registrants, participants, employees, and applicants for employment, as well as interested members of the public. (29 CFR 37.26)**

The "Equal Opportunity Is the Law" notice is distributed by the State WIA EO Officer to all LWIAs electronically (English and Spanish) and can be edited to include LWIA EO Officer or Unemployment Insurance Administration (UIA) EO Officer information before being printed and posted. (*Documentation Section - Attachments 3a & 3b*) The "Equal Opportunity Is the Law" notice can be included with LWIA forms, such as participant enrollment forms, policies, etc. (*Documentation Section - Attachments 4a & 4b*). Registrants, eligible applicants, participants, claimants, employees and applicants for employment and interested members of the public are made aware of the LWIA EO Officer information through the LWIA nondiscrimination posters, administrative orders, policies, and letters. UI claimants are made aware of the UIA EO Officer information through UIA nondiscrimination posters, administrative orders, policies, and UIA website. The State WIA and LWIA EO Officer's name and UIA contact information appears on all communications regarding nondiscrimination and equal opportunity programs.



**The level of staff and other resources available to State and local level EO Officer(s) to ensure that WIA Title IB-financially assisted programs and activities operate in a nondiscriminatory way. (29 CFR 37.26(c))**

The Workforce Innovation and Office of Apprenticeship Section of the Arizona Department of Economic Security, Employment Administration employs sufficient staff and adequate resources to ensure the State WIA EO Officer is in compliance with the nondiscrimination and equal opportunity provisions of Section 188 of the WIA and with 29 CFR 37.26(c).

The EA's Policy and Support Unit is available to assist the State WIA EO Officer in completing his/her duties when needed. The State WIA EO Officer also meets as needed with the DES Office of Equal Opportunity staff. The State WIA EO Officer meets and corresponds with LWIA EO Officers UIA EO Officer for training and discussions, etc., with a focus on topics related to equal opportunity issues.

All Workforce Innovation and Office of Apprenticeship Section staff salaries and other costs, including the State WIA EO Officer's salary, are funded by the five percent WIA Administrative funds allowable per the Office of Management and Budget (OMB) – A87, cost principles for State, Local and Tribal Governments.

When the State WIA EO Officer conducts the One-Stop Partner monitoring he/she utilizes the Arizona Workforce and Office of Apprenticeship Section "Equal Opportunity and Nondiscrimination Monitoring Guide" (*Documentation Section – Attachment 5A & 5B*). In the guide, the "Designation of Equal Opportunity Officer" asks for the following information:

- 1.10) "Does the EO Officer have sufficient staff and resources to ensure compliance with the nondiscrimination and equal opportunity provisions of WIA?"  Yes  No

Each LWIA has appointed an EO Officer that has staff and other available resources to ensure that programs and activities operate in a non-discriminatory way.

**The State's plan for ensuring that State and local level EO Officers and their staff are sufficiently trained to maintain competency. (29 CFR 37.26(d))**

The State WIA EO Officer is a member and attends sponsored National Association of State Workforce Agencies (NASWA) Equal Opportunity training, as well as EO classes and training conferences offered through webinars from Workforce3One, U.S. Department of Labor, and National Skills Coalition to maintain competency. The State WIA EO Officer is a member of the Diversity Alliance Leadership Organization (DLA) locally. The DLA organization provides the opportunity to network with top experts in the fields of equal opportunity and diversity and builds partnerships with the regulatory compliance agencies. The State requires that LWIA staff receive annually EO training via the LWIA EO Officers or through the WIA Technical Assistance Conferences held annually to maintain compliance.

The State WIA EO Officer and Workforce Innovation and Office of Apprenticeship Section staff have training available in areas related to equal opportunity and nondiscrimination, such as the Americans with Disabilities Act 504, Fair Labor Standards Act, Family and Medical Leave Act, Sexual Harassment and Diversity, Limited English Proficiency, Equal Employment Opportunity Principles and Practices, American Disability Act Management Responsibilities and the Health Insurance Portability Accountability Act. These classes help ensure the State WIA EO Officer, as well as Workforce Innovation and Office of Apprenticeship Section staff who support the State WIA EO Officer, understand the responsibilities required in the enforcement of equal opportunity and nondiscrimination laws under WIA.

The State WIA EO Officer communicates via telephone, email and in person with LWIA EO Officers and UIA EO Officer regarding equal opportunity and nondiscrimination issues, policies, training opportunities and other relevant matters.

**The identity, by name, title and organization, of the individual to whom each State and local level EO Officer reports on equal opportunity matters.**

The State WIA EO Officer reports to the Workforce Innovation and Office of Apprenticeship Field Operations Supervisor of the Employment Administration on a day-to-day basis. The State WIA EO Officer has full accessibility to the EA Administrator on equal opportunity matters. LWIA EO Officers report to their LWIA Directors on all equal opportunity matters as well. (*Refer Documentation Section: Element 1, Attachment 2 and Element 1, pages 2-6*)

**A description of the professional and support staffing levels and resources provided to each State and local level EO Officer to assist him or her in ensuring compliance with WIA Section 188 and 29 Part 37.**

The EA's Policy and Support Unit does assist with the development and dissemination of policy guidelines for use in equal opportunity and nondiscrimination issues, directives, etc. The State WIA EO Officer or Workforce Innovation and Office of Apprenticeship Field Operations Supervisor bi-annually or sooner if discrimination issues arise, examines the LWIA written materials such as, case files, physical locations, etc., for items relating to equal opportunity and nondiscrimination issues. Also, DES/EA and UIA provide assistance with information technology services, administrative planning, budgeting, personnel and facilities.

**The type and level of training each State and local level EO Officer has received and will receive to ensure that he or she is capable of fulfilling his or her responsibilities as an EO Officer.**

The State WIA EO Officer completes courses through the DES/State employee/supervisor training program on the following topics: Ethical Issues in the Public Sector, Health Insurance Portability and Accountability Act-Level I, Employment Law in State Government I-ADA/FMLA, Employment Law in State Government II-EEO, and Basic Data Security among others. The EO Officer also attends Equal Opportunity Conferences hosted by National Associated State Workforce Agency (NASWA), EO Committee and webinars provided by Civil Rights Center, National Skills Coalition, Workforce3One, and Department of Labor.

The State WIA EO Officer provides training to LWIA EO Officers and One-Stop Partners (OSP) to ensure that LWIAs, OSPs and other recipients understand and implement the requirements of the equal opportunity provisions of the WIA, Section 188 and 29 CFR Part 37. The State EO Officer provides links to LWIA EO Officers on relevant webinars related to equal opportunity and nondiscrimination issues, policies, and training opportunities.

**The means by which the State makes public the names, position titles and telephone numbers (including TDD/TTY numbers) of State EO Officer and each local level EO Officer.**

The primary dissemination of the State WIA EO Officer's name and contact information is on the "Equal Opportunity Is the Law" notice. The notice contains information including the State WIA EO Officer by name, title, business address, e-mail address, and telephone number including the TDD/TTY number. Additionally, the State publishes a list of the information for the State WIA and LWIA EO Officers on the WIOA website at: <https://www.azdes.gov/wia/>.

*(Any changes required will be incorporated upon the implementation of Workforce Innovation and Opportunity Act (WIOA) in July 2015)*

## Element Two

### Notice and Communication

(29 CFR 37.54(d)(1)(iii))

#### **PURPOSE:**

In Element Two, the State of Arizona (State) addresses how the State and its Workforce Investment Act (WIA) One-Stop system partners (OSPs) and their recipients comply with the requirements of 29 CFR 37.29 through 37.36. The State ensures the establishment of a notice and communication system that is accessible to all registrants for WIA funded services, applicants for employment, employees and interested members of the public, making them aware of the WIA One-Stop's requirements to operate its programs and activities in a nondiscriminatory manner, and the extent of the rights of members of these groups to file complaints of discrimination.

#### **NARRATIVE:**

##### **The methods and frequency of dissemination of the notice, including initial dissemination. (29 CFR 37.29)**

The "Equal Opportunity is The Law" notice (English and Spanish), is electronically sent annually to the Local Workforce Investment Area (LWIA) Directors and LWIA Equal Opportunity (EO) Officers, including One-Stop Partners (OSPs). This allows the LWIAs and OSPs to edit the documents to include information about the identification and contact information of the EO Officer for each LWIA. (*Documentation Section – Attachments 1a, 1b, 2a & 2b*)

As changes occur, a notice is sent out electronically to all WIA recipients and includes the name of any new State WIA and/or LWIA EO Officer(s). Complaints may be filed at the local level, the state level or directly with the Civil Rights Center (CRC). In addition, for Unemployment Insurance (UI) claimants who file their claims online, the "A Guide to Arizona UI Benefits" which includes the "Equal Opportunity is The Law" notice (English and Spanish) is also available at: <https://www.azdes.gov/InternetFiles/Pamphlets/pdf/pau-007-PD.pdf>.

##### **The means by which the notice is made available to individuals with disabilities. (29 CFR 37.31(b))**

In the instructions for posting the "Equal Opportunity is the Law" notice, the LWIAs and OSPs are instructed to read the notice to anyone who requests assistance or staff have observed that the customer is visually impaired or might have difficulty reading the poster without assistance.

Auxiliary aids must be offered to an individual who requests auxiliary aids, or staff have observed that the customer is visually or hearing impaired or might have difficulty reading. Auxiliary aids or services may include: qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDDs/TTYs), videotext displays, or other effective means of making aurally delivered materials available to individuals with hearing impairments. Also used are qualified readers, taped 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 37.33)**

The State has notified each of the WIA One-Stop system partners in writing as required by the law under WIA Section 188 to clearly display the "Equal Opportunity is The Law" notice in all facilities throughout the State where OSP, Unemployment Insurance Administration (UIA), and WIA Title IB funded activities are conducted, including One-Stop Centers and the two stand-alone Unemployment Insurance (UI) Offices in Yuma County, which will be monitored by the UIA EO Officer.

The State incorporated items into the Arizona Workforce Innovation and Office of Apprenticeship

Section *Equal Opportunity & Nondiscrimination Monitoring Guide* related to equal opportunity issues, including but not limited to verifying the “Equal Opportunity is the Law” notices are prominently displayed and easily accessible to the public.

**The means by which a copy of the notice is placed in the participant’s file (29 CFR 37.31(a)), or where the files are maintained electronically, how the requirement of 37.31(a) is and will continue to be met.**

The State requires that a permanent paper file or electronic record be maintained on all participants. All LWIAs in the state are required, at the time of orientation, to include the notice detailing the equal opportunity law and all other WIA documentation in the participant’s permanent paper or electronic file. (*Documentation Section – Attachment 3*) The State has items in the Arizona Workforce Innovation and Office of Apprenticeship Section *Equal Opportunity & Nondiscrimination Monitoring Guide* which require checking that orientation agendas include a discussion of equal opportunity, and nondiscrimination under WIA Section 188 and 29 CFR Part 37, and that a signed or electronic copy of the notice exists in a participant’s file. The State will verify that the participant has registered in Arizona Job Connection (AJC) and is in compliance by acknowledging the EO statement in the system with a checkmark. All UI claimants are required to certify that they have read and understand the “A Guide to Arizona UI Benefits”, that includes the equal opportunity law and information regarding services available for those with disabilities and is posted on the UI website at: <https://www.azdes.gov/InternetFiles/Pamphlets/pdf/pau-007-PD.pdf> .

**The means by which the 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 37.34(a))**

In accordance with 29 CFR 37.34, all recipient publications (State, LWIA and sub-recipients) must include the equal opportunity policy statement that indicates the recipient is “an equal opportunity employer/program.” Additionally, all recipient publications must include the appropriate tag lines “auxiliary aids and services available upon request to individuals with disabilities.” The Arizona Workforce Innovation and Opportunity and Apprenticeship Section, LWIAs and OSPs include the equal opportunity policy statement and the appropriate tag lines in publications, and other broadcasts they disseminate. Each recipient is responsible for including the equal opportunity policy statement and the appropriate tag lines on all brochures, publications, websites, and broadcasts. The State ensures each recipient is in compliance with this requirement during compliance reviews using the Arizona Workforce Innovation and Office of Apprenticeship Section “Equal Opportunity and Nondiscrimination Monitoring Guide.”

**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 37.34(a))**

During the desk and on-site compliance reviews, the state checks each of the LWIA/OSP sites for recruitment brochures and other materials ensuring that such materials provide for an equally effective means of communication with individuals with hearing impairments. The State requires that all recipients provide any materials that are intended for public notification to be reviewed by either the State or LWIA EO Officers prior to the release of the material. This ensures compliance with 29 CFR 37.34 is met.

**The steps taken to ensure that communications with individuals with disabilities are as effective as communications with others. (29 CFR 37.29(b))**

The State WIA EO Officer ensures that communications, offices and programs are physically accessible to disabled individuals during on-site compliance reviews. The State ensures materials indicate a TDD/TTY number and all other materials routinely made available to the public include the statements “equal opportunity employer/program” and “auxiliary aids and services available upon request to

individuals with disabilities.”

**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 37.34(b))**

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

During desk reviews, the State WIA EO Officer will check the LWIA/OSP for statements that the program is an equal opportunity employer/program and that auxiliary aids and services are available upon request to individuals with disabilities. During on-site compliance reviews, the State checks each of the LWIA sites for evidence that program-related information published in the news media (e.g., publication of Requests for Proposal) include statements that the program is an equal opportunity employer/program and that auxiliary aids and services are available upon request to individuals with disabilities. The LWIA and OSP staffs are alert to employers who use discriminatory terms when placing a job order. If an employer uses a discriminatory term or attempts to place a discriminatory order, staff courteously and diplomatically call his/her attention to that fact. If an employer persists the staffs indicate that they are unable to accept the order unless the discriminatory terms or language are withdrawn.

**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 37.35)**

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) in order to effectively inform or enable those customers to participate in departmental programs or activities. When a LWIA/OSP determines that a significant proportion of the population eligible to be served by a program/activity will need information in a language other than English, the LWIA and One-Stop partners must translate its written program materials into that language and provide effective interpretation services to members of the significant LEP group. The State also provides interpreters for LEP customers who are not part of a significant group in order to provide the customer meaningful access to programs and services. When an interpreter for the needed language cannot be located, the Director’s Office Language Line Services from the Department of Economic Security (DES or Department) website is used to serve the customer.

**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 WIA section 188 and 29 CFR part 37. (29 CFR 37.36)**

All LWIAs and One-Stop partners include a discussion of equal opportunity and nondiscrimination rights as part of orientations for registrants, applicants, eligible applicants/registrants, and employees. LWIAs are required, at the time of orientation, to include a written copy of the notice detailing the equal opportunity law and all other WIA documentation in the participant’s permanent file. The State WIA EO Officer checks the participant’s permanent paper files or electronic records for these documents during monitoring. One-Stop applicants/registrants must register using the AJC system and are required to acknowledge “EO is the Law” notice in order to complete registration and utilize the AJC system. All UI claimants are required to certify that they have read and understand the “A Guide to Arizona UI Benefits” that includes the equal opportunity law and information regarding services available for those with disabilities is posted on <https://www.azdes.gov/InternetFiles/Pamphlets/pdf/pau-007-PD.pdf> . The signed copy is scanned into the claimant’s electronic file.

**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 37.25(c), and 37.54(d)(2)(iii), and 37.54(d)(2)(vi))**

The Arizona Workforce Innovation and Office of Apprenticeship Section has used and will continue to use WIA Policy and Procedure Manual which is posted on the Arizona Workforce Innovation and Office of Apprenticeship Section website at: <https://www.azdes.gov/main.aspx?menu=322&id=11216>.

To ensure that training is accessible to more LWIA/OSP staff at lower costs, the Arizona Workforce Innovation and Office of Apprenticeship Section incorporates technology-based training solutions, statewide technical assistance conferences, Question & Answer section, as well as the posting of the Employment Administration Training calendar on the Arizona Workforce Innovation and Office of Apprenticeship Section website.

*(Any changes required will be incorporated upon the implementation of Workforce Innovation and Opportunity Act (WIOA) in July 2015)*

## Element Three

### Review Assurances, Job Training Plans, Contracts and Policies and Procedures

(29 CFR 37.54(d)(1)(i) and (d)(2)(i), (iii) and (iv))

#### PURPOSE:

The State of Arizona (State) ensures that nondiscrimination and equal opportunity provisions of the Workforce Investment Act (WIA) are incorporated in all grants, agreements or other similar applications for federal financial assistance under WIA. Each application for WIA funds includes the specified assurance committing the potential sub-recipient to comply fully with the nondiscrimination and equal opportunity provisions of the WIA. The Assurance is deemed incorporated, whether or not it is physically incorporated in the resulting contract or other arrangement.

#### NARRATIVE:

**Each grant applicant, and each training provider seeking eligibility, includes in its application for financial assistance under Title IB of WIA the required EO assurance. (29 CFR 37.20(a) (1))**

The State requires each of the Local Workforce Investment Board (LWIB)/Local Workforce Investment Areas (LWIAs) to include the required equal opportunity assurance in the submissions of their Local Business Plans with the following language, (*Documentation Section – Attachment 1, page 5*):

A system that includes compliance with:

- Section 188 of the WIA of 1998, 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 WIA Title I financially assisted program or activity;
- Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of 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 on the basis of age; and
- 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 37 and all other regulations implementing the laws listed above. This assurance applies to the grant recipient's operation of the WIA Title I financially assisted program or activity and to all agreements the grant recipient makes to carry out the WIA Title I financially assisted program or activity.

Each Local Business Plan is reviewed to ensure that all required assurances are included.

**The required assurance is incorporated into each grant, cooperative agreement, contract, or other arrangement whereby Federal financial assistance under Title IB of WIA is made available. (29 CFR 37.20(a)(2))**

The State provides funds to all designated LWIAs. Contracts provided for each LWIA through the Department of Economic Security's (DES or Department) Office of Procurement must include nondiscrimination assurances required by the state (*Documentation Section - Attachment 2*) and DES (*Documentation Section - Attachment 3*) in each contract agreement, assuring each entity complies with this requirement. Intergovernmental Agreements (IGA) between the LWIAs must include a section on nondiscrimination (*Documentation Section -Attachment 4*). The IGA assures that all LWIAs, participants and applicants, including Native Americans, must comply with the regulations required by grantees

accepting federal financial assistance under Title IB of WIA.

**Each grant applicant, and each training provider seeking eligibility, is able to provide programmatic and architectural accessibility for individuals with disabilities. (Subpart C of 29 CFR part 32)**

Training providers in the State are monitored by the DES, which maintains the Eligible Training Provider List (ETPL). Training providers are required to be compliant with WIA EO non-discrimination provisions when registering in the Arizona Job Connection (AJC) System. The Arizona Workforce Innovation and Office of Apprenticeship Section is in the development process of creating the criteria and tools to monitor providers once approved and on the ETPL.

The State WIA EO Officer utilizes the Arizona Workforce Innovation and Office of Apprenticeship Section “Equal Opportunity and Nondiscrimination Monitoring Guide”, which is updated each program year, and is used to monitor the contracts established by the LWIA’s. In this tool, the Assurances Section asks for the following information:

- 3.1) Is the EO assurance incorporated into each grant, cooperative agreement, plan, contract, or other similar document with your service providers and contractors, and their sub-grantees?       Yes       No

The compliance results from the reviews completed with the Arizona Workforce Innovation and Office of Apprenticeship Section “Equal Opportunity and Nondiscrimination Monitoring Guide” shows that the LWIAs are meeting the programmatic and architectural accessibility guidelines. The reviews also showed they met the required assurances from their sub-recipients of accessibility for individuals with disabilities. If requirements were not met, corrective action plans are developed and follow-up monitors conducted to ensure compliance.

**Job training plans, contracts, assurances, and other similar agreements entered into by recipients are both nondiscriminatory and contain the required language regarding nondiscrimination and equal opportunity. (29 CFR 37.54(b) (2)(iv))**

The State has taken steps to ensure that the State WIA EO Officer check job training plans, contracts, assurances, and other similar agreements entered into by the grantee and its recipients to ensure compliance with the requirement that these documents contain the required language regarding nondiscrimination and equal opportunity. In addition, the Arizona Workforce Innovation and Office of Apprenticeship “Equal Opportunity and Nondiscrimination Monitoring Guide” contain the question below in the Assurances Section:

- 3.1) Is the EO assurance incorporated into each grant, cooperative agreement, plan, contracts, or other similar documentation with your service providers and contractors, and their sub-grantees?       Yes       No

The Arizona Workforce Innovation and Office of Apprenticeship “Equal Opportunity and Nondiscrimination Monitoring Guides” that have been reviewed indicate all LWIAs are aware of this obligation.

**State and local level policy issuances, or issuances from other recipients, are not discriminatory either in intent or effect. (29 CFR 37.54(d)(2)(iii))**

The State has issued equal opportunity policies for all LWIAs and OSPs programs receiving financial assistance through WIA Title IB. Policy issuances are checked carefully by the State WIA EO Officer to ensure they are not discriminatory either in intent or effect.

**Policies on WIA Title IB nondiscrimination and/or equal opportunity issues are developed and implemented in a timely manner.**



The State has made a concerted effort to ensure all needed nondiscrimination and/or equal opportunity policies are published as quickly as possible. The State reviews and rewrites all policies to ensure that our directives are in compliance with the federal mandates. Both the State and LWIA EO Officers have made a commitment to ensure the state is in full compliance with all parts of WIA Section 188 and the requirements of 29 CFR Part 37.

The State issued WIA Equal Opportunity and Discrimination Complaint Policy in March 2006 which included guidance for recipients on this issue. The Employment Administration (EA) Policy and Support Unit will be writing a comprehensive policy manual and revising it as needed.

The State demonstrates its commitment to equal opportunity and nondiscrimination by approval of a full-time position to act as the State WIA EO Officer for the EA.

DES has issued several policies on equal opportunity and nondiscrimination matters. DES has a Sexual Harassment Policy (*Documentation Section - Attachment 5*) and a general policy to identify the responsibilities and authority of the Office of Equal Opportunity within DES (*Documentation Section – Attachment 6*). While DES does not have a Religious Accommodations policy, the Department's Equal Opportunity policy (DES 1-01-07) states "no employee or job applicant shall be discriminated against on the basis of race, color, religion, national origin, sex, age, handicap, or political affiliation..." DES's Discrimination Complaint Process defines religion for the purposes of filing a discrimination complaint as "all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he/she is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business." (*Documentation Section – Attachments 7 & 8*)

*(Any changes required will be incorporated upon the implementation of Workforce Innovation and Opportunity Act (WIOA) in July 2015)*

## Element Four

### Universal Access

(29 CFR 37.54(d)(1)(vi))

#### **PURPOSE:**

It is the intent of Element Four to address how the State of Arizona (State) and its recipients are complying with the requirements of 29 CFR 37.42 relating to the provision of universal access to programs and activities.

#### **NARRATIVE:**

The State has communicated the obligation of recipients (e.g., Local Workforce Investment Areas (LWIAs), One-Stop Partners (OSPs) and service providers) to conduct outreach efforts in order to broaden the composition of the pool of those considered for participation or employment in their programs and activities. The State will ensure that recruitment of potential participants is conducted in a non-discriminatory manner and that the participant pool is a proportionate reflection of the local area as well as individuals with disabilities.

The State Workforce Investment Act (WIA) Equal Opportunity (EO) Officer uses the Arizona Workforce Innovation and Office of Apprenticeship Section “Equal Opportunity and Nondiscrimination Monitoring Guide” to ensure the LWIA EO Officers are kept cognizant of their Universal Access obligations by inquiring into their process of broadening the participation in their programs with such questions as this:

- 4.1 What steps has the recipient taken to broaden the composition of the pool of those considered for participation or employment in their programs and activities including members of each gender, various racial/ethnic groups and individuals with disabilities and individuals in differing age groups?

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

The Department of Economic Security (DES or Department), Division of Employment and Rehabilitation Services (DERS), Rehabilitation Services Administration (RSA) provides services to individuals with disabilities that create barriers to employment or independent living. As a required partner in the One-Stop system, RSA’s Vocational Rehabilitation has worked with the One-Stop operators and other WIA Partner programs to increase employment opportunities for persons with disabilities. Untapped Arizona (<http://www.untappedarizona.com>) is a network of organizations partnering together in an effort to support Arizona businesses in meeting their workforce needs by tapping into the labor pool of individuals with disabilities.

The Ticket to Work Program (<https://yourtickettowork.com/web/ttw/en-about-ticket-to-work>) is authorized by the Ticket to Work and Work Incentives Improvement Act (TWWIIA) which was signed into law December 1999. 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. (*Documentation Section – Attachment 1*)

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 the employment network is reached, both parties can work together to develop a work plan to assist the beneficiary in reaching his or her employment goal.

For LWIAs and OSPs, technology is a key component in ensuring universal access by employing a number of strategies to include the following:

- Increased referral services;
- Provision of equal opportunities for workforce training services for both rural and urban areas, as well as for persons with disabilities or other barriers to communication;
- Access to services for persons of all levels of computer literacy; and
- Assistance in using the self-service component of the One-Stop Center.

LWIAs and One-Stop partners work to enhance the employability and increase the earning potential of individuals with multiple barriers to employment. Strategies to address individual needs include: assessments of skills and abilities, basic skills programs, occupational skill training, job analyses, job accommodations, disability awareness training, and other activities that address barriers and support achievement of positive employment outcome. Individuals with multiple barriers to employment are offered a continuum of education, job training, career counseling and job development to enhance attainment and retention of employment. To enhance the employability skill of individuals with disabilities, Local Workforce Investment Boards, One-Stop Centers and providers assure:

- Priorities of services for participants beyond the self-service phase are implemented;
- Representation of individuals with disabilities on staff, where feasible;
- Cross training of staff;
- Disability awareness training for staff;
- Outreach programs for individuals with disabilities,
- Specific staff, service goals and expectations;
- Technical assistance to employers including information regarding ADA requirements and available tax credits; and
- Outcome measures of goals and expectations.

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

- Special needs participants;
- Persons with disabilities;
- Persons with limited English speaking ability;
- Persons training for nontraditional employment;
- Displaced homemakers;
- Public assistance recipients;
- Veterans;
- Persons with multiple barriers to employment;
- Older participants;
- Women; and/or
- Minorities.

LWIA/OSPs and their service providers strive to provide universal access services to clients of both sexes, the various race, ethnic and age groups, individuals with disabilities as well as individuals with Limited English Proficiency (see website at: <https://www.azdes.gov/main.aspx?menu=32&id=1300> ), which includes:

- Publicity materials (brochures, letters) designed to provide an overview of employment services to the general public. These materials can be mass mailed, used as handouts, or provided to libraries and schools;
- Participation in local and statewide job related events. Among these are job fairs, school career days, media feature stories, seminars and networking groups; and

- Coordination and involvement with various agencies, committees, task forces, and projects that focus on employment-related functions, and Employment Service special programs for targeted groups (e.g., Veterans, Youth, Dislocated Workers, etc.).

LWIA One-Stop Centers have taken the following actions to ensure universal access:

- Signs have been posted to inform customers of telephone numbers to call or to see the manager if an accommodation is needed to receive services;
- Individuals and organizations have been identified and are available if assistance is needed to provide services or information in a language other than English, and written procedures have been distributed to staff;
- Employees who have skills in languages other than English have identified themselves and offered their services in assisting LWIA customers by providing instruction, conveying information, or assisting with completing forms;
- Local community organizations that serve or represent the various ethnic, gender and age group segments and individuals with disabilities have been maintained;
- Ongoing contacts have been maintained with community-based organizations and advocacy groups to ensure the center meets the specific needs of each constituency;
- Coordination linkages with other federal, state and local agencies serving the various segments of the populations have been developed;
- Participation in community employment events such as job fairs, seminars, and public recruitment for employers has publicized the services of One-Stop Centers;
- One-Stop Center staff serves on the advisory boards of, or offer technical assistance to, advocacy groups and community-based organizations;
- Develop advertisement in the mass media to promote the use of DES programs, services, and benefits;
- On-site visits with employers and community agencies, participation in job fairs, special recruitment efforts, employer seminars, and public relations campaigns have encouraged employer use of DES universal system; and
- One-Stop Center office space, where available, has been provided to local groups and organizations for recruitment, promotional efforts and other related activities.

**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, as described above.**

The State is aware of the significant population increase of individuals with LEP and takes reasonable steps to ensure that policies and procedures do not deny equal access. The State implements, evaluates and documents programs, activities and services to customers with LEP.

The State is responsible for monitoring LWIA and OSP programs and ensuring compliance with the universal access element of nondiscrimination and equal opportunity provisions of Section 188 of WIA. The State continually stresses to recipients the importance of their obligation to expand the diversity of the participant pool and staffing selections. The State bi-annually monitors the LWIAs and OSPs to measure the effectiveness of the LWIA's efforts to serve and employ a diverse population, including members of genders, various racial, ethnic and age groups, and individuals with disabilities.

The State has developed policies to address the segments of the population who need equitable services and outreach efforts in languages other than English. LWIAs provide translation services when the local population needs services or information in an alternate language.

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

Current State practices designed to broaden the composition of those considered for participation and

employment at the One-Stop Centers include the following:

- Recruitment of applicants with bilingual skills and experience;
- 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; and
- Use of volunteer interpreters, telephone interpreters and contract interpreters as needed to provide language assistance to customers on a case-by-case basis.

*(Any changes required will be incorporated upon the implementation of Workforce Innovation and Opportunity Act (WIOA) in July 2015)*

**Element Five**  
**Compliance with Section 504 of the Rehabilitation Act of 1973,  
as Amended and 29 CFR part 37**  
(29 CFR 37.54(d)(2)(v))

**PURPOSE:**

The State of Arizona (State) addresses how the State and its recipients comply with the disability related requirements of the Workforce Investment Act (WIA) Section 188; Section 504 of the Rehabilitation Act of 1973, as amended; and their implementing regulations, including, but not limited to, 29 CFR 37.7, 37.8, and 37.9 and Subparts B and C of 29 CFR Part 31, 29 CFR 32.12(a), 32.26, and 37.7.

**NARRATIVE:**

The State is committed to making all services, facilities and information accessible for individuals with disabilities. This applies to all programs, activities, and services provided by or made available to potential employees, volunteers, contractors, service providers, licensees, clients, and potential clients within the One-Stop system. To reinforce this commitment, all recipients and service providers are required to provide written assurance in their agreements, grants and contracts that they are committed to and will comply with the requirements of the WIA Section 188, Americans with Disabilities Act (ADA), Rehabilitation Act of 1973, and with 29 CFR 32 and Part 37.

**Meet their obligation not to discriminate on the basis of disability. (29 CFR 32.12(a), 32.26, and 37.7)**

The Department of Economic Security (DES or Department) Director has designated a DES ADA Coordinator to implement the ADA as required by 28 CFR 35.107. The DES ADA Coordinator:

1. Chairs and facilitates the DES ADA Coordinating Committee;
2. Coordinates with the DES's Training Unit for the development and delivery of basic training on ADA matters;
3. Serves as the DES contact for the Arizona Office On Americans with Disabilities (AOAD);
4. Facilitates implementation of and compliance with AOAD's policies and procedures within all programs, activities, and services provided by or made available to potential employees, volunteers, contractors, service providers, licensees, clients, and potential clients within the one-stop system;
5. Coordinates the implementation of all aspects of ADA within all programs, activities, and services provided by or made available to potential employees, volunteers, contractors, service providers, licensees, clients, and potential clients within the one-stop system including; and
6. Monitors and assesses the implementation of ADA policies within all programs, activities, and services provided by or made available to potential employees, volunteers, contractors, service providers, licensees, clients, and potential clients within the one-stop system.

The State has written policies and procedures requiring that WIA One-Stop system Partners (OSPs) meet requirements not to discriminate on the basis of disability. When applicable, these recipients must have established policies and procedures addressing reasonable accommodations, auxiliary aids and services, effective communication; and site selection assuring accessibility. These recipients must also conduct self-evaluations which include corrective action plans when necessary that are developed to ensure compliance with obligations to not discriminate on the basis of disability and the provision of reasonable accommodation.

In addition, when the State enters into contractual agreements with WIA recipients, compliance with program-specific laws and regulations are specified as standard boilerplate language.

This same language further specifies that sub-recipients are required to comply as well. Ongoing training and monitoring ensures that the LWIAs and OSPs continue to meet their requirements not to discriminate. DES has conducted site assessments in accordance with the ADA Checklist for Existing Facilities (Version 2.1). In the written contracts, the Arizona State Uniform Terms and Conditions require all contractors meet the requirements of the ADA. (*Documentation Section - Attachment 1*)

The Rehabilitation Services Administration (RSA) and Arizona Industries for the Blind (AIB) committed to providing services to individuals with disabilities and are continually improving those services.

The Rehabilitation Act Amendments of 1973 (as amended) authorized a program for individuals with disabilities under Title VII of the Act. This program is called Independent Living Rehabilitation Service (ILRS - <https://www.azdes.gov/main.aspx?menu=32&id=1302>). The purpose of funds authorized under this program is to assist states in providing services to individuals with disabilities and to enable them to live and function more independently within their home or community. Some services provided under this program include:

- Independent Living Skills Training;
- Information and referral to appropriate agencies or providers;
- Individual and systems advocacy; and
- Peer support and counseling and/or mentoring.

The State of Arizona Integrated Workforce Plan of 2012 - 2017 supports the needs of persons with disabilities in preparing for, obtaining and maintaining employment within the Workforce Investment System.

The State requires each LWIA to complete an ADA self-evaluation checklist of its facilities utilizing the ADA Checklist for Existing Facilities (version 2.1). The LWIA EO Officers are trained and made aware of ADA regulations and implementation processes. The State's monitoring procedures for the LWIAs include documentation where all areas are reviewed. If any area(s) of failure are noted the LWIA must submit a corrective action plan to ensure compliance. The monitoring includes structural, programmatic accommodations and technical assistance if requested. (*Documentation Section - Attachment 2*)

**Provide reasonable accommodation for individuals with disabilities. (29 CFR 32 and 29 CFR 37.8)**

The DES ADA Coordinating Committee is the responsible party for providing oversight in the area of "reasonable accommodations". A guidance policy was issued which provides options for programs to modify as necessary. Included are procedures for making a request for accommodations, evaluating the request, procedures for denial of a request, along with other areas pertaining to the accommodation requested.

**Provide reasonable modification of policies, practices, and procedures as required. (29 CFR 37.8)**

Title II of the ADA requires that programs, services and activities of State and local governments are accessible to and usable by individuals with disabilities. DES program manuals provide specific policy and procedures for providing reasonable accommodation for program participants. AOAD provides general guidance on fair and equal access to communication for individuals with disabilities.

**Provide architectural accessibility for individuals with disabilities. (29 CFR 32.28)**

Arizona has in place and follows strict statutory guidelines for architectural accessibility for individuals with disabilities. (*Documentation Section - Attachment 3*) One of the most effective means of providing integrated program services is through the development of a welcoming, inclusive environment. Furthermore, the State WIA EO Officer performs bi-annual site visits to ensure a facility remains in

compliance, unless compliance issues require more frequent visits.

**Provide programmatic accessibility for persons with disabilities. (29 CFR 32.27)**

State policy provides for communication and program accessibility for individuals with disabilities. It requires that such communication and program accessibility is as effective for disabled individuals as for those who are not disabled. The State also utilizes auxiliary aids and a telephone system that meets this “equally effective” requirement. These aids include, but are not limited to, TTY/TDD services for those individuals that rely on these services.

**Provide for and adhere to a schedule to evaluate job qualifications to ensure that the qualifications do not discriminate on the basis of disability. (29 CFR 32.14)**

The Division of Employment and Rehabilitation Service (DERS) Human Resource Section reviews the Position Description Questionnaires (PDQ) to ensure that the qualifications for each job fit the job requirements as depicted by the supervisor or manager of that administration. This includes reviewing the duties so the requirements don’t allow for discrimination in the hiring process.

**Limit pre-employment/employment medical inquiries to those permitted by and in accordance with WIA Section 188, Section 504, the Americans with Disabilities Act of 1990, and their implementing regulations. (29 CFR 32.15)**

Pre-employment and employment medical inquiries are limited to those permitted by and in accordance with WIA Section 188, Section 504 and State guidance. All questions regarding the nature and severity of any disability are generally prohibited. The U.S. Equal Employment Opportunity Commission (EEOC) has issued an ADA Enforcement Guidance paper on *Pre-employment Disability Related Questions and Medical Examinations*. The EEOC guidance states there are only two exceptions where a recipient is permitted to conduct a pre-employment medical examination or inquire about an applicant’s disability:

- 1.) A recipient may invite applicants to reveal details about a disability where the inquiry is part of a voluntary affirmative-action plan to increase the number of employees with disabilities, or as part of remedial action to correct the effects of past discrimination; or
- 2.) Where a recipient requires every applicant (disabled or not) for employment to participate in an employment-related medical examination as part of its standard selection procedure. Any medical examination made under this exception must be made only as a separate, second step of the selection process and is allowed only after a conditional offer of employment has been made to the applicant.

**Ensure the confidentiality of medical information provided by registrants, applicants, eligible applicants/registrants, participants, employees, and applicants for employment. (29 CFR 32.15)**

State policy provides for the confidentiality of information collected and maintained regarding all individuals. Medical information obtained in the course of a post-offer medical examination or inquiry may be provided to and used by appropriate decision-makers involved in the hiring process in order to make employment decisions consistent with the ADA.

Staff are allowed access to confidential information on a need-to-know basis including, supervisors and managers, first aid and safety personnel, and employers (once a conditional offer of employment has been made). When medical information is needed for program eligibility or affects participation activities, it is kept in a sealed confidential envelope separate from the files of eligible applicants, registrants, and participants.

**Administer their WIA Title IB financially assisted programs and activities so that each individual with a disability participates in the most integrated setting appropriate to that individual. (29 CFR 37.7(d))**



In the Arizona Workforce Innovation and Office of Apprenticeship Section “Equal Opportunity and Nondiscrimination Monitoring Guide,” LWIA EO Officers are asked about their universal access obligations with the following question as an example:

- How does the recipient ensure that each individual with a disability participates in the most integrated setting appropriate to that individual?

RSA has worked closely with all LWIAs to ensure that individuals with disabilities participate in the most integrated setting appropriate to each individual. One-Stop Centers provide equipment to accommodate individuals with physical disabilities, as well as the hearing and vision impaired, to provide universal access to all customers entering the One-Stop Centers. The Vocational Rehabilitation (VR) program provides assistance for customers with disabilities at One-Stop Centers for each LWIA. Those LWIA’s that are unable to provide accommodations to individuals with disabilities by reason of affordability or architectural cost have developed procedures to utilize community or state agency aides and equipment when necessary to ensure all accommodations can be met. (*Documentation Section – Attachment 4*)

**Are able to communicate with persons with disabilities as effectively as with others. (29 CFR 37.9)**

In the Arizona Workforce Innovation and Office of Apprenticeship Section “Equal Opportunity and Nondiscrimination Monitoring Guide,” LWIA EO Officers are asked about their ability to communicate with persons with disabilities as effectively as with others:

- How does the recipient ensure that communication with persons with disabilities is as effective as communication with others?

RSA has worked with all the One-Stop Centers in Arizona to ensure effective communication with persons with disabilities. Workstations may be equipped with software and hardware tools and equipment such as JAWS Pro v.5.1, Zoom Text level 2 v. 7.0, Clarity desk mate CCTV with 19” flat panel monitor, D/HoH coupler style TTY to use with phone bank, B/VI ADA PC with 19” flat panel monitor, ergonomic chair; “wave” style ergonomic keyboard, touchpad, mouse, and Dragon Dictate Naturally Speaking voice transcription computer software; with all windows features accessible via hot keys. In addition, One-Stop Centers have bilingual staff and access to sign language services.

*(Any changes required will be incorporated upon the implementation of Workforce Innovation and Opportunity Act (WIOA) in July 2015)*

## Element Six

### Data and Information Collection and Maintenance

(29 CFR 37.54(d)(1)(iv) and (vi))

#### **PURPOSE:**

The State of Arizona (State) addresses how it and the Workforce Investment Act (WIA) One-Stop Partners (OSPs), their recipients and Department of Economic Security (DES or Department) Unemployment Insurance Administration (UIA) are complying and will continue to comply with the requirements of 29 CFR 37.37 through 37.41 related to data and information collection and maintenance. The State of Arizona ensures that a data and information collection and maintenance system for its OSPs, UIA and WIA Title IB financially assisted State programs is established and maintained.

#### **NARRATIVE:**

The State's data and information collection system is in compliance with the requirements of the Workforce Investment Act Standardized Report Document (WIASRD) as published by the U.S. Department of Labor (DOL). The Local Workforce Investment Areas (LWIAs) and OSPs are responsible for collecting and maintaining obtained client and potential client information. The State is responsible for reporting the information to DOL via the WIASRD. The UIA collects the information when the initial claims are filed in the Unemployment Insurance (UI) General Unemployment Insurance Development Effort (GUIDE) system. All LWIAs and OSPs are monitored annually by the State to ensure compliance with record keeping and contract requirements, to assess recipient equal opportunity performance, to identify instances or areas of discrimination, and to identify individuals or groups of individuals who may have been discriminated against on a basis prohibited by WIA Section 188 and 29 CFR Part 37.

#### **Recipients collect and maintain records on applicants, registrants, eligible applicants/ registrants, participants, terminees, employees, and applicants for employment. (29 CFR 37.37(b)(2))**

The LWIAs and OSPs collect the information during the eligibility process and update as needed throughout the individual's participation in WIA Title IB and OSP programs. LWIAs are responsible for maintaining records on applicants for employment as well as entering and maintaining data in the Arizona Job Connection (AJC) database system as described in the AJC WIA Business Rules and Policies Manual Overview. (*Documentation Section – Attachment 1*) The WIA State EO Officer checks the AJC data via a desk review of the records for an LWIA prior to an on-site visit to compare the paper files against the database records for data validity. The UIA collects the information when the initial claims are filed. Records are maintained on each claimant in the UI GUIDE System. The collected data is available in a data warehouse where data can be queried at any time.

#### **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 37.37(b)(2))**

The LWIAs collect demographic (race, ethnicity, sex, age and disability status) information of each applicant, registrant, eligible applicant/registrant, participant, employee, and applicant for employment. LWIAs 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 WIA services. An individual is considered an applicant when he/she submits personal information (e.g., name, address, social security number, etc.). The UIA collects demographic info as well. In Yuma County, paper claims are taken from claimants and scanned into the OnBase system, as well as entered and maintained in the UI payment system. All personal information is confidential.

#### **Recipients treat records, particularly those containing medical information, in a manner that ensures their confidentiality. (29 CFR 32.15; 29 CFR 37.37(b) (2); and 29 CFR 37.41)**

The State provides as required in 29 CFR 37.37 (2) for the confidentiality of information collected and maintained regarding the disabilities of individuals. This requirement applies regardless of the status of the individual whether he or she is an applicant, participant or candidate for employment, etc.

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 in order 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 WIA Title IB services provides medical or psychological information to substantiate an eligibility determination or for reasonable accommodations for program participation, the information is kept in a confidential sealed envelope separate from the participants' record file and in a locked cabinet. (*Documentation Section - Attachment 2*)

**Recipients maintain a log of complaints filed that allege discrimination on one or more of the bases prohibited by WIA Section 188. (29 CFR 37.37(c))**

Complaints alleging discrimination for one or more of the bases prohibited by WIA Section 188 (race, color, religion, sex, national origin, age, disability, political affiliation, or belief, citizenship, and or participation in a OSP, UI or WIA Title IB financially assisted program or activity) are kept in a log maintained by the State EO Officer as required by the Civil Rights Center (CRC). Complaints may be filed at the LWIA level, the State level or with the CRC Director. The LWIA EO Officer notes each complaint filed on a discrimination complaint log, and the log is forwarded monthly to the State WIA EO Officer for review of documentation. The complaint log contains the name and address of the complainant, the basis of the complaint, a description of the complaint, the date complaint was filed, disposition, date of disposition and any other pertinent information relating to the complaint. LWIA EO Officers inform the State WIA EO Officer about complaint investigations and submit complaint reports on a quarterly basis. The State EO officer will maintain complaint logs for all LWIAs and OSPs to be submitted to CRC upon request.

**Recipients maintain such records for a period of three years. (29 CFR 37.39(a))**

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

The LWIAs monitor sub-recipient's equal opportunity performance identifying areas and individuals or groups of individuals that appear to be discriminated against to assure compliance with WIA Section 188 and 29 CFR Part 37. Records are maintained 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.

**Grant applicants and recipients notify the CRC Director of administrative enforcement actions and lawsuits brought against them that allege discrimination on one or more of the bases prohibited by WIA Section 188. (29 CFR 37.37(a))**

The State, as well as each grant applicant and recipient, are required to promptly notify the CRC Director when any administrative enforcement actions or lawsuits are filed against it alleging discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief. In addition, the State policy requires LWIAs and/or recipients to notify the CRC Director under 29 CFR 37.37(a) and the State concurrently.

*(Any changes required will be incorporated upon the implementation of Workforce Innovation and Opportunity Act (WIOA) in July 2015)*

## Element Seven

### Monitoring Recipients for Compliance

(29 CFR 37.54(d)(2)(ii))

#### **PURPOSE:**

The State of Arizona (State) addresses how the State Equal Opportunity (EO) Officer monitors the Workforce Investment Act (WIA) One-Stop Partners (OSPs), Local Workforce Investment Areas (LWIAs) and their sub-recipients for compliance with the requirements of 29 CFR 37.54(d)(1)(iii). The State has established procedures to monitor all aspects of the recipient's compliance with the WIA Section 188 and 29 CFR Part 37. EO monitoring reviews include a review of compliance and responsibilities that have been assigned through the State's Method of Administration (MOA). A review of each recipient's programs and activities to determine whether discrimination is occurring is also included in the monitoring.

#### **NARRATIVE:**

The State ensures compliance with its administrative obligations under the WIA Sections 188 and 29 CFR Part 37 during the monitoring process. Monitoring is conducted by the State WIA EO Officer which include desk and field reviews to determine LWIA and OSPs compliance with the provisions of WIA Section 188. These reviews check for compliance with the WIA One-Stops' administrative obligations including assurances, notices and communication, responsibilities under the State's MOA, as well as its programs and activities.

Monitoring LWIA's and OSP's to ensure their programs and activities are operating in a nondiscriminatory manner must involve, at a minimum:

1. Analysis of the data and records collected by the recipient pursuant to 29 CFR 37.37 through 29 CFR 37.41 to determine whether any differences based upon race, ethnicity or sex have practical or statistical significance and is done through the use of the 80 Percent Rule Report; and
2. Where significant differences are found, follow-up investigations on whether the differences are due to discrimination.

In order to ensure that OSPs, Unemployment Insurance Administration (UIA) and WIA Title IB 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 pursuant to 29 CFR 37.37 through 29 CFR 37.41. This analysis, conducted by the State WIA EO Officer, determines if any differences based upon race, ethnicity, or sex exist and whether such differences have a practical or statistical significance.

Complying with the administrative obligations of 29 CFR 37 includes but is not limited to:

#### **Assurances. (29 CFR 37.20 through 37.22)**

Assurances are required to be provided by each LWIA in their Local Business Plan. (*Refer to: Element 3 – Attachment 1, pg. 5*)

#### **Equal Opportunity Officers. (29 CFR 37.23 through 29 CFR 37.28)**

EO Officers are listed in Element One: Designation of State and local level Equal Opportunity Officers.

#### **Notice and communication. (29 CFR 37.29 through 29 CFR 37.36)**

"Equal Opportunity Is the Law" notices are listed in Element Two: Notice and Communication.

#### **Data and information collection and maintenance. (29 CFR 37.37 through 29 CFR 37.41)**

Data and information collection and maintenance are kept both at the WIA State and LWIA Equal

Opportunity Offices as described in Element Six: Data and Information Collection and Maintenance.  
**Universal access. (29 CFR 37.42)**

Universal access is addressed in Element Four, Universal Access.

The State utilizes the Arizona Workforce Innovation and Office of Apprenticeship Section “Equal Opportunity and Nondiscrimination Monitoring Guide” when facilitating on-site monitoring reviews for LWIAs and ES programs. (*Refer to: Element 1 – Attachment 5b*)

**Complaint processing procedures. (29 CFR 37.70 through 29 CFR 37.80)**

The WIOA Section issued WIA Guidance Letter #07-06, “Arizona WIA Equal Opportunity and Discrimination Complaint Policy and Procedures” in March 2006. LWIAs may provide for an additional level of appeal to the State WIA EO Officer. All sub-recipients must comply with these procedures which meet the requirements of 29 CFR 37.70 through 29 CFR 37.80. (*Refer to: Element 3–Attachment 7*)

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

The State, through LWIA and OSP EO monitoring, determines if the LWIA or OSP EO Officer or designee has reviewed applicants for and recipients of WIA Title IB financial assistance from or through the LWIA, including sub-recipient agencies. Monitoring includes the review of:

1. Receipt of the right to file grievance information for applicants and recipients;
2. Records of local 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;
5. Review participant’s case files, both electronic and paper;
6. The Local Business Plan for nondiscrimination and equal opportunity provisions of the WIA;
7. Contractual assurances of compliance with the nondiscrimination and equal opportunity provisions of the WIA;
8. Programmatic and physical accessibility for disabled individuals to appropriately receive WIA services;
9. Staff and participant interviews; and
10. Use of 80 Percent Rule to conduct strategic analysis to identify possible discrimination within the program.

The State issues a monitoring report identifying all findings and the actions required to address each specific finding. LWIAs and OSPs bear the responsibility for monitoring these same elements, not only in their internal service delivery system but also for any and all sub-recipients who provide WIA Title IB funded services. (*Refer to: Element 1 – Attachment 6*)

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

The State WIA EO Officer will issue an EO and Nondiscrimination Monitoring Report to LWIAs and OSPs with each violation identified. The LWIA/OSP has 20 business days to provide a written response and the resolution to the finding(s) along with verifiable documentation. The State has ten business days to review the response for compliance and determine if the documentation provided is acceptable. The State then issues a letter notifying the LWIA that the review will be closed. If the State reviews the verifiable documentation or pertinent information and determines the documentation does not resolve the finding(s) the State will send a letter to the LWIA/OSP that the documentation is unacceptable and a resolution to the finding(s) issue. The LWIA/OSP, upon receipt of the letter, will have a total of ten

business days to correct the findings and request any technical assistance necessary to address the finding(s). If the LWIA/OSP fails to resolve the finding(s) then the State will notify the LWIA/OSP 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 WIA Title IB financial assistance.

### **Ensuring policy development, communication, and training are implemented.**

In August 2014, the State hosted training provided by the U.S. Department of Labor, Civil Rights Center (USDOL/CRC) for representatives of the LWIAs on appropriate monitoring of sub-recipients in equal opportunity and nondiscrimination areas. Effective tools (80 Percent Rule and the Two Standard Deviation Report) were provided to assist both Local and State EO Officers in developing and/or strengthening their monitoring process to ensure compliance.

The dissemination of State WIA policies and procedures is done through the "WIA Title IB Policy and Procedure Manual" located on the DES/EA website at: [www.azdes.gov/wia](http://www.azdes.gov/wia) in addition to Workforce Guidance Letters (WGLs). The WGLs are used to disseminate policies and procedures to LWIAs when required. These WGLs as well as the "Policy and Procedure Manual" require LWIAs to develop local equal opportunity and nondiscrimination policies and procedures, including the requirements to ensure that sub-recipient agencies meet the same requirements. These LWIA policies are found in each LWIA's Business Plan and updated as needed.

The State ensures the programs and activities are operating in a nondiscriminatory manner and provide equal opportunity, including but not limited to:

- Conducting analyses by race, ethnicity and sex, of program and employment activity including but not limited to rates of application, placement, and termination, to determine if significant differences exist; and
- Conducting follow-up monitoring to determine the cause of any such differences, through the analysis of the records of individual and eligible registrants, applicants, employees and applicants for employment, interviews and other appropriate techniques.

In 2012, the State implemented a new statewide internet-based workforce data reporting system called the Arizona Job Connection (AJC). State staff conducts a thorough analysis to determine if any discriminatory issues can be identified. The State also works to ensure that the workforce data reporting system can provide to the State and LWIAs the necessary reports to identify issues regarding equal opportunity and nondiscrimination.

The Unemployment Insurance Administration (UIA) collects the information when initial unemployment claims are filed. Records are maintained on each claimant in the Unemployment Insurance (UI) payment system. Data is stored in the State's workforce and UI databases. Stored data is used to conduct analysis to determine if any discriminatory issues exist.

### **The procedure for reviewing recipients' policies and procedures, to ensure that the policies and procedures do not violate the prohibitions contained in 29 CFR 37.5 through 37.10**

A desk audit review is conducted by the State WIA EO Officer prior to on-site reviews to analyze program materials and the Local Business Plan to ensure no discrimination is occurring in local program policies, sub-contracts and procedures. Before each Local Business Plan can be approved by the State Workforce Investment Board (Workforce Arizona Council) it is required that each plan includes the following specific assurances:

1. The LWIA 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 WIA and the current State of Arizona Method of Administration;

2. The LWIA will describe how each access site identified in the MOA will ensure compliance with Equal Opportunity and Americans with Disabilities; and
3. The LWIA will provide contact information and identification of the Local, State and Federal EO Officers available in all facilities used to conduct WIA Title IB funded trainings, programs and activities.

LWIAs are required to publish their WIA Equal Opportunity and Nondiscrimination policy statement on their website.

During staff interviews, the State WIA EO Officer reviews the following information with each respondent:

- What trainings have you received regarding EO requirements related to your work?
- How are services provided to Limited English Proficient individuals?
- What languages are spoken by customers in this area?
- Where are the program's policies, procedures regarding Limited English Proficiency located?
- Do you have any questions on how to serve Limited English Proficient individuals?
- How do you provide services to visually impaired, deaf clients, and non-ambulatory clients?
- What do you do if a person comes in with a need for an American Sign Language interpreter?
- Who would you ask if you had a question about providing services to an individual with a disability?
- Where are the program's policies and procedures regarding individuals with disabilities?
- What do you do if a client tells you that they feel they have been discriminated against by you, or someone in your office because of their race, ethnicity, color, religion, sex, national origin, age, disability, political affiliation or belief, or for WIA Title I program beneficiaries, their citizenship or participation in a WIA Title I financially-assisted program?
- What do you do if you are discriminated against because of your race/ethnicity, color, religion, sex, national origin, age, disability, political affiliation or belief, or for WIA Title I program beneficiaries, citizenship or participation in a WIA Title I financially-funded program?

Participant interviews during monitoring include the following questions:

- Do you feel this office is accessible to all, regardless of their race, color, ethnicity, gender, disability, religion, national origin, age, citizenship and or political affiliation?
- What recommendations, if any, do you have in order to assist the office in providing universal access? (Universal Access – means all services are available to all participants and have equal opportunity in training or activities, regardless of their social class, gender, ethnicity background or physical and mental disabilities).
- What is your opinion of the services provided by the workforce program?
- Did anyone inform you of your equal opportunity or nondiscrimination rights as a program applicant or participant in your orientation or one-on-one? (For example, did anyone inform you of what to do if you believe you were discriminated against based on your race, gender, age, disability, national origin, etc.)?
- Did you get a copy of those rights?
- Do you have any comments, concerns or suggestions about the program or this office?

**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 WIA EO Officer conducts an exit interview with pertinent LWIA or OSP staff and the local Program Director or designee. This conference is a brief discussion of issues identified during the course of the review.

An EO and Nondiscrimination Monitoring Report of the review is written by the State WIA EO Officer. The EO and Nondiscrimination Monitoring Report is then reviewed and submitted to the WIA Field Operations Supervisor for approval before being distributed to the LWIA EO Officer and Program Director. Copies of the EO and Nondiscrimination Monitoring Report are provided to the LWIA EO Officer, the State WIA EO Officer. The report identifies areas, in which the LWIA is out of or could be out of compliance (findings) and other areas of concern. The EO and Nondiscrimination Monitoring Report may also make recommendations for corrective actions needed to correct deficiencies.

The LWIA/OSP EO Officer will maintain communication with the State WIA EO Officer until all equal opportunity related findings have been corrected.

**The involvement of the State 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 WIA, LWIA and OSP EO Officers are the primary reviewers; the name of the State WIA EO Officer and a list of LWIA/OSP EO Officers are contained in Element One of this MOA. The State WIA EO Officer reviews certain equal opportunity items as a part of the annual reviews. Any issues identified during the annual WIA EO reviews involving equal opportunity and nondiscrimination are discussed with the State WIA EO Officer to ensure compliance with applicable regulations. The State WIA EO Officer 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 LWIA and OSP is reviewed annually through desk reviews, requested reports (80 Percent Rule, Equity of Service, Staff Data Analysis) and bi-annually through on-site reviews, unless needed more frequently, to track for compliance issues. A review schedule is developed at the beginning of each program year identifying when each LWIA and OSP is scheduled for either a desk or on-site review or both. Each LWIA 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. LWIA Directors are sent a letter by the State WIA EO Officer notifying them of the review 30 days before the review is to begin. 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 or oversight.

*(Any changes required will be incorporated upon the implementation of Workforce Innovation and Opportunity Act (WIOA) in July 2015)*



# Element Eight

## Complaint Processing Procedures

(29 CFR 37.54(d)(1)(vii))

### PURPOSE:

The State of Arizona (State) and its recipients are complying with the requirements of 29 CFR 37.76 through 29 CFR 37.79 regarding complaint processing procedures. In March of 2006, the State adopted and published procedures for processing complaints alleging discrimination by any program or activities funded under the Workforce Investment Act (WIA) Title IB. These procedures provide the complainant with the option to file with the Local Workforce Investment Area (LWIA)/Department of Economic Security (DES or Department) Unemployment Insurance Administration (UIA) Equal Opportunity (EO) Officer, the State WIA EO Officer, or directly with the Civil Rights Center (CRC) Director, U. S. Department of Labor (DOL). LWIAs and One-Stop Partners (OSPs) are required to include complaint and grievance procedures as part of their Local Business Plans and those procedures must comply with the requirements of 29 CFR 37.70 through 29 CFR 37.80. In addition, the UIA is required to certify by signing the State Quality Service Plan Signature Page, that it will comply with developing and following procedures for handling complaints of discrimination covering all of the regulations applicable to it as a recipient of the Federal financial assistance.

### NARRATIVE:

**Recipients that are required to do so (29 CFR 37.77) have developed and published complaint procedures. (29 CFR 37.76)**

The State has issued a WIA Grievance Procedures, Complaints, and State Appeals processes (*Documentation Section - Attachment 1*), which sets forth the complaint procedures for all LWIA/OSPs and sub-recipients, and it includes the State's WIA Discrimination Complaint form. (*Documentation Section - Attachment 2*) All recipients must comply with these procedures, which meet the requirements of 29 CFR 37.70 through 29 CFR 37.80. An optional, additional level of appeal from the LWIA to the State WIA EO Officer is provided for in these procedures. Complaints may be filed at the federal level, the state level or at the local level. The LWIA/OSP EO Officer documents each complaint filed on a Discrimination Complaint Log, which is forwarded to the State WIA EO Officer for review. 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. LWIA EO Officers and One-Stop partners inform the State WIA EO Officer about complaint investigations and submit the Discrimination Complaint Logs on a quarterly basis. Upon request from CRC the State WIA EO Officer will provide the Discrimination Complaint Log developed from CRC's website instructions. (*Documentation Section - Attachment 3*)

**Provide for the issuance of a written Notice of Final Action within 90 days of the date on which the complaint is filed. (29 CFR 37.76(a))**

The Arizona WIA Equal Opportunity and Discrimination Complaint Policy states, "The EO Officer will provide a written Notice of Final Action to the complainant within 90 days of the date on which the complaint was filed," in accordance with 29 CFR 37.76(a).

**Initial, written notice to the complainant that contains an acknowledgment that the recipient has received the complaint, and a notice that the complainant has the right to be represented in the complaint process (29 CFR 37.76(b) (I))**

The Arizona WIA Equal Opportunity and Discrimination Complaint Policy states, "The EO Officer will provide a written acknowledgment of receipt of the complaint to the complainant within five business days with notice that the complainant has the right to be represented in the complaint process," in accordance with 29 CFR 37.76(b)(1) (ii).

**A written statement provided to the complainant, that contains a list of the issues raised in the complaint and, for each issue, a statement whether the recipient will accept the issue for investigation or reject the issue, and the reasons for each rejection (29 CFR 37.76(b)(2))**

The Arizona WIA Equal Opportunity and Discrimination Complaint Policy states, “Upon receipt of a complaint or information alleging discrimination, the EO Officer will provide written notice to all parties of the specific issues raised in the complaint; (and) provide a statement for each issue, either accepting the issue for investigation or rejecting the issue, and the reasons for each rejection”, as required by 29 CFR 37.76(b)(2).

**A period for fact-finding or investigation of the circumstances underlying the complaint (29 CFR 37.76(b)(3))**

The Arizona WIA Equal Opportunity and Discrimination Complaint Policy states, “Upon receipt of a complaint or information alleging discrimination, the EO Officer will...Initiate an investigation or fact-finding of the circumstances underlying the complaint that shall last at least 14 calendar days.” This meets the requirements of 29 CFR 37.76(b)(3).

**A period during which the recipient attempts to resolve the complaint and the methods available to resolve the complaint must include Alternative Dispute Resolution (ADR). (29 CFR 37.76(b)(4) and (c))**

The Arizona WIA Equal Opportunity and Discrimination Complaint Policy states, “The EO Officer will contact the complainant in writing no later than 14 calendar days of receipt of the complaint to determine the complainant’s willingness to mediate using the Alternative Dispute Resolution (ADR) procedures.”

**A written Notice of Final Action, provided to the complainant within 90 days of the date on which the complaint was filed, that contains, for each issue raised in the complaint, either a statement of the recipient’s decision on the issue and an explanation of the reasons underlying the decision, or a description of the way the parties resolved the issue.**

The Arizona WIA Equal Opportunity and Discrimination Complaint Policy states, “The EO Officer will provide a written Notice of Final Action to the complainant within 90 days of the date on which the complaint was filed that contains the following information: for each issue raised in the complaint, a statement of either the decision on the issue and an explanation of the reasons underlying the decision or a description of the way the parties resolved the issue...”. This language mirrors the requirements of 29 CFR 37.76(a-c).

**Notice that the complainant has a right to file a complaint with the CRC Director, DOL, within 30 days of the date on which the Notice of Final Action is issued, if he or she is dissatisfied with the recipient’s final action on the complaint. (29 CFR 37.76(b)(5))**

The Arizona WIA Equal Opportunity and Discrimination Complaint Policy states, “If, during the 90 day period, the EO Officer issues its Notice of Final Action, but the complainant is dissatisfied with the decision on the complaint, the complainant or his/her representative may file a complaint with the CRC Director within 30 days after the date on which the complainant receives the Notice of Final Action.” This language was taken directly from 29 CFR 37.76(b)(5)(ii) to ensure compliance on this issue.

**Provide that, if the complainant is dissatisfied with the outcome of the investigation, or if there is no final resolution of the complaint within 90 days of the date the complaint is filed, the complainant is notified that he or she may file his or her complaint with the Civil Rights Center.**

The Arizona WIA Equal Opportunity and Discrimination Complaint Policy states, “If, during the 90 day period, the EO Officer issues its Notice of Final Action, but the complainant is dissatisfied with the decision on the complaint, the complainant or his/her representative may file a complaint with the CRC Director within 30 days after the date on which the complainant receives the Notice of Final Action.” The contact information for the Civil Rights Center is included at the bottom of Page 3 of the WIA Discrimination Complaint Policy and Procedures. (Refer to: Element 3, Attachment 6)

**Recipients follow the established procedures.**

Consistent with 29 CFR 37.76 through 29 CFR 37.79, the State will maintain compliance according to the Arizona WIA Equal Opportunity and Discrimination Complaint Policy which provides for prompt and equitable resolution of complaints and includes the following elements:

- Initial Written Notice;
- An Acknowledgement of Receipt;
- Notice of Right to Representation;
- Issues raised in complaint;
- A period for Fact-Finding that includes ADR; and
- A Written Notice of Final Action.

Each recipient is required to comply with the WIA Equal Opportunity and Discrimination Complaint Policy process for resolving complaints in connection with WIA Title IB programs operated by recipients. Utilizing this complaint procedure, each WIA Title IB recipient shall provide for local level processing of complaints. Recipients will be monitored to ensure they are complying with this requirement.

*(Any changes required will be incorporated upon the implementation of Workforce Innovation and Opportunity Act (WIOA) in July 2015)*

## Element Nine

### Corrective Actions/Sanctions

(29 CFR 37.54(d)(2)(vii))

#### **PURPOSE:**

The State of Arizona (State) addresses how it and its recipients are complying with the requirements of 29 CFR 37.54(d)(2)(vii) in developing procedures for obtaining prompt corrective action when instances of noncompliance with Workforce Investment Act (WIA) Section 188 or 29 CFR Part 37 are found or, as necessary, applying sanctions.

#### **NARRATIVE:**

The State has established procedures for corrective and remedial actions to be applied when there is a violation of WIA Section 188 and/or 29 CFR Part 37 by a Local Workforce Investment Area (LWIA)/One-Stop Partner (OSP) or sub-recipient.

**The standards for corrective and remedial actions are to be applied when violations of WIA Section 188 or 29 CFR part 37 are found. Corrective and remedial actions must be designed to completely correct each violation. For each corrective action, a time frame should be established that sets the minimum time necessary to completely correct the violation. In the case of a finding of discrimination, the procedures must provide, where appropriate, for retroactive relief (including but not limited to back pay) and prospective relief (e.g., training, policy development and communication) to ensure that the discrimination does not recur.**

Corrective and remedial action will be sought when any deficiency is identified as a result of a monitoring review or an employment opportunity complaint. Deficiencies can be technical violations, which are deficiencies that do not involve discrimination, require written assurance from the LWIA/OSP. Technical violations may include, but are not limited to: findings of failure to post the required “Equal Opportunity is The Law” notice, failure to include assurances in service plans, failure to include a signed “Equal Opportunity is The Law” notice in a WIA participant’s file, as well as failure to include a signed statement confirming participant knowledge of Complaint Procedures and Grievance Procedures in their program file.

Discrimination violations involve any complaint where discrimination is alleged. Discrimination violations may include, but are not limited to: findings of disparate treatment, disparate impact, and failure to provide reasonable accommodation. These findings may require a conciliation agreement or assurance statement. Provisions will include making whole relief to include where appropriate, retroactive relief (e.g. back pay, front pay, retroactive benefits, training, any service discriminatorily denied) or prospective relief, (e.g. change of policy, training, development of new policy, training on policy communication).

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

For each corrective action identified, the LWIAs must submit their corrective action plans within 20 business days of receipt of the Monitoring Report. Corrections to the findings should be made within 20 business days of the Equal Opportunity (EO) Nondiscrimination Monitoring Report and designed to completely correct the violation and bring the LWIA/OSP into compliance.

LWIA/OSP are required complete all corrective actions in the monitoring report and the LWIA/OSP must submit a written assurance that the findings have been corrected and will not recur. The written assurance

must certify that the discrepancy has been corrected. The assurance will list the deficiency and corrective action as specified in the written notification, describe the corrective actions taken and the dates of those actions, state that the LWIA/OSP or sub-recipient is taking and will continue to take steps to assure that the deficiency does not recur, and certify that the assurance is signed by the highest level official of the LWIA/OSP or sub-recipient. If the findings involve discrimination, a conciliation agreement is required.

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

**The procedures for follow-up monitoring to ensure that commitments to take corrective action and remedial action are fulfilled**

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

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

The violating recipient will develop and submit a corrective or remedial action plan in writing to the State WIA EO Officer within 20 business days of receiving the EO Nondiscrimination Monitoring Report. The corrective or remedial action plan will identify the violating recipient's plan and require that follow-up reports be prepared and forwarded to the State EO Officer on a periodic basis for all completed actions. The State WIA EO Officer will conduct a follow up to ensure that all the findings have been resolved and will close out the monitoring review.

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

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

- A statement of the efforts made to achieve voluntary compliance, and a statement that those efforts have been unsuccessful;
- A statement of those matters upon which the recipient and the State WIA EO Officer continue to disagree;
- A list of any modifications to the findings of fact or conclusions that were set forth in the initial determination;
- A statement of the recipient's liability and, if appropriate, the extent of that liability;
- A description of the corrective or remedial actions that the recipient must take to come into compliance; and
- A notice that if the recipient fails to come into compliance within ten days of the date on which it receives the final determination, one or more of the following consequences may result:
  - WIA funds may be withheld in whole or in part;
  - Applications for set-aside funds may be denied when the recipient is determined to be noncompliant with EO requirements;
  - The Arizona Department of Economic Security (DES or Department) may refer the case to the Arizona State Attorney General or the U.S. Department of Justice with a request to file suit against the recipient; or
  - DES may take any other action against the recipient allowable by law.

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

*(Any changes required will be incorporated upon the implementation of Workforce Innovation and Opportunity Act (WIOA) in July 2015)*