



# District of Columbia Nondiscrimination Plan 2021-2023

Equal Opportunity Employer/Program.  
Auxiliary aids and services are available upon request to individuals with disabilities.

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# Introduction

Signed into law on July 22, 2014, the Workforce Innovation and Opportunity Act (WIOA) superseded the Workforce Investment Act of 1998 (WIA) as the U.S. Department of Labor's (U.S. DOL) primary mechanism for providing financial assistance for a comprehensive system of job training and placement services for adults and eligible youth. Although WIOA did not change the nondiscrimination and equal opportunity provisions in Section 188, Congress mandated that the Department issue regulations to implement the section, including standards for determining discrimination and enforcement procedures, as well as procedures to process complaints.

WIOA Section 188 and 29 CFR Part 38 prohibits the exclusion of an individual from participation in, denial of the benefits of, discrimination in, or denial of employment in the administration of or in connection with any programs and activities funded or otherwise financially assisted in whole or in part under Title I of WIOA because of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status, or participation in a program or activity that receives financial assistance under Title I of WIOA. The final WIOA regulations regarding nondiscrimination and equal opportunity were published on December 2, 2016 with an effective date of January 3, 2017.

Washington, D.C. (commonly referred to as “the District”) is identified as a single area state under WIOA. The Mayor of the District of Columbia has designated the Workforce Investment Council (DC WIC) to administer implementation of the nondiscrimination and equal opportunity provisions of WIOA, as they relate to workforce development activities. The Executive Director of the DC WIC has ultimate responsibility for administration of the workforce development components of WIOA Section 188 in the District and, on behalf of the Mayor, ensures all recipients, as defined below, comply with all federal regulations. (See Appendix II-1, *infra*). Serving in an associated role, the Department of Employment Services (DOES) is the agency that operates the American Job Centers (AJCs) and administers the Unemployment Insurance, the WIOA Adult, Dislocated Workers, and Youth programs, Wagner Peyser, Senior Community Service Employment, Trade Adjustment Assistance activities, Jobs for Veterans State Grants programs.

DC WIC and DOES reviews and submits the District’s Nondiscrimination Plan (NDP) to the U.S. Department of Labor Civil Rights Center (CRC) every two years. The NDP serves as a “living document,” which reflects the District’s current and ongoing efforts to assure equal opportunity, nondiscrimination and equal access for potential customers, the customers we serve, as well as applicants for employment, employees and grantees. The NDP will be updated as policies, pathways, organizational structure (relative to WIOA and the EO provisions thereof), forms, flyers or other documents are revised, developed, and implemented.

In accordance to 29 CFR 38.55, the District will promptly update the Plan whenever necessary, and submit such changes to U.S. DOL in writing at the time that any updates are made. If no changes are necessary, the District will certify, in writing, to U.S. DOL that the previously submitted Plan is to continue to be in effect. Along with each biannual review of the Plan, the District will submit a copy of all reports of any monitoring reviews conducted (pursuant to 29 CFR 38.51(b)) since the last Plan update.

**Recipient:** The term “recipient,” as used in this Nondiscrimination Plan, is defined at 29 CFR 38.4(zz), which provides:

*Recipient* means entity to which financial assistance under Title I of WIOA is extended, directly from the Department or through the Governor or another recipient (including any successor, assignee, or transferee of a recipient). . . . In instances in which a Governor operates a program or activity, either directly or through a State agency, using discretionary funds apportioned to the Governor under WIOA Title I (rather than disbursing the funds to another recipient), the Governor is also a recipient. In addition, for purposes of this part, one-stop partners, as defined in section 121(b) of WIOA, are treated as “recipients,” and are subject to the nondiscrimination and equal opportunity requirements of this part, to the extent that they participate in the one-stop delivery system. “Recipient” includes, but is not limited to:

- (1) State-level agencies that administer, or are financed in whole or in part with, WIOA Title I funds;
- (2) State Workforce Agencies;
- (3) State and Local Workforce Development Boards;
- (4) LWDA grant recipients;
- (5) One-stop operators;
- (6) Service providers, including eligible training providers;
- (7) On-the-Job Training (OJT) employers;
- (8) Job Corps contractors and center operators;
- (9) Job Corps national training contractors;
- (10) Outreach and admissions agencies, including Job Corps contractors that perform these functions;
- (11) Placement agencies, including Job Corps contractors that perform these functions;
- (12) Other National Program recipients.

Recipients include “one-stop partners” as defined at Section 121(b) of WIOA, but the “ultimate beneficiary” of a WIOA Title I program or activity is not a “recipient.” 29 CFR 38.4(zz).

## ELEMENT I: *Assurances*

(CFR 38.25-27)

*Ability to comply with nondiscrimination and equal employment provisions and assurances  
(29 CFR 38.25-38.27)*

The District ensures that WIOA non-discrimination and equal opportunity provisions and assurances are incorporated into all grants, agreements or other similar applications for federal financial assistance under WIOA. As prescribed under 29 CFR 38.25-27 all WIOA Title I-related contracts, grants, memorandum of understanding, cooperative agreements, requests for proposals, job-training plans, and other WIOA-related arrangements.

To comply with WIOA Section 188 and 29 CFR 38.25, the District of Columbia requires the assurances provisions set forth in DC-WIGL 2017-005 (Appendix A) be inserted in all District WIOA Title I-related arrangements. (Appendix I-1).

This assurance applies to the grant applicant's operation of the WIOA Title I-financially assisted program or activity and to all agreements the grant applicant makes to carry out the WIOA Title I-financially assisted program or activity. The assurance is deemed incorporated, whether or not it is physically incorporated into the resulting contract or other arrangement. However, to promote full notice of the parties' WIOA Section 188 responsibilities, the District requires that language at Appendix A of DC-WIGL 2017-005 be physically present in all WIOA Title I-related arrangements.

The District also understands its obligations to comply with 29 CFR 38.26 (Duration and Scope of the Assurance) and 38.27 (Covenants) on the matter of WIOA Title I funds being provided for either personal property, real property, structures on real property, or interest in any such property or structures. Agreements for the procurement of supplies or services follow the District of Columbia Office of Contracting and Procurement (OCP) laws, regulations, and processes. OCP has representatives assigned to each agency, including the Department of Employment Services, which reviews all proposals and contracts.

### **Documentation:**

Appendix I-1 DC-WIGL 2017-005 (Attachment A—Assurances)

## ELEMENT II: *Equal Opportunity Officers*

(CFR 38.28-33)

### *Designation of Equal Opportunity Officers* 29 CFR 38.28-38.31

In compliance with the U. S. Department of Labor (DOL) regulations at 29 CFR Part 38.28, the District has designated a State Equal Opportunity (EO) officer and a Local-Level EO Officer. Due to the District's status as a single service delivery area, this has proven to be the most efficient means of ensuring the equal opportunity provisions of WIOA are carried out. EO contact persons, however, have been designated throughout the system to meet the requirements at 29 CFR 38.28(b) that each recipient (as defined at 29 CFR 38.4(z)), appoint an EO Officer to carry out the EO responsibilities at 29 CFR 38.31, including ensuring the recipient complies with the requirements of this Nondiscrimination Plan and policies and procedures issued by the State EO Officer, including the State EO Officer's published WIOA Section 188 discrimination complaint policies and procedures. The recipient must ensure that the EO contact has sufficient resources, training, and staff to perform their EO duties.

An EO Officer/contact may be assigned other duties, but he or she must be able to give top priority to, and to adequately accomplish, his /her responsibilities under WIOA Section 188 and the WIOA nondiscrimination regulations. Additionally, s/he must not have other responsibilities or activities that create a conflict, or the appearance of a conflict, with his or her duties as an EO Officer.

Each recipient has a continuing duty to notify the State EO Officer of any changes to the EO Officer/contact designation, contact information, or position description. This notice should be sent within 48 hours from when the change occurred. The current directory of EO Officers/contact may be found on the [dcworks.dc.gov](http://dcworks.dc.gov) website under the Policy and TA section.

Lauren Scott is designated as the District's State EO officer and reports directly to DC WIC Executive Director, Ahnna Smith, the Mayor's designee regarding all matters related to enforcement and compliance with the nondiscrimination and equal opportunity requirements of WIOA Section 188 and its implementing regulations at 29 CFR Part 38. (Appendix II-1). Her position includes oversight responsibility for coordinating, implementing, maintaining, and monitoring the nondiscrimination and equal opportunity requirements of the U.S. Department of Labor federal regulations, 29 CFR Part 38.

Business address for State EO Officer:

Lauren Scott  
Sr. Compliance Manager/State Equal Opportunity Officer  
Executive Office of the Mayor  
Deputy Mayor for Education  
District of Columbia Workforce Investment Council  
2235 Shannon Place SE, Suite 3031  
Washington, DC 20020  
Desk: 202-715-2861 (voice)  
Mobile: 202-664-7906  
District Relay: 711  
Email: [lauren.scott@dc.gov](mailto:lauren.scott@dc.gov)

The State EO Officer's responsibilities include, but are not limited to the following:

- Coordinating the State EO responsibilities under 29 CFR Part 38, including overseeing the development and implementation of the state's Nondiscrimination Plan;
- Serving as the District's liaison with the CRC;
- Monitoring and investigating the District's activities, and the activities of the entities receiving WIOA funds from the District to ensure the District and its sub-recipients are not violating their nondiscrimination and equal opportunity obligations under WIOA and 29 CFR Part 38, , which includes monitoring the collection of data to ensure compliance;
- Developing and publishing the District's procedures for processing discrimination complaints including tracking the discrimination complaints filed against the District, developing procedures for investigating and resolving discrimination complaints filed against the District, making sure that those procedures are followed, and making available to the public, in appropriate languages and formats, the procedures for filing a complaint;
- Investigating and processing complaints of discrimination;
- Reviewing the District's written policies to ensure the policies are nondiscriminatory;
- Reporting directly to the appropriate official (including, but not limited to, Ms. Ahnna Smith and the State Workforce Development Board) about equal opportunity matters;
- Undergoing training (at the expense of DC WIC, when necessary) to maintain competency;
- Providing technical assistance and guidance to the recipient-level EO officers District-wide to ensure compliance with federal regulations and other applicable regulations, policies, procedures, and directives; and
- Reporting conflicts or apparent conflicts of interest to appropriate parties.

The State-Level EO Officer generally performs the duties of the position in an independent manner. With a background in labor and employment law, knowledge of WIOA, workforce system policies, and the principles and practices of compliance monitoring, the State EO Officer has the knowledge, skills, and ability to perform the functions of the job. Ms. Scott attends numerous trainings throughout the year including, but not limited to, EEOC training, NASWA EO Committee Training, and Civil Rights Center training to maintain these competencies. The State EO Officer also corresponds regularly with the Local EO Officer regarding equal opportunity and non-discrimination issues, policies, training opportunities and other relevant matters. DC WIC has a specific administrative EO budget, which is reviewed each year to ensure appropriate levels of funds are allocated for carrying out the EO Officer's responsibilities (training, monitoring, communication and printing costs, etc.).

**Designation of Local-Level EO Officer.** The District of Columbia Department of Employment Services (DOES) operates the American Job Centers (AJCs) of the District of Columbia and administers the Unemployment Insurance, the WIOA Adult, Dislocated Workers, and Youth programs, Wagner Peyser, Senior Community Service Employment, Trade Adjustment Assistance activities, and Jobs for Veterans State Grants programs.

The Local-level EO Officer is responsible for ensuring that all WIOA Title I financially assisted partners/programs and the District Unemployment Insurance programs are following the requirements of the District's Nondiscrimination Plan to comply with the nondiscrimination and equal opportunity

provisions of Section 188 of WIOA and 29 CFR Part 38. Ramón Pérez-Goizueta is designated as the District's Local-level EO Officer. The Local-Level EO Officer serves within the DOES Bureau of Compliance and Independent Auditing, and reports to Dr. Unique Morris-Hughes, DOES Director, including on matters of equal opportunity and non-discrimination. See the Department of Employment Services organizational chart. (Appendix II-2).

Business address for Local-level EO Officer:

Ramón Pérez-Goizueta  
Chief Compliance Officer  
Bureau of Compliance and Independent Auditing  
Department of Employment Services  
4058 Minnesota Avenue, NE, Suite 3100, Washington, DC 20019  
Desk: 202-671-1673 (voice)  
Mobile: 202-210-1569 (voice)  
District Relay: 711  
Email: [ramon.perez-goizueta2@dc.gov](mailto:ramon.perez-goizueta2@dc.gov)

The Local-Level Officer's main job duties are specific to ongoing oversight, review and updating of DOES's equal opportunity program and services. The Local-Level EO Officer's responsibilities include, but are not limited to:

- Serving as a liaison with the State EO Officer and the CRC.
- Monitoring and investigating DOES' activities, and the activities of the entities receiving WIOA funds from DOES to ensure DOES and its sub-recipients are not violating their nondiscrimination and equal opportunity obligations under WIOA and 29 CFR Part 38.
- Tracking, investigating, and processing complaints of discrimination filed in WIOA Title I programs and activities.
- Reviewing DOES written policies to ensure the policies are nondiscriminatory.
- Conducting outreach and education about equal opportunity and nondiscrimination requirements, publishing the State EO Officer's procedures for processing discrimination complaints under 29 CFR Part 38, and making sure those procedures are followed.
- Reporting directly to the appropriate official (including, but not limited to, Dr. Unique Morris-Hughes, and the State Workforce Development Board) about equal opportunity matters.
- Undergoing training (at the expense of DOES, when necessary) to maintain competency.
- Publishing and implementing the District of Columbia's Nondiscrimination Plan, including procedures for processing discrimination complaints.
- Ensuring that the duties of the Local-EO Officer is given top priority to adequately accomplish all of his/her responsibilities under WIOA Section 188 and 29 CFR 38.

DOES employs sufficient staff and adequate resources to ensure compliance with the non-discrimination and equal opportunity provisions of Section 188 of the WIOA and with 29 CFR 38. The Local-Level EO Officer generally performs the duties of the position in an independent manner, and has the knowledge,



skills, and abilities to perform these duties, including experience with the systems used in developing performance reports, the monitoring of systems and processes, and compliance practices and techniques of the agency. However, staff that is available to assist the Local-Level EO Officer in completing his/her duties include, but are not limited to, a Disability Coordinator, Language Access Coordinator, and an Equal Opportunity Investigator, and she meets regularly with and has direct access to the agency Director regarding all related EO matters, complaints, and investigations.

The names of the State and Local-Level EO Officers are provided to all the local one stop centers and grant recipients electronically via the State EO website. Registrants, eligible applicants, participants, claimants, employees and applicants for employment, as well as interested members of the public and any others, are made aware of the State and Local-Level EO Officers through the “Equal Opportunity Is the Law” notice provided via enrollment and application forms, policies, fliers and pamphlets and posted wherever WIOA services are provided. (see Part III, Notice and Communication, *infra*).

### **Support and Training**

The State EO Officer has a system of communication and is proactive in providing with non-discrimination and equal opportunity information and identifying and meeting training needs to ensure EO Officers/contacts who have been assigned responsibilities under nondiscrimination and equal opportunity provisions are aware of and can effectively carry out their responsibilities under WIOA Section 188 and 29 CFR Part 38. The State EO Officer holds mandatory training at least every two-years reviewing any Nondiscrimination Plan updates. (Appendix II-3). This training focuses on ensuring that those staff with the critical role of ensuring nondiscrimination in the provision of services are knowledgeable and understand the requirements in the equal opportunity regulations and the District’s Nondiscrimination Plan.

The Local EO Officer is responsible for EO training for local service delivery staff members. These efforts help ensure that all local service delivery staff members, including sub-recipient staff, maintain a clear understanding of nondiscrimination and equal opportunity requirements, thus ensuring compliance with applicable laws and regulations.

In addition, State and Local-Level EO Officers, contacts, and staff are afforded the opportunity to receive EO related trainings, at the recipient’s expense, in order to coordinate the recipient’s obligations under the nondiscrimination and equal opportunity provisions of Section 188 of WIOA and 29 CFR Part 38.

<p><i>Equal Opportunity Officer obligations for small recipients and service providers</i> 29 CFR 38.32 and 38.33</p>
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Small recipients, as defined at 29 CFR 38.4(hhh), are not required to designate an EO Officer with the full range of responsibilities listed in §38.31, but they must designate an individual who will be responsible for adopting and publishing complaint procedures, and processing complaints, as explained in §§38.72 through 38.75.

Service providers, as defined at 29 CFR 38.4(ggg) are not required to appoint an EO Officer; the Local-Level EO Officer is responsible for ensuring that service providers comply with WIOA Section 188.

**Documentation:**

Appendix II-1 State organizational chart

Appendix II-2 DOES organizational chart

Appendix II-3 2017 EO Officer Training

Appendix II-4 2018 EO Officer Training

Appendix II-5 2020 EO Officer Training

## ELEMENT III: *Notice and Communication*

(CFR 38.34-39)

*Recipients' obligations to disseminate equal opportunity notice*  
29 CFR 38.34-38.39

As prescribed under Title 29 Part 38.34-39 the District ensures awareness and understanding of its non-discrimination/equal opportunity policy and procedures by providing notice in conspicuous locations frequented by registrants, applicants, and eligible applicants/registrants; participants; applicants for employment and employees; unions or professional organizations that hold collective bargaining or professional agreements with the recipient; sub-recipients that receive WIOA Title I financial assistance from the recipient; and members of the public, including those with impaired vision or hearing and those with limited English proficiency. The “Equal Opportunity Is the Law” notice is:

- disseminated in internal memoranda and other written or electronic communications with staff;
- posted prominently, in reasonable numbers and places, in available and conspicuous physical locations and is available in a Section 508-compliant format on the recipient's Web site pages;
- distributed by the State WIOA EO Officer electronically (in Arabic, Chinese, French, Korean, Vietnamese, and Spanish) and can be edited to include recipient’s EO Officer/contact information before being printed and posted; (Appendix III-1).
- included in employee and participant handbooks or manuals regardless of form, including electronic and paper form if both are available. (Appendix III-2).

The District of Columbia requires compliance with the Equal Opportunity is the Law posting and notice requirements at DC-WIGL 2017-05. The purpose of these requirements is to ensure that users of our workforce system are made aware of the right to file complaints, if they feel they have been discriminated against, as well as the procedures for filing a discrimination complaint. Additionally, notices are placed on the bulletin boards located in the staff break area to ensure their familiarity with the policy. The District’s “Equal Opportunity is the Law” notice complies with the required wording as identified in 29 CFR 38.35.

The District of Columbia contracts with several agencies to provide both telephonic and in-person interpretive services, for limited-English proficient (LEP) customers and persons with disabilities. The contractors are available to provide translative services as needed.

**Individuals with disabilities.** The District ensures that communications with individuals with disabilities are as effective as communications with others to promote access and equal opportunity to participate in WIOA Title I programs and activities. This means that, customers with disabilities accessing services through the American Job Centers may request an accommodation, based on their specific disability, and upon request, and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

Auxiliary aids and services include, but are not limited to:

- Sign Language Interpreter
- Braille Sense U2 Mini
- DaVinci Pro 24 with OCR
- Dell AX 210 Speakers
- Dell P2217H Monitor
- JAWS software v.18 with SMA: Screen Reader for non-visual
- JSay 15.0 software to bridge JAWS and Dragon NS
- Sony ICD-PX333 Digital Voice Recorder
- Standard Keyboard
- TTY Phone
- UbiDuo2
- Zoom Text Keyboard
- Zoom Text with SMA
- ZVRS Videophone
- Goldtouch Adjustable Keyboard
- Logitech Trackman Marble mouse
- Contour Roller Mouse Pro 2
- Sapphire Portable Video Magnifier

The State EO Officer has published reasonable accommodations policies and procedures to promote nondiscriminatory delivery of aid, training, services, benefits, and employment for qualified individuals with disabilities. (Appendix III-3).

The “Equal Opportunity is the Law” notice is provided in alternative formats (*e.g.*, Braille, large print, Section 508-compliant electronic format, audio tape), and may be provided to visually impaired/blind customers upon request. The notice is read and/or explained to individuals with disabilities at intake, orientation, and at other regular points of interaction on request.

The District relies, in large part, on the State Relay system to communicate with persons who are deaf, speech impaired or hard of hearing. The number throughout the District, as with most states is “711.” The numbers are listed on the EO notice and tagline, and other communications with the public. The District has found the State Relay system to be more user friendly than the conventional TDD/TYY units, with no special equipment needed for either the caller or receiver, and making calls to employers much simpler for job seeking customers with hearing or speech difficulties.

**Limited English proficient individuals.** The District promotes meaningful access, and meaningful opportunity to participate in, WIOA programs and activities for LEP persons through (1) oral interpretation, and/or (2) written translation. Interpretation and translation services are provided free of charge to customers. The District’s LEP policy is published with this Nondiscrimination Plan and recipients’ language access plans shall align with the requirements of the District’s policy. (Appendix III-4)

Staff have “I speak” cards available for in-person engagements with LEP persons, and these cards also contain instructions for use of language line services to facilitate oral interpretation. (Appendix III-4A). These services are provided free-of-charge to the LEP customer. Starting January 3, 2019, the preferred language of the LEP applicant, registrant, participant, and terminnee is recorded in a confidential manner in the individual’s record. (Appendix III-4B).

The “Equal Opportunity is the Law” notice is deemed a “vital” document and must be posted, published, and provided to LEP individuals in appropriate languages as required by DC WIGL 2017-005. The “Equal Opportunity is the Law” notice is provided in languages other than English for limited English proficient individuals to promote meaningful access and meaningful participation in WIOA Title I programs and activities. (Appendix III-1)

The notice, in the preferred language or format of the customer or employee, or in alternative formats for individuals with disabilities, is part of the participant’s or employee’s electronic and/or paper file to document the participant’s or employee’s receipt of the notice and a notation is made to the file indicating the accommodation.

**Religious modifications.** The District’s WIOA Title I religious modifications policy and forms are published with this Nondiscrimination Plan. (see Appendix III-5). Requests for religious modification related to the delivery of WIOA Title I-related programs and activities shall be handled pursuant to this policy.

*Publications, broadcasts, and other communications*  
29 CFR 38.38

The District ensures any recruitment brochures, publications, and other media messages indicates that the WIOA Title I-financially assisted program or activity in question is an “**equal opportunity employer/program,**” and that “**auxiliary aids and services are available upon request to individuals with disabilities,**” in recruitment brochures and other materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or on paper, to staff, clients, or the public at large, to describe programs financially assisted under Title I of WIOA or the requirements for participation by recipients and participants. (Appendix III-6). Where such materials indicate that the District may be reached by voice telephone, the materials will also prominently provide the telephone number of the text telephone (TTY) or equally effective telecommunications system, such as a relay service, videophone, or captioned telephone.

The District will not communicate any information that suggests, by text or illustration, that the recipient treats beneficiaries, registrants, applicants, participants, employees, or applicants for employment differently on any prohibited basis, except as such treatment is otherwise permitted under Federal law.

*Communication of notice in orientations*  
29 CFR 38.39

During each presentation to orient new participants, new employees, and/or the general public to its WIOA Title I-financially assisted program or activity, in person or over the internet or using other technology, the District will include a discussion of rights and responsibilities under the nondiscrimination and equal opportunity provisions of WIOA and 29 CFR 38, including the right to file a complaint of discrimination with the District or the CRC Director. (Appendix III-8). This information will be communicated in appropriate languages as required in 29 CFR 38.9 and in formats accessible for individuals with disabilities as required.

**Documentation:**

Appendix III-1 “Equal Opportunity is the Law” notice in the District’s Top 7 Languages

Appendix III-2 “Equal Opportunity is the Law” notice signature form

Appendix III-3 WIOA Section 188 reasonable accommodations policies and procedures

Appendix III-3 A Accommodation Request Form

Appendix III-3 B Final Determination on a Request for Accommodation (disability)

Appendix III-3 C List of Available Supports

Appendix III-4 Serving Limited English Proficient Persons Policy

Appendix III-4 A “I speak” card with language line information

Appendix III-4 B LEP data record

Appendix III-5 Religious Modifications Policy

Appendix III-5 A Modification Request Form

Appendix III-5 B Final Determination on Request for Religious Modification

Appendix III-6 Sample brochure

## ELEMENT IV: *Affirmative Outreach*

(CFR 38.40)

*Affirmative Outreach*  
29 CFR 38.40

Affirmative outreach addresses how the District of Columbia and its recipients are complying with the requirements relating to the provision of universal access to programs and activities, and affirmative action regarding hiring and promotions. The District takes proactive steps to ensure that equal access is provided for all WIOA Title I-financially assisted programs and activities. These steps involve reasonable efforts to include members of different sexes and various racial, ethnic, religious, and age groups, as well as individuals with disabilities and individuals with Limited English Proficiency (LEP).

The District has communicated the obligation of recipients 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. All materials (printed or electronic, written or oral form) for programs funded under WIOA will be provided in relevant formats. Alternative formats may be provided for individuals who have Limited English Proficiency (LEP). The tagline that we are an equal opportunity employer is included with the TDD number on communications, such as brochures, pamphlets and online searches. (See Appendix III-7).

The Workforce and Federal Programs division within DC Department of Employment Services engages in multiple monthly outreach activities. The division has built very strong partnerships with community organizations, the business community, educational partners and local government entities (city/county). In a normal year, DOES engages in hundreds of events and with thousands of individuals. Below are some examples that just briefly cover normal monthly outreach activities throughout any given year.

In a further proactive effort to provide meaningful access to the Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ+) community, DOES and the Office of LGBTQ Affairs created a Memorandum of Agreement (MOA) that DOES would provide a Workforce Development Specialist (WDS) to be stationed at the LGBTQ office, conducting orientations, work readiness workshops, registering individuals into DCNetworks, and referring individuals to DOES services, including occupational skills training, employment opportunities, and other supportive services.

In March 2019, DOES held the Millennial LGBTQ employment pre-screening event that was a hiring event specifically for the LGBTQ community. During this event, customers were able to interview with employers including the YMCA of Metropolitan Washington, Reading Partners, DC Fire & EMS, Jackson & Campbell, P.C., Chad O'L Public Relations & Events LLC, J & A Hospitality, The LINE Hotel, Aramark and Elizabeth Glaser Pediatric AIDS Foundations.

DOES has taken an active approach towards creating a workforce environment that is inclusive and welcoming including those in the LGBTQ community, remaining committed to ensuring everyone has an equal and fair-shot to access the pathway to the middle-class.

Additionally, the Workforce on Wheels (WOW) team is an innovative mobile service operation developed to address the needs of District residents in the communities where they live. It is:

- Commissioned to serve constituents in underserved communities, bringing the American Job Center (AJC) resources and services to neighborhoods where access is often limited;
- Equipped with workforce programming and employer services, providing opportunities for District residents to prepare for employment opportunities and businesses to connect with qualified applicants; and
- Staff with DOES Community Ambassadors, deployed to engage and educate partners and stakeholders in areas of workforce development while providing residents with employability tools to guide them on a pathway to the middle class.

The District partners with a number of agencies to provide employment and training services to District residents. Partners include the District of Columbia Department on Disability Services, Rehabilitative Services Administration (assisting individuals with disabilities) and the Office of the State Superintendent of Education (adult education and literacy programs).

To improve the coordination of service delivery between required WIOA partner agencies, DOES offers the ability for partners to either co-locate within the American Job Center (AJC) or at a partner organization, providing District residents easy access to a one-stop service model to include the following partner agencies:

- DC Department of Disability Services/Rehabilitation Services Administration;
- Office of the State Superintendent of Education (OSSE) Job Corps; and
- DC Department of Human Services (DHS).

The District will continue to make efforts to broaden the composition of those considered for participation or employment in their programs and activities through means such as:

- Advertising the recipient's programs and/or activities in media, such as newspapers or radio programs, that specifically target various populations;
- Sending notices in appropriate languages and alternative formats about openings in the recipient's programs and/or activities to schools or community service groups that serve various populations;
- Identifying and partnering with appropriate community service groups to improve the recipient's outreach and service to various populations;
- Providing access to services for persons of all levels of computer literacy;
- Providing assistance using the self-service component of the one-stop center; and
- Conducting periodic evaluations of job qualifications to ensure that they are not discriminatory.

The District continually stresses to recipients the importance of their obligation to expand the diversity of the participant pool and staffing selections, and continues to provide training to ensure staff is knowledgeable about the District's commitment to providing meaningful access to services.



The District 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 EO Officers are responsible for monitoring recipient programs and ensuring compliance with the affirmative outreach element of nondiscrimination and equal opportunity provisions of WIOA Section 188. (See Appendix VII-1, *infra*).

## ELEMENT V:

### *Data and Information Collection and Maintenance*

(CFR 38.41-45)

*Collection and maintenance of equal opportunity data and other information*  
*29 CFR 38.41*

All recipients are responsible for collecting and maintaining client and potential client information. The District collects data and maintains records as identified in 29 CFR 38.41 and in accordance with established policies and procedures. (Appendix V-1). The system and format of data collection and record maintenance are designed to allow the State EO Officer and the Civil Rights Center (CRC) to conduct statistical or other quantifiable data analyses to verify the District's compliance with Section 188 of WIOA and 29 CFR Part 38.

Such records include, but are not limited to, records on:

- applicants
- registrants
- eligible applicants/registrants
- participants
- terminees
- employees and
- applicants for employment.

Effective October 1, 2019, the District requires individuals to register in the DCNetworks system should they seek services through the department with no exceptions. DCNetworks is the official system of record for all data tracking and reporting. The race/ethnicity, sex, age, and disability status (when known) of every applicant, registrant, participant, terminee, applicant for employment, and employee will be recorded. (Appendix V-2). Beginning on January 3, 2019, the District also started recording the limited English proficiency and preferred language of each applicant, registrant, participant, and terminee. (see Appendix III-4). Such information will be stored confidentially and only be used for the purposes of recordkeeping and reporting; determining eligibility (where appropriate for WIOA Title I-financially assisted programs or activities); determining the extent to which the recipient is operating its WIOA Title I-financially assisted program or activity in a nondiscriminatory manner; or other use authorized by law.

The District provides, as required in 29 CFR 38.41, for the confidentiality of information collected and maintained regarding the disabilities of individuals. Any medical or disability-related information obtained about a particular individual, including information that could lead to the disclosure of a disability, is collected on separate forms. All such information, whether in hard copy, electronic, or both, will be maintained in one or more separate files, apart from any other information about the individual, and treated as confidential. All such files will be locked or otherwise secured (for example, through password protection). (Appendix V-1).

No medical or disability information is made available to any non-authorized person. Persons in the following categories may be informed about an individual's disability or medical condition and have access to the information in related files under the following listed circumstances:

- program staff who are responsible for documenting eligibility, where disability is an eligibility criterion for a program or activity
- first aid and safety personnel who need access to underlying documentation related to a participant's medical condition in an emergency
- government officials engaged in enforcing this part, any other laws administered by the Department, or any other Federal laws (See also 29 CFR 38.44)

Additionally, persons in the following categories may be informed of an individual's disability or medical condition but may not have access to the information in related files:

- supervisors
- managers
- other necessary personnel

(Appendix V-1).

The EO Officers/contacts maintain, and submit to CRC upon request, a log of complaints filed alleging discrimination on one or more of the basis(es) prohibited by WIOA Section 188. The log includes:

- the name and address of the complainant
- the basis of the complaint
- a description of the complaint
- the date the complaint was filed
- the disposition and date of disposition of the complaint
- other pertinent information

The EO Officer/contacts inform the State-level EO Officer about the complaints and investigations, and submit updates as directed by the State EO Officer. The State EO Officer has authority to directly conduct discrimination complaint investigations, compliance reviews, and monitoring of any entity meeting the definition of a "recipient" in DC's WIOA Title I programs and activities.

Any information that could lead to identification of a particular individual as having filed a complaint will be kept confidential to the maximum extent practicable. Where designation of individuals by race or ethnicity is required, the guidelines of the Office of Management and Budget will be used.

The guidelines of the Office of Management and Budget will be used where designation of individuals by race or ethnicity is required. (Appendix V-1). Recipients shall follow the requirements at DC-WIGL 2017-05.

<p><i>Information to be provided to the Civil Rights Center by grant applicants and recipients</i> <i>29 CFR 38.42</i></p>
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The following is all in addition to the information which must be collected, maintained, and, upon request, submitted to CRC under 29 CFR 38.41.

Each grant applicant and recipient must promptly notify the CRC Director when any administrative enforcement actions or lawsuits are filed against a recipient alleging discrimination 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, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in a WIOA Title I-financially assisted program or activity. For service providers, as defined at 29 CFR 38.4(ggg), the Local-Level EO Officer will promptly notify the State EO Officer of any administrative enforcement actions or lawsuits filed against the recipient on a basis prohibited under WIOA Section 188. In addition, District policy requires recipients to notify the CRC Director under 29 CFR 38.42(a) and the DC WIC concurrently. This notification will include:

- the names of the parties to the action or lawsuit
- the forum in which each case was filed
- the relevant case numbers

As part of a compliance review conducted under 29 CFR 38.63 or monitoring activity carried out under 29 CFR 38.65, each recipient will provide the following information:

- the name of any other Federal agency that conducted a civil rights compliance review or complaint investigation, and that found the grant applicant or recipient to be in noncompliance, during the two years before the grant application was filed or CRC began its examination; and
- information about any administrative enforcement actions or lawsuits that alleged discrimination on any protected basis, and that were filed against the grant applicant or recipient during the two years before the application or renewal application, compliance review, or monitoring activity. This information must include:
  - the names of the parties
  - the forum in which each case was filed
  - the relevant case numbers

At the discretion of the CRC Director, grant applicants and recipients may be required to:

- provide, in a timely manner, any information and data that the CRC Director considers necessary to investigate complaints and conduct compliance reviews on bases prohibited under nondiscrimination and equal opportunity provisions;
- provide, in a timely manner, the particularized information and/or to submit the periodic reports that the CRC Director considers necessary to determine compliance with nondiscrimination and equal opportunity provisions;
- submit, in a timely manner, the particularized information that the CRC Director considers necessary to determine whether or not the grant applicant, if financially assisted, would be able to comply with nondiscrimination and equal opportunity provisions

The guidelines of the Office of Management and Budget will be used where designation of individuals by race or ethnicity is required. (Appendix V-1).

*Required maintenance of records by recipients*  
*29 CFR 38.43*

The District will maintain the following records, whether they exist in electronic form (including email) or hard copy, for a period of not less than three years from the close of the applicable program year:

- the records of applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment
- such other records as are required under this part or by the Director

All files relevant to a complaint investigation or compliance review will be maintained for a period of not less than three years from the date of final action related to resolution of the complaint or compliance review. (Appendix V-1).

*CRC access to information and information sources.*  
*29 CFR 38.44*

The District will permit access by the CRC Director or the Director's designee during its hours of operation while in the course of the investigation as required in 29 CFR 38.44.

The District asserts that considerations of privacy or confidentiality are not a basis for withholding information from CRC and will not bar CRC from evaluating or seeking to enforce compliance with nondiscrimination and equal opportunity provisions

Whenever any information that the CRC Director asks a grant applicant or recipient to provide is in the exclusive possession of another agency, institution, or person, and that agency, institution, or person fails or refuses to furnish the information upon request, the District will certify to CRC that it has made efforts to obtain the information and that the agency, institution, or person has failed or refused to provide it. (Appendix V-1).

*Confidentiality responsibilities of grant applicants, recipients, and the Department*  
*29 CFR 38.45*

The District and the CRC will keep confidential to the extent possible, consistent with a fair determination of the issues, the identity of any individual who furnishes information relating to, or assists in, an investigation or a compliance review, including the identity of any individual who files a complaint. An individual whose identity is disclosed will be protected from retaliation as described in 29 CFR 38.19.

**Documentation:**

Appendix V-1 Policies and procedures for data collection and maintenance

Appendix V-2 DCNetworks Data Collection

## ELEMENT VI: *Mayor's Oversight and Monitoring Responsibilities for State Programs*

(CFR 38.51-52)

*Oversight and monitoring for State Programs*  
29 CFR 38.51

The District of Columbia has established procedures to periodically monitor compliance with WIOA Section 188 and 29 CFR Part 38, including a determination as to whether each recipient is conducting its WIOA financially assisted program or activity in a non-discriminatory way. Monitoring recipients to ensure their programs and activities are operating in a nondiscriminatory manner involves, at a minimum:

- ensuring compliance with nondiscrimination and equal opportunity provisions and negotiating, where appropriate, with a recipient to secure voluntary compliance when noncompliance is found under 29 CFR 38.91(b)
- annually monitoring the compliance of the District with WIOA section 188 and 29 CFR 38, including a determination as to whether the District is conducting its WIOA Title I-financially assisted programs and activities in a nondiscriminatory way. At a minimum, each required annual monitoring review must include:
  - a statistical or other quantifiable analysis of records and data kept by the District under, including analyses by race/ethnicity, sex, limited English proficiency, preferred language, age, and disability status
  - an investigation of any significant differences identified in 29 CFR 38.51(b)(1) in participation in the programs, activities, or employment provided by the District, to determine whether these differences appear to be caused by discrimination. This investigation must be conducted through review of the District's records and any other appropriate means
  - an assessment to determine whether the District has fulfilled its administrative obligations (for example, recordkeeping, notice and communication) and any duties assigned to it under the Plan

(Appendix VI-1).

In the District, each recipient is reviewed annually through desk and/or onsite reviews, requested reports (80 Percent Rule, Equity of Service, Staff Data Analysis), unless needed more frequently, to track for compliance issues. The State EO Officer monitors the Local-Level recipient (DOES), and the Local-Level EO Officer conducts annual monitoring of recipients, as defined at 29 CFR 38.4(zz), and service providers, as defined at 29 CFR 38.4(ggg), under its authority (including, but not limited to American Job Centers, One-Stop partners, grant recipients, services providers, including those on the District's Eligible Training Provider List (ETPL), and On-the-Job-Training employers). The Local-Level EO Officer submits the annual Monitoring Reports to the State EO Officer. In this way the State-level EO Officer satisfies the requirement in CFR 38.51 to ensure the Mayor's oversight and monitoring of all WIOA Title 1-financially assisted State Programs.

A review schedule is developed at the beginning of each program year identifying when each recipient (*e.g.*, American Job Center and one-stop system partner) is scheduled for a desk and/or onsite review. Each recipient is sent a letter by the State EO Officer, Local-level EO Officer, or designee, notifying them of the review 30 days prior to the review date and provided with a copy of the review schedule along with a copy of the desk review guides that will be utilized during the review. In addition to these scheduled monitoring reviews, the District reserves the right to conduct monitoring throughout the program year as issues arise or are identified that warrant additional monitoring, oversight or follow-up.

The following elements are evaluated to determine compliance with the administrative obligations of 29 CFR 38: Assurances—Sections 38.25 through 38.27; Equal Opportunity Officer—Sections 38.28 through Sections 38.33; Notice and Communication—Sections 38.34 through 38.39; Data and Information Collection and Maintenance—Sections 38.41 through 38.45; Affirmative Outreach—Section 37.40, and Complaint Processing Procedures—Sections 38.69 through 38.97.

Monitoring also includes an inspection of facility accessibility based on the American Disability Act (ADA) Physical Access Checklist and ADA Accessible Design Checklist, as appropriate. All EO Officers will monitor WIOA Section 188 programs and activities to ensure that qualified individuals with disabilities have access to, and an equal opportunity to participate in, programs and activities through promoting program access, physical access, and effective communication. (Appendix VI-1).

At the conclusion of the review process, the State EO Officer, Local-level EO Officer, or a designee, issues a Letter of Findings to the recipient within thirty (30) working days of the completion of the monitoring or compliance review. The Letter of Findings identifies areas, in which the recipient is out of or could be out of compliance (discrepancies) and any other areas of concern and includes recommendations for corrective actions needed to correct deficiencies. The State EO Officer has procedures for obtaining prompt corrective action or, as necessary, applying sanctions when noncompliance is found. (Appendix VI-2). If, through WIOA Section 188 monitoring, compliance reviews, and/or discrimination complaint investigations, the State or Local-Level EO Officer identifies one or more violations of WIOA Section 188, the EO Officer shall follow the State EO Officer's published policies and procedures for determining what corrective actions and/or sanctions shall be applied. A copy shall be maintained by the monitor conducting the review, and a copy shall be provided to the Local-Level EO Officer as well as the State-Level EO Officer.

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

In addition, the Local-Level EO Officer trains the American Job Center staff and partner staff on the most pressing issues such as sexual harassment, disability awareness or limited English proficiency. During each training cycle a refresher training module is presented, either in person or online, and staff members are provided additional information pertaining to equal opportunity and nondiscrimination training.

*Mayor's liability for actions of recipients the Mayor has financially assisted under Title I of WIOA  
29 CFR 38.52*

The District of Columbia and recipient are jointly and severally liable for all violations of the nondiscrimination and equal opportunity provisions of WIOA and 29 CFR 38 committed by the District, unless the Mayor has:

- established and implemented a Nondiscrimination Plan designed to give a reasonable guarantee of the District’s compliance with such provisions
- entered into a written contract with the District that clearly establishes their obligations regarding nondiscrimination and equal opportunity
- acted with due diligence to monitor the District’s compliance with these provisions
- taken prompt and appropriate corrective action to effect compliance

If the CRC Director determines that the Mayor has demonstrated substantial compliance with the requirements of 29 CFR 38.52(a), the CRC Director may recommend to the Secretary of Labor that the imposition of sanctions against the Mayor be waived and that sanctions be imposed only against the noncomplying recipient.

In response to these responsibilities and liabilities the Mayor has designated to the Executive Director of the DC Workforce Investment Council (DC WIC) the authority to develop, maintain, execute and update this NDP, through the State-level Equal Opportunity Officer, who reports to the Executive Director on all matters relating to equal opportunity and non-discrimination. The State EO Officer has procedures for obtaining prompt corrective action or, as necessary, applying sanctions when noncompliance is found. If, through WIOA Section 188 monitoring, compliance reviews, and/or discrimination complaint investigations, the EO Officer identifies one or more violations of WIOA Section 188, the EO Officer shall follow the State EO Officer’s published policies and procedures for determining what corrective actions and/or sanctions shall be applied. (Appendix VI-2).

**Documentation:**

- Appendix VI-1            Monitoring Tools (District of Columbia WIOA Section 188 Monitoring Tool, the ADA Checklist for Existing Facilities, the ADA Design Checklist)
- Appendix VI-2            Corrective actions and sanctions policies and procedures



## ELEMENT VII: *Mayor's Oversight Responsibilities Regarding Recordkeeping*

(CFR 38.53)

<i>Oversight Responsibilities</i> 29 CFR 38.53
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In accordance with CFR 38.53 the State has modified this Non-discrimination Plan to reflect the Mayor's more direct oversight of the enactment of the Section 188 regulations. The Mayor's designate is the Executive Director of the DC Workforce Investment Council (DC WIC). The State-level Equal Opportunity Officer reports directly to the Executive Director of the DC WIC in all matters related to the execution of and the compliance with these regulations. This new structure, as delineated in the regulations specifically establishes the authority of the State-level Equal Opportunity Officer to enforce and monitor the State's compliance with WIOA regulations. (See Appendix II-1).

The State-Level Equal Opportunity Officer ensures that recipients collect and maintain records in a manner consistent with the provisions of 29 CFR 38.41 and any procedures prescribed by the CRC Director under 29 CFR 38.41(a). (See Appendix IV-1). EO Officers must ensure compliance with the State EO Officer's and DOES EO Officer's data collection policies and procedures. Key requirements covered in the data collection policies and procedures include, but are not limited to, the following:

- Electronic records for participants of WIOA Title I-programs and activities are entered and stored in DC Networks;
- Recipients are required to record the following for every applicant, registrant, participant, terminatee, applicant for employment, and employee:
  - Race/ethnicity (using guidelines from the U.S. Office of Management and Budget)
  - Sex
  - Age
  - Disability status, if known
  - Preferred language of LEP individuals (as of January 3, 2019);
- Medical and disability-related information is treated as confidential and is collected on separate forms and stored in physical and/or electronic files which are apart from any other information maintained about the individual;
- Records of applicants, registrants, eligible applicants/registrants, participants, terminatees, employees, and applicants for employment are maintained for three years from the close of the applicable program year; and
- Discrimination complaint records are maintained for a period of not less than three years from the date of final action related to resolution of the complaint or compliance review.

The Mayor (or his or her designee) ensures that state records are maintained according to the provisions of CFR 38.41. The Mayor further ensures, through the State EO Officer that the state and its recipients are able to provide data and reports in the manner prescribed by the CRC Director.

## ELEMENT VIII: *Complaint Processing Procedures*

(CFR 38.72-73)

<p><i>Procedures for processing complaints</i> 29 CFR 38.72</p>
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The District has established and published procedures to allow any person who believes that either he or she, or any specifically protected class of individuals, has been or is being subjected to discrimination prohibited by the non-discrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act (WIOA), to file a written complaint, either individually or through a representative. (Appendix VIII-1). Initial and ongoing notice regarding how and where to file a discrimination complaint under WIOA Section 188 is provided to all customers. (see Part III, Notice and Communication, *supra*).

When an individual submits a complaint, the EO Officer or, the person designated to process WIOA Section 188 complaints for small recipients, reviews the complaint and processes it according to the State EO Officer's discrimination complaint procedures.

Complaints must be filed within 180 days from the date of the alleged discrimination. If the complainant makes a request and good cause is shown an extension may be granted. Only the Director of the CRC may grant an extension. The procedures adopted and published by the District for processing permitted complaints state that the District will issue a written Notice of Final Action on complaints within 90 days of the date on which the complaint is filed. These procedures include:

- initial, written notice to the complainant that contains the following information:
  - an acknowledgment that the District has received the complaint
  - notice that the complainant has the right to be represented in the complaint process
  - notice of rights contained in 29 CFR 38.35
  - notice that the complainant has the right to request and receive, at no cost, auxiliary aids and services, language assistance services, and that this notice will be translated into the non-English languages as required in 29 CFR 38.4(h) and (i), 38.34, and 38.36
- a written statement of the issue(s), provided to the complainant, that includes the following information:
  - a list of the issues raised in the complaint
  - for each such issue, a statement whether the District will accept the issue for investigation or reject the issue, and the reasons for each rejection
  - a period for fact-finding or investigation of the circumstances underlying the complaint
  - a period during which the District attempts to resolve the complaint. The methods available to resolve the complaint must include alternative dispute resolution (ADR), as described in 29 CFR 38.72(c)
- a written Notice of Final Action, provided 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 District'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

- notice that the complainant has a right to file a complaint with CRC within 30 days of the date on which the Notice of Final Action is received if the complainant is dissatisfied with the District’s final action on the complaint.
- the procedures the recipient adopts must provide for alternative dispute resolution (ADR). The recipient's ADR procedures must provide that:
  - the complainant may attempt ADR at any time after the complainant has filed a written complaint with the District, but before a Notice of Final Action has been issued
  - the choice whether to use ADR or the customary process rests with the complainant
  - a party to any agreement reached under ADR may notify the Director in the event the agreement is breached. In such circumstances, the following rules will apply:
    - the non-breaching party may notify with the Director within 30 days of the date on which the non-breaching party learns of the alleged breach
    - the Director must evaluate the circumstances to determine whether the agreement has been breached. If the Director determines that the agreement has been breached, the complaint will be reinstated and processed in accordance with the recipient's procedures

If the parties do not reach an agreement under ADR, and 90 days has lapsed from the date of filing the complaint, the complainant may file a complaint with the Director as described in 29 CFR 38.69-38.71.

**Documentation:**

Appendix VIII-1            Policies and procedures for handling WIOA Section 188 discrimination complaints