District of Columbia Monitoring Report:

Compliance with the Nondiscrimination and Equal Opportunity Provisions of Section 188 of the Workforce Innovation and Opportunity Act

Date of Onsite Monitoring:

Person Conducting Monitoring:  Facility Name/Location:

Name:

Title:

Phone:

Email:

Director/Head of Location:

Name:

Title:

Phone:

Email:

EO Officer for the Location:

Name:

Title:

Phone:

Email:

Not applicable

This location provided a statement regarding whether it has any pending lawsuits or administrative actions filed against it involving allegations of prohibited discrimination under Section 188 of the Workforce Innovation and Opportunity Act (WIOA):

Yes, lawsuits/administrative actions are pending

No lawsuits/administrative actions are pending

**PURPOSE:** This monitoring tool is designed to help identify and address major compliance issues under the nondiscrimination and equal opportunity mandates of Section 188 the Workforce Innovation and Opportunity Act under [insert DC notification of review]. Although this tool contains some disability-related review items, the official WIOA Section 188 disability checklist is published by the U.S. Department of Labor’s Civil Rights Center, and is available at [www.dol.gov/crc](http://www.dol.gov/crc). Monitoring includes a desk audit review (*see* Appendix A). Once completed, a copy of this monitoring report will be provided to the recipient.

**REFERENCES:**

These policies and procedures govern discrimination complaint investigations arising under. This monitoring will be conducted in compliance with:

Section 188 of the Workforce Innovation and Opportunity Act (WIOA) at 29 U.S.C. § 3248, as implemented by 29 C.F.R. Part 38, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I-financially assisted program or activity;

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, as amended, which prohibits discrimination on the bases of race, color and national origin;

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 *et seq.*, as amended, which prohibits discrimination against qualified individuals with disabilities;

The Age Discrimination Act of 1975, 42 U.S.C. § 6101 *et seq.*, as amended, which prohibits discrimination on the basis of age; and

Title IX of the Education Amendments of 1972, 29 U.S.C. § 1681 *et seq.*, as amended, which prohibits discrimination on the basis of sex in educational programs.

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**I**

**“Equal Opportunity Is the Law” Notices and Posters**

To ensure equal opportunity and nondiscrimination under Section 188 of WIOA, the recipient’s equal opportunity policy must be widely-published, disseminated, and posted. 29 C.F.R. §§ 38.34, 38.36, and 38.39. This means the “Equal Opportunity Is the Law” posters must be prominently displayed throughout areas where we serve the public in English as well as in any other language(s) spoken by limited English proficient persons who constitute a “significant proportion or number” of our service area population. And, for any limited English proficient person who communicates in a less widely-used language, we must provide a translated version of the “Equal Opportunity Is the Law” notice at no cost to the LEP customer. Also, we must provide the “Equal Opportunity Is the Law” notice in appropriate alternative formats for persons with disabilities. Finally, we must document in participant files and on our electronic database that all customers and potential customers, including LEP persons and persons with disabilities, have received the notice.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Findings | Corrective Actions | Follow-Up  Target Date | Status (Open/Closed) |
| The “Equal Opportunity Is the Law” poster in English is prominently displayed in reasonable places and reasonable numbers | Yes  No |  |  |  |
| The “Equal Opportunity Is the Law” poster is prominently displayed in reasonable places and numbers in languages spoken **by a significant number or proportion** of LEP population(s) in the service area. For this location the required languages are: | Yes  No |  |  |  |
| Each poster contains complete and current contact information for the recipient’s EO Officer, State EO Officer, and the U.S. Department of Labor’s Civil Rights Center | Yes  No |  |  |  |
| TTY and/or relay numbers are provided wherever telephone numbers are provided on “Equal Opportunity Is the Law” posters and notices | Yes  No |  |  |  |
| The “Equal Opportunity Is the Law” notice is translated and provided to each LEP person at no charge to the LEP person | Yes  No |  |  |  |
| The “Equal Opportunity Is the Law” notice is provided in an alternative format, on request, to each individual with a disability at no charge to that individual | Yes  No |  |  |  |

**II**

**Assurances**

The required assurances at 29 C.F.R. § 38.25 must be set forth in all arrangements related to the delivery of WIOA Title I-financially assisted programs and activities, including the following:

●      contracts;

●      memoranda of understanding;

●      cooperative agreements;

●      job training plans;

●      grant applications;

●      requests for proposals;

●      agreements with training providers; and

●      any other arrangements related to the delivery of WIOA Title I financially-assisted programs and activities.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Document Reviewed | Assurances Present? | Corrective Actions | Follow-Up  Target Date | Status (Open/Closed) |
|  | Yes  No  Incomplete |  |  |  |
|  | Yes  No  Incomplete |  |  |  |
|  | Yes  No  Incomplete |  |  |  |
|  | Yes  No  Incomplete |  |  |  |

**III**

**Review of Written Materials and Website Content**

The following two taglines shall appear on all written materials related to WIOA Title I-financially assisted programs and activities:

“Equal Opportunity Employer/Program”

**and**

“Auxiliary aids and services are available upon request to individuals with disabilities”

29 C.F.R. § 38.38. The written materials on which the taglines must appear include, but are not limited to, the “Equal Opportunity Is the Law” posters and notices, publications, brochures, orientation and recruitment materials, manuals, handbooks, directives, correspondence, procedures, broadcast scripts, written advertising, and website pages related to WIOA Title I-financially assisted programs and activities. Moreover, wherever a telephone number is listed on these materials, a TTY or relay number also must be listed for persons who are deaf or hard of hearing, or who have speech disabilities.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Description of Document or Website Reviewed | Correct taglines present?  TTY or relay number included wherever a telephone number is included? | Corrective Actions | Follow-Up  Target Date | Status (Open/Closed) |
|  | Taglines: Yes  No  TTY/relay: Yes  No |  |  |  |
|  | Taglines: Yes  No  TTY/relay: Yes  No |  |  |  |

With regard to written materials, the following also must be determined:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Findings | Corrective Actions | Follow-Up  Target Date | Status (Open/Closed) |
| Procedures are in place and known to staff to provide translation of “vital” documents for LEP persons; otherwise, interpretation services are provided. | Yes  No |  |  |  |
| Procedures in place and known to staff to allow persons with disabilities equal access to any written materials. | Yes  No |  |  |  |
| “Essential eligibility requirements” for services, aid, training, and benefits have been reviewed. The “essential eligibility requirements” are nondiscriminatory, including nondiscriminatory on the basis of disability and/or national origin (LEP status) | Yes  No |  |  |  |

**IV**

**Limited English Proficient Persons**

We have two responsibilities with regard to LEP persons in our service delivery area: (1) we must communicate in the language(s) used by a “significant number or proportion” of our service area population; and (2) we must assess the particularized language needs of LEP persons who communicate in less-widely-used languages.  Thus, even if the LEP person speaks a language that a staff person has never heard before, we must have a system in place to identify the language and provide interpretation and/or translation services to afford the LEP person “meaningful access” to the services, aid, training, or benefits.  Moreover, we must widely-publicize the fact that interpretation and translation services will provided at no charge to LEP persons. For purposes of this component of your monitoring, the staff guides the EO Officer step-by-step through the process for a services, aid, training, or benefits, and explain how an LEP person is served each step of the way. 29 C.F.R. § 38.9.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | Description of the services, aid, training, or benefits (*e.g.,* job referral, unemployment insurance, training, child care, apprenticeship) | Findings | Corrective Actions | Follow-Up  Target Date | Status (Open/Closed) |
| Staff greets and assesses language needs. |  | Yes  No |  |  |  |
| Language needs properly recorded in participant’s file and on the electronic database. Beginning January 3, 2019, identification of LEP status and preferred language of each applicant, registrant, participant, terminee, applicant for employment, and employee must be collected and recorded. |  | Yes  No |  |  |  |
| For each LEP person, staff provides qualified interpreter services (*i.e.,* staff does not require that the LEP person provide his/her own interpreter services). |  | Yes  No |  |  |  |
| For each LEP person, translation of “vital” documents is provided. And, if a document is not deemed “vital,” interpreter services are utilized. |  | Yes  No |  |  |  |
| “Babel notice” requirements are met. 29 C.F.R.  § 38.9(g)(3). |  | Yes  No |  |  |  |
| It is widely-publicized that interpreter and/or translation services will be provided at no charge to the LEP person. |  | Yes  No |  |  |  |
| Staff is able to provide core and intensive services to LEP persons. |  | Yes  No |  |  |  |

**V**

**Blind/Low Vision**

We must provide persons with disabilities effective access to, and an equal opportunity to participate in, our programs and activities. 29 C.F.R. §§ 38.12-38.17. To that end, staff must understand and follow the procedures for serving persons with disabilities. For purposes of this component of monitoring, staff takes the EO Officer step-by-step through the process for a services, aid, training, or benefits, and explain how a person who is blind or has low vision is served each step of the way.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Findings | Corrective Actions | Follow-Up  Target Date | Status (Open/Closed) |
| Staff greets and assesses needs of any person who is blind or has low vision. | Yes  No |  |  |  |
| What auxiliary services are available at this location for persons who are blind or have low vision? | Yes  No |  |  |  |
| What assistive technologies are available and operational at this location for persons who are blind or have low vision? | Yes  No |  |  |  |
| Staff notifies persons who are blind or have low vision that auxiliary aids and services are available on request and at no charge to the person who is blind or has low vision. | Yes  No |  |  |  |
| Staff knows how to secure auxiliary aids and services on request of a person who is blind or has low vision. | Yes  No |  |  |  |

**VI**

**Deaf/Hard of Hearing**

Again, staff will take the EO Officer step-by-step through the process for a services, aid, training, or benefits, and explain how a person who is deaf or hard of hearing is served each step of the way.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Findings | Corrective Actions | Follow-Up  Target Date | Status (Open/Closed) |
| Staff greets and assesses needs of any person who is deaf or hard of hearing | Yes  No |  |  |  |
| What auxiliary services are available at this location for persons who are deaf or hard of hearing? |  |  |  |  |
| What assistive technologies are available and operational at this location for persons who are deaf or hard of hearing? |  |  |  |  |
| Staff notifies persons who are deaf or hard of hearing that auxiliary aids and services are available on request and at no charge to the person who is deaf or hard of hearing. | Yes  No |  |  |  |

**VII**

**Integrated Services for Individuals with Disabilities**

Review of overall operations at the location to determine the following:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Findings | Corrective Actions | Follow-Up  Target Date | Status (Open/Closed) |
| Persons with disabilities are served in an “integrated setting” alongside persons without disabilities | Yes  No |  |  |  |
| Recipient ensures that eligibility criteria do not screen out an individual with a disability, or class of individuals with disabilities unless such criteria can be shown to be necessary for the provision of the aid, training, benefit, or service being offered | Yes  No |  |  |  |
| Persons with disabilities are not offered lesser or different services, aid, training, or benefits than comparably eligible persons without disabilities | Yes  No |  |  |  |
| An accessibility survey has been conducted for the location, and it is on file and readily available | Yes  No |  |  |  |
| Persons with disabilities are not charged for the provision of auxiliary aids and services (*e.g.,* no surcharges to individuals with disabilities to participate in a program or activity) | Yes  No |  |  |  |
| Qualified persons with disabilities are denied the opportunity to participate as a member of planning or advisory boards | Yes  No |  |  |  |
| Individuals with disabilities have access to, and are able to participate in, training and education programs (including licensing and certification programs) | Yes  No |  |  |  |
| Staff is adequately trained to use all auxiliary aids and services available at this location (*e.g.,* TTY machine, specialized software, video captioning, relay service) | Yes  No |  |  |  |
| Reasonable accommodations are provided on request by qualified individuals with disabilities in registration for, and provision of aid, training, services, and benefits, including core and intensive services and support services | Yes  No |  |  |  |

**VIII**

**Review of Participant Files**

As an initial matter, medical information must be kept in a separate, secure location with limited access (*e.g.,* secured filing cabinets and/or encrypted Internet files). 29 C.F.R. §§ 38.41-38.45. Medical and/or disability-related information is not be kept in the participant’s program file; rather, only the accommodation requested, if any, is maintained in the participant’s file.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Findings | Corrective Actions | Follow-Up  Target Date | Status (Open/Closed) |
| Paper records containing data for each participant are maintained for a period of not less than three years from the close of the program year | Yes  No |  |  |  |
| Electronic data for each participant is maintained for a period of not less than three years from the close of the program year | Yes  No |  |  |  |

And, specific paper and electronic files of participants are reviewed using the checklist at Appendix B. Below is a table of items that will be reviewed in each participant’s file. Of the files reviewed, the files of LEP persons and persons with disabilities should be included in addition to a random selection of other participants’ files and files selected due to results of the target population analysis.

**IX**

**Review of Electronic Database**

Using the same participants whose physical files you have reviewed using the checklist at Appendix B, you will now review the electronic database to ensure appropriate data entry for these participants.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Findings | Corrective Actions | Follow-Up  Target Date | Status (Open/Closed) |
| Data properly collected (*e.g.,* race/ethnicity, age, gender and, if known, disability status) | Yes  No |  |  |  |
| Language needs properly noted for LEP persons | Yes  No |  |  |  |
| Auxiliary aids and services needs properly noted for persons with disabilities; that is, only accommodations requested are noted in the participant’s electronic program record | Yes  No |  |  |  |
| Medical information (if stored electronically) is stored separately from the participant’s program file in encrypted files with limited access | Yes  No |  |  |  |
| Confirmation that the “Equal Opportunity Is the Law” notice was provided to the participant is properly noted in the electronic record | Yes  No |  |  |  |

**X**

**Orientations**

Date of orientation session attended:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Findings | Corrective Actions | Follow-Up  Target Date | Status (Open/Closed) |
| Orientation notices, agenda, and materials include the “Equal Opportunity Is the Law” notice | Yes  No |  |  |  |
| Individuals with disabilities are able to access, and participate in, orientation sessions (*i.e.,* not offered lesser, different, or segregated orientation sessions) |  |  |  |  |
| Orientation notice, agenda, and materials include required taglines:  Equal Opportunity Employer/Program.  Auxiliary aids and services available on request by persons with disabilities. | Yes  No |  |  |  |
| Notice and orientation materials are provided in other languages (as needed) for LEP persons | Yes  No |  |  |  |
| Notice and orientation materials are provided in alternative formats (as needed) for persons with disabilities | Yes  No |  |  |  |
| Nondiscrimination and equal opportunity requirements of WIOA are explained and discussed during orientations | Yes  No |  |  |  |
| Attendees of orientations are informed how to file a discrimination complaint | Yes  No |  |  |  |
| The name and complete contact information for the EO Officer is provided to attendees | Yes  No |  |  |  |
| Demographics of attendees during the orientation (total numbers, if known) | Sex  Male  Female  Race/ethnicity  American Indian or Alaskan Native  Asian  Black or African American  Native Hawaiian or Other Pacific Islander  White  Hispanic/Latin American  Disability  Age |  |  |  |

**XI**

**Published Policies and Procedures**

To ensure nondiscriminatory delivery of programs and activities in compliance with WIOA Section 188, it is critical to review policies, procedures, and other written and unwritten criteria for access to, and participation in, the programs and activities.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Findings | Corrective Actions | Follow-Up  Target Date | Status (Open/Closed) |
| The State’s Nondiscrimination Plan and equal opportunity policies are known by staff at all levels and published | Yes  No |  |  |  |
| Discrimination complaint procedures and forms are in writing and are known and available to staff and the public, including confidentiality and non-retaliation assurances | Yes  No |  |  |  |
| Policies and procedures for imposing and administering corrective actions and sanctions when noncompliance is found (29 C.F.R. § 38.54(d)(2)(vii)) | Yes  No |  |  |  |
| Procedures for serving LEP persons are in writing and are known and available to staff and the public | Yes  No |  |  |  |
| Procedures for serving persons with disabilities, including providing reasonable accommodations, are in writing and are known and available to staff and the public | Yes  No |  |  |  |
| Procedures for handling requests for religious-based accommodation are in writing and are known and available to staff and the public | Yes  No |  |  |  |
| Procedures for gathering, handling, storing, and using medical information are in writing and are known and available to staff and the public | Yes  No |  |  |  |
| Criteria for determining priority of services for participants beyond the self-service phase are in writing, are nondiscriminatory, and are known and available to staff | Yes  No |  |  |  |
| Policies and procedures related to delivery of WIOA Title I programs and activities are reviewed to ensure they are nondiscriminatory | Yes  No |  |  |  |
| Written “essential eligibility requirements” for access to, and participation in, all WIOA Title I programs and activities are nondiscriminatory | Yes  No |  |  |  |
| Other written policies and procedures for delivery of services, aid, training, and benefits not previously covered | Yes  No |  |  |  |

**XII**

**The EO Officer**

With the exception of “small recipients” (defined as serving less than 15 beneficiaries during a grant year *and* employing fewer than 15 employees on any given day during the grant year), an EO Officer must be designated. 29 C.F.R. §§ 38.25, 38.29-38.32, and 38.40. Recipients without an EO Officer report to the State EO Officer. The EO Officer must:

* Be a “senior-level” employee
* Have access to the “top officials” to report *directly* on EO matters
* Not be assigned other (non-EO-related) duties or activities that create either an actual or apparent conflict of interest with the responsibilities of an EO Officer
* Have knowledge, skill, and ability to do the job

29 C.F.R. § 38.30. The recipient’s obligations are to ensure the EO Officer is a “senior level” employee designated who:

* + Reports *directly* to top official (CEO, COO, Director) of organization or agency on all EO matters; and
  + Has the support of top management

Moreover, the recipient must widely-publish and disseminate the EO Officer’s contact information (including the TTY or relay number wherever a phone number is listed) on the website, and on all *internal and external* written materials related to WIOA programs and activities, and the recipient must:

* Assign sufficient authority, staff and resources to the EO Officer to enable him/her to perform EO duties; and
* Ensure the EO Officer and staff are afforded the opportunity to receive, *at recipient’s expense*, training to maintain competency.

29 C.F.R. § 38.29.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Findings | Corrective Actions | Follow-Up  Target Date | Status (Open/Closed) |
| Contact information is widely-published (including TTY and/or relay number wherever a telephone number is provided) | Yes  No |  |  |  |
| The EO Officer’s name and full contact information (including relay or TTY number) appears on internal and external communications regarding nondiscrimination in WIOA Title I programs and activities | Yes  No |  |  |  |
| The EO Officer is a senior-level employee | Yes  No |  |  |  |
| The EO Officer reports *directly* to the head official/director on *all* EO matters | Yes  No |  |  |  |
| The EO Officer properly maintains a discrimination complaint log | Yes  No |  |  |  |
| The EO Officer has published discrimination complaint procedures | Yes  No |  |  |  |
| The EO Officer has sufficient staff and resources to perform his/her duties | Yes  No |  |  |  |
| The EO Officer is afforded adequate training opportunities to maintain his/her competencies | Yes  No |  |  |  |
| Training for the EO Officer and his/her staff is provided at the recipient’s expense | Yes  No |  |  |  |
| The EO Officer conducts monitoring, compliance reviews, and discrimination complaint investigations | Yes  No |  |  |  |
| The EO Officer serves as a liaison to the Civil Rights Center of the U.S. Department of Labor, the State level EO Officer, and partners, affiliates, and service providers | Yes  No |  |  |  |
| The EO Officer engages in affirmative outreach | Yes  No |  |  |  |
| The EO Officer has a system for conducting annual monitoring of recipients | Yes  No |  |  |  |
| The EO Officer’s monitoring includes an assessment regarding whether recipients are in compliance with the requirements of 29 C.F.R. Part 38 | Yes  No |  |  |  |

**XIII**

**Target Population Analysis and Affirmative Outreach**

In conjunction with monitoring, a target population analysis has been conducted for this location. Specifically, we must ensure our WIOA Title I-related programs and activities are operating in a nondiscriminatory and equal opportunity manner, which requires certain data analysis.

Analysis is conducted, by race/ethnicity, disability, age, and sex, of programs and employment activities, including but not limited to rates of application, placement, and termination, to determine if significant differences exist. If such significant differences are noted, the EO Officer will conduct follow-up monitoring to determine the cause of any such differences, through the analysis of the records of individual registrants, applicants, eligible applicants/registrants, employees and applicants for employment, interviews, and other appropriate techniques. And, then affirmative steps must be taken to ensure WIOA programs and activities are marketed to all populations in your service delivery area, particularly for:

* Different sexes;
* Racial, ethnic, and national origin groups;
* Various religions;
* Persons who are limited English proficient;
* Persons with disabilities; and
* Different age groups.

For areas where deficiencies are noted, possible corrective actions can include, but are not limited to, targeted advertising and marketing (*e.g.,* social media, broadcast, newspaper, and radio), booth events, public speaking engagements at events hosted by local community organizations, and engagements with advocacy groups.

**Service Area Population: Overall Demographics**

The demographics of the working age population (age 18-64 years) for this location’s service area population is as follows:

|  |  |
| --- | --- |
| **Category** | **Total number** |
| Sex | Male  Female |
| Race/Ethnicity | American Indian or Alaskan Native  Asian  Black or African American  Native Hawaiian or Other Pacific Islander  White  Hispanic/Latin American |
| Disability |  |
| Age (18-64 years old) (overall number) |  |

Sources: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The top languages spoken by a significant number or portion of the population eligible to be served are as follows:

|  |  |
| --- | --- |
| **Language** | **Total** |
| English |  |
| Spanish |  |
|  |  |
|  |  |
|  |  |
|  |  |

Sources: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Demographics of Individuals Encountered/Served**

Data must be collected for all WIOA Title I financially-assisted programs and activities by race/ethnicity, sex, age, and disability status. 20 C.F.R. §§ 38.37, 38.39, 38.41, 38.54, and 20 C.F.R. Part 652. Complete and submit the table below for all WIOA Title I financially-assisted programs and activities covering the time period from  to (add additional rows for each WIOA Title I financially-assisted program or activity offered through the location):

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Description of WIOA Title I financially-assisted program or activity | Category | Total number of applicants/registrants | Total number of eligible applicants/registrants | Total number of participants | Total number of terminees | Total applicants for employment(where appropriate) | Total number of employees  (where appropriate) | Program data is maintained for not less than three years from the close of  program year |
|  | Disability status, if known  Sex  Male  Female  Race/ethnicity  American Indian or Alaskan Native    Asian  Black or African American  Native Hawaiian or Other Pacific Islander  White  Hispanic/Latin American  Limited English Proficient status (after January 3, 2019)  Age  18-24 years  25-44 years  45-64 years  65 years and over |  |  |  |  |  |  | Yes  No |

Comparing the demographics for the overall service area population with the demographics of individuals encountered and served in WIOA Section 188 programs and activities, the following is determined:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| The following groups are appropriately represented in the location’s delivery of services, aid, training, and benefits | Findings | Corrective Actions | Follow-Up  Target Date | Status (Open/Closed) |
| Men and women | Yes  No |  |  |  |
| Racial, ethnic, and national origin groups | Yes  No |  |  |  |
| Different religions | Yes  No |  |  |  |
| Persons who are limited English proficient | Yes  No |  |  |  |
| Persons with disabilities | Yes  No |  |  |  |
| Different age groups | Yes  No |  |  |  |

Where data demonstrates a gap between the overall service area population and the population encountered/served by the recipient, the recipient must develop and implement an affirmative outreach strategy. In addition to the bases of race/ethnicity, sex, LEP status, disability status, and age, the recipient must develop and implement an affirmative outreach strategy targeting populations of different religions and different sexes (*e.g.,* beyond male and female such as transgender) in the service area.

The following additional findings are made:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Recipient has a written affirmative outreach strategy and plan for the following service area populations:  (1) different sexes; (2)  racial, ethnic, and national origin groups; (3) various religions; (4) persons who are limited English proficient; (5) persons with disabilities; and (6) different age groups. | Yes  No |  |  |  |
| Recruitment and outreach materials include required taglines:  Equal Opportunity Employer/Program.  Auxiliary aids and services are available upon request for persons with disabilities. | Yes  No |  |  |  |
| Recruitment and outreach materials are available in alternative formats for individuals with disabilities and in other significant languages (*i.e.,* oral interpretation or written translation). | Yes  No |  |  |  |

**Appendix A: Desk Audit Documentation**

**Desk Audit Checklist**

Location:

Date onsite scheduled:

To promote effective and efficient onsite monitoring, electronic copies of the following items must be provided by the recipient in support of monitoring for compliance with Section 188 of the Workforce Innovation and Opportunity Act:

**“Equal Opportunity Is the Law” Notice**

Copy of current “Equal Opportunity Is the Law” notice

List of languages in which notice is available on-demand

List of alternative formats in which the notice is available on-demand

**Assurances**

Copies of all open and pending agreements or arrangements used in the delivery of WIOA Title I financially-assisted services, aid, training, and benefits, including:

Contracts

Memoranda of understanding

Cooperative agreements

Job training plans

Grant applications

Requests for proposals

Agreements with training providers

Any other arrangements related to the delivery of WIOA Title I financially-assisted services, aid, training, or benefits.

**Other Written Materials**

Copies of all materials used in the delivery of WIOA Title I financially-assisted services, aid, training, and benefits, including:

Publications

Brochures

A complete orientation package

Recruitment materials

Affirmative outreach strategy and list of engagements

Manuals

Handbooks

Directives

Policies and procedures

Broadcast scripts

Written advertising

Website addresses for recipient’s website pages related to WIOA Title I financially-assisted services, aid, training, and benefits

“Essential eligibility requirements” used by the recipient for delivery of WIOA Title I services, aid, training, and benefits

WIOA Section 188 discrimination complaint log

**Organization**

Copy of EO Officer’s resume

Organizational chart for recipient

Written confirmation that the EO Officer reports directly to the most senior official in the organization for all EO matters

Copies of resumes for EO Officer’s staff who provide support for all WIOA Section 188 activities

Certificates of training or education received, and list of training received to maintain EO competencies over the past two years for the EO Officer and his/her staff who perform WIOA Section 188 activities

**Appendix B: Participant File Review Checklist**

Location: Name of Reviewer:

Participant’s Name:

Description of program or activity at issue

Preferred language (if other than English)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Findings | Corrective Actions | Follow-Up  Target Date | Status (Open/Closed) |
| Data properly collected (*e.g.,* race/ethnicity, age, gender and, if known, disability) | Yes  No  Sex  Race/ethnicity  Disability status, if known  Age |  |  |  |
| “Equal Opportunity Is the Law” notice is provided to the participant and receipt is documented in the participant’s file (*e.g.,* notice provided in language or alternative format, as  needed) | Yes  No |  |  |  |
| Essential eligibility requirements for access to, or participation in, program or activity are nondiscriminatory and properly applied to this participant | Yes  No |  |  |  |
| Medical information is maintained separate from participant’s paper and electronic program files in a secured/encrypted location with limited access (only accommodations requested are in the participant’s file) | Yes  No |  |  |  |