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2024 – 2026

**NEW YORK STATE
NONDISCRIMINATION PLAN**

**For the Nondiscrimination and Equal Opportunity
Provisions of the Workforce Innovation and
Opportunity Act**

Prepared by

The New York State Department of Labor

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Introduction

New York State is firmly committed to upholding, complying with, and enforcing the equal opportunity (EO) protections outlined in the Workforce Innovation and Opportunity Act (WIOA) of 2014. As a successor to the Workforce Investment Act of 1998, WIOA serves as the cornerstone for providing financial assistance to a comprehensive system of job training and placement services across the nation.

This Nondiscrimination Plan (NDP) reaffirms the unwavering dedication of the State of New York, its program partners, and service providers to ensuring equal access and opportunity for all individuals participating in WIOA programs and services. We strive to foster an inclusive environment free from discrimination based on race, color, religion, sex, national origin, age, disability, or political affiliation or belief. Additionally, beneficiaries, applicants, and participants are further protected from discrimination based on citizenship status or participation in other WIOA-funded programs.

Governor Kathy Hochul delegated to the New York State Department of Labor (NYSDOL) and its Commissioner, Roberta Reardon, the responsibility to oversee the implementation and administration of this NDP. Melissa Quesada, the Chief Diversity Officer (CDO), leads the Office of Diversity, Equity, and Inclusion (ODEI) within NYSDOL and serves as the State-level Equal Opportunity Officer, reporting directly to Commissioner Reardon.

This plan serves as a testament to the unwavering commitment of New York State to fostering an environment of equity and opportunity for all individuals seeking to access the WIOA programs and services provided within the State.

LIST OF ACRONYMS

Acronym	Definition
AAA	Affirmative Action Administrator
ACCES-VR	Adult Career and Continuing Education Services - Vocational Rehabilitation
ADA	Americans with Disabilities Act of 1990
ADAAG	Americans with Disabilities Act Accessibility Guidelines
ADR	Alternative Dispute Resolution
BOCES	Board of Cooperative Educational Services
CDO	Chief Diversity Officer
CFR	Code of Federal Regulations
CRA	Civil Rights Act of 1964
CRC	U.S. Department of Labor Civil Rights Center
DEI	Disability Employment Initiative
O DEI	New York State Department of Labor Office of Diversity Equity and Inclusion
DEWS	NYSDOL Division of Employment and Workforce Solutions
DHR	New York State Division of Human Rights
DIPA	NYSDOL Division of Immigrant Policies and Affairs
DRA	Designee for Reasonable Accommodation
DRC	Disability Resource Coordinator
EEO	Equal Employment Opportunity
EEOC	U.S. Department of Labor Equal Employment Opportunity Commission
EO	Equal Opportunity
EOO	Equal Opportunity Officer
EOS	Equal Opportunity Specialist
ETA	U.S. Department of Labor Employment and Training Administration
ETPL	Eligible Training Provider List
GOER	New York State Governor's Office of Employee Relations
JAWS	Job Access with Speech
LEP	Limited English Proficiency
LWDA	Local Workforce Development Area
LWDA EO Officer	Local Workforce Development Area Equal Opportunity Officer
LWDB	Local Workforce Development Board
MOU	Memorandum of Understanding
MSFW	Migrant and Seasonal Farm Workers
NDP	Non-Discrimination Plan
NYSDOL	New York State Department of Labor
NYSCB	New York State Commission for the Blind
NY SCION	New York Systems Change and Inclusive Opportunities Network
OGS	New York State Office of General Services
OMB	Office of Management and Budget
OSOS	One-Stop Operating System

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OTDA	New York State Office of Temporary and Disability Assistance
RFP	Request for Proposals
R&S	NYS DOL Division of Research and Statistics
SBS	New York City Small Business Services
SLMS	Statewide Learning Management System
SSI/SSDI	Supplemental Support Income/Social Security Disability Insurance
State-Level EO Officer	New York State Equal Opportunity Officer (i.e., Director DEOD)
SWA	State Workforce Agency
TCC	New York State Department of Labor Unemployment Insurance Telephone Claims Center
TDD/TTY	Telecommunication Device for the Deaf/Teletype
Title I	Workforce Innovation and Opportunity Act Title I
Title VI	Title VI of the Civil Rights Act of 1964
TTW	Ticket to Work Program
UI	Unemployment Insurance
USDOL	United States Department of Labor
WDS TA	Workforce Development System Technical Advisory
WIA	Workforce Investment Act of 1998
WIIN	Work Incentive Information Network
WIOA	Workforce Innovation and Opportunity Act of 2014
WorkSource1	New York City Small Business Services' Case Management System

Element 1 – Assurances (29 CFR 38.25 – 38.27)

This chapter identifies the State’s compliance with Element 1 of the Nondiscrimination Plan which requires that recipients of WIOA Title I funds incorporate an assurance of nondiscrimination and equal opportunity when contracting for WIOA Title I services. New York State agrees to abide by the WIOA nondiscrimination requirements and ensure that the language contained in 29 C.F.R. § 38.25 through 38.27 (the Assurance) is incorporated in every grant, application, contract, or other agreement for WIOA Title-I financial assistance through the inclusion of a standard attachment titled “Federal and State Certifications.”^{1 2}

This is accomplished by:

- Including the Assurance in every agreement for financial assistance.
- Including the Assurance in the State and LWDA Policy.
- Monitoring Recipients for compliance.
- Reviewing policies, contracts, and agreements to ensure compliance, which may include requiring amendments as necessary.

Assurance Requirements

Including the Assurance in Every Agreement for Financial Assistance

The assurance obligation extends to all grant agreements made by the State, all grantees that receive any type or amount of WIOA funding, including discretionary funding, are held to the same requirements and conditions under 29 CFR Part 38 regarding equal opportunity and nondiscrimination.

New York State’s WIOA Equal Opportunity and Nondiscrimination Policy and Complaint Processing Procedures³ requires local Recipients to place the Assurance provision in all State WIOA Title -1 related arrangements. Each training provider seeking eligibility must include the required Assurance in its application. Each grant applicant and training provider seeking eligibility assures that they can provide programmatic and architectural accessibility for individuals with disabilities. As a condition to the award of financial assistance, the grantee assures it can comply with nondiscrimination and equal opportunity laws and will remain in compliance for the duration of the federal financial assistance.

This Assurance is also included in the State’s Strategic Plan⁴ and applies to the grant applicant's operation of the WIOA Title I-financially assisted program or activity and to all agreements the grant applicant makes to carry out the WIOA Title I-financially assisted program or activity. The assurance is deemed incorporated, whether it is included in the final contract or not.

Monitoring Recipients and Service Providers for Compliance

Pursuant to WIOA, and its enacting regulations, NYSDOL conducts monitoring reviews and reserves the right to cancel any award or to remove any training provider from the Eligible

Training Provider List (ETPL) where it is determined that the awardee or training provider does not provide programmatic and architectural accessibility as assured. NYSDOL also reserve the right to conduct pre-award, on-site inspections of grant applicants to determine their accessibility to individuals with disabilities. Additional info can be found in WDS TA #[21-04](#): *Monitoring – New York State Department of Labor (NYSDOL) Workforce Innovation and Opportunity Act (WIOA) Monitoring/Oversight of and Provision of Technical Assistance to Local Workforce Development Boards (LWDBs) and LWDB Responsibilities Relating to NYSDOL’s Monitoring Process*. NYSDOL may implement corrective actions or cancel contracts should problems be identified and not addressed accordingly⁵.

Reviewing Policies, Contracts, and Agreements to Determine Whether Amendments are Necessary to Achieve Compliance

NYSDOL policies, contracts, and other necessary materials or agreements are carefully reviewed by trained staff to ensure they are not discriminatory either in intent or effect. If the State Level EO Officer discovers any problematic language or policy, it is amended to ensure compliance. The State Level EO Officer takes a leadership role in ensuring policies on WIOA Title I nondiscrimination and EO issues⁶ are developed and implemented in a timely manner. In doing so, the State Level EO Officer works in conjunction with other divisions and offices within NYSDOL to ensure the policies are carefully crafted and properly reviewed by individuals and staff responsible for implementing the policy.

Supporting Documentation:

- 1 Sample Contract showing Assurance Language – Genesee-Livingston-Orleans-Wyoming (GLOW) Workforce Investment Area On-The-Job Training Contract
- 2 Mandatory NYSDOL Contract Attachment for Federally Funded Contracts – Attachment E – Federal and State Certifications
- 3 Guidance Document – Implementation of the Equal Opportunity and Nondiscrimination Policy and Complaint Processing Procedures of the Workforce Innovation and Opportunity Act (WIOA)
- 4 New York State Workforce Innovation and Opportunity Act Four Year Combined State Plan – Program Years 2016 through 2019 State of New York 2020 Non-Discrimination
- 5 Guidance Document – Technical Assistance and Clarifying Guidance regarding Oversight and Monitoring Responsibilities for Chief Local Elected Officials and Local Workforce Investment Boards
- 6 Example of an Implemented Policy – Discrimination Against People with Disabilities – GA 0810

Element 2 - Equal Opportunity Officers (29 CFR 38.28 – 38.33)

This Chapter identifies the State’s compliance with Element 2 of the Nondiscrimination Plan, which requires the Governor of each state to designate a state-level Equal Opportunity (EO) Officer and requires that each local area recipient designates an EO Officer.

Designation of Equal Opportunity (EO) Officers

Governor Kathy Hochul designated the New York State Department of Labor as the entity to implement WIOA. NYSDOL’s Commissioner, Roberta Reardon, serves as the Governor’s Designee. Within NYSDOL, Commissioner Reardon designated Melissa Quesada, NYSDOL’s Chief Diversity Officer to serve as the State-level EO Officer.

As the State Level EO Officer, the CDO reports directly to the Governor’s designee, and is supervised by the NYSDOL Executive Deputy Commissioner on organizational matters. In this position, the CDO directs the statewide development, implementation, evaluation and monitoring of equal employment opportunity and affirmative action plans and programs for all of NYSDOL’s divisions and units, training programs, state contractors, and Recipients of WIOA Title I funding. This includes coordinating training for the Local Workforce Development Area (LWDA) EO Officers to ensure and maintain competency in equal opportunity and nondiscrimination matters.

State Level EO Officer’s Contact:

Melissa R. Quesada, Esq.

Chief Diversity Officer

New York State Department of Labor

Office of Diversity, Equity, & Inclusion

State Campus Building #12, Room 540

Albany, NY 12240

Phone: (518) 457-1984 Fax: (518) 485-2575 (TDD) 1-800-662-1220, (Voice) 1-800-421-1220

Email: melissa.quesada@labor.ny.gov

Duties of the State Level EO Officer

The State Level EO Officer's duties⁷ include, but are not limited to:

- Serving as NYSDOL's liaison to the United States Department of Labor, (USDOL) Civil Rights Center (CRC).
- Monitoring and investigating activities of NYSDOL's WIOA Recipients, State Level WIOA funding grantees, and subrecipients' (including those in NYS Career Centers, Partner agencies, and affiliate sites) to ensure NYSDOL and Recipients meet their obligations under WIOA Title I, 29 CFR Part 38 and any federal or state guidance.
- Reviewing NYSDOL's and Recipients' written policies to ensure compliance with anti-discrimination laws.
- Developing and publishing NYSDOL's procedures for review and administration of the discrimination complaint process.
- Ensuring compliance and public accessibility to the complaint process.
- Serving as the Americans with Disabilities Act (ADA) Backup Coordinator/Designee for Reasonable Accommodations (DRA) for NYSDOL.
- Undergoing training, as required by the Director of the USDOL CRC and at NYSDOL's expense, to maintain competency as the State Level EO Officer, and ensuring all ODEI staff also undergo all required training.
- Overseeing the development and implementation of NYSDOL's Nondiscrimination Plan (NDP).
- Conducting outreach and education about equal opportunity and nondiscrimination requirements and discrimination complaint filing procedures.
- Communicating applicable policies and procedures to staff statewide, and providing training (in person, via webinar, or by other methods), as required.

Pertinent information related to EO rights, is communicated to NYSDOL employees, applicants for WIOA funds, participants, businesses, State Agency partners, the public, and Recipients through the following means:

- Posting the notice *Equal Opportunity is the Law* prominently, in NYS Career Centers and NYSDOL Offices throughout the State.⁸ The notice is posted in English and other languages spoken by significant portions of the population of the area in which the notice is posted.
- Providing a hard copy of the *Equal Opportunity is the Law* notice in NYSDOL's *Unemployment Insurance—A Claimant Handbook*⁹ to individuals who have filed claims for Unemployment Insurance (UI) benefits.
- Providing a copy of the "Equal Opportunity is the Law" notice to each individual registering for employment services in the Career Centers.
- Posting EO procedures and policies on NYSDOL's intranet and website.
- Providing the *Equal Opportunity is the Law* notice to potential employment and reemployment services participants during the orientation and application process.

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- Maintaining NYSDOL's DEI and EO webpage containing equal opportunity and nondiscrimination information, the name and contact information for the State Level EO Officer, options for technical assistance, links to policy issuances and relevant Internet sites, EO statutes and regulations, and a copy of the State's NDP.

Office of Diversity Equity and Inclusions (ODEI)

The Chief Diversity Officer and State Level Equal Opportunity Officer oversees and manages the Office of Diversity, Equity, and Inclusion. ODEI provides oversight and direction in the areas of equal opportunity, language access, diversity, belonging, and inclusion, the Americans with Disabilities Act (ADA), Affirmative Action, and nondiscrimination.

ODEI maintains full-time staff at NYSDOL's central office in Albany, New York and in NYC. Staff operate as an extension of the State Level EO Officer to ensure compliance with the EO Laws and regulations. This includes answering EO/ADA questions, providing technical assistance, investigating complaints of discrimination, assessing requests for reasonable accommodations, and conducting on-site monitoring visits at the Career Centers and other service provider sites.

LWDA EO Officers

The State Level EO Officer and ODEI staff review the credentials of the LWDA EO officer designees to ensure they meet the eligibility requirements specified under 29 CFR § 38.30. This review includes ensuring that the LWDA EO Officer does not have other duties or responsibilities that could create a conflict or appearance of conflict with the duties of an EO officer.¹⁰ There are 33 LWDA EO Officers across New York State who are senior-level employees of the local WIOA Title I Recipient.¹¹

Duties of LWDA EO Officers

The majority of LWDA EO Officers have other duties and responsibilities in addition to their EO responsibilities. These duties involve the provision or coordination of services to job seekers and business customers.

The LWDA EO Officers' duties include:

- Serving as the WIOA Recipient's liaison with the State Level EO Officer and the USDOL (CRC).
- Monitoring and investigating activities of the WIOA Recipients to ensure the WIOA Recipient are not violating their nondiscrimination and equal opportunity obligations under applicable federal law.
- Reviewing written policies of the WIOA grant Recipients for compliance with antidiscrimination laws.
- Tracking, investigating, and resolving complaints, as well as ensuring complaint procedures are followed, and making the procedures for filing a complaint available to the public in appropriate languages and formats.
- Reporting to the WIOA Recipient about equal opportunity matters; and
- Undergoing training at the WIOA Recipient's expense to maintain competency.

Making the Identity of LWDA EO Officers Known

LWDAs make the name of their LWDA EO Officers known to applicants, participants, businesses, State agency partners, the public and employees by the following methods:

- Posting the *Equal Opportunity is The Law* notice in local Career Centers and affiliate Career center offices; and communicate the name of the LWDA EO Officer in the following manner:
- Including information in internal documents, memoranda, or other written communications.
- Including information in the employer handbooks and manuals.
- Making the *Equal Opportunity is the Law* notice available to each participant and reviewing it with participants (or potential participants) during the application and orientation processes.

Federal regulations require the State Level EO Officer and the LWDA EO Officers and their staffs to be sufficiently funded, administratively supported, and trained to maintain competency commensurate with the level of assignment, knowledge, skills, and abilities necessary to carry out their responsibilities. ODEI has instituted best practices that ensure all EO staff receives adequate training as detailed below.

Training of EO Officers and Their Staff

The State Level EO Officer provides training to LWDA EO Officers and staff that includes:

- Sharing of information, best practices, and resources.
- Communicating collaborative efforts and partnerships that promote Statewide EO accountability, ADA accessibility, and LWDA monitoring activities.
- Providing on-site, virtual, telephonic, or regional technical assistance.

Training is conducted on a continuous basis to ensure that LWDA EO Officers are provided the information necessary to carry out their EO responsibilities. The State Level EO Officer and ODEI conduct training, or obtain trainers through resources and contractors, to provide training to the LWDA EO Officers on *Equal Opportunity is the Law*, ADA, NDP, Sexual Harassment Prevention, and Limited English Proficiency (LEP).

ODEI staff meets in person and communicates via email/telephone with LWDA EO Officers to provide updates and technical assistance, new policies and procedures, recent regulation changes, training, and to discuss other pertinent information to ensure the LWDA EO Officers maintain competency in EO matters. The State Level EO Officer and assigned ODEI staff members respond to telephone or e-mail requests for information as quickly as possible and arrange site visits as needed.

In addition, the State Level EO Officer and ODEI receive support from other NYSDOL divisions and offices, including but not limited to NYSDOL's Communications Office, Personnel Office, and the Division of Employment and Workforce Solutions (DEWS). The State Level EO Officer and ODEI staff members provide training to the LWDA EO Officers on EO matters and inform them of training opportunities including, but not limited to an overview of ODEI and its role in ensuring equal opportunity at NYSDOL, and complaint investigation training to newly designated EO Officers.

Service Provider Equal Opportunity Obligations

Though service providers are not required to designate an Equal Opportunity Officer, service providers make assurances that they will abide by the nondiscrimination regulations and are asked to work directly with their local area equal opportunity officers. Additionally, when service providers are monitored, they are asked if they know who the equal opportunity officer is and who to go to if they receive a complaint. ODEI staff also make themselves available for technical assistance.

Small Recipient Equal Opportunity Obligations

Though small recipients are not required to designate an Equal Opportunity Officer, they are asked to identify someone in the organization that will be the point of contact or that will intake complaints. Small recipients also make assurances that they will abide by the nondiscrimination regulations. ODEI monitors small recipients and asks them to fill out the EO/ADA Assessment to monitor compliance with their equal opportunity obligations. ODEI staff also make themselves available for technical assistance.

Supporting Documentation:

7 Chief Diversity Officer Job Description

8 “Equal Opportunity is the Law” Poster in All Languages

9 Unemployment Insurance– A Claimant Handbook

10 Guidance Document – Local Workforce Development Area’ Designated Equal Opportunity (EO) Officers

11 Local Workforce Development Area Profile 6 Example of LWDA Document showing contact info for LWDA EO Officer

Element 3 - Notice and Communication (29 CFR 38.34 - 38.39)

This Chapter addresses New York State’s compliance with the equal opportunity notice requirements. States are required to establish notice and communication systems so that all registrants, applicants, eligible applicants/registrants, applicants for employment, employees and interested members of the public are aware of: (1) the recipient’s obligation to operate its programs and activities in a nondiscriminatory manner; and (2) the extent of the rights of members of these groups to file complaints of discrimination.

Requirement to Disseminate Equal Opportunity Notice

New York State ensures it is meeting its obligations by:

- Providing the *Equal Opportunity is the Law* notice of equal opportunity and nondiscrimination policy to every individual listed in 29 C.F.R §38.34.¹²
- Communicating the notice in a manner and form that is equally effective for individuals with disabilities and for individuals with limited English proficiency.
- Posting the notice required by §38.35 in conspicuous locations, including the notice in memoranda and other communications with staff and publishing the notice in employee and participant handbooks.
- Indicating on all publications, broadcasts, and other communications that WIOA Title-I financially assisted program or activity is an equal opportunity program/activity and that the appropriate services are available to individuals with disabilities.
- Including the notice and a discussion of equal opportunity rights in all orientation presentations and introductory materials, and monitoring Recipients to ensure compliance with §§38.34 through 38.39.

The Notice is Disseminated and Displayed in Prominent Locations

The *Equal Opportunity is the Law* notice is prominently posted in all NYS Career Centers and other offices that receive Title I-federal funds. The *Equal Opportunity is the Law* notice contains information required by 29 CFR § 38.35 and is provided in the top 12 most common non-English languages spoken in New York State.

The *Equal Opportunity is the Law* notice is contained in Unemployment Insurance– A Claimant Handbook.

Career Centers provide handouts explaining customers’ equal opportunity rights, and some conduct formal orientations which include a discussion of these rights. NYSDOL includes a discussion of equal opportunity and non-discrimination rights in its new employee orientations and ensures that information is communicated in appropriate languages and in formats accessible for individuals with disabilities.

NYSDOL encourages LWDA EO Officers and staff to pursue training opportunities as they become available, including those from sources outside of the NYSDOL, such as those developed by other New York State agencies, and webinars presented by the USDOL, Employment and Training Administration (ETA).

Effective Communication with Individuals with Disabilities

The Americans with Disabilities Act (ADA) requires that all programs, services, and activities are readily accessible to, and usable by, qualified individuals with disabilities. NYSDOL must communicate effectively with individuals with speech, visual, hearing impairments, and cognitive disabilities and provide auxiliary communication aids to qualified staff, applicants, and participants with disabilities participating in or benefiting from the state’s programs, services, or activities to ensure equal opportunity.

Readers and other assistive devices for the visually impaired¹³ that allow for magnification and audible translations of the *Equal Opportunity is the Law* notice are available at NYSDOL and LWDA sites.

Sign language interpreters¹⁴ are available, upon request, to persons with hearing impairments should they have questions about the notice or the filing process for complaints of discrimination. The Unemployment Insurance– A Claimant Handbook, also contains the notice provisions and is provided to all applicants and claimants in hard copy, electronic copy, audio version, or Braille copy.

The statements, “equal opportunity employer/program” and “auxiliary aids and services are available upon request to individuals with disabilities”^{15, 16} are included on all NYSDOL marketing materials and other materials that are ordinarily distributed or communicated in written or oral form, electronically or on paper, to staff, clients, or the public at large.

ODEI staff review local recruitment and marketing materials¹⁷ to verify that a TDD/TTY number is indicated or that an equally effective means of communication with individuals with hearing impairments is provided. UI customers who use TDD/TTY equipment, call a relay operator at 1-800-662-1220 and ask the operator to call the TCC at 1-888-783-1370 (This number is only for TDD equipment).

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The NYSDOL webpage, brochures, and other marketing materials for NYSDOL include the TDD/TTY (1-800-662-1220) and Voice – Relay Operator (1-800-421-1220) numbers to provide access to NYSDOL services and programs for individuals with hearing impairments.

NYSDOL includes the phrases “equal opportunity employer/program” and “auxiliary aids and services are available upon request to individuals with disabilities” whenever it publishes or broadcasts WIOA Title I financially assisted program-related information.

Career Centers are physically and programmatically accessible to individuals with disabilities and provide auxiliary aids and services including, but not limited to:

- Qualified interpreters;
- Assistive listening headsets;
- Closed and open captioning on videos.
- Telecommunication devices for hearing impaired individuals.
- Computers that allow voice input and output.
- Readers.
- Taped texts.
- Brailled materials.
- Videotex displays.
- Transcription services.

LWDAs include a TDD/TTY number or an equally effective means of communication with individuals with hearing impairments on their local recruitment and marketing materials whenever a phone number is included. The LWDAs also include text indicating “auxiliary aids and services are available upon request to individuals with disabilities,” on their local recruitment and marketing materials.

Effective Communication to Persons with Limited English Proficiency

The *Equal Opportunity is the Law* notice is available in languages other than English.

Information in languages other than English is provided based on an assessment of the demographics of a specific area or population being served. NYSDOL has contracted for translation and interpretation services^{18 19} for all its programs. LWDAs are provided access to these interpretive services free of charge. See for a full description of how New York State provides language access services for persons with limited English-speaking ability.

Individuals with LEP can also access programs and activities in their language through the NYSDOL's Contact Center. The Department's Contact Center can be accessed toll-free by calling (518) 457-9000 or (888) 4-NYS DOL (888-469-7365). For more information on Language Access services at the Department of Labor, you can contact the DOL's Language Access Coordinator at:

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Attention: Language Access Coordinator, Mishal Haq
New York State Department of Labor
Division of Equal Opportunity Development
W. Averell Harriman State Office Campus
Building 12, Room 540, Albany, NY 12240
Office Phone: 518-457-1984
TDD/TTY: 800-662-1220
Fax: 518-485-2575
Email: LanguageAccess@labor.ny.gov

The Contact Centers employ Spanish-speaking staff to assist callers, and staff also has access to telephonic interpretive services to enable dialogue in a broad array of languages.

NYS DOL has a Language Bank whereby employees with foreign language skills volunteer to serve as interpreters for persons with LEP. The interpretation in most cases takes place over the telephone, however, travel may be authorized when necessary.

The State Monitors for Compliance with Required Notices

The State Level EO Officer and ODEI staff monitor LWDA's and Career Centers for compliance with the publication and dissemination of the required notices. In addition to verifying that the *Equal Opportunity is the Law* notice is appropriately displayed in Career Center locations, the State Level EO Officer and ODEI staff verify that LWDA's have instituted a process to confirm that their subrecipients and service providers are posting the notice appropriately.

Career Center participants are issued a copy of the notice, or an alternative version²⁰ in the appropriate language at the time of application for registration. LWDA's maintain the Customer Registration Form²¹ to document that the notice has been provided, or they maintain a signed hardcopy of the notice in the participant's file, whereby the participant acknowledges that they have received and read the notice.

All UI claimants filing for benefits through the Tel-Service System of the TCCs are automatically mailed a copy of the notice. Claimants who file a claim for UI benefits electronically on the UI website can choose to use only an electronic version of the Claimant Handbook but selecting to "opt out" of receiving a mailed notice. Claimants who "opt out" of having a handbook mailed are advised that they are responsible for reading and following up on all information provided in the online handbook which includes a digital copy of the notice. They are also advised that if they later decide they want a mailed copy, they can request one from the TCC. The TCC will create a note in the system that the handbook was requested and mailed.

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Under the direction of the State Level EO Officer, ODEI:

- Disseminates non-discrimination and equal opportunity policies to the Workforce Development System through Technical Advisory Bulletins
- Assures publication of equal opportunity procedures and policies applicable to employees in the Department's General Administration Manual (available on the Intranet), as well as in Unemployment Insurance and Employment Service directives.²²
- Disseminates New York State's NDP to LWDA's.
- Reviews the LWDA's written equal opportunity and non-discrimination policies.
- Provides technical assistance and guidance to LWDA's on EO or nondiscrimination matters.
- Ensures that the training plan described for LWDA EO Officers is executed.

In most instances, training will be conducted by State Level EO Officer and ODEI staff members, however, when necessary, State Level EO Officer and ODEI staff members will secure certified training instructors or consultants, including those provided by the USDOL, to provide training to LWDA EO Officers and their staff. Training may also be provided via the NYSDOL Statewide Learning Management System and webinars.

As part of its monitoring function, the State Level EO Officer and ODEI staff members conduct on-site reviews of Career Centers to verify that Career Center staff are familiar with communication procedures to assist blind and visually impaired individuals such as:

- Verbalizing directions.
- Initiating introductions to customers who are visually impaired.
- Verbally communicating important information that is not readily apparent to a person who is visually impaired.
- Being aware of alternatives available in the Career Center such as alternatives to handing out materials in normal size print.
- Understanding how to use a signature guide.

Supporting Documentation:

12 Equal Opportunity is the Law Poster in English and Spanish – LWDA Version

13 Notice Under the Americans with Disabilities Act

14 Guidance Document – Language Interpretation Services Available at Career Centers

15 Factsheet – Hudson Valley New York State Career Centers, showing taglines.

16 The Prime Objective – A Job Seeking Guide for Ex-Offenders Booklet showing taglines.

17 Hempstead Works Veterans Services Handout, showing TTYnumber

18 Poster – Language Identification Tool

19 NYSDOL Language Access Plan for LEP Individuals

20 Guidance Document – Universal Accessibility of the Workforce Development System to Individuals with Disabilities, including those who are Blind or Visually Impaired

21 Customer Registration Form – ES100

22 Alternative EO is the Law Notice

Element 4 - Data and Information Collection and Maintenance (29 CFR 38.41 - 38.45)

This section addresses how the State, and its recipients are complying and will continue to comply with the data, information collection, and maintenance requirements for WIOA Title I programs.

Information to be Provided to the Civil Rights Center (CRC)

The State must collect data and maintain records to determine whether the recipient has complied or is complying with the nondiscrimination and equal opportunity provisions of section 188 of WIOA. Grant applicants and recipients are required to provide, in a timely manner, any information and data necessary to investigate complaints and conduct compliance reviews on grounds prohibited under the nondiscrimination and equal opportunity provisions of WIOA Section 188 and its implementing regulations at 29 CFR Part 38. New York State and each Recipient must maintain and submit to CRC upon request, a log of complaints filed with the Recipient that allege discrimination in a WIOA Title I-financially assisted program or activity.

New York State operates a uniform system for data collection, record maintenance, and the security of confidential information. New York State ensures that the means of data collection are communicated to each Recipient, that demographic records collected are kept confidential, and that the system information is used solely for the purposes of recordkeeping, reporting, determining eligibility, where appropriate, for WIOA Title I financially-assisted programs and activities, determining the extent to which Recipients of such programs operate in a nondiscriminatory manner, and other uses authorized by law. Additionally, the state ensures that each Recipient maintains a log of complaints in accordance with C.F.R part 38.41(c), that records are kept for practices or beliefs in a manner and form that permits CRC to access them, and that each Recipient promptly notifies the Director of the CRC of the information required under C.F.R part 38.42.

Collecting Demographic Data

Each recipient must record demographic information, including race/ethnicity, sex, age, and disability status, where known of every applicant, eligible applicant/registrant, participant, applicant for employment, and employee. The information must be stored in a manner that ensures confidentiality and must be used only for the purposes of recordkeeping and reporting, determining eligibility, where appropriate, for WIOA funded program activities; determining the extent to which the recipient is operating its WIOA funded program or activity in a nondiscriminatory manner; or other use authorized by law. The information is submitted to the State Level EO Officer upon request.

New York State uses America's One-Stop Operating System (OSOS) for its Labor Exchange and WIOA programs. OSOS was designed to comply with federal data collection and reporting requirements, including the reporting of EO information²³. All LWDA's within NYS use OSOS for

documenting customer information under the WIOA, except for one LWDA, New York City. Under the NYS Small Business Services (SBS), NYC uses WorkSource1 for documenting customers in Adult and DW programs. WorkSource1 is a case management system that exchanges data with OSOS through an automated computer interface.

Career Centers gather demographic information at the intake stage. Individuals are asked to complete a registration form that seeks voluntarily information about the applicant's sex, age, race/ethnicity, and disability status. OSOS includes an option for applicants to forego disclosing their race/ethnicity, disability status, or gender by selecting, "Not Disclosed". The baseline, or "customer core" data collected is also the data collected by LWDA recipients in conformance with federal data collection requirements.

For the UI program, NYSDOL staff input a claimant's gender, birth date, race/ethnicity, and disability status, if known, in OSOS.

Complaint Logs

Data collection and record maintenance requirements are communicated to recipients in our Guidance Document, Implementation of the Equal Opportunity and Non-Discrimination Policy, and Complaint Processing Procedures.

Each LWDA EO Officer is required to maintain a log of complaints alleging discrimination using the prescribed complaint form and submit them to the State Level EO Officer on a quarterly basis²⁴ Logs include the name and address of the complainant, the basis of the complaint, a description of the complaint, the date the complaint was filed, the disposition, and date of disposition of the complaint.

LWDA EO Officers are obligated to retain data and complaint logs for three years²⁵. Data entered in OSOS is maintained in the OSOS production database and available on-line for a minimum of one year. Once data is no longer needed in the production database, it is transferred to a separate data warehouse where a history of all data and changes to existing data is maintained. Data in the data warehouse is not purged.

All electronic data collected by UI and initial claims processed through the TCC are stored and maintained in a confidential manner for four years.

Confidentiality of Data Collection and Recordkeeping Procedures

NYSDOL and LWDAs execute confidentiality agreements to protect the information available in OSOS. Individual users must certify that they will not share the information contained in OSOS except with authorized persons or organizations, and only for the purpose of providing and coordinating services to customers. These required confidentiality agreements are provided to LWDAs and NYSDOL staff via guidance documents²⁷.

There are five levels of security clearance permissions for users. The permissions for case management functions are only granted to staff directly involved in providing or overseeing that function. If the local Information Security Officer detects a staff person is misusing or abusing their privileges, access is immediately revoked.

For UI applicants²⁶, New York Labor Law §537 sets forth the requirement that UI information is confidential and prescribes the parameters for the disclosure information acquired from UI Claimants, employees, or businesses. Special confidentiality rules that apply to UI and employment service data, are discussed with all employees when they are hired^{27 28}, and every employee with access to UI information is required to take annual confidentiality training.

All NYSDOL employees are assigned an access code to allow the employee to update or view applicable data. Employees also assign a password to be used in conjunction with their access code, limiting access to NYSDOL employees. Employee access to confidential information is limited and based upon their duties and requirements.

The State Level EO Officer and ODEI staff members monitor local areas to ensure recipients maintain the confidentiality of medical information provided by applicants. The State Level EO Officer and ODEI staff members ensure the recipient has been trained and apprised of the NYSDOL confidentiality policy and that medical information is kept confidential and maintained separately from application materials.

Statistical or Other Quantifiable Data Analyses

Data collected for federal reports (including EO data) are maintained by NYSDOL's Research and Statistics (R&S) Division. R&S produces a series of reports for the State-Level EO Officer, organizing participant EO characteristics for WIOA Title I, Wagner-Peyser Program, and UI. These reports are used by the State-Level EO Officer and DEOD staff members to monitor recipient EO performance.

The State and Each Recipient Promptly Notifies the CRC of Information Required by 29 C.F.R. 38.42

LWDA EO Officers are obligated to notify the Director of the USDOL CRC of administrative enforcement actions and lawsuits brought against their LWDAAs that allege discrimination. Each grant applicant and recipient promptly notify the State Level EO Officer and Director of the USDOL CRC of any administrative enforcement actions or lawsuits filed against it that allege discrimination based on race, color, religion, gender, national origin, age, disability, political affiliation, or belief, and, for beneficiaries only, citizenship or participation in a WIOA Title I financially assisted program or activity. As part of compliance reviews, NYSDOL also requires that grant applicants, training providers seeking inclusion on the ETPL, and LWDAAs provide the following information to the State Level EO Officer and USDOL CRC:

- The name of any other federal agency that conducted a civil rights compliance review or complaint investigation, and that found the grant applicant or recipient to be in noncompliance, during the two years before the grant application was filed or CRC began its examination.
- Information about any administrative enforcement actions or lawsuits that alleged discrimination on any protected basis, and that were filed against the grant applicant or recipient during the two years before the application or renewal application, compliance review, or monitoring activity, including:
 - Names of the parties,
 - Forum in which each case was filed, and
 - Relevant case numbers.
- Additional information that the Director of the USDOL CRC determines to be relevant for investigating complaints or conducting compliance reviews pursuant to the nondiscrimination and EO provisions of WIOA.
- Information or periodic reports that are necessary to determine compliance with the non-discrimination and EO provisions of WIOA.
- Information necessary to determine if the applicant, would, if awarded, be able to comply with the non-discrimination and EO provisions of WIOA.

Supporting Documentation:

23 Additional Guidance on the Collection of EEO Data

24 Guidance Document – Retention of Records by Local Workforce Development Boards

25 Guidance Document – Submission of Discrimination Complaint Logs to New York State Workforce Investment Act Equal Opportunity Officer

26 NYS WIOA Title I Discrimination Complaint Log

27 Guidance Document – One Stop Operating System (OSOS) Confidentiality Agreements

28 Unemployment Insurance Division Procedure – Disclosure of Information – Breach of Security

Element 5 - Affirmative Outreach (29 CFR 38.40)

The purpose of this section is to demonstrate how the State and its recipients comply with the obligation to conduct Affirmative Outreach. New York State and its Recipients must take appropriate steps to ensure that they are providing equal access to their WIOA Title I-financially assisted programs and activities. Reasonable efforts must be made to include members of various groups protected by 29 CFR Part 38, including but not limited to persons of different sexes, various racial and ethnic/national origin groups, various religions, individuals with limited English proficiency, individuals with disabilities, and individuals in different age groups.

NYS DOL ensures that Recipients follow the requirements set out under 29 C.F.R 38.40 by communicating to its Recipients the obligation to broaden access and expand outreach technologically, as well as placing emphasis on improving employment opportunities for persons

with disabilities, immigrant workers, workers with limited English proficiency, and veterans. These efforts are closely monitored by respective Local Workforce Development Boards (LWDBs) and NYSDOL, which compiles narrative reports on a quarterly basis, as well as the OSOS system of data collection subject to EO compliance and monitoring review (see Data and Information Collection and Maintenance).

Efforts to Increase Outreach to LWDBs, Career Centers, and Service Providers

NYSDOL has communicated to Recipients that they are obligated to make efforts to broaden the composition of their customer pool and provide universal access through guidance, training, and the provision of ongoing feedback as to the makeup of their service pools. Specifically, LWDBs must:

- Outline outreach strategies for special needs populations, persons of different genders, various racial and ethnic/national origin groups, various religions, individuals with LEP, individuals with disabilities, and individuals in different age groups in their WIOA Strategic Plans.²⁹
- Describe how services to different groups will be delivered.
- Ensure outreach and provision of services to special populations in Career Centers by partnering and leveraging resources across a range of state and federally funded programs (e.g., Job Corps, Apprenticeship Programs, Board of Cooperative Educational Services (BOCES), Adult Career and Continuing Education Services – Vocational Rehabilitation (ACCES-VR), Job Fairs, etc.).

Additionally in furtherance of efforts to increase outreach, LWDBs have access to the State’s LWDB Management Reports System through OSOS. The OSOS LWDB Management Reports System enables LWDBs to use specific reports to view customer demographics for three different customer pools: active participants, new registrants, and exiters (those who exited from the system due to obtaining employment or some other outcome). The reports³⁰ provide multiple tables that provide data by gender, age group, disability status and ethnicity/race. LWDB

Directors and Career Center Managers use this information to track their EEO compliance. The LWDB Management Reports System can be queried to create reports for one Career Center, or all Centers within a LWDB.

OSOS also provides a “Primary Language” tab in the OSOS Customer module. LWDBs can select from 27 languages or, if the customer’s primary language is not available, identify “Other Not Listed.” Where “Other Not Listed” is selected, the LWDBs can type the specified language in a free form text entry box. The Primary Language tab also includes a “Language Assistance Needed” drop-down menu which allows the LWDB to indicate that no assistance is needed, or where necessary, that the assistance provided is in the form of “oral interpretation”, “sign language,” or “written translation.”

Use of Targeted Advertising to Promote Programs/Activities

The services provided by NYSDOL, and partner entities, are fully accessible on the NYSDOL and partner agency websites. Language access is also included to inform individuals that assistance is available to people with disabilities and those with LEP.

Through Local Plans, LWDA's provide service delivery to targeted populations including Dislocated Workers (DWs), displaced homemakers, low-income individuals, migrant and seasonal farm workers (MSFW), women, minorities, individuals training for non-traditional employment, veterans, public assistance recipients and individuals with multiple barriers to employment, including older workers, individuals with LEP, and individuals with disabilities. Efforts are continually made to broaden the composition of those considered for participation or employment in LWDA programs.

Offices Dedicated to Affirmative Outreach

1. Office of Diversity, Equity, and Inclusion (ODEI) at NYSDOL

NYSDOL's Office of Diversity and Equal Opportunity (ODEI) maintains oversight of the equal opportunity program to include ensuring that EO Officers are designated for each local area, trained in their roles, supported to carry out their responsibilities, and provides consultation on outreach methods to the program areas. ODEI is also responsible for leading the agency's diversity, equity, inclusion, and access (DEIA) programming. ODEI provides leadership, coordination, and support to executive and senior leaders and the commissioner's office to center access equity in all NYSDOL's programs and services.

ODEI also monitors the demographics of NYSDOL's internal workforce, the hiring process, and assists in the outreach efforts to recruit diverse applicants for jobs within DEED. Compliance with all state and federal laws pertaining to Equal Opportunity, Language Access, and protected class Harassment and Discrimination are administered by the ODEI, as well as the DEIA programming and consultation.

2. Division of Compliance and Enforcement (DOCE)

NYSDOL, through its Division of Compliance and Enforcement (DOCE), works with both advocacy groups and the public to address the needs of immigrant workers and to broaden the pool of applicants to workforce development programs. Programs adopted by DOCE include:

- Establishing "Access Points" to Career Centers in local community and advocacy organizations to allow immigrant workers to gain better access to the Centers.
- Establishing a Translation Interface³¹ on the NYSDOL Internet site which allows for an electronic translation of the site in 52 languages.
- Hiring bilingual employees to work with individuals seeking the services offered by the NYSDOL.

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- Making community outreach presentations about the NYSDOL for governmental and nongovernmental groups and agencies that deal directly with immigrant workers throughout New York State.³²
- Assuring that the State Monitor Advocate is familiar with all the Career Centers in New York State and provides continued monitoring of the Career Centers to guarantee that agricultural and non-agricultural workers are offered equitable DOL services.
- Examining the demographics of the immigrant groups accessing the programs through NYSDOL and the language services currently available, and then making any adjustments necessary to better serve the immigrant community.
- Disseminating “Help for Farm Workers” laminated cards that detail services provided by DOCE to advocacy groups or other agencies.
- Visiting areas where large groups of immigrants live or work to address any hesitation immigrant workers have with visiting NYSDOL offices due to cultural and language barriers. DOCE staff bring information on the services offered by the NYSDOL to workers in their own neighborhoods and bilingual staff distribute translated materials as appropriate. and
- Providing Individuals with LEP full access the programs offered by NYSDOL and ensuring that all state agencies comply with New York State’s Language Access Law³³.

In April 2022, Governor Hochul enacted New York State’s current language access policy as part of the FY 2023 Enacted Budget. This new law, which took effect on July 1, 2022, codified and expanded New York’s previous language access policy. Under the language access law, all State agencies that interact with the public must provide interpretation services in any language with respect to the provision of agency services or benefits and must translate vital agency documents into the top 12 most spoken non-English languages among LEP New Yorkers based on Census data.

Ensuring Outreach to Individuals with Disabilities through Monitoring

During the WIOA onsite monitoring visit, ODEI monitors and reviews for ADA compliance, this includes ensuring that:

- Communication with individuals who have limited English speaking proficiency is as effective as communication with others.
- Auxiliary aids or services are available, and staff know how to use them.
- Telecommunication devices are available for communicating with the deaf or hard of hearing.
- Required signs are visible to the public, indicating the availability of TTYs and auxiliary aids.
- The "Access for Everyone" poster, identifying available assistive technology, is displayed near the lobby entrance.

These efforts contribute to ensuring accessibility of Career Centers throughout New York State. Every three years, accessibility is reviewed for all 33 Local Workforce Development Boards (LWDBs) as part of the Career Center Certification process. For more information, refer to WDS TA #18-01.1: *New York State One-Stop Career Center Certification* (May 31, 2023)³⁴.

Furthermore, the Disability Employment Initiative (DEI) requires the New York State Department of Labor (NYSDOL) to submit a quarterly narrative report to the U.S. Department of Labor (USDOL) Employment and Training Administration (ETA). This report is compiled from monthly reports submitted by Disability Resource Coordinators (DRCs) in each DEI pilot site.

This narrative provides USDOL ETA with valuable insights into the project and the activities of the DRCs. This information is used to develop training and technical assistance programs.

Finally, the Office of Research and Statistics (R&S) generates annual reports that are provided to the State-Level Equal Opportunity (EO) Officer for monitoring and compliance. These reports analyze the demographics of WIOA participants, including race, gender, age, disability, veteran status, and migrant seasonal farm worker (MSFW) status. By reviewing this data, potential disparities in service provision can be identified and addressed.

Supporting Documentation:

- 29 Example Strategic Plan – Tompkins County Local Plan – July 1, 2014 – June 30, 2015
- 30 OSOS Management Report Screen Shot
- 31 NYSDOL Translation Interface Screen Shot
- 32 DIPA Handout – Labor Information for Agricultural Workers Booklet
- 33 New York State Executive Law Section 202-a
- 34 Guide to Certifying One-Stop Operators Screen Shot

Element 6 – Oversight Responsibilities and Monitoring (29 CFR 38.51 – 38.53)

This section details the State's established mechanisms for ensuring ongoing compliance with the oversight and monitoring requirements mandated by Workforce Innovation and Opportunity Act Equal Opportunity provisions. As stipulated by Title I of WIOA, the State is obligated to implement procedures for the periodic monitoring of all aspects of its recipients' compliance with the Act. Each EO monitoring review conducted by the State must encompass a comprehensive evaluation of the recipient's adherence to the following:

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- **Administrative Obligations:** This entails verifying the recipient's fulfillment of its mandated responsibilities under both WIOA and EO regulations. These include, but are not limited to, the submission of assurances of non-discrimination, the implementation
- of effective communication and notification procedures regarding participant rights, and the designation and proper functioning of dedicated Equal Opportunity Officers.
- **NDP Responsibilities:** This component assesses the recipient's adherence to the specific duties assigned to it through the auspices of the State's NDP, ensuring alignment with the broader framework for workforce development.
- **Programmatic and Activity-Based Review:** This stage involves a rigorous examination of the recipient's programs and activities to meticulously identify and address any potential instances of discriminatory practices.

Through this comprehensive and systematic approach, the State proactively upholds its commitment to ensuring equal opportunity for all participants within its WIOA programs.

State Level Oversight and Enforcement

The State Level Equal Opportunity Officer, acting on behalf of the Governor, bears the responsibility of ensuring that all WIOA program recipients maintain accurate and comprehensive records in accordance with the stipulations outlined in § 38.41 of the federal regulations. Additionally, the Officer is authorized to implement any supplementary procedures deemed necessary by the Director under § 38.41(a) to further safeguard recordkeeping practices.

Furthermore, the State Level EO Officer undertakes annual monitoring of each recipient to assess their adherence to the nondiscrimination principles governing WIOA programs and activities.

Following this evaluation, the Officer issues official determinations concerning each recipient's compliance status. In instances where non-compliance is identified, the Officer possesses the authority to impose appropriate sanctions and corrective actions to rectify the identified shortcomings and ensure future adherence to nondiscrimination mandates.

To facilitate the dissemination of information regarding the State's anti-discrimination policies and procedures, the New York State Department of Labor (NYSDOL) utilizes a multi-faceted approach. Firstly, readily accessible Policy and Procedures documents are maintained on the NYSDOL intranet, ensuring all employees have immediate access to this critical information. Secondly, the State Level EO Officer regularly issues Workforce Development System Technical Advisories to Local Workforce Development Areas (LWDAs). These advisories serve as official guidance documents, keeping LWDAs informed of policy updates and best practices. Additionally, direct communication channels are employed through email and mailings from the State Level EO Officer's office. Finally, the NYSDOL website acts as a comprehensive repository of information, readily accessible to all stakeholders.

To complement these communication efforts, the State Level EO Officer and staff members from ODEI (ODEI) conduct periodic on-site compliance reviews at recipient locations. These reviews involve a thorough examination of the recipient's non-discrimination policies, procedures, and communication materials, ensuring alignment with established WIOA and EO requirements.

Evaluating Compliance with Nondiscrimination

The State evaluates the extent to which Recipients ensure that their programs and activities are operating in a nondiscriminatory manner through:

- Desk Audits
- On-Site Monitoring
- Observation of Program Activities
- Interviews
- Review of Significant Differences
- Review of Recipient Services
- Review of Recipient Employment Practices
- Review of Documentation
- Record Analysis
- Off-site Analysis
- Corrective Action and Sanctions

Annual Monitoring of Recipients

The State Level EO Officer and ODEI staff members conduct compliance reviews of standalone NYSDOL Offices, and Careers Centers (including entities that administer WIOA funds) on an annual basis. The reviewer will notify the appropriate parties of the on-site review approximately 30 days before the scheduled visit.

Additionally, LWDA's provide oversight and compliance monitoring for programs operating under their jurisdiction. They conduct monitoring and compliance reviews of 25% of their subrecipients on an annual basis.

The New York State Office of General Services (OGS) conducts facility accessibility reviews for all new buildings where the NYSDOL is the lease holder (via agreements executed by OGS), to determine compliance with the ADA and the ADAAG. Subsequent premise reviews are conducted by the State Level EO Officer and ODEI staff members to monitor ADA compliance of all sites including those where leases are not held by the NYSDOL.

Desk Audit

The State Level EO Officer or ODEI staff member conduct a desk audit of the program using OSOS Management Reports³⁵, Census data, and data prepared by R&S that provide EO characteristics

of employment services participants by race, gender, age, disability, veteran's status, and MSF worker status. This data is used to analyze the under or over-representation of particular classes. Significant variances may represent problem areas that will be focused on during an onsite review. The desk audit assesses and draws comparisons, where appropriate, for:

- Applicants
- Eligible Applicants
- Employees and applicants for employment
- Terminations
- For individuals entering employment, wage rate and length of employment

The State Level EO Officer and ODEI staff members review the data to see if there has been any adverse impact on any group or if there is a disparity between the way a group was represented in the delivery of services or participation in a program. Two mathematical methods used to analyze the data are: (1) the 80% Rule and (2) tests of statistical significance (standard deviation). Under the 80% Rule, a selection rate for any racial, ethnic, or sex group that is less than four-fifths (or 80%) of the rate of the group with the highest rate, will generally be regarded as evidence of adverse impact. Under standard deviation, a case of adverse impact discrimination could be established if a statistically significant disparity of sufficient size (two or more standard deviations from the norm) existed between protected classes versus nonprotected classes.

The State will Investigate any Significant Differences in the Participation of Programs, Activities, or Employment

The State Level EO Officer and ODEI staff members interview the LWDA EO Officer about the Recipient's non-discrimination policies and review samples of policy documents and procedures. If any concerns about a policy or procedures are identified, the State Level EO Officer and ODEI member staff will work with the LWDA EO Officer to ensure action is taken to correct the policy or procedure. Within NYSDOL, the State Level EO Officer and ODEI staff members review NYSDOL's policies and procedures that may have discriminatory ramifications. In accordance with the NYSDOL's Affirmative Action Policy, if any violation, discriminatory language, or discriminatory procedures are discovered, they will be amended to correct the violation, language, or procedure. NYSDOL's Counsel's Office is consulted, as necessary, to ensure that alternative language or procedural changes are satisfactory.

Equal Opportunity On-Site Monitoring

In addition to the annual EO desk assessment or audit, ODEI conducts comprehensive on-site EO monitoring of all LWDA's. ODEI is currently in the process of updating the on-site monitoring schedule. The EO monitoring process emphasizes accountability of the local service providers and is intended to ensure recipient compliance with each element in the Nondiscrimination Plan. The EO monitoring onsite review is a comprehensive look at:

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- Programs, services, and employment practices of recipients receiving WIOA Title I funding; and
- An ADA Review that assesses physical and programmatic access to services to include participants with disabilities.

An onsite review includes:

- An introduction conference identifying the scope of the review, subject matter, method of review, review of state and local policies, and exit review.
- Participant and employee interviews, program assessment(s), case file reviews, and program recruitment efforts.
- A follow-up of the completed Desk Review with the LWDA that includes the EO Officer's training and knowledge of equal opportunity, reasonable accommodation, WIOA EO policies, sexual harassment, and discrimination complaint procedures.
- Any changes or modifications to the LWDA Plan.
- Assurance that the LWDA's subrecipients maintain a complaint procedure.
- Verification that the Notice is: (1) provided to participants, applicants, and employees, (2) available in languages pertinent to the area; and posted along with all other required employment and program posters.
- Review of: (1) informal and formal program and discrimination complaint procedures, (2) review of complaint log and appropriate entries, and (3) whether timeframes were met.
- Effective communication measures for individuals with limited English proficiency.
- Effective communication measures for individuals with disabilities.
- Identification of auxiliary aids available and ability to use the equipment; signs posted for the public identifying available assistive technology.
- Availability of a reasonable accommodation procedure for applicants and employees.

Upon completion of the desk and onsite reviews, the monitor will draft a report that summarizes the reviews; facts; identifies areas of noncompliance; requests for technical assistance; adds

comments and recommendations; and/or shares best practices. A copy of the monitoring report is sent to the respective LWDA Director, local EO Officer, and Site Manager, and is maintained at ODEI for future reference and to track follow-up actions. The report and any follow-up actions are discussed with the Site Manager and Local EO Officer.

Supporting Documentation:

35 Sample OSOS Management Report

Element 7 - Complaint Processing Procedures (29 CFR 38.72 – 38.73)

This section addresses how the State, and its recipients are complying with and will continue to comply with the nondiscrimination regulations concerning complaint processing procedures.

Pursuant to 29 C.F.R. § 38.72 and WIOA § 188, New York State must ensure 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. New York State and its Recipients must also ensure that the individual, applicant, registrant, participant, or terminatee has access to the appropriate state or local level complain procedures, or to other appropriate enforcement agencies.

Complaint Policy and Procedure

It is the policy of NYSDOL and the LWDAs³⁶ to ensure nondiscrimination and equal opportunity in the operation and administration of all programs, services, and activities funded in whole or in part with WIOA funds. Any individual covered by WIOA who believes he or she, or a specific class of individuals, has been discriminated against has the right to file a formal complaint in accordance with the procedures set forth herein.

NYSDOL adopted a comprehensive complaint processing procedure for filing a discrimination complaint under WIOA § 188. The procedure requires that all complaints must be filed within 180 days of the alleged discrimination and that complaints must be in writing and include the following information:

- The complainants name and address or another means of contact;
- The identity of the respondent; and
- A description of the allegations in sufficient detail to determine whether the complaint is within jurisdiction of the EO officer, whether the complaint was timely filed, whether the complaint has apparent merit, and, if true, whether the allegations would violate the nondiscrimination and equal opportunity provisions of WIOA;

Upon receipt by the EO Officer, complaints are assigned a case number, recorded on the complaint log, and forwarded to the appropriate EO Officer. The EO Officer will send an acknowledgement letter to the complainant that advises the individual of their right to be represented in the complaint process.

If it is determined that the EO Officer has joint jurisdiction of the complaint, the complaint will be forwarded to the appropriate Recipient EO officer, and the complainant will be notified that the complaint was received and forwarded for processing in accordance with the complaint procedures established by the Recipient having joint jurisdiction. An investigation or fact-finding may be conducted by the State EO Offices (after the EO Officer determines that the complaint is within their jurisdiction).

The procedure includes an opportunity for an informal resolution conference, during which the EO Officer may meet with the complainant. This conference occurs within 15 days from the day of receipt of written allegations and involves the EO Officer:

- Conducting a preliminary investigation;
- Discussing the circumstances underlying the allegations;
- Attempting to informally resolve the issues; and
- If the complaint cannot be resolved informally, advising the complainant of their right to either seek resolution through mediation, or continue with a formal investigation. If the complaint chooses to move forward with the formal investigation, they are advised of their right to have representation during the process.

A Notice of Final Action will be issued by the EO within 90 days of the complaint being filed. The Notice of Final Action will include the following:

- A discussion of each issue raised in the complaint;
- An explanation of the reasons underlying the decision or a description of the way the parties resolved the issue; and
- Notice of recourse, including notification to the complainant that, if they are dissatisfied with the resolution offered, they have the right to file a complaint with the Director of Civil Rights Center (CRC) within 30 days of receiving the Notice of Final Action.

If it is determined that the EO Officer does not have jurisdiction over a complaint, the complainant will be notified of the lack of jurisdiction. The notification will include a reason(s) for the determination and notice that they have a right to file the complaint with CRC within 30 days from the date on which the jurisdiction notice is received.

All complaints are handled and maintained as strictly confidential.

Supporting Documentation:

36 Workforce Innovation and Opportunity Act Equal Opportunity and Nondiscrimination Policy and Complaint Processing Procedures Attachment A and B

Element 8 - Corrective Actions (29 CFR 38.87 -3 8.91)

This section outlines the State's procedures for obtaining prompt corrective action, or applying sanctions, as necessary, when noncompliance is found. NYSDOL has procedures to prevent and redress violations of the nondiscrimination and equal opportunity provisions of WIOA and the implementing regulations. If violations are found by the State Level EO Officer, corrective actions, which vary in relation to the severity of the violation, will be taken by the LWDA so that it complies with the law and regulations.

Types of Violations

Technical Violations:

These are non-intentional errors in adhering to WIOA's administrative requirements. Examples include:

- Failure to appoint a qualified Equal Opportunity Officer: The designated EO Officer must be a senior-level employee whose responsibilities in this role do not conflict with other duties.
- Missing required language in assurances: WIOA requires recipients to submit written guarantees (assurances) of their commitment to non-discrimination. These assurances must contain specific language outlined in the regulations.
- Omission of the "Equal Opportunity is the Law" notice: This visual reminder of non-discrimination rights must be displayed at recipient locations.

Discrimination Violations:

These involve intentionally or unintentionally treating individuals differently based on protected characteristics, such as race, ethnicity, disability, or age. These violations may take two forms:

- Disparate Treatment: Occurs when individuals from different groups are treated differently for the same reason. For example, denying someone training based on their disability that others without the disability receive.
- Disparate Impact: Occurs when a seemingly neutral policy or practice disproportionately disadvantages a protected group. For example, a physical fitness test that unintentionally excludes qualified individuals with disabilities.

Addressing Violations:

Technical Violations:

Corrective actions for technical violations are tailored to the specific issue identified. These actions aim to rectify the problem within 30 to 45 days of notifying the recipient. They may involve staff training or minor adjustments to procedures. The timeframe for implementing corrective actions cannot exceed 45 days.

Discrimination Violations:

More comprehensive measures are required to address discrimination violations. Depending on the severity, the State may impose various actions, such as:

- Preventive and corrective measures: These aim to prevent similar incidents in the future through policy changes, training, or outreach programs.
- Cease and desist orders: The State may require the recipient to immediately stop discriminatory practices.
- Make whole relief: When discrimination is proven, the recipient may be required to compensate individuals who were negatively impacted. This may include back pay, reinstatement to a position, or other benefits that were wrongfully denied. Back pay cannot exceed two years before the complaint or compliance review began.

Recipient's Role in Achieving Compliance:

Recipients are ultimately responsible for ensuring compliance with WIOA and EO provisions. This involves:

- Taking steps to end and address identified violations.
- Providing "make whole relief" to individuals who experienced discrimination. This may include back pay, retroactive benefits, or other forms of compensation.
- Implementing measures to address the root cause of the violation, such as offering outreach, recruitment, and training to promote equal opportunity and prevent future discrimination.
- Complying with any additional remedial or affirmative relief deemed necessary by the State, which may include additional training or outreach initiatives.

The State's Written Assurance to Address Violations

State Level EO Officer and ODEI staff members conduct follow-up reviews to ensure that the violations have been addressed. Where deficiencies continue to exist, time may be extended in which to secure voluntary compliance, or immediate correction of the violation may be required including a written assurance that the corrective action has been completed. A LWDA can also enter into a written conciliation agreement in which the LWDA commits that the violations will be corrected. The conciliation agreement must be in writing, address the legal and contractual obligations of the Recipient, address each cited violation, specify the corrective or remedial action to be taken within a stated period of time to come into compliance, provide for periodic reporting on the status of the corrective and remedial action, provide that the violation will not recur, and provide for enforcement for a breach of the agreement. The schedule for periodic reporting from the Recipient on the status of any corrective or remedial action will be established by the State Level EO Officer. The State Level EO Officer will determine whether follow-up visits or some other additional monitoring is necessary based on the information and documentation provided in the reports.

The State Issues Notifications of Breach of Conciliation Agreements to Recipients

When it becomes known to the State Level Officer that a conciliation agreement has been breached, a final determination, or a notification of breach of conciliation agreement will be issued to the Recipient and any other parties to the agreement. Failure by the Recipient to come into compliance within 10 days of the notice may result, after opportunity for a hearing, in sanctions as provided under the law.

Hearing Procedures

When a final determination or notification of breach of a conciliation agreement is issued, the Recipient may request a hearing within 30 days of the date of receipt of the determination or notification.

Sanctions

If compliance has not been achieved after issuance of a final determination or notification of breach of conciliation agreement, and the violating party has waived their right to request a hearing, sanctions can be recommended. Sanctions may include suspension, termination, withholding, denial, or discontinuation of WIOA Title I financial assistance, in whole or part; a referral to the State Attorney General with a recommendation that an appropriate civil action be instituted; or other actions provided by law.

Additional Elements - Compliance with § 504 of the Rehabilitation Act of 1973

In addition to the previous elements, New York State is required to address additional elements as part of the Nondiscrimination Plan. New York State must demonstrate that it has developed procedures for ensuring that Recipients comply with the requirements of applicable federal and nondiscrimination law, including Section 504 of the Rehabilitation Act of 1973 as amended and 29 CFR Part 38 (29 CFR §§ 38.25(a)(i)(c), 38.41(b)(3)(i)(A)(B)(C)(ii)).

New York State ensures compliance through the measures and commitments described in the preceding sections of the Nondiscrimination Plan.

The State Ensures Equal Opportunity for Individuals with Disabilities

State law ensures that individuals with disabilities are afforded an equal opportunity to receive program benefits and services and that they are not discriminated against in the process. This is communicated through the following methods:

- The State Level EO Officer and ODEI staff members provide training and education for local area Disability Resource Coordinators to assist the Career Centers in building systems that enable them to meet the needs of all individuals with disabilities.
- NYSDOL's Diversity, Equity, and Inclusion (DEI) and Equal Opportunity webpage contains technical assistance and training for both State and local staff.^{37 38}
- Monitoring activities conducted by the State Level EO Officer and ODEI staff members assure that barriers preventing access to programs and services for those who are disabled are removed.
- UI claimants receive handbooks and materials that contain EO information.
- NYSDOL and Career Center websites provide information regarding the equal opportunity rights of individuals with disabilities³⁹
- The assurance language is incorporated into all grants, cooperative agreements, contracts, and RFPs, and assures that Recipients of federal financial assistance will comply with Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities.

New York Expands Disability Support in Workforce Development Systems

In October 2021, Governor Kathy Hochul announced a \$11.1 million investment to expand support for individuals with disabilities seeking employment in New York State. This initiative involves the placement of Disability Resource Coordinators (DRCs) in 46 counties, aiming to reach 45,000 individuals by the end of 2026.

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This effort, known as the New York Systems Change and Inclusive Opportunities Network (NY SCION), is a five-year project implemented by the New York State Department of Labor (NYSDOL). NY SCION aims to:

- Increase participation of individuals with disabilities in Career Center services.
- Improve the use of the Ticket to Work Program (TTW), which helps individuals receiving Social Security benefits return to work.
- Boost the number of successful employment outcomes for individuals with disabilities under the Workforce Innovation and Opportunity Act (WIOA).

Local Implementation Plans:

Each Local Workforce Development Board (LWDB) has developed a specific NY SCION implementation plan addressing critical priorities. These plans focus on:

- Outreach and engagement: Connecting with businesses and job seekers with disabilities through education, training, and collaborative efforts.
- Accessibility and communication: Increasing awareness of disabilities, improving program communication, and ensuring digital accessibility for all users.
- Employment support: Providing job skill development, work experience opportunities, and strategies to help individuals retain employment.
- Benefits and service coordination: Offering benefits advisement, service coordination, and intervention strategies to address individual needs.
- Evaluation and sustainability: Continuously evaluating program effectiveness and developing strategies to ensure long-term sustainability.

DRCs play a vital role in supporting individuals with disabilities within the workforce development system. Their key responsibilities include:

- Advocacy: Advising the system on how to effectively involve individuals with disabilities in existing career pathways programs and systems.
- Training and Assistance: Providing training and support to various stakeholders, including Local Workforce Development Boards (LWDBs), Career Center staff, businesses, community colleges, and training providers, on essential topics such as:
 - Rights and Regulations: The Americans with Disabilities Act (ADA), the Ticket to Work (TTW) program, and their associated rights and responsibilities.
 - Accommodations, Technology, and Assessments: Understanding different types of accommodations, assistive technologies, and assessment tools relevant to individuals with disabilities.
- Collaboration: Coordinating with career pathway program staff, including career coaches, to ensure smooth service delivery.
- Recruitment: Assisting in recruiting individuals with disabilities, including TTW participants, to participate in career pathways programs, including funded training opportunities, and to utilize Career Center services.
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- Opportunity Identification: Utilizing assessments to identify suitable career, training, and employment opportunities for individuals with disabilities.
- Benefits and Incentives: Earning and maintaining credentials to provide benefits counseling and work incentive planning to job seekers receiving Social Security Administration (SSA) benefits like SSDI and SSI.
- Continuing Education: Maintaining credentials for the Work Incentive Information Network (WIIN) program, which offers structured training on benefits and work incentives planning for individuals with disabilities.
- Data collection: Gathering data, such as the number of individuals served under the TTW program and the number of created Integrated Resource Teams (IRTs). This data is used to improve the services provided to individuals with disabilities at both local and national levels.

LWDAs have implemented a wide array of activities to engage businesses, support recruitment, and expand work experiences in sectors including healthcare, manufacturing, information technology, finance, and agriculture. In addition, LWDAs have conducted in-person and virtual career expos in the healthcare and advanced manufacturing sectors.

LWDAs implement staff training on topics including:

- Disability etiquette
- ADA and reasonable accommodations
- Programmatic and digital accessibility
- Strategies to effectively serve individuals with disabilities

LWDAs are also in the process of providing similar training and information sessions for businesses. All LWDAs have been tasked to create a sustainability plan to develop long-term goals and strategies to continue NY SCION activities and partnerships.

The State-Level EO Officer and ODEI staff members conduct training for LWDA EO Officers and Career Center management where applicable, on an ongoing basis. Training focuses on compliance with WIOA and New York State's NDP, including compliance with Section 504 of the Rehabilitation Act of 1973, as amended. Additionally, LWDA EO Officers are given hands-on instruction for processing complaints of discrimination. The State-Level EO Officer and ODEI staff members maintain open communications with LWDA EO Officers and Career Center management to offer technical assistance when needed.

NYSDOL Career Centers provide employment services to all job seekers, including individuals with disabilities. Some of these services include career counseling, resume development, career workshops, computer workshops, job search resources, and placement assistance. Career Centers provide connections to DRCs and partner agencies (i.e., ACCES-VR and the New York State Commission for the Blind (NYSCB)). Additional services and supports (i.e., VRI and assistive technology) are also made available.

A key component of the NY SCION approach to address noted gaps was to hire DRCs to assist individual with disabilities to navigate New York State’s workforce development system. The DRCs are the cornerstone of the systems change model and provide the following:

- The development of partnerships and collaborations that lead to people with disabilities participating in education, training, and employment opportunities;
- Conducting outreach to businesses to promote hiring of people with disabilities; and
- Benefits advisement to support the expansion of the TTW Statewide.

More broadly, NY SCION supports State-level improvements and capacity building to improve accessibility and inclusivity of our workforce system.

The State Monitors for Compliance with the Provisions of WIOA and Section 504 of the Rehabilitation Act of 1973

In compliance with the provisions of WIOA, and Section 504 of the Rehabilitation Act of 1973, as amended, the State Level EO Officer and ODEI staff members conduct compliance reviews of the Career Centers to ensure programmatic and architectural accessibility, that services are provided in the most integrated setting possible, that medical information is kept confidential, that the Career Center advises participants of their rights to file a discrimination complaint, and that the Career Center has a process in place for handling requests for reasonable accommodations.

The State Level EO Officer and ODEI staff members monitor LWDAs to determine whether they provide reasonable accommodation and reasonable modification in accordance with federal regulations.

As part of its compliance review, the State Level EO Officer and ODEI staff members reviews job orders to evaluate all essential functions and skill requirements to ensure they are related to the job and consistent with business necessity, and to ensure that language contained in the job order does not discriminate against individuals with disabilities.

The State Makes Reasonable Accommodations for Individuals with Disabilities

NYSDOL assists LWDAs in establishing policies to make Career Center programs and services accessible for individuals with disabilities. There are assistive technology workstations in at least one full-service Career Center located in each of the LWDAs across New York State. The workstations contain hardware and software⁴⁰ to ensure computer access for customers with disabilities, including Dell computer systems, JAWS, Zoom Text, Open Book, Smart View CCTV with cameras, Tash mini keyboards, and track ball mice.

NYSDOL ensures that individuals with disabilities can file UI claims by providing accommodations and modifications to policies, practices, and procedures. For example, when an individual files a claim for UI benefits, they are asked to select a personal identification number (PIN) to be used each time they wish to access UI services by telephone. Although claimants are advised not to

give out this number, individuals with disabilities may allow another person to assist provided the helper is present each time services are accessed, including during the entry of the PIN⁴¹.

In addition, both the NYDOL's DEI and EO webpage and UI program brochures available in the Career Center offices⁴², advise hearing impaired individuals with TTY/TDD equipment that they can file a claim by calling a toll-free number established for that purpose. Reasonable accommodations must be made for the known physical or mental limitations of otherwise qualified employees, applicants for employment, registrants, and participants, unless providing the accommodation would cause undue hardship to a recipient. The NYSDOL and LWDA's engage in an interactive process with the individual requesting the accommodation. Where a reasonable accommodation is denied based on hardship, NYSDOL and the LWDA, where applicable, provide the individual who requests the accommodation with an explanatory written statement justifying the conclusion.

NYSDOL has issued a policy statement on Discrimination Against People with Disabilities and a Request for Reasonable Accommodation Procedure⁴³ for all its employees and customers. LWDA's also establish their own reasonable accommodation policies⁴⁴.

The State Ensures Architectural and Programmatic Accessibility

A thorough architectural accessibility review is conducted by OGS prior to approval of a NYSDOL lease or renewal lease. For its compliance review, OGS uses the ADA Accessibility Guidelines (AG), New York State's building code, and, for reviews conducted in New York City. NYSDOL cannot enter into or renew a lease without OGS clearance. If deficiencies are found, then NYSDOL's Property Unit must work with the landlord to get the deficiencies corrected. The Career Center certification process addresses physical and programmatic accessibility matters, as do the NYSDOL guidelines for WIOA Local Plan submissions.

The State Level EO Officer and ODEI staff members conduct on-site monitoring of LWDA Career Centers using its "ADA Premise Review" form⁴⁵. NYSDOL provides the following resources on its website to communicate directives that assure programmatic and architectural accessibility:

- WDS TA #[22-01](#): *Implementation of Workforce Innovation & Opportunity Act (WIOA) Equal Opportunity (EO) and Nondiscrimination Policy and Complaint Processing Procedures* (January 10, 2022);
- WDS TA #18-01.1: *New York State One-Stop Career Center Certification* (May 31, 2023);
- WDS TA #[16-04.1](#): *Universal Accessibility of the Workforce Development System to Individuals with Disabilities* (January 31, 2022);
- An Orientation & Mobility Primer: A Self-Evaluation for Workforce Development One-Stop Providers Serving Customers who are Blind or Visually Impaired prepared by the New York State Office of Children and Family Services, and Commission for the Blind and Visually Handicapped;
- Access for All: A Resource Manual for Meeting the Needs of One-Stop Customers with Disabilities developed by the Institute for Community Inclusion;

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- The USDOL CR Center, Promising Practices in Achieving Universal Access and Equal Opportunity – A Section 188 Disability Reference Guide;
- A Primer for People with Disabilities; and
- Disability Etiquette – Tips on Interaction with People with Disabilities.

When conducting a compliance review for a LWDA or NYSDOL owned or leased facility, the State Level EO Officer and ODEI staff members interviews staff to determine if they are aware of and are providing programmatic accessibility for persons with disabilities, including that:

- Reasonable accommodations/modifications are provided to individuals with disabilities based upon the specific limitations of their ability to access programs and services;
- The programs and activities, in their entirety, are readily accessible to qualified individuals with disabilities;
- The programs and activities ensure the most integrated setting possible for individuals with disabilities;
- The Recipient has developed a transition plan (as specified in 29 CFR § 32.27) to make its site or program more accessible, and if so, whether the recipient is adhering to its plan;
- The Recipient has implemented procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by individuals with disabilities;
- Software used in the program is accessible to individuals with disabilities;
- Web pages are accessible to individuals with disabilities; and
- Any Information Transaction Machines (e.g. computer kiosks) are accessible to and usable by individuals with disabilities, as required by law.

The State Trains to Effectively Communicate with and Integrate Persons with Disabilities

NYSDOL ensures that appropriate steps are taken so that communications with beneficiaries, registrants, applicants, eligible applicants or registrants, participants, applicants for employment, employees, and members of the public who are individuals with disabilities are as effective as communications with others.

For NYSDOL employees, NYSDOL and the New York State Department of Civil Service representatives routinely convene a Scope Conference to discuss and recommend valid considerations to be incorporated into civil service examinations for job titles at NYSDOL.

The Scope Conference includes subject matter to be tested, minimum qualifications, recruitment, and equal opportunity and affirmative action considerations, including the removal of any artificial qualifications or barriers that may have disparate impact on protected class individuals. LWDA Career Centers partner with programs and agencies who provide services specific to the needs of disabled individuals (i.e. ACCES-VR). The State-Level EO Officer and DEOD staff members

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provide technical assistance to LWDA EO Officers and Career Center management in the review of preemployment applications distributed at the Career Center. As part of that assistance, the

State-Level EO Officer and DEOD staff members advise about refraining from making medical or disability inquiries that are prohibited by law.

NYSDOL offers human resources consultation services to businesses to help maintain compliance with equal opportunity and labor laws. These services include reviewing employment applications for discriminatory content and offering guidance to businesses on avoiding illegal questions during interviews.

Recipients have been advised of their requirement to communicate with persons with disabilities as effectively as with others through training and the issuance of technical advisories.

Each LWDA develops its own strategies to fulfill the requirement to communicate with persons with disabilities based upon the unique mix of resources available. Through self-assessment, and guidance from the DRCs, LWDA's throughout NYS offer a solid platform of services including, but not limited to, assistive technology (computer workstations, Interpretive Communications Devices, TTY/TDD lines), copies of key documents in Braille and large print, and access to sign language interpreters.

The State Monitors to Ensure Confidentiality

The State Level EO Officer and ODEI staff members monitor LWDA's to ensure Recipients maintain the confidentiality of medical information provided by applicants and participants. Compliance is required of all LWDA and NYSDOL staff.

Supporting Documentation:

37 Training Guide - Disability Etiquette – Tips on Interacting with People with Disabilities Training Guide

38 Guidance Document – Mitigating Discriminatory Content in Job Orders on the New York Job Bank

39 Niagara County Worksource One Webpage Screen Shot regarding Disability Resource Coordination

40 Hempstead Works Veterans Services Handout showing Assistive Technology

41 Factsheet – Do You Help Others Apply or File for Unemployment Insurance?

42 Factsheet – Applying for Unemployment Insurance (UI) Benefits

43 Procedures for Implementing Reasonable Accommodation in Programs and Services for Individuals with Disabilities

44 Workforce 1 Career Center Reasonable Accommodation Policy

45 ADA Review Form