

Maryland's Nondiscrimination Plan under the Workforce Innovation and Opportunity Act

September 19, 2017 Draft

Note: This is a **draft** Nondiscrimination Plan for the WIOA network, which is pending inclusion in the DLLR-wide Nondiscrimination Plan (1/25/18).

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Assurances (Sections 38.25 -38.27)

This Narrative follows the guidance provided by the United States Department of Labor in accordance with Section 188 of the Workforce Innovation and Opportunity Act (WIOA)¹ and the regulations promulgated pursuant to the same.

Grant Applicant's Obligations

1. Each grant applicant, and each training provider seeking eligibility, includes in its application for financial assistance under Title I of WIOA the required Equal Opportunity (EO) assurances. (See 29 CFR 38.25(a)(1).)

WIOA Section 188 prohibits the exclusion of an individual from participation in, denial of the benefits of, discrimination in, or denial of employment in the administration or connection with any programs and activities funded otherwise financially assisted in whole or in part under Title I of WIOA because of race, color, religion, sex, national origin (including Limited English Proficiency (LEP)), age, disability, or political affiliation or belief, or for the 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. Recipients must comply with Title VI of the Civil Rights Act of 1964² which prohibits discrimination on the basis of race, color, and national origin (including LEP).

The State and the Maryland Department of Labor, Licensing and Regulation (DLLR) will ensure compliance with this part. Specific related compliance activities include, but are not limited to the following:

- Guidelines for the development and submission of the WIOA Combined State Plan and the WIOA Local Plans in September 2016 included the requirement that recipients include a nondiscrimination provisions and an assurance to comply with WIOA Section 188. See Exhibit A1 for the Combined State Workforce Plan. See Exhibit A2 for the WIOA Local and Regional Planning Guidance
- Each local plan submitted was reviewed by the Governor's Workforce Development Board (GWDB) to ensure compliance with this requirement. Memoranda of Understanding (MOUs) developed jointly by Local Workforce Development Boards, DLLR, and other partners include Fair Practices and nondiscrimination assurance statements.
- DLLR, GWDB, the Maryland Department of Human Services (DHS), and the Maryland State Department of Education (collectively referred to as "WIOA Partners") developed and issued a policy and template for MOUs consistent with the new Federal Act (See Exhibits A3, A4, and A5). The Act requires that partners enumerated in each local MOU

¹ See Maryland's Workforce System WIOA Technical Document for definitions of terms for WIOA implementation at <https://www.dllr.state.md.us/employment/wioatechdoc.pdf>

² Title VI of the Civil Rights Act of 1964; Executive Order 13166, "Improving Access to Services for Persons With Limited English Proficiency" (August 11, 2000); and United States Department of Justice guidance, "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (June 18, 2002).

comply with Section 188 of WIOA.

- On April 20, 2016, the aforementioned WIOA Partners issued Guidelines for Developing 2016-2020 WIOA Local Workforce Plans. The guidelines required each Local Area to provide:
 - A description of how the entities within the American Job Center (AJC) delivery system, including AJC operators and the AJC partners in the Local Area, will comply with Section 188 of WIOA, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101, et. seq.) regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including providing staff training and support for addressing the needs of individuals with disabilities; and
 - An acknowledgement that the Local Workforce Development Board understands that, while Section 188 of WIOA ensures Equal Opportunity (EO) for individuals with disabilities, sub-recipients may also be subject to requirements of:
 - Section 504 of the Rehabilitation Act, which prohibits discrimination against individuals with disabilities by recipients of Federal financial assistance;
 - Title I of the ADA, which prohibits discrimination in employment based on disability;
 - Title II of the ADA, which prohibits state and local governments from discriminating on the basis of disability;
 - Section 427 of the General Education Provisions Act; and
 - Maryland Anti-Discrimination laws.

2. The required assurance is incorporated into each grant, cooperative agreement, contract, or other arrangement whereby Federal financial assistance under Title I of WIOA is made available. (See 29 CFR 38.25(a)(2)) NOTE: 29 CFR 38.25(a)(2) provides that the assurance may be incorporated by reference into these documents.

- The Procurement section of the DLLR/DWDAL Financial Management Handbook Procurement Requirements - Chapter 6 - includes the EO Assurance as a required contract clause. See Exhibit A7 for the DLLR/DWDAL Financial Management Handbook
- The State provides funds to all designated Local Areas. Contracts used in each Local Area must include nondiscrimination assurances required by the State, assuring each entity complies with this requirement. The Division of Workforce Development and Adult Learning (DWDAL).
- MOUs include EO language to ensure compliance.
- In the transition from the Workforce Investment Act (WIA) to WIOA, the Department is continually examining ways to ensure that grant agreements include required

nondiscrimination assurances.

As noted in Section 1 of this Element, the WIOA Partners developed a policy and template for MOUs consistent with the new Federal Act. The template will be incorporated into all MOUs executed by the July 1, 2017 requirement deadline set forth in WIOA.

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

- This requirement has been communicated through training sessions, directives and memoranda. See Exhibits C3 and C7.
- Grant applicants and training providers are required to comply with this requirement and all relevant WIOA and DLLR EO and nondiscrimination provisions. Compliance will be monitored by way of the grant review procedure and compliance reviews.
- Training providers in the State are monitored by DWDAL, which maintains the Eligible Training Provider List (ETPL). The Division is currently creating the criteria and tools to monitor providers to ensure compliance with the nondiscrimination provisions of WIOA.

4. Job training plans, contracts, assurances, and other similar agreements entered into by recipients are both nondiscriminatory and contain the required language regarding nondiscrimination and EO. (See 29 CFR 38.54(c)(2)(iii).)

DLLR will ensure compliance with this requirement. Compliance activities will include, but not be limited to:

- DLLR's reliance on the use of a standard Request for Proposals (RFP) template from the State's Department of Budget and Management which contains the required provisions. Clauses 14 and 30 found in Exhibit A6 (p. 119) have the required language.
- The Department's use of a standard Personal Services contract for contractual employees includes the Nondiscrimination in Employment clause and the Assurance of Nondiscrimination and EO in USDOL- funded Agreements clause.
- The required assurance language and sample executed assurances contained in Local Area WIOA Plans are found in Exhibit A2, WIOA Local and Regional Planning Guidance. As noted, Local Plan guidance under WIOA also notes these assurances.

5. State-level and local-level policy issuances, or issuances from other recipients, are not discriminatory either in intent or effect. (See 29 CFR 38.54(c)(2)(ii).)

Policies on WIOA Title I nondiscrimination and/or EO issues are developed and implemented in a timely manner.

- As discussed and documented earlier in this section and in other elements in this plan, the State, DLLR, and Local Areas have developed and implemented various EO and nondiscrimination notices, policies, and procedures. As appropriate, these notices, policies, and procedures have been and will continue to be communicated to: employees; beneficiaries; the public; and other interested individuals, agencies, and organizations.

- Currently, as DLLR continues its full transition from WIA to WIOA, DWDAL is updating a number of policy issuances to reflect the change in Federal law. The Office of Fair Practices (OFP) will ensure that DWDAL policies are revised based on changes to EO and nondiscrimination law.

Duration and scope of assurance (29 CFR 38.26)

The State and DLLR will ensure compliance with 29 CFR 38.26 in regard to personal property, real property, structures on real property, and interest in any such property or structures as provided by WIOA Title I financial assistance.

Compliance with this provision will ensure that the State will obligate the recipient or the transferee (in the case of a subsequent transfer) for the longer of:

1. The period during which the property is used either:
 - a) For a purpose for which WIOA Title I financial assistance is extended; or
 - b) For another purpose involving the provision of similar services or benefits; or
2. The period during which either:
 - a) The recipient retains ownership or possession of the property; or
 - b) The transferee retains ownership or possession of the property without compensating the Departmental grant making agency for the fair market value of that ownership or possession.

In all other cases, the assurances will obligate the recipient for the period during which WIOA Title I financial assistance is extended.

Covenants (29 CFR 38.27).

- The instrument effecting or recording the transfer of real property, structures, improvements on real property or structures, or interests in real property or structures through WIOA Title I financial assistance must contain a covenant assuring nondiscrimination and EO for the period described in 29 CFR 38.25(a)(1).
- This covenant must also be included in the instrument effecting or recording any subsequent transfer of a property where no Federal transfer of real property or interest therein from the Federal Government is involved, but real property or an interest therein is acquired or improved under a program of WIOA Title I financial assistance.
- When the property is obtained from the Federal Government, then the covenant will also include a condition coupled with a right of reverter to DLLR in the event of a breach of the covenant.

Equal Opportunity Officers (Sections 38.28 – 38.33)

Designation of Equal Opportunity Officers (29 CFR 38.28), recipients' obligations regarding Equal Opportunity Officers (29 CFR 38.29)

This narrative follows the guidance provided by USDOL and addresses each of the requested sections.

1. Identify each individual designated as a State-level Equal Opportunity Officer and each individual designated as a local-level Equal Opportunity Officer, by name, position title, business address (including e-mail address if applicable) and telephone number (including TDD/TTY number). (See 29 CFR 38.28.)

The State and DLLR have designated Jennifer Dashiell Reed, Director of the DLLR OFP as the State-level Equal Opportunity Officer. Ms. Reed is a senior-level employee within DLLR with over 20 years of experience in EO. Ms. Reed and the OFP staff are responsible for overall compliance with the EO and nondiscrimination provisions of the WIOA and other applicable Federal, State, local and DLLR mandates and policies. The OFP oversees programs and activities that extend beyond the area of EO, such as, Diversity and Americans with Disabilities Act activities, which relate directly to Ms. Reed's office's responsibilities as the EO Officer.

Jennifer Dashiell Reed
1100 North Eutaw Street, Room 613
Baltimore, Maryland 21201
Telephone - (410) 230-6319
Fax - (410) 225-3282
TTY - (410) 225-703
e-mail - jenniferd.reed@maryland.gov

See Exhibit A9 for the Letter of Appointment for Jennifer D. Reed.

State-Level Liaisons - DLLR has designated Equal Opportunity liaisons to work directly with Ms. Reed and the DLLR OFP to carry out the provisions of this part as they relate to WIOA and to respective programs and activities.

Brandon S. Butler
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Brandon Butler is the Deputy Assistant Secretary of the Division of Workforce Development and Adult Learning (DWDAL). In conjunction with the Director of the OFP, Mr. Butler has the primary responsibility within DWDAL for working directly with the Local Areas and WIOA EO Officers in carrying out related provisions of 29 CFR 38. Mr. Butler's designee, should he be unable to fulfill the roles specified, is Tanya Washington, Manager of the Office of Monitoring and Compliance, DWDAL. Ms. Washington can be reached at tanya.washington@maryland.gov

or 410-767-2098.

Other State-level liaisons are:

Name and Title	Program	Location and Telephone
Jared Murphy Director, Unemployment Insurance Legal Services	Division of Unemployment Insurance	1100 North Eutaw Street, Rm. 508 Baltimore, MD 21201 (410) 767-2409 e-mail – jared.murphy@maryland.gov
Michael DiGiacomo Executive Director	Governor’s Workforce Development Board	1100 North Eutaw Street, Rm.616 Baltimore, MD 21201 (410) 767-2131 e-mail – michael.digiacomomaryland.gov
Donna Watts-Lamont Chairperson	Unemployment Insurance Board of Appeals	1100 North Eutaw Street, Rm. 515 Baltimore, MD 21201 (410) 767-2777 e-mail – donna.watts- lamont@maryland.gov
Judy Smylie Director	Lower Appeals	1100 North Eutaw Street, Rm.511 Baltimore, MD 21201 (410) 767-2776 e-mail – judy.smyliemaryland.gov

Local Area Equal Opportunity Officers - Each of the twelve (12) Local Areas have designated an Equal Opportunity Officer to coordinate its responsibilities under 29 CFR Part 38. As of January 2017, they are as follows:

Local Area	Name and Title	Location and Telephone
Anne Arundel County	Jeffrey Dufresne EO Officer	Anne Arundel Workforce Development Corporation 97 South Business Park 1131 Benfield Blvd., Suite N. Millersville, Maryland 21108 410-987-3890
Baltimore County	Anthony Smith EO Officer	Hunt Valley American Job Center 11101 McCormick Road, Suite 102 Hunt Valley, MD 21031 (410) 887-7942
Baltimore City	Valarie McNeese EO Officer	Mayor’s Office of Employment Development 417 E. Fayette Street, Suite 468

		Baltimore, Maryland 21202 (410) 396-1790 vmcneese@oedworks.com
Frederick County	Cynthia McNamara EO Officer	Frederick County Workforce Services 200 Monroe Avenue, Suite 1 Frederick, MD 21701 cmcnamara@frederickcountymd.gov
Lower Shore	Dione Shaw EO Officer	Lower Shore Workforce Alliance 31901 Tri-County Way Salisbury, MD 21804 (410) 341-6515
Mid-Maryland	Georgia Allen EO Officer	Carroll County Business Employment & Resource Center 224 N. Center Street Westminster, Maryland 21157 (410) 386-2820 gallen@ccg.carr.org
Montgomery County	Annette Gantt EO Officer	WorkSource Montgomery 1801 Rockville Pike, #320 Rockville, Maryland 20850 301-946-1806 agantt@worksourcemontergy.com
Prince George's County	Jeffrey Swilley EO Officer	Economic Development Corporation, Inc. Workforce Services Division 1801 McCormick Drive Lane, Suite 400 Largo, MD 20774 (301) 618-8402 jswilley@co.pg.md.us
Southern Maryland	Lindsey Almond EO Officer	Tri-County Council for Southern Maryland 21795 N. Shangri La Drive, Suite F Lexington Park, MD 20653 301-857-0035
Susquehanna	Linda Siegel Operations Manager	Susquehanna Workforce Network, Inc. 410 Girard Street Havre de Grace, Maryland 21078 (410) 939-4240 ldsiegel@sswnetwork.org
Upper Shore	Dan McDermott EO Officer	Upper Shore Workforce Development Board Chesapeake College P.O. Box 8 Wye Mills, Maryland 21679 (410) 822-1716 dmcdermott@chesapeake.edu

Western Maryland	Mary Pat Vorreyer EO Officer	Washington County 14 North Potomac Street, Suite 100 Hagerstown, Maryland 21740 marypat.vorreyer@maryland.gov
	Bontita Austin EO Officer	Allegany County 138 Baltimore Street, Suite 102 Cumberland, MD 21502 Bonita.austin@maryland.gov
	Pam Kunkle EO Officer	Western Maryland Consortium 33 West Washington Street Hagerstown, MD 21740 pkunkle@westernmarylandconsortium.org

DLLR provided comprehensive training, with assistance from the USDOL Civil Rights Center (CRC), on May 7, 2013. At that time, DLLR provided a job description to be used for local EO Officers. Many Local Areas have incorporated this into their job descriptions. On July 12-14, 2017, EEO training will be made available through the State-wide EEO Coordinator. The OFP is planning another comprehensive training for local EO Officers July 12-14, 2017.

Requisite skill and authority of Equal Opportunity Officer (29 CFR 38.30)

2. The level within the organization (described in such terms as the individual's authority and position relative to the top of the hierarchy) occupied by the EO Officer(s). (See 29 CFR 38.28.)

- Jennifer Reed, the OFP Director, reports directly to the DLLR Deputy Secretary, David McGlone, and is a member of the DLLR Senior Staff. Her scope of authority for ensuring and monitoring EO and nondiscrimination extends to all programs and activities operated by and through DLLR, including WIOA related programs and activities. She is the Department's Fair Practices Officer and ADA/504 Coordinator. Ms. Reed has been designated as the State Fair Practices Officer for DLLR as defined by relevant sections of the Maryland Personnel and Pensions Article and the Code of Maryland Regulations. She has the authority to set EO program priorities and make decisions on behalf of the Secretary in areas of compliance, complaints of alleged discrimination and other related areas. Ms. Reed meets frequently with Deputy Secretary McGlone to discuss fair practice issues within the Department.
- Brandon Butler, Deputy Assistant Secretary, Division of Workforce Development and Adult Learning (DWDAL), reports directly to the Assistant Secretary DWDAL, James Rzepkowski.
- Jared Murphy, reports directly to the Assistant Secretary for Unemployment Insurance, Dayne Freeman
- Michael DiGiacomo, Executive Director of the Governor's Workforce Development Board.

- Donna Watts-Lamont, chairperson of the Board of Appeals who is appointed to the board by the DLLR Secretary with the approval of the Governor.
- Judy Smylie, Chief Hearing Examiner.
- With the exception of the EO Officer for the Upper Shore Local Area, all Local Area EO Officers report to the Local Area Directors, chief executive officers or board of directors for purposes of EO. Dan McDermott, the EO Officer designated on the Upper Shore, is a Local Area Director.

Equal Opportunity Officer responsibilities (29 CFR 38.31)

3. The duties of the EO Officer(s), and the manner in which those duties are carried out. (At a minimum, duties assigned to the EO Officer must include those listed in 29 CFR 38.31.) Describe both the EO duties, responsibilities, and activities associated with the implementation of 29 CFR part 38, and all other duties, responsibilities, and activities.

In addition to the general responsibilities as described above, more specific duties are detailed in the attached job descriptions (See Exhibits A10 and A11). Ms. Reed reports EO matters directly to DLLR Deputy Secretary David McGlone. In addition, Ms. Reed:

- Serves as the Department’s liaison with the CRC;
- Monitors and investigates DLLR’s activities, and the activities of the entities that receive WIOA Title I funds from DLLR, to make sure that the recipient and its sub-recipients are not violating their nondiscrimination and EO obligations under WIOA Title I;
- Reviews DLLR’s written policies to make sure that those policies are nondiscriminatory;
- Develops and publishes the recipients procedures for processing discrimination complaints under 29 CFR 38.72 through 38.73, and making sure that those procedures are followed;
- Oversees the data collection, analysis, and maintenance of information as it pertains to LEP and preferred language of each applicant, registrant, participant, and terminee.
- Conducts outreach and education about EO and nondiscrimination requirements consistent with 29 CFR 38.40 and how an individual may file a complaint consistent with 29 CFR 38.69;
- Reports directly to the appropriate top level officials about EO matters;
- Undergoes training to maintain competency; and
- Oversees the development and implementation of DLLR’s Nondiscrimination Plan under 29 CFR 38.54.

Small recipient Equal Opportunity Officer obligations (29 CFR 38.32)

Small recipients will be responsible for adopting and publishing complaint procedures and processing complaints, as explained in 29 CFR 38.72 through 38.75 for small recipients, as defined in 29 CFR 38.4(hh). As defined in the regulation promulgated under Section 188 of WIOA, small recipients are “recipient[s] who: (1) Serves a total of fewer than 15 beneficiaries during the entire grant year; and (2) Employs fewer than 15 employees on any given day during the grant year.” DLLR will ensure compliance with this requirement under the law through providing guidance, technical assistance, and the development of outreach. This includes a statewide convening of partners under WIOA. This convening is slated to take place Winter 2017.

Service provider Equal Opportunity Officer obligations (29 CFR 38.33)

The Department will ensure service provider compliance with the nondiscrimination and EO provisions of WIOA for service providers, as defined by 29 CFR 38.4(ggg). As defined, a service provider is:

- (1) Any operator of, or provider of aid, benefits, services, or training to:
 - (i) Any program or activity that receives WIOA Title I financial assistance from or through any State or Local Area grant recipient; or
 - (ii) Any participant through that participant's Individual Training Account (ITA); or
- (2) Any entity that is selected and/or certified as an eligible provider of training services to participants.

The Department will ensure compliance with this requirement under the law through providing guidance, technical assistance, and the development of outreach. This includes a statewide convening of partners under WIOA. This convening is slated to take place Winter 2017.

Description of any duties, other than WIOA Equal Opportunity responsibilities, assigned to each State-and local-level EO Officer.

The State-level and local-level Officers have a variety of other program and EO duties - none of which conflict with their duties as EO Officers. For example, Jennifer Reed, as the DLLR Fair Practices Officer, is responsible for carrying out the provisions of the State's EO law and regulations.

Notice and Communication (Sections 38.34 - 38.39)

Recipients' obligations to disseminate Equal Opportunity notice (29 CFR 38.34)

This Narrative follows the guidance provided by USDOL and addresses each of the requested sections.

1. The methods and frequency of dissemination of the notice, including initial dissemination. (See 29 CFR 38.36.)

The State and DLLR are committed to equity, diversity, and EO. As the State agency with the primary responsibility for carrying out the provisions of this part, DLLR is committed to ensuring that all who operate, utilize, and benefit from covered programs and activities under WIOA are aware of the obligation for EO and nondiscrimination.

Equal Opportunity notice/poster (29 CFR 38.35)

A copy of "Equal Opportunity is the Law" notice that meets the wording requirements under 29 CFR 38.35, is regularly made available and is posted on the DLLR home page. In addition, the tag line: "Equal Opportunity Employer/Program. Auxiliary Aids and Services are Available Upon Request to Individuals with Disabilities," is widely included on DLLR web pages. A search for the phrase found over 60 pages containing the language, ranging from references on the Maryland Workforce Exchange (MWE), to AJCs services, to calendar events. Examples of the use of this tagline and of an expanded version of the tagline are provided. EO posters in languages other than English are displayed in AJCs as well as Babel Notices³ will be used to provide EO notice to LEP individuals. See Exhibits C4-6 and E1-4 for samples of copies of these notices.

Recipients' obligations to push Equal Opportunity notice (29 CFR 38.36), publications, broadcasts, and other communications (29 CFR 38.38), communication of notice in orientations (29 CFR 38.39)

DLLR and the Local Areas use a variety of means for ensuring that the USDOL, the State's, and DLLR's EO and nondiscrimination policies and notices are communicated and disseminated. These means include, but are not limited to:

- Since the adoption of the 29 CFR Part 38, DLLR's OFP distributed the regulations and the "Equal Opportunity is the Law" notice numerous times to DLLR administrators and local and State-level EO Officers. Deputy Assistant Secretary Brandon Butler also provided local Executive Directors with notification and review of the new EO provisions to ensure compliance.
- Local Areas were required to include a WIOA nondiscrimination compliance statement in their local WIOA plans. The guidance provided to the Local Areas by DLLR, GWDB, and other WIOA Partners also outlines the requirements of the Local Areas in regard to Section 188 of the Federal Act.

³ Babel notice means a short notice included in a document or electronic medium (e.g., website, "app," email) in multiple languages informing the reader that the communication contains vital information, and explaining how to access language services to have the contents of the communication provided in other languages.

- The OFP provided for the placement of the DLLR Nondiscrimination, Sexual Harassment, ADA, Minority Business Enterprise policies, and the USDOL “Equal Opportunity is the Law” notice on the OFP website and on the DLLR Policies and Notices site.
- The OFP periodically updates, if necessary, and disseminates the DLLR Nondiscrimination and Sexual Harassment policies and the USDOL “Equal Opportunity is the Law” notice (See Exhibits A16, A17-19, and A20) to DLLR administrators, local directors, and local and State-level EO/504 Designees and Liaisons. The policies are disseminated under the signature of the DLLR Secretary. The policies are to be circulated to employees and conspicuously posted. The notices are also provided to new employees as a part of their orientation.
- The DLLR Nondiscrimination and Sexual Harassment Policy Statements are disseminated to DLLR employees as a part of the onboarding process. The notice is also prominently displayed on each floor of DLLR’s central office complex.
- The OFP disseminates the “Notice to the Public” poster that includes an ADA and reasonable accommodation statement. Recipients are required to conspicuously post the notice in claimant/client waiting areas and on employee bulletin boards. See Exhibit C4.
- EO posters in languages other than English are displayed in AJCs as well as Babel Notices will be used to provide EO notice to LEP individuals.
- The MOUs developed and entered into by the Local Workforce Boards, DLLR, and other local partners also include EO statements - “Fair Practices Certification” and “Assurance of Nondiscrimination and Equal Opportunity in USDOL-funded Agreements.” A Policy and MOU template has been issued by DWDAL regarding the formulation of these MOUs. The policy guidance and template include these certifications.
- DORS will hold a Statewide Disability Awareness Training Day September 2017. The two disabilities that will be covered that day will be Deaf and Blindness. It will also include a discussion of Assistive Technology (AT) for each group. See Exhibit D3 for the event agenda.
- DWDAL will hold a full day WIOA Convening in partnership with the GWDB, the DHS, and Maryland State Department of Education Division of Rehabilitation Services (DORS) to provide training on EO provisions. DWDAL is still planning this event, but funding has been designated, and it is anticipated that the event will be held in Winter 2017.
- The publications are included in new hire packets and are reviewed at staff orientation. See Exhibits A15-17.

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

- The OFP maintains a current listing of businesses and individuals who interpret, that provide for Braille, and other auxiliary aids and services. Alternate formats including large format copies are made available upon request. The OFP maintains regular contact with the Governor’s Office on Individuals with Disabilities for related guidance and technical assistance.
- Included in the administrative directives that the OFP has developed and disseminated is a directive, entitled “Alternate Formats”, which documents the related policy and procedure and includes a resource list of contacts.
- DWDAL maintains contact with organizations and agencies that provide services to and/or advocate on behalf of individuals with disabilities. Through these associations, DLLR receives regular guidance and technical assistance on providing notice and services to individuals with disabilities.
- The guidelines for the development and submission of each grant recipient’s Local WIOA Plan included the requirement that recipients describe the steps they would take to ensure that communications with individuals with disabilities, including individuals with visual or hearing impairments, are as effective as communications with others.

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

- Policies, including the 29 CFR 38.35 notice, are disseminated to Local Areas and to DLLR administrators and managers with a requirement for conspicuous posting. Compliance with this requirement is determined through on-site compliance reviews and self-appraisals conducted by the OFP.
- At a minimum, the notice is posted in claimant, client, beneficiary, and other participant waiting and service areas.
- At the State level, the notice is posted on the OFP’s and DLLR’s websites. The OFP’s web address is included in all correspondence, publications and on the OFP letterhead.
- DLLR has encouraged other Local Areas to post the notice electronically.

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

The State and DLLR will ensure that the notice required by this part is provided to and documented in claimant, client, beneficiary, and other participant files.

The Unemployment Insurance (UI) program provided for the inclusion of the EO notice in its publication “What You Should Know About Unemployment Insurance in Maryland.” That reference can be found on page 12 of the document available at the following link:

<http://www.dllr.state.md.us/employment/clmtguide/uiclmtmpamphlet.pdf>. The pamphlet notes that it is the claimant's responsibility to read and comply with all requirements contained within the pamphlet. UI claims can be filed by telephone and on the Internet. Claimants are mailed both the "What You Should Know About Unemployment Insurance in Maryland" publication and the "Claimant Responsibilities When Filing for Unemployment Insurance Benefits." Upon registration, the enclosed EO and Nondiscrimination agreement is provided to the applicant.

- The MWE also contains an "Equal Opportunity is the Law" statement at the following link: <https://mwejobs.maryland.gov/vosnet/eoc.aspx?1=1>.
- In order to meet the data and information collection and maintenance requirements of WIOA and 29 CFR Part 38, the State relies on the Maryland Workforce Exchange. Local Areas provide the notice and related civil rights and EO rights to participants in orientation and other training sessions. Participants sign a form acknowledging receipt of this information. The form is maintained in the participant's file.

5. The means by which the State ensures that recruitment brochures and other materials routinely made available to the public include the statements "Equal Opportunity employer/program" and "auxiliary aids and services are available upon request to individuals with disabilities." (See 29 CFR 38.38(a).)

Where a telephone number is included on recruitment brochures and other materials, the means by which the State ensures that the materials indicate a TDD/TTY number or provide for an equally effective means of communication for individuals with hearing impairments. (See 29 CFR 38.38(a).)

The means by which program-related information is published or broadcast in the news media (e.g., publication of Requests for Proposal) and the means by which the State ensures that publications/broadcasts state that the program is an EO employer/program, and that auxiliary aids are available upon request to individuals with disabilities. (See 29 CFR 38.38(b).)

- As previously discussed in this section, the statement "Equal Opportunity Employer/Program Auxiliary Aids and Services are Available Upon Request to Individuals with Disabilities" is included on DLLR's webpage. The statement is also included on all publications and technical assistance guides published by the OFP.
- The "About the Maryland Department of Labor, Licensing and Regulation (DLLR)" website, found at <https://www.dllr.state.md.us/aboutdllr/>, includes the statements "DLLR is an Equal Employment Opportunity (EEO) Employer/Program" and "Auxiliary Aids and Services are Available Upon Request to Individuals with Disabilities." DLLR is also working to include the statement in other conspicuous areas of its website.
- The OFP, DLLR offices, and Local Areas have TDD/TTY numbers. These numbers are included on publications and letterheads. Where there is no local number, the statement "TTY users, call via the Maryland Relay Service" is included. For example, see the Department's website at: <https://www.dllr.state.md.us/employment/wdmigrantsp.pdf>.
- Compliance with this requirement is monitored by way of the self-appraisal and on-site Compliance Review procedures. For self-appraisals, the EO officer and the Local Area's

Director completes the assessment and forwards the same to OFP.

- The OFP also publishes a poster “Are You Deaf or Hard of Hearing” that has been disseminated to all DLLR administrators, managers, designees, and liaisons with instructions for conspicuous posting.
- Where appropriate and feasible, public service announcements made by or on behalf of DLLR and WIOA programs and activities will include the “Equal Opportunity Program/Employer” statement.
- The State and DLLR will prepare and forward an appropriate communication(s) to the State’s Local Areas and DLLR Contracts and Procurement staff to include the “Auxiliary Aids are available upon request to individuals with disabilities statement in Requests for Proposals (See Exhibit A6 and A8).

6. The manner and extent in which information in languages other than English is provided, and the manner in which the State ensures that persons of limited English-speaking ability have access to its programs and activities on a basis equal to that of those who are proficient in English. (See 29 CFR 38.39.)

- DLLR has developed and disseminated policies and procedures requiring equal access to all programs, services, or benefits provided by or through DLLR. This includes access by individuals who speak a language other than English. DWDAL is in the process of updating all policies to reflect the change from WIA to WIOA. DWDAL has convened subject matter experts to discuss each policy issuance, and will work toward updating the policy previously developed under WIA using this process.
- Maryland’s Skilled Immigrants Task Force developed a Workforce Systems Survey to assess how Maryland’s WIOA network serves skilled immigrants and LEP individuals. Responses will drive the creation of future technical assistance and cross training opportunities.
- As noted earlier in this section, the OFP has also provided for a Spanish version of the WIOA “Equal Opportunity is the Law” Notice. Other language translations have been made available upon request, including a Russian translation. The OFP has also obtained and disseminated as needed Spanish and Mandarin versions of the EEOC’s “Equal Employment Opportunity is the Law” poster.
- The guidance regarding the formulation of the Local Workforce Plans under WIOA requires the Local Area to provide “a description of the steps the Local Board will take to meet the language needs of limited English speaking individuals who seek services or information. The State required that the description should include how the Local Board proposes that information will be disseminated to limited-English speaking individuals.” All Local Plans were submitted to DLLR/GWDB September 2016 and GWDB approved in June 2017.

Other means by which State programs are complying with this policy include, but are not limited to:

- The Board of Appeals has contracted with the Academy of Languages to provide interpreters at its lower appeals and board hearings.
- Maryland is working towards implementing Annotated Code of Maryland, Article – State Government, Section 10-1101 through 10-1105, “Language Access”. Vital documents must be translated into any language spoken by any LEP population that constitutes 3 percent of the overall population within the geographic area. Additionally, State agencies must provide face-to-face, in-house oral language service if contact between the agency and individuals with limited English proficiency is on a weekly or more frequent basis. DLLR will provide guidance on implementing this code on a State-level and local-level.
- The following DWDAL and UI publications are available in Spanish: Pocket Resume for Job Interviews; Services for Migrant & Seasonal Farm Workers, New American Workforce Program; and GED Testing. Additional resources are being reviewed for content and ease of translation.
- The UI publication “What you need to know about Unemployment Insurance in Maryland” is available in Spanish.
- The Division of Unemployment Insurance expects to make available Spanish versions of the Division’s web filing platform.
- Because of the significant number of Spanish speaking claimants seeking services, the College Park UI Claim Center employs Spanish speaking employees that take claims over the phone for claimants from the entire state. The Division’s Spanish speaking personnel will also assist with employer inquires when necessary.
- Examples of home pages that provide information in Spanish: <http://www.dllr.state.md.us/employment/clmtguide/>; and <http://dllr.state.md.us/spanish/>.
- DORS currently has its website and written materials available in five non-English languages, including Chinese, French, Korean, Spanish, and Vietnamese. These languages were selected based on Census data as well as customer and advocate request. Upon request, DORS translated documents into other languages.
- DHS has forms and outreach materials available in Spanish and in English as well as FIA forms to apply for assistance available in Amharic, Arabic, Burmese, Chinese, Farsi, French, Korean, Nepalese, Russian, TIG, Traditional Chinese, and Vietnamese. Concerning DHS’ Local Department of Social Services (LDSS) offices, preferred language of customers is recorded in the client database system. This information is utilized to translate documents before sending them out to customers. Multilingual pay acts as an incentive program for multilingual direct-service LDSS staff.

- DWDAL will take reasonable action to translate relevant portions of its website to non-English languages, selected based on Census data.
- DWDAL created a document entitled “Multilingual DWDAL Staff” for internal reference. Additionally, the State is creating a similar list for multilingual Local Area staff in the AJCs⁴.
- The State has a contract with LanguageLine to provide phone interpretation in the AJCs. Additionally, this availability of language interpretation is conveyed through the mandatory display of Language Line posters in all AJCs. LanguageLine offers phone interpretation in over 240 languages.
- AJCs use “I Speak” cards and/or posters, with 38 languages for language identification.
- DLLR is currently utilizing the assistance of the Maryland Skilled Immigrant Taskforce, a group that was established to meet the workforce needs of skilled immigrants who call Maryland home. The group, which consists of workforce professionals from DLLR, the DHS, the GWDB, the Governor’s Office for Community Initiatives, community colleges, and refugee serving organizations have been consulted on the development of a Language Access Plan. As a result, the taskforce established a needs assessment that will survey the AJC staff throughout the State.
- Maryland’s Skilled Immigrants Task Force developed a Workforce Systems Survey to assess how Maryland’s WIOA network serves skilled immigrants and LEP individuals. Responses will drive the creation of future technical assistance and cross training opportunities.
- The Maryland Workforce System will develop a Babel Notice template to be used by State and local partners. Census data will be used to determine which languages to include. Increased data collection, including LEP status and preferred language, will allow the Local Areas to develop a baseline of what populations use and require linguistic services. Once this baseline is established, then Local Areas will alter their Babel notices according to the languages most relevant to their areas.

Notice requirement for service providers (29 CFR 38.37)

7. The manner in which and extent to which orientation for registrants, applicants, eligible applicants/registrants, employees, applicants for employment, and members of the public include a discussion of the rights of such persons under WIOA Section 188 and 29 CFR part 38. (See 29 CFR 38.39.)

- Local Areas provide the notice and related civil rights and EO rights to participants in

⁴ The inclusion of staff names on this list does not necessarily qualify them for either spoken interpretation or written translation. Rather, these staff members can communicate with customers in their listed non-English languages. For interpretation, AJCs are encouraged to use LanguageLine. Interpreters and translators must be qualified through an external contractor or deemed qualified by a recognized language test.

orientation and other training sessions. Participants sign a form acknowledging receipt of this information. The form is maintained in the participant's file.

8. The steps taken to ensure that communications with individuals with disabilities are as effective as communications with others. (See 29 CFR 38.34(b).)

The State and DLLR are committed to ensuring that individuals with disabilities have equal access to all WIOA covered programs and activities. The State and DLLR will ensure that recipients establish and implement appropriate procedures and processes to provide for compliance.

Specifically, with regard to ensuring effective communications, the State and DLLR have initiated numerous activities and mechanisms including, but not limited to:

- The DLLR OFP has developed an administrative directive regarding “Interpreter Service for Individuals Who are Deaf or Hard of Hearing”. The directive documents the related policy and procedures and includes a resource list of individuals and agencies that provide interpreter services. The OFP updates this resource list frequently. The directive has been disseminated to DLLR administrators and managers; local directors; and EO/504 designees and liaisons.
- The MOUs developed by Local Boards, DLLR, and other WIOA partners also include EO, nondiscrimination, and fair practices assurance statements. WIOA Partners issued a policy and template for MOUs consistent with the new Federal Act
- WIOA Local Plans, address the provision of services to individuals with disabilities. Local Plans were required to include a description of their plan to provide reasonable accommodations to qualified individuals with disabilities and ensure compliance with the effective communications requirement. Upper Shore’s description documents the process: “The USWIB through the Upper Shore Workforce Investment Board Administrative Agreement uses the Chesapeake College hiring, employment, and policies related to Equal Employment Opportunity. The Chesapeake College policies address reasonable accommodation for employees. If a USWIB member or a member of the public requests an accommodation relative to a USWIB specific activity, for example, a USWIB meeting, the Executive Director will be responsible for determining reasonable accommodation. Reasonable accommodation in the American Job Centers will be addressed by the One Stop Partners in the MOU. The USWIB will include grant assurances with all WIOA contracts for consultants, vendors and sub-recipients that include reasonable accommodation as an assurance. The USWIB will review all vendors included on the Eligible Training Provider List and used by Upper Shore funded training customers to verify that training vendors have a reasonable accommodation policy. ”
- Refer to Section 5 of this Element for a discussion related to the provision and use of TDD/TTY communications.

9. The process that State has used and will continue using to develop and communicate policy and conduct training regarding nondiscrimination and Equal Opportunity. (See 29 CFR 38.31(c), and 38.54(c)(2)(ii), and 38.54(c)(2)(vi).)

As stated above, the State and DLLR are committed to ensuring that all who operate, utilize and

benefit from covered programs and activities are aware of the obligation for EO and nondiscrimination. The State and DLLR recognize the benefit of ongoing training in this area to ensure that employees, beneficiaries, and the public are aware of their related rights and responsibilities. As mentioned, DLLR will hold a large training at a WIOA convening in Winter 2017 to review new EO provisions.

DORS will hold a Statewide Disability Awareness Training Day September 2017. The two disabilities that will be covered that day will be Deaf and Blindness. It will also include a discussion of AT for each group.

DHS' Bureau of Training conducts Civil Rights training for its new LDSS employees, including training on working with LEP individuals.

Maryland's Skilled Immigrants Task Force developed a Workforce Systems Survey to assess how Maryland's WIOA network serves skilled immigrants and LEP individuals. Responses will drive the creation of future technical assistance and cross training opportunities.

DWDAL was awarded \$2.5 million by the USDOL for the Disability Employment Initiative. Maryland is administering the grant locally in the Local Areas Anne Arundel and Montgomery. The aim of this initiative is to increase the number of individuals with disabilities entering competitive integrated employment via the AJCs as well as develop career pathways systems and programs to equip individuals with disabilities with skills, competencies, and credentials necessary to help them be competitive in the workforce. These pilot sites will inform the workforce system and create a more robust workforce system to serve individuals with disabilities within the State while also addressing the needs of businesses.

Item 1 of this section includes a detailed discussion of the State's and DLLR's activities to provide notice and communicate policy. With regard to the provision of training, the State and DLLR have developed and implemented various plans and activities including, but not limited to:

- Providing periodic training for designees and liaison (Designation of EO Officers);
- Providing training of local Workforce Directors (Designation of EO Officers);
- Providing periodic Disability Education Training;
- Establishing/updating DWDAL policies in conjunction with the OFP to ensure continued compliance with applicable changes to nondiscrimination and EO law;
- Periodic training regarding EO/nondiscrimination law;
- DWDAL has Youth and Disabilities Services Coordinators and a New Americans Initiatives Coordinator; and
- DLLR actively participates in the EO committee of the National Association of State Workforce Agencies (NASWA).

Data and Information Collection and Maintenance (Sections 38.41 through 38.45)

Collection and maintenance of Equal Opportunity data and other information (29 CFR 38.41); information to be provided to the Civil Rights Center (CRC) by grant applicants and recipients (29 CFR 38.42); required maintenance of records by recipients (29 CFR 38.43); and, CRC access to information and information sources (29 CFR 38.44)

The State and the DLLR will collect and maintain data necessary to show compliance with the nondiscrimination provisions of Section 188 and in compliance with this part.

1. Ensure that Recipients collect and maintain records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment;

Maryland has an automated system to support the needs of the regional workforce development system and the One Stop delivery system. This system, known as the Maryland Workforce Exchange - Virtual One Stop (MWE-VOS), allows Maryland to fulfill the reporting and labor market information needs of its job candidates, workforce professionals, and employers, through the following features:

- A. Comprehensive Client Tracking- MWE-VOS tracks services provided to jobseekers and employers. The online system reports services delivered from any location, whether the customer is at home, or working with staff. Services are tracked and measured by individual, event, location, and staff member. Providing services online promotes customer independence and helps to increase an AJC's performance levels. MWE-VOS tracks the services staff provides to both employers and individuals.
- B. Comprehensive Case Management- MWE-VOS provides a flexible solution for case managers and other supervisory staff members to enter and share information on participants receiving core, intensive, and/or training services through Federal, State, and local programs. Case management tracking is available for individuals participating in WIOA, Wagner-Peyser Act, Trade Act, National Dislocated Worker Grants, Unemployment Insurance (UI), and other programs that may be defined on a state or local level.
- C. Case Management Tools- Maryland's advanced case management functionality allows staff to automatically review and determine program eligibility, conduct intake and program enrollment, record detailed case notes, assign multiple cases, complete Individual Employment Plans (IEPs), assist Veterans, provide referrals, track placement and outcomes, conduct timely follow-ups, and much more. The system is efficient and user-friendly, minimizing staff training time. MWE-VOS provides staff with the latest tools to easily refer their customers to multiple job postings from the best employers. Referral letters, messages, and emails can be automatically generated and sent out to employers, as well as job seekers. Using labor exchange tools, staff can quickly analyze any individual's employment and education history, review their skills and requirements, and pinpoint candidates that meet an employer's precise needs. The MWE-VOS reports

all labor exchange activities as required under the Wagner-Peyser Act, including all WIOA Participant Individual Record Layout (PIRL) reporting.

- D. Performance Reporting- MWE-VOS tracks, predicts, and reports the core indicators of the workforce system's performance, including job placement rates, earnings, employment retention, skill gains, and credentials earned. It provides management with valuable information to improve service delivery and enhance performance.
- E. Comply with State and Federal Standards- MWE-VOS integrates directly with national job banks and other standardized programs. MWE-VOS directly outputs reports for Federal programs including WIOA PIRL reporting, etc.

2. The responsibility of the sub-State levels and service providers in the collection and maintenance of data.

- State and local staff located at the AJCs collect information during the client's eligibility process and update as needed throughout the individual's participation in WIOA. The Local Areas are responsible for maintaining records, including eligibility documentation, on applicants, and entering the data into the MWE-VOS. DWDAL monitoring and compliance auditors review each Local Area on a regular schedule during onsite audits to compare the paper file against the database records for data validity.
- The Division of Unemployment Insurance (DUI) collects claimant information when the initial claim is filed. The collected data is available on DUI's mainframe. DUI is transitioning to a modernized system that is slated to be available on or before Spring 2018. The online, modernized system will greatly improve accessibility features.

3. Record the race/ethnicity, sex, age, and disability status of each applicant, registrant, eligible applicant/registrant, participant, terminatee, employee, and applicant for employment (See 29 CFR 38.41(b)(2).)

- Demographics are collected on workforce training applicants, registrants, participants, and terminatees through the MWE-VOS system application. This data has been used in the past to complete the assessment conducted by the OFP. The report clearly demonstrated the type of information gathered. Demographic information provided by the applicant is through self-attestation and is also reported to USDOL through the form 9002A report.
- DLLR Office of Human Resources previously maintained a database of employees (permanent and contractual) that contained demographic information on DLLR's employees. Through the system, the OFP could access information used in for State Affirmative Action Plan reports. The State has transitioned into a web-based human resources website that will collect all relevant information noted above. See <http://dbm.maryland.gov/sps/Pages/AboutWorkday.aspx> for more information on the Workday system.
- Employee disability information is collected by way of voluntary biennial Self-Identification of Disability Survey (See Exhibits A26-27). The employee survey is conducted on a biennial basis to determine the representation of individuals with

disabilities in the DLLR workforce and to determine the need for reasonable accommodations for employees. Although participation in the survey is voluntary, employees have been responsive, and a number of accommodations have been provided including, but not limited to: accessible PC hardware and software; accessible parking; telephone amplifiers; and orthopedic chairs.

- As discussed in earlier sections of this plan, the DLLR OFP reviews personnel transactions prior to job commitments being made. The review procedure is overseen jointly by the OFP in coordination with the Office of Administration, which oversees the human resources and budgetary processes of DLLR. A data collection requirement of this part in the completion of the DLLR/OPT 601 form. The 601 documents the age, race, and sex of job candidates.
- Agency workforce analyses are required by the Maryland Department of Budget and Management and included in the DLLR Annual EEO Report and Affirmative Action Plan. The attached is from DLLR's Fiscal Year 2016 EEO Report (See Exhibit C9).
- DUI's platform documents initial claims data collected for UI Claimants.

4. Treat records, particularly those containing medical information, in a manner that ensures their confidentiality (See 29 CFR 32.15; 29 CFR 38.41(b)(2); and 29 CFR 38.45.);

- The State and DLLR will ensure that all claimant, client and other participant medical records are maintained in a manner that ensures their confidentiality. Medical information on DLLR employees is maintained in a file separate from employees' personnel files. Records documenting requests for reasonable accommodations are maintained by the OFP in files that are separate from employees' personnel files.
- Training is provided to Local Area directors, WIOA EO Liaisons and local EO/504 Designees and Liaisons. DLLR is committed to providing refresher training to staff and technical assistance to Local Areas.
- Personally identifiable information (PII), including disability status, LEP status, and preferred language, are stored and protected through MWE, where partners can only see information that is pertinent to their work. MWE is a secure platform to protect the confidentiality of customers.

5. Maintain a log of complaints filed that allege discrimination on one or more of the bases prohibited by WIOA Section 188 (See 29 CFR 38.41(c).); maintain such records for a period of three years. (See 29 CFR 38.43.)

- The requirements for the WIOA Discrimination Complaint Processing Procedures were previously disseminated to WIOA grant recipients via Workforce Investment Field Instruction (WIFI) No. 16-99 included record-keeping requirements as outlined in 29 CFR 38. DLLR is committed to providing updated guidance as the State transitions from WIA to WIOA.

- Complaints alleging discriminatory acts outlined in Section 188 of WIOA are kept in a log maintained by the DLLR EO Officer as required by the CRC. The complaint log contains the number and address of the complainant, the basis of the complaint, a description of the complaint, the date the complaint was filed, disposition, data of disposition, and any other pertinent information. Complaints originating at the Local Area level should be forwarded to the DLLR EO Officer on a monthly basis, and reports outlining the resolution to the same should be submitted on a quarterly basis. Information will be made available to the CRC upon request.

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

The State and DLLR will ensure compliance with this notification requirement.

Affirmative Outreach (Section 38.40)

Through the WIOA State Plan, WIOA Local Plan guidance, and policy, the State has communicated the obligation of recipients to make efforts (including outreach) to broaden the composition pool of those considered for participation or employment in their programs or activities in an effort to include members of both sexes, of the various racial and ethnic groups, and of various age groups, as well as individuals with disabilities.

The State is committed to the principle of EEO for all employees and provides employees with a fair opportunity to work in an environment free of discrimination, harassment and retaliation. The State Personnel and Pensions Article of the Annotated Code of Maryland, Title 5, Subtitle 2 establishes the EEO program for State government. It ensures a system based on merit and fitness and without regard to age, ancestry, color, creed, gender identity and expression, genetic information, marital status, mental or physical disability, national origin, race, religious affiliation, belief or opinion, sex, sexual orientation, and any other non-merit factor. The State's responsibility to fair employment practices is highlighted in Executive Order 01.01.2007.16, entitled "Code of Fair Employment Practices." See Exhibit A14 for Executive Order 01.01.2006.16.

As noted in the Executive Summary of the Annual Statewide Equal Employment Opportunity Report - Fiscal Year 2015, "Maryland State government employs individuals from a wide range of racial and ethnic groups. Minorities make up half of the State's workforce and African Americans represent a larger share of the State government's workforce compared to Maryland's Civilian Labor Force. Minorities represent a slightly larger share of State government's workforce than in 2010 while the percentage of females decreased slightly from 56 percent in fiscal 2010, to 55 percent in fiscal 2015. During fiscal 2015, new hires continued to add to the diversity of the workforce with women accounting for 56 percent of new hires, minorities accounting for more than half and African-Americans accounting for 41 percent. In each of the last five years, women and minorities each have represented more than half of all new hires."

For Local Areas and AJC Partners, technology is a key component in ensuring universal access by employment of a number of strategies for increased referral services, access to services for persons of all levels of computer literacy, and assistance in using self-service components of the AJC. DWDAL has been working with the Maryland State Department of Education's DORS to ensure that its business services representatives, and others, are aware of the requirements of the Americans with Disabilities Act and its Amendments. An excerpt from copy of a presentation provided to business services personnel in July 2015 is attached (See Exhibit D3).

DORS is working with the Local Areas to provide AT to AJCs in order to provide a uniform approach to AT across Maryland's Workforce system. As the State rolls out its regional workforce areas, this will enable individuals who need AT to visit any AJC and have the same AT available to use. This initiative will begin implementation mid PY18.

DWDAL and its partners have developed, and continue to develop, a focus on meeting the needs of those with multiple barriers to employment. These strategies will only increase with the full implementation of WIOA. In accordance with the new Federal Act, the Maryland State

Combined Plan outlines the list of targeted populations for which priority of service will be afforded.

In general, Maryland's WIOA Partners are committed to serving the following target populations:

Target Populations: Individuals with Barriers to Employment
Displaced homemakers
Eligible migrant and seasonal farmworkers
Ex-offenders
Homeless individuals
Individuals facing substantial cultural barriers
Individuals with disabilities, including youth with disabilities
Individuals within two years of exhausting lifetime eligibility under Part A of the Social Security Act
Individuals who are English language learners
Individuals who are unemployed, including the long-term unemployed
Individuals who have low levels of literacy
Individuals without a High School Diploma
Low income individuals (including TANF and SNAP recipients)
Long-term unemployed individuals
Native Americans, Alaska Natives, and Native Hawaiians
Older individuals
Single parents (including single pregnant women and non-custodial parents)
Veterans
Youth who are in or have aged out of the foster care system

Maryland is committed to ensuring its target populations are able to access the WIOA components of the workforce system on a priority basis. For the WIOA Title I Adult Program, this means that local workforce areas must provide priority for training activities to individuals in the target populations. Under WIA, priority was required to be given to public assistance

recipients and low-income individuals only when it was determined that allocated funds were limited. Now, under WIOA, priority must be provided regardless of the level of available funds. Priority must be provided in the following order:

Priority of Service for the WIOA Title I Adult Program	
First Priority	Veterans and eligible spouses who are also low-income, recipients of public assistance and/or basic skills deficient.
Second Priority	Individuals who are not veterans or eligible spouses, but meet criteria to be considered a target population.
Third Priority	Veterans and eligible spouses who did not meet "first priority" conditions.
Fourth Priority	Individuals who are not veterans and do not meet criteria to be considered a target population.

DWDAL also administers Jobs for Veterans State Grant Program, the Disabled Veterans Outreach Program (DVOP), with staff specifically funded to work with veterans. In addition to in-office services, DVOPs are stationed at military bases and veteran’s facilities to provide immediate personal employment and training services. DVOP specialists provide intensive services and facilitate placements to meet the employment needs of veterans, including special and other disabled veterans.

Local Areas must adhere to these priority provisions and, within their local plans, are required to provide details on how priority shall be given in the Local Area within these parameters.

Maryland’s Skilled Immigrants Task Force developed a Workforce Systems Survey to assess how Maryland’s WIOA network serves skilled immigrants and LEP individuals. Responses will drive the creation of future technical assistance and cross training opportunities.

The State previously developed a policy regarding LEP. In the upcoming months, that policy will be updated to broaden access and enhance services for LEP individuals, and the issuance will be provided to Local Areas for their implementation. The AJC system partners will engage proactively with employers, customers, service providers, and other stakeholders to make the AJC system and the broader workforce development system truly responsive to the needs of all Marylanders. In an effort to facilitate Maryland’s transition from WIA to WIOA, Governor Hogan directed that Maryland become a Combined Plan State and include not only the core six programs prescribed by WIOA, which includes vocational rehabilitation, in the State’s workforce plan, but also include as program partners, those agencies administering the Temporary Assistance for Needy Families, Jobs for Veterans State Grants, Trade Adjustment Assistance Act, and programs administered through the Second Chance Act of 2007.

Special outreach at the State and local level will be conducted to ensure that populations with special needs are informed of the services available through the AJC system. This outreach will link the employment and training operations with the community-based and faith-based organizations.

The needs of diverse groups are as varied as the groups themselves. Maryland has long recognized that local and State agencies may need to take specific actions to meet the needs of certain populations and to ensure that the workforce development system is equitable. Each partner agency has outlined in the State Plan how it will meet the needs of target populations. As the resources of all partners in the American Job Center system are coordinated and streamlined, the needs of Maryland's target populations will be considered to enhance accessibility to core, intensive, and training services. These populations include dislocated workers, displaced homemakers, disconnected youth, migrant and seasonal farm workers, public assistance recipients, women, minorities, veterans, individuals with multiple barriers, older individuals, individuals with disabilities, English Language Learners, and other populations who are traditionally under-served. As the State is transitioning in the implementation of WIOA, increased efforts in providing opportunities for those with disabilities has been accentuated. For instance, DORS is the partner provider of the State's vocational rehabilitation programming for the Maryland Combine State Workforce Plan. The State has further solicited comments from the disabilities advocacy community regarding the State Plan and has specifically held meetings with these organizations regarding the State's outreach efforts.

Governor's Oversight Responsibility Regarding Recipients' Recordkeeping (Section 38.53)

The Department will ensure, on behalf of the Governor, that recipients collect and maintain records in a manner consistent with 29 CFR 38.41 and any procedures prescribed by the Director of the CRC under 29 CFR 38.41(a). DLLR will ensure that recipients are able to provide data and reports in the manner prescribed by the Director of the CRC.

Complaint Processing Procedures (Sections 38.72 and 38.73)

Required elements of a recipient's complaint processing procedures (29 CFR 38.72); and, responsibility for developing and publishing complaint processing for service providers (29 CFR 38.73)

This narrative follows the guidance provided by USDOL and addresses each of the requested sections. As DLLR continues to transition from WIA to WIOA, it pledges to review and revise all policies in accordance with Section 188 of WIOA and the applicable regulations.

The State and DLLR are committed to ensuring that any individual subjected to unlawful discrimination by any employee, program, or activity covered by WIOA is aware of the individual's right to file a complaint of discrimination. The State and DLLR will ensure that the individual (applicant, registrant, participant, or terminatee) has access to the appropriate State or local level complaint procedure(s) and/or to other appropriate enforcement agencies.

1. Recipients that are required to do so (see 29 CFR 38.72) have developed and published complaint procedures. (See 29 CFR 38.73.)

- Procedures that are consistent with the provisions of this part have been developed at the State and local levels. DLLR's complaint procedure is available on the DLLR website at: <https://www.dllr.state.md.us/oeope/ndiscrimcomp.shtml>. Sample Complaint procedures from two local areas are attached (See Exhibit A12).
- The DLLR Discrimination Complaint form (DLLR/OFP 120) is available on the OFP website at <https://www.dllr.state.md.us/oeope/> and is attached (Exhibit A13).
- The OFP provides periodic training to EO Officers on the provisions of the complaint procedures and their related rights and responsibilities. Attached is the Complaint Processing PowerPoint presentation used at the May 7, 2013, training session, to illustrate the type of training that is provided regarding complaint processing (See Exhibit D1-2). Attendees were also given copies of the discrimination forms and complaint log.
- As mentioned, DLLR will hold a large training at a WIOA convening in Winter 2017 to review new EO provisions.
- DORS will hold a Statewide Disability Awareness Training Day September 2017. The two disabilities that will be covered that day will be Deaf and Blindness. It will also include a discussion of AT for each group.
- DHS' Bureau of Training conducts Civil Rights training for its new LDSS employees, including training on working with LEP individuals.
- DWDAL is developing a policy to require Local Areas to adopt and publish discrimination complaint processing procedures that meet the standards outlined in 29 CFR 38. The local complaint processing procedures must be linguistically accessible to LEP individuals. Complaint process forms and other vital documents must be translated in a Local Area into any language spoken by any LEP population that constitutes 3

percent of the overall population within the geographic area. Babel notices will be used as needed.

2. Provide for initial written notice to the complainant acknowledging that the recipient has received the complaint and notice that complainant has the right to representation.

- Sections .08A(4) and .08B(7)(b) of the policy address the initial notice requirements.

3. Provides a written statement to complainant containing the issues raised in the complaint and for each issue, a statement whether the recipient will accept the issue for investigation or reject the issue, and the reason for rejection.

- Section .08A(4) and the OFP Complaint form address these requirements.

4. A period for fact-finding or investigation of the circumstances.

- Section .08B(6) addresses this requirement.

5. A period during which the recipient attempts to resolve the complaint. The methods available to resolve the complaint must include alternative dispute resolution (ADR) (See 29 CFR 38.72(b)(4) and (c)).

- The policy addresses informal resolution in Section .08B(1)-(7). OFP provides a Mediation Brochure to inform complainants of the availability of services. Section .08B(7)(e) specifically addresses ADR. See Exhibit C8 for the Mediation Brochure.

6. Provide for a written Notice of Final Action within 90 days of the date on which the complaint is filed. (See 29 CFR 38.72(a))

- Section .08B(8)-(10) and .08C of the policy address the Notice of Final Action and the procedures to be followed if the complainant is dissatisfied.

Governor's Oversight and Monitoring Responsibilities for State Programs (Sections 38.51 and 38.53)

Governor's oversight and monitoring responsibilities for State Programs (29 CFR 38.51); and, Governor's oversight responsibilities regarding recipients' recordkeeping (29 CFR 38.53)

1. Describe, at a minimum, the system for evaluating the extent to which recipients are complying with the administrative obligations of 29 CFR part 38, including, but not limited to: Assurances. (See 29 CFR 38.25 through 38.27.); Equal Opportunity Officers. (See 29 CFR 38.28 through 38.33.); notice and communication. (See 29 CFR 38.34 through 38.39.); data and information collection and maintenance. (See 29 CFR 38.41 through 38.45.); universal access. (See 29 CFR 38.40.); and complaint processing procedures. (See 29 CFR 38.72 through 38.73.)

The State and DLLR ensure that appropriate monitoring and compliance review mechanisms have been established at the State and local levels that comply with the requirements of this part. See Exhibits B1-8 for copies of monitoring instruments, instructions, and reports of monitoring reviews. To ensure that appropriate monitoring and compliance review mechanisms are in place, the State is relying on a number of different approaches, including:

- The State continues to have an administrative directive that summarizes the general procedure to be followed in conducting all programmatic and local office on-site compliance reviews.
- The State lead by OFP conducted a comprehensive review of all of the Local Workforce Development Areas, which was completed on May 31, 2012. The review was conducted in accordance with the procedures contained in the NASWA guide. The review started with a request that each Local Area clearly designate their EO Officer. Local Areas are also asked to identify their EO Officer as a part of annual programmatic monitoring conducted by DWDAL.
- A survey was conducted using the questionnaire modeled on the NASWA guide. In addition, using participant data from the MWE, OFP conducted an analysis. The Appendix reflects the analysis of data that was conducted by OFP to determine if differences existed in programs that could be attributed to discrimination. The data covered each local area and was provided to the local areas. Finally, a report was compiled and is serving as the baseline for monitoring activities.
- The review looked at the 9 elements contained in the guidance implementing Section 188 of the WIA. The following elements were documented in the review:
 - EO Officer designation;
 - Notice and communication;
 - Assurances;
 - Universal access;
 - Compliance with Section 504 of the Rehabilitation Act of 1973;
 - Data and information collection and maintenance;

- Monitoring system;
 - Complaint processing procedures; and
 - Corrective actions and sanctions.
- Each Local Area was provided a copy of the report and asked to provide a timeline for compliance with any outliers found. Local Areas were asked to address any areas of need. The State provided technical assistance and training modules to assist the Local Areas that requested assistance. Training was held in May 2013, and materials for compliance were provided at that time.
 - The State has integrated monitoring for EO compliance into its fiscal and programmatic monitoring to provide a periodic review of the status of EO compliance.
 - The State will conduct periodic on site monitoring for EO purposes of the Local Areas with a goal of conducting on site reviews of each Local Area annually. In addition, follow up evaluation documents will be sent annually to the Local Areas that are not evaluated on site.

2. Describe, at a minimum, the system for evaluating the extent to which recipients are performing the responsibilities assigned such recipients by the State through the plan, such as:

- Conducting EO monitoring/evaluation reviews of applicants for and recipients of WIOA Title I financial assistance (including monitoring assurances and programmatic and architectural accessibility).

Annual monitoring is conducted by DWDAL's Office of Monitoring and Compliance in accordance with requirements set forth by USDOL. State Monitors will work with the OFP to ensure that the monitoring questionnaire captures pertinent information to ensure compliance with EO requirements.

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

Local Areas, in the event one is needed, are asked to provide a corrective action plan (CAP) with deadlines and responsible parties. Completion of the activities is monitored by the Office of Monitoring and Compliance. Imposition of sanctions is reserved for DLLR's EO Officer in close consultation with DWDAL's EO Officer.

- Ensuring policy development, communication, and training are carried out.

DWDAL has a policy development process for creating and updating of policy issuances affecting the workforce system. The process includes engaging Local Areas, subject matter experts, and providing, at minimum, a two-week public comment period. The DLLR will develop policies regarding EO, reasonable accommodation, LEP, and other issues generally pertaining to Section 188 of WIOA. Local Areas, through guidance referenced in previous sections of this plan, have been directed to similarly update policy issuances to reflect the new Federal Act.

- Ensuring that their programs and activities are operating in a nondiscriminatory manner

and ensuring EO, including but not limited to:

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

The State has submitted its Combined Workforce Plan to be reflective of WIOA requirements. This plan addresses the issues raised in the two bullets above. In submitting the State's Combined Workforce Plan to USDOL, the Assistant Secretary for DWDAL stated:

“I am excited to report that the State has filed its first Combined Workforce Plan to the U.S. Department of Labor and other Federal funders on April 1, 2016. The Plan is a historic first step in the State's implementation of the Workforce Innovation and Opportunity Act. Under the Governor's direction, Maryland brought together the workforce programs administered by DLLR, the TANF Program administered by the Department of Human Services' Family Investment Administration, and the vocational rehabilitation programs administered by the State Department of Education's Division of Rehabilitation Services into one plan.”

The Plan provides insight into the EO policy direction of the State's Workforce System. See: <https://www.dllr.state.md.us/wdplan>. Pages 102-103 directly reflect the commitment to EO monitoring.

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

- The State and DLLR will ensure that State and local-level EO Officers are included in the EO review process. Comprehensive training and materials were provided at the May 2013 training session. Periodic training opportunities are provided, as previously noted. As the State moves forward with WIOA implementation, comprehensive training will be provided to reflect WIOA requirements. DORS will hold a Statewide Disability Awareness Training Day September 2017. The two disabilities that will be covered that day will be Deaf and Blindness. It will also include a discussion of AT for each group. As mentioned earlier, DLLR will hold a large training at a WIOA convening in Winter 2017, to review new EO provisions. The DWDAL EO Officer meets regularly with the State EO Officer to coordinate review efforts and other EO matters.

4. The procedures for determining which recipients are to be reviewed, the frequency of reviews of recipients, and the number of recipients to be reviewed per year.

- As noted above, on-site reviews will be conducted every three years, and in the interim years, survey tools will be used. The results from the recent review will help guide the order in which Local Areas are reviewed.

Additional Elements

(1) A system for determining whether a grant applicant, if financially assisted, and/or a training provider, if selected as eligible under Section 122 of WIOA, is likely to conduct its WIOA Title I-financially assisted programs or activities in a nondiscriminatory way, and to comply with the regulations in this part.

The State and DLLR will ensure compliance with this part. Specific related compliance activities include, but are not limited to the following:

- Guidelines for the development and submission of the WIOA Combined State Plan and the WIOA Local Plans in September 2016, included the requirement that recipients include a nondiscrimination provisions and an assurance to comply with WIOA Section 188.
- Each local plan submitted was reviewed by the GWDB to ensure compliance with this requirement. MOUs developed jointly by Local Workforce Development Boards, DLLR and other partners include Fair Practices and nondiscrimination assurance statements.
- The WIOA Partners developed and issued a policy and template for MOUs consistent with the new Federal Act.
- On April 20, 2016, the aforementioned WIOA Partners issued Guidelines for Developing 2016-2020 WIOA Local Workforce Plans. The guidelines required each the Local Area to provide:
 - A description of how the entities within the AJC delivery system, including AJC operators and the AJC partners in the Local Area, will comply with Section 188 of WIOA, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101, et. seq.) regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including providing staff training and support for addressing the needs of individuals with disabilities; and
 - An acknowledgement that the Local Workforce Development Board understands that, while Section 188 of WIOA ensures EO for individuals with disabilities, sub-recipients may also be subject to requirements of:
 - Section 504 of the Rehabilitation Act, which prohibits discrimination against individuals with disabilities by recipients of Federal financial assistance;
 - Title I of the ADA, which prohibits discrimination in employment based on disability;
 - Title II of the ADA, which prohibits State and local governments from discriminating on the basis of disability;
 - Section 427 of the General Education Provisions Act; and
 - Maryland Anti-Discrimination laws.
- The State provides funds to all designated Local Areas. Contracts used in each Local Area must include nondiscrimination assurances required by the State, assuring each entity complies with this requirement. DWDAL, through the transition from WIA to WIOA is examining grant agreements to ensure that all grant agreements include required

nondiscrimination assurances.

- Grant applicants and training providers are required to comply with this requirement and all relevant WIOA and DLLR EO and nondiscrimination provisions. Compliance will be monitored by way of the grant review procedure and compliance reviews.
- Training providers in the State are monitored by DWDAL, which maintains the ETPL. DWDAL is currently creating the criteria and tools to monitor providers to ensure compliance with the nondiscrimination provisions of WIOA.
- Maryland's Skilled Immigrants Task Force developed a Workforce Systems Survey to assess how Maryland's WIOA network serves skilled immigrants and LEP individuals. Responses will drive the creation of future technical assistance and cross training opportunities.
- The State previously developed a policy regarding LEP. In the upcoming months, that policy will be updated to broaden access and enhance services for LEP individuals, and the issuance will be provided to Local Areas for their implementation. EO posters in languages other than English are displayed in AJCs as well as Babel Notices will be used to provide EO notice to LEP individuals.

(2) A review of recipient policy issuances to ensure they are nondiscriminatory.

State-level and local-level policy issuances, or issuances from other recipients, are not discriminatory either in intent or effect. (See 29 CFR 38.54(c)(2)(ii).)

Policies on WIOA Title I nondiscrimination and/or EO issues are developed and implemented in a timely manner.

- As discussed and documented earlier in this section and in other elements in this plan, the State, , DLLR, and Local Areas have developed and implemented various EO and nondiscrimination notices, policies, and procedures. As appropriate, these notices, policies, and procedures have been and will continue to be communicated to: employees; beneficiaries; the public; and other interested individuals, agencies, and organizations.
- Currently, as DLLR continues its full transition from WIA to WIOA, DWDAL is updating a number of policy issuances to reflect the change in Federal law. OFP will ensure that DWDAL policies are revised based on changes to EO and nondiscrimination law.

(3) A system for reviewing recipients' job training plans, contracts, assurances, and other similar agreements to ensure that they are both nondiscriminatory and contain the required language regarding nondiscrimination and Equal Opportunity;

- The required assurance is incorporated into each grant, cooperative agreement, contract, or other arrangement whereby Federal financial assistance under Title I of WIOA is made available. (See 29 CFR 38.25(a)(2).) NOTE: 29 CFR 38.25(a)(2) provides that the assurance may be incorporated by reference into these documents.

- The Procurement section of the DLLR/DWDAL Financial Management Handbook Procurement Requirements - Chapter 6 - includes the EO Assurance as a required contract clause.
- The State provides funds to all designated Local Areas. Contracts used in each Local Area must include nondiscrimination assurances required by the State, assuring each entity complies with this requirement. DWDAL, through the transition from WIA to WIOA is examining grant agreements to ensure that all grant agreements include required nondiscrimination assurances.

As noted in Section 1 of this Element, the WIOA Partners developed a policy and template for MOUs consistent with the new Federal Act. The template will be incorporated into all MOUs executed by the July 1, 2017 requirement deadline set forth in WIOA.

Job training plans, contracts, assurances, and other similar agreements entered into by recipients are both nondiscriminatory and contain the required language regarding nondiscrimination and EO. (See 29 CFR 38.54(c)(2)(iii).)

DLLR will ensure compliance with this requirement. Compliance activities will include, but are not be limited to:

- DLLR's reliance on the use of a standard Request for Proposals (RFP) template from the State's Department of Budget and Management which contains the required provisions. Clauses 14 and 30 found in Exhibit A6 (p. 119) have the required language.
- The Department's use of a standard Personal Services contract for contractual employees includes the Nondiscrimination in Employment clause and the Assurance of Nondiscrimination and EO in USDOL- funded Agreements clause.
- The required assurance language and sample executed assurances contained in Local Area WIOA Plans are found in Exhibit A2, WIOA Local and Regional Planning Guidance. As noted, Local Plan guidance under WIOA also notes these assurances.

(4) Procedures for ensuring that recipients comply with the nondiscrimination and Equal Opportunity requirements of §38.5 regarding race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English Proficiency), age, political affiliation or belief, citizenship, or participation in any WIOA Title I-financially assisted program or activity;

- On April 20, 2016, the aforementioned WIOA Partners issued Guidelines for Developing 2016-2020 WIOA Local Workforce Plans. The guidelines required each the Local Area to provide:
 - A description of how the entities within the AJC delivery system, including AJC operators and the AJC partners in the Local Area, will comply with Section 188 of WIOA, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101, et. seq.) regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including providing staff training and

- support for addressing the needs of individuals with disabilities; and
- An acknowledgement that the Local Workforce Development Board understands that, while Section 188 of WIOA ensures EO for individuals with disabilities, sub-recipients may also be subject to requirements of:
 - Section 504 of the Rehabilitation Act, which prohibits discrimination against individuals with disabilities by recipients of Federal financial assistance;
 - Title I of the ADA, which prohibits discrimination in employment based on disability;
 - Title II of the ADA, which prohibits State and local governments from discriminating on the basis of disability;
 - Section 427 of the General Education Provisions Act; and
 - Maryland Anti-Discrimination laws.

Each grant applicant, and each training provider seeking eligibility, must comply with Title VI of the Civil Rights Act of 1964; Executive Order 13166, “Improving Access to Services for Persons With Limited English Proficiency” (August 11, 2000); and United States Department of Justice guidance, “Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons” (June 18, 2002).

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

- This requirement has been communicated through training sessions, directives, and memoranda.
- Grant applicants and training providers are required to comply with this requirement and all relevant WIOA and DLLR EO and nondiscrimination provisions. Compliance will be monitored by way of the grant review procedure and compliance reviews.
- Training providers in the State are monitored by DWDAL, which maintains the ETPL. The Division is currently creating the criteria and tools to monitor providers to ensure compliance with the nondiscrimination provisions of WIOA.

(5) Procedures for ensuring that recipients comply with the requirements of applicable Federal disability nondiscrimination law, including Section 504; Title II of the Americans with Disabilities Act of 1990, as amended, if applicable; WIOA Section 188, and this part with regard to individuals with disabilities.

This narrative follows the guidance provided by USDOL and addresses each of the requested sections.

1. Meet their obligation not to discriminate on the basis of disability. (See 29 CFR 32.12 (a), 32.26, and 38.6.)

- Compliance with disability related requirements of WIOA Section 188, Section 504 of the Rehabilitation Act and the ADA is documented in the DLLR Administrative manual and in directives and other documents developed and disseminated by the OFP. These directives establish policy and establish guidance on:
 - Disability related requirements of WIOA Section 188, Section 504 of the

- Rehabilitation Act and the ADA;
 - Inclusion of nondiscrimination statements on materials, documents, websites, signage;
 - Interpreter service (See Exhibit A21);
 - Alternative formats (See Exhibit A22);
 - Event planners disability accessibility checklist (See Exhibit A25);
 - Accessing and utilizing the Maryland relay service, as well as other communication strategies (See Exhibit A23); and
 - Reasonable accommodation (See Exhibit A24).
- The OFP has also disseminated to administrators, managers, designees, and liaisons copies of the Equal Employment Opportunity Commission's (EEOC) Title I Technical Assistance Guide.
- Other related policies, procedures, and activities are discussed and documented in Elements 1 and 2.
- Training provided to local EO Officers included the requirement of compliance with disability related requirements.
- DWDAL has included on its webpage ADA and disability related technical assistance information and resources for job seekers and employers. That resource can be found at: <https://www.dllr.state.md.us/employment/disabilities/shtml/>
- The WIOA Local and Regional Plan Guidance issued by the Department and its partners on April 20, 2016, requires the Local Area to describe in its Local Plan the following:
 - A description of the Local Workforce Development Board's policy and procedures with regard to aid, benefits, services, training, and employment, include a statement of assurance that you will provide reasonable accommodation to qualified individuals with disabilities unless providing the accommodation would cause undue hardship.
 - A description of how the Local Workforce Development Board will comply with the Americans with Disabilities Act. The description should include how the Local Workforce Development Board will provide reasonable accommodations regarding materials, technology, and physical and programmatic accessibility of facilities. The description should also include how the Local Workforce Development Board will provide staff training and support for addressing the needs of individuals with disabilities.
 - A description of the Local Workforce Development Board's policy and procedures in place to ensure that communications with individuals with disabilities, including individuals with visual or hearing impairments, are as effective as communications with others. For instance, Upper Shore's Local Plan explained that "The One Stop system is required to provide equal opportunity in all aspects of their program operations and practices. All WIOA-funded partners are required to post the Equal Employment Opportunity (EEO) is the Law notice, disseminate it to each participant, and document the distribution in the case file. The One Stop Operator provides standard EEO language to be placed on all new and reprinted marketing

material, and routinely monitors system compliance with this requirement. Staff of the One Stop system routinely serve persons with disabilities by ensuring accommodations are available as necessary to assist with employment and training needs. As much of the EO content is in written form, accommodations shall be made to any participant with a visual impairment to ensure appropriate advisement. The USWIB is partnering with WIOA Title IV, the Maryland Division of Rehabilitation Services to have training and support provided to all core and required partner staff addressing the needs of individuals with disabilities. The USWIB expects to make a Technical Assistance request of the GWDB for expertise and funding to ensure compliance with Section 188 of WIOA.”

- DWDAL is dedicated to providing a series of reasonable accommodations information briefs about a variety of topics related to reasonable accommodations. In addition, the Division will work with the Maryland State Department of Education’s DORS in providing technical assistance and training regarding creating accessible documents and website, developing and implementing reasonable accommodations policies and procedures, including a reasonable accommodations statement on all publications, materials, documents and website, and setting up video phones and universal workstations.
- As a part of the State’s implementation of WIOA, the Governor designated the vocational rehabilitation programs administered by the State Department of Education’s DORS as a Combined State Plan partner. It is the State’s belief that inclusion of vocational rehabilitation as a WIOA partner will enable the State’s workforce system to become more attune to the needs of the disabled.
- The State included in its WIOA State Plan a provision noting that it, “will ensure that sub-recipients establish and implement appropriate procedures and processes under the Americans with Disabilities Act (ADA) and Rehabilitation Act - Title IV.” (See: <https://www.dllr.maryland.gov/wdplan/wdstateplan.pdf>, Page 100).
- The GWDB) has, for the first time, included the Secretary of the Department of Disabilities. Representation from this Secretary on the Governor’s public policy body for workforce development will ensure that disability issues will be considered in the Board’s policy recommendations.
- DORS is working with the Local Areas to provide AT to AJCs in order to provide a uniform approach to AT across Maryland’s Workforce system. As the State rolls out its regional workforce areas, this will enable individuals who need AT to visit any AJC and have the same AT available to use. This initiative will begin implementation mid PY18.

(6) Provide reasonable accommodation for individuals with disabilities (See 29 CFR 32.13 and 29 CFR 38.6.)

- The State and DLLR are committed to providing reasonable accommodations upon request to both individuals with disabilities receiving WIOA services and internal employees. The State and DLLR have adopted the “Never Say No” philosophy whereby “no” is an answer of last resort, after all reasonable options have been explored by the individuals making and receiving the requests. Related training is given on a regular

basis.

- DORS will hold a Statewide Disability Awareness Training Day September 2017. The two disabilities that will be covered that day will be Deaf and Blindness. It will also include a discussion of AT for each group.
- The DLLR Reasonable Accommodations directive outlines:
 - Making existing facilities accessible to individuals with disabilities;
 - Job restructuring, part-time or modified work schedules; reassignment to a vacant position; acquisition or modification of equipment or devices; appropriate adjustment or modifications of examinations, training materials or policies; the provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities;
 - Ensuring that employment notices, advertisements and announcements, program brochures, pamphlets, notices, and websites include a statement of reasonable accommodation, e.g. “Auxiliary Aids and Services are Available Upon Request to Individuals with Disabilities” please call John Doe, (410 555-XXXX and TTY/TDD (410) 555-XXXX) to make a request; and
 - Once an employee or client requests an accommodation, DLLR will provide the necessary accommodation where it is consistent with this policy.
- DLLR conducts biennial Self Identification of Disability Surveys of its employees to determine the representation of individuals with disabilities in the DLLR workforce and to determine the need for reasonable accommodations for employees. Although participation in the survey is voluntary, employees have been responsive, and a number of accommodations have been provided including, but not limited to: accessible PC hardware and software; accessible parking; telephone amplifiers; and orthopedic chairs.
- As documented above, the State Department of Education’s DORS is a Combined State Plan partner. It is expected that DORS will provide technical assistance and guidance in this area.
- The WIOA State Combined Plan includes language regarding accessibility and reasonable accommodation: “The local department will make reasonable accommodations and provide auxiliary aids for persons with disabilities, such as but not limited to: interpreters, note takers, and materials in alternate formats to the extent that it does not cause a fundamental alteration with the program, or result in undue financial or administrative burden” on page 256.
- The States’ WIOA State Combined Plan also outlines how the State plans to provide System Accessibility for all Marylanders. (See: <https://www.dllr.maryland.gov/wdplan/wdstateplan.pdf>, Pages 100-102).
- The OFP will provide ongoing training and guidance to the EO Officers as to their roles and responsibilities for assisting the Local Areas in identifying and providing reasonable accommodations.

(7) Provide reasonable modifications of policies, practices, and procedures, as required (See 29 CFR 38.6.)

- As previously noted, the State's and DLLR's policies that apply to this requirement have been communicated to Local Areas, DLLR managers, administrators and EO Officers. Through on-site compliance reviews and self-appraisals conducted at the State and local-level, the State and DLLR will monitor compliance with this requirement. Compliance review procedures are documented in (viii) Sections 38.51 and 38.53 Governor's Oversight and Monitoring Responsibilities for State Programs.

(8) Provide architectural accessibility for individuals with disabilities (See 29 CFR 32.28); and provide programmatic accessibility for persons with disabilities (See 29 CFR Part 32.27.).

- A component of DLLR and Local Areas on-site compliance review process is an assessment of the architectural and programmatic accessibility of the AJCs throughout the State.
- As part of the DLLR leasing procedure, DLLR's Office of General Services contacts the OFP as current leases are about to expire and when moves to new facilities are being contemplated. The DLLR ADA Officer coordinates with the General Services representative on-site. These reviews are conducted for new leases, including multiservice government facilities.
- DLLR provides information to each WIOA grant recipient to assist in developing accessible infrastructures and programmatic access for people with disabilities. See the attached brief entitled, "Access for All Customers: Universal Strategies for One-Stop Career Centers" and the "ADA Act Checklist for Readily Achievable Architectural Barrier Removal" for assistance in these areas (See Exhibits C1 and C2).
- The OFP maintains contact with the Department of Disabilities and the State's Department of General Services for related technical assistance and guidance in this area.
- DLLR has included disability related technical assistance information and resources for both job seekers and employers.
(<http://www.dllr.state.md.us/employment/indivwithdisabilities.shtml>) and
(<http://www.dllr.state.md.us/employment/businessservices1.shtml>).
- As the opportunities present themselves, DLLR and/or Local Areas partner with other organizations to participate in job fairs specifically geared towards job seekers with disabilities. Reasonable accommodations are offered on site at all DLLR sponsored job fairs, including interpreters for job seekers who are deaf or hard of hearing.
- As previously mentioned, DWDAL is administering the Disability Employment Initiative grant locally in the Local Areas Anne Arundel and Montgomery. The aim of this initiative is to increase the number of individuals with disabilities entering competitive integrated employment via the AJCs as well as develop career pathways systems and

programs to equip individuals with disabilities with skills, competencies, and credentials necessary to help them be competitive in the workforce. These pilot sites will inform the workforce system and create a more robust workforce system to serve individuals with disabilities within the State while also addressing the needs of businesses.

- DWDAL will provide technical assistance and guidance to update, upgrade, or create universal workstations in the AJCs.
- DWDAL also administers Jobs for Veterans State Grant Program, the Disabled Veterans Outreach Program (DVOP), with staff specifically funded to work with veterans. In addition to in-office services, DVOPs are stationed at military bases and veteran's facilities to provide immediate personal employment and training services. DVOP specialists provide intensive services and facilitate placements to meet the employment needs of veterans, including special and other disabled veterans.

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

- A review of personnel transactions is a component of the DLLR EO Program and is documented in its administrative directives. Among other things, this procedure provides for the review of:
 - Selection plans;
 - Job descriptions; and
 - Selection criteria.

No job commitments are to be made until this review is conducted.

- Local Areas have included in the Local Plans an EEO statement that includes an assurance not to discriminate on the basis of disability.

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

- Among other related issues, regularly scheduled ADA training sessions cover this provision.
- The OFP developed and disseminated to administrators, managers, EO Officers, and a "Pre-Employment Inquiries" technical assistance guide.
- DWDAL will work with OFP to ensure that Local Areas and staff are aware of the requirements of the new Federal Act.

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

- Among other related issues, regularly scheduled ADA training sessions cover this provision. By way of on-site and self-appraisal reviews, related compliance is assessed.
- State policy provides for the confidentiality of information collected and maintained

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

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

(12) Administer their WIOA Title I-financially assisted programs and activities so that each individual with a disability participates in the most integrated setting appropriate to that individual. (See 29 CFR 38.12(d).)

- Under guidance issued by the State regarding WIOA Local Plans, Local Areas are required to discuss how individuals with disabilities are integrated within service delivery. WIOA Local Plan Guidance issued by the State on April 21, 2016, also requires the Local Areas to describe how Local Areas intend to integrate services for disabled individuals. Local Plans were submitted in September and were approved in June 2017.

(13) Are able to communicate with persons with disabilities as effectively as others. (See 29 CFR 38.15.)

- As previously described, the State, DLLR, and Local Areas are committed to ensuring that all WIOA programs and activities operate in a nondiscriminatory manner and provide that individuals with disabilities participate in the most integrated setting appropriate to those individuals.
- Previous discussions also document and demonstrate the State's commitment to ensuring that the WIOA programs are able to communicate with persons with disabilities as effectively as with others.

(14) A system of policy communication and training to ensure that EO Officers and members of the recipients' staffs who have been assigned responsibilities under the nondiscrimination and Equal Opportunity provisions of WIOA or this part are aware of and can effectively carry out these responsibilities.

- The OFP provides periodic training to EO Officers on the provisions of the complaint procedures and their related rights and responsibilities. Attached is the Complaint Processing PowerPoint presentation used at the May 7, 2013, training session, to illustrate the type of training that is provided regarding Complaint Processing (See Exhibit D1-2). Attendees were also given copies of the discrimination forms and complaint log.
- DORS will hold a Statewide Disability Awareness Training Day September 2017. The two disabilities that will be covered that day will be Deaf and Blindness. It will also include a discussion of AT for each group.

- As mentioned, DLLR will hold a large training at a WIOA convening in Winter 2017, to review new EO provisions.
- The OFP is planning a comprehensive training for local EO Officers July 12-14, 2017.
- In the transition from WIA to WIOA, EO Officers will be included in the policy development process, as subject matter experts, and are convened to provide insight on and feedback for draft policies concerning the implementation of the Federal Act.

(15) Procedures for obtaining prompt corrective action or, as necessary, applying sanctions when noncompliance is found.

This Narrative follows the guidance provided by USDOL and addresses each of the requested sections.

The State and DLLR are committed to providing clear guidance regarding corrective actions and sanctions for non-compliance regarding EO matters. As DLLR continues to transition from WIA to WIOA, it pledges to review and revise all policies in accordance with Section 188 of WIOA and the applicable regulations when promulgated.

- (a) Describe the standard for corrective and remedial actions to be applied when violations of WIOA Section 188 or 29 CFR part 38 are found. Corrective and remedial actions must be designed to completely correct each violation. For each corrective action, a time frame will be established that sets the minimum time necessary to completely correct the violation. In the case discrimination is found, the procedures must provide, where appropriate, for retroactive relief (including but not limited to back pay) and prospective relief (e.g., training, policy development and communication) to ensure that the discrimination does not recur. Corrective actions must be designed to completely correct technical violations (e.g. failure to post notice, failure to collect data, etc.) and discrimination violations.
 - The OFP/EO Officer is responsible for creating procedures for corrective action and remedial actions to be applied when a violation of WIOA Section 188 and/or 29 CFR Part 38 by the Local Workforce Development Area or sub-recipient occurs.
 - The State views violations as failures to comply with WIOA regulations. A violation may range in seriousness from an infraction, or a technical violation, to a more significant discrimination violation. Taking corrective action requires that the violation(s) be corrected.
 - A technical violation refers to a failure to include the required language in an assurance or failure to include the tag lines in a communication.
 - A discrimination violation includes findings of disparate treatment, disparate impact, or failure to provide reasonable accommodation.
 - The State and DLLR have identified standards for corrective and remedial actions to be applied when violations of Section 188 or 29 CFR Part 38 are found. Corrective and remedial actions must be designed to correct each violation. For each corrective action, a

time frame will be established that sets the minimum time necessary to completely correct the violation.

- In the case of a finding of discrimination, the procedures will provide, where appropriate, for retroactive relief (including but not limited to back pay) and prospective relief (e.g., training, policy development and communication) to ensure that the discrimination does not recur.
- The State and DLLR will impose sanctions on Local Areas, partners and affiliated agencies when a complaint is received, violation identified, lack of notification to participants/employees, and/or disparities are found, and before and during the Compliance Review process. The imposed sanction will be in accordance with 29 CFR 38.110; 29 CFR 38.54(c)(ii); 29 CFR 38.54(c)(2)(viii); and TEGL 37-14.
- In addition, the State and DLLR will require corrective action for deficiencies found as a result of a monitoring review as noted in (viii) Sections 38.51 and 38.53 Governor's Oversight and Monitoring Responsibilities for State Programs.

Technical Violations (completed within 45 days)

- Any Local Area, partner and/or affiliate agency found to have committed a technical violation such as: failure to post notice, failure to collect data, failure to provide notification to participant/employee, failure to include signed EO is The Law notice in participant file, absence of a signed Complaint or Grievance procedure in file, or failure to provide materials noting "Equal Opportunity is The Law" within DLLR designed area.
- Technical deficiencies may require a different time frame for corrections than findings of discrimination. The EO Officer will notify the Local Area in writing of the deficiencies found during EO Compliance Reviews along with a suggested CAP. The Local Area will be required to provide a CAP that includes written assurances to certify that a deficiency has been corrected - including the timeframe for correction. The assurances will attest that the Local Area office will continue to take steps to ensure that the deficiency(s) does not reoccur. The Local Area Director must sign the assurance.

Discrimination Violations (training, policy development, and communication)

When there are findings of discrimination, a conciliation agreement, and/or CAPn is required. The corrective action must address the particular act of discrimination and must include timetables by which the corrective action will be implemented. Corrective action may include recoupment of lost earnings the victim may have suffered. A written assurance must accompany a corrective action (to help ensure that the discrimination does not recur) stating that the Local Areas will cease in its discriminatory practices.

When an EO Compliance Review results in identification of deficiencies or noncompliance that cannot be resolved or corrected on a voluntary basis, the EO Officer at the State level provides technical assistance in conjunction with the DWDAL Monitor to determine appropriate corrective action. A follow-up visit will be conducted, where necessary, to evaluate the degree of progress made toward resolving existing noncompliance factors.

The State and DLLR will follow the Complaint investigation process noted in this plan in

accordance with WIOA Section 188 regulations, and will revise the process and procedures accordingly when regulations promulgated pursuant to Section 188 of WIOA are issued.

2. The provision for follow-up monitoring to ensure that commitments are fulfilled.

- The Local Area is made aware at the EO Review, Exit Conference, or any Technical Assistance visit, that follow-up monitoring can occur at any time. In instances where deficiencies are identified and CAPs are submitted, on-site follow-up may occur within 30 days from receipt of the CAP, to assess the adequacy of the corrective action. In accordance with 38.63(b) a letter will be sent advising the Local Area of the program, practice, or information that will be reviewed.

3. The provision of reports from the violating recipient.

- The State will provide a report of findings, listing all deficiencies along with a request or a CAP to the Local Area. The Local Area is required to submit a proposed CAP, including timeframes to implement corrective actions. Failure to meet the corrective action deadlines established by the CAP will initiate the writing of a strong letter to the Local Area stating that the Local Area must comply with the CAP.
- As part of documenting a corrective action, DWDAL may require the Local Area to submit their training rosters, written assurances, along with documentation of on-site inspections, or other appropriate documentation that confirms correction of deficiencies/violations.

4. The specific sanction and sanction procedures to be followed where voluntary compliance cannot be achieved.

- OFP and DWDAL will discuss specific Sanctions for any cases of non-compliance. The Sanction may include: suspension for a period of time, termination, and potential financial reduction. The State will impose sanctions when a Local Area will not agree to or fails to take voluntary corrective action.
- Sanctions are tailored to fit the deficiency and the ultimate plan must correct all deficiencies, or steps will be taken to involve the CRC. If, after all avenues for resolution at the State level are exhausted, and deficiencies are not effectively corrected, the Local Area or will be notified that the information will be or has been referred to the CRC for further action at the Federal level.
- If no resolution can be reached after the above process is followed, the matter will be referred to the CRC for enforcement or recommendation for suspension of funds until compliance is met.

Exhibits

Exhibit A: Policy and procedural issuances concerning required elements of the Nondiscrimination Plan.

1. Combined State Workforce Plan
2. WIOA Local and Regional Planning Guidance
3. WIOA Memoranda of Understanding & Resource Sharing Agreements Policy
4. MOU Template
5. RSA Template
6. Request for Proposals (RFP) Template from the State's Department of Budget and Management
7. Procurement Section of the DLLR/DWDAL Financial Management Handbook - WIFI 12-99
8. DBM Standard Procurement Contract
9. Letter of Appointment for Jennifer D. Reed
10. Sample Job Descriptions for Local EO Officers
11. Ms. Reed's Position Description
12. Sample Complaint Procedures from Two Local Areas
13. DLLR Discrimination Complaint Form (DLLR/OFP 120)
14. Executive Order 01.01.2007.16, entitled "Code of Fair Employment Practices."
15. DLLR Personal Services Contract
16. DLLR Nondiscrimination Policy
17. DLLR Sexual Harassment Policy
18. Sample Sexual Harassment Case Report
19. Sample Sexual Harassment Closure Letter
20. DLLR ADA/504 Program
21. Interpreter Services for Individuals Who are Deaf or Hard of Hearing
22. Alternate Formats
23. Accessing and Using Maryland's Relay Service
24. Reasonable Accommodations
25. Event Planner's Disability Accessibility Checklist
26. DLLR Biennial Self of Identification of Disability Surveys Letter
27. DLLR Biennial Self of Identification of Disability Surveys Instrument

Exhibit B: Copies of monitoring instruments, instructions, reports of monitoring reviews, and reports of follow-up actions taken under those reviews where violations have been found, including, where appropriate, sanctions.

1. Monitoring Directive
2. EO Monitoring Review Document
3. EO Monitoring Review Checklist
4. NASWA Guide for EO Monitoring

5. EO Monitoring Questionnaire
6. Comprehensive EO Monitoring Report
7. Request for Compliance Plan
8. Combined Workforce Plan Excerpt

Exhibit C: Evidence of the extent to which nondiscrimination and Equal Opportunity policies have been developed and communicated as required by this part.

1. “Access for All Customers: Universal Strategies for One-Stop Career Centers”
2. “ADA Act Checklist for Readily Achievable Architectural Barrier Removal”
3. Memo Distributing Documents
4. “Notice to the Public” poster that includes an ADA and reasonable accommodation statement.
5. Technical Assistance Information and Resources for Jobseekers – Screenshot
6. Technical Assistance Information and Resources for Employers – Screenshot
7. “Guide to Interviewing” Technical Assistance Guide.
8. Mediation Brochure
9. Agency Workforce Analyses from DLLR’s Fiscal Year 2016 EEO Report

Exhibit D: Information reflecting the extent to which Equal Opportunity training, including training called for by §§38.29(f) and 38.31(f), is planned and/or has been carried out.

1. Complaint Processing PowerPoint presentation used at the May 7, 2013, training session
2. Disability and Employment, Business Services Presentation excerpt used at the May 7, 2013, training session
3. DORS ADA presentation to business services personnel in July, 2015
4. DORS Effectively Communicating Training Agenda for September 26, 2017

Exhibit E: Copies of any notices made under §§38.34 through 38.40.

1. OFP Internet Page - Screenshot
2. Tag Line: “Equal Opportunity Employer/Program. Auxiliary Aids and Services are Available Upon Request to Individuals with Disabilities,” reference in DLLR web pages.
3. Over 60 Web Pages within Labor, Licensing and Regulation matching “auxiliary aids”
4. Deaf or Hard of Hearing Interpreter Poster