

**WIOA Equal Opportunity Compliance Review:**

**Non-Collated Service Providers**

**The Workforce Innovation and Opportunity Act (“WIOA”)**§ 188, and it’s implementing regulations 29 CFR, Part 38, requires Recipients, Sub-Recipients, Partner Agencies, and Additional Partners ("Recipients"), as defined under WIOA §§ 121(b), (b)((1) and (b)(2) and 29 C.F.R. § 38.4(zz), to adhere to the Non-Discrimination and Equal Opportunity (EO) provisions, which include the requirement of annual compliance reviews (29 CFR § 38.51(b)).  The following questionnaire is one of the State's compliance tools.  Please note that in addition to this questionnaire, the State may also engage with your organization in additional reviews, which may include an onsite review.

In general, compliance reviews include an assessment of the recipient’s compliance with the **9 Elements of the WIOA Non-Discrimination Plan (“NDP”):**
***Element 1 - Designation of State (WIOA) and Local-Level (LWDA) Equal Opportunity Officers
Element 2 -  Notice of Rights and Communication
Element 3 - Assurances
Element 4 - Universal Access
Element 5 - Compliance with Section 504 of the Rehabilitation Act
Element 6 - Data Collection
Element 7 - Monitoring
Element 8 - Complaint Processing Procedures******Element 9 - Corrective Actions and Sanctions****(Please note that this element is not on the form. Additional information will be provided if an additional review, including an onsite review, is required).*

Questions related to this questionnaire or the EO Compliance Review process can be directed to the**New York State Department of Labor's Division of Equal Opportunity Development at 518-457-1984 or via email at deod@labor.ny.gov**

**Demographic and Location Information**

**Questions 1 - 8**

Individual completing questionnaire

1. Name?

2. Position Title?

3. Email Address?

4. Phone Number?

5. What is the name of the Service Provider or Small Recipient?

6. What is the site address of the Service Provider/ Small Recipient?

7. What mailing address should correspondence relating to WIOA EO Compliance be sent?

8. If you are responding for other programs/sites that you administer, please identify those programs below.

**Element 1: Designation of Equal Opportunity Officer**

**Questions 9 – 26**

9. If you are a Small Recipient, have you designated an individual to adopt and publish complaint processing procedures, and process complaints? (*Service Providers are not required to designate an EO Officer.  Their compliance for this part rests with the LWDA. Service Providers may skip to Element 2*).

11. Is the person designated to handle complaints, a senior-level employee?

13. Does the individual have ready access to top-level administrators?

15. To whom does the individual report?

16. Does the individual have sufficient authority, staff, and resources available to carry out their EO responsibilities?

18. Does this individual have other responsibilities or activities that create a conflict or the appearance of a conflict with the responsibilities investigating discrimination complaints?

20. Is the individual’s name, address, and telephone number (voice and TDD/TTY) made public?

22. Does the individual’s identity and contact information appear on all internal and external communications about your nondiscrimination and EO programs?

**Element 2: Notice and Communication**

24. Is this individual and their staff afforded the opportunity to received (at the recipient's expense), the training necessary to maintain competency?

26. Is there an organizational chart that shows where the EO function is located?  Please provide a copy of the organizational chart.

**Questions 28 – 48**

28. Is the "Equal Opportunity is the Law" Notice posted prominently, in reasonable numbers and places, in all offices, and on your website pages? *(For Service Providers, the Equal Opportunity is the Law Notice should reflect the name of the LWDA Equal Opportunity Officer).*

30. Is the Notice shared with staff via internal memos and other written or electronic communications?

32. Is the Notice included in employee and participant handbooks or manuals, including electronic and paper form?

34. Is the Notice provided to: registrants, applicants, eligible registrants/applicants, participants, applicants for employment, employees, unions or professional organizations that hold collective bargaining or professional agreements with you, subrecipients that receive WIOA assistance from you, and members of the public?

36. Where paper files are maintained? Are copies of the Notice included in the participants' files?

38. Where the Notice has been given, whether in paper format or electronically, do you put a notation in the employee or participant's file that notice was given?

40. Is the Notice communicated in formats appropriate for individuals with hearing and/or visual impairments?

42. Is the Notice provided to individuals with limited English proficiency (LEP) in languages other than English?

44. Do new employee or participant orientations include a discussion of the right to file a discrimination complaint as contained in the "Equal Opportunity is the Law" Notice?

**Element 3: Assurances**

46. Are the “Equal Opportunity employer/program” and “Auxiliary aids and services are available upon request to individuals with disabilities” taglines included on all recruitment brochures, news media broadcasts, and other materials that are ordinarily distributed and that describe WIOA programs or requirements for participation?

48. If a phone number is provided as a means of communication, is a text telephone (TDD/TTY) number or equally effective telecommunications system, such as a relay service number, provided?

**Questions 50 – 52**

50. Are you aware of your obligation to provide a written assurance that you will comply with the nondiscrimination and equal opportunity provisions of WIOA; its implementing regulations at 29 CFR, Part 38; Title VI of Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; Title IX of the Education Act of 1972; and the Americans with Disabilities Act of 1990?

52. Does the required assurance language found in 29 CFR § 38.25, or reference to it, appear on all grant applications, agreements, and contracts?

**Element 4: Universal Access**

**Questions 54 – 96**

54. Do you take reasonable steps to ensure meaningful access to your WIOA assisted programs and activities to various groups including, but not limited to persons of different sexes, various racial and ethnic/national origin groups, religions, individuals with limited English proficiency (LEP), individuals with disabilities, and individuals in different age groups?

56. Do you advertise your programs and activities in media such as newspapers or radio programs that specifically target various populations?

58. Do you send notices about programs and activities to schools or community service groups that serve various populations?

60. Do you conduct outreach to LEP communities to improve service delivery in needed languages?

62. Are language assistance services, whether oral interpretation or written translation, accurate, provided in a timely manner, and free of charge?

64. Are vital documents translated into the languages spoken by a significant number or portion of the population likely to be served or encountered, and made readily available in hard copy or electronically?

66. When conveying information about how they may effectively learn about, participate in, and/or access any aid, benefit, service, or training that you provide, do you ensure your manner of delivery (electronic, in-person, telephonic) is in appropriate languages for LEP individuals, and in accessible formats for individuals with disabilities?

68. Is there designated parking with appropriate signage for disabled individuals?

70. Is there a designated restroom notated with the universal symbol of accessibility, or a wheelchair accessible restroom stall in all bathrooms?

72. Are entrances to the facility accessible for wheelchairs?

74. Do you take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others?

76. Do you provide auxiliary aids or services in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability?

78. Where qualified interpreters are provided via Video Remote Interpreting (VRI) services, do you ensure real time, full motion video and audio, a sharp image, and adequate training to users of the technology?

80. Where electronic and information technology is utilized, do you incorporate accessibility features for individuals with disabilities?

82. Where communication is by telephone, do you utilize text telephones (TTYs) or an equally effective telecommunications system to communicate with individuals who are deaf or hard of hearing or who have speech impairments?

84. Do you post the international symbol for accessibility at the primary entrance of your accessible facility?

**Element 5: Compliance with Section 504 of the Rehabilitation Act of 1973**

86. Where a facility is not accessible, do you post signage at public entrances to direct users to accessible facilities?

88. Do your policies, practices, and procedures permit the use of a service animal by individuals with disabilities?

90. Do your policies, practices, and procedures permit the use of wheelchairs, manually-powered mobility aids, and other power-driven mobility devices for individuals?

92. Has an Americans with Disabilities Act (ADA) self-evaluation accessibility survey been recently conducted on all facilities where services/activities are provided to the public?

94. Have corrective actions been taken to correct any deficiencies noted in the self-evaluation survey?

96. Are programs/activities provided in the most integrated setting possible for individuals with disabilities?

**Questions 98 - 108**

98. Do you ensure nondiscrimination for individuals with disabilities in your programs and activities, as well as in all aspects of employment (recruitment, hiring, promotion, award of tenure, demotion, transfer, layoff, termination, rates of pay or other form of compensation, job assignments, job classifications, seniority lists, leave of absence, sick leave or other forms of leave, fringe benefits, training, professional meetings, employer-sponsored activities, or any other term, condition, or privilege of employment)?

100. Do you agree to not limit, segregate, or classify disabled applicants, employees, or participants in a way that adversely affects their opportunities or status?

102. Do you agree to not participate in any contractual or other relationship that subjects disabled applicants, employees, or participants to discrimination?

104. Do you have a procedure for providing reasonable accommodations when requested? Please provide a copy of the procedure.

**Element 6: Collection and Maintenance of Equal Opportunity Data**

106. Do you periodically review job qualifications to ensure they do not exclude individuals with disabilities, are related to the performance of the job, are consistent with business necessity and safe performance?

108. Do you ensure that preemployment medical exams or preemployment inquiries focus on the applicant's ability to perform job-related functions, and not on the nature or severity of a disability?

**Questions 110 – 132**

110. Are data and information collected on applicants, registrants, eligible applicant/registrants, participants, terminees, employees, and applicants for employment?

112. Does data collection include race/ethnicity, sex, age, and disability information?

114. Do you record the limited English proficiency (LEP) and preferred language of each applicant, registrant, participant, and terminee?

116. Where obtained, do you ensure that medical or disability-related information is collected and maintained separate from other data?

118. Is data, especially data related to medical information, collected and stored in a manner that ensures confidentiality?

120. Are records relating to applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment, whether in electronic form or hard copy, maintained for at least three years from the close of the program year?

122. Do you maintain a log of the discrimination complaints that have been filed with you?

124. Does your complaint log include: Name and address of complainant?

126. Basis of complaint? (Race, color, religion, sex, disability, etc.)

128. Description of complaint?

130. Date complaint was filed?

132. Disposition and disposition date of complaint, and other pertinent information?

**Element 7: Monitor Recipients for Compliance**

**Questions 134 – 144**

134. Do you acknowledge, in accordance with WIOA Section 188, that you will be subject to annual monitoring to determine if you are conducting your WIOA, Title I-financially assisted program or activity in a nondiscriminatory way?

136. Do you acknowledge that monitoring may consist of a collection, and statistical or quantifiable analysis of records and data, including analyses by race/ethnicity, sex, limited English proficiency, preferred language, age, and disability status?

138. Do you acknowledge that monitoring may consist of an investigation to determine if the analysis of data results in significant differences in participation in the programs, activities, or employment, and whether those differences appear to be caused by discrimination?

140. Do you acknowledge that monitoring may consist of an assessment to determine if you have fulfilled your obligations under Section 188 of WIOA (for example, notice and communication, designation of EO Officer, assurances, etc.)?

142. Do you acknowledge that, based on the findings of the Compliance Review, you may be asked to take remedial or corrective actions to address any deficiencies?

144. Do you acknowledge that you may be asked to provide written assurance that the required corrective actions have been taken?

**Element 8: Complaint Processing Procedures**

**Questions 146 – 166**

146. Have you adopted the State's Complaint Processing Procedures for processing complaints under WIOA Section 188?

148. If you have not adopted the State's Complaint Processing Procedures, have you developed and published your own complaint process, and does it include the required elements as described in 29 CFR 38.72?

150. In accordance with the State's Complaint Processing Procedures: (a) Do you send written notice that acknowledges receipt of the complaint, advises the complainant of their rights, including rights to representation, and right to request and receive, at no cost, language assistance and/or auxiliary aids and services?

152. (b) Do you send a written statement of issues that includes a list of the issues raised; the ones that will be accepted for investigation, the ones that will be rejected, and why they are rejected?

154. (c) Do you offer the complainant a choice of a fact-finding investigation or mediation?

156. (d) do you send a written Notice of Final Action within 90 days of the date the complaint was filed that includes a statement of reasons for the decision, and notice of the complainant's right to file a complaint with the CRC within 30 days of receiving the Notice of Final Action if they disagree with the determination?

158.  Have you made the Complaint Processing Procedures available to your service providers, sub-recipients, and affiliate offices, and advised them of their obligation to follow the procedures?

160. Have all staff, applicants, and participants been advised of their right to file a complaint of discrimination?

162. Have all staff, applicants, and participants been advised that they may file a complaint either with the Local-level EO Officer or directly with the U.S. Department of Labor, Civil Rights Center (CRC)?

166.  Are staff/participants notified that retaliation by management and/or coworkers for filing a complaint or participating in a complaint investigation is prohibited?