



J. Kevin Stitt
Office of the Governor
State of Oklahoma

August 22, 2023

Ms. Naomi Barry-Perez
Director
Civil Rights Center
200 Constitution Ave., N.W.
Room N-4123
Washington, D.C. 20210

Dear Ms. Barry-Perez:

Oklahoma Department of Commerce (ODOC)/Oklahoma Office of Workforce Development (OOWD) is the designated recipient of Workforce Innovation and Opportunity Act (WIOA) funding and is therefore responsible to comply with Section 188 of the Act, and the Equal Opportunity (EO) regulations at 29 CFR Part 38.

As such, the OOWD is providing this report in compliance with the requirement to review the State of Oklahoma Nondiscrimination Plan every two years and resubmit any changes made to the Civil Rights Center per 29 CFR § 38.55(c), for which the Governor is liable.

The Nondiscrimination Plan has been revised to reflect the following changes:

- Updated Equal Opportunity Officers and other pertinent personnel for Local and State
- Updated the Equal Opportunity posters for personnel and State logo
- Made minor edits in wording

The revised NDP is attached.

We strive to maintain Equal Opportunity compliance at all times and this office stands ready to ensure the OOWD at the Department of Commerce and the State-level WIOA EO Officer has the resources necessary to fulfill this important responsibility for the State of Oklahoma.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Stitt".

J. Kevin Stitt
Governor

cc: Matt Pinnell, Secretary of Workforce Development
Susannah Gravley, Interim Director, Oklahoma Office of Workforce Development
Karla Jackson, WIOA State Equal Opportunity Officer



STATE OF OKLAHOMA

NONDISCRIMINATION PLAN

2023-2025



A proud partner of the [AmericanJobCenter](#) network

In Compliance with the
Workforce Innovation and Opportunity Act (WIOA) 2014
Concerning Nondiscrimination and Equal Opportunity

August 31, 2023

The Oklahoma Office of Workforce Development/Oklahoma Works is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

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Forward

After the previous Nondiscrimination Plan submission, the State of Oklahoma's Office of Workforce Development has relocated logistically. The Office of Workforce Development, in its incorporation to an executive level from higher education, relocated the physical office to a divisional office of the Oklahoma Department of Commerce. This move will create innovation and oversight by the Governor and appointed officials. Additionally, the State of Oklahoma has procured a new statewide internet-based workforce data reporting system, Incapsulate, that allows for necessary reports to identify equal opportunity and nondiscrimination issues. The reporting system is in the planning and testing phase.

SECTION 1 – REVIEW ASSURANCES, JOB TRAINING PLANS, CONTRACTS AND POLICIES AND PROCEDURES *(29 CFR 38.25 AND 38.54)*

PURPOSE

The State ensures that nondiscrimination and equal opportunity provisions of WIOA are incorporated in all grants, agreements or other similar applications for federal financial assistance under WIOA. Each application for WIOA funds includes the specified assurance committing the potential sub-recipient to comply fully with the nondiscrimination and equal opportunity provisions of WIOA Section 188 and 29 CFR Part 38. The assurance is deemed incorporated, whether or not it is physically incorporated in the resulting contract or other arrangement.

The Oklahoma Office of Workforce Development and its state partner agencies have developed this Nondiscrimination Plan detailing the actions that have been and will be taken to ensure compliance with WIOA Section 188 and 29 CFR Part 38. This document will be reviewed and updated every two years and substantive changes will be forwarded to the U.S. Department of Labor, Civil Rights Center.

NARRATIVE

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

The State requires and monitors each of the Local Workforce Development Boards (LWDBs) to include the required equal opportunity assurance in the submissions of their Local Workforce Development Plans with the following language: *(Section 1 Documentation – Attachment 1)*

A system that includes compliance with:

- Section 188 of the WIOA, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation, or belief, and against beneficiaries on the basis of either citizenship, status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I financially assisted program or activity;

- Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, and national origin;
- Section 504 of the Rehabilitation Act of 1973 as amended which prohibits discrimination against qualified individuals with disabilities;
- The Age Discrimination Act of 1975 as amended which prohibits discrimination on the basis of age; and
- Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs. The grant recipient also assures compliance with 29 CFR Part 38 and all other regulations implementing the laws listed above. This assurance applies to the grant recipient's operation of the WIOA Title I financially assisted program or activity and to all agreements the grant recipient makes to carry out the WIOA Title I financially assisted program or activity.

Each Local Plan is reviewed to ensure that all required assurances are included.

The required assurances are incorporated into each grant, cooperative agreement, contract, or other arrangement whereby Federal financial assistance under Title I of WIOA is made available. (29 CFR 38.20)

The State provides funds to all approved grant applicants. Contracts provided for each recipient through the OOWD include nondiscrimination assurances required by the Federal regulations, the State (*Section 1 Documentation – Attachment 2*) and OOWD in each, assuring each entity complies with this requirement. The required assurances are also incorporated into cooperative agreements, contracts and MOUs, thereby Title I is made available. Additionally, compliance is ensured by continued monitoring where corrective action, if needed, is required.

Each grant applicant, and each training provider seeking eligibility, is able to provide programmatic and architectural accessibility for individuals with disabilities. (Subpart C of 29 CFR Part 32.28)

Every training provider that applies to be listed on the ETPL must sign a Training Provider Assurances (TPA) electronic form before receiving final approval to be added to the ETPL. The TPA electronic form indicates the training provider will comply with nondiscrimination and equal opportunity provisions of all federal and state applicable laws. As programs come up for continued eligibility, current training providers must sign this TPA form.

The EO Officers will utilize a monitoring tool to guide them in monitoring the contracts established by the recipients for activities, trainings and services.

Compliance results from reviews completed by the EO Officers shows that the recipients, sub-recipients, and service providers are meeting the programmatic and architectural accessibility guidelines. If accessibility guidelines are not met, the State requires that corrective action plans are developed and follow-up monitoring conducted to ensure any noncompliance findings are corrected within the identified timeframes. OOWD works in consultation with the Oklahoma Department of Rehabilitation Services (DRS) to ensure architectural accessibility for all individuals with disabilities.

Job training plans, contracts, assurances, and other similar agreements entered into by recipients are both nondiscriminatory and contain the required language regarding nondiscrimination and equal opportunity. *(29 CFR 38.25)*

The State ensures the EO Officers check job training plans, contracts, assurances, and other similar agreements entered into by the grantee and its recipients to ensure compliance with the requirement that these documents contain the required language regarding nondiscrimination and equal opportunity.

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

The State requires equal opportunity policies for all recipients and sub-recipient programs receiving financial assistance through WIOA Title I. The policies developed are checked by the State EO Officer to ensure they are not discriminatory either in intent or effect.

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

The State has made a concerted effort to ensure all needed nondiscrimination and/or equal opportunity policies are published as quickly as possible. The State reviews and rewrites all policies to ensure that our directives are in compliance with the federal regulations. EO Officers throughout the State have made a commitment to ensure that all recipients are in full compliance with all parts of WIOA Section 188 and the requirements of 29 CFR Part 38.

Section 1 – Documentation

ATTACHMENTS

1. Regional and Local Planning Instructions Template with Assurances
2. Oklahoma Office of Workforce Development Terms and Conditions, and Assurances (Contracts)

Oklahoma's 4-Year Regional Plan

Planning Region: _____

Local Areas Within the Planning Region

Signatures for the Regional Plan

Include signatures on the signature page of **all** of the local workforce development board chairpersons, local workforce development board directors, and the local chief elected officials for all the workforce development areas within the region. The State will not approve a regional plan and attached local plans if all required signatures are not included. Please add/remove signature access as needed for the number of local areas in your region.

By signing the regional plan, all signatories attest that:

1. They submit this plan on behalf of the region and the local areas within that region;
2. The planning was done with leaders throughout the region and represents the collective thinking of those regional representatives;
3. The information contained herein is true and accurate to the best of their knowledge;
4. The regional plan and accompanying local plans represent the local workforce development boards' efforts to maximize resources available under Title I of the Workforce Innovation and Opportunity Act and to coordinate these resources with other State and Local programs in the planning region;
5. They will operate the local system in accordance with the regional plan, their respective local area plan, and applicable federal and state laws, regulations, policies and rules; and,
6. All assurances have been met.

Local Area A: Area Name

WDB CLEO Typed/Printed Name: _____

Signature _____ Date _____

WDB Chair Typed/Printed Name: _____

Signature _____ Date _____

Executive Director Typed/Printed Name: _____

Signature _____ Date _____

Local Area B: Area Name

WDB CLEO Typed/Printed Name: _____

Signature _____ Date _____

WDB Chair Typed/Printed Name: _____

Signature _____ Date _____

Executive Director Typed/Printed Name: _____

Signature _____ Date _____

Local Area C: Area Name

WDB CLEO Typed/Printed Name: _____

Signature _____ Date _____

WDB Chair Typed/Printed Name: _____

Signature _____ Date _____

Executive Director Typed/Printed Name: _____

Signature _____ Date _____

Executive Summary

For consideration, please prepare a document not to exceed 2 pages that synthesizes the context and strategies developed in the regional plan. This should include: a brief overview of regional data; measurable goals and baseline metrics (when available); and planned workforce strategies.

Submission guidelines:

Submit one (1) signed PDF of the final plan. Supporting documents may be linked or included through an additional link such as Dropbox.

Regional Plan Sections & Questions

A. Regional Workforce Development System Vision

1. Define and describe the shared vision of the workforce development planning region. Include identified short or long-term regional goals.

B. Regional Data Analysis

1. Provide an analysis of the regional economic conditions, including:
 - a. Existing and emerging in-demand industry sectors and occupations; and,
 - b. Employment needs of employers in existing and emerging in-demand industry sectors and occupations.
2. Provide an analysis of the knowledge and skills needed to meet the employment needs of the employers in the region, including employment needs in in-demand industry sectors and occupations.
3. Provide an analysis of the regional workforce, including current labor force employment and unemployment data, information on labor market trends, and the educational and skill levels of the workforce, including individuals with barriers to employment.
4. Provide an analysis of workforce development activities that indicates how the planning region's service delivery system is prepared to meet the community's workforce development needs. **Please include the Regional SWOT Analysis.**
 - a. Describe the strengths and weaknesses of the regional workforce development activities.
 - b. Describe the alignment of the regional education and training programs with the employment needs of regional employers.
 - c. Describe the region's capacity to provide the workforce development activities to address the education and skill needs of the workforce, including individuals with barriers to employment.
 - d. Describe the region's capacity to meet the employment needs of employers.
5. Based on the analysis above, describe the region's key workforce development issues, and possible solutions to be implemented within the region, to reach the region's economic and workforce development oriented vision and strategic goals.

C. Description of Regional Strategies

1. Briefly describe the activities and steps taken to develop this regional plan.

2. Describe the shared regional strategy to align available resources among **the required, and any additional, partners** within a planning region.
3. Describe how the planning region, with the collaboration of the local workforce development boards, will support the goals and strategies identified in Oklahoma's Unified State Plan.
4. Describe the development and implementation of joint regional service strategies for common requirements and policies for:
 - a. Work-based learning/training (customized training, incumbent worker training, Registered Apprenticeship, and on-the-job training);
 - b. Training services using individual training accounts in a mutual manner. Include copies of any cooperative service delivery agreements; and
 - c. Referral and co-enrollment processes and procedures.
5. Describe the development and implementation of joint regional services strategies for career pathways. List the career pathways, and, for each, describe:
 - a. The phase of development (conceptual, in initial implementation, being sustained, or, expanding)
 - b. Workforce Demand (need) – Describe the business workforce need being addressed by the strategy. Indicate the industry(s) and occupations being represented, how the need was determined, and the occupational skills to be addressed.
 - c. Relevance – Indicate the connection between the demand and the priority(ies) for the region.
 - d. Strategy – Identify the sector partners and the role of each.
 - e. Funding – Describe available resources that will support the strategy.
 - f. Unfunded Critical Elements – Identify any critical elements for the identified strategy that must be done for the success of the strategy that cannot be met with available resources. This may include: the expansion of an existing strategy, in any phase, from one LWDA to others in the region; the need to procure new training vendors; planning sessions involving multiple partners; training of One-Stop staff; and development of regional data collection systems.
6. Describe the coordination of economic and workforce development within the region including:
 - a. Current economic development organizations engaged in regional planning;
 - b. Education and training providers involved with economic development;
 - c. Current businesses involved with economic development organizations; and,
 - d. Targeted businesses from emerging sectors/industries.
7. Describe the development and implementation of joint regional services strategies for industry sector partnerships/strategies. List the industry sector partnerships and, for each, describe:
 - a. The phase of development (conceptual, in initial implementation, being sustained, or, expanding)
 - b. Workforce Demand (need) – Describe the business workforce need being addressed by the strategy. Indicate the industry(s) being represented, how the

need was determined, the occupational skills to be developed, the number of jobs being addressed, and the timeframe(s) associated with the need.

- c. Relevance – Indicate the connection between the demand and the priority(ies) for the region.
 - d. Strategy – Identify the sector partners and the role of each.
 - e. Funding – Describe available resources that will support the strategy.
 - f. Unfunded Critical Elements – Identify any critical elements for the identified strategy that must be done for the success of the strategy that cannot be met with available resources. This may include: the expansion of an existing strategy, in any phase, from one LWDA to others in the region; the need to procure new training vendors; planning sessions involving multiple partners; training of One-Stop staff; and development of regional data collection systems.
8. Describe efforts that have taken place or anticipated efforts to assess the need for and establish regional services strategies, including the use of cooperative service delivery agreements. In addition, describe the strategies and services that will be used to:
- a. Engage employers in workforce development programs, including small employers and employers in in-demand industry sectors and occupations;
 - b. Provide business services to employers;
 - c. Manage regional rapid response activities;
 - d. Incorporate relevant secondary and post-secondary education programs and activities within the one-stop delivery system;
 - e. Incorporate within the one-stop delivery system the adult education and literacy activities under WIOA Title II, including the review of applications submitted under Title II;
 - f. Incorporate within the one-stop delivery system the provisions of vocational rehabilitation services under Title IV;
 - g. Strengthen linkages between the one stop delivery system and unemployment insurance programs; and,
 - h. Ensure priority for program services will be given to individuals with high barriers to employment.
9. Describe how administrative cost arrangements have been coordinated, including pooling funds for administrative costs, as appropriate.
10. Describe the coordination amongst the planning region for the provision of transportation, including:
- a. An outline of transportation issues related to workforce development and ways the region will address identified needs. This may include a map of the regional commuting patterns.
 - b. Whether the provision of transportation services can be enhanced, and if so, how.
 - c. What organizations currently provide, or could provide transportation services
 - d. An established process to promote coordination of transportation supportive services delivery.
 - e. If the region has determined regional coordination of transportation not to be appropriate for the planning region at this time, discuss how that determination was made.

11. Describe the coordination amongst the planning region for the provision of other appropriate supportive services in the planning region, including:
 - a. A copy of the Job Seeker Wrap Around Services Service Matrix
 - b. Whether the provision of supportive services could be enhanced, and if so, how.
 - c. What organizations currently provide or could provide supportive services.
 - d. Establishing a process to promote coordination of supportive services delivery.
 - e. If the region has determined regional coordination of support services not to be appropriate for the planning region at this time, discuss how that determination was made.

12. Describe the process to develop, and, the finalized agreement concerning how the region will collectively negotiate and reach agreement with the Governor on local levels of performance for, and report on, the performance accountability measure described in WIOA Section 106(c) for local areas or the planning region.

13. The process the planning region undertook to provide input to the development of the plan, and, a 30 day public comment period of the regional plan, prior to submission.

Oklahoma's 4-Year Local Plan

Workforce Development Area: _____

Chief Local Elected Official: _____

WDB Chair: _____

WDB Executive Director: _____

Signatures for the Local Plan

The following signatures attest that:

- They submit this local plan on behalf of the local WDB and Local Elected Officials in the area;
- The planning was done with leaders within the community and represents the collective thinking of those local representatives;
- The information contained herein is true and accurate to the best of their knowledge;
- The local plan represents the local board's and local elected officials' efforts to maximize resources available under Title I of WIOA and to coordinate these resources with other State and Local programs in the local area;
- They will operate the local system in accordance with the local plan, and, applicable federal and state laws, regulations, policies and rules; and,
- All assurances within this template have been met.

WDB CLEO Typed/Printed Name: _____

Signature _____ Date _____

WDB Chair Typed/Printed Name: _____

Signature _____ Date _____

Executive Director Typed/Printed Name: _____

Signature _____ Date _____

Executive Summary

For consideration, please prepare a document not to exceed 2 pages that synthesizes the context and strategies developed in the local plan. This should include: a summary of the local workforce development system's vision, regional context (as appropriate), and system description.

Submission guidelines

Submit one (1) signed PDF of the final plan. Supporting documents may be linked or included through an additional link such as Dropbox.

Local Plan Sections & Questions

The local plan should operationalize the strategies developed in the regional plan by creating an action plan for implementation. It is encouraged to support responses in the local plan with links and references to specific policies and processes that exemplify the strategies in action. When a strategy has not yet been implemented, the local plan should identify the action plan for implementation with related information to timeline, ownership, and progress tracking.

A. Local Workforce Development System Vision

1. Provide a description of the local board's strategic vision and goals to support economic growth and economic self-sufficiency, including:
 - a. Goals for preparing an educated and skilled workforce, including individuals with barriers to employment; and,
 - b. Goals relating to the performance accountability measures based on performance indicators.
2. Describe the strategy to work with entities that carry out the core programs and required partners to align resources available to the local area, to achieve the strategic vision and goals.

B. *Local Workforce Development System Response to Regional Plan*

Section B is not required if LWDB is a single-area planning region, but must be completed by local areas who are members of a multi-area planning region. Local areas may base their responses on those of the regional plan, but are expected to add additional local context and identify specific areas of focus beyond the regional response.

1. Provide an analysis of the local area's economic conditions, including:
 - a. Existing and emerging in-demand industry sectors and occupations; and
 - b. Employment needs of employers in existing and emerging in-demand industry sectors and occupations.
2. Describe the knowledge and skills needed to meet the employment needs of the employers in the local area, including employment needs in in-demand industry sectors and occupations
3. Provide an analysis of the local workforce, including current labor force employment and unemployment data, information on labor market trends, and educational and skill levels of the workforce, including individuals with barriers to employment.

4. Provide an analysis of workforce development activities, **including providing the SWOT analysis** that indicates how the local area's service delivery system is prepared to meet the community's workforce development needs. The local area may add additional information to the regional SWOT analysis that was developed with the regional plan.
 - a. Describe the strengths and weaknesses of workforce development activities.
 - b. Describe the workforce development system's capacity to provide the workforce development activities to address the education and skill needs of the workforce, including individuals with barriers to employment.
 - c. Describe the employment needs of employers.
5. Based on the regional plan's data analysis, describe the local area's key workforce development issues and possible solutions to be implemented within the local area.

C. Local Workforce Development System Description

1. Describe the workforce development system in the local area by addressing each of the following.
 - a. List and describe the programs that are included in the system.
 - b. List the location(s) of the comprehensive One Stop Center(s) (at least one) within your local area; and any affiliated or specialized centers (both physically and electronically linked, such as libraries) in the local workforce development area. Identify the workforce system partners who are physically co-located in those centers.
 - c. Describe the roles and resource contributions of each of the one-stop partners.

Please include the completed Job Seeker and Business Services service matrices.

2. Identify your key strategies for aligning the core programs (WIOA Title I, II, III, and IV programs) as well as all required partner programs within the local one-stop system of comprehensive and affiliate offices by addressing each of the following items. **(Include a copy of any completed Process Maps** and how they are used to align services and avoid duplication of services).
 - a. Assess the types and availability of adult and dislocated worker employment and training activities in the local area.
 - b. Provide an explanation of how the local board addresses local rapid response activities.
 - c. Describe how the local board will coordinate relevant secondary and post-secondary education programs and activities with workforce investment activities to coordinate strategies, enhance services, and avoid duplication of services.
 - d. Describe how the local board, in coordination with the One Stop operator, maximizes coordination, improves service delivery, and avoids duplication of Wagner-Peyser Act services and other services provided through the delivery system.
 - e. Describe how the local board will coordinate WIOA Title I workforce investment activities with adult education and literacy activities under WIOA Title II, including how the local board will carry out the review of local applications submitted under Title II.

- f. Describe and assess the type and availability of youth workforce investment activities in the local area, including activities for youth who are individuals with disabilities, and provide an identification of successful models.
3. Describe how the local board will work with entities carrying out core programs to accomplish the following outcomes:
- a. Expand access to employment, training, education, and supportive services for eligible individuals, particularly eligible individuals with barriers to employment.
 - b. Facilitate the development of career pathways*. Provide a list of the career pathways, and for each include:
 - The phase of development (conceptual, in initial implementation, being sustained, or, expanding);
 - Workforce Demand (need) – Describe the business workforce need being addressed by the strategy. Indicate the industry(s) and occupations being represented, how the need was determined, and the occupational skills to be addressed;
 - Relevance – Indicate the connection between the demand and the priority(ies) for the region;
 - Strategy – Identify the sector partners and the role of each; ○ Funding – Describe available resources that will support the strategy; ○ Unfunded Critical Elements – Identify any critical elements for the identified strategy that must be done for the success of the strategy that cannot be met with available resources. This may include: the expansion of an existing strategy, in any phase, from one LWDA to others in the region; the need to procure new training vendors; planning sessions involving multiple partners; training of One-Stop staff; and development of regional data collection systems.
 - c. Facilitate co-enrollment, as appropriate, in core programs.
 - d. Improve access to activities leading to a recognized post-secondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable).
 - e. Facilitate engagement of employers* in workforce development programs, including small employers and employers in in-demand industry sectors and occupations to:
 - Support a local workforce development system that meets the needs of businesses in the local area;
 - Provide better coordination between workforce development programs and economic development;
 - Support sector partnership strategies, including a list of active sector partnerships.

For each, describe:

- The phase of development (conceptual, in initial implementation, being sustained, or, expanding)
- Workforce Demand (need) – Describe the business workforce need being addressed by the strategy. Indicate the industry(s) being represented, how the need was determined, the

occupational skills to be developed, the number of jobs being addressed, and the timeframe(s) associated with the need.

- Relevance – Indicate the connection between the demand and the priority(ies) for the region.
 - Strategy – Identify the sector partners and the role of each.
 - Funding – Describe available resources that will support the strategy.
 - Unfunded Critical Elements – Identify any critical elements for the identified strategy that must be done for the success of the strategy that cannot be met with available resources. This may include: the expansion of an existing strategy, in any phase, from one LWDA to others in the region; the need to procure new training vendors; planning sessions involving multiple partners; training of One-Stop staff; and development of regional data collection systems.
- Strengthen linkages between the One Stop delivery system and unemployment insurance programs; and,
 - Implement initiatives such as incumbent worker training programs, on-the-job training programs, customized training programs, work-based learning, industry and sector strategies, career pathways initiatives, utilization of effective business intermediaries, and other business services and strategies designed to meet the needs of regional employers.
3. Describe how the local board will implement the goals and strategies of Oklahoma’s Unified State Plan and the Regional Plan.
 4. Describe how the local board will coordinate local workforce development activities with regional economic development activities that are carried out in the local area and how the local board will promote entrepreneurial skills training and microenterprise services.
 5. Describe how:
 - a. The local board will ensure the continuous improvement of eligible providers of services through the system in order to meet the employment needs of local employers, workers, and jobseekers; and,
 - b. Entities within the One Stop delivery system, including system/center operators and partners, will comply with section 188 of WIOA, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including providing staff training and support for addressing the needs of individuals with disabilities.
 6. Describe how the local board will coordinate WIOA Title I workforce development activities with the provision of transportation, child care, and other appropriate supportive services in the local area. **Include a copy of a completed Job Seeker Wrap Around Services service matrix.**

7. Provide the executed cooperative agreements* which define how service providers will carry out the requirements for integration of, and access to, the entire set of services available in the local One Stop system. This includes cooperative agreements between the local WDB and other local entities with respect to efforts that will enhance the provision of services to individuals with disabilities and to other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination.
8. Identify the local:
 - a. Fiscal agent
 - b. One Stop Operator(s)
 - c. Service Provider(s) for Adult and Dislocated Worker WIOA Title I Basic and Individualized Career Services
 - d. Service Provider(s) for Youth WIOA Title I Services
9. Describe the competitive process used to award the subgrants and contracts for WIOA Title I activities.
10. Describe the local levels of performance negotiated with the State.
11. Describe the actions the local board will take toward becoming or remaining a high performing board.
12. Describe how training services will be provided through the use of individual training accounts, including, if contracts for training services will be used, how the use of such contracts will be coordinated with the use of individual training accounts, and how the local WDB will ensure informed customer choice in the selection of training programs regardless of how the training services are to be provided.
13. Describe how One Stop centers are implementing and transitioning to an integrated, technology-enabled intake and case management information system for programs carried out under WIOA.
14. Describe the direction given to the One Stop center operator to ensure priority for adult career and training services will be given to recipients of public assistance, other low income individuals, and individuals who are basic skills deficient.
15. Describe the process used by the local board to provide a 30 day public comment period prior to submission of the plan, including an opportunity to have input into the development of the local plan, particularly for representatives of businesses, education, and labor organizations. The required public comment process is outlined in section 108(d) of WIOA.

Assurances

Provide a statement indicating the local workforce development board will agree to the following assurances:

- The Local Workforce Development Board assures it will establish fiscal control and fund accounting procedures to ensure the proper disbursement of, and accounting for all funds received through the Workforce Innovation and Opportunity Act.
- The Local Workforce Development Board assures it shall keep records that are sufficient to permit the preparation of reports required by the Act and shall maintain such records, including standardized records for all individual participants, and submit such reports as the State may require.
- The Local Workforce Development Board assures it will collect and maintain data necessary to show compliance with the nondiscrimination provisions of the Act.
- The Local Workforce Development Board assures funds will be spent in accordance with the Workforce Innovation and Opportunity Act, regulations, written Department of Labor Guidance, written Oklahoma guidance, and all other applicable Federal and State laws.
- The Local Workforce Development Board assures that veterans will be afforded employment and training activities authorized in the Jobs for Veterans Act and 20 C.F.R. Part 1010. The Local Workforce Development Board assures it will comply with any grant procedures prescribed by the Secretary which are necessary to enter into contracts for the use of funds under WIOA, but not limited to the following:
 - General Administrative Requirements – Uniform Guidance at 2 C.F.R. Part 200 and 2 C.F.R. Part 2900.
 - Assurances and Certifications – SF 424B – Assurances for Non-Construction Programs;
 - 29 C.F.R. Part 31,32 – Nondiscrimination and Equal Opportunity Assurance (and Regulation);
 - 29 C.F.R. Part 93 – Certification Regarding Lobbying (and Regulation);
 - 29 C.F.R. Parts 94 and 95 – Drug Free Workplace and Debarment and Suspension; Certifications (and Regulation).

Section 1 – Attachment 2

CONTRACT (TEMPLATE)
PART I
SUMMARY AND SIGNATURES

Contracting Agency:

Contractor:

Local Workforce Investment Area:

Contract Title:

Contract Number:

Contract Amount:

Source:

Funding Period:

Submit Requisitions to:

Office of Workforce Development

Oklahoma State University-Oklahoma City

900 N. Portland Ave.

Oklahoma City, OK 73107-6120

Issue Payment To:

Part I – Summary and Signatures

Part II – Terms and Conditions

AGREEMENT COMPONENTS:

Non-Construction Programs Assurances

Nondiscrimination and Equal
Opportunity Assurances

SPECIAL CONDITIONS:

SIGNATURES – EXECUTION OF CONTRACT

The rights and obligations of the parties to this contract are subject to and governed by Part II-Terms and Conditions. To the extent of any inconsistency between the general and the specific, the specific governs.

I certify that I am authorized to sign this document, and any attachments or addendums thereto, and I have read and agree to all parts of the contract.

Executed by:

Signature of Authorized Official

Date

Executed by:

Signature of Authorized OOWD Official

Date

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

NONDISCRIMINATION AND EQUAL OPPORTUNITY ASSURANCE

As a condition to the award of financial assistance from the Department of Labor, under Title I of the Workforce Innovation and Opportunity Act, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I financially assisted program or identity;

Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;

Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;

The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and

Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

The grant applicant also assures that, as a recipient of WIOA Title I financial assistance, it will comply with 29 CFR part 38 and all other regulations implementing the laws listed above.

This assurance applies to the grant applicant's operation of the WIOA Title I financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I financially assisted program or activity.

The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

SECTION 2 – DESIGNATION OF STATE AND LOCAL LEVEL EQUAL OPPORTUNITY OFFICERS *(29 CFR PART 38.28 THROUGH 38.33)*

PURPOSE

The purpose of this Nondiscrimination Plan (NDP) is to provide a reasonable guarantee of the State of Oklahoma's (State) compliance with the Americans with Disability Act, Section 504 of the Rehabilitation Act of 1973 (as amended), Section 188 of the Workforce Innovation and Opportunity Act (WIOA) of 2014, and 29 CFR Part 38. The NDP applies to: (1) any recipient; (2) programs and activities that are part of the WIOA One-Stop delivery system and that are operated by One-Stop partners (OSP) listed in this element, to the extent that the programs and activities are being conducted as part of the One-Stop delivery system; and (3) the employment practices of a recipient and/or OSPs, as provided in 29 CFR 38.2. The NDP must be renewed every two years, and the state must advise the United States Department of Labor's (DOL) Civil Rights Center (CRC) promptly of updates to the NDP, and of changes to the State-level WIOA Equal Opportunity (EO) Officer (hereafter State EO Officer) to ensure compliance with 29 CFR 38.55(b). Additionally, the State EO Officer should not be in a position that would constitute a conflict of interest. The State must assure that on equal opportunity matters, the State EO Officer reports directly to the Governor and/or designee.

DESIGNATIONS

Each individual designated as a State-level EO Officer and each individual designated as a local level Equal Opportunity Officer, by name, position title, business address and telephone number. (29 CFR 32.28)

State-level WIOA EO Officer

Karla Jackson - Workforce System Design & State EO Officer
Oklahoma Department of Commerce | Oklahoma Office of Workforce Development
900 N. Stiles Avenue
Oklahoma City, OK 73104
Phone: (405) 208-9620 | TTY: 711 or 800-722-0353
Email: eoofficer@okcommerce.gov

Workforce Administration

Oklahoma Department of Commerce | Oklahoma Office of Workforce Development
Susannah Gravley - Interim Executive Director – Deputy Director
Oklahoma Department of Commerce | Oklahoma Office of Workforce Development
900 N. Stiles Avenue
Oklahoma City, OK 73104
Phone: (405) 215-4607 | TTY: 711 or 800-722-0353
Email: Susannah.Gravley@okcommerce.gov

Local Workforce Development Areas (LWDA) Designated EO Officers

The State of Oklahoma has six (6) Local Workforce Development Areas. Each LWDA has identified an EO Officer and their Director.

Central Workforce Development Area

LWDA Director

Ashley Sellers
Executive Director
Central Workforce Development Board
3813 N. Santa Fe, Suite 135
Oklahoma City, OK 73118
Phone: (405) 622-2026 ext. 302
TTY: 711 or 800-722-0353
Email: asheysellers@cowib.org

EO Officer

Kim Chapman
EO Officer/OSO
Central Workforce Development Board
3813 N. Santa Fe, Suite 135
Oklahoma City, OK 73118
Phone: (405) 622-2026, x313
TTY: 711 or 800-722-0353
Email: kimchapman@cowib.org

Northeast Workforce Development Area

LWDA Director

Michelle Bish
Executive Director
Northeast Workforce Development Board
5238 OK Highway 167
Catoosa, OK 74015
Phone: (918) 907-0902
TTY: 711 or 800-722-0353
Email: michelle.bish@northeastworkforceboard.com

EO Officer

Jeremy Frutchey
Compliance Monitor/EEO Officer
Northeast Workforce Development Board
5238 OK Highway 167
Catoosa, OK 74015
Phone: (406) 269-2821
TTY: 711 or 800-722-0353
Email: jeremy.frutchey@northeastworkforceboard.com

South Central Workforce Development Area

LWDA Director

Trina Southard
Director
South Central Workforce Development Board
1711 SW 11th Street
Lawton, OK 73501
Phone: (580) 357-3500
TTY: 711 or 800-722-0353
Email: trinas@scworkforceboard.org

EO Officer

Carol Estes
Board Monitor & Equal Opportunity Officer
South Central Workforce Development Board
1711 SW 11th Street
Lawton, OK 73501
Phone: (580) 357-3500
TTY: 711 or 800-722-0353
Email: carol@scworkforceboard.org

Southern Workforce Development Area

LWDA Director

Kerry Manning
Director
Southern Workforce Development Board
3202 W. University Blvd.
P.O. Box 1577
Durant, OK 74702
Phone: (580) 745-5397
TTY: 711 or 800-722-0353
Email: kmanning@swb-ok.com

EO Officer

Karen Davidson
Equal Employment Opportunity Officer
Southern Workforce Development Board
3202 W. University Blvd.
P.O. Box 1577
Durant, OK 74702
Phone: (580) 745-5397
TTY: 711 or 800-722-0353
Email: kdavidson@swb-ok.com

Green Country Workforce Development Area

LWDA Director

Christi Porter
Executive Director
Green Country Workforce Development Board
14002 E. 21st St., Suite 825
Tulsa, OK 74134
Phone: (580) 254-4880
TTY: 711 or 800-722-0353
Email: cporter@greencountryworks.org

EO Officer

Michael Branan
Directory of Operations & EO Officer
Green Country Workforce Development Board
14002 E. 21st St., Suite 825
Tulsa, OK 74134
Phone: (918) 351-9917
TTY: 711 or 800-722-0353
Email: mbranan@greencountryworks.org

Western Oklahoma Workforce Development Area

LWDA Director

Rebecca Shuyler
Executive Director
Western Oklahoma Workforce
Development Board
1222 10th St., Suite 115
Woodward, OK 73801
Phone: (580) 256-8553 x 5
TTY: 711 or 800-722-0353
Email: rshuyler@wowdb.org

EO Officer

Venita McGuire
EO Officer/ETP Administrator
Western Oklahoma Workforce
Development Board
1222 10th St., Suite 115
Woodward, OK 73801
Phone: (580) 256-8553 x 2
TTY: 711 or 800-722-0353
Email: venitamcguire@wowdb.org

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

The Governor of Oklahoma has designated the Oklahoma Office of Workforce Development (OOWD) to administer implementation of the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act (WIOA) as they relate to workforce development activities. The Governor (or his designee) has designated Karla Jackson, as the State EO Officer responsible for ensuring that all WIOA Title I, One-Stop Partners and Oklahoma Employment Security Commission (OESC) are operated in a nondiscriminatory manner. The State EO Officer is designated by the Executive Director of the Oklahoma Office of Workforce Development (OOWD), the Governor's designee, and has full accessibility to the Governor's Office for matters related to equal opportunity and nondiscrimination. The State EO Officer is responsible for ensuring the One-Stop Center programs that receive federal financial assistance are in compliance with the nondiscrimination and equal opportunity provisions in Section 188 of WIOA and 29 CFR Part 38. The State EO Officer has knowledge of WIOA, principles and practices of compliance monitoring, federal and state laws, as well as rules and regulations.

In addition, the State EO Officer's body of knowledge includes the workforce system policies, computerized products used in tracking, performance reports, the monitoring of systems and processes, and the compliance practices and techniques.

The State EO Officer attends all EO related trainings allowed by the State's administrative budget to maintain these competencies in order to oversee and assist in the development and implementation of Oklahoma's Nondiscrimination Plan under 29 CFR 38.54. Trainings include, but are not limited to, EEOC training, NASWA EO Committee training and the Civil Rights Center training.

Nondiscrimination Plan

The Oklahoma Office of Workforce Development develops and submits to the Civil Rights Center every two years Oklahoma's Nondiscrimination Plan. This document outlines the equal opportunity policies, procedures, and system established by our Governor to give a reasonable commitment that the State and its recipients will comply with the USDOL equal opportunity and nondiscrimination requirements. The State EO Officer is responsible for overseeing the development and implementation of Oklahoma's Nondiscrimination Plan.

The State Equal Opportunity is responsible for developing and publishing the procedures for processing discrimination complaints that will be used within his or her area of jurisdiction. The State EO Officer is responsible for the discrimination complaint procedures to be used at the State and local levels. The WIOA nondiscrimination regulations provide that "any person who believes that either he or she, or any specific class of individuals, has been or is being subjected to discrimination prohibited by WIOA or 29 CFR Part 38, may file a written complaint, either by him/herself or through a representative." This language means that anyone may file a complaint if she/he believes that discrimination is taking place within the Oklahoma workforce system.

The duties of the State EO Officer, and the manner in which those duties are carried out. Describe both the State EO duties, responsibilities and activities associated with the implementation of 29 CFR Part 38, and all other duties, responsibilities and activities.

The State EO Officer's designated duties corresponding to the implementation of 29 CFR Part 38 includes:
(Section 2 Documentation – Attachment 1)

- Coordinating the State EO responsibilities under 29 CFR Part 28;
- Functioning as the state's liaison with the Civil Rights Center;
- Monitoring the LWDAs, OSPs, (recipients and sub-recipients) and State Unemployment Insurance (UI) programs to ensure WIOA Title I financially assisted programs and/or activities are operating in a nondiscriminatory manner. The State EO Officer prepares monitoring reports including any needed corrective actions and monitors the corrective actions for completion and compliance;
- Developing, coordinating, providing oversight, researching, analyzing data, preparing reports, revising policies and procedures for equal opportunity and civil rights as well as other communications relative to programmatic performance on assigned LWDA, OSPs, and UI;
- Conducting, leading, or assisting monitoring investigations (i.e., determines nature, scope, and direction of the investigation);
- Writing correspondence and reports regarding findings of investigations;
- Providing appropriate resource and referral information for complainants and for members of the general public relative to discrimination and employment law;
- Reporting conflicts or apparent conflicts of interest to appropriate parties;
- Reviewing and analyzing complaints for WIOA jurisdiction and basis of discrimination;
- Reviewing data and information to discern specific trends or patterns which could reflect possible accessibility issues or need for targeted outreach;
- Initiating and coordinating meetings to provide information to or resolve issues with contractors, programs or other groups both within and outside the department and/or the general public;
- Providing technical assistance and training, as required, to contracted providers and Department staff relating to the implementation and operation of contracted activities and requirements within designated LWDA, OSPs and UI;
- Interpreting federal and state laws, regulations, policies and procedures related to program services, as well as LWDA, OSPs, UI policies and procedures to ensure compliance with equal opportunity and civil rights;
- Overseeing and assisting the development and implementation of the recipient's Nondiscrimination Plan under 29 CFR 38.54;
- Preparing and presenting Equal Opportunity information and/or concerns to executive management, directors, managers, and supervisors;
- Reporting directly to the appropriate official about equal opportunity matters;
- Undergoing training to maintain competency; and
- Performing equal opportunity related work as required.

All equal opportunity matters within the six (6) Local Workforce Development Areas (LWDA) are referred directly to the individual Local EO Officer. The Local EO Officers are responsible for:

- Serving as the recipient's liaison with the State EO Officer and CRC;
- Developing and publishing the recipient's procedures for processing discrimination complaints and making sure those procedures are followed;
- Reporting to the appropriate official about equal opportunity matters;
- Ensuring that the roles and duties of the Local EO Officers are given top priority to adequately accomplish all of his/her responsibilities under WIOA Section 188 and 29 CFR 38;
- Undergoing training to maintain competency;
- Monitoring and investigating the recipient's activities, and the activities of the entities that receive WIOA Title I financial assistance from the recipient, to make sure that the recipient and its sub-recipients are not violating their nondiscrimination and equal opportunity obligations under WIOA Title I and 29 CFR Part 38;
- Reviewing written policies to ensure they are nondiscriminatory; and
- Coordinating all local-level, WIOA EO activities, thus ensuring compliance with the nondiscrimination and equal opportunity provisions of WIOA are implemented and enforced.

The manner in which the recipient makes the identity of the EO Officer(s) known to applicants, registrants, eligible applicants/registrants, participants, employees, and applicants for employment, as well as interested members of the public.

The notice/poster, "Equal Opportunity Is the Law", is distributed by the State EO Officer to all LWDAs electronically (English and Spanish) and includes LWDA EO Officer or UI EO Officer's information before being printed and posted. (*Section 2 Documentation – Attachments 2 and 3*) The "Equal Opportunity Is the Law" notice/poster is included with LWDA forms, such as participant enrollment forms, policies, etc. Registrants, eligible applicants, participants, claimants, employees and applicants for employment and interested members of the public are made aware of the LWDA EO Officer's information through the LWDA nondiscrimination posters, policies, and letters. The State, LWDA, UI and WP EO Officer's name and contact information appear on any communications regarding nondiscrimination and equal opportunity programs. Policies are posted on the [Oklahoma Works website](#).

The level of staff and other resources available to State and local level EO Officer(s) to ensure that WIOA Title I financially assisted programs and activities operate in a nondiscriminatory way.

The Oklahoma Office of Workforce Development (OOWD) employs sufficient staff and adequate resources to ensure the State EO Officer is in compliance with the nondiscrimination and equal opportunity provisions of Section 188 of the WIOA and with 29 CFR 38.28.

The State EO Officer meets and corresponds with the LWDA EO Officers, at a minimum, on an annual basis to discuss updates in regulations, monitoring strategies, data analysis and other EO matters, as needed.

The State EO Officer's salary is funded by the WIOA fifteen percent allowable statewide set-aside funding.

Each LWDA has appointed an EO Officer that has staff and other available resources to ensure that programs and activities operate in a nondiscriminatory way.

An EO Officer may be assigned other duties, but he or she must be able to give top priority to, and to adequately accomplish all of his or her responsibilities or activities that create a conflict or the appearance of a conflict, with his or her duties as an EO Officer.

The State's plan for ensuring that State and local level EO Officers and their staff are sufficiently trained to maintain competency. *(Section 2 Documentation – Attachment 4)*

The State EO Officer is a member and attends annually sponsored National Association of State Workforce Agencies (NASWA) Equal Opportunity trainings, as well as EO classes and training conferences offered through webinars from Workforce GPS, U.S. Department of Labor (USDOL)/CRC, National Skills Coalition (NSC), Equal Employment Opportunity Commission (EEOC), ABLE Tech to maintain competency, and others.

The State requires that LWDA staff receive annual EO training via Local EO Officers, the State EO Officer, or through the WIOA Technical Assistance Conferences or similar conferences and trainings.

OOWD makes training available to the State EO Officer in areas related to equal opportunity and nondiscrimination, such as the Section 504 of the Rehabilitation Act, Age Discrimination Act, Fair Labor Standards Act, Family and Medical Leave Act, Sexual Harassment and Diversity, Limited English Proficiency, Equal Employment Opportunity Principles and Practices, American Disability Act Management Responsibilities and the Health Insurance Portability Accountability Act. This training helps ensure the Local EO Officers understand the responsibilities required in the enforcement of equal opportunity and nondiscrimination laws under WIOA.

The State EO Officer communicates via telephone, email and in person with LWDA EO Officers and UI EO Officer regarding equal opportunity and nondiscrimination issues, policies, training opportunities and other relevant matters as they are presented for public knowledge by USDOL.

The identity, by name, title and organization, of the individual to whom each State and local level EO Officer reports on equal opportunity matters and reporting relationships.

Karla Jackson, Workforce System Design & State EO Officer, OOWD, has full accessibility to the Governor's Office on equal opportunity matters.

LWDA EO Officers are required to report directly to their highest-ranking officer in their organization (such as Local Workforce Board Directors) on all equal opportunity matters as well as to the State EO Officer. He or she must have access to that person without undue delay or obstructions, to ensure that the necessary flow of information between the EO Officer and the top official is not hindered.

A description of the professional and support staffing levels and resources provided to each State and local level EO Officer to assist him or her in ensuring compliance with WIOA Section 188 and 29 CFR Part 38.

The OOWD develops and disseminates policy guidelines for use in equal opportunity and nondiscrimination issues, directives, etc. The State EO Officer conducts annual compliance monitoring to examine the LWDA written materials such as case files, physical locations, policies, procedures, etc., for items relating to equal opportunity and nondiscrimination issues. If any discrimination issues arise, the monitoring may occur earlier when the severity of the issue necessitates. OOWD provides assistance with information technology services, administrative planning, budgeting, personnel and facilities, as needed.

The type and level of training each State and local level EO Officer has received and will receive to ensure that he or she is capable of fulfilling his or her responsibilities as an EO Officer.

The State EO Officer may attend training and seminars conducted by the Equal Employment & Opportunity Commission (EEOC), Equal Opportunity Conferences hosted by the National Association of State Workforce Agencies (NASWA), their EO Committee, and the U.S. Department of Labor, webinars provided by the Civil Rights Center, National Skills Coalition, Workforce GPS, and other organizations as well as Oklahoma-related training.

The State EO Officer provides annual trainings to LWDA EO Officers and (if necessary) OSPs to ensure that LWDAOs, OSPs and other recipients understand and implement the requirements of the equal opportunity provisions of the WIOA, Section 188 and 29 CFR Part 38. The State EO Officer provides links to LWDA EO Officers on relevant webinars related to equal opportunity and nondiscrimination issues, policies and training opportunities.

The means by which the State makes public the names, position titles and telephone numbers (including TDD/TTY numbers) of State EO Officer and each local level EO Officer. (29 CFR 38.29)

The primary dissemination of the State EO Officer's name and contact information is on the "Equal Opportunity Is the Law" notice/poster. The notice contains information including the State EO Officer by name, title, business address, e-mail address, and telephone number including the TDD/TTY number. Additionally, the State publishes a directory on the [Oklahoma Works website, www.OklahomaWorks.gov](http://www.OklahomaWorks.gov) to locate the State and LWDA EO Officers.

Section 2 – Documentation

ATTACHMENTS

1. State Equal Opportunity Officer Job Description
2. Equal Opportunity Is the Law Notice – State EO Officer (*English*)
3. Equal Opportunity Is the Law Notice – State EO Officer (*Spanish*)
4. Equal Opportunity and Nondiscrimination Training Transcript

**Department of Commerce
Job Description**

Position Title: State Equal Opportunity Officer
Department: Oklahoma Office of Workforce Development (OOWD)
Reports To: Executive Director of Oklahoma Office of Workforce Development

Supervises the Work of: No direct staff supervisory responsibilities

Position Summary

The State Equal Opportunity Officer serves as the OOWD’s liaison with the U.S. Department of Labor’s Civil Rights Center, and is responsible for coordinating a recipient’s obligations under Section 188 of the Workforce Innovation and Opportunity Act (WIOA) and Section 29 CFR Part 38 of related regulations, requiring nondiscrimination and equal opportunity in the administration, oversight and delivery of WIOA-related services, aid, benefits, training, and employment practices. All EO Officers are responsible for monitoring and investigating the recipient’s activities, and the programmatic activities of the entities that receive WIOA Title I funding, and working with other WIOA partner agencies that operate federal programs, including: Department of Rehabilitation Services, Department of Career and Technology Education, and the Employment Security Commission, among others. This position is responsible for conducting training, evaluations, coordination, and capacity building about equal opportunity and nondiscrimination requirements, including how to file a complaint of discrimination; undergoing training to maintain the competency of the EO Officer and staff; overseeing the development and implementation of the nondiscrimination plan; monitoring that includes data collection and analysis; reviewing all policies and procedures to ensure they are non-discriminatory; developing written policies and procedures for processing complaints of discrimination, to include a tracking system of the complaints; and ensuring Limited English Proficiency (LEP) policies and procedures are written and followed.

The State Equal Opportunity Office is responsible for offering interpretation and application of the Workforce Innovation and Opportunity Act (WIOA) in compliance with state law in Oklahoma, in other areas that do not present an actual or apparent conflict of interest with the responsibilities of an EO Officer. The person in this position will assist in quality policy development processes, writing local program policy, and ensuring policy implementation through appropriate monitoring. The Policy and Program Officer supports and provides back up, as needed, to other Officers, and leadership positions. In conjunction and cooperation of programmatic staff, this position interprets, develops, issues and implements program policies to ensure statewide service delivery meets the standards outlined by the WIOA Act and Regulations.

REQUIREMENTS:

Work Experience

Five years of experience working with federal or state law, or an equivalent combination of education and experience.

Experience with federal Department of Labor programs and grants preferred.

Direct experience with the Workforce Innovation and Opportunity Act, or its predecessor the Workforce Investment Act; and/or direct experience with EEO/AA/ADA and labor law preferred.

Knowledge, Skills, and Abilities

Knowledge of:

- Federal, State, and local legislation, case law, and regulations pertaining to EEO, including:
 - WIOA Section 188 and related civil rights laws
 - Title VI of the Civil Rights Act of 1964
 - Section 504 of the Rehabilitation Act of 1973; and the ADA of 1990 as amended
 - The Age Discrimination Act of 1975
 - Title IX of the Education Amendments Act of 1972
 - Related retaliation clauses
- Discrimination complaint investigation techniques.
- Principles and practices of public administration, governmental budgeting, supervision, personnel administration, analytical procedures, and modern office management methods and practices.
- Qualitative and quantitative (statistical) analysis techniques.
- Principles and methods of recruitment, selection, and upward mobility of employees, if needed.

Skill in:

- Collecting and analyzing large volumes of data and reaching a conclusion supported by research.
- Analyzing complex problems and identifying alternative actions and solutions.
- Building a consensus among parties with competing or conflicting interests.
- Presenting ideas effectively verbally and in writing.
- Eliciting information and effectively listening.
- Counseling and resolving problems.
- Use of computers, computer applications, and software.

Ability to:

- Interpret and apply regulatory practices, rules, and policies to factual situations.
- Conduct investigations and write clear, concise reports.
- Gather, interpret, analyze, and evaluate data.
- Operate with a high degree of ethical and professional obligation.
- Identify ramifications of decisions, anticipate problems, and take proactive action.
- Establish and maintain effective working relationships with people of diverse backgrounds, both internal and external to the organization.

- Work well in a team environment.
- Meet urgent deadlines with short-turnaround times in a highly political environment.

Evidences a history of demonstrating ethical and professional behavior

Certifications &/or Licenses

Preferred: Equal Opportunity Certified; Equal Employment Opportunity Commission Investigator; Mediator Certification; Project Management Certification

Education

Bachelor's Degree or equivalent combination of education and experience and certification

Preferred Qualifications.

- Master's Degree in human resource management, public policy, public administration, or related field

Essential Job Functions:

1. Investigate violations of equal opportunity laws and policies to ensure the public workforce system is employing and serving people without regard to race, religion, color, national origin, sex, age, or disability.
2. Monitor and evaluate the adequacy and effectiveness of the policies and procedures used to guide EO/AA and ADA programs and compliance in workforce centers on a consistent basis.
3. Interpret civil rights laws for the workforce system.
4. Clarify issues regarding equal opportunity.
5. Evaluate the workforce system to determine if systematic discrimination is occurring.
6. Process complaints and act as arbitrator to mediate disputes.
7. Develop guidelines for non-discriminatory practices.
8. Keep informed on all current equal opportunity and affirmative action issues.
9. Provide procedural information to complainants on filing charges of failure to adhere to equal opportunity and affirmative action policies and procedures.
10. Disseminate information.
11. Train state and local staff on EO issues and procedures, among other topics, and provide technical assistance as needed.
12. Maintain open lines of communications and feedback for those who have reported discrimination.
13. Maintain quality records.
14. Create and timely submit quality state and federal reports and required plans and policies.
15. Completes all mandatory training and participates in a minimum of two professional development each year.
16. Performs other duties as assigned.

The duties listed in this job description are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

Working Conditions:

Normal office working environment; in-state travel required often, out-of-state travel for training and professional development also required on occasion.

Physical Requirements:

Normal office working environment.

The work environment and physical demands described here are representative of those required by an employee to perform the essential functions of this job with or without reasonable accommodations.



EQUAL OPPORTUNITY IS THE LAW

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases: against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual’s citizenship status or participation in any WIOA Title I–financially assisted program or activity.

The recipient must not discriminate in any of the following areas: deciding who will be admitted, or have access, to any WIOA Title I–financially assisted program or activity; providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

Recipients of federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

If you think you have been subjected to discrimination under the Wagner-Peyser Act, a WIOA Title I–financially assisted program or activity, or unsure as to where to file your complaint, you may file a complaint within 180 days from the date of the alleged violation with either:

Name: _____
Local EO Officer
Address: _____

Phone: _____
TDD/TTY: _____
Email: _____

Karla Jackson
Workforce System Design & State Equal Opportunity Officer
Oklahoma Department of Commerce
Oklahoma Office of Workforce Development
900 N. Stiles Avenue
Oklahoma City, OK 73104
Office Phone: (405) 815-5177
Cell Phone: (405) 208-9620
TTY: 711 or 800-722-0353
Email: eoofficer@okcommerce.gov

Naomi M. Barry-Perez, Director
Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue NW,
Room N-4123,
Washington, DC 20210
Phone: (202) 693-6500
Fax: (202) 693-6505
TTY: (202) 693-6516
or electronically as directed on the
CRC website at www.dol.gov/crc.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above). If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient). If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

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



OKLAHOMA

Section 2 – Attachment 3

LA IGUALDAD DE OPORTUNIDAD ES LA LEY

La ley prohíbe que este beneficiario de asistencia financiera federal discrimine por los siguientes motivos: contra cualquier individuo en los Estados Unidos por su raza, color, religión, sexo (incluyendo el embarazo, el parto y las condiciones médicas relacionadas, y los estereotipos sexuales, el estatus transgénero y la identidad de género), origen nacional (incluyendo el dominio limitado del inglés), edad, discapacidad, afiliación o creencia política, o contra cualquier beneficiario, solicitante de trabajo o participante en programas de capacitación que reciben apoyo financiero bajo el Título I de la ley de Innovación y Oportunidad en la Fuerza Laboral (WIOA, por sus siglas en inglés), debido a su ciudadanía, o por su participación en un programa o actividad que recibe asistencia financiera bajo el Título I de WIOA.

El beneficiario no deberá discriminar en los siguientes áreas: decidiendo quién será permitido de participar, o tendrá acceso a cualquier programa o actividad que recibe apoyo financiero bajo el Título I de WIOA; proporcionando oportunidades en, o tratar a cualquier persona con respecto a un programa o actividad semejante; o tomar decisiones de empleo en la administración de, o en conexión a un programa o actividad semejante.

Los beneficiarios de asistencia financiera federal deben tomar medidas razonables para garantizar que las comunicaciones con las personas con discapacidades sean tan efectivas como las comunicaciones con los demás. Esto significa que, a petición y sin costo alguno para el individuo, los recipientes están obligados a proporcionar ayuda auxiliar y servicios para individuos con discapacidades calificados.

QUE DEBE HACER SI CREE QUE HA SIDO DISCRIMINADO

Si usted piensa que ha sido discriminado en un programa o actividad que recibe apoyo financiero bajo el Título I de WIOA, usted puede presentar una queja no más de 180 días después de la fecha en que ocurrió la presunta violación, ya sea con: El oficial de igualdad de oportunidad del recipiente (o la persona que el recipiente haya designado para este propósito);

Name: _____
Local EO Officer
Address: _____

Teléfono: _____
TDD/TTY: _____
Email: _____

Karla Jackson
Workforce System Design & State Equal Opportunity Officer
Oklahoma Department of Commerce
Oklahoma Office of Workforce Development
900 N. Stiles Avenue
Oklahoma City, OK 73104
Teléfono: (405) 815-5177
Teléfono móvil (405) 208-9620
TTY: 711 or 800-722-0353
Email: eoofficer@okcommerce.gov

Naomi M. Barry-Perez, Director
Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue NW,
Room N-4123,
Washington, DC 20210
Teléfono: (202) 693-6500
Fax: (202) 693-6505
TTY: (202) 693-6516
o electrónicamente como indica el sitio web del CRC
www.dol.gov/crc.

Si usted presenta una queja con el recipiente, usted debe esperar hasta que el recipiente emita una decisión final escrita o que pasen por lo menos 90 días (lo que ocurra primero), antes de presentar una queja con el Centro de Derechos Civiles (CRC, por sus siglas en inglés) a la dirección mencionada previamente. Si el beneficiario no le entrega una decisión final escrita dentro de 90 días después de la fecha en que presento su queja, usted puede presentar su queja con el CRC antes que reciba la decisión final. Sin embargo, es necesario presentar su queja con el CRC dentro de 30 días después de la fecha límite de 90 días (en otras palabras, dentro de 120 días después de la fecha en que presento la queja con el recipiente). Si el recipiente emite una decisión final escrita, pero usted no está satisfecho con él resultado o resolución, usted puede presentar una queja con el CRC. Usted debe presentar su queja con el CRC dentro de 30 días después que reciba la decision final escrita.

Empleador/programa con Igualdad de Oportunidades
Aparatos y servicios auxiliare están disponibles a petición a las personas con discapacidades

WIOA
EQUAL OPPORTUNITY AND NONDISCRIMINATION
TRAINING

State EO Officer-Training Received

- 2022
 - NAJA 2022 – San Francisco, CA
 - AGA – Fraud Prevention Training, Washington, DC
 - 2nd Annual EO Summit, Kansas City, KS
 - Webinar - DEIA – What’s the Buzz and How Do We Start?
 - Webinar on Getting to Know us: Agency Overview of EEOC and DOL-OFCCP, Women’s Bureau, Wage and Hour Division

- 2023
 - NASWA quarterly meetings
 - Job Quality Academy Overview: Pre-Applicant Webinar
 - NAJA 2023 – Chicago, IL
 - NAWDP – New Orleans, LA
 - Webcast: An Overview of ETA Monitoring & Oversight Training Series and Introduction to the Framework for Monitoring & Oversight
 - Podcast: Understanding and Monitoring Governance

EO, ADA & Nondiscrimination – Training Provided

- 2023
 - Preparing for Equity-Focused Evaluation in Workforce Development
 - Quarterly EO meeting and training

SECTION 3 – NOTICE AND COMMUNICATION

PURPOSE

In Element Three, the State addresses how it, its WIOA OSPs, and their recipients comply with the requirements of 29 CFR 38.34 through 38.39. The State ensures the establishment of a notice and communication system that is accessible to all registrants for WIOA funded services, applicants for employment, employees and interested members of the public, making them aware of the WIOA One-Stop's requirements to operate its programs and activities in a nondiscriminatory manner, and the extent of the rights of members of these groups to file complaints of discrimination.

NARRATIVE

The methods and frequency of dissemination of the notice/poster, including initial dissemination. (29 CFR 38.34)

The "Equal Opportunity Is the Law" notice/poster (English and Spanish), is distributed annually and sent electronically, or by other methods, to LWDA, WP, UI EO Officers/Area Managers including OSPs. This allows the partners to edit the documents to include information about the identification and contact information of the EO Officer for each LWDA. *(See Section 2 Documentation – Attachments 1 & 2)*

As changes occur, a notice is sent out electronically to all WIOA recipients and includes the name of any new State and/or LWDA EO Officer(s). All WIOA EO complaints may be filed at the local level, the state level or directly with the U.S. Department of Labor/Civil Rights Center (USDOL/CRC).

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

In the instructions for posting the "Equal Opportunity Is the Law" notice/poster, the LWDA's and OSPs are instructed to read the notice/poster to anyone who requests assistance or when staff observe the customer is visually impaired or might have difficulty reading the poster without assistance.

Auxiliary aids must be obtained for an individual who requests an aide, or staff have observed the customer is visually or hearing impaired or might have difficulty reading. Auxiliary aids or services may include: qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, telecommunications devices for deaf persons (TDDs/TTYs), videotext displays, or other effective means of making aurally delivered materials available to individuals with hearing impairments. Also used are qualified readers, recorded texts, audio recordings, Braille materials, large print materials, and other effective means of making visually delivered materials available to individuals with hearing impairments.

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

The State has notified each of the WIOA One-Stop system partners in writing as required by the law under WIOA Section 188 to clearly display the “Equal Opportunity Is the Law” notice/poster in all facilities throughout the State where OSPs, UI, and WIOA Title I funded activities are conducted, including One-Stop Centers.

The State EO Officer completes on-site monitoring of a sample of at least one Center in each Local Workforce Development Area on an annual basis to ensure that the recipients have the required posters in place. Local Workforce Development Boards complete a self-evaluation of compliance with the Nondiscrimination Plan yearly. *(Section 3 Documentation – Attachment 1)* The review includes review of the required postings.

The means by which a copy of the notice is placed in the participant’s file (29 CFR 38.37), or where the files are maintained electronically, how the requirement of 38.31(a) is and will continue to be met.

The State requires a permanent paper file or electronic record be maintained on all participants. All LWDAAs in the State are required, at the time of orientation whether in a group setting or one on one, to include the document detailing the equal opportunity law and all other WIOA documentation in the participant’s permanent paper or electronic file.

State ensures that recruitment brochures and other materials routinely made available to the public include the statements “equal opportunity employer/program” and “auxiliary aids and services are available upon request to individuals with disabilities.” (29 CFR 38.34(a))

In accordance with 29 CFR 38.34, all recipient publications (State, LWDA and sub-recipients) must include the equal opportunity policy statement that indicates the recipient is “an equal opportunity employer/program”. Additionally, all recipient publications must include the appropriate tag lines “auxiliary aids and services available upon request to individuals with disabilities”. The State’s WIOA section, LWDAAs and OSPs include the equal opportunity policy statement and the appropriate tag lines in publications, and other broadcasts it disseminates. Each recipient is responsible for including the equal opportunity policy statement and the appropriate tag lines on all brochures, publications, web sites, and broadcasts. The State ensures each recipient is in compliance with this requirement during compliance reviews using the State “Equal Opportunity Monitoring Review Guide”.

Where a telephone number is included on recruitment brochures and other materials, the means by which the State ensures that the materials indicate a TDD/TTY number or provide for an equally effective means of communication with individuals with hearing impairments. (29 CFR 38.15)

During the desk and on-site compliance reviews, the State checks each of the LWDA/OSP sites for recruitment brochures and other materials ensuring that such materials provide for an equally effective means of communication with individuals with hearing and visual impairments. The State requires that all recipients provide any materials that are intended for public notification to be reviewed by either the State or LWDA EO Officers prior to the release of the material.

This ensures compliance with 29 CFR 38.15 is met. The State also requires that LWDA's utilize an effective telecommunications system. The State has in place the 7-1-1 system that ensures communication is as available to individuals with disabilities as other participants.

The steps taken to ensure that communications with individuals with disabilities are as effective as communications with others. (29 CFR 38.38)

The State EO Officer ensures that communications, offices and programs are physically accessible to disabled individuals during on-site compliance reviews. The State ensures materials indicate a TDD/TTY number and all other materials routinely made available to the public include the statements "equal opportunity employer/program" and "auxiliary aids and services available upon request to individuals with disabilities". All current available aids in the comprehensive offices throughout the State are to be maintained and staff trained in the One-Stop Centers to assist individuals with disabilities in using them.

The means by which program-related information is published or broadcast in the news media (e.g., youth summer employment/training programs; job fairs) and the means by which the State ensures that publications/broadcasts state that the program is an equal opportunity employer/program and that auxiliary aids and services are available upon request to individuals with disabilities. (29 CFR 38.38)

As required by law under WIOA, the State requires that all recipients of WIOA Title I financially assisted programs advertise in their broadcasts or media publications that they are an equal opportunity employer/program with auxiliary aids and services available upon request for individuals with disabilities.

During desk reviews, the State EO Officer will check the LWDA/OSP for statements that the program is an equal opportunity employer/program and that auxiliary aids and services are available upon request to individuals with disabilities. During desk reviews and on-site compliance reviews, the State checks each of the LWDA sites for evidence that program-related information published in the news media (e.g., publication of Requests for Proposal) include statements that the program is an equal opportunity employer/program and that auxiliary aids and services are available upon request to individuals with disabilities. The Local staff are trained to recognize and alert the appropriate EO Officer when an employer uses any discriminatory practices. The EO Officer will take the necessary corrective actions and appropriate enforcement remedies.

The manner in which and the extent to which information in languages other than English is provided, and the manner in which the State ensures that persons of Limited English Speaking ability have access to its programs and activities on a basis equal to that of those who are proficient in English. (29 CFR 38.40)

It is the policy of the State to provide services and information in a language other than English for customers with limited English proficiency (LEP) in order to effectively inform or enable those customers to participate in departmental programs or activities. (*Section 3 Documentation – Attachments 2 and 3*) When a LWDA/OSP determines a significant proportion of the population eligible to be served are more likely to be

directly affected by a program/activity needs information in a single language other than English, the LWDA and OSP must translate its written program materials into that language and provide effective interpretation services to members of the significant LEP group. The State can provide interpreters for LEP customers who are not part of a significant group in order to provide the customer meaningful access to programs and services. When an interpreter for the needed language cannot be located, the Language Line Solutions (1-866-874-3972) is used to serve the customer.

The policy of the State is to provide quality and timely language assistance services to customers with limited English proficiency (LEP) to ensure meaningful access to programs, services, and activities. The LWDA and OSP shall translate vital documents into languages other than English or include a tag line (Babel notice) in the vital document to notify the LEP customer of the importance of the document, and/or the availability of language assistance services. Babel notice is defined as a short notice included in a document or electronic medium (e.g. web site, application, “app” email) in multiple languages informing the reader that the communication contains vital information, and explaining how to access language services to have the contents of the communication provided in other languages (29 CFR Section 38.4(i)). Also, AJCs use “I Speak” cards and/or posters for language identification.

The manner in which and the extent to which orientations for registrants, applicants, eligible applicants/registrants, employees, applicants for employment, and members of the public include a discussion of the rights of such persons under WIOA Section 188 and 29 CFR Part 38. (29 CFR 38.36)

LWDAs include a discussion of equal opportunity and nondiscrimination rights as part of orientations for registrants, applicants, eligible applicants/registrants, and employees. LWDAs are required, at the time of orientation, to include a written copy of the notice detailing the equal opportunity law and all other WIOA documentation in the participant’s permanent file. The State EO Officer checks the participant’s permanent paper files or electronic records for these documents during the on-site monitoring. One-Stop applicants/registrants must register using the OKJobMatch (OKJM) system and is required to acknowledge “Equal Opportunity Is the Law” notice in order to complete registration and utilize the OKJM system.

The process the State uses to develop and communicate policy and conduct training regarding nondiscrimination and equal opportunity. (29 CFR 3.25(c), and 38.54)

[Oklahoma uses the Policy and Data Center](#) on the www.oklahomaworks.gov website to communicate policy related to nondiscrimination and equal opportunity. Policy development is standardized across the WIOA system and Title I programs, often incorporating local input.

To ensure that information is accessible to more LWDA/OSP staff, the State incorporates technology-based training solutions, statewide technical assistance conferences, and a Question & Answer section on the [Oklahoma Works](#) and [Oklahoma Employment Security Commission](#) websites. Training opportunities are released via electronic communication to LWDA EO Officers and are posted on the “Events” section on the OOWD and the OESC websites.

Section 3 – Documentation

ATTACHMENTS

1. Local Workforce Development Boards Self-Evaluation of EO Compliance (AJC Certification Checklist)
– Oklahoma Workforce Development Issuance (OWDI) #01-2019 Attachment A
2. OESC's Limited English Proficiency Policy and Procedures
3. Oklahoma Workforce Development Issuance #17-2017 Limited English Language Proficiency (LEP)

OWDI #01-2019, Change 1 Attachment A: Oklahoma Works AJC Certification Checklist (for Affiliate and Comprehensive Centers)

Equal Opportunity & Accessibility

Local Area Name:	
Oklahoma Works AJC Name & Address:	
Type of center:	Comprehensive Affiliate Specialized
Date of On-Site Evaluation:	
Evaluator Name:	

Must Meet Criteria

		Met	Not Met
EOA.1	The physical and programmatic accessibility of the one-stop center has been assessed by the local board, as required in 20 CFR 679.370.		
EOA.2	The Emergency Action plan is up to date and easily accessible. (29 CFR Part 1910.38; 29 CFR Part 1910.38)		
EOA.3	The one-stop is accessible consistent with Oklahoma Works Access for All standards found on the ABLE Tech website and is accessible to the Web Content Accessibility Guidelines 2.0, AA.		
EOA.4	The Local Equal Opportunity Officer periodically reviews the one-stop center’s policies, procedures, and facility for accessibility and equal opportunity and provides recommendations and technical assistance.		
EOA.5	There are procedures in place to receive and respond to programmatic grievances and complaints.		
EOA.6	All program services are made available to and are accessible to all individuals, including those with disabilities as detailed by the Oklahoma Works Access for All initiative.		

EOA.7	Phone, real-time Web-based communications or other technology is physically present, enables real-time interaction (e.g., via Skype) and is accessible to the Web Content Accessibility Guidelines 2.0,AA		
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[Scored Criteria](#)

		Score		
EOA.8A	Assistive technology devices or other auxiliary aids are readily available.	3 - Exceeds expectations	2 - Meets expectations	1 - Meets minimum expectation
EOA.9B	The one-stop center's resources include bilingual materials or an on-demand translation service and are tailored to the populations served.	3 - Exceeds expectations	2 - Meets expectations	1 - Meets minimum expectation
EOA.10C	Program partner staff are able to demonstrate they know how to use assistive technologies and are aware of the available resources.	3 - Exceeds expectations	2 - Meets expectations	1 - Meets minimum expectation

[Evaluator Notes](#)

OKLAHOMA EMPLOYMENT SECURITY COMMISSION LIMITED ENGLISH PROFICIENCY POLICY

I. POLICY STATEMENT

The policy of the Oklahoma Employment Security Commission (OESC) is to provide quality and timely language assistance services to customers with limited English proficiency (LEP) to ensure meaningful access to programs, services, and activities. Each affected division of the OESC shall:

- Develop and adhere to specific written procedures;
- Perform a needs and capacity assessment;
- Arrange for oral language assistance, as appropriate;
- Determine which of the OESC's documents meet the definition of a vital document;
- Translate vital documents into languages other than English or include a tag line (Babel notice) in the vital document to notify the LEP customer of the importance of the document, deadlines for appeal, and/or the availability of language assistance services;
- Provide notification to customers of the availability of language assistance services;
- Evaluate current Agency web sites for LEP compliance;
- Develop and implement standards to ensure LEP compliance on all future web pages;
- Train all staff who are likely to have contact with OESC customers and the management staff who support them;
- Develop and incorporate an accessible issue resolution process;
- Monitor and evaluate customer access to language assistance; and
- Review procedures on annual basis and update as needed.

II. AUTHORITY – TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, 42 USC 2000D et seq.

Section 601 of Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d et seq. states, "No person in the United States shall on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Regulations implementing Title VI provide in part at 45 CFR Section 80.3 (b):

(1) A recipient [the Agency is a 'recipient' under this law] under any program to which this part applies [generally any program that receives federal funds] may not, directly or through contractual or other arrangements, on ground of race, or color, or national origin:

(i) Deny an individual any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others in the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program or the class of individuals to whom, or the situations in which such services, financial aid or other benefits, or facilities will be provided...*"may not directly, or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination, because of their race, color or national origin, or have the effect of defeating or substantially impairing accomplishments of the objectives of the program with respect to individuals of a particular race, color, or national origin."* (emphasis added)

III. OVERVIEW

Title VI of the Civil Rights Act of 1964, as amended, requires that agencies take reasonable steps to ensure meaningful access to their programs and activities for persons with limited English proficiency. For the purposes of this Policy,

individuals with limited English proficiency (LEP) are defined as individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English.

OESC'S LEP policy ensures that the Agency, and all Agency services regardless of funding source, comply with the requirements of Title VI of the Civil Rights Act of 1964 by setting out standards for its affected divisions to follow. Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin by any entity receiving federal financial assistance. OESC prohibits administrative methods or procedures that have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations.

In order to avoid discrimination on the grounds of national origin, all programs or activities administered by OESC shall take adequate steps to ensure that their procedures do not deny, or have the effect of denying, individuals with LEP equal access to benefits and services for which such persons qualify. This Policy defines Agency responsibilities to ensure that individuals with LEP can communicate effectively.

IV. SCOPE

This LEP policy applies to all Agency divisions and contractors who provide direct Agency services to LEP customers. The Agency shall be responsible for development of procedures to ensure compliance with Agency LEP policy. Each division, whether or not it provides services, information, or assistance to LEP customers shall designate an LEP contact to ensure compliance.

The OESC's Civil Rights Administrator is responsible for review and approval of Agency LEP procedures. This review will be limited to ensuring the Agency LEP procedure is consistent and in compliance with the Agency LEP policy.

V. DEFINITIONS

Customer: Any applicant, claimant, or recipient of Agency services, including LEP customers.

Division: An administrative or functional unit within the Agency.

Executive Director: The Director or Deputy Director, or their designee with authority over a division.

Interpret: Providing a verbal translation between two or more persons in a language other than English. This may be done by on-site trained Agency staff, if available, contractors, or through commercially available resources, including but not limited to telephonic interpretation services.

Language Used Significantly: A language spoken at home other than English that is used by 5% or more of the population 5 years old and over in Oklahoma according to the most recent U.S. Census data.

Limited English Proficiency (LEP) Contact: The person within a division who is responsible for ensuring their division is LEP compliant.

Limited English Proficiency (LEP) Customer: Any prospective, or actual recipient of benefits or services from the Agency who cannot speak, read, write, or understand the English language at a level that permits effective interaction with the Agency.

Non-Vital Documents: Documents that are not critical to access Agency benefits and services.

Translate: Providing a written document in a language other than English.

Vital Document: A document that conveys information that affects the ability of the customer to make decisions about his or her participation in the program. The decision of whether a document is vital may depend upon the importance of the program information, encounter, or service involved, and the consequence to the LEP person if the information is not provided accurately or in a timely manner.

VI. STANDARDS

A. General statement: All Agency staff shall provide services to Agency customers in a manner which ensures all customers have meaningful access to their programs and activities, including those persons who have limited English proficiency.

B. Compliance and enforcement: It is the responsibility of each Director to ensure that

activities within the Director's division are conducted consistent with both the Agency LEP policy and the LEP procedures.

C. Agency procedures: Each division identified as warranting language assistance services shall implement Agency LEP Procedures applicable to its division activities. These procedures must be consistent with the standards listed in the Agency LEP policy. Written procedures shall address the following areas:

1. Provisions of language services generally;
2. Identification and assessment of language needs;
3. Oral language assistance services;
4. Written translations;
5. Oral and written notification of the availability of language services;
6. Issue resolution rights;
7. Staff training on language service provision; and
8. Monitoring access to language assistance.

D. Needs and capacity assessment: The Agency shall employ a four-step process to determine the need and capacity for LEP services. Determine the number or proportion of LEP customers served;

- Determine the frequency of contact between LEP customers and Agency programs;
- Assess the nature and importance of the programs;
- Assess available resources; and
- Establish an early LEP service need detection and intervention strategy.

1. ***The Agency shall identify the steps in its service delivery process and identify the anticipated number of customer interactions that occur at each of these steps.***

These steps could include points of contact with Agency staff where customers get information or staff takes an action that affects a customer's ability to meaningfully participate in an Agency program or activity. The points of contact include Agency offices, including but not limited to local offices, service centers, and appellate division offices, telephone numbers regularly used by the public, outreach activities, informational and operational web sites, and written notices. These contacts may be face-to-face, telephonic, written, or electronic.

2. ***The Agency shall identify the languages used by the populations it serves and shall use this information to determine the incidences in which the Agency expects to interact with customers in various languages other than English.***

The Agency shall use the most recent U.S. Census data to determine overall language trends in Oklahoma. These trends will be used to determine the LEP population's alternative language needs. The Agency will update this information with the issuance of new census data.

3. ***The Agency shall annually assess the language assistance needs of its LEP customers and the capacity of its programs to meet these needs.***

Agency procedures shall include the methods used to conduct this assessment.

4. ***The Agency shall implement a process*** to be used in Workforce Offices that LEP customers may use to identify and communicate their preferred language to Agency staff.

- a. The Agency shall include a procedure for displaying in a prominent manner language preference posters in offices where customer interaction is anticipated. These posters are designed to provide an opportunity for LEP persons to self-declare their language preference during Workforce Office contacts.

E. Oral language assistance:

1. The Agency ***shall arrange for oral language assistance in face-to-face and telephone contacts with LEP customers for divisions that have direct contact with LEP customers:***
Agency procedures shall identify the processes for providing oral language assistance and the method for obtaining these services. The oral language assistance portion of the Agency procedures for identifying individuals with LEP shall be consistent with those outlined in this policy. LEP services shall be provided free of charge upon the request of the customer. Agency procedures shall ensure that the provision of bilingual/interpretive services is prompt and without undue delays. Language services will be made available to LEP customers within reasonable time frames during all operating hours by:
 - a. Establishing interpreter service contracts. Direction shall be provided to all divisions on how to access and use contracts for interpreter services. Agency procedures shall identify how divisions may request and coordinate these services. Interpreter services through commercially available telephonic interpretation services shall be available when needed.
 - b. Implementing a means to compensate bilingual staff. Subject to the availability of funds, the Agency offers a bilingual skill based pay differential that compensates bilingual staff who meet required standards for performing verbal interpretation services. Agency procedures shall identify the offices in which a need for bilingual staff has been established and which languages are needed.
 - c. Orally translating vital documents into languages other than English for LEP customers.
2. Location and Accessibility of LEP Services:
The Agency shall ensure that their procedures include provisions that respond to the language needs of the populations in each area in which the ~~division~~ Agency provides services. Accommodations such as translations of commonly requested documents, bilingual staff, and telephone interpreter services should be made available at locations that are readily accessible to the public, such as reception areas and service center telephone lines.
3. Use of Bilingual Staff:
The Agency will make reasonable efforts to recruit and have bilingual staff employed in programs and activities where the number or percentage of LEP customers or potential LEP customers is statistically significant, or where the frequency of contact with such persons makes the employment of bilingual staff a more cost effective, efficient, and effective mode for communication:
 - a. The Agency shall make a decision to employ bilingual staff after a needs assessment, with due consideration given to the budgetary, personnel, and other constraints of the division.
 - b. Bilingual staff or contractors must be assessed for bilingual proficiency. The Agency should ensure that individuals providing interpretative services possess a level of fluency and comprehension appropriate to the specific nature, type, and purpose of information at issue.
4. Unacceptable Practices:
The Agency should only use family members or friends to interpret for LEP customers if the LEP customer insists on using the friend or family member after Agency-provided language services have been offered. Minor children should never be used to interpret.

F. Translation of written materials:

The Agency must identify its vital documents. Vital documents include, but are not limited to, the following for any service, benefit, or program, provided by the Agency:

- Applications;
- Documents that require a response;
- Letters or other written documents that contain information regarding participation in a program;
- Notices of eligibility criteria, authorization or denial, applicant or participant rights, benefit or service changes, and hearings;

- Complaint forms;
 - Appeal rights and complaint procedures;
 - Notices advising LEP persons of free language assistance; and
 - Any other document that the Agency deems vital due to the importance of the program, information, encounter, or service involved and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner.
1. ***The Agency shall translate its vital documents into each significantly used language of its LEP customers, or include a tag line (Babel notice) in the vital document to notify the LEP customer of the importance of the document, deadlines for appeal, and/or the availability of language assistance services.***

The Agency shall maintain contracts with commercial language translation/interpretation companies to translate written material, including required posters and signs, into languages other than English. Agency procedures shall identify the commercial language translation/interpretation companies to be used. Agency procedure shall also include a listing of the documents that meet the definition of a vital document.

2. ***The Agency shall respond to written communications from LEP customers in a manner that is consistent with this policy.***

Agency procedures shall address a process to ensure that LEP customer case records are noted as LEP when Agency staff receive information from a customer in a language other than English. Agency staff shall interact with the individual in a manner consistent with the Agency LEP policy unless the customer indicates otherwise.

3. ***The Agency should be sensitive to the literacy levels of the LEP public.***

There are situations in which the use of translated written material may not meet the needs of some Agency LEP customers. Some languages are historically unwritten or some LEP customers may be illiterate in their native language. Agency procedures must ensure that staff use the most effective means to communicate with LEP individuals. This may include either verbal or written communication.

G. Institutional considerations for translation:

1. ***The Agency shall ensure that the public is aware of available interpretation and translation assistance.***

The Agency shall include on all documents that are not translated into a language other than English a statement in each significantly used language indicating that all persons have the right to free language assistance and how the assistance can be obtained. This notification shall be included on all documents that are routinely disseminated to the public, including electronic text.

2. ***The Agency shall ensure that its electronic sources for providing vital information are LEP compliant.***

The Agency and each division shall ensure that its websites and other electronic sources for vital information or documents provide this information in significantly used languages other than English. Websites shall prominently display access to non-English versions of this information on any page that may be used as the initial point of contact for LEP individuals. Websites shall also identify methods to access language assistance free of charge.

3. ***The Agency shall produce and readily make available to its customers, an LEP Rights pamphlet in English and all other significantly used languages.***

The pamphlet shall explain that LEP services are available from the Agency free of charge and shall explain procedures for accessing these services.

4. ***The Agency may translate non-vital documents into languages other than English.***

H. Training:

Training shall include a consistent message explaining why it is important for the Agency to ensure that LEP customers are served in a manner consistent with this policy. Training shall include, but not be limited to:

1. **General training** – for all staff on the importance of providing services for individuals with LEP.
2. **Division-specific training** – to ensure that division staff who deal with or are likely to have contact with Agency customers are trained on the LEP policies and procedures. This includes, but is not limited to, specific training for staff who have LEP customer contact to work effectively with in-person and telephone interpreters.
3. **Technical assistance training** – for LEP contact staff.
4. **Management level training** – for supervisors and administrative staff assisting staff with direct customer contact.

I. Providing notice to LEP customers of the availability of language assistance services and outreach:

Agency procedures shall identify how to inform LEP customers of the availability of free language assistance services. The Agency shall make the notification at the first point of contact. Notification includes signs in intake areas or other customer entry points, outreach documents such as brochures or booklets, LEP posters and pamphlets, and telephone menus in significantly used languages:

1. The Agency shall provide the notification of free language assistance in the language of the LEP customer.
2. Consistent with its commitment to partnership and outreach, the Agency engages in comprehensive outreach to ensure awareness by LEP persons of its programs and activities. Outreach includes the leveraging of resources through other Workforce Oklahoma partnerships including but not limited to: Oklahoma Department of Human Services, Oklahoma Department of Rehabilitation Services, Oklahoma Career Technology Centers, Regional Workforce Investment Boards, and Oklahoma Department of Corrections.
3. Agency procedures shall include provisions to ensure that web pages accessible to members of the general public include information on the availability of language assistance.
4. The Agency shall maintain copies of written documents such as flyers or pamphlets intended to be used to notify persons of language assistance. Pamphlets shall be maintained in locations in which direct service to Agency customers is provided and shall be readily available to customers without the need of Agency staff intervention.

J. Monitor access to language assistance:

The Agency shall institute procedures to monitor the accessibility and quality of language assistance activities for LEP customers.

Agency procedures shall include specific time frames and methods to reassess language assistance activities to ensure that the services provided by the Agency address the actual needs of the LEP customers. Agency procedures shall ensure that such monitoring is completed no less often than every 12 months. Agency procedures should include a process for obtaining community and customer feedback in this activity through surveys, questionnaires, or other means. Data collection and record keeping are key to an effective monitoring and compliance system. In order to determine the validity of any language assistance complaints, it may be necessary to analyze and review data that reflect how the Agency provides services to LEP customers. Data collection also allows the Agency to obtain an overview of how their services are provided. The Agency procedure shall include data collection and record keeping requirements to ensure that these assessments are fact-based and reflect actual current activity. The Agency shall assess the effectiveness of its LEP policies based on:

- a. Current LEP populations in service areas;
- b. Frequency of encounters with LEP customers;
- c. Nature and importance of activities to LEP customers;
- d. Availability of resources, including technological advances, and costs imposed;
- e. Whether existing assistance is meeting the needs of the LEP customers;

- f. Whether staff know and understand the LEP procedures; and
- g. Whether identified sources for assistance are still available and viable.

K. Provision of technical assistance:

The Agency shall identify an LEP contact for division staff. Agency procedures shall include a process to ensure that LEP-related questions that arise are addressed in a timely and efficient manner.

The LEP contact shall be available to coordinate efforts towards compliance with the Agency's LEP policy and procedures.

L. Issue resolution:

1. The Agency shall create a procedure outlining an LEP issue resolution process that shall be used to resolve a concern or dispute arising from any action or inaction taken by Agency staff in administering programs or providing services.
 - a. The Agency shall require that Agency customers are advised in writing of the appropriate procedure to raise an LEP-related concern. This notification also advises the customer of their right to file a complaint at any point in time with the federal Agency responsible for the program for which they are applying.
 - b. The Agency shall ensure that any forms needed to request review of LEP-related decisions are available at any location in which Agency customers may receive services.
 - c. The Agency shall conduct the procedure in a language that is understandable by the person raising the concern. The Agency shall make appropriate use of interpreter services, contracted provider services, or other resources needed to facilitate the dispute resolution process.
 - d. The issue resolution process shall include the following:

The manager in charge at the site where an LEP-related concern is filed, or his or her designee, will review the complaint with the assistance of the division LEP contact. Staff shall reduce oral complaints to writing and shall place them in the appropriate case record. At any point in the process, the manager is empowered to resolve the complaint using methods and practices outlined the Agency LEP policy and procedures. It is the intention of the Agency most LEP issues will be resolved at this level. The manager shall ensure that all reasonable measures are pursued to immediately verbally notify the LEP customer of the outcome of the issue resolution. The Agency shall provide a written confirmation of the decision within five business days.
2. Whenever an LEP customer expresses in writing to the Agency that the Agency's attempt to resolve the issue has not met their need, the LEP customer shall be advised that a final decision may be requested from the Agency's Civil Rights Administrator. If the LEP customer is not satisfied with the Agency Civil Rights Administrator's proposed resolution, the Agency Civil Rights Administrator will again inform the LEP customer of their rights to file with the appropriate federal Agency.

VII. PROCEDURES

This policy will be supported by specific procedures which identify how action related to this policy will be conducted, including responsibilities, time frames, and required actions.

**THE OKLAHOMA EMPLOYMENT SECURITY COMMISSION
LIMITED ENGLISH PROFICIENCY PROCEDURES**

I. PURPOSE

The purpose of these procedures is to identify how specific requirements of the Oklahoma Employment Security Commission's *Limited English Proficiency* (LEP) Policy will be implemented. The Reemployment Services Divisions and the Appellate Division, (hereinafter "Division" or "Divisions"), have been identified as areas having LEP customer interaction in their service delivery process. Each of these Divisions shall designate an LEP Representative (Rep) to coordinate with the Civil Rights Administrator in meeting the requirements of the LEP Procedures. The Information Technology Division (IT) shall also designate an LEP Rep to oversee Internet website maintenance and coordinate with Division LEP Reps. Divisions may supplement these procedures, should the need arise, with additional procedures which should be approved by the Civil Rights Administrator (CRA). The following procedures are included:

- Performing the Needs and Capacity Assessment.
- Maintaining translation service contracts
- Maintaining Websites in a manner that is compliant with the LEP policy.
- Utilizing a pamphlet explaining LEP services.
- Including LEP rights information on required Division documents
- Ensuring staff are adequately trained.
- Maintaining posters explaining LEP services in each office which customers may access.
- Monitoring to ensure the Division remains compliant with LEP requirements.

II. PROCESS

A. Needs and Capacity Assessment

1. Each RES Division and the Appellate Division ("Division or Divisions") shall identify the steps in their service delivery process and identify the anticipated number of customer interactions that occur at each of these steps.
2. The Oklahoma Employment Security Commission, ("OESC" or "Agency"), shall identify the languages used by the populations it serves.
 - a. OESC shall use the U.S. census data as a reliable indicator of the languages used by the population it serves.
 - b. The data provided by the census shall be considered reliable unless other more current reliable data becomes available.

- c. The Economic Research and Analysis Division (Research) shall be responsible for conducting an assessment of the data provided by the U.S. census to determine the significantly used languages for the populations served by OESC.
 - d. Research will assume that the population served by the Agency is consistent with the overall population of the State of Oklahoma.
3. Upon designation of a new significantly used language, Research shall notify the RES and Appellate Divisions. Those Divisions will ensure that all vital documents are provided in the new language.

B. Translation /Interpretation Contracts

Translations shall comply with the directives outlined in the LEP Policy.

1. Spanish Translations

Only vendors under State approved contract shall provide translation services for Division forms and pamphlets that have been identified as vital documents.

- a. Division LEP Reps shall access translation services for vital documents by submitting documents to a Vendor under State approved contract.

2. Other Translations

The Finance Division (Finance) shall ensure that adequate contracts with vendors are in place to secure needed translation and interpretation contracts. Finance shall maintain a list of the vendors that are available to use for translation and interpretation services.

- a. Divisions may contact Finance and request a list of the approved vendors.
- b. Divisions may select the vendor that will meet their needs.
- c. Once a vendor has been identified, the Division shall follow the steps outlined in the contract to access these services. The Division LEP Rep shall ensure that all Division staff, particularly those staff who create vital documents, have the information needed in order to utilize the services of the selected vendor.

C. OESC Internet Website Maintenance

1. The IT LEP Rep is responsible for maintaining the appropriate standards for all OESC Internet Websites.
2. The Division LEP Rep or their designee shall coordinate with the IT LEP Rep to ensure that:
 - a. Vital documents placed on the OESC Internet Websites are available in all significantly used languages.
 - b. All vital information included on OESC Internet Websites is available in all significantly used languages.
 - c. The names and contact numbers for Division LEP Reps are kept current.

3. Request to modify the Internet Website shall be coordinated through the Division LEP Rep, or the Division Director, and the IT LEP Rep.

D. LEP Flyer

1. The CRA shall develop and maintain an LEP Flyer. The CRA will ensure that the LEP Flyer is:
 - a. Available in all significantly used languages, and
 - b. Accessible from the OESC Website. The CRA shall work with the IT LEP Rep to ensure that this document is accessible.
2. Division LEP Reps shall make sure that sufficient copies of the LEP Flyer are accessible to Division customers at each site in which customers are seen.
3. The LEP Flyer shall be listed in the OESC Intranet Forms section and available for printing by the Divisions.

E. LEP Rights Information

1. OESC shall include the following statement on all general information documents, including, but not limited to, electronic documents that are provided to customers but not translated into a language other than English:

English

"The Oklahoma Employment Security Commission provides language assistance free of charge. For assistance provided in your preferred language, please contact (405) 557-7100."

Spanish

"La Comisión de seguridad de empleo de Oklahoma proporciona ayuda con el idioma de forma gratuita. Para asistencia en su idioma de preferencia, por favor póngase en contacto con (405) 557-7100."

2. This wording must be in English and Spanish and located near the beginning of the document.
3. Each Division shall coordinate with the CRA to ensure that all documents, including electronic documents that are not translated into a language other than English, contain this statement.

F. TRAINING

1. The CRA is responsible for development and maintenance of LEP training materials.
2. The CRA or a designee will provide LEP Policy and Procedures training to the Divisions.
3. At a minimum, training shall include the following modules:
 - a. An overview of LEP, including a definition of LEP, the rights that those who interact with OESC have in relation to LEP, and OESC's responsibilities. This training is mandatory for all Division staff.

- b. Procedural guidelines for operation within each Division. The CRA will work with the Divisions to develop their own training packet. This training is mandatory for all Division staff.
 - c. Responsibilities for Division LEP Reps. This training is mandatory for designated LEP Reps.
 - d. Management level training designed for Division Supervisors and Managers. This training will provide guidance on ensuring staff is aware of their LEP responsibilities and that they follow up appropriately when LEP services are needed.
4. The CRA shall establish time frames for completion of required training.
 5. The CRA shall track completion of all required training except Division specific procedural training. The CRA shall notify the Division Director when it appears an individual is out of compliance with the training requirement. The individual shall then complete the training requirement within thirty (30) days.
 6. Each Division LEP Rep shall be responsible for tracking completion of Division specific procedural training.

G. Process for Identifying Preferred Language

1. The CRA shall develop and maintain a process to be used in local offices that LEP individuals may use to identify and communicate their preferred language to the appropriate Division staff.
 - a. The CRA may designate the existing LEP posters as the accepted means to meet this requirement.
 - b. The CRA may, when necessary, develop and distribute an alternative method for language identification to Division offices.
 - c. LEP posters and supplies may be obtained through the CRA.

H. Monitoring

1. Division LEP Reps shall monitor their procedures to ensure that LEP persons interacting with the OESC are receiving required LEP services.
2. Divisions that utilize customer satisfaction surveys shall include questions that are designed to determine if LEP customers are receiving necessary services. The customer satisfaction surveys must be available in all significantly used languages.
3. LEP Reps shall periodically contact their Division offices where there is public access to ensure that:
 - a. The office has an adequate supply of the acceptable LEP posters or other accepted means for those interacting with OESC to communicate their language preference.
 - b. The office has an adequate supply of LEP Flyers to ensure that LEP customers can take the information with them.

- c. Staff has the appropriate information needed to access translation and interpretation contracts.
 - d. All staff has successfully completed the mandatory LEP training.
4. Division management is responsible for reviewing the results of Division surveys and implementing corrective actions when it appears that Division LEP customers may not be receiving the services they need.
 5. Divisions may, as needed, establish additional monitoring tools to ensure Division compliance with OESC's LEP Policy.
 6. The CRA shall, on an annual basis, contact each Division LEP Rep to ensure overall agency compliance with these procedures.

OKLAHOMA WORKFORCE DEVELOPMENT ISSUANCE #17-2017

TO: Workforce Development Board Chairs
Workforce Development Board Staff
Workforce Development Fiscal Agents

FROM: Erin E. Risley-Baird, Executive Director

DATE: September 12, 2017

SUBJECT: Limited English Language Proficiency (LEP)

PURPOSE: The Oklahoma Office of Workforce Development (OOWD) as the Governor’s chosen Workforce Innovation and Opportunity Act (WIOA) administrative entity provides this issuance as guidance to communicate Oklahoma’s process and procedures regarding the prohibition against national origin discrimination as it affects persons with Limited English Proficiency (LEP). This policy applies to Local Workforce Development Boards (LWDBs) and other Workforce Innovation and Opportunity Act (WIOA) title I grant recipients, and is effective immediately.

REFERENCES:

- The Workforce Innovation and Opportunity Act (WIOA) (29 USC § 3248)
- Title 29 Code of Federal Regulations (CFR) Part 38
- [Department of Labor \(DOL\) Training and Employment Notice \(TEN\) 28-16](#), Subject: Best Practices, Partnership Models, and Resources Available for Serving English Language Learners, Immigrants, Refugees, and New Americans (January 9, 2017)

BACKGROUND:

The nondiscrimination and equal opportunity provisions found in Section 188 of WIOA and 29 CFR Part 38 prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including LEP), age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title I-financially assisted program or activity.

National origin discrimination now includes LEP under 29 CFR Section 38.9 and specifically states that in providing any aid, benefit, service, or training under a WIOA title I-financially assisted program or activity, a recipient must not, directly or through contractual, licensing, or other arrangements, discriminate on the basis of national origin, including LEP. Additionally, 29 CFR Section 38.41 added “LEP and preferred language” to the list of categories of information that each recipient must record about each applicant, registrant, eligible applicant/registrant, participant, and trainee.

DEFINITIONS:

Babel Notice: a short notice included in a document or electronic medium (e.g. web site, application, “app” email) in multiple languages informing the reader that the communication contains vital information, and explaining how to access language services to have the contents of the communication provided in other languages (29 CFR Section 38.4(i)).

Employment-related training: training that allows or enables an individual to obtain skills, abilities and/or knowledge that are designed to lead to employment (29 CFR Section 38.4(t)).

Limited English Proficiency (LEP) individual: an individual whose primary language for communication is not English and who has a limited ability to read, speak, write, and/or understand English. An LEP individual may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing) (29 CFR Section 38.4(hh)).

Limited English Proficiency (LEP) Plan: A written language access plan which assists in ensuring that LEP individuals have meaningful access to WIOA title I-financially assisted programs and activities (29 CFR Section 38.9 Appendix).

Meaningful Access: Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English proficient individuals.

Primary language: An individual’s primary language is the language in which an individual most effectively communicates, as identified by the individual.

MESSAGE:**Reasonable Steps to Ensure Meaningful Access for LEP Individuals**

LWDBs are required to take reasonable steps to ensure that LEP individuals have meaningful access to their programs and activities. Reasonable steps (29 CFR Section 38.9(b)(1)) may include, but are not limited to, the following:

- Conducting an assessment of an LEP individual to determine their language assistance needs.
- Providing oral interpretation or written translation of both hard-copy and electronic materials, in the appropriate non-English languages, to LEP individuals.
- Conducting outreach to LEP communities to improve service delivery in needed languages.

Furthermore, LWDBs should ensure that that every program delivery method, whether it be in person, electronic, or by phone, conveys in the appropriate language how an LEP individual may effectively learn about, participate in, and/or access any aid, benefit, service, or training available to them. It should also be noted that as new methods for the delivery of information or assistance are developed, LWDBs are

required to take reasonable steps to ensure that LEP individuals remain able to learn about, participate in, and/or access any aid, benefit, service, or training available to them (29 CFR Section 38.9(c)).

Language Assistance Services

Language assistance generally comes in two forms: oral interpretation or written translation. LWDBs must ensure that above all, these services are free of charge and provided in a timely manner. An LEP individual must be given adequate notice about the existence of interpretation and translation services and that they are available free of charge. For LEP individuals who enter an Oklahoma Works (One-Stop) Center, language assistance services must be timely, and with adequate notice, where feasible. Language assistance will be considered timely when it is provided at a place and time that ensures equal access and avoids the delay or denial of any aid, benefit, service, or training (29 CFR Section 38.9(d) and (e)).

Interpreter Services

LWDBs shall not require an LEP individual to provide their own interpreter. Furthermore, LWDBs shall not rely on an LEP individual's minor child or adult family or friend to interpret or facilitate communication, except for the following circumstances:

- In emergency situations while awaiting a qualified interpreter;
- When the information conveyed is of minimal importance to the services to be provided; or
- When an LEP individual specifically requests that an accompanying adult provide language assistance and they agree to provide assistance to the individual. If a Local Area permits an accompanying adult to serve as an interpreter for an LEP individual, it must make and retain a record of the LEP individual's decision to use their own interpreter.

Finally, where precise, complete, and accurate interpretations or translation of information and/or testimony are critical for adjudicatory or legal reasons, LWDBs can still provide their own, independent interpreter, even if an LEP individual wants to use their own interpreter as well. This also applies in cases where the competency of the interpreter requested by the LEP individual is not established. (29 CFR Section 38.9(f))

Concerning Vital Information

For languages spoken by a significant portion of the population eligible to be served or likely to be encountered, LWDBs must translate vital information in written materials into these languages. These translations must in turn be readily available upon request in hard copy or electronically. Written training materials offered or used within employment-related training programs (see definitions section) are excluded from these translation requirements. However, in all cases, LWDBs must take reasonable steps to ensure meaningful access for LEP individuals.

For languages not spoken by a significant portion of the population eligible to be served or likely to be encountered, LWDBs must take reasonable steps to meet the particularized language needs of LEP

individuals who seek to learn about, participate in, and/or access the aid, benefit, service or training that is available to them. Vital information may be conveyed orally if not translated.

LWDBs must also be sure to include a Babel Notice, indicating that language assistance is available in all communications of vital information. This includes letters or decisions in hardcopy or electronic formats. (29 CFR Section 38.9(g))

Finally, to the extent otherwise required by 29 CFR Part 38, once a recipient becomes aware of the non-English preferred language of an LEP beneficiary, participant, or applicant for aid, benefit, service, or training, the recipient must convey vital information in that language. (29 CFR Section 38.9(h))

Developing a Written LEP Plan

In order to ensure that reasonable steps are taken to allow meaningful access for LEP individuals, the OOWD highly recommends LWDBs develop a written LEP plan. LWDBs that develop, implement, and periodically revise an LEP plan are more likely to fulfill their obligation of taking reasonable steps to ensure meaningful access to programs and activities by LEP individuals. Furthermore, developing and implementing an LEP plan has many benefits, including providing Local Area staff with a roadmap for establishing and documenting compliance with nondiscrimination obligations and ensuring that LEP individuals receive the necessary assistance to participate in the programs and activities of a Local Area.

When developing an LEP plan, Local Area staff should address the following elements as they provide a clear framework that will ensure meaningful access to LEP individuals:

- The process the LWDBs will use to determine the language needs of individuals who may or may seek to participate in programs and activities (self-assessment or needs - assessment) that receive financial assistance under WIOA title I.
- The results of assessment (e.g., identifying the LEP populations to be served by the Local Area).
- Timelines for implementing the LEP plan.
- All language services to be provided to LEP individuals.
- The manner in which LEP individuals will be advised of available services.
- Steps LEP individuals should take to request language assistance.
- The manner in which Local Area staff will provide language assistance services.
- What steps must be taken to implement the LEP plan (e.g., creating or modifying policy documents, employee manuals, employee training material, posters, web sites, outreach material, contracts, and electronic and information technologies, applications, or adaptations).
- The manner in which Local Area staff will be trained.
- Steps the Local Area will take to ensure quality control, including monitoring implementation, establishing a complaint process, timely addressing complaints, and obtaining feedback from stakeholders and employees.
- The manner in which the Local Area will document the provision of language services.

- The schedule for revising the LEP plan.
- The individual(s) assigned to oversee implementation of the LEP plan (e.g., LEP Coordinator or Program Manager).
- Allocation of resources to implement the LEP plan.

It should be noted that the elements of a successful LEP plan are not fixed and must be tailored to the Local Area's specific programs and activities. Over time, LEP plans will need to be revised to reflect the following:

- New recommendations and government guidance.
- Changes in the Local Area's operations as well as the experiences and lessons learned.
- Changing demographics.
- Stakeholder and beneficiary feedback.

(29 CFR Section 38.9 Appendix)

For additional information on best practices and resources for serving individuals with substantial cultural and language barriers to employment, LWDBs are encouraged to review [DOL TEN 28-16](#).

EQUAL OPPORTUNITY AND NONDISCRIMINATION: All providers must comply with WIOA's Equal Opportunity and Nondiscrimination provisions which prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title-I financially assisted program or activity.

ACTION REQUIRED: This Oklahoma Workforce Development Issuance (OWDI) is to become a part of your permanent records and made available to appropriate staff and sub-recipients.

INQUIRIES: If you have any questions about this issuance, please contact the State Equal Opportunity (EO) officer in the Oklahoma Office of Workforce Development. Contact information can be found at <http://www.oklahomaworks.gov/about/>.

SECTION 4 – DATA AND INFORMATION COLLECTION AND MAINTENANCE (29 CFR 38.54)

PURPOSE

The State addresses how it and their recipients are complying and will continue to comply with the requirements of 29 CFR Part 38 related to data and information collection and maintenance. The State ensures a data and information collection and maintenance system, for all its recipients and federal financially assisted programs, are established and maintained. The system and format in which the records and data are kept is designed to allow the Governor and the CRC to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with Section 188 of WIOA.

NARRATIVE

The State's data and information collection is in compliance with the requirements of the Participant Individual Record Layout (PIRL) as published by DOL. All recipients are responsible for collecting and maintaining obtained client and potential client information. The State is responsible for reporting the information to DOL via the PIRL. OESC and OOWD utilize the same system to collect the necessary information on customers. All recipients are monitored annually by the State EO Officer and the UI EO Officer to ensure compliance with record keeping and contract requirements, to assess recipient equal opportunity performance, to identify instances or areas of discrimination, and to identify individuals or groups of individuals who may have been discriminated against on a basis prohibited by WIOA Section 188 and 29 CFR Part 38.

All recipients collect and maintain records on applicants, registrants, eligible applicants/ registrants, participants, terminees, employees, and applicants for employment. (29 CFR 38.41)

The LWDA's collect the information during the eligibility process and update as needed throughout the individual's participation in federal programs and activities. The LWDA's are responsible for maintaining records on applicants for employment as well as entering and maintaining data in the database system. The WIOA State EO Officer checks the data via a desk review of the records for a recipient prior to an on-site visit to compare the paper files against the database records for data validity. Records are maintained on each claimant in the OKJM system. The collected data is available in a data warehouse where data can be queried at any time.

Recipients record the race/ethnicity, sex, age, and disability status of each applicant, registrant, eligible applicant/registrant, participant, employee, and applicant for employment. (29 CFR 38.41)

The LWDA's collect the demographic (race, ethnicity, sex, age and disability status) information of each applicant, registrant, eligible applicant/registrant, participant, employee, and applicant for employment.

LWDAs and OSPs maintain electronic files for each applicant, employee, and applicant for employment, and electronic records are kept for each registrant and participant for WIOA, LWDA, OSP services. An individual is considered an applicant when he/she submits personal information (e.g., name, address, social security number, etc.).

Oklahoma successfully worked with its vendor, America's Job Link Alliance (AJLA), to collect LEP data consistent with 29 CFR 38.41(b)(2) which was required by January 3, 2019. The DOL-only PIRL element 803 defines "English Language Learner at Program Entry" as a person who has limited ability in speaking, reading, writing, or understanding the English language. This is a mandatory field that is currently collected on each individual that registers for Wagner-Peyser and Title I services in Oklahoma. DOL-only PIRL element 804, Basic Skills Deficient/Low Levels of Literacy at Program Entry, is also collected on each individual, it provides the information needed to determine who is unable to compute and solve problems, or read, write, or speak English at a level necessary to function on the job, in the participant's family, or in society. We currently collect preferred language and worked with our vendor to implement this as a mandatory collection field in order to be consistent with 29 CFR 38.41(b)(2).

AJLA is an alliance of workforce organizations across multiple states partnering to produce a cost effective system, and in order to maintain consistency with federal reporting requirements across programs and states, the specific LEP requirements need to be included in the PIRL to avoid incurring additional programming costs. In addition to collecting LEP data, OOWD has issued an LEP policy to further ensure LEP individuals have equal access to all programs. *(See Section 3 Documentation – Attachment 3)*

Recipients treat records, particularly those containing medical information, in a manner that ensures their confidentiality. *(29 CFR 32.15; and 29 CFR 38.41)*

The State provides, as required in 29 CFR 38.41, for the confidentiality of information collected and maintained regarding the disabilities of individuals. This requirement applies regardless of the status of the individual whether he or she is an applicant, participant or candidate for employment, etc.

Any medical or disability-related information obtained about a particular individual, including information that could lead to the disclosure of a disability, must be collected on separate forms. All such information, whether in hard copy, electronic, or both, must be maintained in one or more separate files, apart from any other information about the individual, and treated as confidential. Whether these files are electronic or hard copy, they must be locked or otherwise secured (for example, through password protection).

Knowledge of disability status or medical condition and access to information in related files. Persons in the following categories may be informed about an individual's disability or medical condition had have access to the information in related files under the following listed circumstances:

- Program staff who are responsible for documenting eligibility, where disability is an eligibility criterion for a program or activity.

- First aid and safety personnel who need access to underlying documentation related to a participant's medical condition in an emergency.
- Government officials engaged in enforcing the part, any other laws administered by the Department, or any other Federal laws.

Knowledge of disability status or medical condition only. Supervisors, managers, and other necessary personnel may be informed regarding restrictions on the activities of individuals with disabilities and regarding reasonable accommodations for such individuals.

Recipients maintain a log of complaints filed that allege discrimination on one or more of the bases prohibited by WIOA Section 188. (29 CFR 38.54)

Complaints alleging discrimination on one or more of the following basis: race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship, and/or participation in a WIOA 1B financially assisted program or activity are kept in a log as required by the Civil Rights Center. *(See Section 7 Documentation – Attachment 2)* Complaints may be filed at the local level, the State level or with the CRC Director. The Local Equal Opportunity Officer notes each complaint filed in a discrimination complaint log and the log is forwarded to the State EO Officer for documentation. The complaint log contains the name and address of the complainant, the basis of the complaint, a description of the complaint, date complaint was filed, disposition, date of disposition and any other pertinent information relating to the complaint. The Local EO Officers inform the State EO Officer about complaint investigations and submit complaint reports at a minimum on a quarterly basis. The State EO reports to CRC upon request.

Recipients maintain such records for a period of three years. (29 CFR 38.43(a))

Complaint forms, investigation notes, disposition letters, and other pertinent information on each complaint filed, as well as complaint logs, must be maintained by recipients or sub-recipients for a period of three years from the close of the applicable program year, unless a complaint has been filed and is not yet resolved in which it will be a period of three years from the closure of the open complaint, in accordance with 29 CFR 38.43.

The LWDA's monitor sub-recipient's equal opportunity compliance by identifying areas and individuals or groups of individuals that appear to be discriminated against to assure compliance with WIOA Section 188 and 29 CFR Part 38.

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

The State, as well as each grant applicant and recipient, are required to promptly notify the CRC Director when any administrative enforcement actions or lawsuits are filed against it alleging discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief. In addition,

the State policy requires recipients to notify the CRC Director under 29 CFR 38.42(a) and the State concurrently.



SECTION 5 – AFFIRMATIVE OUTREACH (29 CFR 38.40)

PURPOSE

It is the intent of Section 5 to address how the State of Oklahoma (State) and its recipients are complying with the requirements of 29 CFR 38.40 relating to the provision of affirmative outreach to programs and activities.

NARRATIVE

The State has communicated the obligation of recipients (e.g., Local Workforce Development Areas (LWDAs), One-Stop Partners (OSPs), Unemployment Insurance (UI), Wagner-Peyser (WP) and all service providers) to conduct outreach efforts in order to broaden the composition of the pool of those considered for participation or employment in their programs and activities. The State will ensure that recruitment of potential participants is conducted in a nondiscriminatory manner and that the participant pool is a proportionate reflection of the local area as well as individuals with disabilities.

The State uses a monitoring tool to ensure that all EO Officers are kept cognizant of their Affirmative Outreach obligations by inquiring into their process of broadening the participation in their programs.

Recipients have made and will continue to make efforts to broaden the composition of those considered for participation or employment in their programs and activities, as described above.

The LWDAs and their required One-Stop Partners include Title I, OOWD, OESC, and the Oklahoma Department of Rehabilitation Services (DRS) provides services to individuals with disabilities that breakdown barriers to employment or independent living. OOWD and the LWDAs have adopted *Oklahoma Works Access for All*. The Oklahoma Works Access for All initiative was developed as a system-wide effort and includes two parts to the Access for All Certification in Oklahoma. One considers accessibility in the physical space and the other considers accessibility in technology. Both focus on the environments that job seekers interact with when participating in services provided by the Oklahoma Works Workforce System Partners. In the end, Oklahoma Works Workforce System Partners and LWDAs work through an Oklahoma Works Access for All Accessibility Process to achieve certification and work toward continuous improvement. As a core partner in the One-Stop system, DRS has worked with the One-Stop operators and other WIOA partner programs to increase employment opportunities for persons with disabilities. All comprehensive One-Stop Centers must be physically and programmatically accessible to individuals with disabilities, as described in 29 CFR Part 38, the implementing regulations of WIOA Section 188. (*Section 5 Documentation – Attachment 1*)

RESCISSIONS
None

EXPIRATION DATE
Continuing



For WP, LWDA and OSPs, technology is a key component in ensuring affirmative outreach by employing a number of strategies to include the following:

- Increased referral services;
- Provision of equal opportunities for workforce training services for both rural and urban areas, as well as for persons with disabilities or other barriers to communication;
- Access to services for persons of all levels of computer literacy; and
- Assistance in using the self-service component of the One-Stop Center.

All recipients and sub-recipients work to enhance the employability and increase the earning potential of individuals with multiple barriers to employment. Strategies to address individual needs include: assessments of skills and abilities, basic skills programs, occupational skill training, job analyses, job accommodations, disability awareness training, and other activities that address barriers and support achievement of positive employment outcome. Individuals with multiple barriers to employment are offered a continuum of education, job training, career counseling and job development to enhance attainment and retention of employment. To enhance the employability skill of individuals with disabilities, Local Workforce Development Boards, One-Stop Centers and providers assure:

- Priorities of services for participants beyond the self-service phase are implemented;
- Representation of individuals with disabilities on staff, where feasible;
- Cross-training of staff;
- Disability awareness training for staff;
- Outreach programs for individuals with disabilities;
- Technical assistance to employers including information regarding ADA requirements.

The One-Stop system provides the broadest possible menu for all job seekers. Eligible individuals include:

- Special needs participants;
- Individuals with disabilities;
- Persons with Limited English speaking ability;
- Persons training for nontraditional employment;
- Displaced homemakers;
- Public assistance recipients;
- Veterans;
- Persons with multiple barriers to employment;
- Elderly participants;
- Women;
- Minorities;
- Lesbian, Gay, Bisexual, Transgender & Queer, Plus (LGBTQ+) communities

Recipients and their service providers strive to provide access to services to clients of both sexes, LGBTQ+, the various race, ethnic and age groups, individuals with disabilities as well as individuals with Limited English Proficiency (LEP), which includes:

- Publicity materials (brochures, letters) designed to provide an overview of employment services to the general public;
- Participation in local and statewide job related events; and
- Coordination and involvement with various agencies, committees, task forces, and projects that focus on employment-related functions, and Wagner-Peyser special programs for targeted groups (e.g., Veterans, Youth, Dislocated Workers, etc.).

One-Stop Centers (OSC) have taken the following actions to ensure affirmative outreach:

- Signs have been posted to inform customers of telephone numbers to call or to see the manager if an accommodation is needed to receive services;
- Individuals and organizations have been identified and are available if assistance is needed to provide services or information in a language other than English, and written procedures are available to staff to assist LEP individuals;
- Employees who have skills in languages other than English have identified themselves and offered their services in assisting any customers by providing instruction, conveying information, or assisting with completing forms;
- Contacts have been developed and maintained with community-based organizations and advocacy groups to ensure the center meets the specific needs of each constituency;
- Coordination linkages with other federal, state and local agencies serving the various segments of the populations have been developed;
- Participation in community employment events such as job fairs, seminars, and public recruitment for employers has publicized the services of One-Stop Centers;
- On-site visits with employers and community agencies, participation in job fairs, special recruitment efforts, employer seminars, and public relations campaigns have encouraged employer use Oklahoma's workforce system; and
- Oklahoma Works, a proud partner of the American Job Center Network, is the statewide workforce development network that helps employers of all sizes and types recruit, develop and retain the best employees for their needs.

The State monitors and evaluates the success of recipient efforts to broaden the composition of those considered for participation and employment in their programs and activities, as described above.

The State takes reasonable steps to ensure that policies and procedures do not deny equal access to individuals with Limited English Proficiency (LEP) and. The State implements, evaluates and documents programs, activities, and services to customers with LEP.

The EO Officers are responsible for monitoring recipient programs and ensuring compliance with the affirmative outreach element of nondiscrimination and equal opportunity provisions of Section 188 of WIOA. The State continually stresses to recipients the importance of their obligation to expand the diversity of the participant pool and staffing selections.

The State annually monitors the recipients to measure the effectiveness of their efforts to serve and employ a diverse population, including members of genders, various racial, ethnic and age groups, and individuals with disabilities.

In the selection of center locations, consideration is given to accessibility to members of the general population for all programs, services, and benefits.

Current State practices designed to broaden the composition of those considered for participation and employment at the One-Stop Centers include the following:

- Identification of staff with bilingual skills;
- Information exchange and collaboration with community organizations regarding translators, interpreters and resources for LEP;
- Publication of selected materials in languages other than English ([Spanish Rapid Response Handbook](#)); and
- Use of interpreters, telephone interpreters and contract interpreters as needed to provide language assistance to customers on a case-by-case basis.

Section 5 – Documentation

ATTACHMENT

1. Oklahoma Works Access for All Certification Initiative Process – A Roadmap for Physical and Technology Accessibility Standards Certification

OKLAHOMA WORKFORCE DEVELOPMENT ISSUANCE #11-2020

TO: WIOA Workforce System Partners
Chief Local Elected Officials
Workforce Development Board Chairs
Workforce Development Board Staff

FROM: Don Morris, Executive Director

DATE: Current Date, 2020

SUBJECT: Access For All Star Accessibility Framework Phase I – initial assessment

PURPOSE: This Oklahoma Workforce Development Issuance (OWDI) is intended to provide guidance to the local workforce boards and joint system partners for the initial assessment phase of implementation of the Access for All Star Accessibility Framework.

REFERENCES:

- The Workforce Innovation and Opportunity Act (WIOA) Sections 101(d)(6), 121(e)(2), 121(g)(1), 121(g)(3)
- Training and Employment Guidance Letter (TEGL) 16-16
- 20 CFR 678.800 (a)(3), and 188 CFR 678 Subpart F; 20 CFR 678.400-430; 20 CFR 678.800(b)); 20 CFR 361.400-430; 29 CFR 38; 34 CFR 463.410-430; 20 CFR 678.300(d)(3)
- [Title I of the Americans with Disabilities Act](http://www.ada.gov/ada_title_I.htm), which applies to employment settings (http://www.ada.gov/ada_title_I.htm)
- [Title II of the Americans with Disabilities Act](http://www.ada.gov/ada_title_II.htm), which applies to state and local governments (http://www.ada.gov/ada_title_II.htm)
- [Title III of the Americans with Disabilities Act](http://www.ada.gov/ada_title_III.htm), which applies to private places of public accommodation (http://www.ada.gov/ada_title_III.htm)
- [Oklahoma Works Access for All initiative](https://www.okabletech.org/employment-services/oklahoma-works-access-for-all/) (https://www.okabletech.org/employment-services/oklahoma-works-access-for-all/)

MESSAGE:

The Oklahoma Office of Workforce Development (OOWD), as the Governor’s Workforce Innovation and Opportunity Act (WIOA) administrative entity, provides this issuance as joint guidance to the local workforce development boards and core partners for the implementation of the Star Accessibility Framework evaluation model.

Oklahoma Works Access for All was developed as a system-wide effort to coordinate training and strategies in support of making one-stop American Job Centers and technology accessible to individuals with

RESCISSIONS
None

EXPIRATION DATE
Continuing



disabilities, as described in 29 CFR part 38, the implementing regulations of WIOA sec. 188. The Star Accessibility Framework operationalizes the Access for All system strategy by providing an assessment tool for the continuous improvement of the workforce system in the areas of customer service, training, outreach, and physical accessibility. The Star Accessibility Framework Rubric is designed to be a tool in support of continuous improvement at American Job Centers and system efforts including but not limited to center certification and strategic planning. In Phase I of implementation of the Star Accessibility Framework, local workforce development areas will conduct an initial assessment of centers.

INSTRUCTIONS:

The rubric and evaluator's scoring sheet for Star Accessibility Framework is included in Attachment A: Star Accessibility Framework Rubric and Score Sheet. Local Workforce Development Boards (LWDB) will use the tool to conduct an initial assessment of all currently certified comprehensive and affiliate centers. Evaluation of specialized centers is recommended, but not required.

Oklahoma Works (One-Stop) Centers will be assessed no less than once every two years alternating with the biennial cycle for center certification. LWDBs may direct additional assessments at their discretion and must electronically submit an update to OOWD.

Assessment teams will be established by LWDBs and are responsible for conducting independent and objective assessments of one-stop sites and providing scoring outcomes to LWDBs. While the LWDB has discretion in forming the assessment team's size and membership, it is expected that an assessment team includes a minimum of two evaluators. It is recommended that assessment teams adopt a peer evaluation model and include representatives from multiple workforce system partners or programs. Assessment teams may include local experts who represent targeted populations, experts from the state level, a third-party evaluator, or experts from outside the local area to ensure evaluations are equitable. A representative from the assessment team should be identified as the primary contact person.

Each LWDB will establish an assessment process which must be established through local policy or a guidance letter. The process should include a timeline for completion of the process and any forms developed by the local area for the completion of the assessment process. An example process that includes an application, desk review, and on-site review is provided in the state guidance for center certification (OWDI #01-2019). Aligning the assessment process with the procedures and documentation required for center certification is recommended.

Once the review has been completed, the assessment team shall present within 30 days a completed score sheet for each evaluator and a letter on behalf of the team summarizing the results of the assessment for each center. It is expected that the LWDB will make the results of the assessment available to their board members for review and strategic discussion. A copy of the letter and completed score sheets shall be sent electronically to OOWD no later than September 30, 2021. The deadline to request an extension to complete the assessment process is June 30, 2021. Requests for extension must include a list of centers that are not yet assessed, an explanation of why the extension is requested, and a plan with a timeline for completion of the evaluation.

The assessment results from the local areas will be reviewed by a joint taskforce including members of the Star Accessibility Framework work group and members of the System Oversight Subcommittee of the Workforce System Oversight Committee for the purpose of process oversight and coordination of training resources. The State board will review the evaluation criteria and process every two years as part of the review and modification of the state planning process.

EQUAL OPPORTUNITY AND NONDISCRIMINATION STATEMENT:

All Recipients, and Sub-recipients/Sub-grantees must comply with WIOA’s Equal Opportunity and Nondiscrimination provisions which prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title-I financially assisted program or activity.

ACTION REQUIRED:

This Oklahoma Workforce Development Issuance (OWDI) is to become a part of your permanent records and made available to appropriate staff and sub-recipients.

INQUIRIES:

If you have any questions about this issuance, [please contact Staff in the Oklahoma Office of Workforce Development](http://www.oklahomaworks.gov/about/). Contact information can be found at <http://www.oklahomaworks.gov/about/>.

ATTACHMENTS:

- Attachment A – Star Accessibility Framework Assessment Score Sheet

Customer Service

Center Information

Choose an item.

Oklahoma Works American Job Center Name
Address of Oklahoma Works American Job Center
Choose an item.

Date of assessment: Click or tap to enter a date.

Evaluator Information

Evaluator Name
Evaluator Email Address Evaluator Phone Number
Evaluator Organization Evaluator Role

Directions to Evaluator: Use the scoring rubric to determine an assessment score for this category.

Assessment Score

- 1 Star: Compliance
- 2 Stars: Maintenance
- 3 Stars: Prevention

4 Stars: Actively Responsive

5 Stars: Proactive

Evaluator Notes:

Evaluator Notes

Customer Service

Compliance



Most staff demonstrate awareness of basic knowledge and skills for serving customers with disabilities, but show limitations in processes and strategies related to disability etiquette to evaluate and provide service to individuals with disabilities (may have been serving people with disabilities but are unaware that they have a disability).

Maintenance



Most staff have awareness of accommodations available for customers with disabilities, but do not proactively offer accommodations to customers. Processes and strategies have been developed to create a “no wrong door” approach to accessibility for current customers.

Prevention



The majority of staff proactively offer accommodations and assistance to customers throughout the service process. There is evidence of processes and strategies to anticipate customer needs and practice positive, efficient etiquette for individuals with disabilities.

Actively Responsive



All staff demonstrate ability to assess and anticipate accessibility needs of job-seekers and advocate on their behalf. There is evidence of a process to assess and exchange feedback for improvement in the accessibility of services across partner agencies. There is a designated accessibility subject matter expert on site on behalf of the workforce system.

Proactive



All staff continuously assess accessibility needs of all job-seekers through established processes, mindsets, and shared values of customer service. Customers and stakeholders are included in the development of policies and processes for service. There is a designated accessibility subject matter expert on site on behalf of the workforce system.

Training

Center Information

Choose an item.

Oklahoma Works American Job Center Name
Address of Oklahoma Works American Job Center
Choose an item.

Date of assessment: Click or tap to enter a date.

Evaluator Information

Evaluator Name
Evaluator Email Address Evaluator Phone Number
Evaluator Organization Evaluator Role

Directions to Evaluator: Use the scoring rubric to determine an assessment score for this category.

Assessment Score

- 1 Star: Compliance
- 2 Stars: Maintenance
- 3 Stars: Prevention
- 4 Stars: Actively Responsive
- 5 Stars: Proactive

Evaluator Notes:

Evaluator Notes

Training

Compliance



Training in serving people with disabilities is included in orientation for all new staff and annual all-staff training. Some additional training is available to designated staff, but it may be limited in scope.

Maintenance



100% of staff have participated in annual training related to serving individuals with disabilities and at least 30% of staff have attended 2 or more accessibility trainings per year.

Prevention



Staff receives quarterly training on multiple topics related to serving people with disabilities. At least 60% of staff have attended 2 or more specialized accessibility trainings per year.

Actively Responsive



Consistent and frequent staff training related to accessibility is available to all staff and incorporates customer and partner feedback to improve services to individuals with disabilities. There is evidence of a followed process of keeping current with practices and lesson relevant to serving people with disabilities that may include ongoing learning; continuous efforts to be accessible, including up to date training, policies/procedures for new staff, up-to-date adaptive technology, etc.

Proactive



100% of staff receive consistent and frequent training on a wide range of accessibility-related topics on a regular, ongoing basis. Staff demonstrate knowledge and ability to apply “best practice” strategies for overcoming disability-related employment barriers and anticipating customer needs (e.g. Individual Response Teams, Customized Employment, Supported Employment, Asset Development, etc.).

Outreach

Center Information

Choose an item.

Oklahoma Works American Job Center Name
Address of Oklahoma Works American Job Center
Choose an item.

Date of assessment: Click or tap to enter a date.

Evaluator Information

Evaluator Name
Evaluator Email Address Evaluator Phone Number
Evaluator Organization Evaluator Role

Directions to Evaluator: Use the scoring rubric to determine an assessment score for this category.

Assessment Score

- 1 Star: Compliance
- 2 Stars: Maintenance
- 3 Stars: Prevention
- 4 Stars: Actively Responsive
- 5 Stars: Proactive

Evaluator Notes:

Evaluator Notes

Outreach

Compliance



100% of current, public-facing outreach documents and announcements for advertising, recruitment, and feedback are consistent with modern accessibility standards (WIOA Section 188 and 29 C.F.R. part 38). Website and 100% of current, public-facing digital outreach materials are accessible. Evidence of a reasonable effort to conduct targeted outreach to at least one population protected by WIOA Section 188 and 28 C.F.R. part 38.

Maintenance



100% of current, public-facing digital and non-digital outreach materials are accessible, including website. Effectiveness of targeted outreach is analyzed for improvement. EO data reports from OKJobMatch inform outreach strategies and continuous improvement efforts.

Prevention



All outreach documents and announcements comply with [29 C.F.R. 38.38](#). There is consistent and frequent analysis of outreach efforts and strategy development to protected populations. There is evidence of the development of an annual outreach plan to local businesses to identify equal opportunity and nondiscrimination training needs.

Actively Responsive



Implementation of annual assessment of employer and community partner needs related to equal opportunity and nondiscrimination. Evidence of feedback incorporated into outreach plan and/or strategies. Quarterly review of EO data reports on OKJobMatch informs strategies and updates to annual outreach plan implementation and identify areas of improvement. Outreach plan strategies align with locally identified sector strategies and demand occupations.

Proactive



Evidence of ongoing employer and community outreach to meet training needs and promote resources and best practices for equal opportunity and nondiscrimination. Outreach plan proactively identifies and actively responds to appropriate employers and community service groups within target occupational sectors about ways in which it may improve its outreach and service to underserved EO populations. Track and evaluate target population changes to inform employer and community outreach efforts and develop promising strategies and initiatives to anticipate workforce needs.

Physical Accessibility

Center Information

Choose an item.

Oklahoma Works American Job Center Name

Address of Oklahoma Works American Job Center

Choose an item.

Date of assessment: Click or tap to enter a date.

Evaluator Information

Evaluator Name

Evaluator Email Address

Evaluator Phone Number

Evaluator Organization

Evaluator Role

Directions to Evaluator: Use the scoring rubric to determine an assessment score for this category.

Assessment Score

1 Star: Compliance

2 Stars: Maintenance

3 Stars: Prevention

4 Stars: Actively Responsive

5 Stars: Proactive

Evaluator Notes:

Evaluator Notes

Physical Accessibility

Compliance



Facility is missing more than one of the following essential elements: accessible parking spaces, parking access aisles, ramps, door clearance sizes, accessible toilet room. Facility has EEAP filed indicating what alternative measures staff will take to ensure accessibility and a timeline for remediation of non-compliant elements.

Maintenance



Facility is missing one of the following essential elements: accessible parking spaces, parking access aisles, ramps, door clearance sizes, accessible toilet room. Facility has EEAP filed indicating what alternative measures staff will take to ensure accessibility and a timeline for remediation of non-compliant elements.

Prevention



Facility has all elements identified for 4 and 5 star ratings, but which exceed maximum variances outlined in those ratings. Facility has EEAP filed indicating what alternative measures staff will take to ensure accessibility.

Actively Responsive



Parking spaces, access aisles, cross slopes, ramp landings, and maneuvering clearances contain no measured slopes greater than 3.5%. Ramps contain no measured slopes greater than 9.5%. Handrails, if necessary, are installed on both sides with width corresponding to accessible route dimensions. Handrail gripping surfaces and extensions may have measurement errors of no more than 4 inches. Doors utilized by public have appropriate maneuvering clearance sizes for their configuration or are equipped with automatic openers. Toilet rooms have minimal, easily correctable errors (i.e. mirrors, insulated pipes). Properly sized grab bars may be improperly located by no more than 4 inches.

Proactive



Parking spaces, access aisles, cross slopes, ramp landings, and maneuvering clearances contain no measured slopes greater than 3%. Ramps contain no measured slopes greater than 9%. Handrails, if necessary, are installed on both sides with width corresponding to accessible route dimensions (36 inches). Handrail gripping surfaces and extensions may have measurement errors of no more than 2 inches. Doors utilized by the public have appropriate maneuvering clearance sizes for their configuration or are equipped with automatic openers. Toilet rooms have minimal, easily correctable errors (i.e. mirrors, insulated pipes). Properly sized grab bars may be improperly located by no more than 3 inches.

SECTION 6 – GOVERNOR’S OVERSIGHT RESPONSIBILITY REGARDING RECIPIENTS’ RECORDKEEPING (38.53)

The Oklahoma Office of Workforce Development (OOWD) ensures that recipients collect and maintain records in a manner consistent with the provisions of 29§38.41 and any procedures prescribed in Section 188 of WIOA and 29§38.41(a). OOWD has provided more guidance for this section under Oklahoma’s Nondiscrimination Plan, Section IV Data and Information Collection and Maintenance (38.41 through 38.45). All WIOA recipients should refer to this section for guidance.

The OOWD has ultimate responsibility for administration of the workforce development components of the WIOA Nondiscrimination and Equal Opportunity program in the state and, on behalf of the Governor, ensures that Local Workforce Boards (LWDBs) and all sub-recipients, comply with all Federal regulations. Serving in an associated role, the Oklahoma Employment Security Commission (OESC) administers the state unemployment insurance program.

SECTION 7 – COMPLAINT PROCESSING PROCEDURES (29 CFR 38.54)

PURPOSE

The State and its recipients are complying with the requirements of 29 CFR 38.69 through 29 CFR 38.79 regarding complaint processing procedures. The State has revised and published procedures for processing complaints alleging discrimination by any program or activities funded under the WIOA Title I. These procedures provide the complainant with the option to file with the LWDA or the Oklahoma Employment Security Commission (OESC) UI EO Officer, the State EO Officer at the Oklahoma Office of Workforce Development (OOWD), or directly with the CRC Director, U.S. Department of Labor (DOL). LWDA and OSPs are required to include complaint and grievance procedures as part of their Local Plans and those procedures must comply with the requirements of 29 CFR 38.76 through 29 CFF 38.79.

NARRATIVE

Recipients that are required to do so (29 CFR 38.74) have developed and published complaint procedures.

The State has issued a WIOA Nondiscrimination and EO policy (*Section 7 Documentation – Attachment 1*), which sets forth the complaint procedures for all LWDA/OSPs and sub-recipients, and it includes the State's WIOA Section 188 Discrimination Complaint Procedures, Form and Complaint and Communication Log Templates (*Section 7 Documentation – Attachment 2*). All recipients must comply with these procedures, which meet the requirements of 29 CFR 38.70-38.78. Complaints may be filed at the federal level, the state level or at the local level. The local EO Officers document each complaint filed on an EO Discrimination Complaint Log which is forwarded to the State EO Officer for review. The Discrimination Complaint Log contains 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, the date of the disposition, and any other pertinent information relating to the complaint. LWDA EO Officers and One-Stop partners inform the State EO Officer about complaint investigations and submit the Discrimination Complaint Logs on a quarterly basis. Upon request from the CRC, the State EO Officer will provide the Discrimination Complaint Log.

Provide for the issuance of a written Notice of Final Action within 90 days of the date on which the complaint is filed. (29 CFR 38.76)

The Oklahoma WIOA Equal Opportunity and Discrimination Complaint Policy states, "The EO Officer will provide a written Notice of Final Action to the complainant within 90 days of the date on which the complaint was filed," in accordance with 29 CFR § 38.79.

Initial, written notice to the complainant that contains an acknowledgment that the recipient has received the complaint, and a notice that the complainant has the right to be represented in the complaint process. (29 CFR 38.72(b)(1))

The Oklahoma WIOA Equal Opportunity and Discrimination Complaint Policy states, The EO Officer will provide a written acknowledgment of receipt of the complaint to the complainant with notice that the complainant has the right to be represented in the complaint process, in accordance with 29 CFR 38.72.

A written statement provided to the complainant, that contains a list of the issues raised in the complaint and, for each issue, a statement whether the recipient will accept the issue for investigation or reject the issue, and the reasons for each rejection. (29 CFR 38.82)

The Oklahoma WIOA Equal Opportunity and Discrimination Complaint Policy states, “Upon receipt of a complaint or information alleging discrimination, the EO Officer will provide written notice to all parties of the specific issues raised in the complaint; and provide a statement for each issue, either accepting the issue for investigation or rejecting the issue, and the reasons for each rejection”, as required by 29 CFR 38.82.

A period for fact-finding or investigation of the circumstances underlying the complaint. (29 CFR 38.72)

The Oklahoma WIOA Equal Opportunity and Discrimination Complaint Policy states, upon receipt of a complaint or information alleging discrimination, the EO Officer will initiate an investigation or fact-finding of the circumstances underlying the complaint. This meets the requirements of 29 CFR 38.72.

A period during which the recipient attempts to resolve the complaint and the methods available to resolve the complaint must include Alternative Dispute Resolution (ADR). (29 CFR 38.72)

The Oklahoma WIOA Equal Opportunity and Discrimination Complaint Policy states, the EO Officer will contact the complainant in writing after receipt of the complaint to determine the complainant’s willingness to mediate using the Alternative Dispute Resolution (ADR) procedures.

A written Notice of Final Action, provided to the complainant with 90 days of the date on which the complaint was filed, that contains, for each issue raised in the complaint, either a statement of the recipient’s decision on the issue and an explanation of the reasons underlying the decision, or a description of the way the parties resolved the issue.

The Oklahoma WIOA Equal Opportunity and Discrimination Complaint Policy states, “The Local Area shall be allowed 90 days to issue a Notice of Final Action from the date on which the complaint was filed. If, during the 90 day period, the Local Area issues a decision that is not acceptable to the complainant, the complainant or his or her representative may file a complaint with the CRC within 30 days after the date on which the complainant receives the Notice.” This language mirrors the requirements of 29 CFR 38.72.

Notice that the complainant has a right to file a complaint with the CRC Director, DOL, within 30 days of the date on which the Notice of Final Action issued, if he or she is dissatisfied with the recipient's final action on the complaint. (29 CFR 38.72)

The Oklahoma WIOA Equal Opportunity and Nondiscrimination Complaint Policy states, "The Local Area shall be allowed 90 days to issue a Notice of Final Action from the date on which the complaint was filed. If, during the 90-day period, the Local Area issues a decision that is not acceptable to the complainant, the complainant or his or her representative may file a complaint with the CRC within 30 days after the date on which the complainant receives the Notice."

Provide that, if the complainant is dissatisfied with the outcome of the investigation, or if there is no final resolution of the complaint within 90 days of the date the complaint is filed, the complainant is notified that he or she may file his or her complaint with the Civil Rights Center.

The Oklahoma WIOA Equal Opportunity and Discrimination Complaint Policy states, "If, during the 90-day period, the EO Officer issues its Notice of Final action, but the complainant is dissatisfied with the decision on the complaint, the complainant or his/her representative may file a complaint with the CRC Director within 30 days after the date on which the complainant receives the Notice of Final Action."

Recipients follow the established procedures.

Consistent with 29 CFR 38.69 through 29 CFR 38.72, the State will maintain compliance according to the Oklahoma WIOA Equal Opportunity and Discrimination Complaint Policy, which provides for prompt and equitable resolution of complaints and includes the following elements:

- Initial Written Notice;
- An Acknowledgement of Receipt;
- Notice of Right to Representation;
- Issues raised in complaint;
- A period for Fact-Finding that includes ADR; and
- A Written Notice of Final Action.

Each recipient is required to comply with the Equal Opportunity and Discrimination Complaint Policy process for resolving complaints in connection with WIOA Title I programs operated by recipients. Utilizing this complaint procedure, each WIOA Title I recipient shall provide for local level processing of complaints. Recipients will be monitored to ensure they are complying with this requirement.

Section 7 – Documentation

ATTACHMENTS

1. Nondiscrimination and Equal Opportunity Policy – OWDI #13-2017, Change 2
2. WIOA Section 188 Discrimination Complaint Procedures – OWDI #01-2018, Change 1

OKLAHOMA WORKFORCE DEVELOPMENT ISSUANCE #13-2017, CHANGE 2

TO: Workforce Development Board Chairs
Workforce Development Board Staff
Workforce Development Fiscal Agents

FROM: Erin E. Risley-Baird, Executive Director

DATE: January 31, 2018

SUBJECT: Nondiscrimination and Equal Opportunity Policy, Change 2

PURPOSE: To issue additional communication requirements to the State EO Officer with the addition of a recommended template, delete references to complaint processing procedures now included in a separate policy, clarify EO monitoring and sanctions, update reporting structure of Local EO Officers, and add EO Officer conflict of interest language.

The Oklahoma Office of Workforce Development (OOWD) as the Governor’s chosen Workforce Innovation and Opportunity Act (WIOA) administrative entity provides this issuance as guidance to communicate Oklahoma’s process and procedures regarding nondiscrimination and equal opportunity procedures. This policy applies to all Local Workforce Development Areas (LWDBs), and is effective immediately.

REFERENCES:

- Civil Rights Act of 1964 Titles VI and VII (42 USC §2000d et seq.)
- Education Amendments of 1972 Title IX (20 USC § 1681 et seq.)
- Rehabilitation Act of 1973 (Rehab Act) Title V, Section 504 (29 USC § 794 et seq.)
- Age Discrimination Act of 1975 (42 USC § 6101 et seq.)
- Americans with Disability Act of 1990 (ADA), as amended by American Disabilities Act Amendments Act (ADAAA) (42 USC §12101 et seq., Public Law 110-325, 122 Stat. 3553 (2008))
- Workforce Innovation and Opportunity Act (WIOA) Sections 121(b), 183(c), and 188 (29 USC § 3151, 3243, and 3248)
- Title 29 CFR Part 38

DEFINITION:

Recipient: Any entity to which financial assistance under the WIOA Title I is extended, either directly from the Department of Labor (DOL) or through the Governor or another recipient (including any successor, assignee, or transferee of a recipient), but excluding the ultimate beneficiaries of the WIOA Title I funded

program or activity. In addition, One-Stop partners, as defined in Section 121(b) of WIOA, are treated as "recipients" and are subject to the nondiscrimination and equal opportunity requirements of 29 CFR Part 38, to the extent that they participate in the One-Stop delivery system (29 CFR § 38.4(z)).

MESSAGE:

Provisions of the Nondiscrimination Plan

In order to provide a reasonable guarantee of compliance with the nondiscrimination and equal opportunity (EO) provisions of Section 188 of the WIOA and 29 CFR Part 38, the Governor must establish and implement a Nondiscrimination Plan for state programs as outlined in 29 CFR Section 38.54(a)(1). Previously known as the MOA under WIA, the WIOA Nondiscrimination Plan must, at a minimum, describe how the requirements outlined below have been satisfied.

Assurances

Contracts, cooperative agreements, job training plans, and policies and procedures must contain the nondiscrimination assurance specified in 29 CFR § 38.25 and 38.26. The nondiscrimination assurance must state the grant applicant will “comply fully with the nondiscrimination and equal opportunity provisions of the WIOA” (29 CFR Part 38 Preamble) and acknowledge the government’s right to seek judicial enforcement of the nondiscrimination assurance. Also in accordance with 29 CFR § 38.25, each application for federal financial assistance under WIOA Title I must include the nondiscrimination assurance. Application for assistance is defined as the process by which required documentation is provided to the Governor, recipient, or the DOL prior to, and as a condition of, receiving federal financial assistance under WIOA Title I (including both new and continuing assistance).

Nondiscrimination Statement

The Oklahoma Office of Workforce Development (OOWD), Recipients, and Subrecipients/Subgrantees must maintain a policy to provide equal opportunity in all services and activities. Discrimination is strictly prohibited on the grounds of race, ethnicity, orientation, religion, sex, 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.

Designation of Local EO Officers

Each LWDB must designate an EO Officer who is responsible for coordinating its obligation under these regulations and who has direct access to the Chief Elected Official (CLEO) and LWDB Chair. The state requires that LWDBs notify the State Equal Opportunity (EO) Officer and the Oklahoma Office of Workforce Development (OOWD) within 5 business days whenever the designation of the Local EO Officer changes.

Local EO Officers

The Local EO Officer’s responsibilities include the following:

- Serving as the liaison with the State EO Officer and OOWD.

- Investigating and monitoring the Local Area's and its subrecipients' WIOA Title I funded activities and programs.
- Reviewing the Local Area's organizations' and its subrecipients' written policies.
- Developing, publishing, and enforcing the Local Area's discrimination complaint procedures.
- Conducting outreach and education about equal opportunity and nondiscrimination requirements consistent with 29 CFR § 38.40, and how an individual may file a complaint consistent with 29 CFR § 38.69.
- Participating in continuing training and education, and ensuring that assigned staff receives the necessary training and support to maintain competency.
- Informing participants, employees, and program beneficiaries of their equal opportunity rights and responsibilities, and how the discrimination complaint process works.

An EO Officer may not be assigned any other (non-EO related) duties or activities that create either a real or apparent conflict of interest with responsibilities of an EO Officer.

Local Areas will assign sufficient staff and resources to the EO Officer to ensure compliance with the nondiscrimination and equal opportunity provisions of the WIOA and 29 CFR Part 38. Local Areas must submit a copy of their EO Officer's position description and organizational chart showing the relationship of EO Officer to the CLEO and LWDB Chair. Please submit the required documents via electronic mail to the following address: eoofficer@osuokc.edu

The Local Area EO Officer's contact information such as name, position title, business address, including email address, and telephone number (voice and Telecommunications Device for the Deaf, which is also known as teletypewriter [TTY]), must be publicized at the local level through a variety of means, including posters, handouts, and listings in local directories.

The Local Area EO Officer's identity and contact information must appear on all internal and external communications related to equal opportunity issues.

Attending one annual training each program year is required and additional periodic trainings are recommended for the LWDB EO Officer and assigned staff to keep abreast of equal opportunity issues. Resources for nondiscrimination and equal opportunity are available on the [U.S. Department of Labor](#) and [Civil Rights Center](#) websites and through the state EO Officer.

Notice and Communication of EO Policy and Procedures

A recipient must provide initial and continuing notice that it does not discriminate on any prohibited basis, including display and distributions of the notice/poster relating to "Equal Opportunity is the Law."

This notice/poster must meet the following criteria:

- Posted prominently, in reasonable numbers and places, in available and conspicuous physical locations and on the recipient’s website pages.
- Disseminated in internal memoranda and other written or electronic communications with staff.
- Included in employee and participant handbooks or manuals regardless of form, including electronic and paper form if both are available.
- Provided to each participant and employee; the notice must be made part of each employee’s and participant’s file. It must be a part of both paper and electronic files, if both are maintained (29 CFR § 38.36(a)).

The notice must be provided in appropriate formats to registrants, applicants, eligible applicants/registrants, and applicants for employment and employees and participants with visual impairments. Where notice has been given in an alternate format to registrants, applicants, eligible applicants/registrants, participants, applicants for employment and employees with a visual impairment, a record such notice has been given must be made part of the employee’s or participant’s file. The notice must be provided in appropriate languages other than English (29 CFR § 38.36(b)).

As it concerns communication, recipients must indicate that the WIOA Title I-financially assisted program or activity in question is an “equal opportunity employer/program,” and that “auxiliary aids and services are available upon request to individuals with disabilities.” This must be included on recruitment brochures and other materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or on paper to staff, clients, or the public at large, to describe programs financially assisted under WIOA Title I or the requirements for participation by recipients and participants.

Where such materials indicate that the recipient may be reached by voice telephone, the materials must also provide the TTY number or equally effective communications system, such as a videophone, captioned telephone, or a relay service.

Recipients that publish or broadcast program information in the news media must ensure that such publications and broadcasts state that the WIOA Title I-financially assisted programs or activity in question is an equal opportunity employer/program (or otherwise indicate that discrimination in the WIOA Title I-financially assisted program or activity is prohibited by Federal law) and indicate that auxiliary aids and services are available upon requests to individuals with disabilities.

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

During each presentation to orient new participants, new employees, and/or the general public to its WIOA Title I-financially assisted programs or activity, whether this be in person or over the internet or using other technology, a recipient must include a discussion of rights and responsibilities under the

nondiscrimination and equal opportunity provisions of WIOA Section 188 and 29 CFR Part 38, including the right to file a complaint of discrimination with the recipient or the Director of the Civil Rights Center (CRC). This information must be communicated in appropriate languages as required in 29 CFR § 38.9 and in formats accessible for individuals with disabilities as required in 29 CFR Part 38 and specified in Section 38.15.

Data and Information Collection and Maintenance

Each recipient must collect and maintain nondiscrimination data. The system and format in which the records and data are kept must be designed to allow the Governor and the CRC to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with Section 188 of the WIOA and 29 CFR Part 38.

Per 29 CFR § 38.42, each recipient must promptly notify the CRC Director, State EO Officer, and Executive Director of OOWD when any administrative enforcement actions or lawsuits are filed against it alleging discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in a WIOA Title I-financially assisted program or activity. This notification must include the information required by 29 CFR § 38.42(a).

Communication of Equal Opportunity Issues to State EO Officer

For any communication identifying an equal opportunity and nondiscrimination issue with a LWDB, or for any matter that may quickly escalate to a formal complaint, the State EO Officer must be notified at eoofficer@okcommerce.gov within three (3) business days of receipt. All equal opportunity and nondiscrimination related communications, including non-written communications, not recorded on the Discrimination Complaint Log, as explained in the WIOA Section 188 Discrimination Complaint Procedures shall be recorded on the Communications Log (see WIOA Section 188 Discrimination Complaint Procedures policy). The purpose of the Communications Log is to keep track of any EO issue that arises, regardless of whether it constitutes a complaint.

These communications must also be logged on a Communication. Each EO Officer must submit a Communications Log quarterly to the State EO Officer at eoofficer@osuokc.edu on or before each of the following dates:

- March 31
- June 30
- September 30
- December 31

Affirmative Outreach

The guidelines found in 29 CFR § 38.40 require recipients to take appropriate steps to ensure they are providing equal access to their WIOA Title I-financially assisted programs and activities. These steps should involve reasonable efforts to include members of the 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, limited English proficiency (LEP) individuals, individuals with disabilities, and individuals in different age groups. Such efforts may include, but are not limited to, the following:

- Advertising the recipient's programs and/or activities in media such as newspapers or radio programs that specifically target various populations.
- Sending notices about openings in the recipient's programs and/or activities to schools or community service groups that serve various populations.
- Consulting with appropriate community service groups about ways in which the recipient may improve its outreach and service to various populations.

Discrimination Prohibited Based on Disability

In providing any aid, benefit, service, or training under a WIOA Title I-financially assisted program or activity, whether directly or through contractual, licensing, or other arrangements, on the basis of disability, a recipient must not do any of the following:

- Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, service, or training, including meaningful opportunities to seek employment and work in competitive integrated settings.
- Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefits, services, or training that is not equal to that afforded others.
- Provide a qualified individual with a disability with any aid, benefit, service, or training that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others.
- Provide different, segregated, or separate aid, benefit, service, or training to individuals with disabilities, or to any class of individuals with disabilities, unless such action is necessary to provide qualified individuals with disabilities with any aid, benefit, service, or training that is as effective as those provided to others, and consistent with the requirements of the Rehabilitation Act as amended by the WIOA, including those provisions that prioritize opportunities in competitive integrated employment.
- Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards.
- Otherwise limit a qualified individual with a disability in enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving any aid, benefit, service, or training.

Accessibility Requirements

No qualified individual with a disability may be excluded from participation in, or be denied the benefits of a recipient's service, program, or activity or be subjected to discrimination by any recipient because a recipient's facilities are inaccessible or unusable by individuals with disabilities. In addition, recipients that receive federal financial assistance must meet their accessibility obligations under Section 504 of the

Rehabilitation Act and the implementing regulations at 29 CFR Part 32. Some recipients may be subject to additional accessibility requirements under other statutory authority, including Title III of the Americans with Disabilities Act (ADA) that is not enforced by the CRC. As indicated in Section 38.3(d)(10), compliance with this part does not affect a recipient's obligation to comply with the applicable ADA Standards for Accessible Design.

All WIOA Title I-financially assisted programs and activities must be programmatically accessible. This includes providing reasonable accommodations for individuals with disabilities, making reasonable modifications to policies, practices, and procedures, administering programs in the most integrated setting appropriate, communicating with persons with disabilities as effectively as with others, and providing appropriate auxiliary aids or services, including assistive technology devices and services, where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the program or activity.

Reasonable Accommodation and Reasonable Modifications for Individuals with Disabilities

With regard to any aid, benefit, service, training, and employment, a recipient must provide reasonable accommodations to qualified individuals with disabilities who are applicants, registrants, eligible applicants/registrants, participants, employees, or applicants for employment, unless providing the accommodation would cause undue hardship. For more information on what would constitute undue hardship as it relates to a reasonable accommodation of individuals with disabilities, please see the definition of "undue burden or undue hardship" in 29 CFR § 38.4(rrr)(1).

With regard to any aid, benefit, service, training, and employment, a recipient must also make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless making the modifications would fundamentally alter the nature of the service, program, or activity, which would constitute a fundamental alteration. For more information, see the definition of "fundamental alteration" found in 29 CFR § 38.4(z).

In those circumstances where a recipient believes that the proposed accommodation would cause undue hardship, or the proposed modification would fundamentally alter the program, the recipient has the burden of proving that compliance with this section would result in such hardship and alteration. The recipient must make the decision that the accommodation would cause such hardship or result in such alteration only after considering all factors listed in the definitions of "undue hardship" and "fundamental alteration." The decision must be accompanied by a written statement of the recipient's reasons for reaching that conclusion. The recipient must provide a copy to the State EO Officer of the statement of reasons to the individual(s) who requested the accommodation or modification.

If a requested accommodation would result in undue hardship or a modification would result in a fundamental alteration, the recipient must take any other action that would not result in such hardship or such alteration but would nevertheless ensure that individuals with disabilities receive the aid, benefits, services, training or employment provided by the recipient. In addition, a recipient must take appropriate

steps to ensure that communications with individuals with disabilities, such as beneficiaries, registrants, applicants, eligible applicants/registrants, participants, applicants for employment, employees, members of the public, and their companions are as effective as communications with others.

Intimidation and Retaliation Are Prohibited

No recipient may discharge, intimidate, retaliate, threaten, coerce, or discriminate against any individual because the individual has filed a complaint alleging any of the following:

- A violation of the WIOA.
- Opposed a practice prohibited by the nondiscrimination and equal opportunity provisions of the WIOA.
- Furnished information to, or assisted or participated in any manner in an investigation, review, hearing, or any other activity related to administration of, exercise of authority under, or exercise of privilege secured by the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR Part 38.

Sanctions

Sanctions are available for any violation of a nondiscrimination and equal opportunity issue within this policy and under 29 C.F.R. Part 38. Sanctions include any remedy legally available under WIOA laws and regulations.

Governor's Oversight and Monitoring Responsibilities for State Programs

The State EO Officer will conduct, at a minimum, annual monitoring reviews, which may include onsite visits. As the administrative entity, OOWD may conduct desk reviews, on-site or virtual monitoring in addition to annual monitoring, of any issues identified or closely related to the equal opportunity and nondiscrimination issues raised in this policy. A corrective action plan must be submitted to the State EO Officer at eoofficer@okcommerce.gov with remedies for all issues identified in the corrective action plan to be completed within 30 days or within a reasonable time frame agreed upon by all parties. The purpose of this is to ensure that all equal opportunity and nondiscrimination issues identified are proactively and promptly addressed to avoid intentionally or inadvertently violating civil rights.

EQUAL OPPORTUNITY AND NONDISCRIMINATION: All providers must comply with WIOA's Equal Opportunity and Nondiscrimination provisions which prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title-I financially assisted program or activity.

ACTION REQUIRED: This Oklahoma Workforce Development Issuance (OWDI) is to become a part of your permanent records and made available to appropriate staff and subrecipients.

INQUIRIES: If you have any questions about this issuance, please contact the State EO officer in the Oklahoma Office of Workforce Development. Contact information can be found at <http://www.oklahomaworks.gov/about/>.

Section 7 – Attachment 2

OKLAHOMA WORKFORCE DEVELOPMENT ISSUANCE #01-2018, Change 1

TO: Chief Local Elected Officials Workforce
Development Board Chairs Workforce
Development Board Staff WIOA Equal
Opportunity Officers
Oklahoma Works Core System Partners

FROM: Sarah Ashmore, Interim Executive Director

DATE: July 10, 2019

SUBJECT: WIOA Section 188 Discrimination Complaint Procedures Governing WIOA
Activities and Oklahoma Works (One-Stop) Center Activities

PURPOSE: The Oklahoma Office of Workforce Development (OOWD), as the Governor’s chosen Workforce Innovation and Opportunity Act (WIOA) administrative entity, provides this issuance as guidance on the WIOA Section 188 Discrimination Complaint Procedures. It should be noted that initiation of a discrimination action does not mean there has been a violation, but notifying the Civil Rights Center (CRC) as soon as possible offers the best avenue for recipients to receive technical assistance (TA) to ensure compliance.

REFERENCES: These policies and procedures govern discrimination complaint investigations arising under Section 188 of the Workforce Innovation and Opportunity Act (WIOA) at 29 U.S.C. § 3248, as implemented by 29 C.F.R. §§ 38.69-38.79. The policies and procedures are issued in compliance with:

- WIOA Section 188, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I-financially assisted program or activity;
- Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, as amended, which prohibits discrimination on the bases of race, color and national origin;

RESCISSIONS OWDI #01-2018	EXPIRATION DATE Continuing
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OOWD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 *et seq.*, as amended, which prohibits discrimination against qualified individuals with disabilities;
- The Age Discrimination Act of 1975, 42 U.S.C. § 6101 *et seq.*, as amended, which prohibits discrimination on the basis of age; and
- Title IX of the Education Amendments of 1972, 29 U.S.C. § 1681 *et seq.*, as amended, which prohibits discrimination on the basis of sex in educational programs.

MESSAGE: The Nondiscrimination Complaint Form or its equivalent, along with the “Complainant Consent/Identity Release Form” (hereinafter referred to as “Consent Form”), and the “Notice of Investigatory Uses of Personal Information” (together referred to as the “Discrimination Complaint Package”) must be in writing, signed, and filed with the Equal Opportunity (EO) Officer within 180 days of the date of the alleged adverse action (*see* Attachment A).

All discrimination complaints involving denial of access to, or participation in programs and activities delivered by or through a “recipient” as defined at 29 C.F.R. § 38.4(zz) must be filed with the EO Officer for LWDB, Oklahoma Employment Security Commission Unemployment Insurance (UI) EO Officer, State EO Officer at the Oklahoma Office of Workforce Development, or the U.S. Department of Labor Civil Rights Center. Authority of each Office is as follows:

<p style="text-align: center;">U.S. Department of Labor’s Civil Rights Center</p>	<p style="text-align: center;">90 calendar days has passed from the date of receipt of a WIOA Section 188 discrimination complaint.</p>
<p style="text-align: center;">Oklahoma Office of Workforce Development State EO Officer</p>	<p style="text-align: center;">Either upon (1) recusal or unavailability of the first-line EO Officer; or (2) at any time the State EO Officer determines it is appropriate to assume jurisdiction of a discrimination complaint investigation.</p>

<p>Oklahoma Employment Security Commission Unemployment Insurance EO Officer</p>	<p>All complaints alleging discrimination in UI policies, practices, procedures, or determinations, including failure to provide language interpretation or translation services for limited English proficient persons, or auxiliary aids and services for individuals with disabilities. For complaints alleging an adverse UI determination in violation of WIOA Section 188, all UI appeals must be exhausted prior to assuming jurisdiction of the complaint.</p>
<p>EO Officer for the Local Workforce Development Board</p>	<p>All non-UI complaints alleging discrimination under WIOA Section 188 and arising in the LWDB service area, e.g. complaints arising from services provided in an Oklahoma Works Center.</p>

The Discrimination Complaint Package may be made available in Braille or large print (*i.e.*, 18-point font) on request of a person who is blind or has low vision by the LWDB. Moreover, all complaint notices, procedures, and forms must contain a “Babel” notice pursuant to 29 C.F.R. § 38.9(g)(3), which provides:

Recipients must include a “Babel notice,” indicating in appropriate languages that language assistance is available, in all communications of vital information, such as hard copy letters or decisions or those communications posted on websites.

I. The Discrimination Complaint

Any person, or the person’s representative, who believes that an individual or class of individuals has been or is being discriminated against on a basis prohibited by Title I of WIOA may file a complaint. Prohibited bases of discrimination are race, color, national origin (including limited English proficiency), gender (including pregnancy discrimination, childbirth, and related medical conditions, transgender status, and gender identity), age, religion, disability, political affiliation or belief, and for beneficiaries only, citizenship, and WIOA participant status. *See 29 U.S.C. § 3248 and 29 C.F.R. § 38.5.*

The EO Officer shall provide assistance, as needed, to any person filing a discrimination complaint under these procedures, including but not limited to individuals who are limited English proficient, and individuals with disabilities.

An overview of the process set forth in these procedures is as follows:

Action	Completion date from date of receipt of complaint
Jurisdiction determination	As soon as possible, but no later than 14 calendar days
Rejection of a complaint (no jurisdiction)	As soon as possible, but no later than 14 calendar days
<p>Notice of acceptance (see special procedures for complaints alleging age-based discrimination)</p> <p>Appointment of mediator</p> <p>Notice of final action (if no mediation occurs, or is unsuccessful), or EO Officer's issuance of executed conciliation agreement</p>	<p>As soon as possible, but no later than 30 calendar days</p> <p>As soon as possible, but no later than 45 calendar days; conciliation agreement due to EO Officer no later than 65 calendar days</p> <p>As soon as possible, but no later than 90 calendar days</p>

For any communication identifying an equal opportunity issue with a LWDB, or for any matter that may quickly escalate to a formal complaint (e.g., a formal or informal complaint filed by an advocacy group or community-based organization), the State EO Officer must be notified at eoofficer@okcommerce.gov within three (3) business days of receipt, even if it is determined that there is no jurisdiction to investigate the matter under this policy and WIOA Section 188. These communications must also be logged in on the Communications Log (see Attachment D). The

Communications Log is also submitted quarterly to the State EO Officer on the same dates as the Discrimination Complaint Logs.

As the administrative entity, OOWD will coordinate monitoring activities in such a way to avoid duplication of efforts and increase efficiencies. Annual EO monitoring will occur concurrently with programmatic monitoring. This monitoring may take place virtually, onsite or via a desk review. The EO Officer will conduct annual monitoring of actions taken by LWDBs in response to equal opportunity and nondiscrimination issues raised in this policy.

LWDB recipients shall monitor their activities and One Stop Centers to ensure compliance with EO nondiscrimination policies. State recipients, including the EO Officer at each core partner agency (OOWD, CareerTech, Department of Rehabilitation Services (DRS), Oklahoma Employment Security Commission (OESC)), shall ensure formalized assurances that the complaints received through their agencies directly related to claims in One Stop Centers shall be investigated. The State EO Officer must be notified of the results of any EO nondiscrimination investigation and of any formal complaints filed and/or investigated regarding employment with a recipient. State recipient EO Officers will monitor annually and provide reports to the OOWD State EO Officer for coordination of a state report.

A corrective action plan must be submitted to the State EO Officer at eoofficer@okcommerce.gov with remedies for all issues identified in the corrective action plan to be completed within 30 days or within a reasonable time frame agreed upon by all parties. The purpose of this is to ensure that all equal opportunity and nondiscrimination issues identified are proactively and promptly addressed to avoid intentionally or inadvertently violating civil rights.

At any time, the State EO Officer has the discretion to take over an investigation conducted by a local EO Officer and/or remand a complaint received by OOWD to a local EO Officer for processing, unless a conflict of interest exists on behalf of the State EO Officer.

In the event a complaint is filed by an employee of a service provider or small recipient regarding the recipient's employment practices, the EO Officer may coordinate the investigation of the complaint with the personnel department of the recipient if, in the EO Officer's judgment, the recipient has adequate procedures and resources in place to investigate the complaint.

A service provider or small recipient will work in conjunction with the EO Officer regarding complaints of discrimination.

II. Methods of Filing

Before a communication is reviewed to determine whether it meets the jurisdictional requirements for investigation, it must be in writing and signed. Communications that do not meet these basic requirements are not classified as "discrimination complaints" for purposes of this process, and are not included in the "Discrimination Complaint Log" as discussed below in these procedures. However, all equal opportunity and nondiscrimination related communications, including non-written communications, not recorded on the "Discrimination

Complaint Log,” shall be recorded on the “Communications Log” (Attachment D). The purpose of the “Communications Log” is to keep track of any EO issue that arises, regardless of whether it constitutes a complaint.

Prior to concluding that a communication does not meet the jurisdiction requirements, every effort shall be made to provide the Complainant notice and an opportunity to cure any deficiencies (*i.e.*, contact the complainant by phone, email, or regular mail to explain what additional information the EO Officer needs to determine if there is jurisdiction.

Definitions

Business Day is defined as Monday through Friday, excluding weekends and holidays.

Complainant is defined as the individual alleging s/he suffered discrimination (*i.e.*, was subjected to an adverse act) in a WIOA-funded program or activity.

Respondent is defined as the alleged wrongdoer. More than one Respondent may be named in a complaint.

Recipient is defined at 29 C.F.R. § 38.4(zz) and is any entity that, either directly or indirectly, receives WIOA-Title I funding, or is part of the system of delivering WIOA Title I services, aid, benefits, or training.

A. Verbal Communication; In-Person and Telephone

No verbal communication (*i.e.*, in-person or telephonic) may be accepted for processing as a discrimination complaint. In addition, verbal communications are not recorded in the “Discrimination Complaint Log,” as these communications are not in writing and signed.

Rather, any person seeking to lodge a discrimination complaint in-person or over the telephone must be notified that such a complaint must be in writing and signed. On request, the EO Officer shall assist an individual in completing the Discrimination Complaint Package (*see* Attachment A). Any signed Nondiscrimination Complaint Form or equivalent submitted by the Complainant or Complainant’s representative in-person to the EO Officer shall be date-stamped as of the date of in-person delivery for purposes of determining timeliness.

The EO Officer also shall ensure that a signed Consent Form and “Notice of Investigatory Uses of Personal Information” is in the investigative file.

Failure or refusal to file a signed Consent Form, after being afforded notice and an opportunity to cure this deficiency, shall result in administrative closure of the matter,

and the individual shall be notified in writing. The communication is not recorded in the "Discrimination Complaint Log," as it is not signed.

B. By Electronic Mail (Email)

1. Generally

If a signed copy of the Nondiscrimination Complaint Form or its equivalent is scanned and emailed to the EO Officer as an attachment, then the date of filing is the date on which the email is received by the EO Officer. Within five (5) business days, the EO Officer shall notify the individual that the email was received and is being reviewed.

To document the filing date in the investigative file for purposes of timeliness, the EO Officer shall download and print the email along with the attachment and/or upload the email and any attachment to an electronic database. The date of receipt of the email constitutes the filing date for purposes of determining timeliness.

2. Effect of Unsigned Nondiscrimination Complaint Form

If the EO Officer receives an unsigned Nondiscrimination Complaint Form, or equivalent communication, by email, then the EO Officer shall download and print the original email along with any attachment. Within five (5) business days, notification of the deficiency shall be made in writing via email to the sender's address with instructions for the sender to print the communication, sign it, and submit it to the EO Officer within 10 calendar days by:

- Scanning the signed communication and transmitting it by email;
- Sending the signed communication by regular mail; or
- Transmitting the signed communication by fax.

If the sender cures the deficiency and submits a signed communication, then the date of receipt of the original, unsigned email shall constitute the date of filing for purposes of timeliness. The signed communication shall be added to the investigative file. This policy ensures that the rights of the individual filing the communication are protected to the maximum extent possible.

3. Consent Form

The EO Officer also shall ensure that a signed Consent Form and "Notice of Investigatory Uses of Personal Information" is in the investigative file.

Failure or refusal to file a signed Consent Form, after being afforded notice and an opportunity to cure this deficiency, shall result in administrative closure of the matter,

and the individual shall be notified in writing. The communication is not recorded in the "Discrimination Complaint Log," as it is not signed.

C. By Facsimile (Fax)

1. Generally

If a signed copy of the Nondiscrimination Complaint Form, or equivalent communication, is transmitted by fax to the EO Officer, then the date of filing is the date on which the fax is received by the EO Officer. Within five (5) business days, the EO Officer shall notify the individual that the fax was received and is being reviewed. The date of receipt of the fax constitutes the filing date for purposes of determining timeliness.

2. Effect of Unsigned Nondiscrimination Complaint Form

If the EO Officer receives an unsigned Nondiscrimination Complaint Form, or equivalent unsigned communication, by fax, then the EO Officer shall place the original, unsigned fax in the investigative file. Within five (5) business days, written notification of the deficiency shall be sent to the sender with instructions for the sender to print the communication, sign it, and submit it within 10 calendar days to the EO Officer by:

- Scanning the signed communication and transmitting it by email;
- Sending the signed communication by regular mail; or
- Transmitting the signed communication by fax.

If the sender cures the deficiency and submits a signed communication, then the date of receipt of the original, unsigned fax shall constitute the date of filing for purposes of timeliness. The signed communication shall be added to the investigative file. This policy ensures that the rights of the individual filing the communication are protected to the maximum extent possible.

3. Consent Form

The EO Officer also shall ensure that a signed Consent Form and "Notice of Investigatory Uses of Personal Information" is in the investigative file.

Failure or refusal to file a signed Consent Form, after being afforded notice and an opportunity to cure this deficiency, shall result in administrative closure of the matter, and the individual shall be notified in writing. The communication is not recorded in the "Discrimination Complaint Log," as it fails to meet the technical requirements for a discrimination complaint.

D. By Mail

1. Generally

If a signed copy of the Nondiscrimination Complaint Form is transmitted by mail (regular, express, certified, or registered), then the date of filing is the postmark date. Within five (5) business days, the EO Officer shall notify the individual that the communication was received and is being reviewed.

To document the filing date in the investigative file, the EO Officer shall retain the envelope documenting the postmark date. If the postmark date is illegible, then the date on which the EO Officer date-stamps the communication as being received shall constitute the date of filing for purposes of timeliness.

2. Effect of Unsigned Nondiscrimination Complaint Form

If the EO Officer receives an unsigned Nondiscrimination Complaint Form, or other unsigned communication by mail, then the EO Officer shall place the unsigned communication in the investigative file along with the envelope. Within five (5) business days, written notification of the deficiency shall be sent to the individual with instructions to sign the communication, and submit it within 10 calendar days to the EO Officer by:

- Scanning the signed communication and transmitting it by email;
- Sending the signed communication by regular mail; or
- Transmitting the signed communication by fax.

If the sender cures the deficiency and timely submits a signed communication, then the postmark date of receipt of the original, unsigned communication shall constitute the date of filing for purposes of timeliness. This policy ensures that the rights of the individual filing the communication are protected to the maximum extent possible.

3. Consent Form

The EO Officer also shall ensure that a signed Consent Form and "Notice of Investigatory Uses of Personal Information" is in the investigative file.

Failure or refusal to file a signed Consent Form, after being afforded notice and an opportunity to cure this deficiency, shall result in administrative closure of the matter, and the individual shall be notified in writing. The communication is not recorded in the "Discrimination Complaint Log," as it is not signed.

E. Other Signed, Written Communication

Per 29 C.F.R § 38.70, an individual is not required to utilize the Nondiscrimination Complaint Form when filing a discrimination complaint; rather, the EO Officer shall receive any signed, written communication alleging an adverse action on a prohibited basis (*e.g.*, race, color, national origin, disability, religion, gender, age) against a “recipient” as defined at 29 C.F.R. § 38.4(zz).

As with the filing of the Nondiscrimination Complaint Form, the EO Officer must determine whether all jurisdictional requirements are met prior to initiating an investigation. Depending on the method of filing the communication (*e.g.*, email, fax, mail), the EO Officer shall follow the same procedures as are applicable to the filing of the Nondiscrimination Complaint Form. And, the individual must sign the Consent Form accompanying the “Notice of Investigatory Uses of Personal Information” (*see* Attachment A).

F. Effect of EO Officer Unavailable or Disqualified—Conflict of Interest

If the EO Officer is unavailable (*e.g.*, extended leave), or is disqualified (*e.g.*, actual or apparent conflict of interest) to handle a particular discrimination complaint, the State EO Officer (or official designee) shall appoint an EO Officer or other appropriate official to investigate the discrimination complaint.

If any party requests disqualification of a local EO Officer because of a conflict of interest, the State EO Officer (or official designee) shall, in his or her sole discretion, determine whether a local EO Officer is disqualified with regard to any particular complaint or inaction. Issuance of an adverse decision by a local EO Officer will not alone demonstrate that the local EO Officer is disqualified to handle a discrimination complaint.

If it is determined that the local EO Officer is disqualified to conduct the investigation of a particular complaint, then the complaint shall be assigned to the State EO Officer or other appropriate official to conduct the discrimination complaint investigation pursuant to these procedures. If the State EO Officer (or official designee) determines the assigned EO Officer is qualified to handle a particular discrimination complaint, then the EO Officer shall not be disqualified and shall promptly continue processing the complaint pursuant to these procedures.

The State EO Officer’s (or official designee’s) determination regarding unavailability shall be in writing, copies shall be sent to the parties, and the determination shall be final upon issuance. A copy of the written notification shall be placed in the investigative file.

Likewise, the State EO Officer’s (or official designee’s) determination in response to a

party's request for disqualification of the EO Officer shall be in writing, copies shall be sent to the parties, and the determination shall be final upon issuance. A copy of the written notification shall be placed in the investigative file.

III. Types of Discrimination Complaints

A. Individual

An "individual" discrimination complaint is filed by one person, or the authorized representative of one person. An individual discrimination complaint alleges adverse treatment of the individual on a prohibited basis. For example:

- A customer alleges he could not complete program forms because he is limited English proficient, and the forms are available only in English.
- The mother of a 17-year-old alleges that her son was not allowed to enroll in an on-the-job training program because of the son's age.
- An attorney files a complaint alleging her client, a black man, was referred to a lower paying job than comparably qualified white men.

Individual discrimination complaints may be accepted for investigation provided the jurisdictional requirements are met, and such signed, written complaints are recorded in the "Discrimination Complaint Log" (see Attachment E).

B. Class Action

A class action discrimination complaint is filed by more than one person and/or their authorized representative(s). A class action complaint alleges a common type of adverse treatment against a group of individuals on a common prohibited basis. For example, a group of women allege they are referred to lower paying jobs than comparably qualified men.

Class action complaints may be accepted for investigation, provided the jurisdictional requirements are met, and such signed, written complaints are recorded in the "Discrimination Complaint Log" (see Attachment E).

C. Third Party

A third-party discrimination communication is lodged by an individual (not an authorized representative) or an organization on behalf of a category of similarly-situated persons. The aggrieved person(s) may, or may not, be identified in the communication. For example, the Islamic Association files a communication alleging that persons of the Muslim faith are not afforded the same on-the-job training opportunities as comparably

qualified persons who are not of the Muslim faith.

All third party communications must be treated as complaints and individuals must be notified of their rights to file a formal complaint until it is determined there is no jurisdiction. Third-party communications cannot be accepted for investigation unless one or more affected individuals submit a signed Discrimination Complaint Form or its equivalent, and Consent Form accompanying the Notice of Investigatory Uses of Personal Information (see Attachment A). Third-party communications do not constitute discrimination complaints, and such communications are not recorded in the "Discrimination Complaint Log." Third party communications must be logged in the "Communications Log."

The local EO Officer and the State EO Officer may utilize third-party communications for purposes of monitoring the program or activity at issue.

D. Anonymous Communications

An anonymous communication, whether verbal or written, shall not be considered a discrimination complaint as it is not signed and there is no name or contact information for the allegedly aggrieved individual. And, anonymous complaints are not recorded in the "Discrimination Complaint Log" (see Attachment E). These communications are logged in the "Communications Log" (see Attachment D). Before it is determined that a communication is anonymous, attempts must be made to notify the aggrieved individual and inform of the right to file a formal complaint.

IV. Determining Jurisdiction

Once a signed, written Nondiscrimination Complaint Package is received, a jurisdiction determination must be made. The EO Officer shall provide the complainant with notice and an opportunity to cure any jurisdictional deficiencies.

A. Completed within 14 Calendar Days

Within 14 calendar days of the date of receipt of a discrimination complaint, the EO Officer shall (1) determine whether jurisdiction to investigate the complaint exists, and (2) issue a written notice accepting or rejecting the discrimination complaint as discussed further below.

B. Assign Identifier

Each complaint received by the EO Officer shall be assigned a unique identifier by the EO Officer for purposes of processing and tracking the complaint. The identifier shall be the calendar year in which the discrimination complaint was received, followed-by the

designation “WIOA,” and followed-by the sequential number in which the complaint was received. For example, the 11th discrimination complaint received in calendar year 2018 would be designated 2018-WIOA-11.

C. Elements of Jurisdiction

The complaint must comply with the following basic federal requirements in order for jurisdiction to be present:

- The complaint must be in writing;
- The complaint must be signed by the Complainant (*i.e.*, the aggrieved person), or the Complainant’s authorized representative;
- The complaint must identify a Respondent who is a “recipient” under 29 C.F.R. § 38.4(zz);
- The complaint must contain sufficient contact information for the Complainant (*e.g.*, address, telephone number, email address);
- The complaint must allege a prohibited basis of discrimination (*e.g.*, race, color, national origin, gender, age, disability, political affiliation, religion);
- The complaint must set forth an “issue,” or adverse action;
- The “issue” or adverse action must have occurred within 180 days of the filing of the complaint; and
- The complaint must have “apparent merit”—said differently, does the complaint allege an adverse action taken by Respondent against the Complainant on a prohibited basis?

D. Recipient Defined

In determining jurisdiction, the regulations define “recipient” very broadly as follows:

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

- (1) State-level agencies that administer, or are financed in whole or in

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

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

E. Unemployment Insurance (UI) Benefits, Special Considerations

If a complaint alleges an adverse decision regarding unemployment insurance benefits on a prohibited basis, the EO Officer must determine whether all administrative remedies have been exhausted (*i.e.*, all appeals taken and a final determination issued with OESC). If the UI adjudication process is not completed, the complaint is premature and the EO Officer shall not commence an investigation of the complaint unless and until such time as the adverse decision is final, and all other jurisdictional requirements are met.

F. Opportunity to Cure Deficiencies

To give the individual the fullest protection of the law, the EO Officer shall provide notice, and an opportunity to cure, any jurisdictional deficiencies. To the extent possible, the EO Officer shall provide assistance to the individual in addressing any jurisdictional deficiencies. The EO Officer cannot advocate on behalf of, or give advice to, the Complainant. Rather, the EO Officer must offer clarification of what is being asked or requested. The goal here is to ensure resolution of the nondiscrimination and equal opportunity issues identified, regardless of any technical or de minimis deficiencies.

IV. Rejecting a Complaint

A. Notice issued in 14 calendar days

Within 14 calendar days of receipt of the complaint, the EO Officer shall make a jurisdiction determination.

If the EO Officer determines that a complaint will be rejected for *any jurisdictional defect other than timeliness*, and the Complainant failed to cure the defect after being afforded notice and an opportunity to do so, then written notice shall be sent to the Complainant as soon as possible (*i.e.*, within 14 calendar days of the date of receipt of the complaint when the jurisdiction determination is made), but no later than 30 calendar days of the date on which the complaint was received. The complaint shall be recorded in the “Discrimination Complaint Log” (*see* Attachment E) with a proper notation as to its disposition.

If the EO Officer determines that a complaint is untimely (*i.e.*, it was not filed within 180 days of the date on which the alleged discriminatory conduct occurred), then written notice shall be sent to the Complainant as soon as possible (*i.e.*, within 14 calendar days of the date of receipt of the complaint when the jurisdiction determination is made), but no later than within 30 calendar days of the date on which the complaint was received. The complaint shall be recorded in the “Discrimination Complaint Log” (*see* Attachment E), with a proper notation as to its disposition.

B. Rude and unprofessional conduct

Complaints alleging rude or unprofessional customer service must be referred to the recipient within 14 calendar days of the date on which the complaint is received, and the Complainant must receive written notice of the referral. The recipient must contact the Complainant and, if appropriate, direct refresher training to staff members involved on successful engagements with customers and treating all customers with respect and dignity as required by the Oklahoma Workforce Development Issuance (OWDI) #16-2017, addressing grievance and complaint process policies.

V. Accepting a Complaint for Investigation

A. Notice Issued in 30 Calendar Days

Within 30 calendar days of the date of receipt of a Nondiscrimination Complaint Package, if all jurisdictional requirements are met, the EO Officer shall notify the Complainant and named Respondent(s) that the complaint has been accepted for investigation. The complaint shall be recorded in the “Discrimination Complaint Log” (*see* Attachment E)

B. Alternative Dispute Resolution (ADR) & Mediation

The EO Officer shall make every effort to expeditiously resolve the complaint without the need for an investigation. Informal mediation of the complaint occurs between the EO Officer and parties to a complaint. This form of mediation is particularly useful with regard to denial of access to apply for, or participate in, a program or activity.

Formal mediation occurs between a third-party neutral (not the EO Officer conducting the investigation), and the parties to the complaint. The EO Officer does not participate in, or attend, the mediation. Formal mediation, in the discretion of the EO Officer, may be used for class action complaints, or complicated individual complaints involving multiple issues and/or bases. However, the parties must agree to formal mediation voluntarily, and they must execute a "Consent to Mediate" form (see Attachment B).

No party shall be charged any fee for formal or informal mediation services.

If the EO Officer determines that a complaint is appropriate for formal mediation, and all parties to the complaint voluntarily agree to participate in this mediation, the EO Officer shall assign a third-party neutral, no later than 45 calendar days from the date of receipt of the complaint. Within 20 calendar days of the date on which a third-party neutral is assigned to conduct the mediation, or upon submission of a settlement agreement, *whichever occurs first*, the EO Officer shall: (1) either initiate an investigation, or (2) close the complaint due to resolution of all issues.

C. Conciliation Agreements

Resolution of a complaint through formal or informal mediation shall be recorded in a written agreement, which is signed by the parties (see Attachment C). The written agreement shall be maintained with the record of the complaint for a period of not less than three (3) years from the date of final action related to resolution of the complaint or compliance review. 29 C.F.R. § 38.43. The conciliation agreement shall be finalized in writing within 90 days of the receipt of a complaint, if the parties resolve the matter through mediation or other alternative dispute resolution.

D. Age Discrimination, Special Procedures

With few exceptions, the Age Discrimination Act of 1975 at 42 U.S.C. § 6101 *et seq.* prohibits discrimination on the basis of *any* age in federally-funded, federally-assisted, and federally-conducted programs and activities. This means a recipient/provider may not exclude, deny, or provide different or lesser services to beneficiaries or potential beneficiaries on the basis of age—*any* age. However, the statute does not prohibit the consideration of age for purposes of determining eligibility in certain "targeted" programs (*e.g.*, youth training programs, employment programs for older Americans).

The U.S. Department of Health and Human Services (HHS) has oversight and coordination responsibility for the Age Discrimination Act. Per 45 C.F.R. Part 90, all complaints filed *with Federal departments and agencies* under the Age Discrimination Act be forwarded to the Federal Mediation and Conciliation Services (FMCS). FMCS has 60 days to attempt to resolve the complaint through mediation. *See* 45 C.F.R. § 90.43(c)(3).

Therefore, if a complaint alleges discrimination on the basis of age, the EO Officer shall inform the Complainant that, if the complaint is filed with the U.S. Department of Labor's Civil Rights Center, it will be referred to the FMCS for attempted mediation. If the Complainant elects to have the complaint investigated by the EO Officer, s/he will have the opportunity to engage in informal or formal mediation as discussed below in these procedures. This complaint is recorded in the "Discrimination Complaint Log" (*see* Attachment E).

VI. The Investigation and Final Action Notice

A. Completed in 90 Calendar Days

Within 90 calendar days of the date on which the Nondiscrimination Complaint Package is filed, if the complaint is not resolved through informal or formal mediation, the EO Officer shall develop a complaint investigation plan, conduct an investigation, and issue a written notice of final action to the parties resolving the complaint. 29 C.F.R. § 38.76.

At any time, the State EO Officer may take jurisdiction of the investigation in writing to the assigned EO Officer. In such cases, the assigned EO Officer shall fully cooperate with any and all requests for documents, information, and electronic or paper records inspections. The State EO Officer shall retain sole jurisdiction over investigation of the matter, and shall issue the written notice of final action to the parties if the matter is not resolved through mediation.

B. Conducting the Investigation

When conducting the investigation, the EO Officer first shall interview the Complainant. Then, any named Respondent(s) shall be interviewed. First-hand witnesses may be interviewed in the EO Officer's discretion to resolve one or more particular factual disputes.

Documents necessary to make a determination on the discrimination complaint shall be collected from the parties and, if needed, any witnesses. It is within the EO Officer's discretion to determine whether in-person interviews and/or inspections are needed, or

whether a desk audit and telephone interviews may be conducted.

After interviews of the named Respondent(s) and witness(es) are conducted, the EO Officer shall interview the Complainant in order to afford the Complainant every opportunity to establish the elements of proof in support of his or her discrimination complaint.

Whether conducted in person, or by telephone, the EO Officer shall take notes during the interviews. For each interviewee having knowledge of material and relevant facts, the EO Officer shall prepare a written statement of the interview, and shall require that the interviewee sign and date the statement after the interviewee has the opportunity to make any changes or modifications to the statement. Statements of interviewees shall be used by the EO Officer to render factual findings in the notice of final action.

C. Issuing the Notice of Final Action

Not later than 90 calendar days from the date of filing of the complaint, the EO Officer shall issue a notice of final action setting forth all relevant investigative findings, as well as any sanctions and required corrective actions. With regard to sanctions and corrective actions, the EO Officer shall set forth deadlines for the completion of sanctions and corrective actions along with the procedures that will be followed for Respondent(s)' failure to comply.

If the EO Officer determines that prohibited discrimination was not proven, the EO Officer shall issue a notice of final action setting forth all relevant findings of fact, and the reasons discrimination was not established.

The notice of final action shall be issued to the Complainant, named Respondent(s), and their representatives (if any). A notation shall be placed in the "Discrimination Complaint Log."

D. Withdrawal of the Discrimination Complaint

At any time prior to issuance of a notice of final action, the Complainant may request withdrawal of the discrimination complaint. The request must be in writing. If the EO Officer determines that the request is made voluntarily, and is not the result of intimidation or threat of retaliation, the EO Officer shall issue a written notice to all parties stating that the complaint has been withdrawn and the matter is closed. The disposition of this complaint is recorded in the "Discrimination Complaint Log" as "withdrawn".

E. Death of the Complainant

If the Complainant dies during pendency of the investigation of his or her complaint, then the EO Officer shall proceed to complete the investigation to the extent practicable, and issue a notice of final action. This is designed to ensure that the program or activity at issue is operating in compliance with WIOA's nondiscrimination and equal opportunity mandates.

VII. The Discrimination Complaint Log

A. Generally

The EO Officer shall maintain a "Discrimination Complaint Log" (see Attachment E). Every discrimination complaint shall be recorded in the log regardless of the nature of disposition of the complaint (*i.e.* withdrawal, settlement, dismissal, rejection for lack of jurisdiction, determination on the merits).

With regard to each discrimination complaint, the EO Officer shall maintain records pertaining to the complaint, and all actions taken on the complaint (including recording disposition of the complaint in the "Discrimination Complaint Log"), for a period of not less than three (3) years from the date of resolution of the complaint.

Each EO Officer must produce his or her complete "Discrimination Complaint Log" to the State EO Officer at eoofficer@osuokc.edu on or before each of the following dates:

- March 31
- June 30
- September 30
- December 31

B. What is *not* included

The following types of communications shall not be recorded by the EO Officer in the "Discrimination Complaint Log":

- Anonymous communications;
- Communications that are not signed and/or are not in writing;
- Third-party communications (*i.e.*, no written, signed complaint(s) have been filed by the aggrieved individual(s));
- Program complaints; or
- A complaint alleging discrimination by an individual or entity that is not a "recipient" as defined at 29 C.F.R. § 38.4(zz).

All communications not recorded in Section B on the “Discrimination Complaint Log,” shall be recorded on the “Communications Log” (Attachment M). Each EO Officer must produce his or her complete “Communications Log” to the State EO Officer at eoofficer@osuokc.edu on or before each of the following dates:

- March 31
- June 30
- September 30
- December 31

C. Bases of Complaints, Special Considerations

When recording the “prohibited basis” of a complaint in the “Discrimination Complaint Log,” the EO Officer shall follow these guidelines:

- Complaints alleging discrimination on the basis of limited English proficiency (LEP) shall be recorded as national origin-based complaints.
- Gender-based complaints include allegations of discrimination based on gender, sexual orientation, pregnancy, familial status, transgender, and transsexual status.
- Harassment and hostile environment. *Quid pro quo* harassment and hostile environment constitute forms of prohibited discrimination when based on protected class characteristics (*Quid pro quo* means a favor or advantage granted or expected in return for something). For example, an allegation of hostile environment based on race would be recorded in the “Discrimination Log” as a race-based discrimination complaint. Similarly, a *quid pro quo* allegation of sexual harassment would be recorded as a gender-based discrimination complaint.
- Retaliation. WIOA’s nondiscrimination provisions prohibit retaliation on the bases of (1) filing a complaint alleging a violation of Section 188 of the WIOA, (2) furnishing information to, or assisting or participating in any manner, in an investigation, review, hearing, or other activity related to:
 - Administering the WIOA’s nondiscrimination provisions;
 - Exercising authority under these provisions;
 - Exercising a privilege secured by the provisions; or
 - Otherwise exercising any rights and privileges under the nondiscrimination and equal opportunity provisions of the WIOA.

Retaliation constitutes a form of discrimination, and is recorded in the “Discrimination Complaint Log.” The basis of this type of complaint shall be recorded as “retaliation.”

- If a complaint alleges discrimination on more than one basis, then all asserted bases shall be recorded in the “Discrimination Complaint Log.”

All items (electronic or paper) related to the discrimination complaint investigation, including discrimination complaint log entries, must be preserved for a period of not less than three (3) years from the date of final action related to resolution of the complaint. 29 C.F.R. § 38.43(b).

VIII. Confidentiality and Security of the Investigative File

The investigative file (including the discrimination complaint, investigative notes, witness statements, advisory memoranda pertaining to the complaint, and any other related documents) shall be kept in a locked filing cabinet, or, if maintained electronically, in an encrypted or password protected database. The only persons with access to the investigative file shall be:

- The EO Officer conducting the investigation;
- The State EO Officer;
- The Governor (or designee);
- The U.S. Department of Labor's Civil Rights Center.

Any and all medical information gathered in the course of a discrimination complaint investigation shall be kept confidential, and stored separately from the investigative file. Whether these files are electronic or hard copy, they must be locked or otherwise secured (for example, through password protection) in compliance with 29 C.F.R. § 38.41(b)(3).

Any party, witness, or non-party to a complaint seeking copies of any one or more documents in the investigative file must follow the procedures set forth in Oklahoma Open Records Act, 51 O.S. § 24A.1 *et seq.* Any request for documentation in the investigative file shall be submitted to <http://www.nfoic.org/oklahoma-sample-foia-request>.

Certain exemptions to disclosure may apply. It is the policy of the EO Officer to maintain the highest possible level of confidentiality in conducting an investigation of a discrimination complaint. Therefore, information from an investigative file will be released only if an exemption cannot be invoked for that particular piece of information.

When EO complaints contain general grievance, complaint information, or other items that are outside the scope of the EO nondiscrimination process, staff may be allowed limited access to relevant confidential information in investigative files on a need-to-know basis including, supervisors, managers, and subject matter experts. In such cases, the EO Officer must provide notice to the complainant in writing explaining why the complaint is outside the scope of an EO nondiscrimination complaint under WIOA and provide instructions on how to re-file such complaints through other processes with the appropriate Federal, State,

or local entity.

EQUAL OPPORTUNITY AND NONDISCRIMINATION: All recipients must comply with WIOA's Equal Opportunity and Nondiscrimination provisions which prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title-I financially assisted program or activity.

ACTION REQUIRED: This Oklahoma Workforce Development Issuance (OWDI) is to become a part of your permanent records and made available to all appropriate staff and sub-recipients.

INQUIRIES: If you have any questions about this issuance, please contact the State-level EO Officer in the Oklahoma Office of Workforce Development at eoofficer@osuokc.edu. Contact information can also be found at <http://www.oklahomaworks.gov/about/>.

ATTACHMENTS:

- A – Discrimination Complaint Form, Consent Form and Notice of Investigatory Uses of Personal Information
- B – Consent to Mediate Form
- C – Conciliation Agreement Template
- D – Communication Log Template
- E – Discrimination Complaint Log

Discrimination Complaint Procedures Attachment A

Discrimination Complaint Form and Consent WIOA EQUAL OPPORTUNITY AND NONDISCRIMINATION COMPLAINT FORM, CONSENT, AND NOTICE OF INVESTIGATORY USES

This form should be used by anyone who wishes to file a discrimination complaint against any person(s)/entity while involved in Oklahoma WIOA funded programs. To file a discrimination complaint, complete this form, sign on page 4, and return to the Local Equal Opportunity Officer as follows:

(Insert Contact Information Here)
Equal Opportunity Officer
Address
City, State, Zip
Telephone:
TDD:

1. Complainant Information

Miss Ms. Mrs. Mr. Other

Home Phone: ()

Work Phone: ()

Cell Phone: ()

Name: _____

Address: _____

City, State, Zip: _____

2. Complainant contact information

When is it a convenient time during business hours (8am – 5pm) to contact you by phone about this complaint?

Day	Monday	Tuesday	Wednesday	Thursday	Friday
Time					
Phone					

3. Contact information for the person(s) this complaint is against:

Provide the name of the entity where the person(s) work(s):

Name(s) of person(s): _____

Address of person(s)/entity:	City, State, Zip:
Telephone Number:	Date of first occurrence: Date of most recent occurrence:

4. Tell us about the incident(s)

- Explain briefly what happened:
- Provide the date(s) when the incident(s) occurred.
- Indicate who this program discrimination complaint is against. Include names and titles, if possible.
- If other people were treated differently than you, tell us how they were treated differently.
- Attach any documents that you think might help us better understand your complaint.

5. Please list below any person(s) (witnesses) that we can contact for additional information to support or clarify the complaint.

Name	Address	Phone

6. If this complaint involves discrimination, please check the type of discrimination you experienced, such as age, race, color, religion, sexual orientation, national origin, physical or mental disability, etc. If you believe more than one basis was involved, you may check more than one box.

- | | |
|---|---|
| <input type="checkbox"/> Age-provide date of birth
<input type="checkbox"/> Color
<input type="checkbox"/> National Origin
<input type="checkbox"/> Political Belief
<input type="checkbox"/> Retaliation
<input type="checkbox"/> Gender – <i>Specify</i> <input type="checkbox"/> F <input type="checkbox"/> M
<input type="checkbox"/> Race – <i>indicate race</i>
<input type="checkbox"/> Of Hispanic or Latino Origin
<input type="checkbox"/> Not of Hispanic or Latino Origin | <input type="checkbox"/> Citizenship or status as an alien U.S. worker
<input type="checkbox"/> Disability
<input type="checkbox"/> Political Affiliation
<input type="checkbox"/> Religion
<input type="checkbox"/> Sexual Harassment
<input type="checkbox"/> Status as a program participant under the Workforce Innovation and Opportunity Act (WIOA)
<input type="checkbox"/> Other (<i>specify</i>) |
|---|---|

7. Have you previously filed a complaint against this person(s)/entity? Yes No

If Yes, answer the questions below. If No, move to Section 8.

- a. Was your complaint in writing? Yes No
 b. On what date did you file the complaint?
 c. Name of office where you filed your complaint:

Address:

City:

Phone:

Contact person (*if known*):

d. Have you been provided a final decision or report? Yes No

If you marked “Yes”, please attach a copy of the complaint decision or report.		
8. What corrective action or remedy do you seek? Please explain:		
9. Choosing a personal representative:		
<ul style="list-style-type: none"> • You may choose to have someone else represent you in dealing with this complaint. It may be a relative, friend, an attorney, or someone else. • If you choose to appoint someone to represent you, all of our communication to you will be routed through your representative. 		
Do you want to authorize a personal representative to handle this complaint?		<input type="checkbox"/> Yes
		<input type="checkbox"/> No
If “ Yes ”, complete the section below. If “ No ”, go to Section 10.		
AUTHORIZATION OF PERSONAL REPRESENTATIVE		
I wish to authorize the individual identified below to act on my behalf as my personal representative, in matters such as mediation, settlement conferences, or investigations regarding this complaint.		
Name:		
<input type="checkbox"/> I am an attorney representing the complainant. <input type="checkbox"/> I am not an attorney representing the complainant.		
Mailing address:		
City:	State:	Zip:
Phone:	FAX:	
E-mail:		
10. Alternate Dispute Resolution (ADR) also known as mediation.		
Notice: You must indicate if you wish to mediate your case. The Equal Opportunity Officer cannot begin to process your complaint until you have made a selection. Please check “ YES ” or “ NO ” in the space below.		

- Mediation is an alternative to having your complaint investigated.
 - Neither party loses anything by mediating.
 - The parties to the complaint review the facts, discuss opinions about the facts, and strive for an agreement that is satisfactory for both.
 - Agreement to mediate is not an admission of guilt by the person(s)/entity that you claim discriminated against you.
 - Mediation is conducted by a trained, qualified and impartial mediator.
 - You (or your Personal Representative) have control to negotiate a satisfactory agreement.
 - Terms of the agreement are signed by the complainant and the person(s)/entity that you claim discriminated against you.
 - Agreements are legally binding on both sides.
 - If an agreement is not reached, a formal investigation will start.
 - Failure to keep an agreement will result in a formal investigation.
 - A formal investigation will be opened if retaliation is reported.
 - **Do you wish to mediate your complaint?** **YES**, I want to mediate. **NO**, please investigate.
- If you select “YES”, you will be contacted within five (5) business days with more information.**

11. Complainant Signature:

You must sign this form for your complaint to be processed.

- **Faxed or otherwise electronically delivered complaints will be logged into our system; however, an official investigation cannot begin until the original, signed copy is received by our office.**

By signing below, I attest that all of the information contained in this complaint is true to the best of my knowledge. I request that the necessary action be taken to resolve this matter, and I release my personal records so that this matter may be thoroughly investigated. This release is only to the extent necessary to reasonably and fully investigate this matter and is not a general release of all my personal records.

Signature:	Date:
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COMPLAINANT CONSENT/IDENTITY RELEASE FORM

(Printed name of Complainant)

Please read the information below, check the appropriate box, and sign this form. I have read the Notice of Investigatory Uses of Personal Information. As a complainant, I understand that in the course of an investigation it may become necessary for the investigator to reveal my identity to persons at the organization or institution under investigation. I am also aware of the obligations of the investigator to honor requests under the Oklahoma Open Records Act, 51 §24A.1 *et seq.* I understand that it may be necessary for the investigator to disclose information, including personally identifying details, which is gathered as a part of the investigation of my complaint. In addition, I understand that as a complainant I am protected by federal civil rights statutes and regulations from intimidation or retaliation for having taken action or participated in action to secure rights protected by applicable nondiscrimination laws.

CONSENT GRANTED—

I have read and understand the above information and authorize the investigator to reveal my identity to persons at the organization or institution under investigation. I hereby authorize the investigator to receive material and information about me pertinent to the investigation of my complaint. This release includes, but is not limited to, personal records and medical records. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release, and do so voluntarily.

Signature of Complainant

Date: _____

CONSENT DENIED –

I have read and understand the above information and do not want the investigator to reveal my identity to the organization or institution under investigation, or to review, receive copies of, or discuss material and information about me, pertinent to the investigation of my complaint. I understand this is likely to impede the investigation of my complaint, and may result in the closure of the investigation.

Signature of Complainant

Date: _____

NOTICE ABOUT INVESTIGATORY USES OF PERSONAL
INFORMATION: NOTICE OF COMPLAINANT/INTERVIEWEE
RIGHTS AND PRIVILEGES

Complainants and individuals who cooperate in an investigation, proceeding or hearing conducted by this investigator are afforded certain rights and protections. This brief description will provide you with an overview of these rights and protections.

A recipient may not force its employees to be represented by the recipient's counsel nor may it intimidate, threaten, coerce or discriminate against any employee who refuses to reveal to the recipient the content of an interview. A complainant does, however, have the right to representation by the individual of complainant's choice during an interview with the investigator.

The laws and regulations which govern this investigator's compliance and enforcement authority provide that no recipient or other person shall intimidate, threaten, coerce or discriminate against any individual because he/she has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding, or hearing conducted under my jurisdiction, or has asserted rights protected by applicable federal civil rights laws.

Information obtained from the complainant or other individual, which is maintained in the investigative file, may be exempt from disclosure under the State of Oklahoma Open Records Act, 51 §24A.1 *et seq.* if release of such information would constitute an unwarranted invasion of personal privacy.

Personal information will be used only for the specific purpose for which it was submitted, that is, for authorized civil rights compliance and enforcement activities. No law requires a complainant to give personal information to the investigator, and no sanctions will be imposed on complainants or other individuals who deny the investigator's request. However, if the investigator fails to obtain information needed to investigate allegations of discrimination, it may be necessary to close the investigation.

The investigator does not reveal the names or other identifying information about an individual unless it is necessary for the completion of an investigation or for enforcement activities against a recipient that violates the laws, or unless such information is required to be disclosed under the Oklahoma Open Records Act, 51 §24A.1 *et seq.* The investigator will keep the identity of complainants confidential except to the extent necessary to carry out the purposes of the civil rights laws, or unless disclosure is required under Oklahoma Open Records Act, 51 §24A.1 *et seq.*, or otherwise required by law.

The investigator generally is not required to release documents during an investigation or

enforcement proceedings if the release could have an adverse effect on the ability of the investigator to do his or her job. Also, the investigator may refuse a request for records compiled for law enforcement purposes if their release could be an "unwarranted invasion of privacy" of an individual. Requests for other records, such as personnel and medical files, may be denied where the disclosure would be a "clearly unwarranted invasion of privacy." The investigator will seek to invoke the exemptions at Oklahoma Open Records Act, 51 §24A.1 *et seq.*, to the extent possible.

BABEL NOTICE (29 C.F.R. § 38.9(g)(3)):

This document contains vital information. If English is not your preferred language, contact [insert EO Officer's name and contact information] to obtain translation and/or interpretation services for the content of this document.

Discrimination Complaint Procedures Attachment B

Consent to mediate form

AGREEMENT TO PARTICIPATE IN MEDIATION

We, the undersigned parties, understand and agree to the following in executing this “Agreement to Participate in Mediation”:

Definition of mediation. Mediation is a process in which a neutral (the mediator) assists parties to a conflict in finding a mutually acceptable solution to their dispute.

Role of the mediator. The mediator facilitates discussion between the parties by assisting them in communicating, identifying and clarifying issues, and exploring potential solutions. The parties decide the outcome of the mediation.

Role of the parties. Each party agrees to participate in mediation in good faith and agrees to treat others in the mediation with respect and courtesy.

Confidentiality. Communications in mediation are confidential and may not be used in subsequent judicial or administrative proceedings, except for (a) communications used to plan or commit a crime, (b) threats of bodily injury, (c) information otherwise discoverable by legal procedures, (d) in any complaint for misconduct against an attorney or mediator who participates in the mediation process; (e) in any legal action to vacate the agreement, (f) when the parties agree to waive confidentiality in writing, or (g) as otherwise provided by law or rule. Threats of personal harm may be disclosed by the mediator as reasonably necessary to prevent people from harm.

In addition, all memoranda, work products and other materials contained in the case files of a mediator or mediation program are confidential. Any communication made in or in connection with the mediation, which relates to the controversy being mediated, including screening, intake, and scheduling a mediation, whether made by the mediator, mediation program staff, to a party, or to any other person, is confidential. However, a written mediated agreement signed by the parties shall not be confidential, unless the parties otherwise agree in writing.

Confidential materials and communications are not subject to disclosure in discovery or in any judicial or administrative proceeding except:

- (i) where all parties to the mediation agree, in writing, to waive the confidentiality,
- (ii) in a subsequent action between the mediator or mediation program and a party to the mediation for damages arising out of the mediation,
- (iii) statements, memoranda, materials and other tangible evidence, otherwise subject to discovery, which were not prepared specifically for use in and actually used in the mediation,
- (iv) where a threat to inflict bodily injury is made,
- (v) where communications are intentionally used to plan, attempt to commit, or commit a crime or conceal an ongoing crime,

- (vi) where an ethics complaint is made against the mediator by a party to the mediation to the extent necessary for the complainant to prove misconduct and the mediator to defend against such complaint,
- (vii) where communications are sought or offered to prove or disprove a claim or complaint of misconduct or malpractice filed against a party's legal representative based on conduct occurring during a mediation, or
- (viii) as provided by law or rule.

Voluntary. Mediation is voluntary. Any party, or the mediator, may decide to stop the mediation at any time for any reason.

Joint and separate sessions. The mediation generally will occur with all parties present. The mediator may also meet separately with each party.

Legal advice. The mediator does not provide legal advice. Each party to the mediation has the opportunity to consult with independent legal counsel at any time and is encouraged to do so.

Agreement. All terms of settlement are non-binding until they are put into a written agreement *and* signed by all parties. Any mediated agreement may affect the legal rights of the parties. Each party to the mediation should have any draft agreement reviewed by independent counsel prior to signing the agreement.

Party signature

Party signature

Party's representative (if present)

Party's representative (if present)

Other person present

Other person present

Mediator

BABEL NOTICE (29 C.F.R. § 38.9(g)(3)):

This document contains vital information. If English is not your preferred language, contact [insert EO Officer's name and contact information] to obtain translation and/or interpretation services for the content of this document.

Discrimination Complaint Procedures Attachment C

Settlement agreement template

NOTICE: Pursuant to 29 C.F.R. § 38.93, a conciliation agreement must:

- (a)** Be in writing;
- (b)** Address the legal and contractual obligations of the recipient;
- (c)** Address each cited violation;
- (d)** Specify the corrective or remedial action to be taken within a stated period of time to come into compliance;
- (e)** Provide for periodic reporting on the status of the corrective and remedial action;
- (f)** State that the violation(s) will not recur;
- (g)** State that nothing in the agreement will prohibit CRC from sending the agreement to the complainant, making it available to the public, or posting it on the CRC or recipient's Web site;
- (h)** State that, in any proceeding involving an alleged violation of the conciliation agreement, CRC may seek enforcement of the agreement itself and shall not be required to present proof of the underlying violations resolved by the agreement; and
- (i)** Provide for enforcement for a breach of the agreement.

IN THE MATTER OF:

[name and address of Complainant]

v.

Complaint No.: _____

[name and address of Respondent(s)]

CONCILIATION AGREEMENT

On (insert date complaint filed), the undersigned Equal Opportunity (EO) Officer received a complaint filed by (insert name of Complainant), the Complainant, alleging that (insert name of Respondent/Recipient), the Respondent, denied the Complainant [access/training/aid/benefits/services/ bid/proposal] on the basis of (insert protected class).

A number of federal civil rights laws apply to our federally-assisted programs and activities, including (1) Title VI of the Civil Rights Act of 1964, as amended; (2) Section 504 of the Rehabilitation Act of 1973, as amended; (3) Section 188 of the Workforce Innovation and Opportunity Act of 2014 (WIOA); (4) Title II of the Americans with Disabilities Act (ADA) of 1990 as amended by the Americans With Disabilities Act Amendments Act (ADAAA) of 2008; (5) Title IX of the Education Amendments of 1972, as amended; and (6) the Age Discrimination Act of 1975.

As a whole, these statutes bar discrimination on the “basis” of race, color, national origin, religion, age, sex, disability, citizenship, political affiliation or belief, and/or status as a WIOA participant in programs funded, in part or in whole, by the U.S. Department of Labor. I determined that I had jurisdiction to investigate this matter, and the issue(s) presented for investigation was as follows:

[insert the issue accepted for investigation]

Through mediation, the parties have reached a settlement of this matter. The terms of the settlement are as follows:

- 1.
- 2.
- 3.

Respondent agrees that violation of applicable federal civil rights laws will not recur.

All corrective actions [have been completed.][will be completed on or before _____].

Respondent understands that failure to complete the corrective actions may result in suspension and/or loss of funding. Both parties understand that this *Settlement Agreement* is binding and enforceable by law, and the EO Officer may seek enforcement of the agreement itself and shall not be required to present proof of the underlying violations resolved by the agreement.

The undersigned EO Officer shall retain jurisdiction over this matter for a period of three (3) years to ensure completion of agreed-to corrective actions, and to monitor for future compliance by Respondent.

Signed on this ____ day of _____, 202_ by:

Complainant

Respondent Official

EO Officer

Representative (if any)

Representative (if any)

BABEL NOTICE (29 C.F.R. § 38.9(g)(3)):

This document contains vital information. If English is not your preferred language, contact [insert EO Officer's name and contact information] to obtain translation and/or interpretation services for the content of this document.

Attachment D: COMMUNICATION LOG TEMPLATE

Name of Entity: _____

Date of Communication	Name	Contact Information	Identity of Federally Funded Program	Description	Action Taken

Attachment E: DISCRIMINATION COMPLAINT LOG TEMPLATE

Name of Entity: _____

Date of Complaint	Name of Complainant	Address of Complainant	Status of Complainant	Identity of Federally Funded Program	Date of Alleged Discriminatory Act	Grounds/Bases) of Complaint	Description/ Issue of Complaint	Name of Respondent	Is Respondent a recipient? Yes or No	Date of Disposition	ADR Yes or No	Complaint Completed by

SECTION 8 – GOVERNOR’S OVERSIGHT AND MONITORING RESPONSIBILITIES FOR STATE PROGRAMS (29 CFR 38.51 and 53)

PURPOSE

The State of Oklahoma addresses how WIOA EO Officer(s) monitors the recipients. The State has established procedures to monitor all aspects of the recipient’s compliance with the WIOA Section 188 and 29 CFR Part 38. All EO Officers monitoring reviews include a review of compliance and responsibilities that have been assigned through the State’s Nondiscrimination Plan (NDP). A review of each recipient’s programs and activities to determine whether discrimination is occurring is also included in the monitoring.

NARRATIVE

The State ensures compliance with its administrative obligations under the WIOA Sections 188 and 29 CFR Part 38 during the monitoring process. Monitoring is conducted by the State EO Officer which includes a desk and field review to determine a recipient’s compliance with the provisions of WIOA Section 188. These reviews check for compliance with the administrative obligations including assurances in contracts and agreements, notices, brochures and communication responsibilities under the State’s NDP, as well as its programs and activities.

Monitoring recipients to ensure their programs and activities are operating in a nondiscriminatory manner must involve, at a minimum:

1. Analysis of the data and records collected by the recipient pursuant to 29 CFR 38.41 through 29 CFR 38.45 to determine whether any differences based upon race, ethnicity, sex, age and disability have practical or statistical significance; and
2. Where significant differences are found, follow-up investigations are done.
3. The system and format in which the records and data are kept must be designed to allow the Governor and CRC to conduct statistical or other quantifiable data analyses to verify the recipient’s compliance with Section 188 of WIOA.

In order to ensure that WIOA Title I financially assisted programs and/or activities are operating in a nondiscriminatory manner, the State’s monitoring regimen includes a desk analysis of the data and records collected by the recipient pursuant to 29 CFR 38.41 through 29 CFR 38.45. This analysis, conducted by the EO Officers should determine if any differences based upon race, ethnicity, sex, age, or disability exist and whether such differences have a practical or statistical significance.

Complying with the administrative obligations of 29 CFR 38 includes but is not limited to:

Assurances. (29 CFR 38.25 through 38.27)

The Oklahoma Office of Workforce Development/Oklahoma Works is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

Assurances are required to be provided by each LWDA in their Local Plan. (*Refer to: Section 1 Documentation – Attachment 1*)

Equal Opportunity Officers. (29 CFR 38.28 through 29 CFR 38.32)

EO Officers are listed in Section 2: Designation of State and local level Equal Opportunity Officers.

Notice and Communication. (29 CFR 38.34 through 29 CFR 38.39)

“Equal Opportunity Is the Law” notices are listed in Section 3: Notice and Communication.

Affirmative Outreach. (29 CFR 38.40)

Affirmative Outreach is addressed in Section 5 to ensure that recipients are required to provide equal access to their programs and activities to include various groups that are protected by these regulations.

The State utilizes the “Equal Opportunity Monitoring Review Guide” when facilitating on-site monitoring reviews for recipients’ programs and activities.

Data and information collection and maintenance. (29 CFR 38.41)

Data and information collection and maintenance are kept in a system that allows the Governor and CRC to conduct analysis as described in Section 4: Data and Information Collection and Maintenance.

Complaint processing procedures. (29 CFR 38.72)

The State provides a nondiscrimination and equal opportunity complaint process (*Refer to Section 7 Documentation – Attachment 2*) and offers Alternate Dispute Resolution (ADR) throughout the complaint processing procedure as listed in Section 7. All sub-recipients must comply with these procedures which meet the requirements of 29 CFR 38.70 through 29 CFR 38.80.

Conducting Equal Opportunity monitoring and evaluation, review of applicants for and recipients of WIOA Title I financial assistance (including assurance of programmatic and architectural accessibility).

The State, through a monitoring process, determines if the EO Officer or designee has reviewed applicants for and recipients of WIOA Title I financial assistance from or through the LWDA, including sub-recipient agencies. Monitoring includes the review of:

1. Receipt of the right to file grievance information for applicants and recipients;
2. Records of local discrimination complaint reports and resolution;
3. Applicable equal opportunity notices and signage for individuals with disabilities and other special needs populations;
4. Appropriate signage and equal opportunity information presented in languages other than English;
5. Review participant's case files, both electronic and paper for required notices, signatures, or appropriate documentation.
6. The Local Plan for nondiscrimination and equal opportunity provisions of the WIOA Section 188;
7. Contractual assurances of compliance with the nondiscrimination and equal opportunity provisions of the WIOA;
8. Programmatic and physical accessibility for disabled individuals to appropriately receive WIOA services;
9. Staff and participant interviews; and
10. Review of the recipient's policy and procedures to ensure they are not discriminatory.
11. Review the procedures for obtaining prompt corrective action when applying sanctions when noncompliance is found.
12. Reports of monitoring reviews and reports of follow-up actions taken under those reviews where violations were found, including the sanctions.

The State provides an annual monitoring report identifying all discrepancies found and the actions required to address each specific discrepancy. Each EO Officer bears the responsibility for monitoring these same elements, not only in their internal service delivery system but also for any and all sub-recipients who provide WIOA Title I funded services or activities.

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

The State EO Officer issues a report summarizing all non-compliance issues found during annual monitoring. These issues are then put into a Corrective Action Plan with timelines that each local area is responsible for implementing. When implementation of a Corrective Action Plan is incomplete by the specified deadline, the state will issue appropriate sanctions based on the severity of the noncompliance issues identified in the Corrective Action Plans.

The process outlined above also applies when there is more frequent monitoring. However, the report summarizing issues of noncompliance may be communicated informally, e.g. email.

Sanctions are considered when the recipient fails to adequately implement the Corrective Action Plan by the deadlines specified in the plan. Sanctions may revoke approval of all or part of the recipient's WIOA Title I financial assistance.

Ensuring policy development, communication, and training are implemented.

State policies and procedures are available on the [Oklahoma Works website](#). Additionally, policy broadcasts or informational broadcasts are sent via email to all LWDAs and workforce staff to communicate changes to policy or provide immediate information that may affect Title I programs or activities. The WIOA Policies and Procedures and broadcasts direct recipients of Title I funds to develop local equal opportunity and nondiscrimination policies and procedures that include requirements to ensure sub-recipient agencies meet the same obligation. Recipients' policies are located in each local plan and are updated as needed.

The State ensures the federal programs and activities are operating in a nondiscriminatory manner and provide equal opportunity, including but not limited to:

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

The statewide internet-based workforce data reporting system, OKJobMatch, allows for necessary reports to identify issues regarding equal opportunity and nondiscrimination.

These reports will continue calculations based on standard deviation for each of the applicant groups with respect to services such as job referrals, referred to training, entered employment, placements, and wages.

The UI program housed at OESC, a required core partner, collects information when initial unemployment claims are filed. Records are maintained on each claimant in a secure system. Data is stored in secure UI databases. Stored data is used to conduct analyses to determine whether any discriminatory issues exist. If any discriminatory issues exist, the State EO Officer will work with the OESC EO Officer to address them pursuant to policy.

The procedure for reviewing recipients' policies and procedures, to ensure that the policies and procedures do not violate the prohibitions contained in 29 CFR 38.5 through 38.10.

The EO Officer conducts a desk audit prior to on-site reviews to analyze program materials and the Local Plan to ensure no discrimination is occurring in local program policies, sub-contracts and procedures. Plans must have the following assurances:

1. The LWDA will provide a system that includes compliance with Title IV of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Age Discrimination Act of 1975, Title IX of the Education Act of 1972, Section 188 of WIOA and the Current State of Oklahoma Nondiscrimination (NDP);
2. The LWDA will describe how each access site identified in the NDP will ensure compliance with Equal Opportunity and Americans with Disabilities; and

3. The LWDA will provide contact information and identification of the Local, State and Federal EO Officers available in all facilities used to conduct WIOA Title I funded trainings, programs and activities.

Recipients are required to publish their Equal Opportunity and Nondiscrimination Complaint policy statement and procedure on their website.

The State EO Officer conducts interviews, as needed, as a part of the monitoring process.

The written reports prepared for each review must provide, among other things that the results of the monitoring review will be made available to the recipient(s) reviewed.

At the conclusion of the review, the State EO Officer conducts an exit interview with pertinent recipient staff and the LWDA director or designee. This conference is a brief discussion of issues or discrepancies identified during the course of the monitoring review.

An EO Monitoring Review Report is written by the State EO Officer. The EO Monitoring Review Report is then reviewed and submitted to the OOWD Executive Director for approval before being distributed to the Local EO Officer and Program Director. Copies of the EO Monitoring Review Report are provided to the Local EO Officer by the State EO Officer. The report identifies areas in which the LWDA is out of or could be out of compliance (discrepancies) and other areas of concern. The EO Monitoring Review Report may also make recommendations for corrective actions needed to correct deficiencies. *(See Appendices A & B)*

The Local EO Officer will maintain communication with the State EO Officer until all equal opportunity related discrepancies have been corrected.

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

The State, LWDA, UI, and OSP EO Officers are the primary reviewers; the name of the State EO Officer and a list of LWDA EO Officers are contained in Section 2 of this NDP. The State EO Officer reviews certain equal opportunity items as a part of the annual reviews. Any issues identified during the annual EO monitoring reviews involving equal opportunity and nondiscrimination are discussed with the State EO Officer to ensure compliance with applicable regulations. The State EO Officer conducts the review to ensure that past identified issues were appropriately addressed and resolved.

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

The State reviews each recipient annually through desk reviews and on-site reviews, unless needed more frequently to track and identify compliance issues. A review schedule is developed

at the beginning of each program year identifying when each LWDA and OSP is scheduled for a desk and on-site review. Each recipient is provided with a copy of the review schedule along with a copy of the desk review guides that will be utilized during the review. LWDA Directors are sent a letter by the State EO Officer notifying them of the review 30 days prior to the review date. In addition to these scheduled monitoring reviews, the State reserves the right to conduct monitoring with increased frequency throughout the program year.

Recipients follow the established procedures:

A service provider or small recipient will work in conjunction with the EO Officer regarding complaints of discrimination.

Section 8 – Documentation

ATTACHMENT

1. WIOA Monitoring Tool Checklist for Equal Opportunity and Nondiscrimination



Workforce Innovation and Opportunity Act
Equal Opportunity Compliance Technical Assistance Guide
State of Oklahoma



A proud partner of the [AmericanJobCenter](#) network

The Oklahoma Office of Workforce Development/Oklahoma Works is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

The Oklahoma Office of Workforce Development/Oklahoma Works is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

Introduction

The United States Department of Labor (USDOL) in Section 188 of the Workforce Investment and Opportunity Act (WIOA) and 29 CFR Part 38 requires each Governor to establish a Nondiscrimination Plan to ensure compliance with nondiscrimination and equal opportunity provisions of WIOA. Compliance includes a system for periodically monitoring the of recipients to determine if they are conducting their WIOA Title I-financially assisted program in a nondiscriminatory manner.

The Oklahoma Office of Workforce Development (OOWD) is administrative entity for Workforce Innovation Opportunity Act (WIOA), and Title I as designated by the Governor of the State of Oklahoma. Working in conjunction with the Oklahoma Employment Security Commission for Title III, Oklahoma Department of Rehabilitation Services for Title IV Vocational Rehabilitation, and Oklahoma Department of Career and Technology Education for Title II Adult Education and Family Literacy Act.

Compliance with the nondiscrimination and equal opportunity provisions of WIOA Section 188 and 29 CFR 38 is denoted in the States Nondiscrimination plan reviewed and filed every two (2) years with the U.S. Department of Labor, Civil Rights Center. This plan is due August 31 of each year the plan is filed.

Monitoring and Review includes:

- a statistical or quantifiable analysis of the records and data kept by the recipient, including analyses by race/ethnicity, sex, age, and disability status; 29 CFR 38.41
- an investigation of any significant differences found across groups in participation in the programs, activities, and employment as a result of the analysis; 29 CFR 38.51
- an assessment to determine if administrative obligations have been fulfilled, including recordkeeping, notice and communication; 29 CFR 38.51
- a review of policies to ensure they are nondiscriminatory;
- a system for reviewing job training plans, contracts, assurances and similar agreements to ensure they are nondiscriminatory and they contain the required language;
- procedures for ensuring compliance with Section 504;
- a system to ensure that individuals assigned responsibility for carrying out nondiscrimination requirements can do so effectively;
- procedures for obtaining prompt corrective action when noncompliance is found; and,
- supporting documentation to show that commitments made in the MOA are carried out.

Supporting documentation includes but is not limited to:

- the issuing of policies and procedures required by various elements of the MOA;
- copies of monitoring instruments and instructions;
- the development and communication of nondiscrimination policies;
- the extent to which Equal Opportunity training is planned and carried out;
- reports of monitoring reviews; and,
- reports of follow-up actions (where violations are found).

This technical assistance is advisory in nature and is not intended to supersede any other applicable, laws or regulations. While this guide does provide options for developing a

monitoring system adherence alone may not allow recipients to demonstrate compliance with Title VI, Section 188, or Section 504.

WIOA Section 188 Monitoring Requirements

Each Local Workforce Development Board will be monitored annually for compliance with Oklahoma's Nondiscrimination Plan and WIOA Section 188. Each Local Workforce Development Board will be monitored for compliance on the following components:

- Sections 38.25 through 38.27 (Assurances);
- Sections 38.28 through 38.33 (Equal Opportunity Officers);
- Sections 38.34 through 38.39 (Notice and Communication);
- Sections 38.41 through 38.45 (Data and Information Collection and Maintenance);
- Section 38.40 (Affirmative Outreach);
- Section 38.53 (Governor's Oversight Responsibility Regarding Recipients' Recordkeeping);
- Sections 38.72 and 38.73 (Complaint Processing Procedures); and
- Sections 38.51 and 38.53 (Governor's Oversight and Monitoring Responsibilities for State Programs).

Other elements include:

- Eligible Training Providers Compliance
- Compliance with Federal Disability Nondiscrimination Laws
- Recipient Language Assistance Plan (LEP Plan): Promising Practices
- Training for Compliance under WIOA Section 188
- Corrective Actions and Sanctions (policy)

Requirements Sections 38.25 through 38.27: Assurances

- Each grant applicant, and each training provider seeking eligibility, includes in its application for financial assistance under Title I of WIOA the required EO assurance.
- The required assurance is incorporated into each grant, cooperative agreement, contract, or other arrangement whereby Federal financial assistance under Title I of WIOA is made available.
- Each grant applicant, and each training provider seeking eligibility, is able to provide programmatic and architectural accessibility for individuals with disabilities. (See subpart C of 29 CFR Part 32.)
- Job training plans, contracts, assurances, and other similar agreements entered into by recipients are both nondiscriminatory and contain the required language regarding nondiscrimination and equal opportunity.

- State and local level policy issuances, or issuances of other recipients, are not discriminatory either in intent or effect.
- WIOA Title I nondiscrimination and equal opportunity policies are developed and implemented in a timely manner.

The Law (click triangle to the left to expand)

§38.25 A grant applicant's obligation to provide a written assurance.

(a) Grant applicant's obligation to provide a written assurance.

(1) Each application for financial assistance, under Title I of WIOA, as defined in §38.4, must include the following assurance:

(i) As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA, the grant applicant assures that it has the **ability to comply with the nondiscrimination and equal opportunity provisions of the following laws and will remain in compliance for the duration of the award of federal financial assistance:**

(A) Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I- financially assisted program or activity;

(B) Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;

(C) Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;

(D) The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and

(E) Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

(ii) The grant applicant also assures that, as a recipient of WIOA Title I financial assistance, it will comply with 29 CFR part 38 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIOA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

(2) The assurance is considered incorporated by operation of law in the grant, cooperative agreement, contract or other arrangement whereby Federal financial assistance under Title I of WIOA is made available, whether it is explicitly incorporated in such document and whether there is a written agreement between the Department and the recipient, between the Department and the Governor, between the Governor and the recipient, or between recipients. The assurance also may be incorporated in such grants, cooperative agreements, contracts, or other arrangements by reference.

(b) Continuing State Programs. Each Strategic Four-Year State Plan submitted by a State to carry out a continuing WIOA financially assisted program or activity must provide the text of the assurance in paragraph

(a)(1) of this section, as a condition to the approval of the Four-Year Plan and the extension of any WIOA Title I assistance under the Plan. The State also must certify that it has developed and maintains a Nondiscrimination Plan under §38.54.

§38.26 Duration and scope of the assurance.

(a) Where the WIOA Title I financial assistance is intended to provide, or is in the form of, either personal property, real property, structures on real property, or interest in any such property or structures, the assurance will obligate the recipient, or (in the case of a subsequent transfer) the transferee, for the longer of:

(1) The period during which the property is used either: (i) For a purpose for which WIOA Title I financial assistance is extended; or (ii) For another purpose involving the provision of similar services or benefits; or

(2) The period during which either:

(i) The recipient retains ownership or possession of the property; or

(ii) The transferee retains ownership or possession of the property without compensating the Departmental grant making agency for the fair market value of that ownership or possession.

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

§38.27 Covenants.

(a) Where WIOA Title I financial assistance is provided in the form of a transfer of real property, structures, or improvements on real property or structures, or interests in real property or structures, the instrument effecting or recording the transfer must contain a covenant assuring nondiscrimination and equal opportunity for the period described in §38.25(a)(1).

(b) Where no Federal transfer of real property or interest therein from the Federal Government is involved, but real property or an interest therein is acquired or improved under a program of WIOA Title I financial assistance, the recipient must include the covenant described in paragraph (a) of this section in the instrument effecting or recording any subsequent transfer of such property.

(c) When the property is obtained from the Federal Government, the covenant described in paragraph

(a) of this section also may include a condition coupled with a right of reverter to the Department in the event of a breach of the covenant.

Focal Points/Terms

[Ability to Comply](#)

[Duration/Scope](#)

Sample of Documents that Support Compliance with WIOA Section 188:

- A copy of each directive that instructs individuals at the local level who are responsible for reviewing assurances, job training plans, contracts, and policies and procedures as to the requirements of, and their duties under WIOA Section 188 and 29 CFR Part 38.
- Copies of assurance pages of plans, contracts, and other agreements.
- Copies of memos or directives to contract managers advising them to include the required assurance in the appropriate documents.
- Copies of checklists or other guidelines used by contract specialists, attorneys, or others who review contracts and agreements that indicate that nondiscrimination and equal opportunity are considered in the evaluation of such documents.
- A copy of procedures developed to review the ability of grant applicants, and training providers seeking eligibility, to comply with the nondiscrimination and equal opportunity provisions of WIOA and 29 CFR Part 38.
- A copy of each WIOA EO issuance (e.g., the general EO policy statement, the policy statement on sexual harassment and the policy statement on religious accommodation).

Best Practices

Separate signature pages that include the assurance can be used to include and incorporate the language for compliance.

Assurances are included by operation of law in grant, cooperative agreement, contract or other arrangement whereby Federal financial assistance under title I of WIOA is made available. It is still best practice and recommended to include to prevent an oversight for the obligation. Incorporation by reference is allowed. A best practice would be to review the document for complexity and parties to determine if a reference is appropriate versus full assurances although either would be appropriate.

Requirements of Sections 38.28 through 38.33: Designation of Equal Opportunity Officers

- Each individual designated as a State-level Equal Opportunity Officer and each individual designated as a local level Equal Opportunity Officer are identified by name, position title, business address (including e-mail address if applicable) and telephone number (including 711 Relay Services/TDD/TTY number).
- The level within the organization of the position occupied by the EO Officer(s) is described in terms of the individual's authority and reporting level to the top official (e.g. senior level, etc.).
- The EO Officer's duties/responsibilities do not appear to constitute a conflict of interest or the appearance of such. The EO Officer reports to the top official of the organization.
- The duties of the EO Officer(s) are described sufficiently including the manner in which those duties are carried out. The individual to whom the EO Officer reports on EO matters by name, job title, and organization is included.

The Law – Equal Opportunity Officers (click on the triangle on the left to view)

§38.28 Designation of Equal Opportunity Officers.

(a) Governors. Every Governor must designate an individual as a State-level Equal Opportunity Officer (State-level EO Officer), who reports directly to the Governor and is responsible for State Program-wide coordination of compliance with the equal opportunity and nondiscrimination requirements in WIOA and this part, including but not limited to §§38.51, 38.53, 38.54, and 38.55 for State Programs. The State-level EO Officer must have staff and resources sufficient to carry out these requirements.

(b) All recipients. Every recipient except small recipients and service providers, as defined in §38.4(hhh) and (ggg), must designate a recipient-level Equal Opportunity Officer (recipient-level EO Officer), who reports directly to the individual in the highest-level position of authority for the entity that is the recipient, such as the Governor, the Administrator of the State Department of Employment Services, the Chair of the Local Workforce Development Board, the Chief Executive Officer, the Chief Operating Officer, or an equivalent official. The recipient-level EO Officer must have staff and resources

sufficient to carry out the requirements of this section and §38.31. The responsibilities of small recipients and service providers are described in §§38.32 and 38.33.

§38.29 Recipients' obligations regarding Equal Opportunity Officers.

All recipients have the following obligations related to their EO Officers:

- (a) Ensuring that the EO Officer is a senior-level employee reporting directly to the individual in the highest-level position of authority for the entity that is the recipient, such as the Governor, the Administrator of the State Department of Employment Services, the Chair of the Local Workforce Development Board, the Chief Executive Officer, the Chief Operating Officer, or an equivalent official;
- (b) Designating an individual who can fulfill the responsibilities of an EO Officer as described in §38.31;
- (c) Making the EO Officer's name, position title, address, and telephone number (voice and TDD/TTY) public;
- (d) Ensuring that the EO Officer's identity and contact information appear on all internal and external communications about the recipient's nondiscrimination and equal opportunity programs;
- (e) Assigning sufficient authority, staff, and resources to the EO Officer, and support of top management, to ensure compliance with the nondiscrimination and equal opportunity provisions of WIOA and this part; and
- (f) Ensuring that the EO Officer and the EO Officer's staff are afforded the opportunity to receive (at the recipient's expense) the training necessary and appropriate to maintain competency.

§38.30 Requisite skill and authority of Equal Opportunity Officer.

The EO Officer must be a senior level employee of the recipient who has the knowledge, skills and abilities necessary to fulfill the responsibilities competently as described in this subpart. Depending upon the size of the recipient, the size of the recipient's WIOA Title I-financially assisted programs or activities, and the number of applicants, registrants, and participants served by the recipient, the EO Officer may, or may not, be assigned other duties. However, the EO Officer must not have other responsibilities or activities that create a conflict or the appearance of a conflict with the responsibilities of an EO Officer.

§38.31 Equal Opportunity Officer responsibilities.

An Equal Opportunity Officer is responsible for coordinating a recipient's obligations under this part. Those responsibilities include, but are not limited to:

- (a) Serving as a recipient's liaison with CRC;
- (b) Monitoring and investigating the recipient's activities, and the activities of the entities that receive WIOA Title I-financial assistance from the recipient, to make sure that the recipient and its subrecipients are not violating their nondiscrimination and equal opportunity obligations under WIOA Title I and this part, which includes monitoring the collection of data required in this part to ensure compliance with the nondiscrimination and equal opportunity requirements of WIOA and this part;

- (c) Reviewing the recipient's written policies to make sure that those policies are nondiscriminatory;
- (d) Developing and publishing the recipient's procedures for processing discrimination complaints under §§38.72 through 38.73, including tracking the discrimination complaints filed against the recipient, developing procedures for investigating and resolving discrimination complaints filed against the recipient, making sure that those procedures are followed, and making available to the public, in appropriate languages and formats, the procedures for filing a complaint;
- (e) Conducting outreach and education about equal opportunity and nondiscrimination requirements consistent with §38.40 and how an individual may file a complaint consistent with §38.69;
- (f) Undergoing training (at the recipient's expense) to maintain competency of the EO Officer and staff, as required by the Director; and
- (g) If applicable, overseeing the development and implementation of the recipient's Nondiscrimination Plan under §38.54.

§38.32 Small recipient Equal Opportunity Officer Obligations.

Although small recipients, as defined in §38.4(hhh), do not need to designate EO Officers who have the full range of responsibilities listed in §38.31, they must designate an individual who will be responsible for adopting and publishing complaint procedures, and processing complaints, as explained in §§38.72 through 38.75.

§38.33 Service provider Equal Opportunity Officer Obligations.

Service providers, as defined in §38.4(ggg), are not required to designate an EO Officer. The obligation for ensuring service provider compliance with the nondiscrimination and equal opportunity provisions of WIOA and this part rests with the Governor or LWDA grant recipient, as specified in the State's Nondiscrimination Plan.

Focal Points/Terms

[Authority](#)

[Responsibility/Duties](#)

[Small Recipient](#)

[Service Provider](#)

The Equal Opportunity Officer:

- Serves as the recipients' liaison with the State Level Equal Opportunity Officer and the CRC;
- Monitors and investigates the recipient's activities, and the activities of the entities that receive WIOA Title I funds from the recipient, to make sure that the recipient and its subrecipients are not violating their nondiscrimination and equal opportunity obligations under WIOA Title I;
- Reviews the recipient's written policies to ensure that those policies are nondiscriminatory;

- Develops and publishes the recipient's procedures for processing discrimination and program complaints, and makes sure that those procedures are followed;
- Reports directly to the appropriate top level official about equal opportunity matters;
- Undergoes training (at the recipient's expense) to maintain competency, if the Director requires him or her, and/or his or her staff, to do so; and
- If applicable, oversees the development and implementation of the recipient's Nondiscrimination Plan
- Oversees the manner in which the recipient makes known the identity of the EO Officer(s) to applicants, registrants, eligible applicants/registrants, participants, employees, and applicants for employment, as well as interested members of the public.
- Describes the EO duties, responsibilities and activities associated with the implementation of 29 CFR Part 38, (i.e. handling complaints, monitoring, data collection and analysis, etc.) and all other duties, responsibilities and activities.
- Ensures adequate staffing and other resources are available to ensure that WIOA Title I; financially assisted programs and activities operate in a nondiscriminatory manner way are identified and deemed to be adequate.
- Ensuring that both EO Officer(s) and their staffs are sufficiently trained to maintain competency.

Sample of Documents that Support Compliance with WIOA Section 188:

- Examples of such document include (notices, directives, memoranda, letters to community groups, flyers, and relevant pages of handbooks and manuals) that communicates, either internally or externally, the EO Officer's name and other required information to registrants, applicants, eligible applicants/registrants, participants, applicants for employment, employees, and interested members of the public.
- Local EO Officer job position descriptions.
- Copies of the official organization chart(s) showing the organizational location of each EO Officer and the reporting relationship on EO matters.
- The identity of any staff who perform duties that support WIOA EO activities (e.g., clerical, data analysis) along with a position description for each such staff member, and the average hours per week spent on EO related activities by each such staff member (if positions are not devoted to WIOA equal opportunity activities on a fulltime basis).
- EO budget and source of funds for EO-related activities.
- Summary of EO related training that staff (EO staff and others) have received and a schedule of EO training delivered or to be delivered in the future. This may be training delivered by the State or level EO Officer to recipient staff, or training delivered to EO Officers or recipient staff by outside sources, such as CRC.

Requirements of Sections 38.34 through 38.39: Notices and Communication

- A copy of the EO is The Law Notice that meets the wording requirements under 29 CFR part 38 is provided to all customers, applicants for employment, employees and the general public.
- The EO notice is made available to registrants/applicants/ and eligible applicants/registrants; participants, applicants for employment and employees/union or professional organization that hold collective bargaining agreements or professional agreements with the recipient; sub-recipients; and members of the public.
- The method and frequently for disseminating the EO Notice ensures nondiscrimination and equal opportunity based on:
 - Location (Posted is prominently in a reasonable number of places?)
 - Format (Is disseminated in internal memoranda and other written or electronic communication)
 - Is included in handbooks or manuals?
- A description of how the EO notice is provided for individuals with disabilities (both hearing and visually impaired) is sufficiently addressed in the Nondiscrimination Plan.
- A description of how the participants are provided Notice and the procedure for making the copy (signed) part of the participant's file is sufficiently addressed.
- Addresses where participant files are maintained electronically, a description of how the notice with participant signature is placed in participant's file.
- The State and Local Nondiscrimination Plans describes how each recipient ensures that WIOA system services and information are provided in languages other than English are provided. This should include:
 - A thorough annual assessment of the language needs of a significant number or proportion of the population to be served (documented results of analysis should be addressed in the NDP.)
 - An identification of reasonable steps, based on the results of the annual assessment, it has implemented and will implement for the provision of services and information in the appropriate language. This information includes the initial and continuing notice required under WIOA Section 188 and all information that is communicated under 29 CFR Part 38.
- A description of the procedures that have been implemented to meet the particularized language needs of limited English speaking individuals who seek services/information from the recipient.
- Policy statement/guidance issued on the procedures for identifying and assessing the language needs of its LEP applicants/clients that provide for a range of interpreter assistance, notification to LEP persons, in appropriate language, of the right to free language assistance, etc.

- A description of how and the to what extent to registrants, applicants, eligible registrants/applicants, employees, applicants for employment, and members of the public are made aware of their rights to file a complaint under 29 CFR 38 is sufficiently addressed within orientations for each of these individuals.
- A description of how the Local Workforce Board disseminates the EO notice to its subrecipients throughout the region.
- A description of how the Local Workforce Board ensure that sub-recipients post the EO notice as required. • A description of how the State ensures that recruitment brochures and other materials routinely made available to the public include the statement equal opportunity employer/program and auxiliary aids and services are available upon request to individuals with disabilities. Also, where a telephone number is included on these materials, the 711 Relay services are provided.
- A description of the steps taken to ensure that communications with individuals with disabilities are as effective as communication with others.
- A description of the process the State has used and will continue to use to develop and communicate policy and conduct training regarding nondiscrimination and equal opportunity.

The Law – Notice and Communication (click on the triangle on the left to view)

§38.34 Recipients’ obligations to disseminate equal opportunity notice.

(a) A recipient must provide initial and continuing notice as defined in §38.36 that it does not discriminate on any prohibited basis. This notice must be provided to:

- (1) Registrants, applicants, and eligible applicants/registrants;
- (2) Participants;
- (3) Applicants for employment and employees;
- (4) Unions or professional organizations that hold collective bargaining or professional agreements with the recipient;
- (5) Subrecipients that receive WIOA Title I financial assistance from the recipient; and (6) Members of the public, including those with impaired vision or hearing and those with limited English proficiency.

(b) As provided in §38.15, the recipient must take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others and that this notice is provided in appropriate languages to ensure meaningful access for LEP individuals as described in §38.9.

§38.35 Equal opportunity notice/poster.

The notice must contain the following specific wording: Equal Opportunity Is the Law It is against the law for this recipient of Federal financial assistance to discriminate on the following bases: Against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of

the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity. The recipient must not discriminate in any of the following areas: Deciding who will be admitted, or have access, to any WIOA Title I- financially assisted program or activity; providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity. Recipients of federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities. What To Do If You Believe You Have Experienced Discrimination If you think that you have been subjected to discrimination under a WIOA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either: The recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or The Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW., Room N-4123, Washington, DC 20210 or electronically as directed on the CRC Web site at www.dol.gov/crc. If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above). If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient). If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

§38.36 Recipients' obligations to publish equal opportunity notice.

(a) At a minimum, the Equal Opportunity Notice required by §§38.34 and 38.35 must be:

- (1) Posted prominently, in reasonable numbers and places, in available and conspicuous physical locations and on the recipient's Web site pages;
- (2) Disseminated in internal memoranda and other written or electronic communications with staff;
- (3) Included in employee and participant handbooks or manuals regardless of form, including electronic and paper form if both are available; and
- (4) Provided to each participant and employee; the notice must be made part of each employee's and participant's file. It must be a part of both paper and electronic files, if both are maintained.

(b) The notice must be provided in appropriate formats to registrants, applicants, eligible applicants/ registrants, applicants for employment and employees and participants with visual impairments. Where notice has been given in an alternate format to registrants, applicants, eligible applicants/registant, participants, applicants for employment and

employees with a visual impairment, a record that such notice has been given must be made a part of the employee's or participant's file.

(c) The notice must be provided to participants in appropriate languages other than English as required in §38.9.

(d) The notice required by §§38.34 and 38.35 must be initially published and provided within 90 days of January 3, 2017, or of the date this part first applies to the recipient, whichever comes later.

§38.37 Notice requirement for service providers. The Governor or the LWDA grant recipient, as determined by the Governor and as provided in that State's Nondiscrimination Plan, will be responsible for meeting the notice requirement provided in §§38.34 and 38.35 with respect to a State's service providers.

§38.38 Publications, broadcasts, and other communications.

(a) Recipients must indicate that the WIOA Title I-financially assisted program or activity in question is an "equal opportunity employer/program," and that "auxiliary aids and services are available upon request to individuals with disabilities," in recruitment brochures and other materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or on paper, to staff, clients, or the public at large, to describe programs financially assisted under Title I of WIOA or the requirements for participation by recipients and participants. Where such materials indicate that the recipient may be reached by voice telephone, the materials must also prominently provide the telephone number of the text telephone (TTY) or equally effective telecommunications system, such as a relay service, videophone, or captioned telephone used by the recipient, as required by §38.15(b).

(b) Recipients that publish or broadcast program information in the news media must ensure that such publications and broadcasts state that the WIOA Title I-financially assisted program or activity in question is an equal opportunity employer/program (or otherwise indicate that discrimination in the WIOA Title I-financially assisted program or activity is prohibited by Federal law), and indicate that auxiliary aids and services are available upon request to individuals with disabilities.

(c) A recipient must not communicate any information that suggests, by text or illustration, that the recipient treats beneficiaries, registrants, applicants, participants, employees or applicants for employment differently on any prohibited basis specified in §38.5, except as such treatment is otherwise permitted under Federal law or this part.

§38.39 Communication of notice in orientations.

During each presentation to orient new participants, new employees, and/ or the general public to its WIOA Title I-financially assisted program or activity, in person or over the internet or using other technology, a recipient must include a discussion of rights and responsibilities under the nondiscrimination and equal opportunity provisions of WIOA and this part, including the right to file a complaint of discrimination with the recipient or the Director. This information must be communicated in appropriate languages as

required in §38.9 and in formats accessible for individuals with disabilities as required in this part and specified in §38.15.

Focal Points/Terms

[Initial and Continuing](#)

[Requirements](#)

[Scope of Requirement](#)

[Required Language](#)

[Orientations](#)

Sample of Documents that Support Compliance with WIOA Section 188:

- A copy of each communication that instructs the Local Workforce Development Board recipients on how they are to comply with the requirements of WIOA Section 188 and 29 CFR Part 38 regarding notice and communication.
- A copy of the posted EO notice.
- A copy of any checklist of the contents of participant and employee files, indicating that the notice requirement has been met.
- A copy of any orientation agendas that include a discussion of equal opportunity and nondiscrimination under WIOA section 188 and 29 CFR Part 38.
- A copy of each item of material, distributed at orientation sessions, which addresses the rights of individuals under WIOA section 188 and 29 CFR part 38.
- Copies of agendas (and a list of dates) of past and proposed EO policy briefings and EO training.
- A copy of each policy issuance or instruction that relates to WIOA Section 188 or 29 CFR Part 38.
- A copy of each recruitment brochure and other item of material distributed to the public by WIOA Title I financially assisted recipient, showing that each includes the statements "equal opportunity employer/program" and "auxiliary aids and services are available upon request to individuals with disabilities"; and the statewide telephone relay service relay 711.

Best Practices

As part of the organization and administration, of the notice requirement, the practice of having a map of facilities with poster location notated assists in planning and review. It is a single focus reference point for updating changes and to verify quickly strategic locations of sign placement based on local process and traffic.

Requirements of Section 38.41 through 38.45: Data Collection and Maintenance

- Each recipient must collect and maintain such data and records, as prescribed by the Director, as the Director comply with the nondiscrimination and equal opportunity provisions. The system and format in which the records and data are kept must be

designed to allow the Governor and CRC to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with section 188 of WIOA.

- Such records must include, but are not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. Each recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, terminee, applicant for employment, and employee. Beginning on January 3, 2019, each recipient must also record the limited English proficiency and preferred language of each applicant, registrant, participant, and terminee. Such information must be stored in a manner that ensures confidentiality, and must be used only for the purposes of recordkeeping, reporting and determining eligibility.
- Any medical or disability-related information obtained about a particular individual, including information that could lead to the disclosure of a disability, must be collected on separate forms. All such information, whether in hard copy, electronic, or both, must be maintained in one or more separate files, apart from any other information about the individual, and treated as confidential. Whether these files are electronic or hard copy, they must be locked or otherwise secured (for example, through password protection).

The Law – Data Collection and Maintenance (click the triangle on the left to view)

§38.41 Collection and maintenance of equal opportunity data and other information.

(a) The Director will not require submission of data that can be obtained from existing reporting requirements or sources, including those of other agencies, if the source is known and available to the Director.

(b)(1) Each recipient must collect such data and maintain such records, in accordance with procedures prescribed by the Director, as the Director finds necessary to determine whether the recipient has complied or is complying with the nondiscrimination and equal opportunity provisions of WIOA or this part. The system and format in which the records and data are kept must be designed to allow the Governor and CRC to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with section 188 of WIOA and this part.

(2) Such records must include, but are not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. Each recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, terminee, applicant for employment, and employee. Beginning on January 3, 2019, each recipient must also record the limited English proficiency and preferred language of each applicant, registrant, participant, and terminee. Such 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 Title I- financially assisted programs or activities; determining the extent to which the recipient is operating its WIOA Title I- financially assisted program or activity in a nondiscriminatory manner; or other use authorized by law.

(3) Any medical or disability-related information obtained about a particular individual, including information that could lead to the disclosure of a disability, must be collected on separate forms. All such information, whether in hard copy, electronic, or both, must be maintained in one or

more separate files, apart from any other information about the individual, and treated as confidential. Whether these files are electronic or hard copy, they must be locked or otherwise secured (for example, through password protection).

(i) Knowledge of disability status or medical condition and access to information in related files. Persons in the following categories may be informed about an individual's disability or medical condition and have access to the information in related files under the following listed circumstances:

(A) Program staff who are responsible for documenting eligibility, where disability is an eligibility criterion for a program or activity.

(B) First aid and safety personnel who need access to underlying documentation related to a participant's medical condition in an emergency.

(C) Government officials engaged in enforcing this part, any other laws administered by the Department, or any other Federal laws. See also §38.44.

(ii) Knowledge of disability status or medical condition only. Supervisors, managers, and other necessary personnel may be informed regarding restrictions on the activities of individuals with disabilities and regarding reasonable accommodations for such individuals.

(c) Each recipient must maintain, and submit to CRC upon request, a log of complaints filed with the recipient that allege discrimination on the basis(es) of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin, age, disability, political affiliation or belief, citizenship, and/or participation in a WIOA Title I-financially assisted program or activity. The log must 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; and other pertinent information. Information that could lead to identification of a particular individual as having filed a complaint must be kept confidential.

(d) Where designation of individuals by race or ethnicity is required, the guidelines of the Office of Management and Budget must be used.

(e) A service provider's responsibility for collecting and maintaining the information required under this section may be assumed by the Governor or LWDA grant recipient, as provided in the State's Nondiscrimination Plan.

§38.42 Information to be provided to the Civil Rights Center (CRC) by grant applicants and recipients.

In addition to the information which must be collected, maintained, and, upon request, submitted to CRC under §38.41:

(a) Each grant applicant and recipient must promptly notify the Director when any administrative enforcement actions or lawsuits are filed against it alleging discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in a WIOA Title I-financially assisted program or activity. This notification must include:

(1) The names of the parties to the action or lawsuit;

(2) The forum in which each case was filed; and

(3) The relevant case numbers.

(b) Each recipient (as part of a compliance review conducted under §38.63, or monitoring activity carried out under §38.65) must provide the following information:

(1) The name of any other Federal agency that conducted a civil rights compliance review or complaint investigation, and that found the grant applicant or recipient to be in noncompliance, during the two years before the grant application was filed or CRC began its examination; and (2) Information about any administrative enforcement actions or lawsuits that alleged discrimination on any protected basis, and that were filed against the grant applicant or recipient during the two years before the application or renewal application, compliance review, or monitoring activity. This information must include:

(i) The names of the parties;

(ii) The forum in which each case was filed; and

(iii) The relevant case numbers.

(c) At the discretion of the Director, grant applicants and recipients may be required to provide, in a timely manner, any information and data that the Director considers necessary to investigate complaints and conduct compliance reviews on bases prohibited under the nondiscrimination and equal opportunity provisions of WIOA and this part.

(d) At the discretion of the Director, recipients may be required to provide, in a timely manner, the particularized information and/or to submit the periodic reports that the Director considers necessary to determine compliance with the nondiscrimination and equal opportunity provisions of WIOA or this part.

(e) At the discretion of the Director, grant applicants may be required to submit, in a timely manner, the particularized information that the Director considers necessary to determine whether or not the grant applicant, if financially assisted, would be able to comply with the nondiscrimination and equal opportunity provisions of WIOA or this part.

(f) Where designation of individuals by race or ethnicity is required, the guidelines of the Office of Management and Budget must be used.

§38.43 Required maintenance of records by recipients.

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

(1) The records of applicants, registrants, eligible applicants/ registrants, participants, terminees, employees, and applicants for employment; and

(2) Such other records as are required under this part or by the Director. (b) Where a discrimination complaint has been filed or compliance review initiated, every recipient that possesses or maintains any type of hard-copy or electronic record related to the complaint (including records that have any relevance to the underlying allegations in the complaint, as well as records regarding actions taken on the complaint) or to the subject of the compliance review must preserve all records, regardless whether hard-copy or electronic, that may be relevant to a complaint investigation or compliance review, and maintain those records for a period of not less than three years from the date of final action related to resolution of the complaint or compliance review.

§38.44 CRC access to information and information sources.

(a) Each grant applicant and recipient must permit access by the Director or the Director's designee during its hours of operation to its premises and to its employees and participants, to

the extent that such individuals are on the premises during the course of the investigation, for the purpose of conducting complaint investigations, compliance reviews, or monitoring activities associated with a State's development and implementation of a Nondiscrimination Plan, and for inspecting and copying such books, records, accounts and other materials as may be pertinent to ascertain compliance with and ensure enforcement of the nondiscrimination and equal opportunity provisions of WIOA or this part.

(b) Asserted considerations of privacy or confidentiality are not a basis for withholding information from CRC and will not bar CRC from evaluating or seeking to enforce compliance with the nondiscrimination and equal opportunity provisions of WIOA and this part.

(c) Whenever any information that the Director asks a grant applicant or recipient to provide is in the exclusive possession of another agency, institution, or person, and that agency, institution, or person fails or refuses to furnish the information upon request, the grant applicant or recipient must certify to CRC that it has made efforts to obtain the information and that the agency, institution, or person has failed or refused to provide it. This certification must list the name and address of the agency, institution, or person that has possession of the information and the specific efforts the grant applicant or recipient made to obtain it.

§38.45 Confidentiality responsibilities of grant applicants, recipients, and the Department. Grant applicants, recipients and the Department must keep confidential to the extent possible, consistent with a fair determination of the issues, the identity of any individual who furnishes information relating to, or assists in, an investigation or a compliance review, including the identity of any individual who files a complaint. An individual whose identity is disclosed must be protected from retaliation (See §38.19).

Focal Points/Terms

[Data Analysis](#)

[Data Set](#)

[Confidentiality](#)

[Document Retention](#)

[Notice](#)

[Notice Requirement](#)

Sample of Documents that Support Compliance with WIOA Section 188:

- Samples of each policy issuance that discusses ensuring the confidentiality of demographic information regarding individuals. ☑ Samples of reports regarding demographic information.
- Samples of complaint logs and instructions, in hard copy and electronic file forms, used by the State and its recipients to track complaints that allege a violation of 29 CFR Part 38.

Requirements of Section 29 CFR §38.40: Affirmative Outreach

Recipients must take appropriate steps to ensure that they are providing equal access to their WIOA Title I-financially assisted programs and activities. These steps should involve reasonable efforts to include members of the various groups protected by these regulations 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. Such efforts may include, but are not limited to:

- Advertising the recipient's programs and/or activities in media, such as newspapers or radio programs, that specifically target various populations;
- Sending notices about openings in the recipient's programs and/or activities to schools or community service groups that serve various populations; and
- Consulting with appropriate community service groups about ways in which the recipient may improve its outreach and service to various populations.

The Law – Affirmative Outreach (click on the triangle to the left to view)

§38.40 Affirmative outreach. Recipients must take appropriate steps to ensure that they are providing equal access to their WIOA Title I- financially assisted programs and activities. These steps should involve reasonable efforts to include members of the various groups protected by these regulations 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. Such efforts may include, but are not limited to:

- (a) Advertising the recipient's programs and/or activities in media, such as newspapers or radio programs, that specifically target various populations;
- (b) Sending notices about openings in the recipient's programs and/or activities to schools or community service groups that serve various populations; and
- (c) Consulting with appropriate community service groups about ways in which the recipient may improve its outreach and service to various populations.

Focal Points/Terms

[Reasonable Efforts](#)

[Equal Access](#)

Sample of Documents that Support Compliance with WIOA Section 188:

- Copies of targeted outreach and recruitment plans.
- Criteria for determining priority of service.
- Copies of plans for One-Stop delivery systems to expand the pool of those considered for participation or employment in their programs and by race/ethnicity, sex, disability status, age, and language needs.
- Samples of brochures, posters, public-service announcements, computer screens displaying related information, and other publicity materials.

Requirements of Section 38.53: Oversight Responsibilities Regarding Recipients' Recordkeeping

The Local Workforce Development Board must ensure that recipients collect and maintain records in a manner consistent with WIOA Section 188 and 29 CFR Part 38 using procedures prescribed by OOWD and under 29 CFR Part §38.41(a). The Local Workforce Development Board

must ensure that recipients are able to provide data and reports in the manner prescribed by the Director.

The Law – Oversight Recipients' Recordkeeping

[Requirements](#)

[Confidentiality](#)

§38.53 Governor's oversight responsibilities regarding recipients' recordkeeping. The Governor must ensure that recipients collect and maintain records in a manner consistent with the provisions of §38.41 and any procedures prescribed by the Director under §38.41(a). The Governor must further ensure that recipients are able to provide data and reports in the manner prescribed by the Director.

Focal Points/Terms

Sample Documents:

- Schedules of reviews and criteria for review of recipients.
- EO Monitoring instrument(s) used by Local Workforce Development Board.
- Local Policy issuances and procedural guidance regarding monitoring reviews and evaluations.
- A representative sample of monitoring review reports, including findings and status of follow-up actions.

Requirements of Sections 38.72 and 38.73: Complaint Processing Procedures

- Local Workforce Board are obligated under WIOA Section 188 to implement the State's complaint procedures. These procedures must be published for investigating complaints that allege discrimination on the basis of race, color, national origin, religion, sex, age, disability, political affiliation or belief, and for beneficiaries only, citizenship status for WIOA.
- Complaints may be filed alleging intimidation and retaliation in accordance with 29 CFR 38.19.
- Complaint may be filed with CRC or Recipient within 180 days and should include:
 - Information a complaint may contain.
 - How due process will be provided.
 - Right to notice of the charges.
 - Right of representation.
 - Right of the parties to provide evidence and question others who present evidence.
 - A decision based strictly on the recorded evidence.

The complaint form includes:

- Include the name, title, address, telephone number and TDD/TTY number of the individual responsible for receiving the complaint.

- Provide for written notice of lack of jurisdiction of complaint, including reasons for the determination and notice of CP's right to file with CRC within 30 days of the CP's receipt of notice.
- Provide for initial written notice to the CP acknowledging that the recipient has received the complaint and notice that CP has right to representation.
- Provides a written statement to CP containing the issues raised in the complaint and for each issue, a statement whether the recipient will accept the issue for investigation or reject the issue, and the reason for rejection.
- A period for fact-finding or investigation of the circumstances.
- A period during which the recipient attempts to resolve the complaint. The methods available to resolve the complaint must include alternative dispute resolution (ADR) also known as a mediation.

The Law – Complaint processing (click on the triangle to the left to view)

§38.72 Required elements of a recipient's complaint processing procedures.

(a) The procedures that a recipient adopts and publishes for processing complaints permitted under this part and WIOA Section 188 must state that the recipient will issue a written Notice of Final Action on complaints within 90 days of the date on which the complaint is filed.

(b) At a minimum, the procedures must include the following elements:

(1) Initial, written notice to the complainant that contains the following information:

- (i) An acknowledgment that the recipient has received the complaint; and
- (ii) Notice that the complainant has the right to be represented in the complaint process;
- (iii) Notice of rights contained in §38.35; and
- (iv) Notice that the complainant has the right to request and receive, at no cost, auxiliary aids and services, language assistance services, and that this notice will be translated into the non-English languages as required in §§38.4(h) and (i), 38.34, and 38.36.

(2) A written statement of the issue(s), provided to the complainant, that includes the following information:

- (i) A list of the issues raised in the complaint; and
- (ii) For each such issue, a statement whether the recipient will accept the issue for investigation or reject the issue, and the reasons for each rejection.

(3) A period for fact-finding or investigation of the circumstances underlying the complaint.

(4) A period during which the recipient attempts to resolve the complaint. The methods available to resolve the complaint must include alternative dispute resolution (ADR), as described in paragraph (c) of this section.

(5) A written Notice of Final Action, provided to the complainant within 90 days of the date on which the complaint was filed, that contains the following information:

(i) For each issue raised in the complaint, a statement of either:

(A) The recipient's decision on the issue and an explanation of the reasons underlying the decision; or

(B) A description of the way the parties resolved the issue; and

(ii) Notice that the complainant has a right to file a complaint with CRC within 30 days of the date on which the Notice of Final Action is received if the complainant is dissatisfied with the recipient's final action on the complaint.

(c) The procedures the recipient adopts must provide for alternative dispute resolution (ADR). The recipient's ADR procedures must provide that:

(1) The complainant may attempt ADR at any time after the complainant has filed a written complaint with the recipient, but before a Notice of Final Action has been issued.

(2) The choice whether to use ADR or the customary process rests with the complainant.

(3) A party to any agreement reached under ADR may notify the Director in the event the agreement is breached. In such circumstances, the following rules will apply:

(i) The non-breaching party may notify with the Director within 30 days of the date on which the non-breaching party learns of the alleged breach; and

(ii) The Director must evaluate the circumstances to determine whether the agreement has been breached. If the Director determines that the agreement has been breached, the complaint will be reinstated and processed in accordance with the recipient's procedures.

(4) If the parties do not reach an agreement under ADR, the complainant may file a complaint with the Director as described in §§38.69 through 38.71.

§38.73 Responsibility for developing and publishing complaint processing procedures for service providers.

The Governor or the LWDA grant recipient, as provided in the State's Nondiscrimination Plan, must develop and publish, on behalf of its service providers, the complaint processing procedures required in §38.72. The service providers must then follow those procedures.

Focal Points/Terms

[Complaint Processing Requirements](#)

[Alternative Dispute Resolution](#)

[Procedures](#)

Sample of Documents that Support Compliance with WIOA Section 188:

- The State's discrimination complaint procedures developed pursuant to 29 CFR 38.72 through 38.73.
- The instrument (e.g. policy directive, memorandum) used to inform recipients of the complaint procedures and directing recipients as to their use.
- The ADR procedures, if not included with complaint processing procedures.

Requirements of Sections 38.51 and 38.53: Monitoring Responsibilities

The Local Workforce Board and its recipients are jointly and severally liable for all violations of the nondiscrimination and equal opportunity provisions of WIOA Section 188 and 29 CFR Part 38. Local Workforce Boards must:

- Establish and implement a Nondiscrimination Plan, under §38.54, to give a reasonable guarantee of the recipient's compliance with such provisions;
- Enter into a written contract with the recipient that clearly establishes the recipient's obligations regarding nondiscrimination and equal opportunity;

- Act with due diligence to monitor the recipient's compliance with these provisions; and
- Take prompt and appropriate corrective action to effect compliance.

The Law – Monitoring Responsibilities (click on the triangle to the left to view)

§38.51 Governor’s oversight and monitoring responsibilities for State Programs.

The Governor is responsible for oversight and monitoring of all WIOA Title I-financially assisted State Programs. This responsibility includes:

(a) Ensuring compliance with the nondiscrimination and equal opportunity provisions of WIOA and this part, and negotiating, where appropriate, with a recipient to secure voluntary compliance when noncompliance is found under §38.91(b).

(b) Annually monitoring the compliance of recipients with WIOA section 188 and this part, including a determination as to whether each recipient is conducting its WIOA Title I-financially assisted program or activity in a nondiscriminatory way. At a minimum, each annual monitoring review required by this paragraph must include:

(1) A statistical or other quantifiable analysis of records and data kept by the recipient under §38.41, including analyses by race/ethnicity, sex, limited English proficiency, preferred language, age, and disability status;

(2) An investigation of any significant differences identified in paragraph (b)(1) of this section in participation in the programs, activities, or employment provided by the recipient, to determine whether these differences appear to be caused by discrimination. This investigation must be conducted through review of the recipient’s records and any other appropriate means; and

(3) An assessment to determine whether the recipient has fulfilled its administrative obligations under Section 188 of WIOA or this part (for example, recordkeeping, notice and communication) and any duties assigned to it under the Nondiscrimination Plan.

§38.53 Governor’s oversight responsibilities regarding recipients’ recordkeeping.

The Governor must ensure that recipients collect and maintain records in a manner consistent with the provisions of §38.41 and any procedures prescribed by the Director under §38.41(a).

The Governor must further ensure that recipients are able to provide data and reports in the manner prescribed by the Director.

§ 38.54 Governor’s obligations to develop and implement a Nondiscrimination Plan.

(a)(1) Each Governor must establish and implement a Nondiscrimination Plan for State Programs as defined in § 38.4(kkk). In those States in which one agency contains both SWA or unemployment insurance and WIOA Title I-financially assisted programs, the Governor must develop a combined Nondiscrimination Plan. (2) Each Nondiscrimination Plan must be designed to give a reasonable guarantee that all recipients will comply, and are complying, with the nondiscrimination and equal opportunity provisions of WIOA and this part.

(b) The Nondiscrimination Plan must be: (1) In writing, addressing each requirement of paragraph (c) of this section with narrative and documentation; (2) Reviewed and updated as required in § 38.55; and (3) Signed by the Governor.

(c) At a minimum, each Nondiscrimination Plan must: (1) Describe how the State Programs and recipients have satisfied the requirements of the following regulations: (i) Sections 38.25 through 38.27 (Assurances); (ii) Sections 38.28 through 38.33 (Equal Opportunity Officers); (iii) Sections 38.34 through 38.39 (Notice and Communication); (iv) Sections 38.41 through 38.45 (Data and

Information Collection and Maintenance); (v) Section 38.40 (Affirmative Outreach); (vi) Section 38.53 (Governor's Oversight Responsibility Regarding Recipients' Recordkeeping); (vii) Sections 38.72 and 38.73 (Complaint Processing Procedures); and (viii) Sections 38.51 and 38.53 (Governor's Oversight and Monitoring Responsibilities for State Programs).

(2) Include the following additional elements:

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

(ii) A review of recipient policy issuances to ensure they are nondiscriminatory;

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

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

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

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

(vii) Procedures for obtaining prompt corrective action or, as necessary, applying sanctions when noncompliance is found; and

(viii) Supporting documentation to show that the commitments made in the Nondiscrimination Plan have been and/or are being carried out. This supporting documentation includes, but is not limited to:

(A) Policy and procedural issuances concerning required elements of the Nondiscrimination Plan;

(B) Copies of monitoring instruments and instructions;

(C) Evidence of the extent to which nondiscrimination and equal opportunity policies have been developed and communicated as required by this part;

(D) Information reflecting the extent to which equal opportunity training, including training called for by §§ 38.29(f) and 38.31(f), is planned and/or has been carried out;

(E) Reports of monitoring reviews and reports of follow-up actions taken under those reviews where violations have been found, including, where appropriate, sanctions; and

(F) Copies of any notices made under §§ 38.34 through 38.40.

Focal Points/Terms

[Data Analysis](#)

[Monitoring Requirement](#)

Sample of Documents that Support Compliance with WIOA Section 188:

- Schedules of reviews and criteria for selecting recipients for monitoring.
- Monitoring instrument(s) used by State and/or local-level staff to monitor recipients.
- Policy issuances and procedural guidance regarding monitoring reviews and recipient evaluations.
- A representative sample of reports of monitoring reviews, including findings and the status of follow-up actions.

Additional Elements

Ensuring Eligible Training Providers Compliance

Local Workforce Development Boards must have a system for determining whether a grant applicant, if financially assisted, and/or a training provider, if selected as eligible under Section 122 of WIOA, is likely to conduct its WIOA Title I-financially assisted programs or activities in a nondiscriminatory way, and to comply with the regulations.

Sample of Documents that Support Compliance with WIOA Section 188:

- A copy of each directive that instructs those at the State and local level who are responsible for reviewing assurances, job training plans, contracts, and policies and procedures under 29 CFR 38.
- Copies of assurances in plans, contracts, and other agreements.
- Copies of memos or directives to contract managers advising them to include the required assurances in appropriate documents.
- Copies of checklists or other guidelines used by contract specialists, attorneys, or others who review contracts and agreements indicating that nondiscrimination and equal opportunity are considered in the evaluation of such documents.
- A copy of the procedures developed to review grant applicants and training providers seeking eligibility on their ability to comply with the nondiscrimination and equal opportunity provisions of WIOA and 29 CFR Part 38.
- A copy of each WIOA EO issuance (e.g., EO policy, sexual harassment and religious accommodation policies).

Compliance with Federal Disability Nondiscrimination Laws

The Local Workforce Development Board must develop and implement procedures for ensuring that recipients comply with the requirements of applicable Federal disability nondiscrimination law, including Section 504; Title II of the Americans with Disabilities Act as Amended in 2008 (ADA Amendments Act of 2008); WIOA Section 188, and 29 CFR Part 38 with regard to individuals with disabilities.

The Law – Monitoring Responsibilities (click on the triangle to the left to view)

§ 38.54 Governor's obligations to develop and implement a Nondiscrimination Plan.

(a)(1) Each Governor must establish and implement a Nondiscrimination Plan for State Programs as defined in § 38.4(kkk). In those States in which one agency contains both SWA or

unemployment insurance and WIOA Title I-financially assisted programs, the Governor must develop a combined Nondiscrimination Plan.

(2) Each Nondiscrimination Plan must be designed to give a reasonable guarantee that all recipients will comply, and are complying, with the nondiscrimination and equal opportunity provisions of WIOA and this part.

(b) The Nondiscrimination Plan must be:

(1) In writing, addressing each requirement of paragraph (c) of this section with narrative and documentation;

(2) Reviewed and updated as required in § 38.55; and

(3) Signed by the Governor.

(c) At a minimum, each Nondiscrimination Plan must: (1) Describe how the State Programs and recipients have satisfied the requirements of the following regulations: (i) Sections 38.25 through 38.27 (Assurances); (ii) Sections 38.28 through 38.33 (Equal Opportunity Officers); (iii) Sections 38.34 through 38.39 (Notice and Communication); (iv) Sections 38.41 through 38.45 (Data and Information Collection and Maintenance); (v) Section 38.40 (Affirmative Outreach); (vi) Section 38.53 (Governor's Oversight Responsibility Regarding Recipients' Recordkeeping); (vii) Sections 38.72 and 38.73 (Complaint Processing Procedures); and (viii) Sections 38.51 and 38.53 (Governor's Oversight and Monitoring Responsibilities for State Programs).

(2) Include the following additional elements: (i) A system for determining whether a grant applicant, if financially assisted, and/or a training provider, if selected as eligible under Section 122 of WIOA, is likely to conduct its WIOA Title I financially assisted programs or activities in a nondiscriminatory way, and to comply with the regulations in this part; (ii) A review of recipient policy issuances to ensure they are nondiscriminatory; (iii) A system for reviewing recipients' job training plans, contracts, assurances, and other similar agreements to ensure that they are both nondiscriminatory and contain the required language regarding nondiscrimination and equal opportunity; (iv) Procedures for ensuring that recipients comply with the nondiscrimination and equal opportunity requirements of § 38.5 regarding race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, political affiliation or belief, citizenship, or participation in any WIOA Title I-financially assisted program or activity; **(v) Procedures for ensuring that recipients comply with the requirements of applicable Federal disability nondiscrimination law, including Section 504; Title II of the Americans with Disabilities Act of 1990, as amended, if applicable; WIOA Section 188, and this part with regard to individuals with disabilities;** (vi) A system of policy communication and training to ensure that EO Officers and members of the recipients' staffs who have been assigned responsibilities under the nondiscrimination and equal opportunity provisions of WIOA or this part are aware of and can effectively carry out these responsibilities; (vii) Procedures for obtaining prompt corrective action or, as necessary, applying sanctions when noncompliance is found; and (viii) Supporting documentation to show that the commitments made in the Nondiscrimination Plan have been and/or are being carried out. This supporting documentation includes, but is not limited to: (A) Policy and procedural issuances concerning required elements of the Nondiscrimination Plan; (B) Copies of monitoring instruments and instructions; (C) Evidence of the extent to which nondiscrimination and equal opportunity policies have been developed and communicated as required by this part; (D) Information reflecting the extent to which equal opportunity training,

including training called for by §§ 38.29(f) and 38.31(f), is planned and/or has been carried out; (E) Reports of monitoring reviews and reports of follow-up actions taken under those reviews where violations have been found, including, where appropriate, sanctions; and (F) Copies of any notices made under §§ 38.34 through 38.40.

§ 38.12 Discrimination prohibited based on disability.

(a) In providing any aid, benefit, service, or training under a WIOA Title I-financially assisted program or activity, a recipient must not, directly or through contractual, licensing, or other arrangements, on the basis of disability:

(1) Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, service, or training, including meaningful opportunities to seek employment and work in competitive integrated settings;

(2) Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefits, services, or training that is not equal to that afforded others;

(3) Provide a qualified individual with a disability with any aid, benefit, service, or training that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(4) Provide different, segregated, or separate aid, benefit, service, or training to individuals with disabilities, or to any class of individuals with disabilities, unless such action is necessary to provide qualified individuals with disabilities with any aid, benefit, service, or training that is as effective as those provided to others, and consistent with the requirements of the Rehabilitation Act as amended by WIOA, including those provisions that prioritize opportunities in competitive integrated employment;

(5) Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards; or

(6) Otherwise limit a qualified individual with a disability in enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving any aid, benefit, service, or training.

(b) A recipient must not, directly or through contractual, licensing, or other arrangements, aid or perpetuate discrimination against qualified individuals with disabilities by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, service, or training to registrants, applicants, or participants.

(c) A recipient must not deny a qualified individual with a disability the opportunity to participate in WIOA Title I-financially assisted programs or activities despite the existence of permissibly separate or different programs or activities.

(d) A recipient must administer WIOA Title I-financially assisted programs and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

(e) A recipient must not, directly or through contractual, licensing, or other arrangements, use standards, procedures, criteria, or administrative methods:

(1) That have the purpose or effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability;

(2) That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the WIOA Title I-financially assisted program or activity with respect to individuals with disabilities; or

(3) That perpetuate the discrimination of another entity if both entities are subject to common administrative control or are agencies of the same State.

(f) In determining the site or location of facilities, a grant applicant or recipient must not make selections that have any of the following purposes or effects:

(1) On the basis of disability:

(i) Excluding qualified individuals from a WIOA Title I-financially assisted program or activity;

(ii) Denying qualified individuals the benefits of such a program or activity; or

(iii) Subjecting qualified individuals to discrimination; or

(2) Defeating or substantially impairing the accomplishment of the disability-related objectives of either:

(i) The WIOA Title I-financially assisted program or activity; or

(ii) The nondiscrimination and equal opportunity provisions of WIOA or this part.

(g) A recipient, in the selection of contractors, must not use criteria that subject qualified individuals with disabilities to discrimination on the basis of disability.

(h) A recipient must not administer a licensing or certification program in a manner that subjects qualified individuals with disabilities to discrimination on the basis of disability, nor may a recipient establish requirements for the programs or activities of licensees or certified entities that subject qualified individuals with disabilities to discrimination on the basis of disability. The programs or activities of entities that are licensed or certified by a recipient are not, themselves, covered by this part.

(i) A recipient must not impose or apply eligibility criteria that screen out or tend to screen out individuals with disabilities or any class of individuals with disabilities from fully and equally enjoying any aid, benefit, service, training, program, or activity, unless such criteria can be shown to be necessary for the provision of any aid, benefit, service, training, program, or activity being offered.

(j) Nothing in this part prohibits a recipient from providing any aid, benefit, service, training, or advantages to individuals with disabilities, or to a particular class of individuals with disabilities, beyond those required by this part.

(k) A recipient must not place a surcharge on a particular individual with a disability, or any group of individuals with disabilities, to cover the costs of measures, such as the provision of auxiliary aids or program accessibility, that are required to provide that individual or group with the nondiscriminatory treatment required by WIOA Title I or this part.

(l) A recipient must not exclude, or otherwise deny equal aid, benefits, services, training, programs, or activities to, an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.

(m) The exclusion of an individual without a disability from the benefits of a program limited by federal law to individuals with disabilities, or the exclusion of a specific class of individuals with disabilities from a program limited by Federal statute or Executive Order to a different class of individuals with disabilities, is not prohibited by this part.

(n) This part does not require a recipient to provide any of the following to individuals with disabilities:

(1) Personal devices, such as wheelchairs;

(2) Individually prescribed devices, such as prescription eyeglasses or hearing aids;

(3) Readers for personal use or study; or

(4) Services of a personal nature, including assistance in eating, toileting, or dressing.

(o)(1) Nothing in this part requires an individual with a disability to accept any accommodation, aid, benefit, service, training, or opportunity provided under WIOA Title I or this part that such individual chooses not to accept.

(2) Nothing in this part authorizes the representative or guardian of an individual with a disability to decline food, water, medical treatment, or medical services for that individual.

(p) *Claims of no disability.* Nothing in this part provides the basis for a claim that an individual without a disability was subject to discrimination because of a lack of disability, including a claim that an individual with a disability was granted auxiliary aids or services, reasonable modifications, or reasonable accommodations that were denied to an individual without a disability.

§ 38.13 Accessibility requirements.

(a) Physical accessibility. No qualified individual with a disability may be excluded from participation in, or be denied the benefits of a recipient's service, program, or activity or be subjected to discrimination by any recipient because a recipient's facilities are inaccessible or unusable by individuals with disabilities. Recipients that are subject to Title II of the ADA must also ensure that new facilities or alterations of facilities that began construction after January 26, 1992, comply with the applicable federal accessible design standards, such as the ADA Standards for Accessible Design (1991 or 2010) or the Uniform Federal Accessibility Standards. In addition, recipients that receive federal financial assistance must meet their accessibility obligations under Section 504 of the Rehabilitation Act and the implementing regulations at 29 CFR part 32. Some recipients may be subject to additional accessibility requirements under other statutory authority, including Title III of the ADA, that is not enforced by CRC. As indicated in § 38.3(d)(10), compliance with this part does not affect a recipient's obligation to comply with the applicable ADA Standards for Accessible Design.

(b) Programmatic accessibility. All WIOA Title I-financially assisted programs and activities must be programmatically accessible, which includes providing reasonable accommodations for individuals with disabilities, making reasonable modifications to policies, practices, and procedures, administering programs in the most integrated setting appropriate, communicating with persons with disabilities as effectively as with others, and providing appropriate auxiliary aids or services, including assistive technology devices and services, where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the program or activity.

§ 38.14 Reasonable accommodations and reasonable modifications for individuals with disabilities.

(a) With regard to any aid, benefit, service, training, and employment, a recipient must provide reasonable accommodations to qualified individuals with disabilities who are applicants, registrants, eligible applicants/registrants, participants, employees, or applicants for employment, unless providing the accommodation would cause undue hardship. See the definitions of "reasonable accommodation" and "undue hardship" in § 38.4(rrr)(1).

(1) In those circumstances where a recipient believes that the proposed accommodation would cause undue hardship, the recipient has the burden of proving that the accommodation would result in such hardship.

(2) The recipient must make the decision that the accommodation would cause such hardship only after considering all factors listed in the definition of "undue hardship" in § 38.4(rrr)(1). The

decision must be accompanied by a written statement of the recipient's reasons for reaching that conclusion. The recipient must provide a copy of the statement of reasons to the individual or individuals who requested the accommodation.

(3) If a requested accommodation would result in undue hardship, the recipient must, after consultation with an individual with a disability (or individuals with disabilities), take any other action that would not result in such hardship, but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the aid, benefit, service, training, or employment provided by the recipient.

(b) With regard to any aid, benefit, service, training, and employment, a recipient must also make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless making the modifications would fundamentally alter the nature of the service, program, or activity. See the definition of "fundamental alteration" in § 38.4(z).

(1) In those circumstances where a recipient believes that the proposed modification would fundamentally alter the program, activity, or service, the recipient has the burden of proving that the modification would result in such an alteration.

(2) The recipient must make the decision that the modification would result in such an alteration only after considering all factors listed in the definition of "fundamental alteration" in § 38.4(z). The decision must be accompanied by a written statement of the recipient's reasons for reaching that conclusion. The recipient must provide a copy of the statement of reasons to the individual or individuals who requested the modification.

(3) If a modification would result in a fundamental alteration, the recipient must take any other action that would not result in such an alteration, but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the aid, benefits, services, training, or employment provided by the recipient.

Focal Points/Terms

[Competitive Integrated Environment](#)

[Accessibility](#)

[Accommodations](#)

[Undue Hardship](#)

Sample of Documents that Support Compliance with WIOA Section 188:

- The procedures by which persons with disabilities are assured participation in programs and activities in a setting that is as integrated as possible.
- The procedure(s) for making the availability of reasonable accommodations and modifications known, as well as the request and resolution procedures.
- The Local Workforce Development Board procedures for ensuring that communication with persons with disabilities is as effective as communication with others.
- The Local Workforce Development Board procedures for ensuring that the programs and activities operated by its WIOA Title I recipients are programmatically and architecturally accessible to individuals with disabilities.

- Any evaluation conducted to determine the programmatic or architectural accessibility of a WIOA Title I-financially assisted program or activity and the status of any corrective actions taken.
- Copies of materials and/or agendas for any disability awareness training conducted for recipient staff.

Recipient Language Assistance Plan (LEP Plan): Promising Practices

Recipients that develop, implement, and periodically revise a written language assistance plan are more likely to fulfill their obligation of taking reasonable steps to ensure access to programs and activities by LEP individuals. The guidelines set forth below provide a clear framework for developing a written plan that will ensure meaningful access to LEP individuals. Developing and implementing a written plan helps to establish and documenting compliance with nondiscrimination obligations and helps ensure that LEP beneficiaries receive the necessary assistance to participate in the recipient's programs and activities.

The elements of a successful LEP plan are not fixed. Written LEP plans must be tailored to the recipient's specific programs and activities. Plans will need to be revised to reflect new recommendations, changes in the recipient's operations, as well as the recipient's experiences and lessons learned, changing demographics, and stakeholder and beneficiary feedback.

The Law – Monitoring Responsibilities (click on the triangle to the left to view)

§ 38.9 Discrimination prohibited based on national origin, including limited English proficiency.

(a) In providing any aid, benefit, service, or training under a WIOA Title I-financially assisted program or activity, a recipient must not, directly or through contractual, licensing, or other arrangements, discriminate on the basis of national origin, including limited English proficiency. An individual must not be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under, any WIOA Title I-financially assisted program or activity based on national origin. National origin discrimination includes treating individual beneficiaries, participants, or applicants for any aid, benefit, service, or training under any WIOA Title I-financially assisted program or activity adversely because they (or their families or ancestors) are from a particular country or part of the world, because of ethnicity or accent (including physical, linguistic, and cultural characteristics closely associated with a national origin group), or because the recipient perceives the individual to be of a certain national origin, even if they are not.

(b) A recipient must take reasonable steps to ensure meaningful access to each limited English proficient (LEP) individual served or encountered so that LEP individuals are effectively informed about and/or able to participate in the program or activity.

(1) Reasonable steps generally may include, but are not limited to, an assessment of an LEP individual to determine language assistance needs; providing oral interpretation or written translation of both hard copy and electronic materials, in the appropriate non-English languages, to LEP individuals; and outreach to LEP communities to improve service delivery in needed languages.

(2) Reasonable steps to provide meaningful access to training programs may include, but are not limited to, providing:

- (i) Written training materials in appropriate non-English languages by written translation or by oral interpretation or summarization; and
- (ii) Oral training content in appropriate non-English languages through in-person interpretation or telephone interpretation.
- (c) A recipient should ensure that every program delivery avenue (e.g., electronic, in person, telephonic) conveys in the appropriate languages how an individual may effectively learn about, participate in, and/or access any aid, benefit, service, or training that the recipient provides. As a recipient develops new methods for delivery of information or assistance, it is required to take reasonable steps to ensure that LEP individuals remain able to learn about, participate in, and/or access any aid, benefit, service, or training that the recipient provides.
- (d) Any language assistance services, whether oral interpretation or written translation, must be accurate, provided in a timely manner and free of charge. Language assistance will be considered timely when it is provided at a place and time that ensures equal access and avoids the delay or denial of any aid, benefit, service, or training at issue.
- (e) A recipient must provide adequate notice to LEP individuals of the existence of interpretation and translation services and that these language assistance services are available free of charge.
- (f)(1) A recipient shall not require an LEP individual to provide their own interpreter.
- (2) A recipient also shall not rely on an LEP individual's minor child or adult family or friend(s) to interpret or facilitate communication, except:
 - (i) An LEP individual's minor child or adult family or friend(s) may interpret or facilitate communication in emergency situations while awaiting a qualified interpreter; or
 - (ii) The accompanying adult (but not minor child) may interpret or facilitate communication when the information conveyed is of minimal importance to the services to be provided or when the LEP individual specifically requests that the accompanying adult provide language assistance, the accompanying adult agrees to provide assistance, and reliance on that adult for such assistance is appropriate under the circumstances. When the recipient permits the accompanying adult to provide such assistance, it must make and retain a record of the LEP individual's decision to use their own interpreter.
- (3) Where precise, complete, and accurate interpretations or translation of information and/or testimony are critical for adjudicatory or legal reasons, or where the competency of the interpreter requested by the LEP individual is not established, a recipient may decide to provide its own, independent interpreter, even if an LEP individual wants to use their own interpreter as well.
- (g) With regard to vital information:
 - (1) For languages spoken by a significant number or portion of the population eligible to be served, or likely to be encountered, a recipient must translate vital information in written materials into these languages and make the translations readily available in hard copy, upon request, or electronically such as on a Web site. Written training materials offered or used within employment-related training programs as defined under § 38.4(t) are excluded from these translation requirements. However, recipients must take reasonable steps to ensure meaningful access as stated in § 38.9(b).
 - (2) For languages not spoken by a significant number or portion of the population eligible to be served, or likely to be encountered, a recipient must take reasonable steps to meet the particularized language needs of LEP individuals who seek to learn about, participate in, and/or

access the aid, benefit, service, or training that the recipient provides. Vital information may be conveyed orally if not translated.

(3) Recipients must include a “Babel notice,” indicating in appropriate languages that language assistance is available, in all communications of vital information, such as hard copy letters or decisions or those communications posted on Web sites.

(h) To the extent otherwise required by this part, once a recipient becomes aware of the non-English preferred language of an LEP beneficiary, participant, or applicant for aid, benefit, service, or training, the recipient must convey vital information in that language.

(i) Recipients are required to take reasonable steps to provide language assistance and should develop a written language access plan to ensure that LEP individuals have meaningful access. The appendix to this section provides guidance to recipients on developing a language access plan.

Appendix to § 38.9—Guidance to Recipients Recipient Language Assistance Plan (LEP Plan): Promising Practices

The guidelines in this appendix are consistent with and, in large part, derived from existing federal guidance to federal financial assistance recipients to take reasonable steps to ensure meaningful access by limited English proficient (LEP) individuals. Recipients that develop, implement, and periodically revise a written language assistance plan are more likely to fulfill their obligation of taking reasonable steps to ensure access to programs and activities by LEP individuals. The guidelines set forth below provide a clear framework for developing a written plan that will ensure meaningful access to LEP individuals. Developing and implementing a written plan has many benefits, including providing the recipient with a roadmap for establishing and documenting compliance with nondiscrimination obligations and ensuring that LEP beneficiaries receive the necessary assistance to participate in the recipient’s programs and activities. The elements of a successful LEP plan are not fixed. Written LEP plans must be tailored to the recipient’s specific programs and activities. And, over time, plans will need to be revised to reflect new recommendations and government guidance; changes in the recipient’s operations, as well as the recipient’s experiences and lessons learned; changing demographics; and stakeholder and beneficiary feedback. Nonetheless, a recipient that develops an LEP plan incorporating the elements identified below will benefit greatly in accomplishing its mission and providing an equal opportunity for LEP individuals to participate in its programs and activities. A written LEP plan should identify and describe:

1. The process the recipient will use to determine the language needs of individuals who may or may seek to participate in the recipient’s program and activities (self- or needs-assessment)
2. The results of the assessment, e.g., identifying the LEP populations to be served by the recipient
3. Timelines for implementing the written LEP plan
4. All language services to be provided to LEP individuals
5. The manner in which LEP individuals will be advised of available services
6. Steps individuals should take to request language assistance
7. The manner in which staff will provide language assistance services
8. What steps must be taken to implement the LEP plan, e.g., creating or modifying policy documents, employee manuals, employee training material, posters, Web sites, outreach material, contracts, and electronic and information technologies, applications, or adaptations

9. The manner in which staff will be trained

10. Steps the recipient will take to ensure quality control, including monitoring implementation, establishing a complaint process, timely addressing complaints, and obtaining feedback from stakeholders and employees

11. The manner in which the recipient will document the provision of language assistance services

12. The schedule for revising the LEP plan

13. The individual(s) assigned to oversee implementation of the plan (e.g., LEP Coordinator or Program Manager)

14. Allocation of resources to implement the plan Illustrative Applications in Recipient Programs and Activities Unemployment Insurance Program Example 1. Unemployment insurance programs are recipients covered under this rule, and States must take reasonable steps to provide meaningful access to LEP individuals served or encountered in their unemployment insurance programs and activities.

For example, given the nature and importance of unemployment insurance, if an LEP individual who speaks Urdu seeks information about unemployment insurance from a State's telephone call center that assists unemployment insurance enrollees and applicants, the State may consider the proportion of Urdu-speaking LEP individuals served or encountered by the State's unemployment insurance program; the frequency with which Urdu-speaking LEP individuals come in contact with the State's unemployment insurance program; and the resources available to the State and costs in determining how it will provide this LEP individual with language assistance. Urdu is a language that is rarely, if ever, encountered by this State's UI program. Because low-cost commercial language services, such as telephonic oral interpretation services, are widely available, the State should, at a minimum, provide the Urdu-speaking LEP individual telephonic interpretation services to ensure meaningful access to unemployment insurance because, even if Urdu is a non-frequently encountered, non-English language, low-cost commercial language services, such as telephonic oral interpretation services, are widely available. Population Significance as It Pertains to Vital Information

2. Recipients have some flexibility as to the means to provide language assistance services to LEP individuals, as long as they take reasonable steps to provide meaningful access to their program or activity.

For instance, if a recipient provides career services to an LEP individual who speaks Tagalog and the individual requests a translated brochure on an upcoming job fair, the recipient should consider the importance of the information in the brochure, and may consider: The proportion of Tagalog-speaking LEP individuals served or encountered; the frequency with which Tagalog-speaking LEP individuals come in contact with the recipient; and the resources available to the recipient. In this instance, the recipient would be required to provide a written translation of the brochure for the LEP individual if Tagalog were a language spoken by a significant number or proportion of the LEP persons in the eligible service population and a language frequently encountered in the career services program. But if Tagalog is not spoken by a significant number or proportion of the population eligible to be served, and was not frequently encountered by the career services program, it would be reasonable for the recipient to provide an oral summary of the brochure's contents in Tagalog. Training Provider Example Incorporating English Language Learning

3. Providing English language learning opportunities may be one step that a recipient takes in order to take reasonable steps to provide an LEP individual meaningful access to its programs or activities.

For example, John, a Korean speaking LEP individual, learns through the one-stop center about available welding positions at ABC Welding, Co. He also learns through the one-stop center about upcoming welder training courses offered at XYZ Technical Institute, an eligible training provider. John decides to enroll in one of the XYZ welding courses. XYZ, which conducts its training courses in English, must take reasonable steps to provide John meaningful access to the welder training course. Recipients may work together to provide meaningful access, but remain independently obligated to take reasonable steps to provide meaningful access to programs and activities. In this regard, XYZ is not required to administer an English language learning class itself. Instead, XYZ may coordinate with the one-stop center to ensure that John receives appropriate English language learning either directly from the one-stop or from another organization that provides such English language training. The English language class would not be offered to John instead of the training program, but John could attend the English language class at the same time as or prior to the training program. Whether John takes the English class before or concurrently with the welding course will depend on many factors including an objective, individualized analysis of John's English proficiency relative to the welding course. Regardless of how the English language learning is delivered, it must be provided at no cost to John. In evaluating whether reasonable steps include oral interpretation, translation, English language learning, another language service, or some combination of these services, XYZ may work with the one-stop center to provide meaningful access to John.

Focal Points/Terms

[Meaningful Access](#)

[LEP Plan Requirements](#)

[LEP Vital Information](#)

[LEP Emergency Exception](#)

[LEP Minimal Information Exception](#)

[Example 1](#)

[Example 2](#)

[Example 3](#)

Sample of Documents that Support Compliance with WIOA Section 188:

- The recipient's process for determining the language needs of individuals who may seek to participate in the recipient's program or activities (needs-assessment).
- The results of the assessment, e.g., identifying the LEP populations to be served by the recipient.
- Timelines for implementing the written LEP plan.
- All language services to be provided to LEP individuals.
- The manner in which LEP individuals will be advised of available services.
- Steps individuals would take to request language assistance.
- Staff procedures and the manner in which staff will provide language assistance services.
- What steps must be taken to implement the LEP plan, e.g., creating or modifying policy, employee manuals, employee training material, posters, websites, outreach materials, contracts, electronic and information technologies, applications, or adaptations.
- The method for staff training.
- Steps the recipient will take to ensure quality control, including monitoring implementation, establishing a complaint process, addressing complaints in a timely manner, and obtaining feedback from stakeholders and employees.
- The method that the recipient will use to document the provision of language assistance services.
- The schedule for revising the LEP plan.
- The individual(s) assigned to oversee implementation of the plan (e.g., LEP Coordinator or Program Manager).
- Allocation of resources to implement the plan.

Training for Compliance under WIOA Section 188

A system of policy communication and training to ensure that EO Officers and members of the recipients' staffs with responsibilities under the nondiscrimination and equal opportunity provisions of WIOA or this part are aware of and can effectively carry out these responsibilities.

Sample of Documents that Support Compliance with WIOA Section 188:

- Summary of EO-related training that staff have received and a schedule of EO training delivered or planned.

Corrective Actions and Sanctions

Local Workforce Development Board must implement and enforce procedures for obtaining prompt corrective action or, as necessary, applying sanctions when noncompliance is found.

Sample of Documents that Support Compliance with WIOA Section 188:

- A copy of any policy memo/directive explaining this element and its distribution.
- A copy of each instrument (e.g. directives, memoranda) used to inform recipients of the State's procedures regarding corrective actions and sanctions.

Monitoring for WIOA Section 188 Compliance Instructions and Guidance Statistical Data Analysis

OOWD is committed to ensuring compliance with the nondiscrimination and equal opportunity provisions of WIOA Section 1888 and 29 CFR Part 38. DWD will negotiate where appropriate with a recipient to secure voluntary compliance when noncompliance is found under 38.91(b). This requires a statistical or other quantifiable analysis of records and data kept by the recipient to include analysis by race/ethnicity, sex, limited English proficiency, preferred language, age, and disability status. The Local Workforce Board and its recipients are responsible for investigating any significant differences with programs, services, activities and employment practices.

Monitoring for compliance using statistical analysis will provide the following:

- Who used your programs, services and activities?
- What programs, services and activities were utilized?
- When were programs, services and activities utilized?
- Where were programs, services and activities utilized?
- How were programs, services and activities utilized?

Step One: Summary of Organization and Programs, Services and Activities

Provide a description of your organization. The description should summarize all services, activities and programs your organization provides to the public. The description should include eligibility requirements for each program, service and activity along with goals and performance outcomes set by the grantee. The summary should identify the entity that has funded the program, service and activity. This is a really helpful step in identifying areas to measure through data analysis and to prioritize review. By diagramming the organization and services, a foundation is created for consistency for future comparison and analysis.

Summary includes the following:

- All program(s), service(s) and activity(ies) offered through the organization
- Eligibility requirements for each program, service and activity
- Entity that funds the program, service and activity and the amount of funds obligated
- Performance goals for the program, service, activity
- Responsible position that provides oversight for the program, service and activity

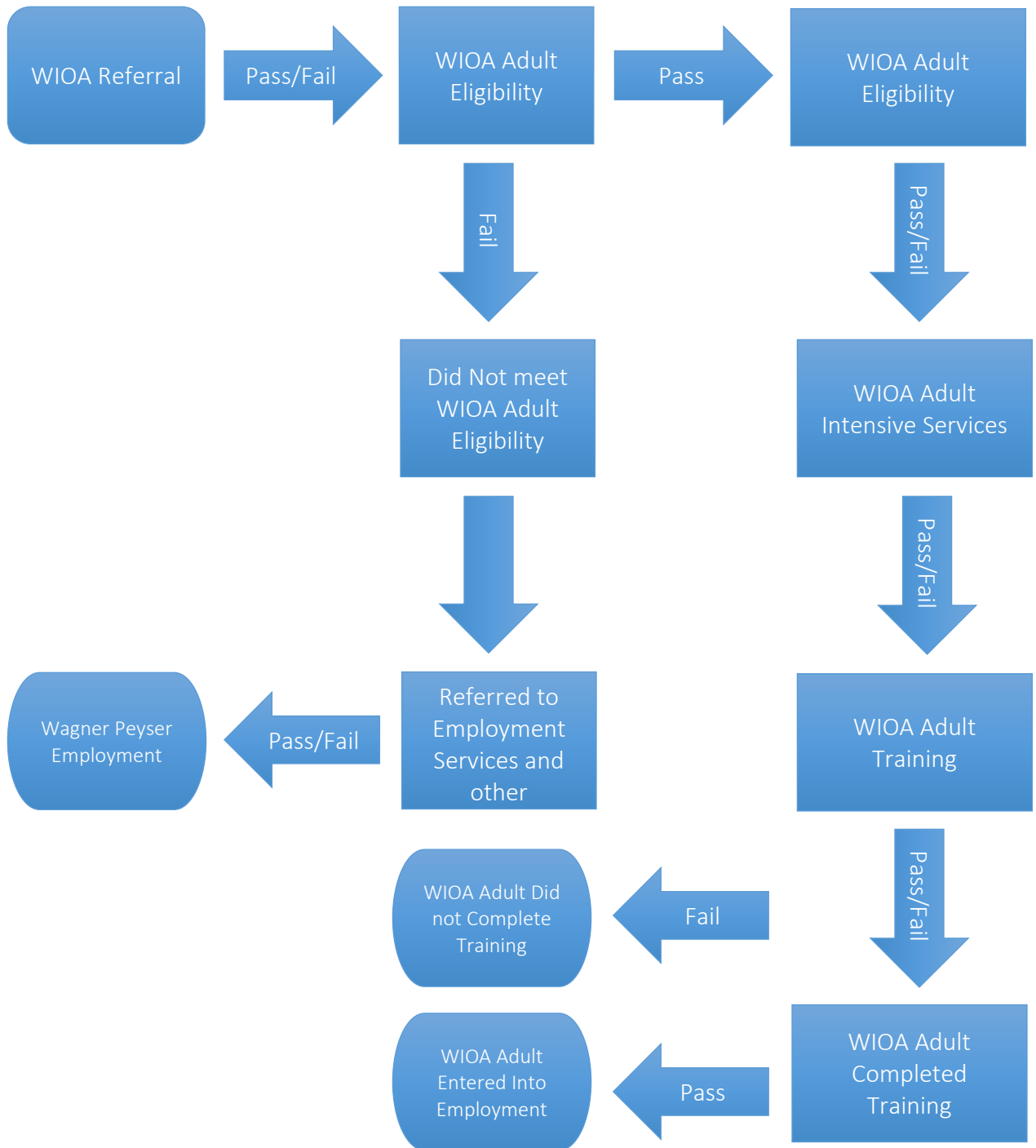
As a reminder, monitoring for compliance under WIOA Section 188 includes but is not limited to the following:

- WIOA Core Partners
- Partner Agencies
- Workforce Development Boards
- Employees of Workforce Development
- Subcontractor/Service Providers
- Eligible Training Providers (ETPs)
- On-the-Job Training(OJT) Contractors (15 participants and 15 employers)

Step Two: Mapping out Pass and Fail Points

Each program, service and activity identified in the summary must include a chart of mapping out the pass and fail points for programs, services and activities offered through the organization.

Example- WIOA Adult Enrollment Pass/Fail Points



Step Three: Comparing Civilian Labor Force Information

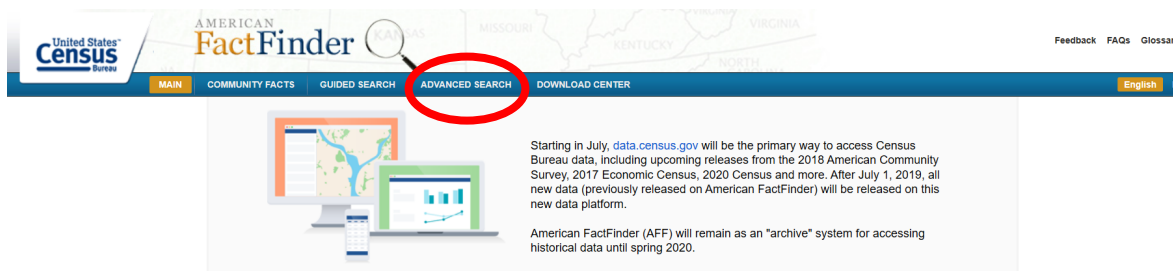
According to the Bureau of Labor Statistics (BLS), the civilian labor force is made up of two components. The first is civilian workers, a category that includes all private sector, state and local government workers. Workers – or "employed persons," in the language of the Current Population Survey – are defined as people who are 16 years old or older and did at least one hour of paid work (or unpaid work in their own business) in the survey's reference week, or who did at least 15 hours of unpaid work in a family business. Active-duty military personnel, institutionalized individuals, agricultural workers and federal government employees are excluded.

The second component of the labor force is unemployed people. This category does not simply include anyone who lacks a job: an unemployed person must have been available for work during the survey's reference week (discounting temporary illness) and made "specific efforts" to find a job during the previous four weeks. People who would like to work but have given up due to lack of opportunities, an injury or illness are considered to be outside the labor force. Information regarding unemployment can be obtained from the Bureau of Labor Statistics. Each Local Workforce Development Board must compare their current workforce data to the Civilian Labor Force information to get an awareness of civilian workers that are working or prepared to work in their area.

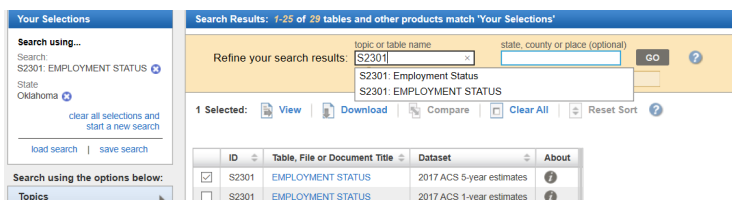
Civilian Labor Information may be accessed through

1. American Fact Finder - <https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>
2. Local community organizations that collect equal opportunity data.

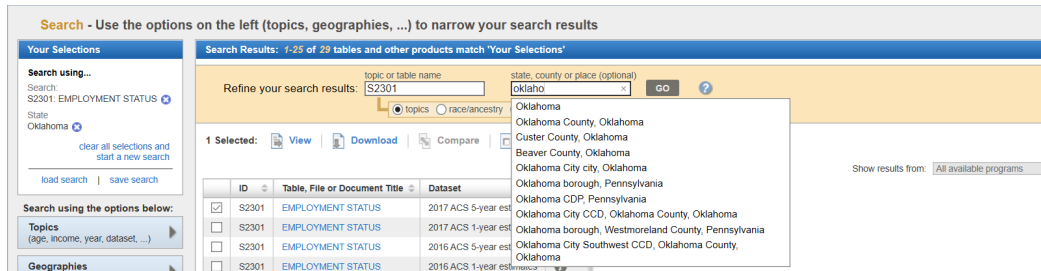
If you are utilizing information from American Fact Finder you must access the following reports: Go to the advance search



- Plug in the reports:
 - S2301: Race
 - C18120: Disability
 - B23001: SEX BY AGE



- You can view a city or county



If you have more than one county in your region, you will need to combine your data or if your area is not available compare to State of Oklahoma Overall.

If you are monitoring for compliance you will need to compare your workforce labor force to the civilian labor force.

Step Four: Analyze Data – 80% Rule and 2 – Standard Deviation Test

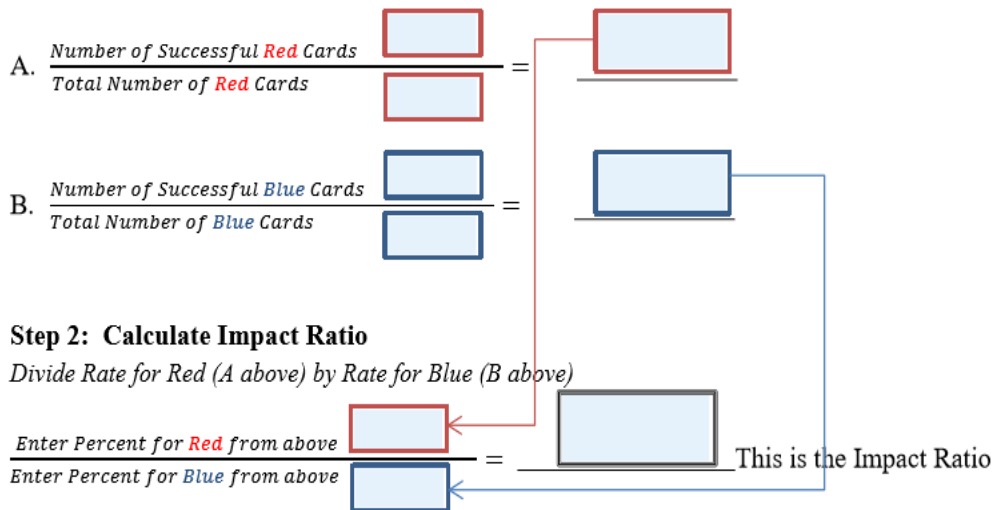
Equal Opportunity Commission has given guidance in the form of a simple and practical means to assist in determining if serious discrepancies in rates of employment and other selection decisions are occurring. The first formula for consideration is the 80% rule also referred to as the four-fifths rule. The basis for this rule is that any selection rate which is less than 80% of the highest selection rate indicates a substantially different rate of selection. If there is a selection rate less than 80% then further analysis should occur to assist in determine causation. This is where the standard deviation can assist in determining the magnitude of the issue or bring insight into disparate impact that is not readily apparent with the 4/5ths calculation.

80% Rule

For each Category, divided the number of each group that passed by the total number in that group. If percentages have already been calculated you can go bypass the first step.

Step 1: Calculate Pass Rates for Each Comparator Group

For each color, divide the number of each group that passed by the total number of cards in that group



The answer compares the success rate of Red Cards to the success rate of Blue Cards. To calculate the percentage, take the answer above and multiply it times 100%.

For Another Example, this time using percentages already calculated utilizing – S2301 Report American Fact Finder 2013-2017 Employment Estimates

Overall Population 16 and Over – Oklahoma 3,043,261

Male Employment Rate 74.8% Female Employment 64.8%

Is the female employment rate in Oklahoma substantially different than males?

We divide the employment rate of Females by Males. $64.8\%/74.8\% = 86.7\%$ the employment rate of females is 86.7% of males in the state of Oklahoma. Since this is greater than 80% there is not a substantially different employment rate under this formula.

2-Standard Deviation

Statistical significance (Two (2) standard deviation test): Standard deviation is a statistic used to measure dispersion in a distribution; a measure of the typical distance between the average (mean) and any given value. It measures the "width" of the distribution of values. In other words, how spread out are the numbers. If the difference between the expected value and the observed number is greater than two deviations, then the hypothesis would not be statistically significant. In practice, the calculation of the number of standard deviations is performed using generally accepted mathematical formulas. Standard deviation is the square root of the variance. Variance is the squared differences from the mean.

To calculate the variance, the mean needs to be determined first.

- The mean is the sum divided by the count.
- For each number subtract the mean to determine dispersion
- Square the result for the squared difference.

- Average the squared differences.

For example – Let’s look at employment rates based on race utilizing – S2301 Report American Fact Finder 2013-2017 Employment Estimates

TABLE 1 - AMERICAN FACT FINDER 2017 ESTIMATES

Race	Employment Rate
African American/Black	54.6%
American Indian/Native American	54.5%
Asian	61.6%
Caucasian/White	57.5%
Native Hawaiian Pacific Islander	57.3%
Hispanic/Latino	64.9%

$$(54.6\% + 54.5\% + 61.6\% + 57.5\% + 57.3\% + 64.9\%) = 350.4$$

$$(54.6\% + 54.5\% + 61.6\% + 57.5\% + 57.3\% + 64.9\%) / 6 = 58.4\%$$

$$\text{Count} = 6 \quad \text{Sum} = 350.4 \quad \text{Mean} = 58.4\%$$

For each number we are going to subtract the mean.

Race	Employment Rate	Dispersion
African American/Black	54.6% - 58.4%	-.038
American Indian/Native American	54.5% - 58.4%	-.039
Asian	61.6% - 58.4%	.032
Caucasian/White	57.5% - 58.4%	-0.009
Native Hawaiian Pacific Islander	57.3% - 58.4%	-.011
Hispanic/Latino	64.9% - 58.4%	.065

Note: For ease of calculation when doing percentages you convert to decimal.

Race	Employment Rate		Squared Difference
African American/Black	54.6% - 58.4%	-.038*-.038	.002
American Indian/Native American	54.5% - 58.4%	-.039*-.039	.002
Asian	61.6% - 58.4%	.032*.032	.001
Caucasian/White	57.5% - 58.4%	-.009*-.009	.0001
Native Hawaiian Pacific Islander	57.3% - 58.4%	-.011*-.011	.0002
Hispanic/Latino	64.9% - 58.4%	.065*.065	.0043

Note: The negative simple is removed when doing the square.

$$(14.44 + 15.21 + 10.56 + .81 + 1.21 + 42.25) = 84.48$$

$$(.002 + .002 + .001 + .0001 + .0002 + .0043) / 6 = .0096$$

$$\text{Count} = 6 \quad \text{Sum} = .0096 \quad \text{Mean} = .0016 \quad \text{Variance} = .0016$$

To Determine the Standard Deviation we take the square root of the variance. $\sqrt{.0016} = .04$

By dividing the dispersion by the standard deviation, the number of standard of deviations can be calculated.

Race	Employment Rate	Dispersion	Standard Deviation	# of Standard Deviations
African American/Black	54.6%	-.038	.04	.95
American Indian/Native American	54.5%	-.039	.04	.96
Asian	61.6%	.032	.04	.8
Caucasian/White	57.5%	-0.009	.04	.225
Native Hawaiian Pacific Islander	57.3%	-.011	.04	.275
Hispanic/Latino	64.9%	.065	.04	1.625

If the number of standard deviations is great than 2 then there is a substantial difference in rates.

In the above example, all of the rates were in close proximity. By calculating the number of standard deviations, we can infer that the rates are in the range of random selection and not due to another factor.

Step Five: Follow-up Investigation Statistical Significance

When the analysis discloses that differences have practical or statistical significance, a follow-up investigation must be conducted to determine whether the differences are due to intentional discriminatory conduct, conduct that has a disparate impact on a protected group, or some other factors (US DOL CRC).

Investigating Adverse Impact

Adverse impact does not necessarily indicate discrimination has occurred but should always be reviewed and/or investigated. There are two theories of discrimination, Disparate Treatment and Disparate Impact.

Disparate treatment which is intentional discrimination. There is a specific act or behavior that has created an intentional adverse condition to an individual. In other words the employer intentionally takes an individual's protected status into consideration when taking an adverse action to the individual, such as a demotion, transfer, termination, non-selection or layoff. Most allegations are disparate treatment cases

Disparate impact does not require a showing of intent to prove discrimination. It can occur or is caused by a neutral policy, procedure or practice with no intent to discriminate an individual based on their protected status.

Investigating Course of Action

Investigate possible reasons for the significant differences. Anecdotal evidence could occur:

- When a member of a demographic group comes forward to talk about how he or she met the requirements but didn't get to participate in a program or activity.

- When a member of a group provides first-hand knowledge that a service provider acted in a manner that could negatively impact his or her group.

Anecdotal evidence should be considered as evidence of possible adverse impact and it should be investigated in conjunction with quantifiable analysis.

- Rumors or word of mouth incidents.
- Social Media including blogs, news articles, internet postings, tweets, etc.
- If justification (business necessity) is found, document the justification; no further action necessary for that demographic in that step.
- If justification is not found, take mitigating actions.
 - Follow-up to see if the mitigating actions made a difference

Step Six: Gathering Quantifiable Evidence

Schedule a meeting with appropriate staff to discuss the issue

- Review the records with the appropriate staff or inform them of what was found
- Let the group know you are finding adverse impact for specific groups and that it is incumbent upon the organization to investigate the issues
- Ask the group what they think are the reasons that the demographic groups in question are unsuccessful in advancing through particular steps in the program/activity or service.
- Review participant(s) files when needed.
- If the reasons given from program staff are justifiable, note them in your analysis file.
- If a policy, procedure or practice is causing the impact and there is no reason it can't be modified, recommend the modification.
- If justifiable reasons cannot be determined, ask the group to strategize or brainstorm to determine mitigating actions that can be taken.
- This could take the form of increased outreach to the affected group(s), greater encouragement to complete the step or process, or asking members of the group during counseling whether there are additional barriers that haven't been discussed.
- Document the mitigating action that is being taken.

As an Equal Opportunity Officer, continuous monitoring allows you to identify potential items of review and discussion before a full investigation is necessary. A good practice of spending five minutes at every staff meeting discussing trends in data or changes is good way to continue the conversation regarding equal opportunity and the importance of being always mindful. Frequent communication build trust and confidence in staff to address issues.

Step Seven: Follow up Strategy

Conduct follow-up analysis within a reasonable time period (three months, six months, nine months or a year) to see if the mitigating actions are helping; increase participation rate in services and activities. Recommend further action as needed. If you are in the practice of having

allotted time on the agenda for staff meetings on a regular basis, it can assist in being a reminder for follow up in addition to being an excellent tool for documentation. Review the minutes after meetings to ensure your Equal Opportunity topics are being recorded.

An excellent practice would be to create a local Data Analysis Reporting Format Guide
Provide a clear format outline for your recipients.

1. Cover Page

- Identify Region and the EO Officer

2. Overview Section

- Summary of Region's Civilian labor force by EO demographics and comparison to WIOA workforce system
- Provide a description of each organization contracted in your workforce region including programs/activities the organization operates for the program year being reviewed

3. Data Analysis Section:

- Include the service delivery and identify pass/fail points for each program offered in the job centers/location
- Identify any adverse impact with each program/service/activity
- Summarize the anecdotal evidence ☑ Provide proof that the evidence was examined and investigated

4. Describe what actions your region took to investigate the issue

- Reviewing records
- Reviewing policies
- Describe any justifiable reasons for the adverse impact
- Describe your affirmative outreach plan and how your organization will take reasonable steps with implementation of the affirmative outreach plan

5. Follow Up Section:

- Identify any consistent adverse impact occurring with a particular group(s) from the previous program year.
- Provide any updates of the impact of your affirmative outreach plan from the previous year in your report.

***Local Workforce Development Boards are obligated to track adverse impact with various groups with programs, services, and activities. The Local Workforce Development Board is also obligated to provide technical assistance and take the appropriate actions with goals and outcomes if there is a consistent issue.**

Corrective Actions and Sanctions

The Local Workforce Development Board should have a policy to address corrective actions and sanctions to be taken when violations are found. Corrective actions must be designed to

completely correct technical violations (e.g. failure to post notice, failure to collect data, etc.) and discrimination violations. In the case of a finding of discrimination, the procedures must provide, where appropriate, for retrospective relief (including but not limited to back pay) and prospective relief (e.g. training, policy development and communication) to ensure that the discrimination does not recur. The time frames for the completion of each corrective and remedial action should be identified. Provide provisions for execution of a written agreement or assurance to document the correction of the violation. The Local Workforce Development Board should have provision for follow-up monitoring to ensure that commitments are fulfilled.

Monitoring Requirements for Eligible Training Providers

Monitoring requirements for eligible training providers include all of the provisions under WIOA Section 188 and 29 CFR Part 28. The information below provides a general format/guide for conducting an analysis on programs, services, and activities offered through the training institution. A statistical or other quantifiable analysis of records and data kept by the recipient (employment and programs) under Section 188 of WIOA and 29 CFR Part 38 including analyses by race/ethnicity, sex, limited English proficiency, preferred language assessment, age, and disability status must be conducted annually:

Number of participants referred to training:

- By program (Example: WIOA, Trade Act, and other programs if known)
- By Industry (Example: Healthcare)
- By Credential (Example: C.N.A , R.N.A, HVAC)

Number of applicants that applied to training:

- By program (Example: WIOA, Trade Act, and other programs if known)
- By Industry (example: Healthcare)
- By Credential (Example: C.N.A , R.N.A, HVAC)

Number of participants participating in the training:

- By program (Example: WIOA, Trade Act, and other programs if known)
- By Industry (Example: Healthcare)
- By Credential (Example: C.N.A , R.N.A, HVAC)

Number of participants completed training:

- By program (Example: WIOA, Trade Act, and other programs if known)
- By Industry (Example: Healthcare)
- By Credential (Example: C.N.A , R.N.A, HVAC)

Number of participants not completing training:

- By program (Example: WIOA, Trade Act, and other programs if known)
- By Industry (Example: Healthcare)
- By Credential (Example: C.N.A , R.N.A, HVAC)

Number of participants that completed training and entered employment in the field trained in:

- By program (Example: WIOA, Trade Act, and other programs if known)
- By Industry (Example: Healthcare)
- By Credential (Example: C.N.A , R.N.A, HVAC)

Number of participants that did not complete training, but entered employment:

- By program (Example: WIOA, Trade Act, and other programs if known)
- By Industry (Example: Healthcare, Construction)
- By Credential (Example: C.N.A , R.N.A, HVAC)

Number of participants that did not complete training but entered employment in field trained in:

- By program (Example: WIOA, Trade Act, and other programs if known)
- By Industry (Example: Healthcare, Construction)
- By Credential (Example: C.N.A , R.N.A, HVAC)

Number of participants that completed training but did not enter employment in the field trained in:

- By program (Example: WIOA, Trade Act, and other programs if known)
- By Industry (Example: Healthcare, Construction)
- By Credential (Example: C.N.A , R.N.A, HVAC)

Employment Practices Monitoring Requirements for WIOA Recipients

Employment practices are a recipient's practices related to employment, including but not limited to:

- Recruitment or recruitment advertising;
- Selection, placement, layoff or termination of employees;
- (Upgrading, promotion, demotion or transfer of employees;
- Training, including employment-related training;
- Participation in upward mobility programs;
- Deciding rates of pay or other forms of compensation;
- Use of facilities; or
- Deciding other terms, conditions, benefits and/or privileges of employment.

Employee selection procedures - A recipient must comply with the Uniform Guidelines on Employee Selection Procedures, 41- CFR part 60-3.

Each recipient of WIOA funds must include the appropriate language in their assurances: Assurances ensure: all job training plans, contracts, and other similar agreements entered into by recipients are nondiscriminatory and contain the required language regarding nondiscrimination and equal opportunity.

(Subpart B-29 CFR Part 38.20)

- For staffing statistical analyses purposes, the recipient must keep records of:

- Applicants of employment
- Employees
- Each recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant for employment and employee.
- This information must be stored in a manner that ensures confidentiality, and must be used only for the purposes of recordkeeping and reporting.
- Each recipient must promptly notify the State EO Officer when any administrative enforcement actions or lawsuits are filed against it alleging discrimination on the “basis” of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIOA Title I program or activity.

The notification must include:

The names of the parties to the action or lawsuit; the relevant case numbers, and any negative monitoring reviews by other agencies must be submitted to the State EO Officer.

- Each recipient must maintain the following records for a period of not less than three years from the close of the appropriate program year:
 - The records of applicants for employment and employees;
 - Other records as are required Section 188 of WIOA and 29 CFR Part 38.
 - Records regarding complaints must be maintained for a period of not less than three years from the date of resolution of the complaint.
- All Workforce Development Boards and their recipients must conduct staffing analysis on employment related practices annually.
- The staffing analysis report for all regions is due to the OOWD EO by October 30th of every program year.
- Staffing analysis is conducted for employment activities from July 1st –June 30th for each program year.

EO Staffing Analysis Guidance and Requirements

All recipients staffing analysis reports will include the following:

- Summary of the makeup of your workforce region (civilian labor force data)
- Background description of the organization
- Organization chart
- Description of your current hiring practices, describing how your organization:
 - Advertises job openings
 - Accepts applications for employment,
 - Selects candidates for interviews, and
 - Selects candidates for hire
- Description of how often your organization analyzes and updates job descriptions
- Description of how performance evaluations are conducted
- Description of how employees are selected for training (internal/external)

Utilization Analysis which would include:

- The number of open positions from the last program year (i.e. PY18-PY19)
- The number of incumbent workers within the organization for the last program year (i.e. PY18-PY19)
- A comparison of the incumbent workers to the available positions
- You will analyze the employment data by utilizing the 80% or 4/5th rule by categories (Gender, Race, Disability Status if known)
 - Applicant Pool
 - Interviews
 - Promotions
 - Demotions
 - Terminations

Organization Structure (Small Organizations)

Organizations with fewer than 50 employees

The organization can provide a list of all of the employees and identify each location where the employees work and categorize the employment data by race, gender, and disability status and job category.

OR

The organization can provide employment data for each location where it must be categorized by race, gender, and disability status and job category.

Organization Structure (Large Organizations)

Organizations with more than 50 employees must report by location.

- Employment data must be categorized by race, gender, disability status (if known) and job category.
- The report should identify if there is a headquarters office and the employees working at this office.
- Analyzing the Data - Large Organizations
- Large organizations will need to analyze their organizations by workforce units. Workforce Unit (i.e. Divisions, Units, Departments, Sections etc...)
- Large organizations will need to analyze the employee data by each location and by job category

Analyzing the Data in Large and Small Organizations

Large and Small organizations will analyze the data by race, gender and disability status (if known) by:

- Comparing the Civilian Labor Force to the Organizations employment make up (Resource: American Fact Finder)
- Comparing the applicants (Applicants Pool) to the number of candidates who were interviewed,

- Comparing those Promoted to all eligible candidates or applicants, and
- Comparing those Demoted and Terminated to the entire organization

Investigation Summary

Your investigation results should indicate the specific actions(s) your organization is taking in regards to the nondiscrimination and equal opportunity provisions of WIOA.

This includes: hiring, promotion, demotion, transfer, or recruitment as well as advertising, layoff, termination, rates of pay or other forms of compensation and selection for training.

Your investigation summary should include how your employment practices have been reviewed to determine whether members of the various groups are receiving fair consideration for job opportunities.

Your investigation should include proof that attention has been directed toward executive and middle management levels.

Outreach Plan

Your outreach plan should include how the public and your current employees are informed at least annually of your organization's commitment to nondiscrimination and equal employment opportunity provisions under WIOA for all persons.

Your outreach plan should identify recruiting sources that have been informed of your organization's commitment to provide equal opportunity employment.

Your outreach plan should include how employment records of all employees are reviewed to determine the availability of promotable and transferable employees within your organization.

Supporting Documentation

Supporting documents include:

- Data Reporting Template completed by recipients
- EEOC-1 Report (if your organizations meets the EEOC requirements)
- Organizations own spreadsheets (if it meets the WIOA requirements)

Onsite Equal Opportunity Monitoring Reviews

OOWD State Equal Opportunity will monitor for compliance utilizing the provisions of WIOA Section 188 and 29 CFR Part 38. The onsite review will include but is not limited to the following:

- Review of records, reports, and data
- Notices, (posters, flyers, signs, brochures, etc...)
- Customer Interviews
- Employee Interviews
- Assistive Technology Observation
- Any other items that fall under Section 188 of WIOA

Technical assistance is available upon request. Please contact the OOWD State EO at:

Karla Jackson

Workforce System Design & State Equal Opportunity Officer
Oklahoma Department of Commerce | Oklahoma Office of Workforce Development
900 N. Stiles Ave., Oklahoma City, OK 73104
O: (405) 815-5177 C: (405) 208-9620
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Monitoring Checklist

Documentation Checklist

This checklist may be used by the local EO Officers when monitoring its recipients/subrecipients. For OOWD annual monitoring purposes, please ensure all documents listed below are provided to the state monitors by the deadline specified in the initial monitoring notification or upon request.

For monitoring purposes, electronic copies of the following items can be provided by the recipient in support of monitoring for compliance with Section 188 of the Workforce Innovation and Opportunity Act:

“Equal Opportunity Is the Law” Notice

- Copy of current “Equal Opportunity Is the Law” notice
- List of languages in which notice is available on-demand
- List of alternative formats in which the notice is available on-demand

Assurances

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

- Contracts
- Memoranda of understanding
- Cooperative agreements
- Job training plans
- Grant applications
- Requests for proposals
- Agreements with training providers
- Any other arrangements related to the delivery of WIOA Title I financially-assisted services, aid, training, or benefits.

Other Written Materials

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

- Publications
- Brochures
- A complete orientation package
- Recruitment materials
- Affirmative outreach strategy and list of engagements
- Manuals
- Handbooks

- Directives
- Policies and procedures
- Broadcast scripts
- Written advertising
- Website addresses for recipient's website pages related to WIOA Title I financially-assisted services, aid, training, and benefits
- "Essential eligibility requirements" used by the recipient for delivery of WIOA Title I services, aid, training, and benefits
- WIOA Section 188 discrimination complaint log

Organization

- Copy of EO Officer's resume
- Organizational chart for recipient
- Written confirmation that the EO Officer reports directly to the most senior official in the organization for all EO matters
- Copies of resumes for EO Officer's staff who provide support for all WIOA Section 188 activities
- Certificates of training or education received, and list of training received to maintain EO competencies over the past two years for the EO Officer and his/her staff who perform WIOA Section 188 activities

Monitoring

- All monitoring reports completed by local EO Officer
- Annual reports assessing the physical and programmatic accessibility of all one-stop centers in the local area

1. Sections 38.25 through 38.27 (Assurances);

- 1.1. Does each application for federal financial assistance (includes contracts and bid responses) under Title I of WIOA as defined in 29 CFR 38.4 (i.e. an instrument that has one of its purposes the provisions of assistance or benefits under WIOA Title 1) include the assurance specified in 29 CFR 38.20? **Yes/No Choose an item.**
- 1.2. Do RFPs or similar issuances (that has one of its purpose the provision of assistance or benefits under WIOA Title 1) explain that bidders are required to contain the assurances of 29 CFR 38.20 in their proposal? **Yes/No Choose an item.**

Notes/Comments: In reviewing compliance with this section, the following were reviewed and observations made:

Recommendations:

Overall Conclusion: The organization appears to be / does not appear to be in compliance with this section based on analysis of relevant documentation.

2. Sections 38.28 through 38.33 (Equal Opportunity Officers);

2.1. Has a senior level employee been designated as EO Officer? **Yes/No Choose an item.**

2.2. Do the EO Officer's responsibilities include:

2.2.1. Serving as the liaison with OWD and CRC? **Yes/No Choose an item.**

2.2.2. Monitoring and investigating the Boards' activities and the activities of its subrecipients to ensure compliance with nondiscrimination and EO obligations under WIOA Title I? **Yes/No Choose an item.**

2.2.3. Reviewing the Workforce Board's written policies to ensure they are nondiscriminatory? **Yes/No Choose an item.**

2.2.4. Developing and publishing procedures for processing discrimination complaints under 29 CFR 38.76 – 38.79 and ensuring that those procedures are followed? **Yes/No Choose an item.**

2.2.5. Reporting directly to the appropriate official about EO matters? **Yes/No Choose an item.**

2.2.6. Undergoing Training to maintain competency if the Executive Director requires him or her or his/her staff to do so? **Yes/No Choose an item.**

2.3. Does the EO have other duties and/or do those duties create a conflict or the appearance of conflict? **Yes/No Choose an item.**

2.4. Does the designated EO officer have the appropriate staff and resources to ensure compliance with WIOA Section 188? **Yes/No Choose an item.**

2.5. Has the name, title/position, address, and telephone number of the EO Officer been made public at the local level, and does the information appear on internal and external communications regarding nondiscrimination and EO programs? **Yes/No Choose an item.**

Notes/Comments: In reviewing compliance with this section, the following were reviewed and observations made:

Recommendations:

Overall Conclusion: The organization appears to be / does not appear to be in compliance with this section based on analysis of relevant documentation.

3. Sections 38.34 through 38.39 (Notice and Communication);

3.1. Is there a written nondiscrimination and EO policy that prohibits discrimination on the grounds of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act. **Yes/No Choose an item.**

3.2. Does the policy prohibit retaliation or reprisal against an individual that has (1) filed a complaint, (2) opposed a practice prohibited by the nondiscrimination and EO provisions of WIOA, (3) furnished information to or assisted or participated in any manner in an investigation, review, hearing, or any other activity related to the administration of the WIOA nondiscrimination and EO provisions; and (4) otherwise exercised any rights and privileges under the WIOA nondiscrimination and EO provisions? **Yes/No Choose an item.**

3.3. Does the "Equal Opportunity is the Law" notice (English and Spanish) contain the specific wording required by 29 CFR 38.30? **Yes/No Choose an item.**

- 3.4. Is initial and continuing notice provided that discrimination is prohibited? **Yes/No Choose an item.**
- 3.5. Has the notice been posted in prominently, in reasonable numbers and places, in an available conspicuous physical locations and on the recipient's web site pages numbers and locations? **Yes/No Choose an item.**
- 3.6. Has the notice been disseminated in the form of internal memoranda and other written or electronic communications to include handbooks and manuals? **Yes/No Choose an item.**
- 3.7. Has the notice been provided to each participant and employee and made part of each employee's and participant's file? (Electronic and written if both are maintained.) **Yes/No Choose an item.**
- 3.8. Has the notice been made available in formats that effectively communicate its message to individuals with visual impairments? **Yes/No Choose an item.**
- 3.9. Does the recipient have a written LEP Plan that provides meaningful access to their program or activity? **Yes/No Choose an item.**
- 3.10. Do recruitment or others materials for WIOA Title I funded programs state that the programs or activities are "equal opportunity employer/programs" and that auxiliary aids and services are available upon requires for person with disabilities"? **Yes/No Choose an item.**
- 3.11. Where a telephone number is listed, is there a TDD/TTY or relay service number listed? **Yes/No Choose an item.**
- 3.12. Does the "Equal Opportunity is the Law" notice (English and Spanish) contain the specific wording required by 29 CFR 38.3? **Yes/No Choose an item.**

Notes/Comments: In reviewing compliance with this section, the following were reviewed and observations made:

Recommendations:

Overall Conclusion: The organization appears to be / does not appear to be in compliance with this section based on analysis of relevant documentation.

4. Sections 38.41 through 38.45 (Data and Information Collection and Maintenance) and Section 38:53 (Governor's Oversight Responsibility Regarding Recipients' Recordkeeping);

- 4.1. Is there a system to collect and maintain records and data necessary to determine compliances with nondiscrimination and EO provisions? **Yes/No Choose an item.**
- 4.2. Is data collected by race/ethnicity, sex, age, disability status, limited English proficiency, and preferred language for each applicant, registrant, participant, and terminnee? **Yes/No Choose an item.**
- 4.3. Is data stored in a manner that ensures confidentiality and is it used only for record keeping and reporting, determining eligibility and determining program compliance with nondiscrimination requirements? **Yes/No Choose an item.**
- 4.4. Is information that could lead to identification of a particular individual as having filed a complaint kept confidential? **Yes/No Choose an item.**

Notes/Comments: In reviewing compliance with this section, the following were reviewed and observations made:

Recommendations:

Overall Conclusion: The organization appears to be / does not appear to be in compliance with this section based on analysis of relevant documentation.

5. Section 38.40 (Affirmative Outreach);

- 5.1. Has the Workforce Development Board taken appropriate steps to ensure that they are providing equal access to their WIOA Title I financially assisted programs and activities? **Yes/No Choose an item.**
- 5.2. Do the steps involved reasonable efforts to include members of the various groups protected including but not limited to persons of different sexes, various racial and ethnic/national origin groups, various religions, individuals with limited English proficiency, individual with disabilities, and individuals in different age groups? **Yes/No Choose an item.**

5.3. Are advertising programs and/or activities in media, such as newspapers or radio programs that specifically target various populations? **Yes/No**

Choose an item.

5.4. Do notices about openings in the recipient's programs or activities sent to schools or community services groups that serve various populations?

Yes/No Choose an item.

5.5. Does the recipient consult with appropriate community services groups about ways in which to improve its outreach and service to various populations? **Yes/No Choose an item.**

Notes/Comments: In reviewing compliance with this section, the following were reviewed and observations made:

Recommendations:

Overall Conclusion: The organization appears to be / does not appear to be in compliance with this section based on analysis of relevant documentation.

6. Sections 38.70 through 38.73 (Complaint Processing Procedures); and

6.1. Has a procedure for resolving allegations of discrimination within the Workforce Board area as well as against service providers been published and implemented? **Yes/No Choose an item.**

6.2. Do the discrimination complaint processing procedures specify the following: (1) who may file; (2) where to file; (3) time frames; (4) what the complaint should include; (5) forms available; (6) appropriate sanctions? **Yes/No Choose an item.**

6.3. Does the procedure indicate the complainant or respondent have the right to have representation by an attorney or other individual of their choice? **Yes/No Choose an item.**

6.4. Does the discrimination complaint procedures provide for an initial written notice that acknowledges receipt of the complaint; the right of representation, and offers an Alternate Dispute Resolution method of resolving the complaint? **Yes/No Choose an item.**

- 6.5. Does the discrimination complaint procedures provide for a written statement to the complainant concerning the recipients accepting or rejecting for investigation each issue raised by the complainant and the reasons for each rejection? **Yes/No Choose an item.**
- 6.6. Do the discrimination complaint procedures provide for a fact finding or investigation period? **Yes/No Choose an item.**
- 6.7. Do the discrimination complaint procedures provide for a period during which the recipient attempts to resolve the complaint through other methods such as alternative dispute resolution at any time after the complainant has filed a written complaint with the recipient but before a notice of Final action has been issued? **Yes/No Choose an item.**
- 6.8. Does the discrimination complaint procedures provide for issuance of a written Notice of Final Action which contains a statement of the recipient's decision on each issue and the reasons underlying the decisions or a description of the way the parties resolved the issue? **Yes/No Choose an item.**
- 6.9. Does Issuance of Final Action in the procedures include the notice that the complainant has the right to file a complaint within 30 days to CRC if he or she is dissatisfied with the final action, or if there is no final resolution of the complaint w/in 90 days of the date the complaint was filed? **Yes/No Choose an item.**
- 6.10. Are records, including complaints, retained for a period of not less than three years from the close of the applicable year or resolution of the complaint? **Yes/No Choose an item.**
- 6.11. Does the Workforce Board maintain a log of complaints that allege discrimination on the grounds of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, and/or participation in WIOA Title I financially assisted program or activity? **Yes/No Choose an item.**
- 6.12. Does the Log include: (1) the name and address of the complainant; (2) the grounds of the complaint; (3) a description of the complaint; (4) the

date the complaint was filed; (5) the disposition of the complaint; and (6) other pertinent information? **Yes/No Choose an item.**

6.13. Is the Log submitted quarterly to the State Equal Opportunity Officer? **Yes/No Choose an item.**

6.14. Does the Workforce Board provide the appropriate staff and resources to process discrimination complaints? **Yes/No Choose an item.**

Notes/Comments: In reviewing compliance with this section, the following were reviewed and observations made:

Recommendations:

Overall Conclusion: The organization appears to be / does not appear to be in compliance with this section based on analysis of relevant documentation.

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

7.1. Is there a system established for monitoring compliance of the recipients with WIOA Section 188 and 29 CFR 38 which includes assessment to determine whether administrative obligations with regard to record keeping, notice and communication, affirmative outreach, and complaint processing? **Yes/No Choose an item.**

7.2. Are recipient policies reviewed to ensure they are nondiscriminatory? **Yes/No Choose an item.**

7.3. Does the monitoring review include reviewing job training plans, contracts, assurances and other similar agreements to ensure required language is present and nondiscriminatory? **Yes/No Choose an item.**

7.4. Is there a review for ensuring compliance with Section 504, Rehabilitation Act of 1973 and 29 CFR 38? **Yes/No Choose an item.**

7.5. Does the review include policy communication and training to ensure that EO officers and staff are aware of and carry out their responsibilities?

Yes/No Choose an item.

7.6. Does the monitoring include procedures for obtaining prompt corrective action? **Yes/No Choose an item.**

Notes/Comments: In reviewing compliance with this section, the following were reviewed and observations made:

Recommendations:

Overall Conclusion: The organization appears to be / does not appear to be in compliance with this section based on analysis of relevant documentation.

8. Eligible Training Providers Compliance

8.1. Is there a signed Training Provider assurance indicating compliance with nondiscrimination and equal opportunity provisions of applicable state and federal law? **Yes/No Choose an item.**

8.2. Is there a review to include quantifiable statistical analysis on training providers' applicants and participants? **Yes/No Choose an item.**

Notes/Comments: In reviewing compliance with this section, the following were reviewed and observations made:

Recommendations:

Overall Conclusion: The organization appears to be / does not appear to be in compliance with this section based on analysis of relevant documentation.

9. Compliance with Federal Disability Nondiscrimination Laws

- 9.1. Have sites been reviewed and survey for deficiencies with plants initiated to correct deficiencies noted? **Yes/No Choose an item.**
- 9.2. Does the Workforce board review sites and or locations that selections are not made that have a discriminatory effect? **Yes/No Choose an item.**
- 9.3. Does the Workforce Board ensure that eligibility criteria that screen out or tend to screen out an individual with a disability or class of individuals with disability are are not imposed unless such criteria can be shown to be necessary for the provision of the aid, benefit, service, training, program or activity being offered? **Yes/No Choose an item.**
- 9.4. Does the Workforce Board insure that an individual with a disability is not required to accept an accommodation, aid, benefit, service, training, or opportunity that the individual chooses not to accept? **Yes/No Choose an item.**
- 9.5. Does the Workforce Board insure that reasonable accommodations are provided regarding registration for and the provision of aid, benefits, services or training – including core and intensive training and support services to qualified individual with disabilities? **Yes/No Choose an item.**

Notes/Comments: In reviewing compliance with this section, the following were reviewed and observations made:

Recommendations:

Overall Conclusion: The organization appears to be / does not appear to be in compliance with this section based on analysis of relevant documentation.

SECTION 9 – CORRECTIVE ACTIONS / SANCTIONS (29 CFR 38.54(c)(2)(vii))

PURPOSE

The State of Oklahoma (State) addresses how it and its recipients are complying with the requirements of 29 CFR 38.54(c)(2)(vii) in developing procedures for obtaining prompt corrective action when instances of noncompliance with the WIOA Section 188 or 29 CFR Part 38 are found or, as necessary, applying sanctions. (*Section 9 Documentation – Attachment 1*)

NARRATIVE

The State has established procedures for corrective and remedial actions to be applied when there is a violation of WIOA Section 188 and/or 29 CFR Part 38 by a recipient or sub-recipient.

The standards for corrective and remedial actions are to be applied when violations of WIOA Section 188 or 29 CFR Part 38 are found. Corrective and remedial actions must be designed to completely correct each violation. For each corrective action, a time frame should be established that sets the minimum time necessary to completely correct the violation. In the case of a finding of discrimination, the procedures must provide, where appropriate, for retroactive relief (including but not limited to back pay) and prospective relief (e.g., training, policy development and communication) to ensure that the discrimination does not recur.

The State has established procedures for corrective and remedial actions to be applied when there is a violation of WIOA section 188 and/or 29 CFR Part 38 by a Local Workforce Development Area or sub-recipient. Findings of noncompliance may result from investigation of a complaint, formal or informal, or a recipient compliance review.

Corrective and remedial action will be sought when any deficiency is identified as a result of any monitoring review or any employment opportunity complaint. Deficiencies can be technical violations, which are deficiencies that do not involve discrimination, require written assurance from the State, Unemployment Insurance (UI), Local Workforce Development Areas and One-Stop Partners (LWDA/OSP). Technical violations may include, but are not limited to: failure to post the required “Equal Opportunity is The Law” notice/poster, failure to include assurances in service plans, failure to include a signed “Equal Opportunity is The Law” notice/poster in a WIOA participant’s file, as well as failure to include a signed statement confirming participant knowledge of Complaint Procedures and Grievance Procedures in their program file or in an electronic file.

Discrimination violations involve any complaint where discrimination is alleged. Discrimination violations may include, but are not limited to: discrepancies of disparate treatment, disparate impact, and failure to provide reasonable accommodation. These discrepancies may require an Alternative Dispute Resolution (ADR) agreement, conciliation agreement or assurance statement. Provisions will include making whole relief to include where appropriate, retroactive

relief (e.g. back pay, front pay, retroactive benefits, training, any service discriminatorily denied) or prospective relief, (e.g. change of policy, training, development of new policy, training on policy communication).

Corrective actions and sanctions are intended to guarantee equal access to programs, activities, and employment opportunities provided by WIOA financially assisted recipient organizations. Corrective actions must be appropriate for the violation identified and serve to end the discrimination or redress specific violations(s).

Local EO Officers are instructed to notify the State EO Officer if they are contacted directly by USDOL CRC regarding an alleged violation. Any corrective actions, when necessary, will be reported to USDOL CRC.

Where a compliance review or complaint investigation results in a finding of noncompliance, the State EO Officer must notify the:

- (a) Grant applicant or recipient;
- (b) Grant making agency; and
- (c) Governor's Office.

Sanctions may include: written warnings for non-compliance, recommendation for termination of funding (partial, offset, and/or temporary suspension), and legal action under applicable laws. Recipients acknowledge notice that corrective actions and sanctions may be imposed to move recipients into compliance with the requirements of the WIOA and the Nondiscrimination Plan.

Standards for Corrective and Remedial Actions

The State reserves accountability for implementation of the Nondiscrimination Plan to the Governor, including complaint processing and resultant corrective or remedial action. The Governor also reserves the right to sanction grantees for failure to comply with the terms and conditions of grant contracts. The State EO Officer will monitor corrective action determined against a respondent in a Notice of Final Action for a specific complaint.

These actions must be designed to completely correct each violation. For each corrective action, a timeframe should be established that sets the minimum time necessary to completely correct the violation. In the case of a finding of discrimination, the procedures must provide, where appropriate, for retroactive relief (including but not limited to back pay) and prospective relief (e.g., training, policy development and communication) to ensure that the discrimination does not recur.

For each corrective action identified, the recipient must submit their corrective action plans within 30 days of receipt of the Monitoring Review Guide Report or equivalent notification. Corrections to the discrepancies should be made within 30 days of the Equal Opportunity Monitoring Review Report or equivalent notification of noncompliance and designed to completely correct the violation and bring the recipient into compliance.

Recipients are required to complete all corrective actions in the monitoring report and the recipient must submit a written assurance that the discrepancies have been corrected and will not recur. The assurance will list the deficiency and corrective action as specified in the written notification, describe the corrective actions taken and the dates of those actions, state that the recipient or sub-recipient is taking and will continue to take steps to assure that the deficiency does not recur, and certify that the assurance is signed by the highest level official of the recipient or sub-recipient. If the discrepancies involve discrimination, a conciliation agreement is required.

Remedial actions are designed to make whole an individual or individuals who have suffered injury or loss because of unlawful discrimination. A person or persons wronged by discriminatory acts or policies must be restored to the status they would have expected had the discrimination not occurred. In a finding of discrimination, the procedures must provide, where appropriate, for retrospective relief (including, but not limited to, back pay) and prospective relief (including, but not limited to, training, policy development and communication) to ensure the discrimination does not recur.

The procedures for follow-up monitoring to ensure that commitments to take corrective action and remedial action are fulfilled.

When a corrective or remedial action plan is established, the EO Officer overseeing the action plan will do a desk review and/or an on-site visit, as appropriate, to ensure that the commitments of the plan are satisfied and the violation will not recur. Any instances of noncompliance will be examined as a follow-up with an on-site visit or as part of the next scheduled monitoring review of the recipient.

Reports required from the violating recipient regarding actions to correct the violation(s).

The violating recipient will develop and submit a corrective action plan in writing to the EO Officer within 30 days of receiving the EO Monitoring Review Report or equivalent documentation. The corrective action plan will identify the violating recipient's plan and require that follow-up reports be prepared and forwarded to the EO Officer on a periodic basis for all completed actions. The EO Officer will conduct a follow-up to ensure that all the discrepancies and issues of noncompliance have been resolved and will close out the monitoring reviews.

Sanction procedures to be followed where voluntary compliance cannot be achieved.

Prior to implementing a sanction, a corrective action plan will be developed and submitted to the EO Officer. The corrective action plan includes deadlines to address all issues of noncompliance identified during monitoring. Once the deadlines included in the corrective action plan have passed, the EO Officer follows-up with the appropriate monitoring and issues a final determination.

Sanctions penalize or censure a recipient and require the EO Officer to issue a final determination in writing and take such actions as allowable by law. The final determination must contain the following information:

- A statement of the efforts made to achieve voluntary compliance, and a statement that those efforts have been unsuccessful;
- A statement of those matters upon which the recipient and the EO Officer continue to disagree;
- A list of any modifications to the findings of fact or conclusions that were set forth in the initial determination;
- A statement of the recipient's liability and, if appropriate, the extent of that liability;
- A description of the corrective or remedial actions that the recipient must take to come into compliance; and
- A notice that if the recipient fails to come into compliance within ten days of the date on which it receives the final determination, one or more of the following consequences may result:
 - WIOA funds may be withheld in whole or in part;
 - Applications for set-aside funds may be denied when the recipient is determined to be noncompliant with EO requirements;
 - The Oklahoma Office of Workforce Development may refer the case to the Oklahoma State Attorney General or the U.S. Department of Justice with a request to file suit against the recipient; or
 - The Oklahoma Office of Workforce Development may take any other action against the recipient allowable by law.

A recipient has the right to appeal a final determination to the Director of the Civil Rights Center, U.S. Department of Labor, 200 Constitution Avenue, Northwest, Room N-4123, Washington, D.C. 20210. The appeal must be in writing and made within 30 days after the complainant receives the final determination or 90 days from the date of the filed complaint. Such an appeal, however, will not forestall the initiation of sanctions unless the Director of the CRC extends the deadline.

Section 9 – Documentation

ATTACHMENTS

1. Oklahoma Workforce Development Issuance-OWDI #05-2019 Nondiscrimination and Equal Opportunity Corrective Actions and Sanctions Policy and Guidelines under Section 188 of WIOA and 29 CFR Part 38

OKLAHOMA WORKFORCE DEVELOPMENT ISSUANCE #05-2019

TO: Chief Local Elected Officials
Workforce Development Board Chairs
Workforce Development Board Staff
WIOA Equal Opportunity Officers
Oklahoma Works Core System Partners

FROM: Sarah Ashmore, Interim Executive Director

DATE: July 10, 2019

SUBJECT: Nondiscrimination and Equal Opportunity Corrective Actions and Sanctions Policy and Guidelines under Section 188 of WIOA and 29 CFR Part 38

PURPOSE:

To inform grant recipients of the sanctions that may be imposed for violation of the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act (WIOA), and to outline the procedures to achieve voluntary compliance via corrective action/remedy.

AUTHORITY:

The Oklahoma Office of Workforce Development (OOWD), as the Governor's chosen WIOA administrative entity, provides this issuance as guidance to communicate Oklahoma's processes and procedures regarding nondiscrimination and equal opportunity procedures. This policy applies to all Local Workforce Development Areas (LWDAs), and is effective immediately.

BACKGROUND:

29 CFR Part 38.54 (c)(2)(vii) requires the Governor (or designee) of each state to establish procedures for obtaining prompt corrective action or, as necessary, applying sanctions when noncompliance is found regarding the nondiscrimination and equal opportunity provisions of WIOA.

REFERENCES:

- WIOA Section 188, which prohibits discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, and with regard to beneficiaries only, on the basis of either citizenship status or participation in any WIOA Title I-financially assisted program or activity;

- Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, as amended, which prohibits discrimination on the bases of race, color and national origin;
- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 *et seq.*, as amended, which prohibits discrimination against qualified individuals with disabilities;
- The Age Discrimination Act of 1975, 42 U.S.C. § 6101 *et seq.*, as amended, which prohibits discrimination on the basis of age; and
- Title IX of the Education Amendments of 1972, 29 U.S.C. § 1681 *et seq.*, as amended, which prohibits discrimination on the basis of sex in educational programs.

MESSAGE:

When the Oklahoma Office of Workforce Development (OOWD), the administrative agency for WIOA, finds that a violation has occurred, the following steps will be taken to accomplish corrective action.

Corrective Action Process

Recipients at the state and local workforce development board level will apply corrective actions if voluntary efforts in seeking compliance fail, in particular when monitoring finds violations of the equal opportunity, nondiscrimination, or 29 CFR Part 38. Corrective actions are designed to completely address each violation and may result from an Equal Opportunity and Nondiscrimination monitoring review, a discrimination complaint, or both. Timeframes must be established to set the minimum time necessary in order to completely address the violation. Follow-up monitoring will occur as necessary to ensure that commitments to take corrective and remedial actions have been fulfilled. Local areas are required to establish policies and procedures for obtaining prompt corrective action. The LWDB Equal Opportunity (EO) Officer will notify the State-Level EO Officer of violation(s) discovered, corrective action(s) implemented, and timeframe(s) for completion. The LWDB EO Officer must also notify the State-Level EO Officer if they are contacted directly by USDOL Civil Rights Center regarding an alleged violation. Any corrective actions, when necessary, will be reported to USDOL Civil Rights Center.

Corrective action shall be implemented in the following circumstances:

- An assessment of the circumstances surrounding a discrimination complaint investigation reveals barriers to equal opportunity or equal access.
- A LWDB EO Officer or the State-Level EO Officer's monitoring review identifies a violation, a failure to follow through on written assurances, a barrier to accessibility, or

significant differences in participation in programs or services without investigation, mitigation, or justification.

- An EEOC or independent investigation found violations related to complaints filed by individuals with a recipient.

Corrective actions should be completed by the date(s) provided in the review report. If a recipient does not undertake the corrective actions specified, a conciliation agreement (or an alternate dispute resolution per 29 CFR Part 38.85) should be initiated and completed, pursuant to 29 CFR Part 38.93.

1. *Initial Determination:* The State EO Officer will issue an Initial Determination containing the following:
 - a. Specific findings and relevant documentation underlying the finding of noncompliance;
 - b. The corrective or remedial action that the State EO Officer is proposing
 - c. The time by which the respondent must complete the corrective or remedial action; and
 - d. A statement offering the opportunity to engage in voluntary compliance negotiations.
2. *Written Assurance or Conciliation Agreement:* A written assurance may be issued when the respondent has, within 30 calendar days after receipt of the Initial Determination identifying the noncompliance, taken all corrective actions to remedy the noncompliance. If a respondent disagrees with the findings or proposed corrective or remedial action in the Initial Determination, the respondent must respond to the Initial Determination in writing within 30 calendar days explaining in detail its disagreement and/or the items over which it desires to negotiate. The State EO Officer will carefully review the response and contact the respondent to begin negotiation regarding a Conciliation Agreement that resolves the matter on mutually agreeable terms. The total time allotted to secure voluntary compliance must not exceed 90 calendar days.
3. *Final Determination:* In the event voluntary compliance cannot be secured through steps (1) and (2) above, or if the respondent breaches the agreed-upon Conciliation Agreement, the State EO Officer will issue a Final Determination notice to the Executive Director of OOWD. This request for a final determination will specify the following:
 - a. A statement of the efforts made to achieve voluntary compliance and a statement that those efforts have been unsuccessful;
 - b. A statement of those matters upon which the respondent and State EO Officer continue to disagree;

- c. The apparent violation(s), relevant EO and Nondiscrimination provision(s) of state policy and 29 CFR Part38, and conflicts with the State's Nondiscrimination Plan (NDP).
- d. A list of any modifications to the Initial Determination;
- e. A description of the corrective or remedial actions that the respondent must take to come into compliance; and
- f. Notice that if the respondent fails to come into compliance within 10 calendar days of the date on which it receives the Final Determination, the OOWD may take actions outlined in the Sanctions Process.

The OOWD Executive Director may secure voluntary compliance with the recipient through a written assurance and/or conciliation agreement. The OOWD considers sanctions only if the recipient does not agree to take voluntary corrective action.

Sanctions

Sanctions may be necessary when a recipient refuses to implement voluntary corrective action, submit requested data or documentation, or refuses to provide access to premises or records during an EO and Nondiscrimination compliance review. Sanctions will be considered a last resort.

Sanctions that may be imposed include, but are not limited to, the following:

- Termination of future funding;
- Disallowance of selected costs;
- Restriction from bidding on competitive or discretionary funds; and
- Reduction in funding.

If sanctions are necessary, the precise nature of the sanction will be determined by the deliberateness, seriousness, and frequency of the violation. In situations where sanctions are to be applied, the recipient will be notified and will be provided an opportunity to respond prior to sanctions being applied. The notice will indicate the violation, the corrective action to be taken, and the impending sanction(s). The recipient will have 30 calendar days to respond to the notice of impending sanction(s). The response from the recipient will be evaluated by the State EO Officer, the OOWD Executive Director, representatives from the U.S. Department of Labor, and other individuals charged with oversight of WIOA. The State will have 90 calendar days to provide a final determination of any sanction(s).

At the LWDB level, it is the responsibility of the LWDB Executive Director to implement sanctions, if needed.

EQUAL OPPORTUNITY AND NONDISCRIMINATION STATEMENT: All Recipients, and Sub recipients/Sub grantees must comply with WIOA's Equal Opportunity and Nondiscrimination provisions which prohibit discrimination on the basis of race, color, religion, sex (including

pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title-I financially assisted program or activity.

ACTION REQUIRED: This Oklahoma Workforce Development Issuance (OWDI) is to become a part of your permanent records and made available to appropriate staff and sub-recipients. This policy is available at <http://oklahomaworks.gov/policy-center>.

INQUIRIES: If you have any questions regarding this issuance, please contact the State Equal Opportunity Officer at the Oklahoma Office of Workforce Development. Contact information can be found at <http://www.oklahomaworks.gov/about/>

SECTION 10 – COMPLIANCE WITH SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED AND 29 CFR PART 38 (29 CFR 38.54)

PURPOSE

The State of Oklahoma addresses how the State and its recipients comply with the disability related requirements of the Workforce Innovation and Opportunity Act (WIOA) Section 188; Section 504 of the Rehabilitation Act of 1973, as amended; and their implementing regulations, including, but not limited to, 29 CFR 38.7, 38.8, and 38.9 and Subparts B and C of 29 CFR Part 31, 29 CFR 32.12(a), 32.26, and 29 CFR 38.7.

NARRATIVE

The State is committed to making all services, facilities and information accessible for individuals with disabilities. This applies to all programs, activities, and services provided by or made available to potential employees, volunteers, contractors, service providers, licensees, clients, and potential clients within the One-Stop system. To reinforce this commitment, all recipients and service providers are required to provide written assurance in their agreements, grants and contracts that they are committed to and will comply with the requirements of the WIOA Section 188, Americans with Disabilities Act (ADA), Rehabilitation Act of 1973, and with 29 CFR Part 32 and Part 38.

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

When applicable, the recipients must have established policies and procedures addressing reasonable accommodations, auxiliary aids and services, effective communication, and site selection assuring accessibility. These recipients must also conduct self-evaluations which include corrective action plans, when necessary that are developed to ensure compliance with obligations not to discriminate on the basis of disability and to provide reasonable accommodations.

In addition, when the State enters into contractual agreements with WIOA recipients, compliance with program-specific laws and regulations are specified as standard boilerplate language.

This same language further specifies that sub-recipients are required to comply as well. Ongoing training and monitoring ensures that the LWDA's and OSPs, Wagner Peyser (WP), and UI continue to meet their requirements not to discriminate. OOWD will oversee site assessments in accordance with the ADA Checklist for Existing Facilities. In the written contracts Terms and Conditions require all contractors meet the requirements of the ADA.

The State of Oklahoma's Four-Year Unified State Plan 2016-2020 supports the needs of persons with disabilities in preparing for, obtaining and maintaining employment within the Workforce System.

The State requires the LWDA, WP and UI complete an ADA self-evaluation checklist of its facilities utilizing the ADA Checklist for Existing Facilities version 2.1. (*See Section 5 Documentation – Attachment 2*) The EO Officers are trained and made aware of ADA regulations and implementation processes. The State's monitoring procedures for the recipients include documentation where all areas are reviewed. If any area(s) of noncompliance findings are noted, the local EO Officer must submit a corrective action plan to ensure compliance. The monitoring includes structural, programmatic accommodations, and technical assistance, if requested.

Provide reasonable accommodation for individuals with disabilities. (29 CFR 32 and 29 CFR 38.14)

The Oklahoma Works Access for All Committee, of which the State EO Officer is a member, is the responsible party for providing oversight in the area of "reasonable accommodations." A guidance policy was issued which provides options for programs to modify, as necessary. Included are procedures for making a request for accommodations, evaluating the request, procedures for denial of a request, along with other areas pertaining to the accommodation requested.

Provide reasonable modification of policies, practices, and procedures as required. (29 CFR 38.14)

Title II of the ADA requires that programs, services and activities of State and local governments are accessible to and usable by individuals with disabilities. The State provides general guidance on reasonable accommodation for program participants, and fair and equal access to communication for individuals with disabilities.

Provide architectural accessibility for individuals with disabilities.

The State EO Officer oversees annual site visits to ensure a facility remains in compliance, unless compliance issues require more frequent visits. The ADA Checklist for Existing Facilities is utilized as a field evaluation. Site reviews for accessibility to individuals with disabilities include wheelchair accessible entrances, signs indicating the nearest accessible entrance, designated restrooms, and TTY-TDD or Relay Services. Additionally, we recommend that all LWDA's conduct an annual facility self-assessment using the ADA Checklist for Readily Achievable Barrier Removal and inform the State EO officer of any potential deficiencies.

Provide programmatic accessibility for persons with disabilities.

The State and Local plans provide for communication and program accessibility for individuals with disabilities.

Entities within the One Stop delivery system, including system/center operators and partners, will comply with Section 188 of WIOA, if applicable, and applicable provisions of ADA regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including providing staff training and support for addressing the needs of individuals with disabilities.

The LWDA's are committed to complying with the requirements of WIOA Section 188 and the ADA to maximize access to services for people with disabilities. Entities within the one-stop delivery system (including one-stop operators and one-stop partners) are required to comply with WIOA Section 188 and the ADA by implementing policies, procedures, protocols and practices for programmatic accessibility of facilities, programs and services. The One-Stop Centers will comply with the ADA by promoting inclusion, choice, and accessibility. The One-Stop Operator ADA coordinator and staff will assure that job seekers with disabilities have programmatic access to all services.

The Roadmap for Physical and Technology Accessibility Standards Certification Process is utilized to address physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities. (*Section 10 Documentation – Attachment 2*)

In partnership with DRS, Physical Site Accessibility Reviews for workforce centers are conducted and any deficiencies are addressed. DRS also assists with a Technology Accessibility Assessment for compliance of technology used in workforce centers.

The State is committed to working with our partners to expand access to employment and training, education, and supportive services. The State will encourage and promote continued education and training on topics related to Section 188 and ADA programmatic and facility 95 accessibility, such as utilizing the Oklahoma Department of Rehabilitation Services expertise and services, Oklahoma ABLE Tech's Assistive Technology, and the "Access for All" webinar series.

The Oklahoma Works Access for All certification process, with their OSPs, ensures that communication and program accessibility provided is as effective for disabled individuals as it is for those who are not disabled. The State does utilize auxiliary aids and a telephone system (7-1-1) that meets this "equally effective" requirement. These aids include, but are not limited to TTY/TDD services for those individuals that rely on these services.

Provide for and adhere to a schedule to evaluate job qualifications to ensure that the qualifications do not discriminate on the basis of disability.

State job postings for hiring at OOWD are reviewed by the State EO Office and Human Resources staff at the time of each job posting to ensure the requirements do not allow for discrimination.

Employers utilizing OKJM to enter jobs, the WP staff ensures job listings satisfy nondiscrimination requirements. They review the documentation and job description to make sure there are no discriminatory requirements. LWDB job descriptions are sampled during annual monitoring to review to ensure the qualifications do not discriminate on the basis of disability.

Limit pre-employment/employment medical inquiries to those permitted by and in accordance with WIOA Section 188, Section 504, the Americans with Disabilities Act of 1990, and their implementing regulations. (29 CFR 32.41)

Pre-employment/employment medical inquiries are limited to those permitted by and in accordance with WIOA Section 188 and ADA Section 504. All questions regarding the nature and severity of any disability are generally prohibited. Any response is voluntary and does not change the scope of services available for the customer.

Ensure the confidentiality of medical information provided by registrants, applicants, eligible applicants/registrants, participants, employees, and applicants for employment. (29 CFR 32.41)

The Code of Federal Regulations provides rules for the confidentiality of information collected and maintained regarding all individuals. Medical information obtained in the course of a post-offer medical examination or inquiry may be provided to and used by appropriate decision-makers involved in the hiring process in order to make employment decisions consistent with the ADA.

Staff are allowed limited access to relevant confidential information on a need-to-know basis including, supervisors and managers, first aid and safety personnel, and employers (once a conditional offer of employment has been made).

Administer their WIOA Title I financially assisted programs and activities so that each individual with a disability participates in the most integrated setting appropriate to that individual.

The OOWD, along with DRS partner, is working closely with all LWDAs to ensure individuals with disabilities participate in the most integrated setting appropriate to each individual. DRS has supplied the One-Stop Centers with equipment to accommodate individuals with physical disabilities, as well as the hearing and vision impaired, to provide universal access to all customers entering the One-Stop Centers.

Are able to communicate with persons with disabilities as effectively as with others. (29 CFR 38.9)

DRS is working with all the One-Stop Centers in Oklahoma to ensure effective communication with persons with disabilities by assessing an individual's needs. Assistive technology is available to allow individuals with disabilities to participate in all programs in the most integrated setting appropriate to the individual and to ensure that recipients are able to communicate with

persons with disabilities as effectively as with others. In addition, One-Stop Centers have procedures in place to access bilingual staff or services, and to access sign language services.

APPENDIX A

PY20 MONITORING REPORTS



OKLAHOMA WORKS

Oklahoma Department of Commerce
Oklahoma Office of Workforce Development

PY20 Final Monitoring Determination
Central Oklahoma Workforce Innovation Board

OOWD Monitors:

Chelsie Chacon
Connie Littleton
Emmit E. Grayson Jr.
Sandy Elledge

November 15, 2022

Oklahoma Department of Commerce
900 N. Stiles Avenue, OKC, OK 73104

MONITORING DATES:

May 9-13, 2022

OVERVIEW OF THE LOCAL AREA:

Local Workforce Development Board – Central Oklahoma Workforce Innovation Board (COWIB)

Fiscal Agent – Central Oklahoma Workforce Innovation Board (COWIB) AKA Central Oklahoma Workforce Board

Service Provider- Kaiser Group, Inc. dba Dynamic Workforce Solutions

SUMMARY OF REVIEW:

The Oklahoma Department of Commerce- Oklahoma Office of Workforce Development conducted a review of Local Area Monitoring and Oversight, Program and Grant Management Systems, Financial Management Systems, Adult and Dislocated Worker Programs, and Youth Programs. The purpose of this review was to assess whether key policies, procedures, and systems are in place to manage these programs.

The Oklahoma Department of Commerce-Oklahoma Office of Workforce Development reviewed Program Year 20 (PY20), which covers the period from July 1, 2020- June 30, 2021.

REVIEW SCOPE:

Local Area Monitoring and Oversight
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Adult and Dislocated Worker
Youth Programs
Equal Opportunity and Nondiscrimination
Business Services

SECTION 1 – LOCAL MONITORING

For Program Year 20 (PY20), financial monitoring was broad and comprehensive and in compliance with their own monitoring policies. Central Oklahoma Workforce Innovation Board, as fiscal agent maintains written documentation, including monitoring reports, findings, corrective actions, and resolutions for each fiscal monitoring conducted. After review of working papers, policies, and processes, no issues were found.

Central Oklahoma Workforce Innovation Board’s programmatic monitoring of the Adult and Dislocated Worker Programs was comprehensive and conducted in alignment with their local policy.

COWIB’s WIOA Youth Program monitoring was comprehensive, detailed and aligned with the local monitoring schedule and policy. Monthly youth monitoring is an effectiveness indicator:

Our Service Provider, Dynamic Workforce Solutions (DWFS), was formally notified on April 9, 2021 that the Formal Youth Program Desk Reviews would begin on April 12, 2021. The comprehensive formal review of the Youth Program for PY20 included the detailed items listed below. 1. Work Experience (WEX) Site Monitoring 2. Service Provider (DWFS) Interviews 3. Desk Reviews – Desk reviews began April 12th, 2021 Compliance with federal and state regulations, policies and guidelines. • Ensure Participant data and eligibility verification documentation is uploaded. • Assurance of Nondiscrimination and Equal Opportunity • Assessment and ISS - Proper sequencing and documentation of services received • Delivery of Program Elements - (Service begin and end date, Completions, etc.). • Case Notes • Follow Up Activities • Review of contracts (i.e., on-the-job training, customized training, and worksite agreements).

SECTION 2 - DESIGN AND GOVERNANCE

To be determined at a later date.

SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS

During financial monitoring, administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, and contracting and procurement samples were reviewed. After review of program and grant management, working papers, policies, and processes, no issues were found.

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS

ODOC-OOWD reviewed samples of WIOA contracts along with the corresponding budget, accounting records, and cash requests for PY20 (July 2020-June 2021). In addition, a sampling of board, fiscal agent, and service provider expenditures were reviewed. In review of working papers to determine financial and administrative compliance, no issues were found.

Required Federal and State Minimums:

PY20 Federal and State Required Minimum Expended Expenditures and Percentages for the Adult, Dislocated Worker, and Youth Programs	
Combined Federal Minimum Required Expended Expenditure Percentages	
Youth Work Experience Percentage	21%
Out of School Youth Percentage	95%
Combined State Minimum Required Expended Expenditure Percentages	
Adult-Direct Participant Training Percentage	43%
Dislocated Worker-Direct Participant Training Percentage	31%

SECTION 5 – DELIVERY OF ADULT AND DISLOCATED WORKER SERVICES

ODOC-OOWD’s comprehensive review of the Adult and Dislocated Worker (DLW) programs consisted of a random monitoring sample that included six

Adult and four Dislocated Worker files. The monitoring sample indicates that the Central Oklahoma Workforce Innovation Board (COWIB) provides services to eligible adults in accordance with the statutory Adult Priority of Service.

Results from the Review of Adult Files:

Participant 1896934: The participant completed truck driver training and attained employment.

There were no Observations, Findings, or Areas of Concern.

Participant 1839524: The participant's Practical Nursing training is still in progress.

Observation: Program notes were lacking during the transition of case management staff, i.e., when a new Career Navigator (CN) was assigned. However, COWIB has since implemented a new process for when a new CN is assigned to a caseload that has been vacated. The procedure requires the new CN to review each case and to make contact with each participant (utilizing all forms of contact provided in OKJobMatch) to determine and document the current needs of the participant and to fulfill case management requirements.

No further action is required.

Participant 425136: The participant was dismissed from the Nurse Refresher course because she was unable to perform nursing skills with the proficiency required. She was employed as a Certified Medication Aide (CMA) at program exit.

No action is required.

Participant 786517: The participant received only individualized career services through the Adult program. Title I funds were not utilized for the participant's occupational skills training (OST), which was funded through a community grant according to program notes. The participant was exited on 6/25/2021 due to lack of contact from the participant as well as lack of activity (i.e., no provision of services).

Finding: OWDI 07-2020 defines case management as the coordination of services on behalf of the participant, including services provided by a workforce partner or a community based organization. Details regarding the coordination of services and resources, as well as documentation of the activities and information necessary for attainment and retention of successful employment, must be described in the IEP. The name of the entity that funded or provided the participant's truck driver training through a community grant was not reported by the participant and it was not documented whether the CN requested the appropriate information to accurately document the training services. Also, there is no indication in the participant's Individual Employment Plan (IEP) or program notes as to whether the training was completed or if employment was attained as the result of training. OWDI 07-2020 and OWDI 03-2019 state that the

IEP must identify employment goals, achievement objectives, and the appropriate combination of services needed to achieve the employment goal(s).

Required Action: Documented training or written guidance/technical assistance to all appropriate staff regarding IEP development is required. Specifically, training is required regarding (1) the case management requirement to coordinate services and (2) the requirement to record details of services provided by a workforce partner or a community based organization in the IEP. The provision of training or a copy of the guidance provided to staff must be submitted with the local area's response to the PY20 Initial Monitoring Report. Regardless of the format, documentation must include the date training was provided and by whom, a list of topics covered, and the names and titles of all staff who received the training/guidance.

COWIB Response: DWFS provided proof of training staff on 9/16/2022. Attached is the agenda and email.

ODOC-OOWD Final Determination: The State Monitor has reviewed the 9/16/2022 agenda, list of attendees at the training, and the synopsis of the instruction provided.

The Finding is determined to be resolved.

Participant 2426370: The participant was an underemployed single parent receiving public assistance (SNAP benefits). She opted to stay with her current employer when offered a pay increase and refused to complete the work-based learning/externship requirement of the short term Dental Assisting Program.

No action is required.

Participant 2447588: The participant completed the required hours for truck driver training on 10/26/2021, and attained his CDL on 3/22/2022. There are four references in program notes between the 02/18/2022 exit date and 4/25/2022 that indicate that the participant had a job lined up once he obtained the commercial driver's license (CDL). Although the CDL was issued to the participant, he stated that he had personal business to take care of before starting employment with the trucking company. As of 4/25/2022, the client reported he was still trying to resolve the personal issues and had not started the job. The participant had not submitted information about the attainment of unsubsidized employment at the time the file was reviewed. The final program note indicated that follow-up contact will focus on helping the client obtain employment.

No additional action is required.

Results from the Review of DLW Files:

Participant 479311: The participant completed Medical Billing and Coding and received a certificate of completion. She did not pass the certification exam and was concerned that she may have been given the wrong exam based on the material

covered. A program note indicates that the client has health issues that are currently preventing her from sitting for the National Exam. The training provider has informed the client that they are willing to prepare her for the exam when she is ready to retest.

No action is required.

Participant 2214271: This dislocated worker was underemployed when she applied for WIOA Title I services. She had been laid off from full time employment as an LPN in the Newborn Intensive Care Unit (NICU) and accepted part time employment approximately 4 ½ months later with a local pediatric urgent care facility. She enrolled in the Nurse Science AAS Degree LPN/Paramedic to RN Concentration program for the spring 2020, which was covered by a Pell grant.

- PY20: The participant received Pell assistance for the spring 2021 semester but it does not appear that she was reimbursed for spring semester 2021 books with WIOA funds as she failed to provide requested receipts.
- PY21: WIOA paid for PY21 tuition, fees, and supportive services costs. Documentation is in the file.

No action is required.

Participant 2361911: During the client's enrollment he completed a shielded metal arc welding (SMAW) course and passed his welding exam qualifications. He had accepted employment as a welder a month prior to training completion. While employed and still in training, he received referrals to other welding jobs as he was not satisfied at his current place of employment. He eventually went to work in another industry while continuing to seek new employment as a welder.

No action is required.

Participant 2405823: The participant enrolled in an online HVAC-R training program through a local community college. The occupational skills training (OST) status in the S&T was entered as an unsuccessful completion on 5/19/2022 as he was unable to pass the State exam to be a licensed electrician. However, the participant remains employed for the same employer and reports he is now a partner in the HVAC business.

No action is required.

Adult and Dislocated Worker Program Guidance pertaining to the Frequency of Contact for Short Term Training Programs

In September of 2021 the U.S. Department of Labor, Employment and Training Administration (DOL ETA) issued the Oklahoma WIOA Monitoring Report that included the following Area of Concern:

Area of Concern: Monitoring Short-Term Trainings

Career navigators issue advisories to participants in short-term trainings to contact every 30 days. The intent is to report on the status of the participant, yet most trainings end in less than 30 days.

Not contacting the participants until after he or she completes training could prevent the career navigator from assessing and helping participants address any challenges they face during the short-term training.

Recommended Action: Career navigators should contact participants with short-term trainings within one or two weeks after training begins, so that the career navigator can help participants meet short-term goals.

The above recommendation from DOL ETA was shared with the Central Oklahoma Workforce Innovation Board during the monitoring period. The response received from the local area was that training was scheduled for all CNs on 6/03/2022 about making contacts more frequently when a client is in short term training.

Recommended Action: ODOC-OOWD encourages COWIB and Dynamic Workforce Solutions to add language to policies and/or local procedures (as they deem appropriate) that is in alignment with the DOL recommendation.

SECTION 6 – DELIVERY OF YOUTH SERVICES

An observation of the Central Oklahoma Region Cumulative 4-Quarter Reporting Period report indicates the local area has continued its focus on the WIOA primary target population of out-of-school youth.

Of the total youth who received WIOA services during the monitoring review period, a comprehensive review was conducted on 9 enrollments:

- COWIBs Youth Operating Systems clearly demonstrates a broad youth vision, supportive systems and an integrated service delivery system. COWIB provides a workforce framework whereas ODOC-OOWD can recommend to other local boards for provisioning and successful outcomes. Central's framework also emphasizes critical career exploration and guidance, support for educational attainment and multiple strategies for on-the-job/ work-based training which is the basis of career pathways.
- The monitoring sample indicated the COWIB is serving the WIOA eligible/target population.
- COWIB has developed an individual service strategy (ISS) that identifies and meets the specific needs of each participant.
- Supportive services are being provided as needed to overcome barriers to participation and completion of the individual service strategies.
- Reasonable Incentives are offered and paid to clients in accordance with training and employment guidance and OWDI 02-2016 Change 2.
- Clients were noted during the review exit conference as having a high number

positive outcomes considering this is a random sample. Thank you for supporting Oklahoma's WIOA Youth in their workforce goals.

- There has to be a continued statewide concerted focus on increasing the youth credential rate which will impact the States goals of increased credentials and we are confident that COWIB will be in the frontline of leadership in this effort.
- COWIB is commended for its efforts at the program management and fiscal level in ensuring that the region exceeded the statutory 20% work experience and 75% out-of-school youth requirements.

WIOA Formula Youth Work Experience Update: The Department of Labor clarified in 2020 that work experience also includes Registered Apprenticeships. While not explicitly recognized in the Act as a type of work experience, Registered Apprenticeship is a type of work experience. Expenses for a Registered Apprenticeship that occur prior to a participant's exit from the WIOA Youth program can be counted toward the work experience expenditure requirement. Expenditures for the Registered Apprenticeship after participant exit cannot be counted toward the work experience expenditure requirement.

Reminders:

Youth participants in Registered Apprenticeships fall under Employment after 2nd and 4th Quarter after Exit if applicable; Recognized Credential, i.e., certificate of completion of a Registered Apprenticeship; and the Measurable Skill Gains indicator for the completion of one year of a Registered Apprenticeship program; and Median Earnings.

TEGL 08-19, Change 1 clarification on Registered Apprenticeship Programs (RAPs) as WIOA Title I Eligible Training Providers (ETP): RAPs always provide training in an in-demand occupation: Some states have expressed concern related to the eligibility of RAPs to receive WIOA training funds due to the requirement that ETPs must provide training that is connected to in-demand industry sectors and occupations, consistent with Section 134(c) of WIOA. Given that RAPS are a link to demonstrated hiring needs and WIOA provides automatic training provider eligibility to RAPS, ETA has determined that RAPs qualify as occupations in-demand in the local labor market.

Results from the Youth Program Review:

Participant 1221275: Follow-up contact will be focused on assisting the client in retaining employment. There is nothing more patriotic than serving this country and workforce supporting service members. Entering the military is a positive outcome under the WIOA Title I Formula Programs.

Participant 1779182: Semi- Positive Outcome: Although the client did not overcome the basic skills deficiency while enrolled, the eligible youth had two enrollments. The incentive for dynamic futures is a reasonable incentive. We also note that the local area uploaded documentation of successful completion of the 40 hours.

Planned Follow-up Services included: Follow-up services such as career planning, counseling, resource room services and referrals to community services. Please include the follow-up service in the service and training plan.

Participant 1900159: A reasonable incentive was provided for successfully completing the requirements for the Certified Clinical Medical Assistant.

Participant 2020128: WIOA Youth Incentives motivate youth achievement of milestones and completion of education and training. The client is employed and working as a dental assistant.

Participant 2040322: The Commercial Driver License was received from American Truck driving with a starting wage of \$18.00 per hour.

Participant 2436131: The client participated in the Dental Assisting Program. A reasonable incentive was offered for successfully completing the requirements.

Participant 2443471: The client had a positive outcome for the completion of the MedCerts IT Helpdesk Administrator program and a reasonable incentive was provided for the completion.

Samples of the following eligible client virtual files were conducted without any observations, areas of concerns or findings noted.

Participant 2444999

Participant 2490958

Please note that the review represent a sample of your adult, dislocated worker and youth programs. There may be issues beyond the review not noted in this report.

Section 7- Equal Opportunity (EO) and Nondiscrimination:

Expect a response to your EO Monitoring Documentation submission once the vacated position is filled by ODOC.

SECTION 8 BUSINESS SERVICES:

There will not be a response in the PY20 Monitoring Determination.



O K L A H O M A
W O R K S

Oklahoma Department of Commerce
Oklahoma Office of Workforce Development

PY20 Final Monitoring Determination
Northeast Workforce Development Board

OOWD Monitors:

Chelsie Chacon
Connie Littleton
Emmit E. Grayson Jr.
Sandy Elledge
Nancy Watson Ellis

November 10, 2022

Oklahoma Department of Commerce
900 N. Stiles Avenue, OKC, OK 73104

MONITORING DATES:

April 18-22, 2022

OVERVIEW OF THE LOCAL AREA:

Local Workforce Development Board- Northeast Workforce Development Board, Inc.

Fiscal Agent- Northeast Workforce Development Board, Inc.

Service Provider PY20- Eckerd Youth Alternatives, Inc.; d.b.a Eckerd Connects

SUMMARY OF REVIEW:

The Oklahoma Office of Workforce Development conducted a review of Local Area Monitoring and Oversight, Program and Grant Management Systems, Financial Management Systems, Adult and Dislocated Worker Programs, Youth Programs, and Equal Opportunity and Nondiscrimination. The purpose of this review was to assess whether key policies, procedures, and systems are in place to manage these programs. The Oklahoma Office of Workforce Development reviewed Program Year 20 (PY20), which covers the period from July 1, 2020- June 30, 2021.

REVIEW SCOPE:

Local Area Monitoring and Oversight
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Adult and Dislocated Worker
Youth Programs
Equal Opportunity and Nondiscrimination
Business Services

SECTION 1 – LOCAL MONITORING

For Program Year 20 (PY20) financial monitoring was broad and comprehensive and in compliance with their own monitoring policies. Northeast Workforce Development Board, as fiscal agent maintains written documentation, including monitoring reports, findings, corrective actions, and resolutions for each fiscal monitoring conducted. After review of working papers, policies, and processes, no issues were found.

The Northeast Workforce Development Board’s Adult and Dislocated Worker Monitoring was conducted in accordance with the board’s monitoring policy, procedures, and schedule. NEWDB conducts spot check reviews as well as comprehensive reviews of participant files. Monitoring reports include well documented observations, required actions, and service provider responses, as well as the resolution status of the monitoring.

The Northeast Workforce Development Board programmatic monitoring of the Youth Programs was comprehensive and complete, and was conducted in accordance with the Northeast Workforce Development Board’s monitoring policy, procedures, and schedule. The monitoring included observations, required actions, NEWDB Responses and detailed responses including resolutions.

SECTION 2 - DESIGN AND GOVERNANCE

To be determined at a later date.

SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS

During financial monitoring, administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, and contracting and procurement samples were reviewed. After review of program and grant management, working papers, policies, and processes, no issues were found.

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS

ODOC-OOWD reviewed samples of WIOA contracts along with the corresponding budget, accounting records, and cash requests for PY20 (July 2020-June 2021). In addition, a sampling of board, fiscal agent, and service provider expenditures were reviewed. In review of working papers to determine financial and administrative compliance, no issues were found.

Required Federal and State Minimums:

PY20 Federal and State Required Minimum Expended Expenditures and Percentages for the Adult, Dislocated Worker, and Youth Programs	
Combined Federal Minimum Required Expended Expenditure Percentages	
Youth Work Experience Percentage	8%
Out of School Youth Percentage	49%
Combined State Minimum Required Expended Expenditure Percentages	
Adult-Direct Participant Training Percentage	13%
Dislocated Worker-Direct Participant Training Percentage	11%

SECTION 5 – DELIVERY OF ADULT AND DISLOCATED WORKER SERVICES

ODOC-OOWD’s comprehensive review of the Adult and Dislocated Worker (DLW) programs consisted of a random monitoring sample that included five Adult Program participants and four Dislocated Worker participants.

The monitoring sample indicates that the Northeast Workforce Development Area is appropriately focusing on the statutory Priority of Service for Adult Funds.

Results from the Review of Adult Files:

Participant 1919453: The participant completed Certified Nurse Aide (CNA) training in June 2021 (PY2020). She completed Medical Terminology and Nursing Concepts in PY2021 and started an Anatomy and Physiology Course with an anticipated completion date of 6/30/2022. All courses are prerequisites for acceptance into the LPN program.

No action is required.

Participant 909645: Initially the participant was approved for the Adult Program as a Priority 1 Low Income Eligible Spouse. The enrollment has been corrected in the participant's file to accurately reflect Priority of Service 2 since the participant does not meet the requirements to qualify as an Eligible Spouse of a Veteran.

The client's employment goal is LPN. To date, she has successfully completed Nursing Concepts, Long Term Care Aide (LTCA or CNA), Home Health Care Aide (HHCA), and Medical Terminology. She exited the program 6/25/2021.

Recommended Action: Please review the definition of Eligible Spouse defined in Section 2 of the Jobs for Veterans Act (JVA), 38 U.S.C. 4215 (a) and provide training to staff.

NEWDB Response: Service provider staff have received training as recommended. Reference attachment "PY 20 Monitoring – SP Trainings".

ODOC-OOWD Final Determination: The Recommended Action was completed on 8/19/2022. No additional action is required.

Participant 1985403: The participant completed truck driver training, attained his CDL and obtained employment with a local trucking company.

Observation: A monthly follow-up service was entered in the S&T for seven consecutive months. The NEWDB implemented a process in January 2022 that mirrors the process for Youth Follow-Up Services and data entry. ODOC-OOWD accepts the following statement from NEWDB as the local process for the Adult and DLW programs, and no additional action is required:

"A S&T for follow-up will be entered to align with the date of exit. Then an additional S&T will be entered for each time a follow-up is actually provided. Contacts by themselves do not count as follow-up, and would never get a service; contact attempts would also not get a service."

Participant 1963194: The participant was hired as a CDL Instructor after successful completion of a 520 work experience (WEX) position at the training facility.

No action is required.

Participant 1777936: The participant completed several short term courses through a local technology center and the Certified Medication Aide (CMA) program was completed at a private vocational school. As of the last program note (4/29/2022), the participant indicated that she was preparing to take the entrance exam for the LPN program in the summer of 2022 and planned to apply for the LPN program in the fall of 2022.

Required Action: June 2021 entries in both the IEP and program notes indicate a changed career pathway from LPN to Registered Nurse (RN). Please contact the participant to clarify employment and training employment goals and update the IEP and program notes accordingly.

NEWDB Response: Participant's IEP has been revised. The service provider has provided IEP training to staff regarding this need, see attachment "PY 20 Monitoring – SP Trainings".

ODOC-OOWD Final Determination: IEP Review Training was provided on 8/19/2022. The career pathway to RN is now documented in both the IEP and program notes, 8/19/2022 and 8/30/2022, respectively. OOWD considers the Required Action resolved.

Results from the Review of Dislocated Worker Files:

Participant 1833718: The participant claimed that the material covered on the exam she took for the Certified Medication Aide (CMA) program was not covered in training, therefore resulting in two failed exams and no credential.

Required Action: The training provider must be contacted to confirm the training program the participant completed was CMA and the exam the participant took was the correct exam for the CMA program. Resolution of the issue with the training provider must be provided with the local area response to the Initial Monitoring Report.

NEWDB Response: NEWDB has connected with the training provider and with the provider's contracted test site (Tulsa Tech) and confirmed that the participant took the correct CMA test on two occasions. A case note was entered and the validation was uploaded. Validation of this is included with this response, please reference the document "B Sumpter Tests".

ODOC-OOWD Final Determination: Appropriate documentation of Certified Medication Aide (CMA) testing from the training provider has been uploaded to the virtual case management system. The Required Action has been completed and no further action is required.

Participant 688037: The participant completed a 520 hour Work Experience at the MidAmerica Center for Excellence. NEWDB reported that the November 2021 Programmatic Monitoring Report, finalized 3/08/2022, determined that the 10/25/2021 timesheet was not uploaded.

Questioned Cost: The documentation in the participant's file shows a discrepancy between the reported hours on the WIOA Trainee Time Sheet (located and uploaded 4/12/2022) and the number of hours documented as paid to the participant for the time period 10/10/2021 – 10/23/2021. The participant was paid for 31.5 hours while the timesheet indicates only 21.5 hours were worked for the time period October 10 – 23, 2021.

Required Action: The November Programmatic Monitoring Report must be submitted to ODOC-OOWD as documentation of the corrective action required of the Service Provider (SP). Additionally, resolution of the discrepancy must be provided to ODOC-OOWD in the local area's response to the Initial Monitoring Report.

NEWDB Response: NEWDB addressed this as a disallowed cost with the Service Provider. Reference the attachment "November Invoice – Programmatic Monitoring – Final 06.06.2022" for the written report. This cost was recouped in NEWDB's Feb 2022 payment to DWFS, reference the attachment "Feb 2022 DWFS Invoice Payment...".

ODOC-OOWD Final Determination: Appropriate documentation of the recoupment of \$176.88 has been provided and the required action is determined to be resolved.

Participant 720788: The participant completed truck driver training and received his CDL. He is employed as a 1099 contractual employee, paid by the load.

No action is required.

Participant 2490861: This dislocated worker is co-enrolled in the Trade Adjustment Assistance (TAA) Program. He resides in Oklahoma and attends Electrical Technology training at an Oklahoma technology center. He was laid off due to the closure of a business located in Arkansas. His training is funded by the TAA program, with costs being paid for by the state of Arkansas, which is acting as both TAA agent & liable state. The client is on track to complete training as scheduled in May 2022.

No action is required.

Technical Assistance/Guidance for Short-Term Training Programs

During State Monitoring of the NEWDB, guidance was provided based on the following Area of Concern from the US Department of Labor, Employment and Training Administration (DOLETA):

Area of Concern: Monitoring Short-Term Trainings

Career navigators issue advisories to participants in short-term trainings to contact them every 30 days. The intent is to report on the status of the participant, yet most trainings end in less than 30 days.

Not contacting the participants until after he or she completes training could prevent the career navigator from assessing and helping participants address any challenges they face during the short-term training.

Recommended Action: Career navigators should contact participants with short-term trainings within one or two weeks after training begins, so that the career navigator can help participants meet short-term goals.

NEWDB Response: NEWDB has addressed this again with Service Provider,

and they have provided staff training. Reference attachment “PY 20 Monitoring – SP Trainings”.

Additionally on May 22, 2022, the NEWDB updated the ITA policy to include a requirement to contact with increased frequency. The updated policy states: “For participants who have training periods of less than one month, contact must be attempted and documented weekly for the same purposes.”

ODOC-OOWD concurs with the DOLETA Federal Program Officer that more frequent contact is necessary for individuals in short-term training.

The NEWDB is commended for proactively revising their ITA Policy to include requirements for more frequent contact for participants at the start of each training, in order to be in alignment with the recommendation. The policy revision is anticipated to be approved at the May 2022 NEWBD Board Meeting.

The NEWDB ITA policy has been revised. Reference here: [ITA Policy from May, page 11](#).

SECTION 6 – DELIVERY OF YOUTH SERVICES

An observation of the Northeast Workforce Development Region Cumulative 4-Quarter Reporting Period report indicates the local area has continued its focus on the WIOA primary target population of out-of-school youth.

Of the total youth who received WIOA services during the monitoring review period, a comprehensive review was conducted on 10 enrollments that consisted of 10 out-of-school youth (OSY) and 0 in-school youth (ISY) enrollment:

The monitoring sample indicated the NEWDB is serving the WIOA eligible/target population.

There has to be a concerted local focus on increasing the youth participation of enrolled youth, increasing the number of youth enrollments, and program outcomes which will increase the States goals of increased credentials and a more demand prepared workforce.

- Most of the clients reviewed exited without completion of the program and many never started a program element.
- Continue circulating occupational information from the Demand Occupations which represents the wealth generating opportunities and the various careers within those fields.
- PY20 Work Experience: Work experience expenditures for the local area are below the 20% statutory requirement. You must ultimately meet the 20% statutory requirement for two consecutive program years in order for the local area to be in compliance with the minimum statutory threshold.
- Tulsa Job Corps is represented on your standing youth committee, but does the partnership include steering the participants in Job Corps to the Oklahoma Works Centers in the region for leveraged servicing?

NEWDB Response: NEWDB has addressed required staff development with the Service Provider to include review of Demand and Critical Occupations. Service Provider staff received both trainings, please reference attachment “PY 20 Monitoring – SP Trainings”.

NEWDB has changed WIOA Title 1 Service providers since PY 20. NEWDB has provided a plan from the service provider to deliver the 14 elements, reference attachment “DWFS 14-Elements”.

NEWDB has provided a plan created in collaboration with the Service Provider to address Youth WBL Spending.

Regarding the partnership with Job Corps, the One Stop Operator, Career Navigators, Business Service Consultant, Operations Manager and Executive Director have met numerous times with Tulsa Job Corps who serves the NE area. Staff from the NE area have met with outreach/admissions team as well as the Job Corps Director. In these meetings we have discussed strategies for referrals and have been hopeful that these conversations would lead to enrollments and potential Work Experience opportunities. The most recent meeting was held in July. However, to date there has been little return on these meetings. COVID has been a factor as they only re-opened in June. However, COVID is not the only factor creating challenges. There remains an opportunity to strengthen the partnership that exists between Tulsa Job Corps and the NEWDB and the NEWDB remains committed to a successful partnership. The NEWDB requests TA from OOWD if there are any recommended strategies that have not already been tested and tried in regard to the partnership with Tulsa Job Corps. The NEWDB agrees with the observations of OOWD that the existing partnership is not effective and requests assistance in improving the partnership so that we are more effective in leverage referrals and expanding services.

ODOC-OOWD Final Determination: Job Corps may refer students to Oklahoma Works American Job Centers (AJC) and/or the WIOA Youth program to enhance placement and follow-up activities. Also, Job Corps may refer applicants who have been determined not suitable or eligible for Job Corps to the WIOA Programs or to an Oklahoma Works American Job Center. An Oklahoma Works Center or WIOA Youth program staff may refer youth who have been determined to need more intensive or residential services that Job Corps can provide. Both the WIOA Youth program and Job Corps are required partners, and local area coordination should occur through the partnership. NEWDB should initiate formal, structured partnerships between Job Corps and local WIOA Youth programs for recruitment and placement of program participants. The benefit of this type of partnership is to reach youth who may not currently be served, and to reduce recruitment and placement costs through improved cooperation and information sharing. Oklahoma Works American Job Center staff may provide youth access to services and connect them to the program that best aligns with their needs. Job Corps, Oklahoma Works American Job Centers, and WIOA Youth programs may also co-sponsor hiring or outreach events to reduce the cost and increase the scale of their placement and recruitment efforts.

Key Reminders:

Under the Job Corps and the Title I Youth Program Partnership, if the only school the youth attends is Job Corps, the U.S. Department Labor and ODOC/OOWD does not consider the youth as an In-School Youth for the purpose of determining eligibility for the WIOA Title I Youth Program. This provision gives us the flexibility of serving more youth while leveraging both programs. This rule also applies to students in the Job Corps program pursuing a high school diploma or a high school equivalency certificate.

- Job Corps and the WIOA youth formula program focus on out-of-school youth; therefore, local out-of-school formula fund expenditures will increase as a result of the focus on the target population.
- Job Corps issues certificates for completing career training programs that are based on industry skills standards and certification requirements and is considered a Recognized Postsecondary Credential.
- Coordination among programs, including the transfer or referral of participants, is a local decision. However, the State expects a commitment to enrollment and service provision through program exit and the required 12 month follow-up.
- By working together, both Job Corps and the WIOA Youth program can align education and training with the needs of employers to help youth attain certifications tied to industry demand, successfully connect to work, and advance to higher levels of education.
- This type of system thinking and alignment encourage WIOA programs to operate in a unified and seamless manner.

Work Experience: There must be some redesign in the local strategy with emphasis on increasing regional business partnerships. High priority on initial awareness amongst youth on the importance of the element, including pre-apprenticeships, internships and on-the-job training (OJT) for in-demand industries and occupations, and the potential for long-term employment is the best step towards successful youth work experience. The advantage to the youth and local areas is that work experience offers a more prompt reply to youth in need of true employment hard skills that blend individuals with poor work history into the workforce while also helping them build needed soft skills through the academic and educational component required in work experience.

Prior to initiating a work experience, give the youth assurance in writing through an agreement that they will earn an incentive for the completion of work experience.

See the ODOC Technical Assistance notice to all local areas delivered on May 7, 2020 titled, *“Title I Youth Formula Program Work Experience Update,”* which reflects the technical assistance provided statewide including specific questions and answers. You must ultimately meet the 20% statutory requirement for two consecutive program years in order for the local area to be in compliance with the minimum statutory threshold. All local areas have to meet the 75% OSY requirement as well.

Frequently Asked Question: Can ODOC-OOWD provide relief on the 20% Work Experience expenditure requirement?

ODOC Response: Program expenditures on this program element may include more than just wages paid to youth. Allowable expenditures may include items referenced in TEGL 21-16 and 8-15.

If the local area does not meet this requirement at the end of their period of performance, ODOC-OOWD will follow standard monitoring procedures for this program element.

Please ensure you have exhausted all means of providing work experience opportunities, including telework and virtual work experience, as well as reviewing the list of expenditures that count towards the work experience expenditure requirement (*i.e.*, those expenditures beyond just wages or stipends). See TEGL 21-16 and 8-15.

U.S. DOL Region 4 and ODOC-OOWD has been eagerly anticipating a remote/ from home work experience model. We discussed this flexibility and local initiative in May 2022 with board staff.

Follow your respective program policy and your competitive procurement process for the Laptop, Monitor, Keyboard/Mouse, and Headset for the participants and proceed. Upon completion, these items need to be returned to the local area or service provider for continued benefit to the grants.

In accordance with the WIOA Act, supportive services provide participants of WIOA activities with key assistance beyond career and training services necessary to achieve success.

For WIOA Youth, 20 CFR § 681.570 describes supportive services for youth as defined in WIOA Sec. 3(59), as services that enable an individual to participate in WIOA activities. These services include, but are not limited to those described in 681.570.

Examples: Paid and unpaid work experience and the supportive service to enable an individual to participate.

Individual Service Strategy leveraging:

We are highlighting notes indicating, *“Funds will be braided with Cherokee Nation where and when appropriate.”*

- ✓ This is a great example of leveraging multiple resources through the braiding of funding in support of the same client. We are working in partnership with the tribes.

ODOC-OOWD Final Determination, Technical Recap and Additional Strategies:

Recruitment Recommendation: Partner with the Tribe(s). When working together as WIOA requires, these two funding sources can increase the capacity of programs to

help young adults meet their employment and educational goals.

A work experience may take place in the private for-profit sector, non-profit sector, or public sector. Work experiences must include academic and occupational education.

The ODOC-OOWD recommendation below is based on the **statutory flexibility** discussed in the 9-15-22 Financial Workforce hosted by the Workforce Financial Team.

This (Optional Strategy below) is one of the most strategic ways of increasing the expenditures. It is allowable. The prudence is contingent upon the qualification, content and cost, so get quotes from multiple sources and they may not be providers from the ETPL. It's part of the framework we already rely on and could streamline some processes. Decide based on the quality and commitment of the provider because work experience is designed for the youth with barriers to employment.

Optional Strategy: By using ETPs, you can justify the why because they are already vetted by local ETP Coordinators and the State ETP Coordinator. These are not the programs on the ETPL. We are referencing the providers in general that you could consider planning the academic and occupational education component curriculum with specific for work experience, which could lead to compliance with the 20% expenditure requirement:

So think about partnering with an ETP to specifically provide the academic and occupational education component. The key is the youth has to have work experience identified in the ISS and the concurrent or sequential academic/educational component can be scheduled and provided with a provider of choice based on the flexibility allowed in 681.600. See below:

Academic and occupational education component: As discussed in 20 CFR § 681.600, work experiences must include academic and occupational education. The educational component may occur concurrently or sequentially with the work experience. The academic and occupational education component may occur inside or outside the work site. The work experience employer can provide the academic and occupational component or such components may be provided separately in the classroom or through other means.

States and local areas have the flexibility to decide who provides the education component.

ODOC-OOWD has always allowed and will continue to allow the local areas the full autonomy to decide how this component is provided. The academic and occupational education component refers to contextual learning that accompanies a work experience. It includes the information necessary to understand and work in specific industries and/or occupations. For example, if a youth is in a work experience in a hospital, the occupational education could be learning about the duties of different types of hospital occupations such as a phlebotomist, radiology tech, or physical therapist. Whereas, the

academic education could be learning some of the information individuals in those occupations need to know such as why blood type matters, the name of a specific bone in the body, or the function of a specific ligament. Local programs have the flexibility to determine the appropriate type of academic and occupational education necessary for a specific work experience.

Program Element 5: Northeast would also obviously have the option to provide alternative secondary education, work experience and occupational skills training concurrently which is element 5. This now impacts the 20% and the 75% expenditure minimum threshold as well.

OOWD Fiscal and Program Request for all boards during the initial implementation of the 20% requirement:

Re-evaluate all programmatic cost as you continue to do on a regular basis to ensure that we/ local area and service provide have captured all cost that are allowable under the component. So reevaluate every cost.

- Local area advancement in the provision of the Title I Youth Program most critical element is the result of concerted effort by the Local Board, Fiscal Agent and Service Provider in response to prior work experience expenditure ratios, including a refocus on the local strategy and design of the work experience component; increased business partnership and other efforts such as the reconciling of work experience expenditures from the service provider level up to the ultimate reporting to ODOC in OkGrants.gov; and the reporting of future work experience costs in accordance with federal statute.

Once the Northeast Board hits 17%, 18%, and 19%, this is where the re-evaluation is so important whereas missed cost may be discovered and potentially give us that 1% needed to hit the minimum threshold if the local area is at 19%; and those not allowed such as supportive services may be discovered as well. Supportive services are a separate element and do not count towards to work experience expenditure.

TEGL 8-15, 23-14 and 21-16: Note that incentive payments as described below were clarified as being an allowable work experience cost in TEGL 21-16 in March 2017. So we have had an expansion since the original youth TEGs:

Allowable work experience expenditures include the following:

- Wages/stipends paid for participation in a work experience;
- Staff time working to identify and develop a work experience opportunity, including staff time spent working with employers to identify and develop the work experience;
- Staff time working with employers to ensure a successful work experience, including staff time spent managing the work experience;
- Staff time spent evaluating the work experience;
- Participant work experience orientation sessions;

- Employer work experience orientation sessions;
- Classroom training or the required academic education component directly related to the work experience;
- Incentive payments directly tied to the completion of work experience; and
- Employability skills/job readiness training to prepare youth for a work experience.

Registered Apprenticeships (RA): DOL also tactfully in 2020 recognized more need for additional allowable cost to assist states in meeting the 20% requirement and announced that Registered Apprenticeships (RA) funded with WIOA Title I Youth Formula Funds is a form of work experience, although not specifically mentioned in our WIOA Statute:

DOL National Office – Office of Youth Services: *Anytime they're in a registered apprenticeship during a participant's participation in the program while they're still active, you can count expenses for the registered apprenticeship towards the work experience expenditure requirement. But once they exit the program and they're in follow-up, then you cannot count those work experience for those registered apprenticeship expenses for the work experience expenditure requirement. The reason for that is because our final rule explicitly states that there are only certain youth program elements that are permitted during follow-up.*

There are only 5 of them, and 1 of them is not work experience. So if they are in follow-up and they've exited the program and they're still in a registered apprenticeship – which is a very likely scenario because registered apprenticeship can take anywhere from a year to two years to three years to even four years in some cases depending on the apprenticeship, and we wouldn't expect you to keep them actively enrolled in the program that whole time.

ODOC-OOWD continues to emphasize the importance of this category of work experience (RA) for its credential, national portability and they are stackable!

ODOC PY19 Final Determination 10/8/21: We recommend the local area view and consider the strategies utilized by the Virginia WIOA Youth Summer Program featured and consider all allowable options for successfully carrying out the work experience component including virtual work experience to meet the minimum 20% requirement. The initial key to building a strong year round work experience begins with employer awareness, increased employer site agreements which commits the employer(s) to this critical element; retention of clients through at least the scheduled hours in the trainee work plan and the provision of reasonable incentives in accordance with statute directly tied to the completion of work experience. See the link below included in the PY19 Final Determination which is still active:

<https://vimeo.com/580013316/bdae6aff59>

ODOC-OOWD PY21 Support to the Regions Remote Work Experience (Supportive Services For Remote Work Experience TA (5-25-22):

Follow your respective program policy and your competitive procurement process for the Laptop, Monitor, Keyboard/Mouse, and Headset for the participants and proceed. Upon completion, these items need to be returned to the local area or service provider for continued benefit to the grants.

In accordance with the Act, supportive services provide participants of WIOA activities with key assistance beyond career and training services necessary to achieve success.

Supportive Services for adults, dislocated workers, are services that are necessary to enable an individual to successfully participate in activities authorized under WIOA sec. 134(c)(2) and (3) (adults and dislocated workers).

Sec. 134. Use of funds for employment and training activities

(b) (1) shall be used to carry out employment and training activities described in subsection (c) for adults or dislocated workers, respectively;

(c) Required Local Employment and Training Activities

(ii) to provide the career services described in paragraph (2) to adults and dislocated workers, through the one-stop delivery system in accordance with such paragraph; (iii) to provide training services described in paragraph (3) to adults and dislocated workers, respectively, described in such paragraph; (iv) to establish and develop relationships and networks with large and small employers and their intermediaries;

Examples: Internships and work experiences including transitional jobs and the supportive services that are necessary to enable an individual to successfully participate.

For WIOA Youth, 20 CFR § 681.570 describes supportive services for youth as defined in WIOA Sec. 3(59), as services that enable an individual to participate in WIOA activities. These services include, but are not limited to those described in 681.570.

Examples: Paid and unpaid work experience and the supportive service to enable an individual to participate.

Results from the Youth Program Review:

Participant 1148086: The local area Assessment and Individual Service Strategy (ISS) Policy is impressive, but the process was not followed in the development of the ISS.

Finding: The client enrolled in the WIOA Youth program on January 8, 2019. The Youth Individual Service Strategy was created on March 1, 2021.

ODOC-OOWD Final Determination: The finding was corrected once the ISS was developed.

Participant 1227706: The client is a 9th grade dropout and offender. The client was on a career pathway that includes the participants training plan is: 1) CNA training--Night training on 2/11/2021 2) Medical Terminology. 3) Nursing Concepts. 4) Anatomy & Physiology. 5) CMA or Phlebotomy, 6) HESI test. 7) LPN.

ODOC-OOWD Comment: Our success in servicing clients with similar barriers will be measured by our ability to keep them engaged, and the provisioning of other valuable program elements.

Participant 1843498: The client was on a Licensed Practical Nurse track. Why did she exit from the program considering her employment goal was to be an LPN by May 2023?

The client interest changed to graphic design. Why is WIOA funding not supporting this goal considering it is on the States 2020-2022 Top Critical Occupations list?

Follow-up Services Finding: The Follow-up Program Element was not entered in the Service and Training Plan.

Follow-up services becomes even more important when a youth exits the program without participating in services or completing scheduled goals.

No follow-up attempts were made after October 27, 2021.

Corrective Action: Enter the follow-up element in the service & Training Plan and considering follow-up services are by statute to be provided for a minimum of 12 months, the local area can still support this individual following exit from the program to help ensure the youth is successful in employment and/or postsecondary education and training.

NEWDB Response: [NEWDB has addressed Follow-Up with the Service Provider who has created a process for managing follow-up and provided staff training. Reference attachment "PY 20 Monitoring – SP Trainings".](#)

ODOC-OOWD Final Determination: The local area corrective action implementation across the program will prevent the recurrence of the finding. ODOC accepts this resolution.

Participant 1908070: Client would like to change career paths from LPN to Graphic Design. Client would like to pursue Graphic Design once she obtains GED.

Observation/ Area of Concern:

Observation: *12/1/20 Program Notes: Client Request for Gap In Services - Family Medical Client's mother has significant medical issue that requires client to be caregiver and deal with family obligations. Client requested 90 day gap in service.*

ODOC-OOWD Comment: Please note that the PIRL Data Element applies as follow:

Exclusions (PIRL Data Elements 923)– Apply to Participants in Title I Youth Program (10-16 Change 1)

- The participant exits the program because he or she has become incarcerated in a correctional institution or has become a resident of an institution or facility providing 24-hour support such as a hospital or treatment center during the course of receiving services as a participant.
- The participant exits the program because of medical treatment and that treatment is expected to last longer than 90 days and precludes entry into unsubsidized employment or continued participation in the program.
- The participant is deceased.
- The participant exits the program because the participant is a member of the National Guard or other reserve military unit of the armed forces and is called to active duty for at least 90 days.
- The participant is in the foster care system as defined in 45 CFR 1355.20(a), and exits the program because the participant has moved from the local workforce area as part of such a program or system.

Finding: The Follow-up Program Element was not entered in the Service and Training Plan.

Corrective Action: Enter the follow-up element in the service & Training Plan and considering follow-up services are by statute to be provided for a minimum of 12 months, the local area can still support this individual following exit from the program to help ensure the youth is successful in employment and/or postsecondary education and training.

NEWDB Response: Follow-up service has been added. NEWDB has addressed Follow-Up with the Service Provider who has created a process for managing follow-up and provided staff training. Reference attachment “PY 20 Monitoring – SP Trainings”.

ODOC-OOWD Final Determination: The local area corrective action implementation across the program including the dissemination of technical training to the service provider will prevent the recurrence of the finding. ODOC accepts this resolution.

Participant 1944456: Area of Concern- Although the follow-up Program Element was entered in the Service and Training Plan, the entry date was October 27, 2021 while the exit date was June 10, 2021. The gap in follow-up was July 20, 2021 to the next follow-up attempt on October 27, 2021.

Finding: The local area did not adhere to the requirement to provide follow-up to all participants for at least 12 months. Follow-up services were not declined.

Corrective Action: Enter the follow-up element in the service & Training Plan and considering follow-up services are by statute to be provided for a minimum of 12 months, the local area can still support this individual following exit from the program to help ensure the youth is successful in employment and/or postsecondary education and training.

In accordance with the NEWDB ISS, Follow-Up Services Planned are as follows:

NE Follow-up process: Upon completion of WIOA program services and training and successful placement the participant will be transitioned to follow-up phase of programming. The follow-up phase of programs lasts for 4 quarters (12 months) following exit status in program. During follow-up participant will maintain monthly contact with program staff and provide communication and documentation as it pertains to employment, additional training and certifications, and any needs or barriers to maintaining employment during this period. Staff will work with clients to provide support for job placement, career guidance, and referrals to both employment and training opportunities and community partners, as needed.

NEWDB Response: Follow-up service added. NEWDB has addressed Follow-Up with the Service Provider who has created a process for managing follow-up and provided staff training. Reference attachment “PY 20 Monitoring – SP Trainings”.

ODOC-OOWD Final Determination: The local area corrective action implementation across the program including the dissemination of technical training to the service provider will prevent the recurrence of the finding. ODOC accepts this resolution.

20 CFR § 681.580 states that all youth participants must be offered an opportunity to receive follow-up services that align with their individual service strategies.

Participant 1946955:

- The short term goal was to complete remediation and raise the math and reading levels, and to find employment and receive a driver’s license.
- The long term goal is to become an elementary school teacher.

ODOC-OOWD Comment: Although the client is employed, her goals of increasing the basic skill deficiency has not been achieved. This goal must be met in order for the client to become an elementary school teacher.

NEWDB Response: As of July 2022, this participant has requested no additional contact from the Service Provider. NEWDB requests TA from OOWD to address any remaining concerns.

July Monthly update		Date Created Jul 05, 2022
<p>I reached out to Bobbi by phone, she answered and asked me to please not call anymore. She is not interested in attending any trainings nor to participate in any WBL's at this time. She is constraining on her pregnancy. I did advise Bobbi that we are supposed to maintain contact with each other for the next 12 months during follow up. Bobbi again asked me to not make contact .</p>		
Staff Name Lori Livingston (Okia Works - American Job Center - Miami)	Contact Type Telephone	Reference Date Jul 05, 2022
Print		Delete

ODOC-OOWD Final Determination: This is an opportunity to expand the labor market information. LMI identifies in-demand industries and occupations and employment opportunities; and, provides knowledge of job market expectations including education and skills requirements and potential earnings.

Participant 1954078: According to the Individual Service Strategy, the client has extensive court fees and fines. The client is currently receiving tribal services from Cherokee Nation. *Staff will work with Cherokee Nation to braid funds where necessary and ensure the client is receiving needed services from the proper program.*

ODOC-OOWD Comment: Supportive services for youth as defined in WIOA Sec. 3(59), are services that enable an individual to participate in WIOA activities. These services include, but are not limited to, the following: (a) linkages to community services; (b) assistance with transportation; (c) assistance with child care and dependent care; (d) assistance with housing; (e) needs-related payments; (f) assistance with educational testing; (g) reasonable accommodations for youth with disabilities; (h) legal aid services; (i) referrals to health care; (j) assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear; (k) assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes; and (l) payments and fees for employment and training-related applications, tests, and certifications....

ODOC-OOWD Comment: 20 CFR subsection 681.570 allows for payment of fines which subsequently become or create additional barriers to participation in WIOA activities.

Finding: The local area did not adhere to the requirement to provide follow-up to all participants for at least 12 months. Follow-up services were not declined.

Corrective Action: Considering follow-up services are by statute to be provided for a minimum of 12 months, the local area can still support this individual following exit from the program to help ensure the youth is successful in employment and/or postsecondary education and training.

NEWDB Response: Follow-up service added. NEWDB has addressed Follow-Up with the Service Provider who has created a process for managing follow-up and provided staff training. Reference attachment "PY 20 Monitoring – SP Trainings".

ODOC-OOWD Final Determination: The local area corrective action implementation across the program including the dissemination of technical training to the service provider will prevent the recurrence of the finding. ODOC accepts this resolution.

Participant 1995358: Additional trainings will be outlined as client progresses towards goal of becoming a registered nurse.

Participant 2436003: The client requested to be transferred to Sapulpa WIOA program. We hope that the transfer to Green Country has occurred considering the needs and barriers that this client has.

Participant 2458282: We are very interested in more information on the OJT with the Boys & Girls club of Nowata County.

Please note the service delivery and strategy review represents a sample of the local area formula programs and policies. There may be issues beyond those discovered in the review not noted in this report.

Section 7- EQUAL OPPORTUNITY AND NONDISCRIMINATION (EO):

A sampling of policies and documentation during the monitoring found no compliance issues under the nondiscrimination and equal opportunity and equal opportunity mandates of Section 188 of Workforce and Opportunity Act.

SECTION 8 BUSINESS SERVICES:

There will not be a formal response in the PY20 report.



OKLAHOMA WORKS

Oklahoma Department of Commerce
Oklahoma Office of Workforce Development

PY20 Final Monitoring Determination
South Central Oklahoma Workforce Board

OOWD Monitors:

Connie Littleton
Emmit E. Grayson Jr.
Sandy Elledge
Nancy Watson-Ellis

October 19, 2022

Oklahoma Department of Commerce
900 N. Stiles Avenue
Oklahoma City, OK 73104

MONITORING DATES:

February 7-11, 2022

OVERVIEW OF THE LOCAL AREA:

Local Workforce Development Board – South Central Oklahoma Workforce Board
Workforce Development Board Fiscal Agent – Central Oklahoma Workforce Innovation Board

Service Provider- ResCare dba Equus Workforce Solutions

SUMMARY OF REVIEW:

The Oklahoma Department of Commerce- Oklahoma Office of Workforce Development conducted a review of Local Area Monitoring and Oversight, Program and Grant Management Systems, Financial Management Systems, Adult and Dislocated Worker Programs, Youth Programs, and Equal Opportunity and Nondiscrimination. The purpose of this review was to assess whether key policies, procedures, and systems are in place to manage these programs. The Oklahoma Office of Workforce Development reviewed Program Year 20 (PY20), which covers the period from July 1, 2020- June 30, 2021.

REVIEW SCOPE:

Local Area Monitoring and Oversight
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Adult and Dislocated Worker
Youth Programs
Equal Opportunity and Nondiscrimination
Business Services

SECTION 1 – LOCAL MONITORING

For Program Year 20(PY20) financial monitoring was broad and comprehensive and in compliance with their own monitoring policies. COWIB, as fiscal agent maintains written documentation, including monitoring reports, findings, corrective actions, and resolutions for each fiscal monitoring conducted. After review of working papers, policies, and processes, no issues were found.

The South Central Oklahoma Workforce Board programmatic monitoring of the Adult and Dislocated Worker Programs was very thorough and based on their local policy. The Local Monitor’s process requires the Service Provider to respond to each Finding, which has resulted in resolution of the findings and/or resolved issues.

The PY20 quarterly monitoring of work experience (WEX) and on-the-job training (OJT) was also well documented and thorough.

The South Central Oklahoma Workforce Board youth monitoring was broad comprehensive and complied with the local area policy. Details such as Individual Service Strategy (ISS) Maintenance, Eligibility, and Supportive Services; findings,

actions required and service provider responses were present and the indicator of the resolution.

SECTION 2 - DESIGN AND GOVERNANCE

To be determined at a later date.

SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS

During financial monitoring, administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, and contracting and procurement samples were reviewed. After review of program and grant management, working papers, policies, and processes, no issues were found.

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS

OOWD reviewed samples of WIOA contracts along with the corresponding budget, accounting records, and cash requests for PY20 (July 2020-June 2021). In addition, a sampling of board, fiscal agent, and service provider expenditures were reviewed. In review of working papers to determine financial and administrative compliance, no issues were found.

Required Federal and State Minimums:

PY20 Federal and State Required Minimum Expended Expenditures and Percentages for the Adult, Dislocated Worker, and Youth Programs	
Combined Federal Minimum Required Expended Expenditure Percentages	
Youth Work Experience Percentage	25%
Out of School Youth Percentage	65%
Combined State Minimum Required Expended Expenditure Percentages	
Adult-Direct Participant Training Percentage	44%
Dislocated Worker-Direct Participant Training Percentage	40%

SECTION 5 – DELIVERY OF ADULT AND DISLOCATED WORKER SERVICES

ODOC-OOWD’s comprehensive review of the Adult and Dislocated Worker (DLW) programs consisted of a random monitoring sample that included six Adult Program participants and three Dislocated Worker participants. The monitoring sample indicates that SCOWB is appropriately focusing on the statutory Priority of Service for Adult Funds, which requires Title I staff to give priority for individualized career services and training services to public assistance recipients, other low income individuals, and individuals who are basic skills deficient, which includes English language learners and individuals with cultural barriers. Individuals with barriers to employment listed at WIOA 3(24) that are not included in the statutory priority of services listed above may be served in the Title I Adult Program as a State-designated Priority 4, when all other eligibility factors are met. (It is noted that SCOWB has not designated a Local Priority 4.)

Results from the Review of Adult Files:

Participant 136222: The participant has been enrolled in the Adult program since 3/01/2018, working toward an employment goal of Licensed Practical Nurse (LPN). Although program notes indicate she has not received WIOA-funded career or training services since the unsuccessful training that began in March 2021, the Occupational Skills Training (OST) service in the service and training plan (S&T) remains In Progress.

Area of Concern: The In Progress status needs to be changed to Exited without Completing, as per #TA-03-2020, Occupational Skills Training Service Status Definitions and Reporting Accuracy. The date of the status update should be entered as the date of the client's last attendance. Program notes must be updated to document the individual's unsuccessful training. The Service Provider's IEP case management training was documented in the PY19 Final Monitoring Report.

Finding: The virtual Individual Employment Plan (IEP) has not been updated since its creation on 1/04/2021. The Adult and Dislocated Worker Program policy (OWDI 07- 2020) and current IEP Policy (OWDI 03-2019) require the IEP to be modified to reflect any deviations from the individual's employment and training goals. This includes a revised employment goal, extended training time, a new training provider, any gap in service, newly identified needs or barriers, and other such significant changes to the participant's plan. Please note that IEP development was a finding in PY19 and required documentation of case management training to address the issue. The Service Provider documented the required training occurred on 4/27/2021.

In September 2021, DOL issued the Oklahoma WIOA Monitoring Report, which included the following Finding and Corrective Action:

Finding #4: Individual Employment Plan (IEP) and Individual Service Strategy (ISS)

The Adult and Dislocated Worker (DW) IEPs and Youth ISSs do not identify short and long term employment, educational goals or achievement objectives for Youth, and the appropriate combination of services needed to achieve the overall goals for the Adult, DW, and Youth participants. Staff did not include the relevant information mentioned above in the IEPs and ISSs due to lack of training.

20 CFR§ 680.170 stipulates an IEP is a plan developed jointly by the participant and the career planner that is an ongoing strategy that identifies employment goals, achievement objectives, and an appropriate combination of services needed to accomplish those goals.

Corrective Action: To close this finding, the LWDB must submit documentation that it has completed the following:

- Review and revise its active participant IEPs and ISSs to reflect participant goals;
- Train its staff on the requirements of an IEP and ISS; and
- Submit copies of the dates and times of the training, attendee list, and agenda of topics covered.

ODOC-OOWD Recommended Action: As a proactive measure and to be in alignment with DOL requirements, OOWD recommends that local boards review and revise active participant IEPs and ISSs as per the DOL Corrective Action above. The recommendation will become a requirement with the next revision of the State’s Adult and Dislocated Worker policy, currently in draft.

South Central Response: The following program note was entered to correct this finding:

Participant was enrolled 3/1/2018. During this time period the Virtual IEP/ISS was not being used in the South-Central project as evidenced by the Needs and Barriers Goal, Training Goals and Employment Goals entered into the Measurable Skill Gains and Goals section of OKJM. In the training goals section, it states that participant is attending Moore Norman Technology Center to become an LPN which corresponds with the OST Service S&T entry on 3/19/18-6/18/18. This is actually the OST service for her C.N.A license.

OST Service—6/4/2018-7/27/2018—was entered for the summer semester only. Then the next OST service 8/20/18-1/4/21 covered the remainder of the OCCC OST Training.

Our project was allowing Participants who had the old IEP (not Virtual) entry of goals to be grandfathered out without adding a new virtual IEP. OM asked TDS to enter a virtual IEP for participant since they were taking so long to complete training. A Virtual IEP was entered on 1/4/21 and there have not been any updates to the IEP because the participant has exited the program. The OST Service that contains the unsuccessful completion of the OST cannot be changed to Exited without completing, since participant has exited the program.

ODOC-OOWD Final Determination: OOWD accepts the local area response to the Area of Concern above since the OST with the end date of 01/04/2021 currently shows a status of Unsuccessful Completion and therefore does not need to be changed. OOWD acknowledges that the IEP cannot be updated once a participant has exited. (State Monitor note: The participant’s Service History was last updated locally on 7/06/2022. At the time of initial monitoring the OST status was In Progress, as stated in the Area of Concern.) The above finding is resolved based on IEP case management training provided in PY20.

Although the Finding is resolved, it should be noted that OWDI 08-2013 was the last IEP policy that addressed the Goals and Interests screens in Oklahoma Service Link (OSL), which became OKJobMatch. OWDI 08-2013 was rescinded by OWDI 06-2016 in October of 2016. The IEP components Needs and Barriers Goals, Training Goals, and Employment Goals have not been viewable in OKJobMatch

since the conversion from OKJobMatch Legacy to the current version, OKJobMatch NextGen. SCOWB and the Service Provider must ensure that all active Adult and Dislocated Worker enrollments include a virtual IEP no later than 12/31/2022.

Participant 279389: The participant completed truck driver training and received a certificate of training completion on 12/09/2020. The IEP and program notes indicated that he earned his CDL, however the credential (license) was not uploaded. The participant reported on 10/11/2021 that he had not attained employment, which was the only actual client contact documented other than the original enrollment note on 09/10/2020. The participant exited the program 10/11/2021.

Area of Concern: The participant's training program was scheduled for 9/28/2020 with an estimated completion date of 11/05/2020, yet the first attempt to contact the participant was documented in program notes as 12/02/2020. Training was completed 12/09/2020. In September of 2021 DOL issued the Oklahoma WIOA Monitoring Report, which included the following Area of Concern and Recommendation:

Area of Concern #6: Monitoring Short-Term Trainings

Career navigators issue advisories to participants in short-term trainings to contact them every 30 days. The intent is to report on the status of the participant, yet most trainings end in less than 30 days.

Not contacting the participants until after he or she completes training could prevent the career navigator from assessing and helping participants address any challenges they face during the short-term training.

Recommended Action: Career navigators should contact participants with short-term trainings within one or two weeks after training begins, so that the career navigator can help participants meet short-term goals.

ODOC-OOWD Recommended Action: SCOWB is strongly encouraged to implement a procedure for contacting participants in short term training programs within one or two weeks, as recommended by DOL.

Observation: There were three attempted monthly contacts since the last actual participant contact, but there were no attempts to contact the client through either of the alternate contacts listed in the Universal Information section of OKJobMatch.

Recommended Action: The South Central Oklahoma Workforce Board (SCOWB) is encouraged to stress the use of alternate contacts as a method for the case manager/Talent Development Specialist (TDS) to obtain new contact information or leave a request for the participant to contact the TDS. It is the TDS's responsibility to ensure that the participant understands all Job Seeker Responsibilities in the virtual IEP, including maintaining contact with the TDS every 30 days by phone, e-

mail or in person, providing the TDS with a training progress report while attending training, and maintaining contact after the completion of training to inform the TDS of employment status.

South Central Response: A review of our Standard Operating Policy was completed to ensure the Talent Development Specialists are aware of the proper channels to take when attempting to contact a participant. We also reviewed contacts with a participant participating in a short-term program and stressed the significance in contacting every two weeks.

OCOC/OOWD Final Determination: OOWD accepts the response concerning the increased frequency of contacting participants in short-term training programs. The Service Provider's Standard Operating Policy pertaining to the local follow-up process was received 8/09/2022. The flow chart indicates when an alternate contact(s) are to be utilized. **The Area of Concern and recommended actions are considered resolved.**

Participant 2411156: There are two enrollments for this Registered Apprentice. The 8/17/2021 program note in Enrollment 7016142 states that an email was sent to the project director on 8/16/2021 to report that the system had exited the participant and he should not have exited. The TDS was advised to re-enroll the participant. State Monitor's Note: OOWD's Case Management System Program Officer verified with AJLA that the participant exited based on the service status in the S&T.

Enrollment 7627333 was completed/approved 12/21/2021. The classroom portion of his registered apprenticeship program (RAP) was paid through an ITA. Based on the uploaded Work History form, the client was earning \$12.75 when he began employment as an Apprentice Plumber on 10/15/2019. He is currently earning \$16.80 per hour, per his pay stub for the 12/6/21 - 12/12/21 pay period.

No action is required.

Participant 252592: The participant, determined eligible for the Adult program, completed Medical Terminology training. However, training was not paid with Title I funds due to a local procedure requiring three "employability letters" (aka intent to hire letters) for WIOA-eligible individuals with a criminal history.

Area of Concern: The Combination of Services to Overcome Needs/Barriers section of the IEP, created 11/16/20, stated that the participant had a felony that had been dismissed and her criminal history would not be a barrier to employment. Program notes indicate that the participant was informed of the need for employability letters on 1/25/2021, which was after she began training on 1/13/21. South Central does not have a Service Provider or Board policy that requires "employability letters" prior to funding training for individuals who are ex-offenders or justice involved.

Recommended Action: Talent Development Specialists are encouraged to assist justice involved applicants/participants with upfront career research, which may include developing a list of local employers who hire ex-offenders and sharing the list of employers with individuals who are included in this special population. Additionally, it is suggested that career research include conversations with training providers about employers they work with who hire individuals with background issues, particularly those that provide training for medical occupations and short term training such as truck driver training. Please note that OWDI 03-2019's Attachment A includes the requirement to document in the Comprehensive Assessment & Career Research section any career research completed by, and reviewed with, participants.

Required Action: Across all titles, WIOA focuses on serving individuals with barriers to employment, defined in WIOA section 3(24), and seeks to ensure access to quality services for these populations. The local area must clearly define in their local policy the types of training and specific circumstances where employability letters are required, if this practice is to be continued. A draft statement of the requirement and procedures must be provided with SCOWB's response to the Initial Monitoring Report. If the procedure will no longer be required, please indicate in the local area's response.

South Central Response: The South Central Workforce Board has issued the following statement regarding employability letters: Employability letters will no longer be required in order for Justice involved individuals to receive training.

In result of this statement, a meeting was held with staff on 07/26/2022 to discuss further actions. TDS's were informed that employability letters would no longer be needed in order for a justice-involved individual to attend training. In lieu of this, an in-depth discussion with participants will be needed at enrollment to discuss the possibility of it being a barrier to employment. Documentation to the IEP/ISS will be essential in mapping out solutions to overcoming this potential barrier. Career research for employers that work with ex-offenders will be crucial.

ODOC-OOWD Final Determination: OOWD accepts the local area's response that employability letters will no longer be a requirement for justice-involved individuals to receive WIOA-funded training. Implementation of the steps outlined in the Board's response above are a positive improvement to the use of employability/intent to hire letters, and the steps provide more opportunities to help ensure access to quality services for individuals with this barrier to employment that is listed in Federal Statute at WIOA 3(24)(F).

Participant 1112300: The participant was an unemployed Certified Nurse Aide (CNA) at application. According to a program note and an update to the Economic Need Statement and Planning section of the IEP, WIOA funds were utilized for a medical terminology course completed by the client prior to her acceptance into the LPN program. The short term course was not Pell eligible, however a Pell grant

covered the cost of LPN training and was sufficient to cover the costs of scrubs according to 6/15/2021 and 10/25/2021 program notes. LPN training is expected to be completed 7/07/2022.

Finding: There is no OST service in the Service and Training plan (S&T) for the medical terminology course. Nor is there an ITA, training voucher or COTF form in the file for the short term training program.

Required Actions: The ITA packet for the short term training program must be uploaded. Also, the appropriate service must be added to the S&T and supporting documentation of the expenditure of WIOA training funds for the medical terminology program must be provided. Lastly, appropriate program notes must be entered to further document the required actions.

South Central Response: The following program note has been entered to correct this finding: This participant began the Medical Terminology class in February of 2021. The TDS was alerted to her being in the class on February 22, 2021. After consulting with Red River Technology Center and our Project Accountant, it was determined that Ashley self-paid for the Medical Terminology course and no WIOA funds were used. Ashley then applied for the LPN program at RRTC. Ashley filed for FAFSA and received \$9,000 in FAFSA, covering the full amount of training. WIOA funds were not utilized. The Pell grant has been documented in uploads, the grant section, and IEP. Ashley has since quit classes for personal reasons. A final transcript has been uploaded.

ODOC-OOWD Final Determination: Although the Pell grant is not documented in either the Uploaded Documents Section or the IEP, as stated above, the program notes indicated that the Pell was received and the Educational Grants Section includes the Pell in the amount of \$9,000.00. SCOWB's above responses also indicates that the area's Project Accountant and the technology center determined that WIOA funds were not utilized for the cost of any of the client's training. The Finding is considered resolved.

Participant 2446370: The participant requested a work experience (WEX) placement at a child care center, which she did not successfully complete. During the short time that she was there, she was approved for supportive services (scrubs and shoes). There was a gap in services for health reasons, followed by a second WEX placement that began in mid-August. A second supportive service was completed to pay her September rent. The WEX status is shown as Complete in the S&T although she had 21.67 hours remaining in the assignment. The participant was exited on 10/14/2021 for lack of a service entry within 90 days.

Observation: Two program notes were entered 2/18/2021. The first identified a need for supportive service assistance to pay for work clothing (scrubs and shoes). The second note was clarification that the Service Provider (SP) utilized an Amazon order that was de-obligated from another participant (PID 696179) because the

items did not fit and were going to be returned. It was determined that the items worked for this participant (PID 2446370) and were then provided as a supportive service. Both files have been appropriately documented and the local area is commended for the fiscal accountability.

No action is required.

Results from the Review of Dislocated Worker Files

Participant 2316326: The participant was enrolled as a DLW on 1/26/2021. He was co-enrolled in the Trade and Economic Transition (TET) grant on 5/20/2021 due to being laid off from the Energy Industry. Both enrollments remain open as of the time of the review. While waiting to be able to enroll in the CNC Machining training program, it was determined that he was Pell eligible, so neither DLW formula funds or TET grant funds were utilized for the cost of training. The COTF form, program notes, and the Educational Grants section document the receipt of the Pell Grant. His training program is anticipated to be completed by 5/16/22.

Area of Concern: The participant was required to obtain employability letters prior to the TDS starting the ITA process. The participant was willing and able to comply. However, South Central does not have a Service Provider or Board policy that requires “employability letters” prior to funding training for individuals who are ex-offenders or justice involved.

Recommended Action: TDSs are encouraged to assist justice-involved applicants for WIOA services with upfront career research, which may include developing a list of local employers who hire ex-offenders and making the list available as appropriate with individuals who are included in this special population. Additionally, it is suggested that career research for ex-offenders include conversations with technology centers and other training providers to learn about any “ex-offender friendly” employers who hire individuals who have completed their training programs. Such conversations, whether between the job seeker and the training program staff or the TDS and the training program, should be documented in the Comprehensive Assessment & Career Research section of the IEP.

Required Action: The local area must clearly define in their local policy the training programs and specific circumstances where employability letters are required, if this practice is to be continued. A draft statement of the requirement and procedures must be provided with SCOWB’s response to the Initial Monitoring Report.

South Central Response: The South Central Workforce Board has issued the following statement regarding employability letters: Employability letters will no longer be required in order for Justice involved individuals to receive training.

In result of this statement, a meeting was held with staff on 07/26/2022 to discuss further actions. TDS’s were informed that employability letters would no longer be needed in order for a justice-involved individual to attend training. In lieu of this, an

in-depth discussion with participants will be needed at enrollment to discuss the possibility of it being a barrier to employment. Documentation to the IEP/ISS will be essential in mapping out solutions to overcoming this potential barrier. Career research for employers that work with ex-offenders will be crucial.

ODOC-OOWD Final Determination: OOWD accepts the local area's response that employability letters are no longer a requirement for justice-involved individuals to receive WIOA-funded training. **No additional action is required.**

Participant 2081869: The participant's truck driver training was paid through the Trade Adjustment Assistance (TAA) program. He completed training and attained his CDL. He stated that he wanted to opt out of follow-up services and preferred not to be contacted due to his focus on a family member's health issues. He later reported returning to work at Halliburton on 11/09/2021 where he is employed as a Mechanic.

No action is required.

Participant 190590: The participant's training was paid through a TAA Direct Contact with the local technology center. He completed the entire training program, Accounts Payable/Receivable Clerk Program with QuickBooks. While in training, he received Trade Readjustment Assistance (TRA) payments. The cost of a laptop and software were provided as supportive services with funding from the WIOA Dual Enrollment Project. Information in the file documents the supportive services funding as Dislocated Worker Formula Funds. As of the last program note, the participant indicated that he was no longer working part time for a tax/paralegal service and was receiving Social Security.

No action is required.

SECTION 6 – DELIVERY OF YOUTH SERVICES

An observation of the South Central Region Cumulative 4-Quarter Reporting Period report indicates the local area has continued its focus on the WIOA primary target population of out-of-school youth. However, the 75% Out of School Youth (OSY) threshold must be achieved as well.

Of the total youth who received WIOA services during the monitoring review period, a comprehensive review was conducted on 10 enrollments that consisted of 10 out-of-school youth (OSY) and 0 in-school youth (ISY) enrollment:

- The monitoring sample indicated the South Central Oklahoma Workforce Board is serving the WIOA eligible/target population.
- The South Central Oklahoma Workforce Board has developed an individual service strategy (ISS) that identifies and meets the specific needs of each participant.
- Supportive services are being provided as needed to overcome barriers to participation and completion of the ISS.

Comments on the provision of follow-up services are outlined below.

- There has to be a statewide concerted local focus on increasing the youth credential rate which will impact the States goals of increased credentials.
Work Experience: The local clearly refocused its local strategies with emphasis on increasing regional business partnerships. The local area has built a partnership with local businesses that are motivated and understand the importance to the Region and our State ultimate workforce goals with the resulting work experience expenditures that are not just exclusively wages and incentives tied to the completion of work experience.
- There is historical success demonstrated through implementation of regional military family support to military families located in the region and we still have a unique opportunity for re-applying or expanding workforce services within the Department of Defense pipeline considering the local service area geographically includes 2 military installations.
- WIOA Formula Youth Work Experience Update: The Department of Labor clarified in 2020 that work experience also includes Registered Apprenticeships. While not explicitly recognized in the Act as a type of work experience, Registered Apprenticeship is a type of work experience. Expenses for a Registered Apprenticeship that occur prior to a participant's exit from the WIOA Youth program can be counted toward the work experience expenditure requirement. Expenditures for the Registered Apprenticeship after participant exit cannot be counted toward the work experience expenditure requirement.
- We as a state are held statutorily to the 75% provision so we must continue to leverage with other partners and unrestricted resources in the support of the in-school youth population.
- See the incentive related concerns as noted in the subsequent report.

Frequently Asked Question: Regarding Youth Incentives and follow-up services, Can we still pay out an incentive to a youth participant after he/she has already exited and completed 12 months of follow-up?

ODOC-OOWD Response:

- Yes. It is also allowable to provide incentives post-exit or during follow-up if there are written policies in place to address the following:
 - The purpose of offering an incentive is to induce behavior toward achievement of a specific goal. In order for an incentive to be effective, participants must:
 - be aware of the existence of such incentive, and
 - understand the terms and standards of its award to improve the likelihood of success and lead to a successful outcome or achievement of grant performance measures.

From: Emmit Grayson
Sent: Friday, July 31, 2020 3:58 PM
To: Sissel Brown <sissel.brown@equusworks.com>

Subject: RE: Youth Incentive Questions

Happy Friday,

See the response below:

Local Area Service Provider Questions:

1. Can we provide an incentive to youth if they increase in educational functioning level?

ODOC Response: Yes. This is one of the primary reasons for offering incentives.

2. Are incentives considered supportive services?

ODOC Response: No. Supportive Services are a program element/ career service. Incentives are recognition for achievements and improvements for education, training and work experience. Incentives paid for with WIOA funds must be connected to recognition of achievement of milestones in the program tied to work experience, education, or training. Such incentives for achievement could include improvements marked by acquisition of a credential or other successful outcomes.

3. Can they be provided during a participant's follow up?

ODOC Response: Yes. However, you will probably be more successful if the local area initiates the incentive opportunity prior to exit making it more likely that the client will be engaged.

4. Is there any guidance/ restriction on how much an incentive can be?

ODOC Response: It must be aligned with South Centrals organizational policies; and in accordance with the requirements contained in 2 CFR part 200. We allow local areas to determine within in reason and by their own prudence what the specific amount will be.

Emmit Emanuel Grayson Jr. | Program Officer

Workforce Development | Oklahoma Department of Commerce

emmit.grayson@okcommerce.gov

p. 405-815-5355 |

OKcommerce.gov

Work Experience is the most critical WIOA Youth Program Element. The National Office transcript below fits in the framework of the provision of WIOA Youth Incentives:

WorkforceGPS

Transcript of Webinar

**Let's Chat: What Counts Towards the Work Experience Expenditure Requirement
WIOA Youth Program**

Thursday, June 3, 2021

Subject: Incentives in Work Experience (the Do's and don't) Evan Rosenberg- Workforce Development Specialist, Youth Policy and Performance, Employment and Training Administration U.S. Department of Labor (National Office):

- Evan Rosenberg: *So you can't give an incentive for just attending an employability skills workshop. The incentive is for accomplishing something, which the most obvious example for work experience is successfully completing the work experience.*
- Evan Rosenberg: *Stipends are allowable for attending classroom training. But an incentive is not allowable for participation. An incentive is for successful completion of something, an accomplishment.*
- Evan Rosenberg: *If you're running every youth through employability skill but only a portion of those youth are then going into a work experience, you should allocate the expenditures based on the portion of youth that are going into the work experience.*
- *And the incentive should be for recognition of an achievement. So just participating in a work experience would not call that achievement.*
- *Successfully completing a work experience – I would call that an achievement. So it needs to be an achievement. So you should have an incentive policy in place that specifically says what the achievement is that you're providing the incentive for. And the Department of Labor does not have a maximum incentive amount a participant can receive for successfully completing a work experience. So we don't have a maximum amount. But you should in your state or local policy have a maximum incentive amount.*
- *When I join the regions for monitoring – which I sometimes do – that is one of my favorite parts of my job is when I get to go out in local areas and meet the folks running the programs and the youth in your programs. When I get a chance to do that and I'm looking at local policies, I often see a specific policy that lists the types of incentives that a local area awards and the maximum amount awarded. So you should have specific policies in place on that. As you can see at the end of this answer that the incentives must be in accordance with requirements in 2 CFR Part 200.*
- *And policies and procedures should define the parameters or limitations to establish reasonableness. When we go out monitor we're looking for reasonableness. If you're paying \$2,000 for a youth to complete a work experience, I would not call that reasonable. But if you're paying \$100 or \$50, I would call that reasonable. Again, it's a local policy that you should set, put in place. And the policies may establish dollar thresholds on how much either per participate or total for your local program to spend on incentives.*

Statutory Definitions:

Stipends: A stipend is an allowable payment for participation in activities such as work experience or classroom activities, including work readiness or employability skills training. States and locals have flexibility when determining local policies on stipends based upon local program design and participant needs.

Incentives: Incentive payments are allowable to youth participants for recognition and achievement directly tied to training activities and work experience, such as a successful completion of a work experience. The local program must have written policies and procedures in place governing the award of incentives and must ensure that such incentives payments are: (a) tied to the goals of the specific program; (b) outlined in writing before the commencement of the programs that may provide incentive payments; (c) align with the local program's organizational policies; and (d) in accordance with the requirements contained in 2CFR part 200. See 20 CFR 641.640 for additional information. It is also allowable to provide incentives post-exit or during follow-up if there are written policies in place to address the following:

The purpose of offering an incentive is to induce behavior toward achievement of a specific goal. In order for an incentive to be effective, participants must:

- be aware of the existence of such incentive, and
- understand the terms and standards of its award to improve the likelihood of success and lead to a successful outcome or achievement of grant performance measures.

Results from the Youth Program Review:

Participant 1103029: This youth has been served under WIA and under WIOA funding. The youth has trusted the Title I formula program and expected a positive outcome as a result of service provision.

Monitor Notes:

- Local Area incentivized the outcome with an incentive for the accomplishment in the amount of \$300.00.

Participant 1225073: The parenting youth received a Class A CDL.

Monitor Notes:

- Successful completion & passed the CDL exam as well,
- Client met the training goal,
- Local Area incentivized the outcome with an incentive for the accomplishment in the amount of \$200.00.

Considerations for Written Policies and Procedures

Written Policies 2 CFR 200.403 (C):

Grant recipients must have existing written policies and procedures on work experiences, stipends and incentives that are consistently applied with any other federal grant program and other activities of recipients. Those policies and procedures must have internal controls in place to limit such purchases to reasonable costs that only benefit eligible program participants. It is also important to have a written policy on how grant recipients will provide stipends/incentives under different conditions and situations. The organization must incorporate in their written policies the determining factors or criteria to consider before incurring an incentive or stipend related expense. Such policy must be applicable or consistent with similar policies for non-federally funded grants and programs. The policies and procedures should also define the parameters or limitations to establish reasonableness. These policies and procedures may establish dollar thresholds on how much, in total or per participant, to spend on stipends and incentives.

Internal Controls and Safeguards:

When a grant recipient consider charging incentives/stipends to a Federal grant, the organization should determine that there are sufficient safeguards in place to avoid or limit misuse or mismanagement. The grantee should perform an initial assessment on how much total dollars in the grant budget are to be allocated for such items and consideration should be given to cohort/program goals and performance measures. For cash or gift cards, an inventory log, periodic reconciliation process and safeguards for the receipt, disbursement and maintenance should be maintained.

Reasonableness and the Prudent Person Theory 2 CFR 200.403 (a):

When using grant funds, the standards of reasonableness using the prudent person standards prevail.

- What would a prudent person do if he/she were using their own funds to incur such costs?
- If the costs incurred are more than what a prudent person would incur, then those costs should not be paid for using Federal grant funds.

Supporting Documentation 2 CFR 200.403 (g):

The organization should specify in their written policy any documents that must be retained or provided in order to justify or support such expenses to the grant. Supporting documentation may be but is not limited to, proof of training completion, credential achievement, case management notes, sign in attendance sheets, and invoices.

Seven guiding factors of allowability 2 CFR 200.403:

The seven guiding factors determining the allowability of a cost are the following:

- (a) Be necessary and reasonable for the performance of the Federal award and be allocable thereto under these principles.
- (b) Conform to any limitations or exclusions set forth in these principles or in the Federal award as to types or amount of cost items.
- (c) Be consistent with policies and procedures that apply uniformly to both federally-financed and other activities of the organization.
- (d) Be accorded consistent treatment.
- (e) Be determined in accordance with generally accepted accounting principles (GAAP).
- (f) Not be included as a cost or used to meet cost sharing or matching requirements of any other federally-financed program in either the current or a prior period.
- (g) Be adequately documented.

Area of Concern/ observation and potentially questioned cost:

The incentive amount(s) of \$1,000.00 for the Out-of-School Youth one day workshop is not reasonable and not prudent. Please note that we are in discussion with the regional office as well in terms of the Departments ideology on

reasonableness and the potential for ODOC-OOWD limitation implementation.

Questioned costs also include what appear to be unreasonable costs, even if they are not specifically unallowable.

South Central's Response: At the time of occurrence, these workshops and incentives were in line with our local incentive policy that was structured off Western's OOWD approved youth policy. These incentives have been paid separately by several areas without question. Since July of 2021 there have not been any other one day workshops for youth. These concerns were brought up last July and have been addressed. See Susannah's email below. We reviewed our youth incentive policy and considered the concerns and revised our incentive policy to be more reasonable and prudent. The latest approved revision was 5/11/2022.

From: Susannah Gravley <Susannah.Gravley@okcommerce.gov>
Sent: Thursday, September 23, 2021 5:03:01 PM
To: trinas <trinas@SCWORKFORCEBOARD.ORG>
Cc: Sissel <sisselb@scworkforceboard.org>; carolestes <carolestes@equusworks.com>; JanaFarmer <JanaFarmer@SCWORKFORCEBOARD.ORG>; Emmitt Grayson <Emmitt.Grayson@okcommerce.gov>; Constance Littleton <Connie.Littleton@okcommerce.gov>; Donald Morris <Don.Morris@okcommerce.gov>
Subject: RE: Incentives for all day workshop

Trina,

I've reviewed the document you sent, South Central's incentive policy, Western's youth policy that was referenced, as well as state and federal guidance and the regulations. Based on everything reviewed, OOWD would not disallow these costs in their entirety **but** we do have some concerns and I believe this specific example requires some further review and discussion regarding South Central's incentives policy and procedures. To prepare for a future conversation, we all need to be asking ourselves the following questions, at the very least:

- How does SC define training? (Incentives are allowable for work experience and training)
- Are the amounts of the incentives proportionate to the outcomes?
- Is the structure of the incentive, and the process associated with it prudent? (\$1k for one day of workshops is a lot of money)
- Are there better ways to focus incentives ensuring the best outcome for the participant?

It is also important to note, that in the event a cost associated with a paid incentive is pulled during any type of monitoring costs will be questions and may be disallowed if the required documentation is not provided. Additionally, if COWIB requests documentation to support their payment, please provide whatever they request even if it's in addition to what is normally provided.

If you have any questions, please let me know. We will be in touch regarding a future conversation.

Thanks!

Susannah Gravley, Deputy Director

Oklahoma Office of Workforce Development
(405) 215-4607
susannah.gravley@okcommerce.gov

Please note my new contact information below; updated information for OOWD staff may be found at <https://oklahomaworks.gov/about/staff/>

Susannah,

I hate to bother you with this, but COWIB has been holding payment since June. Can we talk about this? Please see attached breakdown and email to Emmitt below.

Thanks
Trina

From: Trina Southard

Sent: Monday, August 9, 2021 10:55 AM

To: Emmitt Grayson (emmit.grayson@okcommerce.gov) <emmit.grayson@okcommerce.gov>

Cc: sissel. brown (sisselb@scworkforceboard.org) <sisselb@scworkforceboard.org>; Jana Farmer <JanaFarmer@SCWORKFORCEBOARD.ORG>; 'Carol Estes' <carolestes@equusworks.com>

Subject: Incentives for all day workshop

Emmitt,

I am so sorry for your loss and didn't want to bother you, but we need to get this incentive issue resolved.

I wanted to reach out to you to discuss youth incentive payments. We've recently learned from Ashley that the state is going to determine that some of our incentives are disallowed costs. Equus followed our local Incentive Policy, which is mirrored after Western's policy that was sent to the state for approval. I spoke with Christi Porter and she said she has had no issues with individual incentives being paid. Equus combined seven lessons into one workshop, so they combined them into one incentive payment. If they had them broken up separately on the invoice would that be okay? Would it still be considered a disallowed cost?

I have attached a summary of the workshop including the at home assignments that must be completed in order to get paid for the incentives. The participants returned the resumes and other paperwork to their case manager before a check was cut.

Thank you,

Trina Southard
Executive Director
South Central Oklahoma Workforce Board
1711 SW 11th
Lawton, OK 73501
Email: trinas@scworkforceboard.org
Phone Mobile: [580-467-3486](tel:580-467-3486)
Website: www.scowib.info

ODOC-OOWD Final Determination: The costs in question are unreasonable. ODOC-OOWD has addressed this issue with the South Central Workforce Board, shared the results of the initial determination with our Federal Project Officer with the U.S. Department of Labor Employment and Training Administration at the Dallas Regional Office (as a general practice and in accordance with DOL's own monitoring checklist of requests); and we also discussed reasonableness and prudence again during the Financial Workgroup held on September 15, 2022.

We do not want to implement a policy with limits on our workforce development board(s). However, in 2021, DOL-ETA recommended that ODOC-OOWD strongly consider implementation of a supportive service policy with limits and we have considered this recommendation; yet, based on the average amongst all local areas we have not elected to place a statewide limit on supportive services nor on incentives at

this point. We want to continue to allow maximum flexibility to our 6 WDBs. But there is no guarantee that the Region 4 ETA will not ultimately demand state limits in policy.

Participant 1825953 enrollment, outcomes and incentive payment of \$1,000.00 was reviewed in a random sample and is also subject to the Reasonableness and the Prudent Person Theory in 2 CFR 200.403 (a):

Finding:

Follow-up Service

Condition: No provisioning of follow-up services; No initial entry after exit or upon the date of last service.

Cause: We suspect due to the Follow-Up Services Planned in the Electronic ISS indicating n/a.

Criteria: 20 CFR subsection 681.580

Purpose: To help ensure the youth is successful in employment and/or postsecondary education and training.

Required Action: Offering Follow-up; Providing Follow-up for at least 12 months based on the need of the individual (This is where we interpret the subsection to also mean it is tied to the ISS therefore specific to the individual and not just a boilerplate note indicating there was a contact attempt.

For every employed client that was served with WIOA funding, follow-up services may include regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise.

South Central Response: A team meeting was held on 12/15/21 to review local follow up policy and review the SOP for contacting exited youth. We reviewed services that should be offered to youth that are now in follow up.

The statutory subsection also indicates:

If at any point in time during the program or during the 12 months following exit the youth requests to opt out of follow-up services, they may do so. In this case, the request to opt out or discontinue follow-up services made by the youth must be documented in the case file.

ODOC Response to opting out of Follow-up Service:

We have rarely seen opt outs of follow-up and it shouldn't be offered considering the

benefit and flexibility in provisioning opportunities.

Local Area Policy Review: The local areas own policy states in response to ODOCs Section 6 Question: What are your procedures for youth that cannot be contacted for follow-up?

Local Area Response: Methods of contact for follow up youth: Phone, email, USPS mail, Facebook, reviewing public records online and paper publications. Call employer to verify employment. Service Provider has procedures for staff to follow.

Required Action Reiteration and Addendum: Include the follow-up service in the Service and Training Plan and align the service entry with the local area provision of follow-up services for a minimum of 12 months for all WIOA clients.

Participant 1955718: The incentive amount(s) of \$1,000.00 for the Out-of-School Youth one day workshop is not reasonable and not prudent.

Questioned costs also include what appear to be unreasonable costs, even if they are not specifically unallowable.

Participant 1866967: Incentive paid in the amount of \$200.00 for Red River Technology Center Medical Office Assistant Certificate of Achievement.

Participant 1900278: Incentive paid in the amount of \$200.00 for occupational Licensure/ Attainment of Recognized Postsecondary Credential, i.e., Class A Commercial Driver License. The last follow-up attempt was January 4, 2022.

Finding: The follow-up element was not entered in the Service and Training Plan.

Required Action: Include the follow-up service in the Service and Training Plan and align the service entry with the local area provision of follow-up services for a minimum of 12 months for all WIOA clients.

South Central Response: A follow up service has been entered for the participant. A team meeting was held on 12/15/21 to review local follow up policy and review the SOP for contacting exited youth. We reviewed services that should be offered to youth that are now in follow up.

ODOC-OOWD Response: We anticipate examples from further review on how South Central Workforce Board improves its own process and follow-up outcomes and innovates in the provisioning of this critical program element while ensuring that service provider staff are accurately providing and capturing follow-up services as described in the Final Rule, OWDI 02-2016 Change 2 and TEGL 21-16 program guidance.

Participant 1938134: Incentive paid in the amount of \$200.00 for occupational Licensure/ Attainment of Recognized Postsecondary Credential, i.e., Class A Commercial Driver License.

Monitor Note: No further comments.

Participant 1955923: Incentive paid in the amount of \$200.00 for occupational Licensure/ Attainment of Recognized Postsecondary Credential, i.e., Class A Commercial Driver License.

Participant 2220960: The incentive amount(s) of \$1,000.00 for the Out-of-School Youth one day workshop is not reasonable and not prudent.

Questioned costs also include what appear to be unreasonable costs, even if they are not specifically unallowable.

Participant 2341721: The incentive amount(s) of \$1,000.00 for the Out-of-School Youth one day workshop is not reasonable and not prudent.

Questioned costs also include what appear to be unreasonable costs, even if they are not specifically unallowable.

OWDI 02-2016 Change 2 and CFR § 681.580:

Follow-up services may include regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise.

Follow-up services may begin immediately following the last expected date of service in the youth program when no future services are scheduled. Follow-up services do not cause the exit date to change and do not trigger re-enrollment in the program. Five program elements are permitted as follow-up services during the follow-up period: Supportive Services; Adult Mentoring; Financial Literacy Education; Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and Activities that help youth prepare for and transition to postsecondary education and training.

Please Note: Any program element other than the 5 listed above requires reenrollment in the program in order for a youth to receive them. However, that provision does not mean that if a youth does not have a need for the 5 program elements above at follow-up, that they by rule are excluded from the provision of follow-up. The limitation on 5 program elements means those are the program elements that local areas are limited to providing in follow-up. The premise behind this rule is that if the client needs the other program elements, i.e., Tutoring, study skills training, instruction, and dropout prevention; Alternative secondary school services or dropout recovery services; Paid and unpaid work experience; Occupational skills training; Education offered concurrently with workforce preparation and training for a specific occupation; Leadership development opportunities; Comprehensive guidance and counseling, and

Entrepreneurial skills training, there should not have been an exit from the program and the client needed to continue participation in the WIOA Youth Program.

DOL recommends that when these services are provided as follow-up services they are coded as follow-up services in state/local management information systems as opposed to program services provided prior to program exit so that management information systems clearly differentiate follow-up services from those services provided prior to exit.

WIOA's purpose is to increase the employment, retention, and earnings of participants. Therefore all WIOA youth can benefit from regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise at minimum during the delivery of follow-up.

Please note the service delivery and strategy review represents a sample of the local area formula programs and policies. There may be issues beyond those discovered in the review not noted in this report.

SECTION 7 – EQUAL OPPORTUNITY & NONDISCRIMINATION MONITORING (EO)

A sampling of policies and documentation during the monitoring found no compliance issues under the nondiscrimination and equal opportunity and equal opportunity mandates of Section 188 of Workforce and Opportunity Act.

Section 8 – Business Services

There will not be formal response for PY20.



OKLAHOMA WORKS

Oklahoma Department of Commerce Oklahoma Office of Workforce Development

PY20 Final Monitoring Determination
Southern Workforce Board, Inc.

OOWD Monitors:

Chelsea Chacon
Connie Littleton
Emmit E. Grayson Jr.
Sandy Elledge

November 21, 2022

Oklahoma Department of Commerce
900 N. Stiles Avenue
Oklahoma City, OK 73104

MONITORING DATES:

June 13-17, 2022

OVERVIEW OF THE LOCAL AREA:

Local Workforce Development Board – Southern Workforce Board Inc.

Fiscal Agent – Southern Workforce Board Inc.

Service Provider- Dynamic Workforce Solutions

SUMMARY OF REVIEW:

The Oklahoma Department of Commerce- Oklahoma Office of Workforce Development conducted a review of Local Area Monitoring and Oversight, Program and Grant Management Systems, Financial Management Systems, Adult and Dislocated Worker Programs and Youth Programs.

The purpose of this review was to assess whether key policies, procedures, and systems are in place to manage these programs. The Oklahoma Office of Workforce Development reviewed Program Year 20 (PY20), which covers the period from July 1, 2020- June 30, 2021.

REVIEW SCOPE:

Local Area Monitoring and Oversight

Design and Governance

Program and Grant Management Systems

Financial Management Systems

Adult and Dislocated Worker Programs

Youth Programs

Equal Opportunity and Nondiscrimination

Business Services

SECTION 1 – LOCAL MONITORING

For Program Year 20 (PY20) financial monitoring was broad and comprehensive and in compliance with their own monitoring policies. Southern Workforce Board, as fiscal agent maintains written documentation, including monitoring reports, findings, corrective actions, and resolutions for each fiscal monitoring conducted. After review of working papers, policies, and processes, no issues were found.

The local area's monitoring of the Adult and Dislocated Worker Programs was conducted in accordance with the area's Monitoring and Quality Assurance Policy, SWB - #114, last updated 6/20/2018. The scope of monitoring was broad and comprehensive. When SWB - #114 is next updated, the reference to proper sequencing of services (found in Section III) needs to be removed. It is noted that the Southern Workforce Board does not have a sequence of service requirement for Adult and Dislocated Worker services, as evidenced by the current local Adult and Dislocated Worker Policy, SWB - #109, which is in compliance with TEGL 19-16 and OWDI 07-2020.

The Southern Workforce Board WIOA Youth Program monitoring was comprehensive, detailed and aligned with the local monitoring schedule and policy.

SECTION 2 - DESIGN AND GOVERNANCE

To be determined at a later date.

SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS

During financial monitoring, administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, and contracting and procurement samples were reviewed. After review of program and grant management, working papers, policies, and processes, no issues were found.

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS

OOWD reviewed samples of WIOA contracts along with the corresponding budget, accounting records, and cash requests for PY20 (July 2020-June 2021). In addition, a sampling of board, fiscal agent, and service provider expenditures were reviewed. In review of working papers to determine financial and administrative compliance, no issues were found.

Required Federal and State Minimums:

PY20 Federal and State Required Minimum Expended Expenditures and Percentages for the Adult, Dislocated Worker, and Youth Programs	
Combined Federal Minimum Required Expended Expenditure Percentages	
Youth Work Experience Percentage	19%
Out of School Youth Percentage	67%
Combined State Minimum Required Expended Expenditure Percentages	
Adult-Direct Participant Training Percentage	23%
Dislocated Worker-Direct Participant Training Percentage	22%

SECTION 5 – DELIVERY OF ADULT AND DISLOCATED WORKER SERVICES

ODOC-OOWD’s comprehensive review of the Adult and Dislocated Worker (DLW) programs consisted of a random monitoring sample that included six Adult Program participants and five Dislocated Worker participants. The monitoring sample indicates that the Southern Workforce Development Board is appropriately focusing on the statutory Priority of Service for Adult Funds, which requires Title I staff to give priority for individualized career services and training services to public assistance recipients, other low income individuals, and individuals who are basic skills deficient, including English language learners and individuals with cultural barriers. Individuals with barriers to employment listed at WIOA 3(24) that are not included in the statutory priority of services listed above may be served in the Title I Adult Program as a Priority 5, when all other eligibility factors are met. It is noted that the Southern Workforce Board’s local Priority 4 is for individuals residing within the Choctaw Nation Promise Zone.

Results from the Review of Adult Files:

Participant 2044131: The participant has been employed full time at a Veterinary Hospital as a Veterinary Technician Assistant Trainee since 6/22/2021. She completed an online Veterinary Assistant program through the local technology center on 6/03/2022.

Area of Concern: Child support is listed as the child's income on the Adult Self- Sufficiency Calculation Worksheet but only the participant's earned income was used in the calculation of the 6 month total for self-sufficiency.

Required Action: Training must be provided to all appropriate staff regarding includable and excludable income for determining WIOA Title I eligibility. Attachment I to TEGL 18-16, Change 1 states the following: "The definition of a low- income individual under the Workforce Innovation and Opportunity Act (WIOA) Section 3(36) does not exclude unemployment compensation (this includes Pandemic Emergency Unemployment Compensation, Pandemic Unemployment Assistance, and Extended Benefits), old-age survivors insurance benefits, or child support payments from income calculations as they were previously excluded under the Workforce Investment Act (WIA) Section 101(25)." Documentation of training on includable and excludable income must be submitted along with the local area's response to the PY20 Initial Monitoring Report.

Response: Action: October 05, 2022- Staff received training on includable and excludable income for determining WIOA Title I eligibility. Please see attached, training provided to Title I staff, training agenda and staff sign in sheet.

ODOC-OOWD Final Determination: OOWD has reviewed the PowerPoint training presentation provided with the Southern Workforce Board's (SWB's) response to the PY20 Initial Monitoring Report issued 9/29/2022. The training and support documents satisfy the Required Action above. No further action is required.

Participant 601608: The participant completed truck driver training, attained a commercial driver's license (CDL) on 6/07/2021, and started employment on 6/14/2021, working 50 - 60 hours per week and earning \$20.00 per hour. He has since received two pay increases, according to program notes.

No action is required.

Participant 2442701: The participant was eligible for assistance as a LWDB Priority 4, an individual residing in the Choctaw Nation Promise Zone. The career pathway currently in progress is Licensed Practical Nurse (LPN).

No action is required.

Participant 276129: The participant completed the Combination Welding program funded with Title I Adult Formula funds. Before training program completion, the training provider reported a couple of temporary employment placements that required the participant to work away from home. Full time permanent employment was not attained as a Welder as the participant opted to remain working as a stocker for a retail chain after receiving a substantial raise.

Observation: Although not pulled in the random monitoring sample, a review of the spouse's file (PID 199371) was conducted because the spouse attended and completed the same welding program with Participant 276129. Participant 199371 also received a substantial raise from the retail chain, where both she and participant 276129 remain employed.

No action is required.

Participant 925729: The participant completed Certified Nurse Aide (CNA), Home Health Aide (HHA), and Certified Medical Assistant (CMA) courses, funded with Adult Formula Funds. Despite background issues, the participant became employed as a CNA in March 2021. She has since changed her training and employment goals and is now pursuing a Bachelor's Degree in Psychology with the goal of getting a counseling license upon the attainment of the degree. The file indicates that she is receiving a Pell grant and does not currently require tuition assistance from WIOA.

Observation: The participant's demographic snapshot indicated a background issue pertaining to an arrest or conviction that could affect the ability to be hired, yet the Combination of Services to Overcome Needs and Barriers section of the IEP states she had "chosen not to address this barrier at this time". This first mention of the background issue was dated 7/07/2020, approximately four months after program enrollment. The issue was not addressed in program notes until 11/09/2020, more than seven months after WIOA enrollment and four months after starting the CNA course. In February of 2021 she stated her background prevented her from being hired for two jobs for which she had interviewed.

Recommended Actions: ODOC-OOWD recommends that the local area develop a strategy for encouraging individuals with criminal justice issues to do upfront career research on the likelihood/feasibility of attaining employment in their chosen field.

As part of case management, the Career Navigator (CN) should assist the participant with and/or provide additional career research as necessary, and must document case management activities to ensure provision of the comprehensive services necessary to achieve the participant's career objectives. Training on how to address sensitive background issues with participants that may affect employment is also recommended.

Action: October 06, 2022- Staff received virtual webinar, Justice Involvement training, webinar includes how to address sensitive background issues with participants and understanding of employment related issues that are associated with incarceration. All Title I staff attended the webinar, see attached link for training provided.
<https://attendee.gotowebinar.com/recording/1405105906973446667>

Participant 2420486: The participant's training was funded by a Pell grant, with additional services provided by the Chickasaw Nation Vocational Rehabilitation program and the Department of Rehabilitation Services (DRS). WIOA funds were utilized for supportive services in the form of rental assistance. The participant was accepted into the Chickasaw Nation's Career Development Initiative and scheduled to interview on 6/07/2022 for an internship with the Chickasaw Institute of Technology. The result of the interview had not been reported as of the last PN on 6/02/2022. The Adult Program enrollment remained open at the time of the file review as the participant anticipates returning to training with the aid of the Pell grant and Tribal funds.

No action is required.

Results from the Review of Dislocated Worker Files:

Participant 1981535: HVAC training for this DLW was funded by the Trade Adjustment Act (TAA). Both enrollments were open as of time of review and the participant had not yet attained employment. The participant's stated goal is to open his own HVAC business. The most recent program note indicates that the client has been provided Customized Labor Market Information offers to assist with his resume, job search assistance, and interviewing skills.

No action is required.

Participant 2069925 Observation: The DLW is co-enrolled as an Out-of-School Youth (OSY). The cost of Truck Driver training was funded with DLW Formula Funds. However, the same occupational skills training (OST) was also entered as a service in the Out-of-School Youth S&T, with payment information entered in both S&Ts. The enrollment is closed and, as per the State's Data Integrity Policy, OWDI #08-2017 Change 2, an OKJobMatch Data Edit Request to modify or delete participant data may only be allowed up to 20 days after the end of the applicable quarter. Therefore the participant data entered in the OSY enrollment cannot be modified.

No action is required.

State Monitor's Note: Each program benefits performance-wise when a participant is co-enrolled in multiple Title 1 programs that result in a successful completion or a measurable skills gain. This requires the OST or other service to be entered in the S&T for each WIOA Title I program. However, the only S&T that should include the budget and payment information for a service is the S&T of the Title I Program where the funds are obligated and paid. It should also be noted that services provided or funded by partner entities should also be entered in the S&T.

Action: October 05, 2022- Staff received training on co-enrollment in multiple Title I programs, data entry requirements for measurable skills gain, OST/S&T required entries & posting of payments/budgets in appropriate S&T where funds are obligated and paid. Staff also were provided guidance on posting payments under specific partner provided services in the S&T fields. Staff Meeting Agenda and Sign- In Sheet is attached.

ODOC-OOWD Acknowledgement: The local area is commended for the provision of additional training in regard to the performance benefits of co-enrollment in multiple Title I programs, data entry requirements for measurable skills gains, and appropriate entries in the S&T.

Participant 307123: The participant completed truck driver training and accepted employment on 3/15/2021 at a starting wage of \$14.00 per hour, working 50 hours a week. The client's wages have since been changed to being paid by the load, averaging between \$900.00 and \$1,200.00 a week.

No action is required.

Participant 1908351: The participant completed online Medical Billing and Coding (Ed2Go) through the local technology center. A desktop computer and software were necessary for the training and were purchased as a supportive service. As of the last program note, the technology center gave the participant a 30 day extension to allow her to schedule and

complete the Medical Billing and Coding state exam, which the participant stated she will take in July 2022.

No action is required.

Participant 253704: Client completed truck driver training 4/9/21, received his CDL-A license on 4/19/21. Employment was reported as attained on 8/02/2021.

No action is required.

SECTION 6 – DELIVERY OF YOUTH SERVICES

An observation of the Southern Oklahoma Region Cumulative 4-Quarter Reporting Period report indicates the local area has continued its focus on the WIOA primary target population of out-of-school youth.

The monitoring sample indicated the Southern Workforce Board is serving the WIOA eligible/target population. Oklahoma has to meet the minimum threshold for the Out-of-School Youth 75% and the required Work Experience 20% as required. Your PY20 totals are respectable considering the undeniable impact COVID 19 has had on the Nation, the State and the Southern Workforce Area.

- The LWDB develops an ISS that identifies and meets the specific needs of each participant, and is developed jointly.
- Supportive services are being provided as needed to overcome client barriers to participation and completion of the ISS.
- Participants reviewed were receiving training as needed and progressing in accordance with their career goal or career pathway.

The Department of Labor clarified in 2020 that work experience also includes Registered Apprenticeships. While not explicitly recognized in the Act or in Section 681 as a type of work experience, Registered Apprenticeship is a type of work experience. Expenses for a Registered Apprenticeship that occur prior to a participant's exit from the WIOA Youth program can be counted toward the work experience expenditure requirement. Expenditures for the Registered Apprenticeship after participant exit cannot be counted toward the work experience expenditure requirement.

20% Minimum Requirement: If the local area does not meet this requirement at the end of their period of performance, ODOC-OOWD will follow standard monitoring procedures for this program element.

Frequently Asked Question: If the local area were on track to meet the 20% work experience expenditure requirement before COVID-19 impacted the ability to put youth in work experiences, will there be flexibility on these requirements?

Response: ODOC-OOWD acknowledges the tremendous impact that COVID-19 has had on local areas' abilities to implement the WIOA Youth program and, in particular, to provide work experiences in person at a workplace during the initial shutdowns. Please ensure you have exhausted all means of providing work experience opportunities, including telework and virtual work experience, as well as reviewing the list of expenditures that count towards the

work experience expenditure requirement (i.e., those expenditures beyond just wages or stipends). See TEGL 21-16 and 8-15.

Examples: Paid and unpaid work experience and the supportive service to enable an individual to participate. The programmatic cost for work experience count towards the 20% threshold. The supportive service count exclusively towards the 75% OSY threshold and not the work experience total, but increases servicing to qualified youth and overall youth formula program expenditures.

U.S. Department of Labor Administration Region 4 has been eagerly anticipating a remote/ from home work experience model in Oklahoma. For WIOA Youth, 20 CFR § 681.570 describes supportive services for youth as defined in WIOA Sec. 3(59), as services that enable an individual to participate in WIOA activities. These services include, but are not limited to those described in 681.570. **The Southern Workforce Board is commended for its innovativeness and development of the first documented model that we shared with Region 4 in 2022.**

Of the total youth who received WIOA services during the monitoring review period, a comprehensive review was conducted on 10 enrollments that consisted of 8 out-of-school youth (OSY) and 2 in-school youth (ISY) enrollment.

The youth program review included a review of statutory compliance and it extends to identifying ways to improve the service design and delivery as well as to the effectiveness and efficiency of the operations conducted by the service provider and the Southern Workforce Board:

- ✓ The electronic files contain the proper documentation to fully support the eligibility determination under WIOA
- ✓ There were no discrepancies in eligibility determinations made for the participants in the sample.

Participant 1831299: No issue with MSG/Goals input observed. The input aligns with the S&T Type of Occupational Skills Training. The client exited without completion. But we still have the flexibility in serving to provide follow-up services following the youth's exit from the program to help ensure the youth is successful in employment and/or postsecondary education and training.

Participant 1843502: This is the second WIOA Youth enrollment for the client and we have that flexibility under this program to re-enroll and service youth as needed to obtain the license for the occupational goal. The current S&T status for the exited client in OST is rescheduled. The follow-up service entry is in the S&T as of 1/31/22. We still have the flexibility to provide follow-up services following the youth's exit from the program to help ensure the youth is successful in employment and/or postsecondary education and training.

Participant 1883200: (OST Complete/ Completed Welding Training/ Certified): No issue with MSG/Goals Input. March 31, 2022 contact note indicates client is making \$17.70 as an FTE. April follow-up 4/25/22 indicates he is self-employed.

In follow-up:

Follow-up services for youth also may include the following program elements: (1) supportive services; (2) adult mentoring; (3) financial literacy education; (4) services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and (5) activities that help youth prepare for and transition to postsecondary education and training. The client may benefit from financial literacy education individualized for the self-employed.

Participant 1891368: The client completed the high school equivalency as a participant or while supported by WIOA Youth funding.

Notes on Service Provision: Customized Labor Market Information, Financial Literacy Education, and Supportive Services was offered which improves the overall outcomes and preparedness of the population of youth we recruit and serve.

Participant 2478007: Work Experience was complete and client was enrolled in post-secondary education.

Samples of the following eligible client virtual files were conducted without any observations, areas of concerns or findings noted:

Participant 2507657

Participant 2522747

Participant 2524220

Participant 2530938

Participant 2577440: Disabled Youth (see general comment below)

Incentives:

The purpose of offering an incentive is to induce behavior toward achievement of a specific goal. In order for an incentive to be effective, participants must:

- be aware of the existence of such incentive, and
- understand the terms and standards of its award to improve the likelihood of success and lead to a successful outcome or achievement of grant performance measures.

Supportive Services and Disabled WIOA Youth:

Supportive Services must be based on the needs of the participant and consistently amongst all participants and in accordance with 20 CFR § 681.570, and state and local area policy.

Individuals with disabilities are identified as individuals with barriers to employment under WIOA, and should receive any and all American Job Center services that would normally be provided to any other job seeker. Supportive services for disabled youth include reasonable accommodations for youth with disabilities.

Section 7- Equal Opportunity (EO) and Nondiscrimination:

Expect a response to your EO Monitoring Documentation shortly.

Section 8 – Business Services

There will not be a response in the PY20 Monitoring Determinations.



OKLAHOMA WORKS

Oklahoma Department of Commerce
Oklahoma Office of Workforce Development

PY20 Final Monitoring Determination
Western Oklahoma Workforce Development Board

OOWD Monitors:

Connie Littleton
Emmit E. Grayson Jr.
Sandy Elledge
Nancy Watson-Ellis

October 12, 2022

Oklahoma Department of Commerce
900 N. Stiles Avenue
Oklahoma City, OK 73104

MONITORING DATES:

January 24-28, 2022

OVERVIEW OF THE LOCAL AREA:

Local Workforce Development Board – Western Oklahoma Workforce Development Board

Workforce Development Board Fiscal Agent – Central Oklahoma Workforce Innovation Board (COWIB)

Service Provider- Odle Management Group during PY20

SUMMARY OF REVIEW:

The Oklahoma Department of Commerce- Oklahoma Office of Workforce Development conducted a review of Local Area Monitoring and Oversight, Program and Grant Management Systems, Financial Management Systems, Adult and Dislocated Worker Programs, Youth Programs, and Equal Opportunity and Nondiscrimination. The purpose of this review was to assess whether key policies, procedures, and systems are in place to manage these programs. The Oklahoma Office of Workforce Development reviewed Program Year 20 (PY20), which covers the period from July 1, 2020- June 30, 2021.

REVIEW SCOPE:

Local Area Monitoring and Oversight

Design and Governance

Program and Grant Management Systems

Financial Management Systems

Adult and Dislocated Worker

Youth Programs

Equal Opportunity and Nondiscrimination

Business Services

SECTION 1 – LOCAL MONITORING

For Program Year 20 (PY20) financial monitoring was broad and comprehensive and in compliance with their own monitoring policies. COWIB, as the fiscal agent maintains written documentation, including monitoring reports, findings, corrective actions, and resolutions for each fiscal monitoring conducted. After review of working papers, policies, and processes, no issues were found.

In PY20, the Western Oklahoma Workforce Development Board (WOWDB) revised their monitoring policy to implement a requirement for 100% monitoring of all new enrollments and the issuance of monthly monitoring reports to the Service Provider and case managers. The policy sets processes for programmatic monitoring to ensure issues are found timely, allowing for corrections to be made prior to program exit. The scope and frequency of monitoring is clearly defined in the policy. The revised policy was implemented 10/19/2020.

Adult and Dislocated Worker monitoring was comprehensive and conducted in alignment with the requirements set forth in WOWDB's policy.

Western Oklahoma Workforce Development Board WIOA Youth Program monitoring was comprehensive, detailed and aligned with the local monitoring schedule and policy.

SECTION 2 - DESIGN AND GOVERNANCE

This sections response is pending review.

SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS

During financial monitoring, administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, and contracting and procurement samples were reviewed. After review of program and grant management, working papers, policies, and processes, no issues were found.

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS

ODOC-OOWD reviewed samples of WIOA contracts along with the corresponding budget, accounting records, and cash requests for PY20 (July 2020-June 2021). In addition, a sampling of board, fiscal agent, and service provider expenditures were reviewed. In review of working papers to determine financial and administrative compliance, no issues were found.

Required Federal and State Minimums

Program Year 20	
Combined Federal Minimum Required Expended Expenditure Percentages	
Youth Work Experience Percentage	25%
Out of School Youth Percentage	78%
Combined State Minimum Required Expended Expenditure Percentages	
Adult-Direct Participant Training Percentage	42%
Dislocated Worker-Direct Participant Training Percentage	27%

SECTION 5 – DELIVERY OF ADULT AND DISLOCATED WORKER SERVICES

ODOC-OOWD’s comprehensive review of the Adult and Dislocated Worker (DLW) programs consisted of a random monitoring sample that included six Adult Program participants and five Dislocated Worker participants.

The statutory Priority of Services for Adult Funds requires Title I staff to give priority for individualized career services and training services to public assistance recipients, other low income individuals, and individuals who are basic skills deficient, as defined in WIOA 3(5). Individuals with barriers to employment that are not included in the statutory priority of services listed above may be served in the Title I Adult Program as a Priority 5, when all other eligibility factors are met. The monitoring sample, along with current local policy, indicates that the Western Oklahoma Workforce Development Area

(WOWDA) appropriately distinguishes between the Statutory Adult Priority for Adult Funds and the “individuals with barriers to employment” listed at WIOA 3(24).

Results from the Review of Adult Files:

Participant 2380121: The participant was co-enrolled as an Out-of-School Youth (OSY) and the cost of training was paid with Youth funds. As of the date of the review, the participant’s file indicates he was on track to complete Airframe Mechanic training in March 2022.

There were no findings, observations, or areas of concern.

Participant 2437530: The participant never began Truck Driver Training, claiming inability to get assistance with online enrollment from the out-of-state training provider he had chosen. His training was then postponed for personal reasons that are documented in program notes. He reported employment on 2/03/2021, yet appropriate employment details were not included in the participant’s case file. The exit date is 4/13/2021.

Area of Concern: There was a five month gap between client contact / program notes and a lack of employment details once employment was documented.

WOWDB Response: WOWDB had policies in place during PY 20 that required WIOA Staff to contact participants every 30 days, see policy quotes below. The Service Provider, Odle Management, failed to adhere to policy. WOWDB went out for RFPs for a new service provider due to Odle Management’s inability to perform to WOWDB standards. A new Service Provider, Dynamic Workforce Solutions, was awarded the Service Provider contract as of July 1, 2021

WOWDB Adult and Dislocated Worker Policy (Board approved 3.20.2019) states:
“The use of funds from other sources for career or training services does not negate the responsibility of WIOA staff to maintain and document contact with participants enrolled in Adult or DLW Programs. At a minimum, regular contact is defined by the WOWDB Data Integrity Policy as every 30 days.”

WOWDB Adult and Dislocated Worker Policy (Board approved 11.20.2020) states:
The use of funds from other sources for career or training services does not negate the responsibility of WIOA staff to maintain and document contact with participants enrolled in Adult or DLW Programs. The purpose of regular contact is to offer services, verify training progress, and ensure performance measures are attained, even when the cost of training is paid by another entity or program, such as a Tribal entity, Trade Adjustment Assistance (TAA), Temporary Assistance for Needy Families (TANF), Department of Rehabilitation Services (DRS), Adult Basic Education (ABE) providers, non-profit entities, or other community partners. At any point there is a gap in service, it must be noted in case notes and recorded in “Schedule a Service Gap” in OKJobMatch. Case management involves regular contact with a participant which, at a minimum,

must be conducted every thirty (30) days with every sixty (60) days being face to face. Contact with a participant for case management purposes is not considered a program service and will not prevent program exit.

Required Action: Although the above case management issues were sufficiently addressed by WOWDB during the monitoring period, OOWD requires the local area to provide date(s) of case management training completed by the Board and/or the new service provider after 7/01/2021, as well as the agenda(s) or list of training topics covered. A list of planned or scheduled training for Title I staff for the remainder of PY21 is also requested. This Required Action is intended to ensure all WIOA Title I staff/case managers have been, or are scheduled for, case management training pertaining to the areas of concern in this report.

Please note that OOWD acknowledges WOWDB's implementation of a process for 100% monitoring of all new enrollments and the issuance of monthly monitoring reports to the Service Provider and case managers, as described in Section 1 of this Monitoring Report. WOWDB is commended for their proactive policy/plan, the intention of which is to ensure case management issues are found timely, allowing for corrections to be made prior to program exit.

WOWDB Response: WOWDB requested a training schedule and training documents and a list of attendees for the training from new Service Provider, Dynamic Workforce Solutions, for all training that has been provided since 7/1/2021 and for any and all training that is scheduled via e-mail on 5/13/2022.

Please see the requested training schedule provided by the Service Provider, Dynamic Workforce Solutions, along with this response.

WOWDB has scheduled training for the Service Provider on 7/26/2022 as well.

ODOC-OOWD Final Determination: The requested monitoring schedule was provided and has been reviewed. Training on Program Notes was covered 8/18/2021 (PY21) and again on 2/24/2022. No additional action is required.

Participant 2009528: Adult formula funds were utilized for the cost of training not covered by the Pell grant for the first trimester of the participant's Practical Nursing program. Supportive services were also provided in the form of scrubs and nursing supplies not covered by the Pell. The training provider verified that the client withdrew from training on 12/08/2020, with two months remaining in the trimester. Employment details were not reported by the participant, however four quarters of wages are documented in the WIOA after Exit Wages section of OKJobMatch.

Observation: The alternate contact listed in the client's file was not utilized as a resource to try to locate the participant.

Recommended Action: WOWDB is encouraged to stress the use of alternate contacts

as a method to remain in touch with participants, allowing for more successful contacts, not just contact attempts.

Area of Concern: There was a gap of approximately six months without any program notes in the participant's file. Although there were several issues relating to the SP's operational performance reported during PY20, it does not negate the responsibility of the Board to ensure appropriate case management is provided. Program notes are a vital case management activity utilized to track participant progress and determine if additional services are needed to achieve training and/or employment goals. OOWD considers WOWDB's hiring of a new SP on 7/01/2021, implementation of a process for 100% monitoring of all new enrollments, and the issuance of monthly monitoring reports to the SP and staff to be appropriate steps toward resolution of local case management issues, ensuring compliance with Federal, State and local policies and procedures, and improved program outcomes.

Required Action: OOWD requires the local area to provide date(s) of case management training that was completed by the Board and/or the new service provider after 7/01/2021, as well as the agenda(s) or list of training topics covered. A list of planned or scheduled training for Title I staff for the remainder of PY21 is also requested.

WOWDB Response: WOWDB requested a training schedule and training documents and a list of attendees for the training from new Service Provider, Dynamic Workforce Solutions, for all training that has been provided since 7/1/2021 and for any and all training that is scheduled via e-mail on 5/13/2022.

Please see the requested training schedule provided by the Service Provider, Dynamic Workforce Solutions, along with this response.

WOWDB has scheduled training for the Service Provider on 7/26/2022 as well.

ODOC-OOWD Final Determination: The monitoring schedule submitted with WOWD's response documents that training on case management was covered throughout PY21. Training was organized by specific case management topics including service entry, eligibility and enrollment, assessments, IEPs, ITAs, program notes, supportive services, exit procedures, and client contact/follow-up.

No additional action is required.

Participant 2361848: The participant was a veteran and an older worker who attended the evening Airframe Mechanic training program while employed as a civilian at Altus Air Force Base. He withdrew from training in May 2021, indicating that he was preparing to retire and would not need or utilize the credential he would earn by completing the training program.

There were no Observations, Areas of Concern, or Findings.

Participant 2389995: The participant completed her LPN program on 6/08/2021 while working part time at a local nursing home. WIOA funds were not utilized as the participant received a Pell grant that covered the cost of training. The LPN license was issued 7/20/21. Full time unsubsidized employment was attained on 9/06/2021.

There were no Observations, Areas of Concern, or Findings.

Participant 2409610: This participant's stated employment goal is to become a Dental Hygienist. She received WIOA assistance in the fall of 2020 for a short term Dental Assisting program that included an externship. The client is currently working toward a Pre-Med Associate's Degree as a step toward acceptance into a Dental Hygiene program. To date, she has covered the cost of training on her own by utilizing savings from part time employment as a Dental Assistant and working on weekends in the food service industry. She is not Pell-eligible based on her parent's income. Anticipated completion date for the Associate's Degree is May 2022. Once she attains the Pre-Med degree she plans to apply for acceptance into a Dental Hygiene Program and will seek Title I funds to assist with the cost of training.

There were no Observations, Areas of Concern, or Findings.

Results from the Review of Dislocated Worker Files

Participant 792864: The participant, an honorably discharged disabled veteran, completed Truck Driver Training and attained a Commercial Driver's License (CDL). He accepted employment as a Truck Driver on 12/18/2020.

There were no Observations, Areas of Concern, or Findings.

Participant 1830573: The client, laid off from the oilfield industry, was originally enrolled in the Trade and Economic Transition (TET) Grant awarded to the Oklahoma Employment Security Commission (OESC) and co-enrolled in the Title I Adult program on 9/11/2019. There were no documents uploaded for either enrollment, nor were there any program notes or services entered for either enrollment.

On 3/10/2020 the client was determined eligible for the Dislocated Worker program after being informed by OESC that it would be an additional 21 business days before they could "even place him in training". The participant indicated that he had a job offer and would be employed as a Truck Driver once he attained a CDL. After additional training program delays due to COVID, the participant completed truck driver training in August 2020 and received his CDL. However, he did not start work right away due to health issues of a family member.

Area of Concern: Program notes concerning the participant's employment status were lacking. The 9/01/2020 update to the Job Seeker Progress Review section of the Individual Employment Plan (IEP) indicates that the participant had obtained

employment as a Truck Driver. Only the name of the employer was listed. The case manager failed to attain any additional employment details, including the hire date, rate of pay, and other details as required in the Case Management section of the Adult and Dislocated Worker Policy (OWDI 07-2020) and in the IEP policy (OWDI 03-2019). The IEP cannot be updated as the participant has exited. However, WOWDB's PY19 Final Monitoring Determination documents that training on documenting employment attainment, including the appropriate documentation of employment details, was provided on 3/31/2021.

WOWDB Response: the above mentioned response provided on 3/31/2021 is also provided with this response.

Required Action: Assurance that all case management staff will be fully trained in appropriate case management activities by the end of PY21 is required. As stated earlier in this section of the monitoring report (Section 5), the local board or SP must submit documentation of case management training provided to staff since 7/01/2021, as well as the agenda(s) or list of training topics covered. A list of scheduled training for Title I staff for the remainder of PY21 must also be submitted.

WOWDB Response: WOWDB requested a training schedule and training documents and a list of attendees for the training from new Service Provider, Dynamic Workforce Solutions, for all training that has been provided since 7/1/2021 and for any and all training that is scheduled via e-mail on 5/13/2022.

Please see the requested training schedule provided by the Service Provider, Dynamic Workforce Solutions, along with this response.

WOWDB has scheduled training for the Service Provider on 7/26/2022 as well.

ODOC-OOWD Final Determination: The requested monitoring schedule was provided and has been reviewed. Training on case management was covered throughout PY21, with training provided by specific case management topics including service entry, eligibility and enrollment, assessments, IEPs, ITAs, program notes, supportive services, exit procedures, and client contact/follow-up.

No additional action is required.

Area of Concern: A social security card and voter registration card were uploaded as Universal Documents to validate Age/Date of Birth (DOB), neither of which are acceptable source documentation for Age or DOB as per OWDI 02-2019: Oklahoma Data Validation and Source Documentation Requirements, Appendix A. Although the participant was clearly over the age of 18, based on the CDL license issued 8/07/2020, no picture ID was uploaded to verify the client's identity at the time of eligibility determination.

Required Action: Assurance that all case management staff will be fully trained in

appropriate case management activities by the end of PY21 is required.

WOWDB Response: Participant was handed to WOWDB from OESC as a Trade and Economic Transition DWG participant and was co-enrolled as an adult by OESC, both programs were one day enrollments. There were no eligibility documents provided by OESC when the participant was handed over to WOWDB. The Case Manager for Odle Management failed to secure photo ID with date of birth for basic eligibility. Monitor verified selective service registration on 5/26/2022 – No records found due to participant's date of birth being 7/6/1959, and uploaded document stating such. Dynamic Workforce Solutions, has provided extensive training to Career Navigators since 7/1/2021

WOWDB has scheduled training for the Service Provider on 7/26/2022.

ODOC-OOWD Final Determination: The monitoring schedule provided in response to the initial monitoring report documents the extensive training provided to the Career Navigators. **Please provide documentation of the 7/26/2022 training to service provider staff upon completion of the training.**

Participant 92640: The participant received Dislocated Worker formula funds for CNA and Phlebotomy training, as part of her original career pathway to becoming a Certified Medical Assistant. The Training Goals section of the IEP indicates that she changed her plan, no longer intending to continue toward the goal of becoming a Certified Medical Assistant.

Finding: Although Certified Nurse Aide (CNA) and Certified Medication Aide (CMA) are both listed as employment goals in the Training Goals section, the Employment Goals and Achievement Objectives section has not been updated to reflect the participant's revised plan to work at a nursing home upon attainment of a CMA credential. Both OWDI 07-2020 (Adult and Dislocated Worker policy, effective 9/28/2020) and OWDI 03-2019 (IEP policy, effective 6/28/2019) require an IEP to be modified to reflect any deviations from an individual's employment and training goals.

Required Action: The Employment Goals and Achievement Objectives section of the IEP must be updated to include the change to the participant's employment goal, unless the participant has exited the program. The program notes must be updated, regardless of the individual's enrollment status, i.e., whether the enrollment remains open or the participant has been exited.

WOWDB Response: A program note was entered 1/28/2022 (see below), but the Service Provider failed to update the IEP at the time the note was entered.

Note from the State Monitor: To ensure confidentiality, the hyperlink to OKJobMatch has been removed and the Personally Identifiable Information (PII) of both the participant and the CN have been redacted in the following portion of WOWDB's response below.

Career Path

Date Created Jan 28, 2022

██████ was originally looking to become a Certified medical assistant. ██████ has been taking classes for the Certified Medical Assisting. She has completed the Certified Nursing Aide and Phlebotomy. She was looking at possibly continuing on to Licensed practical nursing but has changed her mind and will be trying to get a job at a nursing home once she has completed her Certified Medication Aide and obtains her credential.

Staff Name ████████████████████ (Okla Works - American Job Center - ██████████)

Contact Type Telephone

Reference Date Jan 28, 2022

ODOC-OOWD Final Determination: Both the IEP and program notes have been updated as per the above Required Action. The monitoring schedule submitted with WOWD's response documents indicates that IEP training was provided on 2/16/22 and Program Notes training was provided on 2/24/2022.

OOWD accepts this response and no additional action is required.

Participant 128549: The participant successfully completed the Airframe Mechanics portion of his training at Southwest Technology Center, is employed on Altus Air Force Base, and anticipates a raise upon completion of Powerplant Mechanic training in March 2022.

There were no Findings, Observations, or Areas of concern.

Participant 531497: The participant attained a certificate of completion for truck driver training and was issued a CDL on 12/03/2020.

Area of Concern: The participant completed a six week Truck Driver training program, yet the IEP included a statement that the participant would meet with the case manager every quarter instead of monthly contacts. In September of 2021 DOL issued the Oklahoma WIOA Monitoring Report that included the following:

Area of Concern #6: Monitoring Short-Term Trainings

Career navigators issue advisories to participants in short-term trainings to contact them every 30 days. The intent is to report on the status of the participant, yet most trainings end in less than 30 days.

Not contacting the participants until after he or she completes training could prevent the career navigator from assessing and helping participants address any challenges they face during the short-term training.

Recommended Action: Career navigators should contact participants with short-term trainings within one or two weeks after training begins, so that the career navigator can help participants meet short-term goals.

The recommendation from DOL to require a shorter time between contacts for participants in short term training in order to check on progress was shared with WOWDB during the active monitoring week. The following written response was received from the local board:

Program Policies in draft for Board Approval will include a statement to reflect DOL guidance for short-term training programs to include more frequent contact.

Recommended Action: The Adult and Dislocated Worker Program Officer respectfully requests notification from WOWDB when they have updated their local programmatic policy (or policies) to require more frequent contact with individuals participating in short-term training programs.

WOWDB Response: WOWDB is waiting for the State to revise and publish the state's Adult and Dislocated Worker Policy so that it can be used as a guide to produce WOWDB's local Adult and Dislocated Worker policy. WOWDB will include a statement in our local Adult and Dislocated Worker Policy to ensure more frequent contact with participants in short-term training programs.

ODOC-OOWD Response: OOWD acknowledges that a revised Adult and Dislocated Worker Policy is pending. The State will include a requirement that aligns with the DOL recommendation for more frequent contact with participants in short-term training programs.

SECTION 6 – DELIVERY OF YOUTH SERVICES

A review of the Western Oklahoma Region Cumulative 4-Quarter Reporting Period report indicates the local area has continued its focus on the WIOA primary target population of out-of-school youth.

Of the total youth who received WIOA services during the monitoring review period, a comprehensive review was conducted on 10 enrollments that consisted of 10 out-of-school youth (OSY) and 0 in-school youth (ISY) enrollment:

- The monitoring sample indicates the Western Oklahoma Workforce Development Board is serving the WIOA eligible/target population.
- Western Oklahoma Workforce Development Board has developed an individual service strategy (ISS) that identifies and meets the specific needs of each participant.
- Supportive services are being provided as needed to overcome barriers to participation and completion of the Individual Service Strategy.
- There has to be a statewide concerted local focus on increasing the youth

- credential rate which will impact the States goals of increased credentials.
- Comments on follow-up services are outlined below.
- Work Experience: The local clearly refocused its local strategies with emphasis on increasing regional business partnerships.
- There is still a unique opportunity for implementing or expanding workforce services within the Department of Defense pipeline considering the local service area geographically includes 2 military installations.

WOWDB Response: WOWDB will work towards implementing and expanding workforce services with the Department of Defense within our area. The WOWDB BSR team and DWFS operations manager has reach out to both air force bases to develop a working relationship. A Rapid Response and other services have been provided to the Altus base. WOWDB will continue to monitor this situation and develop a better partnership.

WIOA Formula Youth Work Experience Update: The Department of Labor clarified in 2020 that work experience also includes Registered Apprenticeships. While not explicitly recognized in the Act as a type of work experience, Registered Apprenticeship is a type of work experience. Expenses for a Registered Apprenticeship that occur prior to a participant's exit from the WIOA Youth program can be counted toward the work experience expenditure requirement. Expenditures for the Registered Apprenticeship after participant exit cannot be counted toward the work experience expenditure requirement.

Stipend and Incentive Policy:

The Western Oklahoma Workforce Development Board Incentive Policy which is imbedded in the joint policy is as close to a best practitioner policy as we can share. We also delivered the policy to the DOL Region IV Office when asked for an example of one of the state's incentive policies and it currently shared nationally on workforcegps.org.

Results from the Youth Program Review:

Participant 1250435: Participant is a high school dropout and low income. The client did not attain the skills progression goal due to exiting without completion or attending, i.e. and unsuccessful completion.

Finding: There was no provisioning of follow-up services nor an entry in the service and training plan (S&T) for the WIOA Youth Program.

20 CFR § 681.580 states that all youth participants must be offered an opportunity to receive follow-up services that align with their individual service strategies. Furthermore, follow-up services must be provided to all participants for a minimum of 12 months unless the participant declines to receive follow-up services or the participant cannot be located or contacted.

The Individual Service Strategy indicates in follow-up services:

The client will be provided regular contacts and support to ensure they are continually employed.

Reminder: Even with an unsuccessful completion, we are positioned to continue support to the client due to the co-enrollment. You are not limited to follow-up to a “participant only” as under the Adult program. Co-enrollment in the WIOA Youth program provides flexibility in the provision of follow-up services, i.e., allowed at any point after the last service or unsuccessful service.

Corrective Action: OkJobMatch follow-up procedures at a minimum: "A S&T for follow-up will be entered to align with the date of exit. Then an additional S&T will be entered for each time a follow-up is actually provided. Contacts by themselves do not count as follow-up nor do contact attempts.

WOWDB Response: WOWDB had policies in place during PY 20 that required WIOA Staff to provide Youth participants with follow up services, see policy quotes below. The Service Provider, Odle Management, failed to adhere to policy. WOWDB went out for RFPs for a new service provider due to Odle Management’s inability to perform to WOWDB standards. A new Service Provider, Dynamic Workforce Solutions, was awarded the Service Provider contract as of July 1, 2021

Program Element 9: Follow-up services Element 9 includes critical services provided following a youth’s exit from the program to help ensure the youth is successful in employment and/or postsecondary education and training. Follow-up services may include regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise. Follow-up services provide support and guidance after placement to facilitate: sustained employment and educational achievement; advancement along a job and/or educational ladder; and personal development. Follow-up services include a broad range of activities identified as effective approaches, such as: developing a close, trusting relationship before and after job placement, providing intensive support and case management during the first part of the follow-up period, since job loss and other setbacks may occur early in the post-program time period, providing engaging activities to help young people stay connected to program staff, providing supportive services, as appropriate, and maintaining contact with employers of participants and providing the necessary support to both employers and participants to ensure that participants remain employed.

- Follow-up services may begin immediately following the last expected date of service in the Youth program when no future services are scheduled. Follow-up services do not cause the exit date to change and do not trigger re-enrollment in the program.
- Five program elements are permitted as follow-up services during the follow-up

period:

- Supportive Services, including referral to supportive services not funded by WIOA;
 - Adult Mentoring;
 - Financial Literacy Education;
 - Services that provide labor market and employment information about in-demand industry sectors or occupations available in WOWDA, such as career awareness, career counseling, or career exploration services; and
 - Activities that help youth prepare for and transition to postsecondary education or training. Any program element other than the five (5) listed above requires re-enrollment in the program in order for a youth to receive them.
-
- Also note these additional requirements:
 - All youth participants must be offered an opportunity to receive follow-up services that align with their individual service strategies for a minimum of twelve (12) months unless the participant declines to receive follow-up services or the participant cannot be located or contacted;
 - The types of services provided and the duration of services must be determined based on the needs of the individual and therefore, the type and intensity of follow-up services may differ for each participant;
 - Follow-up services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome;
 - The WIOA service provider must contact the participant a minimum of once every thirty (30) days after exit and document the contact, or attempt to contact, in a detailed case note identifying the type of contact (phone, alternative phone, email, social media, etc.). Once all types of contact have been exhausted, the WIOA case manager may request the individual be dropped from the caseload due to inability to contact and a detailed case note must be documented in OKJobMatch. Follow-up Services should begin at the point of the last youth program service even if the program exit has not occurred and must be appropriate to the needs of the individual youth and documented in OKJobMatch and entered in the service and training (S&T) plan. All acceptable source document(s) supporting follow-up services must be scanned and uploaded as needed to the appropriate program by choosing “Enrollment” as the item type. Choose the type of documentation as “Supporting” and proceed to upload document(s).
 - At the time of enrollment, youth must be informed that follow-up services will be provided for twelve (12) months following exit. If at any point in time during the program or during the twelve (12) months following exit the youth requests to opt out of follow-up services, they may do so. Youth in follow-up may receive an incentive award for 6 months for employment retention.

Follow-up Case Note:

Follow-up services are available to participants for twelve (12) months upon program completion. Follow-up activity must occur least every thirty (30) days in person during

the first through fourth quarters after exit, including employer, wage, hours, position, address, phone, contact numbers and any name changes. If a youth is unable to meet the case manager at the case manager's public location, the case manager must meet the participant at another agreed upon public location. Refusal of follow-up services must be documented. Types of follow-up services are:

- Assistance in securing better paying jobs
- Additional career planning and counseling
- Assistance with work-related problems
- Information about additional educational or employment opportunities
- Referral to other community services
- Post-program supportive services
- Post-exit credentials and quarterly employment updates Upload:
- Youth Follow-up Form (Attachment F)
- All documents related to the detailed case note S&T
- Follow-up Enter participant's wage information in OKJobMatch under "Wages".

Our policy is in line with CFR § 681.580 **What are follow-up services for youth?**

(a) Follow-up services are critical services provided following a youth's exit from the program to help ensure the youth is successful in employment and/or postsecondary education and training. Follow-up services may include regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise.

(b) Follow-up services for youth also may include the following program elements:

- (1)** Supportive services;
- (2)** Adult mentoring;
- (3)** Financial literacy education;

(4) Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and

(5) Activities that help youth prepare for and transition to postsecondary education and training.

(c) All youth participants must be offered an opportunity to receive follow-up services that align with their individual service strategies. Furthermore, follow-up services must be provided to all participants for a minimum of 12 months unless the participant declines to receive follow-up services or the participant cannot be located or contacted. Follow-up services may be provided beyond 12 months at the State or Local WDB's discretion. The types of services provided and the duration of services must be determined based on the needs of the individual and therefore, the type and intensity of follow-up services may differ for each participant. Follow-up services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome.

ODOC-OOWD Final Determination: Given the size of the service areas in terms of square miles, the transportation barriers and other visible and invisible barriers to employment and training that the population of youth we serve in the region face; ODOC-OOWD anticipates follow-up service provisioning through implementation of the local area policy and processes. The ultimate effectiveness is contingent upon the current service provider as the first line of contact in the Western Oklahoma Workforce Development area enacting the local design and service strategies.

Participant 1917592:

No response required.

Participant 1940705:

No response required. No further comments other than the skill progression was attained.

Participant 1966711:

No response required. Attained/ completed Truck Driving Training.

Participant 2215938: A reminder to the Service Provider that the provision of adult mentoring is a 12 month commitment by statute. It is not just a 1 day service.

20 CFR § 681.490 states that adult mentoring must last at least 12 months and may take place both during the program and following exit from the program and be a formal relationship between a youth participant and an adult mentor that includes structured activities where the mentor offers guidance, support, and encouragement to develop the competence and character of the mentee. The final rule also states that while group mentoring activities and mentoring through electronic means are allowable as part of the mentoring activities, at a minimum, the local youth program must match the youth with an individual mentor with whom the youth interacts on a face-to-face basis.

Participant 2364171: It is the intent of the youth program to have a combination of services to support WIOA youth in their workforce goals. Example is the local area provisioning of Work Experience and Occupational Skills Training. However, the more service we provide concurrently means more service provisioning and attention to supporting the client in the overall workforce outcome.

Samples of the following eligible client virtual files were conducted without any additional observations, areas of concerns or findings noted.

Participant 2379500:

No response required.

Participant 2380121:

No response required.

Participant 2434599:

No response required.

Participant 2471119:

No response required.

Please note that there may be issues beyond the review not noted in this report.

Section 7- Equal Opportunity (EO) and Nondiscrimination:

A sampling of policies and documentation during the monitoring found no compliance issues under the nondiscrimination and equal opportunity and equal opportunity mandates of Section 188 of Workforce and Opportunity Act.

Section 8- Business Services:

There will not be a formal response to PY20 Business Services Activities. Contact the Business Service Representative for further information.

WOWDB Response: WOWDB reached out to the State Business Service Representative via e-mail to determine what was required. Since there were no negotiated performance requirements for PY 20 for the Business Service Representatives, there are no performance reports to provide. We have attached the Employer Contacts list for PY20 for both Business Services Representatives.



OKLAHOMA WORKS

Oklahoma Department of Commerce
Oklahoma Office of Workforce Development

PY20 Initial Monitoring Determination
Green Country Workforce Development Board, Inc.

OOWD Monitors:

Connie Littleton
Emmit Grayson Jr.
Sandy Elledge
Nancy Watson-Ellis

May 31, 2022

Oklahoma Department of Commerce
900 N. Stiles Avenue
Oklahoma City, OK 73104

MONITORING DATES:

March 21-25, 2022

OVERVIEW OF THE LOCAL AREA:

Local Workforce Development Board- Green Country Workforce Development Board
aka Green Country Works during the PY20 Monitoring
Fiscal Agent- Southern Workforce Board; Indian Nation Council of Government
(INCOG)
Service Provider- Eckerd Youth Alternatives, Inc.

SUMMARY OF REVIEW:

The Oklahoma Office of Workforce Development conducted a review of Local Area Monitoring and Oversight, Program and Grant Management Systems, Financial Management Systems, Adult and Dislocated Worker Programs, Youth Programs, and Equal Opportunity and Nondiscrimination. The purpose of this review was to assess whether key policies, procedures, and systems are in place to manage these programs. The Oklahoma Office of Workforce Development reviewed Program Year 20 (PY20), which covers the period from July 1, 2020- June 30, 2021.

REVIEW SCOPE:

Local Area Monitoring and Oversight
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Adult and Dislocated Worker
Youth Programs
Equal Opportunity and Nondiscrimination
Business Services

SECTION 1 – LOCAL MONITORING

Finding #1: For Program Year 20 (PY20) The Green Country Workforce Board did not complete the required comprehensive annual financial monitoring of its sub-recipient.

In accordance with OOWD issuances, OWDI#03-2018 WIOA Roles and Responsibilities, OWDI# 11-2017 Change 1, Governors Oversight and Monitoring Plan, and the Department of Labor Federal Register 20 CFR §679.420 and 2 CFR §200.501, a comprehensive annual financial monitoring on sub-recipients is required for each Program Year.

Required Action: A comprehensive financial monitoring must be conducted of sub-recipients for Program Year 20 (PY20) and written monitoring report must be submitted to OOWD no later than Wednesday June 30, 2022.

Finding #2: Green Country has not had the required audits for financial transactions conducted from 2019-2021.

In accordance to 2 CFR §200.501, an annual audit is required for an entity that expends \$750,000 or more during a fiscal year.

Required Action: Green Country Workforce Board must have the required annual audit conducted to cover PY19 and PY20 and written report to OOWD no later than Wednesday June 30, 2022.

OOWD acknowledges that the Green Country Region was formed on 2/01/2021 and recognizes that the merger process between the Tulsa Area Workforce Development Board (TAWDB) and the Eastern Workforce Development Board (EWDB) required several months to be finalized. However, this does not release GCWDB from the responsibility of providing all monitoring reports issued for PY20, including those issued by the EWDB and their former service provider, Eckerd Youth Alternatives, Inc. (Eckerd). The State's PY20 monitoring of GCWDB includes case files that were approved under the former Tulsa Area Workforce Development Board and the former Eastern Workforce Development Board. However, there were no EWDB monitoring reports submitted.

There is very little evidence to support that TAWDB's monitoring of the Adult and Dislocated Worker programs was conducted per local policies during PY20. The only monitoring reports submitted for the time period that included Adult and/or Dislocated Worker results were the Dynamic Workforce Solutions (DWFS) Tulsa Quality Report for the review period 3/01/2021 – 3/31/2021 and a Monitoring Report completed by the GCWDB Monitor with a report date of 4/25/2021.

The DWFS monitoring reviews were conducted by their Quality Policy Trainer and their Program Manager. The DWFS report indicated a 95.15% Adult Program accuracy rate and a 96% accuracy rate for the Dislocated Worker Program. Although only one monitoring report was submitted, it included a six month snapshot for the time period October 2020 – March 2021 that includes Monitoring Accuracy Rates by Career Navigator and by Title I Program, as well as Eligibility Accuracy Rates by Career Navigator. Based on the number of programmatic elements reviewed and discrepancies addressed, the former service provider's monitoring appeared to be comprehensive.

The sole Green Country Workforce Monitoring Report consists of notes taken by the Monitor, and does not provide any feedback on the resolution of issues observed. Additionally, only five files were reviewed, four of which were Adult enrollments and the other an In-School Youth. No Dislocated Worker files were reviewed.

Observation: It is noted that GCWDB revised Monitoring Policy P-0500200 to change the requirement for client files to be reviewed on a monthly basis to a requirement for the files to be reviewed on an ongoing basis. The current policy does not define "ongoing basis" or state the percentage of files that are required to be monitored, nor does GCWDB set requirements for the percentage of files to be monitored by the service provider. The percentage of files to be monitored is at the discretion of GCWDB's Director of HR & Quality Assurance, according to the P-0500200 Monitoring

Schedule, provided that a minimum of 5% of Adult and DLW files are monitored and monitoring a minimum of 5% of Youth files, which includes Summer Youth and “Comprehensive Youth”. It is also noted Youth Work Experience is monitored separately.

Recommended Actions: OOWD suggests that GCWDB define the subjective term “ongoing basis” in the Monitoring Policy. Additionally, specific requirements for monitoring percentages should be set in the policy, rather than just on the Monitoring Schedule. OOWD also encourages GCWDB to set minimum requirements for both the Adult Program and the DLW Program to ensure case managers are correctly serving individuals in the two different programs. Finally, GCWDB and Eckerd should work together to set percentages for service provider monitoring. Observations, areas of concerns, and findings discovered by both entities should be compared to determine patterns where training is needed.

Finding: The Green Country Monitoring Report did not meet the requirement stated in both the TAWDB and Green Country policies for monitoring activities to be conducted “with such frequency and in such detail, both quantitative and qualitative, to provide reasonable assurance of compliance and effective program operations.” Both policies require the local board to conduct regular and periodic monitoring to determine compliance with federal regulations, state policies, and local board policies and procedures.

Required Action: All PY 20 monitoring conducted by the former EWDB and TAWDB, as well as PY 20 monitoring by the current GCWDB, must be documented by local monitoring reports that show resolution of Findings and Areas of Concern noted by the LWDBs. This includes the submission of Final Monitoring Reports indicating how the issue was resolved or the actions taken to resolve future compliance issues. Proof of all PY20 monitoring by the former and current LWDBs that have not already been provided to OOWD must be submitted within 30 days of the receipt of the State’s Initial Monitoring Determination.

ODOC-OOWD has seen greater outcomes with the expansion of local area implementation of more frequent monitoring (monthly monitoring) and we are encouraging all local areas including Green Country to consider adopting this process.

We also recommend that the local area and service provider follow the Board Monitor recommendations for Improvements as well that we supported during the exit meeting.

SECTION 2 - DESIGN AND GOVERNANCE

To be determined at a later date.

SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS

During financial monitoring, administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, and contracting and procurement samples were reviewed. After review of program and grant management, working papers, policies, and processes, the following

issues were found.

Finding #1: Lack of Internal controls-In accordance to 2 CFR §200.303 each sub-recipient must: Establish and maintain effective internal control over the Federal award that provides reasonable assurance that management of the award is in compliance with Federal and State statutes, regulations, and the terms and conditions of the Federal award. Internal controls are key to protecting and safeguarding grant assets and assistance in ensuring compliance. Deficiencies within internal controls include:

- Lack of capacity and experienced staff within fiscal operation.
- Lack of or insufficient Financial and Administrative System Policies and Procedures as prescribed under Uniform Guidance (UG) requirements found at 2 CFR Part 200.
 - Green Country's accounting/financial management and personnel policies and procedures do not reflect compliance with the UG at 2 CFR 200, TEGL No. 15-14 element 5, or OWDI 10-2017.
 - Green Country does not have an adequate Procurement/purchasing system that includes written procedures and ensures all contracting or procurement actions are performed in a manner that provides for full and open competition.

Required Action: Green Country Workforce Board must submit updated Accounting/financial management, personnel/administration, and procurement/purchasing policies and written procedures to reflect compliance with state and Federal UG requirements.

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS

OOWD reviewed samples of WIOA contracts along with the corresponding budget, accounting records, and cash requests for the time period of July 2020-December 2021. In addition, a sampling of board, fiscal agent, and service provider expenditures were reviewed. In review of working papers to determine financial and administrative compliance, the following issues were found:

Finding # 1 Lack of financial management, in accordance to 2 CFR §200.302. Local areas must account for the federal award in accordance with state and federal laws. Financial management systems, including records documenting compliance with Federal statutes, regulations, and the terms and conditions of the Federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the Federal award. Deficiencies within financial management include:

- Lack of Budget Controls- Green Country does not have an effective financial management system or budget control mechanism in place to monitor spending, determine allowability of costs, nor to compare and reconcile the budget to

actual expenditures. Due to lack of budget controls Green Country nor OOWD are able to assess whether:

- A comparison of budget to actual expenditures is occurring on a regular basis,
 - Spending is in accordance with the budget terms and conditions of the Federal grant as required at UG 2 CFR 200,
 - Compare cash drawn downs against expenditures.
-
- Green Country's In School Youth expenditure budgets are over the statutory limit of 25% which are not in line with Federal requirements at 20 CFR 681, TEGL 8-15, 21-16, 23-14.
 - Contract-18454, Doc. ID 00184
 - Contract-18428, Doc. ID 00167
 - Green Country has satisfied the requested requirement for the contracts listed above. Corrected budgets were submitted to OOWD on 4-7-2022.
 - Green Country's Adult, DLW, and Youth expenditure budgets within OOWD's financial grants management reporting system only has costs allocated to Administration and Service Provision and is not in line with UG at 2 CFR 200 and OWDI 10-2017.
 - Contract-18428, Doc. ID 00167
 - Contract-18429, Doc. ID 00168
 - Contract-18430, Doc. ID 00169
 - Contract-18452, Doc. ID 00182
 - Contract-18453, Doc. ID 00183
 - Contract-18454, Doc. ID 00184
 - Contract-18455, Doc. ID 00185
 - Contract-18456, Doc. ID 00186
 - Contract-18457, Doc. ID 00187
 - Green Country has satisfied the requested requirement for the contracts listed above. Corrected budgets were submitted to OOWD on 4-7-2022.
 - Reporting- Non submission of monthly expenditure reports. OOWD requires all local areas to submit monthly expenditure reports for each active grant within our grants management reporting system by the 15th calendar day of the month for the preceding month. Green Country has drawn funding from several grants dating back to November 2021, however no expenses have been reported resulting in questioned costs of \$2,165,423.82.

The following costs are considered to be Questioned Costs.

- Contract-18428, Doc. ID 00167 \$1,010,955.00
- Contract-18429, Doc. ID 00168 \$138,800.00
- Contract-18430, Doc. ID 00169 \$105,739.00

- Contract-18454, Doc. ID 00184 \$753,724.07
- Contract-18457, Doc. ID 00187 \$156,205.75
- Green Country submitted expenditures thru March 2022 on 5-27-2022, but has not satisfied the requested requirement for contracts listed above due to not submitting the required expenditure reports for April 2022. Green Country will need to submit all past due expenditure reports no later than June 3, 2022.

Required Action: Green Country Workforce Board will need to submit a corrective action plan to OOWD that will outline procedures and protocols to prevent deficiencies within its financial management system no later than June 30, 2022.

Note: The review conducted was just a sample of the local areas grant and financial management systems, and due to the limitations in samplings, this review may not reflect future findings, determinations or resolutions.

Required Federal and State Minimums:

PY20 Federal and State Required Minimum Expended Expenditures and Percentages for the Adult, Dislocated Worker, and Youth Programs	
Combined Federal Minimum Required Expended Expenditure Percentages	
Youth Work Experience Percentage	16%
Out of School Youth Percentage	58%
Combined State Minimum Required Expended Expenditure Percentages	
Adult-Direct Participant Training Percentage	22%
Dislocated Worker-Direct Participant Training Percentage	5%

SECTION 5 – DELIVERY OF ADULT AND DLW SERVICES

ODOC/OOWD’s comprehensive review of the Adult and Dislocated Worker (DLW) programs consisted of a random monitoring sample that included seven Adult Program participants and six Dislocated Worker participants. The monitoring sample indicates that the Green Country Workforce Development Board (GCWDB) is appropriately focusing on the statutory Priority of Service for Adult Funds.

Finding: There are three consistent case management issues throughout the monitoring samples pulled: (1) lack of program notes, including failure to enter contacts and contact attempts timely; (2) the timeliness of data entry; and (3) failure to review and confirm the demographics entered by applicants in the virtual case management system prior to enrollment in Title I programs. OOWD acknowledges the issues found in PY20 monitoring are attributed to the former service provider (SP), and GCWDB’s change of SP effective July 1, 2021 is intended to correct these issues. However, the new SP apparently did not have a process in place to review open enrollments once they became the contracted entity. After the Monitoring Exit Call on 3/25/2022, GCWDB indicated that their internal comprehensive monitoring process noted the need for more

timely data entry, and that board staff communicated this need with the current SP, Eckerd Youth Alternatives, Inc. (hereinafter referred to as Eckerd). GCWDB stated that the SP's process for data review ensures data is reviewed prior to program enrollment is finalized. Although both GCWDB and Eckerd have responded that staff have been "counseled" on the issues noted in this Initial Monitoring Report, it is imperative that both GCWDB and Eckerd understand that the statement "staff has been counseled" does not verify that the issues were sufficiently addressed, that the procedures have been implemented, and that staff have been appropriately trained on new procedures.

The change of service providers was not the seamless transition it should have been for an established workforce entity/service provider such as Eckerd. This is effectively illustrated by the lack of case management beginning July 1, 2021, when Eckerd became the SP.

Required Action: The LWDB is ultimately responsible for oversight and monitoring of the local One-Stop System, including employment and training activities (20 CFR §683.410 and OWDI #11-2017, Change 1). GCWDB and Eckerd must provide regular, ongoing case management training to all SP staff, as well as in-depth training to newly hired case managers (aka Career Coaches) as part of their onboarding process. Training must include not only the issues observed by State monitoring, but also issues found during the required local monitoring by GCWDB's Quality Performance Trainer/Monitor, and any issues found by the current SP during their required monitoring. It is imperative that GCWDB understand that local workforce development boards (LWDBs) are responsible for conducting oversight and monitoring of employment and training activities under Title I of WIOA. Monitoring activities must be conducted with sufficient frequency and detail to ensure effective program operations, as well as compliance with Federal, State, and local policies and procedures.

Recommended Actions: It is recommended that GCWDB and Eckerd jointly develop training materials to ensure consistent interpretation of policies and procedures. It is also recommended that the local board and the SP conduct joint training to demonstrate that the two entities work as a team, expect the same procedures to be followed for determining compliance issues such as eligibility determination and service provision, and to demonstrate that both entities expect and require the same programmatic outcomes. Finally, the State Monitor recommends a review of all active enrollments to ensure corrective actions have been made where necessary, prior to the State's PY 21 monitoring.

Results from the Review of Adult Files:

Participant 2437380 Observations: Program notes were lacking and contact attempts were not entered timely. Demographics were not reviewed prior to enrollment as required in OWDI 07-2020. This was evident due to conflicting information concerning the participant's education level in the Individual Employment Plan (IEP) and Program Notes.

The above observation and recommended action is addressed in the Area of Concern section located at the beginning of Section 5 – Delivery of Adult and Dislocated Worker Services.

Participant 68750: The initial IEP entry indicated that the participant was working as a CNA when she requested WIOA services to assist with the training costs for LPN training. The client was admitted to Tulsa Community College (TCC) for the fall 2021 semester for Biology and Chemistry courses that support her career pathway to nursing. The status for the occupational skills training (OST) is entered as Completed 3/10/2022; the service status is Exit Funding Source Change. The program note with the subject line Closure Note - Unsuccessful Contact (created 4/07/2022) indicates the participant’s “account” would be put into closure status on this date and “end of service questions” would be completed. To date, neither action has been taken.

Finding: In the above participant’s file, a significant amount of the contact information for the time period 8/25/2021 - 2/09/2022 was available but not accurately reflected in the participant’s file, according to Eckerd’s management staff. Multiple required client contacts and other case management actions were not documented in the file. As the result of State monitoring, the missing program notes for the time period were added, and additional program notes were created on 4/07/2022 to document past actions. However, the newly created notes did not adequately address the actions that must be taken for the participant to continue in the training path toward LPN.

Required Actions: Clarification and documentation of whether the participant plans to continue her career pathway in the nursing field must be included in the participant’s file, including whether WIOA funds have been or will be utilized for training or supportive services. The funding source for the fall 2021 OST must be appropriately documented in the S&T and the IEP must be updated prior to exit to accurately reflect the participant’s current training goals and the achievement objectives required to attain employment in the field in which she was trained. Appropriate entries must be entered in the S&T or the client must be allowed to exit.

Participant 642125: The participant is an Adult Priority of Service 3 based on her spouse’s service-connected disability. WIOA funds were utilized for supportive services in the first trimester of training, which was self-paid with family savings and the household’s stimulus payments. The technology center assisted with scholarship applications and the development of an affordable payment plan. WIOA formula funds assisted with required uniforms and other supportive services needed for program attendance, including a laptop and software required for training. The participant was later determined financial aid eligible, and these funds were appropriately supplemented by WIOA funds. She is expected to complete the LPN program on 6/30/2022.

Observation: The participant’s financial aid was not originally entered in the Educational Grants section of OKJobMatch, as required by OWDI #07-2020. It has since been added as the result of information provided to the local area during the Monitoring Exit call on 3/25/2022.

No additional action is required.

Participant 1033136: A Pell grant and the Oklahoma Tuition Aid Grant (OTAG) were utilized for the participant's training in PY20. Title I funds were utilized for supportive services to cover the out-of-pocket expenses required of the student to complete the Practical Nursing program. The participant is a single parent employed as a Unit Clerk/CNA for a local health care provider since November of 2018. The IEP was created on 2/03/2021, and was updated two days later to document the need for the supportive services.

Observation: Program notes now indicate that the participant intends to change her career pathway to include EMT/Paramedic courses and LPN to BSN to become a flight nurse. A Career Planning service has been added to the S&T to notate the change in the career path.

Required Action: The IEP must be updated and signed by the client to validate the change to the plan, as per the current Adult and Dislocated Worker policy.

Participant 2035483: The participant's determination of low income status was based on self-attestation at the time of application. The current SP's process for low income status correctly allows self-attestation only as a last resort, which is in alignment with OWDI 02-2019, the Data Validation and Source Documentation policy in effect at the time of the enrollment. The participant was referred for WIOA assistance by the training provider to obtain a Project Management Professional (PMP) certification. Program notes indicated that the purpose of the PMP certification was to allow the participant to gain employment with another company until he could reopen his business.

No action is required.

Participant 2084278: The participant was hired in an on the-job training (OJT) position in the cabinet department of MBM Studios. The justification for a 75% reimbursement rate to the employer of record was based on being unskilled in the job skills needed.

No action is required.

Participant 2099021: Title I funds assisted the participant with the costs of a Certified Financial Counselors course. The attainment of the credential and the completion of a 520 hour OJT position with Goodwill that led to unsubsidized employment as a Financial Counselor at the non-profit entity. Program notes document attempts by former SP staff to obtain the participant's certificate of training completion, which had not been provided as of the review date.

No action is required.

Results from the Review of Dislocated Worker Files:

Participant 2394569: The participant completed Basic Shop Welding and attained employment related to training. There were no Observations or Areas of Concern. **No action is required.**

Participant 618026: The IEP indicates that the participant completed Truck Driver training and obtained a CDL license yet there is no uploaded documentation to support training program completion or attainment of the CDL.

Required Action: Arbuckle Truck Driving School must be contacted to verify training completion, the completion date, and whether the CDL-A license was attained. The case record must be documented accordingly.

Participant 2363799: The participant completed Advance Shop Welding prior to being recalled to work in the Oil and Gas Industry. As of the most recent program notes, the participant was hired back by his former employer as a Floorhand, where he is able to utilize his welding experience.

Finding: The total cost to attend the Advance Shop Welding Course is documented on both the participant's training acceptance letter and the coordination of training funds (COTF) form as \$10,873.50, which includes \$1,373.50 for a specific set of tools and supplies that are required to be purchased from the training provider. Any items required to be purchased from the training provider as a required cost of attendance must be considered training costs and must be included in Section II of the COTF form as Cost of Attendance. Labeling the supplies as supportive services is a way of circumventing the system to pay for costs of training that exceed the local area's \$5000.00 training cost limitation. It should be noted that GCWDB policy (P-0600400, effective 8/12/2021) continues to set the same limits as the Tulsa Area Workforce Development Board policy it replaces. Failure to revise the cost limits in the policy will exclude many WIOA-eligible participants from attending training through this training provider.

Required Action: GCWDB must request a specific accounting of the funds paid to Four M Welding, including the trainee's obligation and how the uncovered amount, i.e., the portion not covered by WIOA Title I funds, was paid. The entire amount of training costs for the Advance Shop Welding Program must be accounted for. Any contract(s) or agreement(s) between the training provider and the participant/trainee regarding the amount of training costs that the participant/trainee was financially responsible must be requested from the training provider. Documentation of all WIOA payments to Four M Welding by both the participant and by the SP must be submitted to OOWD with GCWDB's response to the Initial Monitoring Report, or no later than 45 days from the date the initial report was sent to the local area.

Participant 2057517: There was no ITA, COTF form, or training voucher in the file. The only documented request for the participant's CDL license by previous SP staff was in the final program note entered on 5/12/2021. Although the 3/19/2021 program note indicates that the participant had found employment as a Truck Driver, it also states that

he had already resigned for personal reasons. He was unemployed at program exit.

Observation: The ITA packet containing the ITA, COTF, and training voucher was located by the current SP and was uploaded on 4/05/2022.

No additional action is required.

Participant 2310774 Observation: The Account Tracking Sheet uploaded in the ITA packet incorrectly lists the training provider as Arbuckle Truck Driving School. Training was for the Demand Occupation 15-1122: Information Security Analysts and the training provider was Med Certs.

Required Action: Please upload a revised Account Tracking Sheet and notate the correction in case notes.

Questioned Cost: The acceptance letter from the training provider listed two separate program enrollments with program costs listed separately for Cloud Computing (Cloud+) and IT Security Specialist. It has been verified by current SP staff that the participant did not begin the IT Security Specialist program, however both programs were paid under ITA 2310774-1 with one training voucher.

Required Actions: (1) The refund from Med Certs in the amount of \$2,300.00 for the Security IT Program must be returned to the appropriate grant. GCWDB must provide confirmation of the reimbursement to the grant, with the response to the initial monitoring report or no later than 45 days from the date the initial report was released to the local area. (2) The SP indicated that training to staff on their process to require separate COTF forms for each separate training course would be provided on 4/18/2022. Documentation of the training, including the training date, training agenda, list of participants in attendance, and the name of the trainer must be provided with the local response to the initial monitoring report.

Participant 2447651: The participant's employment start date and wages were not reported. No wages after exit were reported in OKJM and the participant did not provide income verification as requested.

Area of Concern: OOWD received the following written Service Provider Response to the preliminary results shared with the local area during the week of GCWDB's monitoring, March 21 – 25, 2022. There has been no updated employment information added to OKJobMatch, as is stated below:

***Service Provider Response:** Updated Employment Information captured and entered into OKJM. Staff to revisit Employment Verification, wages and follow-up performance training provided on 9/20/2021 to include required documentation and entering wages into OKJM.*

Required Action: Documentation of training provided by Eckerd on 9/20/2021 must be submitted to OOWD with the local response to the Initial Monitoring Report, or no later than 45 days from the date the initial report was released to the local area. Training

documentation must include the agenda and/or training notes, list of staff in attendance, and the name(s) of the staff conducting the training. Additionally, the SP must provide documentation of repeated or additional training on employment verification, wages, and follow-up performance training that has occurred since the March 21-25, 2022 State monitoring. In lieu of training that has not yet occurred, a schedule and agenda for planned training may be submitted.

Technical Assistance/Guidance for Short-Term Training Programs

During the Monitoring Exit Call on 3/25/2022, guidance was provided to GCWDB based on the following area of concern from the US Department of Labor, Employment and Training Administration (DOLETA):

Area of Concern: Monitoring Short-Term Trainings

Career navigators issue advisories to participants in short-term trainings to contact them every 30 days. The intent is to report on the status of the participant, yet most trainings end in less than 30 days.

Not contacting the participants until after he or she completes training could prevent the career navigator from assessing and helping participants address any challenges they face during the short-term training.

Recommended Action: Career navigators should contact participants with short-term trainings within one or two weeks after training begins, so that the career navigator can help participants meet short-term goals.

GCWDB's current policy on Information Management (P-0200200, effective 10/21/2021), Section states that Adult, Dislocated Worker, and Youth participants who have not yet exited their program must receive contact a minimum of every 30 days to ensure they have the resources they need to continue along their IEP and that supportive services and other resources are discussed, documented, and made available.

ODOC/OOWD Recommendation: OOWD concurs with the DOLETA Federal Program Officer that more frequent contact is necessary for individuals in short-term training. GCWDB is strongly encouraged to revise their program note policy to require more frequent contact with individuals in short-term training courses and programs to help ensure successful achievement objectives/training goals and outcomes.

SECTION 6 – DELIVERY OF YOUTH SERVICES

An observation of the Green Country Region Cumulative 4-Quarter Reporting Period report indicates the local area has continued its focus on the WIOA primary target population of out-of-school youth. However, the 75% Out of School Youth (OSY) threshold must be achieved as well.

- The Oklahoma Department of Commerce- Oklahoma Office of Workforce Development and OOWD previously determined that the Manpower Group

contract and service provision has not benefited the local area in its local and statutory work experience initiative, nor has it resulted in innovative, notable or best practices in the recruitment and placement of youth in work experience. We understand that this mechanism for serving WIOA Youth has ceased and is no longer included in the local area design, delivery and not included in the current service provider expenses. This non-effectiveness that ultimately resulted in an area of concern is considered resolved.

Effectiveness Indicator is either met or not met:

- The monitoring sample indicated the LWDB is serving the WIOA eligible/target population.
- **Area of Concern:** Clients are not progressing through the programs in accordance with the individual service strategy.
- 20 CFR § 681.580 describes follow-up services as “critical services provided following a youth’s exit from the program to help ensure the youth is successful in employment and/or postsecondary education and training. See the local area findings on the delivery of follow-up services below.
- Overall for the PY20 Review: Of the clients reviewed randomly, follow-up either was not conducted or there was not a successful 12 months minimum follow-up for any client reviewed.
- Finding: Work Experience totals for PY20 and Prior Finding for Work experience expenditures for the local area are below the 20% statutory requirement. You must ultimately meet the 20% statutory requirement for two consecutive program years in order for the local area to be in compliance with the minimum statutory threshold.
- Prior to initiating a work experience, give the youth assurance in writing through an agreement that they will earn an incentive for the completion of work experience. As noted in the local areas own monitoring report: *Youth incentive offers weren’t mentioned in any of the case files and no payments were made. I’m only mentioning it because the state continues to bring up youth incentives. I wouldn’t say this is a reflection on the staff but shows the urgent need for a policy and operating procedure that the service provider staff understands and is comfortable working within.*

It is also noted that OOWD worked in partnership with the local area to improve the incentive strategy and process. We will continue to assist where needed.

WIOA Formula Youth Work Experience Update:

The Department of Labor clarified in 2020 that work experience also includes Registered Apprenticeships. While not explicitly recognized in the Act or in Section 681

as a type of work experience, Registered Apprenticeship is a type of work experience. Expenses for a Registered Apprenticeship that occur prior to a participant's exit from the WIOA Youth program can be counted toward the work experience expenditure requirement. Expenditures for the Registered Apprenticeship after participant exit cannot be counted toward the work experience expenditure requirement.

Youth Design: We respectfully request that the local area continue its redesign of the local strategy with emphasis on increasing regional business partnerships. High priority on initial awareness amongst youth on the importance of the element, including pre-apprenticeships, registered apprenticeships, internships and on-the-job training for in-demand industries and occupations, and the potential for long-term employment is the best step towards successful youth work experience. The advantage to the youth and local areas is that work experience offers a more prompt reply to youth in need of true employment hard skills that blend individuals with poor work history into the workforce while also helping them build needed soft skills through the academic and educational component required in work experience.

20% Minimum Requirement: If the local area does not meet this requirement at the end of their period of performance, ODOC-OOWD will follow standard monitoring procedures for this program element.

Frequently Asked Question: If the local area were on track to meet the 20% work experience expenditure requirement before COVID-19 impacted the ability to put youth in work experiences, will there be flexibility on these requirements?

Response: ODOC-OOWD acknowledges the tremendous impact that COVID-19 has had on local areas' abilities to implement the WIOA Youth program and, in particular, to provide work experiences in person at a workplace during the initial shutdowns. Please ensure you have exhausted all means of providing work experience opportunities, including telework and virtual work experience, as well as reviewing the list of expenditures that count towards the work experience expenditure requirement (*i.e.*, those expenditures beyond just wages or stipends). See TEG 21-16 and 8-15.

Region 4 Department of Labor Administration has been eagerly anticipating a remote/ from home work experience model in Oklahoma. For WIOA Youth, 20 CFR § 681.570 describes supportive services for youth as defined in WIOA Sec. 3(59), as services that enable an individual to participate in WIOA activities. These services include, but are not limited to those described in 681.570.

Examples: Paid and unpaid work experience and the supportive service to enable an individual to participate. The programmatic cost for work experience count towards the 20% threshold. The supportive service count exclusively towards the 75% OSY threshold and not the work experience total, but increases servicing to qualified youth and overall youth formula program expenditures.

Frequently Asked Question: Regarding Youth Incentives and follow-up services,

- Can we still pay out an incentive to a youth participant after he/she has already exited and completed 12 months of follow-up?

ODOC/OOWD Response:

- Yes. It is also allowable to provide incentives post-exit or during follow-up if there are written policies in place to address the following:
 - The purpose of offering an incentive is to induce behavior toward achievement of a specific goal. In order for an incentive to be effective, participants must:
 - be aware of the existence of such incentive, and
 - understand the terms and standards of its award to improve the likelihood of success and lead to a successful outcome or achievement of grant performance measures.

Follow-up Activities and attempts:

Area of Concern: There were several attempted contacts for follow-up. However, follow-up services contacts were not very successful. The purpose in all follow-up services has to be to help ensure the youth is successful in employment and/or postsecondary education and training. We want responsiveness from all clients in follow-up and one way of getting the response and callback is to ensure that the client's finds a value in the WIOA service and partner program referrals offered through Green Country.

Of the total youth who received WIOA services during the monitoring review period, a comprehensive review was conducted on 10 enrollments that consisted of 9 out-of-school youth (OSY) and 1 in-school youth (ISY) enrollment:

Participant 1108787:

Monitor Notes:

- Measurable Skill Gains are appropriately set in Youth (Out of School) Measurable Skill Gains and Goals.
- Appropriate minimum follow-up service were planned in the Individual Service Strategy to ensure successful retention of employment once a position is secured.

Area of Concern: The client exited without completing any measurable goals.

Area of Concern: There was no successful follow-up servicing.

Finding: The follow-up element was not entered in the Service and Training Plan.

Required Action: Include the follow-up service in the Service and Training Plan and align the service entry with the local area provision of follow-up services for a minimum of 12 months for all WIOA clients even if they do not enter participation status.

Reminder: Even with an unsuccessful completion, we are positioned to continue support to the client. You are not limited to follow-up to a “participant only” as under the Adult program. Co-enrollment in the WIOA Youth program provides flexibility in the provision of follow-up services, i.e., allowed at any point after the last service or unsuccessful service.

Participant 1242384:

Area of Concern: On December 4, 2020 the service staff contacted the client about work experience and the client indicated that he would like to participate in the work experience element, but contact was lost with the client.

Finding: The follow-up element was not entered in the Service and Training Plan.

Required Action: Include the follow-up service in the Service and Training Plan and align the service entry with the local area provision of follow-up services for a minimum of 12 months for all WIOA clients even if they do not enter participation status.

Participant 1794780: Appropriate minimum follow-up service were planned in the Individual Service Strategy. Service Staff and the client would work together to ensure successful retention of employment once a position is secured.

Area of Concern: The non-participant exited without participating in any of the 13 youth program elements.

The **Individual Service Strategy** is a contract. Therefore, WIOA Title I staff agreed to assisting this individual with securing and retaining employment and the provision of follow-up services to assist the client in gaining and maintaining employment via regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise, and provisioning other services needs such as supportive services; adult mentoring; financial literacy education; services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and activities that help youth prepare for and transition to postsecondary education and training.

Area of Concern: No follow-up services provided.

Finding: The follow-up element was not entered in the Service and Training Plan.

Required Action: Include the follow-up service in the Service and Training Plan and align the service entry with the local area provision of follow-up services for a minimum of 12 months for all WIOA clients even if they do not enter participation status.

Participant 1862604 Eastern WDB transition to Green Country:

Factors that qualify clients for the WIOA youth program are the basis of the individual service strategy and impact the servicing and contact strategy as well:

- Secondary School Dropout
- Alternative Education
- Supportive Services Needs

Area of Concern: The client enrolled in work experience at \$9.50 an hour and exited without completion.

Area of Concern: The client exited without completion of goals.

Samples of the following eligible client virtual files were conducted without any additional comments:

Participant 1911223

Participant 1934593

Participant 1948150:

Monitor Notes:

- Measurable Skill Gains are appropriately set in Youth (Out of School) Measurable Skill Gains (MSG) and Goals.
- Youth in work experience was not included in the MSG indicators in the Youth (In-School) Measurable Skill Gains and Goals which is the appropriate omission because youth work experience does not fall MSGs.

Participant 1949097:

Area of Concern:

- The non-participant exited without participating in any of the 13 youth participation triggering program elements.
- No follow-up service success.

Finding: The follow-up element was not entered in the Service and Training Plan.

Required Action: Include the follow-up service in the Service and Training Plan and align the service entry with the local area provision of follow-up services for a minimum of 12 months for all WIOA clients even if they do not enter participation status.

Participant 1961099:

Area of Concern: Client was enrolled in truck driving school and exited without completion.

Finding: The follow-up element was not entered in the Service and Training Plan.

Required Action: Include the follow-up service in the Service and Training Plan and align the service entry with the local area provision of follow-up services for a minimum of 12 months for all WIOA clients even if they do not enter participation status.

Participant 2351930:

Area of Concern: The client was enrolled in a registered apprenticeship but exited without completion January 1, 2022.

Additional Recommendation to address compliance issues or effectiveness that may result in an area of concern or a finding: It will be a benefit to the local area to conduct additional program feedback/evaluations of your clients on the effectiveness of your program strategy and design. Consider including the following questions:

Program Feedback/Evaluation:

- Is there a particular staff person that you usually work with? What has this been like?
- How often do you have contact with him/her?
- Have you ever experienced any issues during your participation in the program? [If yes] Please tell me more about this. Was the issue resolved? How?
- Has a program representative provided you with a form to file a complaint/grievance and/or explained how to file a complaint/grievance?
- Now I'm going to ask you about your overall experience with the services you've received so far. I'll read three statements and ask you to rate your experience.
- #1) On a scale of 1 to 10, where 1 means very dissatisfied and 10 means very satisfied, what is your overall satisfaction with the services provided from the project?
- #2) Considering all of the expectations you may have had about the services, to what extent have the services met your expectations? 1 means falls short of expectations and 10 means exceeds your expectations.
- #3) Would you recommend this program/services to a friend or family member? If yes, what specifically would you recommend?
- Do you feel there are services that you need to be successful in achieving your employment goal, but that you are not currently receiving? (If so, what services?)
- Do you have any suggestions for improving the program/services?
- Is there anything else you'd like to share with me?
- Are there any questions you'd like to ask me?

Please note the service delivery and strategy review represents a sample of the local area formula programs and policies. There may be issues beyond those discovered in the review not noted in this report.

SECTION 7 – EQUAL OPPORTUNITY & NONDISCRIMINATION MONITORING (EO)

A sampling of policies and documentation during the monitoring found no compliance issues under the nondiscrimination and equal opportunity and equal opportunity mandates of Section 188 of Workforce and Opportunity Act. The ODOC-OOWD goal is to be available to provide requested support to assist Green Country in continuing to meet EO training requirements and helping staff “in the ability to demonstrate how they use assistive technologies and resources.”

Section 8 – Business Services

There will not be a formal response in the PY20 report.

APPENDIX B

PY21 MONITORING REPORTS



OKLAHOMA WORKS

Oklahoma Department of Commerce
Oklahoma Office of Workforce Development

PY21 Initial Monitoring Determination
South Central Oklahoma Workforce Board

OOWD Monitors:

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May 12, 2023

Oklahoma Department of Commerce
900 N. Stiles Avenue
Oklahoma City, OK 73104

MONITORING DATES:

January 23-27, 2023

OVERVIEW OF THE LOCAL AREA:

Local Workforce Development Board – South Central Oklahoma Workforce Board
Workforce Development Board Fiscal Agent – Central Oklahoma Workforce Innovation Board

Service Provider- ResCare dba Equus Workforce Solutions

SUMMARY OF REVIEW:

The Oklahoma Department of Commerce- Workforce Division conducted a review of Local Area Monitoring and Oversight, Program and Grant Management Systems, Financial Management Systems, Adult and Dislocated Worker Programs, Youth Programs, and Equal Opportunity and Nondiscrimination. The purpose of this review was to assess whether key policies, procedures, and systems are in place to manage these programs. The Oklahoma Office of Workforce Development reviewed Program Year 21 (PY21), which covers the period from July 1, 2021- June 30, 2022.

REVIEW SCOPE:

Local Area Monitoring and Oversight
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Adult and Dislocated Worker
Youth Programs
Equal Opportunity and Nondiscrimination
Business Services

SECTION 1 – LOCAL MONITORING

For Program Year 21 (PY21) financial monitoring was broad and comprehensive and in compliance with their own monitoring policies. COWIB, as fiscal agent maintains written documentation, including monitoring reports, findings, corrective actions, and resolutions for each fiscal monitoring conducted. After review of working papers, policies, and processes, no issues were found.

The Local Board’s PY21 programmatic monitoring of Adult and Dislocated Worker Programs was comprehensive and conducted in alignment with their local policy. The local monitoring process requires the Service Provider to respond to each Finding, which resulted in the resolution of PY 21 Findings in the Work Experience (WEX) program for the months of July through November, i.e., the reclassification of funds originally coded as expenditures of the Out-of-School Youth (OSY) program to the Adult program.

The South Central Oklahoma Workforce Board youth monitoring was broad comprehensive and complied with the local area policy. Details such as Individual Service Strategy (ISS) Maintenance, Eligibility, and Supportive Services, findings,

actions required, and service provider responses were present and the indicator of the resolution.

SECTION 2 - DESIGN AND GOVERNANCE

Under Subpart C – Local Workforce Development Boards - §679.300, The vision for the Local WDB is to serve as a strategic leader and convener of local workforce development system stakeholders. The Local WDB partners with employers and the workforce development system to develop policies and investments that support the public workforce system strategies that support regional economies, the development of effective approaches, including local and regional sector partnerships and career pathways, and high-quality, customer-centered service delivery and service delivery approaches.

The vision of the LWDB is structured under the Design and Governance section of the WIOA monitoring guide.

The objective areas of focus were strategic planning, board administration, and youth operating systems.

Review of Policies and Documentation:

Strategic Planning: A review of the requested documentation for the following indicators was monitored. Indicator #1, Integration and One-Stop Delivery. All documentation was signed and completed. The LWDB utilizes a competitive process. The One-Stop Operator's role is clearly defined, and all policies comply with applicable laws, regulations, and State policies. The State has no areas of concern for indicator #2, Veteran's priority of service, Adult priority, and other priority populations. Indicator #3 Local Area Authority and Flexibility. The LWDB received permission from OOWD to utilize an entity as part of the WIOA performance accountability calculation, however, the business has backed out of the service.

Board Administration: The LWDB has a certified Workforce Development Board that received certification on May 21, 2021. In the time since certification, there have been two new appointments. As required by indicator #4, the State received pertinent information and proper notification regarding the appointments. With indicator #5 By-Law review and indicator #6 Open Meetings Act Compliance, the State has no areas of concern. Indicator #6 shows the LWDB complied with the Open Meeting Act [20 CFR § 679.390; Title 25 Oklahoma Statutes §301-314; 74 O.S. 3106.2] when conducting all business. Indicator #7, Youth Committee/Council, indicates the LWDB works closely with the standing Youth Committee, and the State has no areas of concern with this indicator.

Youth Operating Systems: The State examined the LWDB's policies for youth services. The LWDB acknowledged the areas where they need to strengthen youth services by coordinating with other youth-serving agencies. All policies, Youth Committee minutes, and the 2-year plan are in compliance, and the State has no areas

of concern.

Area of Concern: N/A

Findings: N/A

Promising Practices: N/A

SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS

During financial monitoring, administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, and contracting and procurement samples were reviewed. After review of program and grant management, working papers, policies, and processes, no issues were found.

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS

OOWD reviewed samples of WIOA contracts along with the corresponding budget, accounting records, and cash requests for PY21 (July 2021-June 2022). In addition, a sampling of board, fiscal agent, and service provider expenditures were reviewed. In review of working papers to determine financial and administrative compliance, the following area of concern was determined.

Area of Concern: Local Area employee time and effort: The Local Area must ensure that all employees including the One Stop Operator’s time and effort is reflected to be in reasonable proportion to the benefit provided or other equitable relationship.

Required Federal and State Minimums:

PY21 Federal and State Required Minimum Expended Expenditures and Percentages for the Adult, Dislocated Worker, and Youth Programs	
Combined Federal Minimum Required Expended Expenditure Percentages	
Youth Work Experience Percentage	18%
Out of School Youth Percentage	59%
Combined State Minimum Required Expended Expenditure Percentages	
Adult-Direct Participant Training Percentage	48%
Dislocated Worker-Direct Participant Training Percentage	37%

SECTION 5 – DELIVERY OF ADULT AND DISLOCATED WORKER SERVICES

ODOC/OOWD’s comprehensive review of the Adult and Dislocated Worker (DLW) programs consisted of a random monitoring sample that included seven Adult Program participants and three Dislocated Worker participants. The monitoring sample indicates that SCOWB is appropriately focusing on the statutory Priority of Service for Adult Funds.

Results from the Review of Adult Files:

Participant 2432068: No action is required.

Participant 1840261: No action is required.

Participant 1057834: The Talent Development Specialist (TDS) opened a Job Search Planning service in the participant's service and training plan (S&T) on 01/09/2023, based on a text sent to inquire about current employment status and to offer job search assistance if needed. However, no actual service was provided. A service must be provided for an entry in the S&T. Contacts and attempted contacts do not constitute the provision of services.

Required Action: Case management training on what constitutes an actual service is required to be completed within 30 days of the receipt of the Initial Monitoring Report. The date(s) training was completed, the name and title of the trainer or trainers, and a list of staff that completed training (i.e., sign in sheets or other documentation of training attendance) must be included with the documentation of training. The Service Provider (SP) must also submit a plan for the provision of case management training for new hires as part of their onboarding process.

LWDB Response: As of June 1, 2023, the South Central Oklahoma Workforce Board will have a new service provider, Dynamic Workforce Solutions. A copy of this report has been given to the new service provider and they are incorporating these training needs into their onboarding training of all staff. DWFS is providing comprehensive training for all staff on 6/28/2023 and 6/29/2023. Once the training is complete, DWFS will provide sign-in sheets and training agendas as supporting documentation.

Participant 2633089: Demographic entries are required to be reviewed with applicants prior to enrollment and individuals are required to attest to the accuracy of their entries before the enrollment occurs.

Required Action: Case management training regarding the requirement to review demographic information with the applicant for accuracy prior to program enrollment is required, or must be scheduled, within 30 days of the receipt of the Initial Monitoring Report. The requirement is found in both OWDI #07-2020 and in the current policy, OWDI #07-2020 Change 1.

LWDB Response: As of June 1, 2023, the South Central Oklahoma Workforce Board will have a new service provider, Dynamic Workforce Solutions. A copy of this report has been given to the new service provider and they are incorporating these training needs into their onboarding training of all staff. DWFS is providing comprehensive training for all staff on 6/28/2023 and 6/29/2023. Once the training is complete, DWFS will provide sign-in sheets and training agendas as supporting documentation.

Participant 805494: The Selective Service System letter uploaded to the participant's file documents that the participant failed to register for the Selective Service despite one or more pieces of correspondence informing him of the requirement to do so.

Area of Concern: There is no documentation in the participant's file that the local area requested evidence to support or justify that his failure to register for Selective Service was not a knowing and willful failure to register, as required by OWDI #04-2020 and TEGL 11-11, Changes 1 and 2.

The following statement is in the participant's Selective Service Status Information Letter: "A person may not be denied a right, privilege, or benefit under Federal law by reason of failure to present himself for and submit to registration under section 3 (of the Military Selective Service Act) if . . . the person shows by a preponderance of the evidence that the failure to register was not a knowing and willful failure to register." The response requires that any explanation to justify failure to register must be made to the agency administering the right, benefit or privilege sought, for which Selective Service System registration is required.

Required Action: Eligibility training based on OWDI #04-2020 and TEGL 11-11, Change 2 is required, or must be scheduled, within 30 days of the receipt of the Initial Monitoring Report. Documentation that the Selective Service requirement training has been provided to all Talent Development Specialists (TDSs) must include the date(s) training was completed, the name and title of the trainer or trainers, and verification of the attendance of staff that completed training on the program eligibility topic, (i.e., sign in sheets or other documentation of training attendance). The Service Provider (SP) must also submit a plan for the provision of training on Selective Service requirements for new hires as part of their onboarding process.

LWDB Response: As of June 1, 2023, the South Central Oklahoma Workforce Board will have a new service provider, Dynamic Workforce Solutions. A copy of this report has been given to the new service provider and they are incorporating these training needs into their onboarding training of all staff. DWFS is providing comprehensive training for all staff on 6/28/2023 and 6/29/2023. Once the training is complete, DWFS will provide sign-in sheets and training agendas as supporting documentation.

Participant 96340: The last service recorded in the S&T was a referral to educational services. There is no coordinating program note on 12/15/2021 for the Referral to Educational Services entry. The IEP and program notes must document the services provided. Unless there was an actual referral made to an educational entity, there should not have been an S&T entry.

Required Action: The case management training required of the local area must include what constitutes a referral for services and the requirement to document referrals in the IEP and program notes. The training must be completed or scheduled no later than 30 days from the local area's receipt of the Initial Monitoring Report.

Documentation of training to staff must include the date(s) training was completed, the name and title of the trainer or trainers, and a list of staff that completed the training (i.e., sign in sheets or other documentation of training attendance).

LWDB Response: As of June 1, 2023, the South Central Oklahoma Workforce Board will have a new service provider, Dynamic Workforce Solutions. A copy of this report has been given to the new service provider and they are incorporating these training needs into their onboarding training of all staff. DWFS is providing comprehensive training for all staff on 6/28/2023 and 6/29/2023. Once the training is complete, DWFS will provide sign-in sheets and training agendas as supporting documentation.

Participant 2635275: The participant was hired in an on-the-job training (OJT) position coordinated with a work release program through the Lawton Department of Corrections (DOC) office. The OJT successfully transitioned into unsubsidized employment for the individual.

No action is required.

Results from the Review of Dislocated Worker Files

Participant 2611394: The participant was a Displaced Homemaker based on qualification as a Military Spouse unemployed due to the spouse's permanent change of duty station who needed training to obtain employment. Dental Assistant training was completed and employment was attained.

No action is required.

Participant 2470916: The participant is currently co-enrolled in the TAA and DLW programs. As such, the cost of training is funded by TAA, while case management is facilitated by WIOA Title I staff. The file includes documentation of excellent follow-through by both the participant and the WIOA Talent Development Specialist (aka the TDS or case manager) to resolve the issue of unsatisfactory training progress that was erroneously reported on the November 2022 TAA Benchmark Report. All information pertaining to the error and the resolution were well documented in program notes by the TDS.

No action is required.

Participant 2325582: The participant was laid off under a TAA petition. The training program is TAA funded, including the technology and software necessary to complete the training. Case management is appropriately provided by WIOA Title I staff. As of the date of the review, no supportive services were requested or determined necessary.

No action is required.

Best Practice: The South Central Workforce Development Area does an commendable job of ensuring individuals certified under TAA petitions are co-enrolled in the Dislocated Worker program. South Central's coordination with TAA has been acknowledged by the Oklahoma Employment Security Commission's TAA Coordinator. The local workforce development area consistently coordinates services with the TAA program as required by the U.S. Department of Labor Employment and Training Administration at 20 CFR 618325(a)(1)] of the TAA Final Rule and current Adult and Dislocated Worker policy (OWDI 07-2020 Change 1.

SECTION 6 – DELIVERY OF YOUTH SERVICES

An observation of the South Central Region Cumulative 4-Quarter Reporting Period report indicates the local area has continued its focus on the WIOA primary target population of out-of-school youth. However, the 75% Out of School Youth (OSY) threshold and the total youth work experience 20% requirement must be achieved as well.

Of the total youth who received WIOA services during the monitoring review period, a comprehensive review was conducted on 10 enrollments that consisted of 10 out-of-school youth (OSY) and 0 in-school youth (ISY) enrollment:

- The monitoring sample indicated the South Central Oklahoma Workforce Board is serving the WIOA eligible/target population.
- The South Central Oklahoma Workforce Board has developed an individual service strategy (ISS) that identifies and meets the specific needs of each participant.
- Supportive services are being provided as needed to overcome barriers to participation and completion of the ISS.
- Effective March 2, 2023 in TEGL 9-22, the Employment and Training Administration recently determined that supportive services that enable WIOA participants to participate in training can count toward training expenditures.
- There has to be a statewide concerted local focus on increasing the youth credential rate which will impact the States goals of increased credentials.
- There is historical success demonstrated through implementation of support to military families located in the region and we still have a unique opportunity for re-applying or expanding workforce services within the Department of Defense pipeline considering the local service area geographically includes 2 military installations.
- WIOA Formula Youth Work Experience Update: The Department of Labor clarified in 2020 that work experience also includes Registered Apprenticeships. While not explicitly recognized in the Act as a type of work experience, Registered Apprenticeship is a type of work experience. Expenses for a Registered Apprenticeship that occur prior to a participant's exit from the WIOA Youth program can be counted toward the work experience expenditure requirement. Expenditures for the Registered Apprenticeship after participant exit cannot be counted toward the work experience expenditure requirement.
- We as a state are held statutorily to the 75% provision so we must continue to leverage with other partners and unrestricted resources in the support of the in-school youth population.

Frequently Asked Question: Regarding Youth Incentives and follow-up services,

- Can we still pay out an incentive to a youth participant after he/she has already exited and completed 12 months of follow-up?

ODOC/OOWD Response:

- Yes. It is also allowable to provide incentives post-exit or during follow-up if there are written policies in place to address the following:
 - The purpose of offering an incentive is to induce behavior toward achievement of a specific goal. In order for an incentive to be effective, participants must:
 - be aware of the existence of such incentive, and
 - understand the terms and standards of its award to improve the likelihood of success and lead to a successful outcome or achievement of grant performance measures.

Results from the Youth Program Review:

Participant 1825953 (OSY):

Area of Concern observed during prior monitoring in PY20:

This was an unsuccessful occupational skills training exit/ non completion. The incentive amount(s) of \$1,000.00 for the Out-of-School Youth one day workshop is not reasonable and not prudent. Questioned costs also include what appear to be unreasonable costs, even if they are not specifically unallowable.

ODOC-OOWD Final Determination: The costs in question are unreasonable. ODOC-OOWD has addressed this issue with the South Central Workforce Board a realize that this random client selection was part of the clients subject to the incentive that the local area has addressed in the PY20 Final Determination. ODOC-OOWD also discussed reasonableness and prudence during the Financial Workgroup held on September 15, 2022.

In 2021 the Employment and Training Administration recommended that ODOC-OOWD strongly consider implementation of a supportive service policy with limits and we have considered this recommendation; yet, based on the average amongst all local areas we have not elected to place a statewide limit on supportive services nor on incentives. We want to continue to allow maximum flexibility to our 6 Workforce Development Boards. But there is no guarantee that the Region 4 ETA will not ultimately demand state limits in policy. **We consider this issue resolved.**

Finding: No follow-up services are currently being offered according to case notes and the S&T non entry.

Condition: No provisioning of follow-up services; No initial entry after exit or upon the date of last service.

Cause: We suspect due to the Follow-Up Services Planned in the Electronic ISS indicating n/a. Uploaded ISS indicates an N/A for not applicable.

Criteria: 20 CFR subsection 681.580. Purpose: To help ensure the youth is successful in employment and/or postsecondary education and training.

Required Action: Offering Follow-up; Providing Follow-up for at least 12 months based on the need of the individual (This is where we interpret the subsection to also mean it is tied to the ISS therefore specific to the individual).

LWDB Response: As of June 1, 2023, the South Central Oklahoma Workforce Board will have a new service provider, Dynamic Workforce Solutions. A copy of this report has been given to the new service provider and they are incorporating these training needs into their onboarding training of all staff. DWFS is providing comprehensive training for all staff on 6/28/2023 and 6/29/2023. Once the training is complete, DWFS will provide sign-in sheets and training agendas as supporting documentation. The new service provider will also ensure a level of staff accountability to ensure that participants receive meaningful follow-up services for 1 year after exit from the Youth program.

Participant 1848804 (OSY): ODOC monitoring did not identify what the specific Additional Assistance Criteria the youth fell under for eligibility when reviewing the Youth Eligibility Form.

The client was determined eligible based on the following criteria: Youth Priority Population Group Criteria: Low income. Barriers at Enrollment: Low-Income, parenting youth and BSD, Family Size: 2, Source Document Used: Housing Authority Verification – SNAP

Final Determination: We were able to determine the youth was subsequently eligible for the WIOA Youth Program. However, this file needs more organization to clearly demonstrate eligibility.

LWDB Response: As of June 1, 2023, the South Central Oklahoma Workforce Board will have a new service provider, Dynamic Workforce Solutions. A copy of this report has been given to the new service provider and they are incorporating these training needs into their onboarding training of all staff. DWFS is providing comprehensive training for all staff on 6/28/2023 and 6/29/2023. Once the training is complete, DWFS will provide sign-in sheets and training agendas as supporting documentation. DWFS will also incorporate training for staff to make sure eligibility is clear and defined in the program note, eligibility form, and the demographic snapshot.

Participant 1916417 (OSY): Samples of the following eligible client virtual files were

conducted without any observations, areas of concerns or findings noted.

Participant 1948515 (OSY): Samples of the following eligible client virtual files were conducted without any observations, areas of concerns or findings noted.

Participant 1955923 (OSY): Samples of the following eligible client virtual files were conducted without any observations, areas of concerns or findings noted.

Participant 2183327 (OSY): Samples of the following eligible client virtual files were conducted without any observations, areas of concerns or findings noted.

Participant 2415543 (OSY): Samples of the following eligible client virtual files were conducted without any observations, areas of concerns or findings noted.

Participant 2515293 (OSY): Samples of the following eligible client virtual files were conducted without any observations, areas of concerns or findings noted.

Participant 2545885 (OSY): Samples of the following eligible client virtual files were conducted without any observations, areas of concerns or findings noted.

Participant 2633858 (OSY): Samples of the following eligible client virtual files were conducted without any observations, areas of concerns or findings noted.

SECTION 7 – EQUAL OPPORTUNITY & NONDISCRIMINATION MONITORING (EO)

The PY21 review of the South-Central Workforce Board demonstrates substantial compliance with the provisions of Section 188 of WIOA and 29 CFR 38 regarding equal opportunity and nondiscrimination. See recommendations or recommended actions.

Indicator: A website review of the Local Plan July 1, 2021 – June 30, 2025, denotes appropriate assurances listed on page 70.

Recommended Action: Ensure all documentation is posted by utilizing the desk matrix and tools. The strength of proper documentation ensures timely reviews.

LWDB Response: As the new Service Provider DWFS has taken over provisions in SCOK, documentation will be reviewed to make sure it is up to date and any that are out of date or missing will be posted.

Promising Practice: As part of the document review and approval process, routing through the Equal Opportunity Officer assists in compliance with the duties and responsibilities of the Equal Opportunity Officer and certifies compliance with the assurance provisions. Clarifying the job duties assist all staff in the organization in ensuring appropriate review and input for equal opportunity.

Indicator: The organizational chart does indicate clear and direct reporting to the “highest level of authority. The organizational chart provided was clear and concise with relationships. A review of the job description with duties and responsibilities and an E.O.

officer resume is appropriate for the position.

Recommended Action: No Recommended Action

Promising Practice: South Central is exercising a promising practice with the unambiguous organizational chart. The importance of emphasizing the relationship can occur by including the E.O. Officer at all official meetings and allotting time to equal opportunity nondiscrimination issues on the agenda. This practice reinforces the importance and relationship with the organization.

Observation: Review of budgeting documents. There was no assigned budget to the E.O. Officer/EO Program.

Recommendation: Include the E.O. Officer in budget discussions and identify resources to plan and sustain Equal Opportunity initiatives.

LWDB Response: The Board has extra money in the budget line item titled System Costs to cover ADA and EO things needing to be addressed.

Recommendation: Creating a line-item budget allows for planning and agility in addressing nondiscrimination issues as the environment and situation warrant prompt action. Investing authority into the E.O. Officer strengthens the importance and significance of the relationship with the highest-level position of authority.

LWDB Response: The Board has extra money in the budget line item titled System Costs to cover ADA and EO things needing to be addressed.

Observation: A tour of the facility demonstrated that appropriate signage is displayed in areas where staff and clients have access to the notice and communication of the “Equal Opportunity is the Law.” The signs distributed were posted; however, they were posted over workspaces. The signs were updated with the current Oklahoma Workforce Development change in information under the Department of Commerce.

Recommended Action: Increase the number of signs and post them in a location that is clear from obstruction.

LWDB Response: The number of signs posted at each center has been increased and they have been posted in locations that are clear from obstruction.

Recommended Action: On a regularly scheduled basis, review signage placement to ensure clear, easy access. Based on the location, putting signs in the front office and employee breakroom areas are strategic locations that clients and staff will see. Notices should be reviewed in walking traffic patterns, with the focus being cognizant of strategic sign locations. Signs should be viewable and non-disruptive to other patrons or staff, i.e., avoid placing signs over workstations.

LWDB Response: Review of signage has been added to the WIOA Monitoring Schedule and will be performed quarterly.

Observation: The South Central Oklahoma Workforce Board website was reviewed for notice and communications. The notice was readily apparent. Policies are readily available to the public. Complaint procedures are listed in the Equal Opportunity areas. All forms are not updated with the current staff of the SCOWB.

Recommended Action: Update the forms on the website to reflect the staffing changes that include the current local EO.

LWDB Response: A review of Local policies was conducted and identified documents have been modified.

Promising Practice: South Central Oklahoma Workforce Board has a well-laid out and easy navigation for notice on their website.

Indicator: Pamphlets and other outreach documents were reviewed. The forms did contain the tagline “equal opportunity employer/program and auxiliary aids and services are available upon request to an individual with disabilities.”

Recommended Action: No Recommended Action

Recommended Action: Maintain a list of all documents containing vital information or programs receiving funds under WIOA Title I to certify compliance with Notice requirements. The Equal Opportunity Officer should review this list regularly to ensure compliance. Utilizing a standard color for vital documents can also assist and bring notice to the issue that the documents are vital to the recipient.

LWDB Response: A list of all SCOWB policies and procedures has been developed and annual monitoring of each policy has been added to the Monitoring Matrix.

Indicator: A review of E.O. reports with cohort data assigned to the area collected the appropriate information. Appropriate data is being collected in which to review and analyze.

Recommended Action: No Recommend Action.

Promising Practice: Some One Stop Centers have leveraged additional tools, i.e., Salesforce, to assist in the data collection and analysis, which is a positive investment toward identifying and tracking outcomes.

Indicator: Document retention policy is noted explicitly in policy, Discrimination Complaint Procedures Governing WIOA Activities, and Oklahoma Works One Stop Centers.

Recommendation: Published policies should be dated with an effective date and/or revision date for monitoring purposes to ensure the appropriate policies in effect at the review time are known. An overall documentation policy will align with the organization's document management principles and practices.

A standalone policy regarding documentation is a quick resource to address all needs regarding the compliance of documents based on the State of Oklahoma document retention schedule, if applicable and federal compliance. Correctly classifying documents and adhering to a retention schedule can save costs and create efficiencies by properly disposing of documents when no longer necessary. Policy regarding creating electronic documents and denoting originals can also assist in workplace space-saving measures.

LWDB Response: During SCOWB's Annual review of policy, this condition will be corrected so that all policy contains an effective date.

Notable Practice: Documents submitted by the South Central Workforce Development Board indicate collaboration with community partners as evidenced by meeting flyers, minutes/agendas. Regular outreach with these entities through regular meetings and projects is indicated with ties to the communities being served.

Recommended Action: No Recommended Action

Promising Practice: Continue to consult with appropriate community groups to identify other solutions. Data should be reviewed to support decision-making that potentially impacts clientele. This is a promising practice but should be monitored to ensure services are equivalent and meet competitive integrated settings for compliance with Section 504 of the Rehabilitation Act of 1973, as amended.

Indicator: Complaint logs were submitted for review. The log details complaints and resolution of allegations of discrimination, along with the name and address of the complainant. As part of the State of Oklahoma Nondiscrimination Plan, the reports must be submitted quarterly to the State E.O. Officer.

Recommended Action: In quarters where no complaint is filed, continue to submit the log and indicate no complaints received during the indicated quarter. This ensures a continuous information flow and review of documentation. It can be challenging to determine continuity if personnel change positions when there are extended periods of no entry in a log sheet.

LWDB Response: a log sheet has been created to track the date a log is submitted, by whom, to whom, and the method of submission.

Indicator: South Central Workforce Development Board provides a system for communicating policy on their website.

Recommended Action: No Recommended Action

Promising Practice: Yearly reviews and training with all staff can ensure refreshed knowledge and communication of Equal Opportunity Policies and reinforce procedures for correcting issues when noncompliance is found.

Indicator: South Central Workforce Development Board has a signed, 08/21/2021, Training Provider assurance indicating compliance with nondiscrimination and equal opportunity provisions applicable to state and federal law. A quantifiable statistical analysis regarding training providers' applicants and participants is available for review.

Recommended Action: No Recommended Action

Promising Action: Review and update documents and forms as required by 2 CFR Part 200 and Part 2900; SF 424B; and 29 CFR 31-32 and 93-95.

Observation: A monitoring visit of the Chickasha location took place on February 23, 2023. A review of the report from ADA Coordinator Charles Watt reinforced observations made at this location. There are issues with compliant ADA parking, door pressure, and restroom facilities.

Recommended Action: Use the findings from Site Accessibility Evaluation to perform corrective action for accessibility compliance.

LWDB Response: These will be addressed by CMS Willowbrook once construction of the Health Department (co-located in the same building) is completed. Est completion of 12 months. They plan to make all ADA requirements as suggested. A restripe of the entire parking area and an update of all required signage is planned. The contractor has been provided with a copy of the Site Evaluation for reference. The door pressure will be addressed by installing a door buzzer. This will be ordered and installed within the next sixty days.

Recommended Action: Using checklists for identifying potential barriers is an excellent tool to involve all staff in identifying and becoming part of the solution for barrier removal. Reviewing the Site Evaluation report with building staff may lead to solutions or implementations of the recommendation upon identifying the obstacles faced by those already challenged by accessibility. Breaking down the report to each item can assist in obtaining cost estimates or creating metrics for completion.

LWDB Response: A quarterly review of the checklists have been added to each center meeting agenda.

Indicator: The signage that is complete has excellent placement. As a new site, there are a few areas where the signs have yet to be hung or attached. However, once this action is complete, this area will have substantial compliance.

Recommended Action: No Recommended Action

Promising Practice: Setting up in communal settings of assistive devices normalizes and integrates the environment for all clients. Having visuals or having available transmits a message of inclusion is an excellent utilization of assets and tools to serve and/or educate clients. Alternatively, highly visible signage is excellent communication and a cost-effective solution.

Conclusion

South Central Workforce Development Board and Chickasha American Job Center staff are dedicated and customer-centric in serving the public. There is good evidence of strong administration and management staff demonstrating service to the community in meaningful ways. The documentation provided was highly efficient. It indicated a great desire to serve the public to the highest degree. No significant areas of concern could not be addressed with minimal cost and effort, including updating the restroom facilities. The primary emphasis would be on continuing the attention to detail regarding documentation, organizing said documentation, and working on the accessibility issues from the Site Evaluation Report. The staff's work product brings excellent credit and honor to the program, and the citizens served.

SECTION 8 – BUSINESS SERVICES

A review and observation of the South Central Oklahoma Workforce Board program year 2021 Business Services shows a good effort to serve the business community in the South Central Oklahoma area.

Sector Strategies

Areas of Concern:

- Each Impact Partnership/Sector Partnership meeting attended should be documented in OKJobMatch and in your Impact Partnership documentation.

Recommended Action:

- Document all meetings of an Impact Partnership/Sector Partnership in OKJobMatch attended by anyone from South Central. The Results area of the OKJobMatch documentation should state "Impact Partnership Meeting."

LWDB Response: Since our Business Service PY22 Q1 Meeting with Bill Hancock on 10/12/2022, our Business Service staff have been collecting agendas, notes, and sign-in sheets for every sector partnership meeting. Our BS staff are regularly attending meetings with Pathways in Duncan and ACES in Anadarko. Going forward we will ensure these meetings/ services are recorded in OKJM appropriately.

Notes:

- Other than documentation of the meetings, the Impact Partnerships documentation is excellent.

- When properly documented, Impact Partnership meetings also count as Employer Focused Events.
- Impact Partnerships were on the PY21 Score Card and will be a negotiated category in PY23.

Career Pathways Systems and Programs

Areas of Concern:

- Seven reported Registered Apprenticeship presentations and/or enrollments is a low amount and should be higher.

Recommended Action:

- When you negotiate the Registered Apprenticeship level for PY23, look for a much higher target.
- Work with OOWD staff for help presenting and enrolling Registered Apprenticeships.
- All Registered Apprenticeship Presentations should state that in the Results area of the OKJobMatch documentation.
- All Registered Apprenticeship Enrollments should state that in the Results area of the OKJobMatch documentation.

LWDB Response: Initially we had some miscommunication on how presentations were to be recorded in OKJM. Once we received some clarification from Bill on 10/12/2022.

Notes:

- Registered Apprenticeships were on the Score Card in PY21 and will be a negotiated category in PY23.
- Registered Apprenticeships are a focus at both the national and state level.

Business Services

Areas of Concern:

- How does the Business Services Team maintain contact outside of the quarterly meetings?
- Documentation shows three Skillful Talent Series presentations. The minimum when Skillful was introduced is four per year.
- OKJobMatch contact documentation and/or Quarterly reports need to be clearer if a core program service is provided. OKJobMatch contact documentation still needs to be entered if a service is not provided. (We count signing a worksite agreement as a core program service, but not presenting an agreement.)
- These are documentation examples from South Central's PY21 OKJobMatch Results.
 - Good Result example: *"Worksite agreement signed on 7/6/21. BSC emailed WIOA Case Managers with notice of new worksite with job positions available. "*

- Unclear Result example: *“Mr. Pierce and BSC discussed how apprenticeship could be used at his worksite. He felt that diesel mechanic could be a potential apprenticeship opportunity. ”*
- Too long of a Result: *“On Feb 28th Kelly and Erin and ORWA Rep Jeanie Shubert met with City Manager Chuck Ralls in person to discuss how WIOA funds could be used to support an apprentice with an OJT and how ORWA would provide apprenticeship training course work and monitoring for reporting purposes and how this would allow him to have an employee trained to a high industry standard as well as aid in retention of that individual along with the many other benefits of apprenticeship and how we would/could each assist in the process. Chuck was very interested in the program and said that he would look for candidates. By the end of that day Chuck reached out to us all saying that he had someone a new hire that wanted to participate in the apprenticeship. BSC's reached out to the candidate to get him processed for WIOA services and then the ORWA Rep has started her processes for enrollment. It was a very fruitful outcome for this individual and city. ”*

- When was the last time a Business Services self-assessment done?

Recommended Actions:

- If not already being done, consider using some form of a referral system or emailed form between BST partners.

LWDB Response: Business Services has implemented the practice of maintaining contact with business partners at the business services meetings and following the quarterly One Stop Operator meetings. The South-Central BST currently does referrals by email. We will discuss at our next BST meeting if there is another preferred method of referral.

- Consider working with a Career Tech to host a Skillful Talent Series class.

LWDB Response: The South-Central BST has met with career techs and multiple businesses and there has been no interest to date. Can you point out in policy where this is a required measure? If it is in the policy then we would like to know where it states that and discuss how this is being done in other rural areas.

- A way to boost Core Business services would be to provide small economic development organizations and chambers of commerce a regular LMI report.

LWDB Response: Currently the BST works closely with several EDC and chambers in our area to provide LMI as needed. We are also members of the Oklahoma Southwest Alliance which is a regional economic development group covering 20 counties in southwest Oklahoma and offer assistance with LMI when needed. Board staff is on the team with the Economic Development to present to

potential business and industry.

- In OKJobMatch documentation (in Results area), state if a core program service is being provided and/or state when an Employer Focused Event is held.

LWDB Response: The South-Central BST will do this going forward.

- Please conduct a Business Services Self-Assessment if one was not done during PY21 or PY22.
<https://businessengagement.workforcegps.org/resources/2018/06/11/16/56/Business-Engagement-Self-Assessment-Tool>

LWDB Response: The BST has been doing quarterly self-assessments but going forward the BST will utilize the suggested form.

- Review and consider additional social media platforms. This will help in reaching different age groups and professionals. Examples might be Instagram, WhatsApp, SnapChat and LinkedIn. <https://www.searchenginejournal.com/social-media/biggest-social-media-sites/#close>
<https://www.adobe.com/express/learn/blog/top-social-media-sites>
- Workforce GPS on marketing.
<https://www.workforcegps.org/events/2023/01/11/19/49/Outreach-and-Marketing-for-the-Public-Workforce-Development-System-2>

LWDB Response: The South-Central BST will consider other platforms as a means of marketing. BST will review the WorkforceGPS link on marketing.

- Use press releases to help market events. Well written releases are popular with newspapers and radio stations. Press releases are particularly effective in small markets. If you need advice on writing a press release, contact David Crow on OOWD staff. David.crow@okcommerce.gov

LWDB Response: BST has recently been utilizing press releases for events that the South-Central BST conducts or participates in. We regularly receive event fliers that our partners are hosting, and we support them by sharing on our social media and with our network of press and radio contacts for exposure to their events as well. We have found this helpful to our outcomes and will continue to do this going forward. David Crow has been very helpful with sharing on social media as well.

- Customer Retention, Registered Apprenticeships and Impact Partnership are a good sources of success stories.

LWDB Response: South-Central strives to provide quality customer service

resulting in customer retention. South-Central currently has several Registered Apprenticeships and is partnering on Impact Partnerships throughout the area.

Notes:

- Customer Retention level of 5.1% based on OKJobMatch entries is good.
- An update of Business Services Strategic Plan occurred in July 2021
- Customer Satisfaction Survey Results was on the PY21 Score Card but not deemed usable for monitoring.
- Customer Retention was not on the PY21 Score Card but will be a category in PY23.
- Core Business services was on the PY21 Score Card and will be a negotiated category in PY23.
- Employer Focused Events were on the PY21 Score Card and will be a negotiated category in PY23.

Notable Practices

- The Quarterly Business Services Reports are an outstanding notable practice!

Being a member of the Lawton Businesswomen's Committee is a notable practice!



OKLAHOMA WORKS

Oklahoma Department of Commerce
Oklahoma Office of Workforce Development

PY21 Initial Monitoring Determination
Central Oklahoma Workforce Innovation Board

OOWD Monitors:

Connie Littleton
Karla Jackson
Emmit E. Grayson Jr.
Sandy Elledge
William Hancock

July 21, 2023

Oklahoma Department of Commerce
900 N. Stiles Avenue, OKC, OK 73104

MONITORING DATES:

April 17-21, 2023

OVERVIEW OF THE LOCAL AREA:

Local Workforce Development Board – Central Oklahoma Workforce Innovation Board (COWIB)

Fiscal Agent – Central Oklahoma Workforce Innovation Board (COWIB) AKA Central Oklahoma Workforce Board

Service Provider- Kaiser Group, Inc. dba Dynamic Workforce Solutions

SUMMARY OF REVIEW:

The Oklahoma Department of Commerce- Oklahoma Office of Workforce Development conducted a review of Local Area Monitoring and Oversight, Program and Grant Management Systems, Financial Management Systems, Adult and Dislocated Worker Programs, and Youth Programs. The purpose of this review was to assess whether key policies, procedures, and systems are in place to manage these programs.

The Oklahoma Department of Commerce-Oklahoma Office of Workforce Development reviewed Program Year 21 (PY21), which covers the period from July 1, 2021- June 30, 2022.

All local areas need to evaluate outreach and recruitment efforts because we must increase our WIOA program enrollments and participation for all 3 programs (i.e., adult, dislocated worker, and youth) as Oklahoma continues to have nearly a 40,000-worker shortage.

REVIEW SCOPE:

Local Area Monitoring and Oversight
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Adult and Dislocated Worker
Youth Programs
Equal Opportunity and Nondiscrimination
Business Services

SECTION 1 – LOCAL MONITORING

For Program Year 21 (PY21) financial monitoring was broad and comprehensive and in compliance with their own monitoring policies. COWIB, as fiscal agent maintains written documentation, including monitoring reports, findings, corrective actions, and resolutions for each fiscal monitoring conducted. After review of working papers, policies, and processes, no issues were found.

Programmatic monitoring of the Title 1 Adult and Dislocated Worker Programs was comprehensive, completed as scheduled, and conducted in alignment with their local monitoring policy and procedures.

COWIB's WIOA Youth Program monitoring was comprehensive, detailed and aligned with the local monitoring schedule and policy. Monthly youth monitoring is an effectiveness indicator:

We appreciate the use of the State format utilized for the sampling of allowable costs for youth clients.

SECTION 2 - DESIGN AND GOVERNANCE

Under Subpart C – Local Workforce Development Boards - §679.300, The vision for the Local WDB is to serve as a strategic leader and convener of local workforce development system stakeholders. The Local WDB partners with employers and the workforce development system to develop policies and investments that support the public workforce system strategies. These strategies support regional economies, the development of effective approaches, including local and regional sector partnerships and career pathways, and high-quality, customer-centered service delivery and service delivery approaches.

The vision of the LWDB is structured under the Design and Governance section of the WIOA monitoring guide. The objective areas of focus were: strategic planning, board administration, and youth operating systems.

Observations from Review of Policies and Documentation:

Strategic Planning

A review of the requested documentation for the following indicators was monitored.

- Indicator #1, Integration and One-Stop Delivery. All documentation was signed and completed. The LWDB utilizes a competitive process. The One-Stop Operator's role is clearly defined, and all policies comply with applicable laws, regulations, and State policies. The Board approved the demand occupations list in March 2021. The LWDB utilized criteria from the Bureau of Labor Statistics, tools provided for economic modeling, and local information to create a quality list.
- The State has no areas of concern for indicator #2, Veteran's priority of service, Adult priority, and other priority populations.
- Indicator #3 Local Area Authority and Flexibility. The State has no areas of concern.

Board Administration

The LWDB has a certified Workforce Development Board that received board certification on August 1, 2019. There are currently no vacancies, nor are there any new appointments since certification.

- As required by indicator #4, the LWDB is compliant, and State has no areas of concern.
- Indicator #5, By-Law review – the State has no areas of concern.
- Indicator #6, Open Meeting Act Compliance – The LWDB complied with the Open Meeting Act [20 CFR § 679.390; Title 25 Oklahoma Statutes §301-314; 74 O.S. 3106.2] when conducting all business. All meetings were posted with date, time, and location as required. The State has no areas of concern.
- Indicator #7 Youth Committee/Council – The LWDB has a Youth Council that operates as a subgroup of the Central Oklahoma Workforce Investment Board. The Youth Council is subject to the by-laws. The focus is to provide youth policy in assisting youth programs. All appropriate meeting notes and agendas were available for review. – The State has no areas of concern.

Youth Operating Systems

The State examined the LWDB’s policies for youth services. All policies, OSO procedures, Youth Committee minutes, and the 2-year plan comply, and the State has no areas of concern.

Area of Concern: N/A

Findings: N/A

Promising Practices: N/A

SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS

During financial monitoring, administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, and contracting and procurement samples were reviewed. After review of program and grant management, working papers, policies, and processes, no issues were found.

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS

ODOC/OOWD reviewed samples of WIOA contracts along with the corresponding budget, accounting records, and cash requests for PY21 (July 2021-June 2022). In addition, a sampling of board, fiscal agent, and service provider expenditures were reviewed. In review of working papers to determine financial and administrative compliance, no issues were found.

SECTION 5 – DELIVERY OF ADULT AND DISLOCATED WORKER SERVICES

ODOC/OOWD’s comprehensive review of the Adult and Dislocated Worker (DLW) programs consisted of a random monitoring sample that included six Adult and four Dislocated Worker files.

Adult files:
PID 2586078
PID 2418833
PID 116494
PID 1161909
PID 636661
PID 1858805

Dislocated Worker files:
PID 2004345
PID 1824713
PID 95146
PID 1953776

The monitoring sample indicates that the Central Oklahoma Workforce Innovation Board (COWIB) operates the Title I Adult and DLW programs in accordance with Federal Statutes, as well as within the Federal Regulations and applicable State policies. There were no Findings or Areas of Concern noted in the monitoring sample. However, technical assistance is provided to address data integrity and case management issues that were observed in PY21, as well as those noted in monitoring of prior program years. Such observations, if found during the State's PY22 monitoring, may be determined by the State to be Areas of Concern or Findings.

PID 116494 Observation: Training documents for seven other participants were located in the virtual file. The uploaded documentation dated 1/03/2022 contains personally identifying information (PII) for the participants.

Resolution: The 1/03/2023 upload has been marked for deletion and the information belonging to the participant was correctly uploaded on 5/18/2023.

PID 1858805 Observations:

(1) Although the OJT contract (CO-OK-014-21) and COWIB's OJT policy does not include a requirement for pay increases, the participant was informed that she should have received a raise from the employer per the on-the-job training (OJT) contract.

Resolution: As the result of technical assistance provided by the State Monitor, a Data Error Edit Note was entered by service provider staff on 5/24/2023 to clarify that any raises would have been negotiated between the OJT employee/WIOA participant and the OJT employer.

Recommended Action: Although case/program notes have been corrected, ODOC/OOWD recommends a joint overview of OJT policy and processes for Career Navigators (CNs) and Business Services staff.

(2) The PN dated 7/26/2022 documents a request for reimbursement to an incorrect OJT employer. The 10/07/2022 was entered to correct the name of the OJT employer for this participant, however there was no request to delete the 7/26/2022 PN.

Resolution: The Data Error Edit Note entered by the service provider on 5/24/2023 corrects the name of the OJT employer that requested the OJT reimbursement.

Required Action: A review of OWDI #02-2022 Oklahoma Data Integrity and Secure Stewardship of Personally Identifiable Information (PII) is required. The policy provides

the State's requirements for implementation of procedures for the oversight, monitoring and review of participant data entered in the case management system. The following statement is directly from OWDI #02-2022: Case notes must be detailed, accurately support the coordinating service entries, and reflect a comprehensive picture of participant activities and staff interactions concerning the participant. **Response: DWFS provided TA in a monthly staff meeting and reviewed OWDI 02-2022**

Best Practice:

The Central Oklahoma Workforce Development Area (COWDA) provides a combination of education and training services funded by WIOA Title 1 funds. These services prepare WIOA Title 1 eligible individuals for work, improve their employment prospects, and assist with career advancement. When COWIB and their service provider, Dynamic Workforce Solutions, coordinate education and training services with services and funds provided by partner entities, programmatic outcomes are improved, as illustrated in the following example.

PID 1858805: Funding for occupational skills training in the Information Technology field, i.e., and Adult Coding Camp, was shared with ReMerge, a Women's Diversion Program that provides an alternative to incarceration. The individual completed the coding training, followed by a work experience/transitional job placement and finally, on-the-job training (OJT). The participant was retained in fulltime employment upon completion of the OJT position. While in the process of completing the activities in her Individual Employment Plan (IEP), she maintained ReMerge Individual Care Plan requirements and graduated from the program in October of 2022.

State Monitor's Note: In PY21, the successful OJT completion rate of individuals enrolled WIOA Title 1 Programs was 63.16%. Completion is defined as the successful completion of the OJT employee's (i.e., WIOA participant's) training plan and retention in fulltime unsubsidized employment with the same employer/business. The 63% completion rate includes WIOA Title 1 Adult, Dislocated Worker, and Out-of-School Youth Program participants. As stated in TEG 19-16 and the State's current Adult and Dislocated Worker policy, OWDI 07-2020 Change 1, OJT continues to be a key method of delivering training services to adults and dislocated workers.

SECTION 6 – DELIVERY OF YOUTH SERVICES

An observation of the Central Oklahoma Region Cumulative 4-Quarter Reporting Period report indicates the local area has continued its focus on the WIOA primary target population of out-of-school youth.

Of the total youth who received WIOA services during the monitoring review period, a comprehensive review was conducted on 10 enrollments which included 10 Out-of-School Youth:

- COWIBs Youth Operating Systems clearly demonstrates a broad youth vision, supportive systems and an integrated service delivery system. COWIB provides a workforce framework whereas ODOC/OOWD can recommend to other local

boards for provisioning and successful outcomes. Central's framework also emphasizes critical career exploration and guidance, support for educational attainment and multiple strategies for on-the-job/ work-based training which is the basis of career pathways.

- The monitoring sample indicated the COWIB is serving the WIOA eligible/target population.
- COWIB has developed an individual service strategy (ISS) that identifies and meets the specific needs of each participant.
- Supportive services are being provided as needed to overcome barriers to participation and completion of the individual service strategies.
- Reasonable Incentives are offered and paid to clients in accordance with training and employment guidance and OWDI 02-2016 Change 2.
- There has to be a continued statewide concerted focus on increasing the youth credential rate which will impact the States goals of increased credentials and we are confident that COWIB will be in the frontline of leadership in this effort.
- COWIB continues its efforts at the service provision, program management and fiscal level in ensuring that the region exceeds the statutory 20% work experience and 75% out-of-school youth requirements as noted in Section 4 of this report.

Results from the Youth Program Review:

Samples of the following eligible client virtual files were conducted without any observations, areas of concerns or findings noted:

Participant 1054859 (OSY): Attempts at follow-up were made without contact with client after exit. The local area included an S&T entry for the follow-up service.

Participant 1766075 (OSY): Attempts at follow-up were made without contact with client after exit. The local area included an S&T entry for the follow-up service. Hopefully we can eventually locate the client and are able to keep her engaged in follow-up.

Participant 1804902 (OSY): COWIB and Guthrie Job Corps cooperation and coordination is a good example of engagement in joint case management with partners that ensures coordination of services.

Program Note 10/8/21: Follow-up contact will focus on helping the client retain employment.

Participant 1917346 (OSY): Samples of the following eligible client virtual files were conducted without any observations, areas of concerns or findings noted.

Goal: Registered Nurses 8/23/22 ISS: Client has enrolled and has been accepted into the Rose State College for her Associates Degree Nursing Science training and began her classes on 08/23/2022.

Follow-up Services: Attempts at follow-up were made without contact with client after exit. COWIB included an S&T entry for the follow-up service.

The client entered post-secondary education and dropped out, but the follow-up engagement is encouraging considering the discussion on employment retention incentives of \$50.00. We encourage these types of incentives during follow-up.

Participant 2097624 (OSY): A reasonable incentive of \$200.00 was awarded for the completion of the CDL.

Notes: Jaquan exited the program on 03/07/2022, due to completion of all goals while an active participant in the program. His enrollment was allowed to close by mutual agreement.

During active participation, Jaquan successfully completed CDL training and obtained his CDL. He was employed at time of exit and employment verification was completed.

Follow-up Services: Follow up contact will focus on employment verification.

ODOC/OOWD believes the servicing, outcomes and follow-up service was very effective. Also, a review of the MSG indicator indicates the measure was correctly entered as well.

Participant 2348982 (OSY): ODOC agrees with the follow-up plan developed for the youth.

Follow-up: Notable because the focus in follow-up is clear and to the point of focus:

Note indicates: *“The client did not gain a credential while in the program and is currently unemployed. Follow-up contact will focus on helping the client obtain employment and encouraging the client to pursue training.”*

Participant 2374404 (OSY): A samples of the eligible client virtual file was conducted without any observations, areas of concerns or findings noted.

Participant 2386222 (OSY): A samples of the eligible client virtual file was conducted without any observations, areas of concerns or findings noted.

Although there were no noted indicators of non-effectiveness in servicing, our concern continues to be for clients that are not successful in any career services enrolled in and the exit from training without completion. However, considering the client was documented as employed, we should provide employment related follow-up services at minimum the youth.

Participant 2445993 (OSY): A samples of the eligible client virtual file was conducted without any observations, areas of concerns or findings noted.

Participant 2473705 (OSY): Exited due to lack of participation. A samples of the eligible client virtual file was conducted without any observations, areas of concerns or findings noted.

Section 7- Equal Opportunity (EO) and Nondiscrimination:

According to the duties and responsibilities described in 29 CFR 38.28, the State conducted an on-site monitoring visit on April 20, 2023, at the North Lincoln American Job Center. A tour of the facility, a sampling of policies, and documentation was reviewed to determine compliance under the nondiscrimination and equal opportunity mandates of Section 188 of the Workforce Innovation and Opportunity Act. Indicators, Observations, Recommendations, Recommended Action, and Promising Practices are detailed below.

Indicator: A review of the Local Plan, September 1, 2021, denotes appropriate assurances listed on page 60.

Recommended Action: No Recommended Action.

Promising Practice: As part of the document review and approval process, routing through the Equal Opportunity Officer assists in compliance with the duties and responsibilities of the Equal Opportunity Officer and certifies compliance with the assurance provisions. Clarifying the job duties assists all staff in the organization in ensuring appropriate review and input for equal opportunity.

Indicator: The organizational chart does indicate clear and direct reporting of the Equal Opportunity Officer to the highest level of authority. The organizational chart provided was clear and concise with relationships. A review of the job description with duties and responsibilities and an E. O. officer resume is appropriate for the position.

Recommended Action: No Recommended Action.

Promising Practice: COWIB is exercising a promising practice with a detailed organizational chart. The importance of emphasizing the relationship can occur by including the E. O. Officer at all official meetings and allotting time to equal opportunity nondiscrimination issues on the agenda. This practice reinforces the importance and relationship with the organization.

Indicator: Review of budgeting documents. There was no assigned budget to the E. O. Officer/EO Program.

Recommended Action: No Recommended Action.

Promising Practice: COWIB includes a budget line item for Board Administration, which consists of a breakdown of E. O. budget items.

Site Review: A tour of the American Job Center located at 5005 N. Lincoln Blvd, Oklahoma City, OK, demonstrated that appropriate signage is displayed in areas where staff and clients have access to the notice and communication of the “Equal Opportunity is the Law.”

Recommended Action: No Recommended Action.

Promising Practice: COWIB should, on a regularly scheduled basis, continue to review and update signage contact information as needed.

Observation: The State reviewed the Central Oklahoma Workforce Innovation Board website for notice and communications. The notice was readily apparent. Policies are readily available to the public. Complaint procedures are listed in the Equal Opportunity areas.

Recommended Action: No Recommended Action.

Indicator: COWIB has an efficient system to collect and maintain records and necessary data to determine compliance with nondiscrimination and EO provisions. The data is stored in a manner that ensures confidentiality and is used only for recordkeeping, reporting, determining eligibility, and program compliance with nondiscrimination requirements.

Recommended Action: No Recommended Action.

Promising Practice: COWIB should continue with the regular scheduled review and update of policies, notices, and procedures to ensure that current contact information is displayed. It is imperative that clients and regulators have the correct contact information, including the local E. O., to ensure the timely handling of complaints and issues as they arise.

Indicator: A review of E. O. reports with cohort data assigned to the area collected the appropriate information. Relevant data is being collected for review and analysis.

Recommended Action: No Recommended Action.

Promising Practice: Some One-Stop Centers have leveraged additional tools, i.e., *Salesforce*, to assist in the data collection and analysis, which is a positive investment toward identifying and tracking outcomes.

Observation: Document retention policy is noted explicitly in policy, Discrimination Complaint Procedures Governing WIOA Activities, and Oklahoma Works One-Stop Centers.

Recommended Action: No Recommended Action.

Promising Practice: COWIB's published policies are dated with an effective date and/or revision date for monitoring purposes. This practice ensures that the appropriate policies are known and in effect at the review time.

Indicator: Documents submitted by the Central Oklahoma Workforce Innovation Board indicate collaboration with community partners, as evidenced by meeting flyers, minutes, and agendas. Regular outreach with these entities through regular meetings and projects is indicated with ties to the communities being served.

Recommended Action: No Recommend Action

Promising Practice: Continue to consult with appropriate community groups to identify other solutions. Data should be reviewed to support decision-making that potentially impacts clientele. This is a promising practice but should be monitored to ensure services are equivalent and meet competitive integrated settings for compliance with Section 504 of the Rehabilitation Act of 1973, as amended.

Indicator: Complaint logs were submitted for review. The log details complaints and resolution of allegations of discrimination, along with the name and address of the complainant. As part of the State of Oklahoma Nondiscrimination Plan, the reports must be submitted quarterly to the State E. O. Officer.

Recommended Action: No Recommended Action.

Promising Practice: In quarters where no complaint is filed, continue to submit the log and indicate no complaints received during the indicated quarter. This submission ensures a continuous information flow and review of documentation. It can be challenging to determine continuity if personnel change positions when there are extended periods of no entry in a log sheet. The local E. O. officer is skilled and efficient regarding the necessary WIOA reporting procedures.

Indicator: Central Oklahoma Workforce Innovation Board provides a system for communicating policy on its website.

Recommended Action: No Recommended Action.

Promising Practice: Yearly reviews and training with all staff can ensure refreshed knowledge and communication of Equal Opportunity Policies and reinforce procedures for correcting issues when noncompliance is found.

Indicator: Central Oklahoma Workforce Innovation Board utilizes the State of Oklahoma's Eligible Training Provider List Policy and Procedures (OWDI #01-2023). The use of OWDI #01-2023 complies with nondiscrimination and equal opportunity provisions applicable to state and federal law.

Recommended Action: No Recommended Action.

Indicator: The State conducted an on-site monitoring visit on April 20, 2023, at the North Lincoln American Job Center, located at 5005 N. Lincoln Blvd., Oklahoma City. The absence of appropriate vertical ADA parking signage is missing.

Recommended Action: Use the findings from the Site Accessibility Evaluation to perform corrective action for accessibility compliance. **Response:** We will work with the building owner to have appropriate signage installed.

Promising Practice: Using checklists for identifying potential barriers is an excellent tool to involve all staff in identifying and becoming part of the solution for barrier removal. Reviewing the Site Evaluation report with building staff may lead to solutions or implementations of the recommendations upon identifying obstacles faced by those already challenged by accessibility. Breaking down the report to each item can assist in obtaining cost estimates or creating metrics for completion. The continued review and development of plans to ensure complete accessibility for all is a strong practice to maintain accountability and compliance. COWIB has a well-developed logistical plan that was implemented strategically concerning to site accessibility.

Conclusion

The PY21 review of the Central Oklahoma Workforce Innovation Board demonstrates substantial compliance with the provisions of Section 188 of WIOA and 29 CFR 38 regarding equal opportunity and nondiscrimination. Central Oklahoma Workforce Innovation Board and the North Lincoln American Job Center staff are dedicated and customer-centered in serving the public. The administration and management of the staff are conducive to the service of the community. The documentation provided by COWIB is efficient, and there are no significant areas of concern. In the area of equal opportunity and nondiscrimination, COWIB has shown attention to detail and a commitment to serve the public effectively.

SECTION 8 – BUSINESS SERVICES AND EMPLOYER ENGAGEMENT:

A review and observation of the Central Oklahoma Workforce Innovation Board (COWIB) program year 2021 Business Services shows a good effort to serve the business community in central Oklahoma. This monitoring includes no required actions.

This monitoring includes several recommended actions:

Sector Strategies

No Areas of Concern:

Recommended Action:

- Consider working on an aerospace Impact Partnership/Sector Partnership.

Notes:

- Continue the good work.
- Impact Partnerships were on the PY21 Score Card and will be a negotiated category in PY23.

Career Pathways Systems and Programs

Areas of Concern:

- The apparent number of Registered Apprenticeship presentations and enrollments appears to be 46 in OKJobMatch and the COWIB response in the monitoring tool is 38. Response: 38 is the number of unique employers that a presentation was done with. Should it be presentations at large?

Recommended Action:

- All Registered Apprenticeship Presentations should state that in the Results area of the OKJobMatch Contact documentation.
- All Registered Apprenticeship Enrollments should state that in the Results area of the OKJobMatch Contact documentation.
- If the local Business Services Representative gives the lead to OOWD, it still should be documented as a presentation and/or enrollment.

Notes:

- Registered Apprenticeships were on the Score Card in PY21 and will be a negotiated category in PY23.
- Registered Apprenticeships are a focus at both the national and state level.

Business Services

Areas of Concern:

- A Business Services Self – Assessment has not been done. Response: Has this been set as an expectation?
- The apparent number of employer focused events appears to be 27 in OKJobMatch and the COWIB response in the monitoring tool is 45. Response: We reported 43 events. What are the entries that are being counted as Employer Focused Events? Acceptable documentation of an Employer Focused Event includes: Outreach materials for specific events; Copies of invitations to speak and/or presentations; Sign-in sheets for hosted or co-hosted events; Copies of MOUs or Agreements for Impact Partnerships; and Contact Tracking reports generated from the state's case management

system. Previous to July 2023, we did not have guidance on how to document Employer Focused Events.

- OKJobMatch contact documentation needs to be clearer if a core program service is provided or an Employer Focused Event is held.

Recommended Action:

- Do a Business Services Self – Assessment.
 - <https://businessengagement.workforcegps.org/resources/2018/06/11/16/56/Business-Engagement-Self-Assessment-Tool> Response: This guidance is not located in any OWDI
- All Employer Focused events should state that in the Results section of contact documentation. Note that only the actual event should be recorded that manor.
- All Business Core Programs should state that in the Results area of OKJobMatch Contact documentation. Note that only the actual core program delivery or contract signature should be documented this way.
Response: Guidance states that Core Business Services are direct assistance services offered and provided to large and small employers that contribute to the state's success in Effectiveness in Serving Employers. Which would include activities that did not result in a contract signature.
- The only recommended action on publicity will be to use press releases in the smaller markets like Guthrie and Shawnee. Media in small markets like the free content and residents in small communities pay more attention to the local media. If you need advice on writing a press release, contact David Crow on OOWD staff. David.crow@okcommerce.gov
- Customer Retention, Registered Apprenticeships and Impact Partnership are a good sources of success stories.

Notes:

- Customer Retention level of 6.0% based on OKJobMatch entries is good.
 - Response: Can we get the data source for this number? We calculate 13.3% (PY19-PY21: 84 repeat businesses out of 630).
- Updates of the Business Services Strategic Plan were done in October 2021 and July 2022.
- Customer Retention was not on the PY21 Score Card but will be a category in PY23.
- Customer Satisfaction Survey Results was on the PY21 Score Card but not deemed usable for monitoring.

- Core Business services was on the PY21 Score Card and will be a negotiated category in PY23.
- Employer Focused Events were on the PY21 Score Card and will be a negotiated category in PY23.

Notable Practices

COWIB's Business Services Team (Business Services Network) meet monthly. This is more effective than the quarterly minimum.

COWIB has a good rate of Registered Apprenticeship presentations.

The combined use of multiple social media sites; Facebook, LinkedIn, Instagram, TikTok and YouTube is a notable practice.

Internal record keeping separate from OKJobMatch is a good practice, allowing the easy tracking of progress of performance.

Working with the Oklahoma Department of Corrections is a notable practice.

COWIB uses many different forms of Employer Focused Events. You were able to reach a broader range of targets with the many different events.

COWIB does a good job of partnering with organizations specializing in target and minority groups. (AARP, Northcare, Veterans Upward Bound, Seminole Nation, Counseling and Recovery Services of Oklahoma etc.)

The cross-training of Business Services Consultants and liaisons is a notable practice.



Oklahoma Department of Commerce
Oklahoma Office of Workforce Development

PY21 Initial Monitoring Determination
Green Country Workforce Development Board, Inc.

OOWD Monitors:

Connie Littleton
Emmit Grayson Jr.
Sandy Elledge
Karla Jackson
Bill Hancock

GCWDB Responding Team:

Christi Y. Porter
Mike Branan
Belinda Wall
Jeanne Blackwell
Amber Cutshaw
Julie Van De Wege
Martha Brians

July 6, 2023

Oklahoma Department of Commerce
900 N. Stiles Avenue
Oklahoma City, OK 73104

July 7, 2023 – Response Received
August 7th – Response To OOWD

MONITORING DATES:

March 20-24, 2023

OVERVIEW OF THE LOCAL AREA:

Local Workforce Development Board- Green Country Workforce Development Board
Fiscal Agent- Indian Nation Council of Government (INCOG); Current Fiscal Agent-
Central Oklahoma Workforce Innovation Board
Service Provider- Eckerd Youth Alternatives, Inc. then transitioned to The Kaiser Group
DE, LLC dba Dynamic Workforce Solutions

SUMMARY OF REVIEW:

The Oklahoma Office of Workforce Development conducted a review of Local Area Monitoring and Oversight, Program and Grant Management Systems, Financial Management Systems, Adult and Dislocated Worker Programs, Youth Programs, and Equal Opportunity and Nondiscrimination. The purpose of this review was to assess whether key policies, procedures, and systems are in place to manage these programs. The Oklahoma Office of Workforce Development reviewed Program Year 21 (PY21), which covers the period from July 1, 2021- June 30, 2022.

All local areas need to evaluate outreach and recruitment efforts because we must increase our WIOA program enrollments and participation for all 3 programs (i.e., adult, dislocated worker, and youth) as Oklahoma continues to have nearly a 40,000-worker shortage.

REVIEW SCOPE:

Local Area Monitoring and Oversight
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Adult and Dislocated Worker
Youth Programs
Equal Opportunity and Nondiscrimination
Business Services

SECTION 1 – LOCAL MONITORING

For Program Year 21 (PY21) financial monitoring was incomplete and not in compliance with Green Country’s monitoring policy. After review of working papers, policies, and processes, the following finding was determined.

Finding # 1:

Green Country Workforce Development Board’s (GCWDB’S) programmatic and fiscal monitoring was essentially non-existent during PY21 and the majority of PY22. The hiring of a new Executive Director in October 2022 resulted in the release of a robust monitoring policy on 12/08/2022 that requires 100% monitoring of all new enrollments as they occur, as well as a process for timely corrections of issues and the requirement to issue a monthly monitoring report to the Service Provider (SP).

Required Action: Details of the resolution of the issues/outcomes found in GCWDB'S recent monitoring of the former SP (Eckerd) must be addressed in the local area response to the Initial Monitoring Report.

OOWD acknowledges that the Green Country Region was formed on 2/01/2021 and recognizes that the merger process between the Tulsa Area Workforce Development Board (TAWDB) and the Eastern Workforce Development Board (EWDB) required several months to be finalized.

ODOC-OOWD has seen greater outcomes with the expansion of local area implementation of more frequent monitoring (monthly monitoring) and we are encouraging all local areas including Green Country to consider adopting this process.

According to the local area table of monitoring:

On an ongoing basis, each Career Navigator was monitored for an Adult, a Dislocated Worker, and a Youth Participant to ensure eligibility, correct demographic information, correct forms are used and compliance with Local, State and Federal Policies and Laws. The participant files chosen are monitored for OST, WEX, OJT and/or support services as applicable. With the approval of the Monitoring policy on 12/8/22, 100% monitoring was implemented for all programs and services to ensure that issues were resolved more quickly.

Noted: Monitoring in response to DOL Findings in 2022

Noted: Expenditures Review PY21 and PY22 thru January 2023 for client: 2444006, 2634558, 2632926, 2094475, 2625454

GCWDB Response:

GCWDB is monitoring at 100%. PY20, PY21 and PY22 have been completed. This means the Service Providers have been given the opportunity to correct all mistakes or if unable to correct, disallowed cost will be taken out of the invoice amounts. Eckard is pushing back on paying the disallowed costs, but Susannah is involved to address concerns.

SECTION 2 - DESIGN AND GOVERNANCE

Under Subpart C – Local Workforce Development Boards - §679.300, The vision for the Local WDB is to serve as a strategic leader and convener of local workforce development system stakeholders. The Local WDB partners with employers and the workforce development system to develop policies and investments that support the public workforce system strategies that support regional economies, the development of effective approaches, including local and regional sector partnerships and career pathways, and high-quality, customer-centered service delivery and service delivery approaches.

The vision of the LWDB is structured under the Design and Governance section of the WIOA monitoring guide. The objective areas of focus were: strategic planning, board administration, and youth operating systems.

Observations from Review of Policies and Documentation:

Strategic Planning

A review of the requested documentation for the following indicators was monitored.

- Indicator #1, Integration and One-Stop Delivery. All documentation was signed and completed. The LWDB utilizes a competitive process. The One-Stop Operator's role is clearly defined, and all policies comply with applicable laws, regulations, and State policies. It's noted that the list of demand occupations was approved by the Board on 12.08.2022. The list is under annual review and will be updated at the GCWDB meeting in April 2023. GCWDB provides Business Services to the area. There are seven current MOUs in place for the local area, with 3 of the MOUs containing cost-sharing agreements.
- The State has no areas of concern for indicator #2, Veteran's priority of service, Adult priority, and other priority populations.
- Indicator #3 Local Area Authority and Flexibility.

Board Administration

The LWDB has a certified Workforce Development Board that received provisional board certification in July 2022 with approval by the Governor's Council for Workforce & Economic Development meeting on October 28, 2022.

- As required by indicator #4, the State received pertinent information and proper notification regarding the board nominations, replacements, and reappointments.
- Indicator #5, By-Law review – **the State has no areas of concern.**
- Indicator #6, Open Meeting Act Compliance – The LWDB complied with the Open Meeting Act [20 CFR § 679.390; Title 25 Oklahoma Statutes §301-314; 74 O.S. 3106.2] when conducting all business. **The State has no areas of concern.**
- Indicator #7 Youth Committee/Council – The LWDB does not have a membership requirement for the Youth Committee. All Youth Board appointments were submitted to the State for review. The Youth Committee/Council is an advisory committee without by-laws. The committee has participated in surveys to help identify areas to increase service.

Youth Operating Systems

The State examined the LWDB's policies for youth services. The Youth Operating

Systems have transitioned Eckerd Youth Alternatives, Inc. to Dynamic Workforce Solutions as of February 1, 2023. All policies, Youth Committee minutes, and the 1-year plan are in compliance, and **the State has no areas of concern.**

Area of Concern: N/A

Findings: N/A

Promising Practices: N/A

SECTION 3 and 4 – PROGRAM GRANT, and FINANCIAL MANAGEMENT SYSTEMS

During financial monitoring, administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, and contracting and procurement samples were reviewed. After review of program and grant management, working papers, policies, and processes, the following findings were determined:

Finding #2:

Procurement and Contracting Administration: For PY 21 Green Country did not have an adequate Procurement/purchasing system that includes written procedures and ensures all contracting or procurement actions are performed in a manner that provides for full and open competition.

Although, the purchases below are considered allowable Green Country did not follow Federal regulations (2 CFR 200.300 Methods of procurement), State policy (Oklahoma Workforce Development Issuance # 10-2017), nor its own policy for the following purchases:

- Oracle NetSuite- \$18,056.16- Transaction is a small purchase which requires price or rate quotations of three (3) or more qualified sources (unless a lesser number is justified in the procurement file) to ensure reasonable competition.
- Salesforce.com, Inc. \$24,192.00-Transaction is a small purchase which require price or rate quotations of three (3) or more qualified sources (unless a lesser number is justified in the procurement file) to ensure reasonable competition.
- Apprentice Information Systems of Oklahoma- \$41,122.00-Transaction is more than the small purchase limit which requires a competitive bid process.

Note: Green Country has created its own accounting and procurement policies that are in-line with Federal regulations and State policies. Green Country has also appointed the Central Workforce Board as its Fiscal Agent and will utilize COWIB's established policies for accounting processes.

GCWDB Response:

Green Country is no longer utilizing or paying for the services of Oracle, Salesforce or

Apprentice IS. With the adaptation of new procurement policies that are in line with the State's policy and Oversight from COWIB as GCWDB's fiscal agent, Federal Law and State procurement policy expectations will be met. Procurement is conducted in accordance with and approved by the Fiscal agent and their policies concerning the purchase of goods and services.

Finding #3:

In accordance with 2 CFR 200.501 an annual audit is required for an entity that expends \$750,000 or more during a fiscal year. Green Country has not had an audit for financial transactions conducted in PY21 which is not in-line with 2 CFR 200.501.

Note: Green Country's single audit for PY21 has been completed and Green Country is currently awaiting the Independent Auditor's Report.

Required Action:

Upon receipt Green Country must submit the Independent Auditor's Report to ODOC.

GCWDB Response:

The independent audit has been completed and submitted to OOWD and DOL. The forensic audit, required by DOL, is waiting on the RFP to be completed.

Required Federal and State Minimums:

PY21 Federal and State Required Minimum Expended Expenditures and Percentages for the Adult, Dislocated Worker, and Youth Programs	
Combined Federal Minimum Required Expended Expenditure Percentages	
Youth Work Experience Percentage	0%
Out of School Youth Percentage	0%
Combined State Minimum Required Expended Expenditure Percentages	
Adult-Direct Participant Training Percentage	29%
Dislocated Worker-Direct Participant Training Percentage	2%

SECTION 5 – DELIVERY OF ADULT AND DISLOCATED WORKER SERVICES

ODOC/OOWD's comprehensive review of the Adult and Dislocated Worker (DLW) programs consisted of a random monitoring sample that included six Adult Program participants and four Dislocated Worker participants.

Adult files:
PID 1150258
PID 373414
PID 80030
PID 633657
PID 1095970
PID 2619097

Dislocated Worker files:
PID 393363
PID 483175
PID 240644
PID 2597854

Although the PY21 monitoring of the Green Country Workforce Development Area (GCWDA) focuses on services provided during the timeframe July 1, 2021 – June 30, 2022, the State’s monitoring of WIOA Title 1 adult and dislocated worker services is also focused on technical assistance to support the recent changes of both Board and Service Provider leadership and staff.

The monitoring sample indicated that the Green Country Workforce Development Board (GCWDB) appropriately focused on the Statutory Priority of Service for Adult Funds in PY21.

It is apparent to ODOC/OOWD that the hiring of an experienced Executive Director in PY22 has resulted in marked improvement in local processes. The State also acknowledges that extensive local monitoring of PY21 services has recently been completed and GCWDB’s Adult and Dislocated Worker policy and related policies have been updated. Along with the hiring of an experienced and informed Service Provider in February of 2023, the above actions are expected to allow for an increased focus on participant-level services, as compared to the local services provided in the GCWDA in PY21.

Areas of Concern from the Review of Adult and Dislocated Worker Files:

Area of Concern 1 – Program Notes: Incomplete program notes were still an issue during the State’s PY 21 Monitoring.

PID 80030 is an example of poor program notes and lack of regular client contact. The participant did not attend training at Tulsa Community College, stating that she had not been informed that she had been approved for WIOA funding. There were only seven successful contacts with the participant between the enrollment date of 8/10/2021 and the final contact on 12/27/2022. The gap between the 8/11/2021 note and the next successful contact was approximately eight months. There were three alternate contacts listed for the participant, none of which were documented as being utilized to contact the participant. The final Program Note states that the Career Coach failed to provide services, which resulted in the participant’s exit, and kept her from receiving training services.

State Monitor’s Note: The payment for training at Tulsa Community College has been refunded to the WIOA Title 1 grant as the client failed to attend the training.

No additional action is required.

Area of Concern 2 – Individual Employment Plan (IEP): The comprehensive services and activities necessary for attainment and retention of successful employment must be described in the IEP.

The following files from the State's PY21 monitoring include IEPs that have not been appropriately updated or are otherwise incomplete or insufficient:

PID 393363, PID 1150258, PID 483175, and PID 240644. GCWDB's current Adult and Dislocated Worker Policy, approved 4/18/2023, will effectively resolve this area of concern, provided case managers are appropriately trained on case management processes.

State Monitor's Note: The requirement for provision of case management training based on the policies updated since October 2022 is addressed at the end of Section 5.

GCWDB Response:

Scheduled TA training July 20 & 21, 2023 for SP. TA training will be ongoing and scheduled as determined by GCWDB Leadership (Executive Director and Operations Director) TA was completed and we have attached the Documentation for the TA (TA1-9). This Technical Assistance (TA) included everything from the first contact with the client (application) through federal performance. All monitoring concerns were addressed. GCWDB staff was very pleased with the TA. Moving forward there should be less issues with the DWFS cases.

Areas of Concern 3 - PID 240644: (1) The participant's IEP has not been updated since its creation on 5/05/2023; (2) The file does not document the provision or approval of the requested WIOA-fund training services, nor does it address any progress toward a Tribal work experience position mentioned in an uploaded letter from the Cherokee Nation; (3) The enrollment remains open with only the provision of individualized career services. The Career Navigator (CN) entered a service in the S&T on 2/28/2023 and the Program Note entered on the same date indicated that the CN would request an ITA for training, yet there have been no additional updates to the file since 2/28/2023.

Recommended Action: There was an attempted contact with the participant to check on whether the Cherokee Nation had arranged for the client's work experience. The CN should coordinate services with the Tribal entity *in addition to* contacting and working with the mutual client.

GCWDB Response:

GCWDB has requested Service Provider staff follow OOWD's recommended action to contact the participant, update file and program notes. Please see attached notification emailed (and uploaded to TEAMS Monitoring Files Repository) to Service Provider Project Director. During the TA the GCWDB staff thoroughly explained braiding services, joint staffing and required documentation for all clients involved with multiple

partners within the system or communities.

Required Actions: Along with the needed IEP updates, i.e., inclusion of the statuses of services mentioned in the 2/28/2023 Program Note, the frequency of client contacts must be in alignment with the following requirement in GCWDB's revised Adult and Dislocated Worker Policy:

Case management involves regular contact with a participant which, at a minimum, must be conducted every thirty (30) days with every sixty (60) days being face-to-face.

Technical Assistance: The IEP must be updated, provided that the enrollment is open when the Initial Monitoring Report is released to the local area. However, if a service is not provided and entered in the S&T within 90 days of the Career Guidance Service that was entered 2/28/2023, the participant will exit. Any actions after program exit must be documented in Program Notes and, as appropriate, added to the S&T closed enrollment.

GCWDB Response:

This has been addressed by the current service provider staff, as well as exit time frames and what makes the client hard exit.

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Area of Concern 4 – PID 373414: There was only one OJT evaluation in the participant's file. It is noted, however, that the OJT Documentation Requirements section of the OJT policy (Section VI) lists a Monthly Evaluation as a requirement, which conflicts with the following statement from GCWDB's OJT policy, approved 2/09/2023:

The employer shall evaluate each standard at the end of the contract period through the use of the Training Plan/ Participant Evaluation Form to determine the attainment of the OJT achievement objectives as stated. The employer shall also conduct periodic evaluations using the Evaluation Form provided on the timesheet.

Required Action: Clarification of the policy’s intent for the frequency of OJT evaluations is required. A statement documenting whether evaluations must be completed monthly or “periodically” must be included in the local area’s response to the Initial Monitoring Report, along with an estimated timeline for an update to the current OJT policy.

State Monitor’s Note: There is no expectation for the current Service Provider to locate or upload additional OJT evaluations for this former participant.

GCWDB Response:

GCWDB has corrected the policy in the following way:

- “The employer shall evaluate each standard at the end of the contract period through the use of the Training Plan/ Participant Evaluation Form to determine the attainment of the OJT achievement objectives as stated. The employer shall also conduct **periodically monthly [corrected to clarify frequency as consistent with Section VI of this policy on 08/03/2023]** evaluations using the Evaluation Form provided on the timesheet.
- This change will be approved at the October 12th GCWDB meeting.

WEX and OJT responsibilities previously implemented and managed by GCWDB Business Services are now included in the SP contract. Moving forward, documentation will be implemented as per current policy. The GCWDB monitoring team is monitoring 100% as individuals are enrolled in the programs, so issues are getting addressed and corrected quicker. The current Service Provider is reviewing all OJT participants to ensure evaluations are in the case file. GCWDB has provided a fillable OJT evaluation form.

Additional Recommended Actions Based on the Areas of Concern:

The State recommends that GCWDB and DWFS jointly develop training materials to ensure consistent interpretation of policies and procedures. It is also recommended that the Local Board and the SP conduct training jointly to ensure all staff working with WIOA Title 1 programs clearly understand the processes for determining program eligibility, statutory requirements, and State and local area case management requirements.

GCWDB Response:

Scheduled TA training July 20 & 21, 2023 for SP. TA training will be ongoing and scheduled as determined by GCWDB Leadership (Executive Director and Operations Director) TA was completed and we have attached the Documentation for the TA (TA1-9). This Technical Assistance (TA) included everything from the first contact with the client (application) through federal performance. All monitoring concerns were addressed. GCWDB staff was very pleased with the TA. Moving forward there should be less issues with the DWFS cases.

Additional Required Actions Based on the Areas of Concern:

It is expected that GCWDB and Dynamic Workforce Solutions (DWFS) provide regular, ongoing case management training to all SP staff, as well as in-depth training to newly hired case managers, aka Career Navigators, as part of their onboarding process. Documentation of training based upon GCWDB's approved Adult and Dislocated Worker Policy is required to be submitted no later than 30 days from the date the local area receives the PY21 Initial Monitoring Report. Acceptable documentation must include the date of the training, a list of staff who completed the training, the names of the training facilitator(s), and the training agenda, which must include the Areas of Concern listed in Section 5 of the State Monitoring Report (i.e., Delivery of Adult and Dislocated Worker Services).

GCWDB Response:

DWFS has a robust training schedule for their new employees. DWFS just started in February 2023 and the monitoring was completed on March 20-24th, therefore all the DWFS required training was not completed at the time of the monitoring.

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Promising Practice: Supportive services such as referrals to non-profits for counseling and/or family assistance or personal needs are documented in the IEPs of PID 2597854 and PID 373414. The local area is encouraged to continue the practice of documenting such referrals in IEPs and Program Notes. It is also recommended that such non-funded supportive services be entered in the S&T.

GCWDB Response:

Referrals and proper documentation was thoroughly reviewed with all DWFS staff. Moving forward our Monitoring team will be looking at referrals and the use of partner agencies to address the barrier to employment and the needs of the participants.

Scheduled TA training July 20 & 21, 2023 for SP. TA training will be ongoing and scheduled as determined by GCWDB Leadership (Executive Director and Operations Director) TA was completed and we have attached the Documentation for the TA (TA1-9). This Technical Assistance (TA) included everything from the first contact with the client (application) through federal performance. All monitoring concerns were addressed including details on the supportive services and required documentation. GCWDB staff was very pleased with the TA. Moving forward there should be less

issues with the DWFS cases.

SECTION 6 – DELIVERY OF YOUTH SERVICES

Nationwide, participant served numbers for PY 2021 were lower than previous years due to impact from COVID-19. However, the regions participant served totals were significantly lower than average.

An observation of the Green Country Region Cumulative 4-Quarter Reporting Period report indicates the local area has an extremely low enrollment even though it is focused on the WIOA primary target population of out-of-school youth. Although the local area is focused on serving OSY, the 75% Out of School Youth (OSY) threshold must be achieved as well as the work experience 20% minimum.

The Oklahoma Department of Commerce- Oklahoma Office of Workforce Development and OOWD previously determined that the Manpower Group contract and service provision has not benefited the local area in its local and statutory work experience initiative, nor has it resulted in innovative, notable or best practices in the recruitment and placement of youth in work experience. We understand that this mechanism for serving WIOA Youth has ceased and is no longer included in the local area design, delivery and not included in the current service provider expenses. This non-effectiveness that ultimately resulted in an area of concern is considered resolved. So let's continue to utilize other proven methods of implementation including better practices in the Oklahoma Works WIOA community as a guideline.

Other Effectiveness Indicator is either met or not met:

- **Area of Concern:** The monitoring sample indicated the LWDB is serving the WIOA eligible/target population. However, your State Monitor had to demonstrate to our ETA staff after the PY20 Monitoring that although in some cases not transparent, many of the clients deemed questionable were in fact eligible clients.
GCWDB Response:
Scheduled TA training July 20 & 21, 2023 for SP. TA training will be ongoing and scheduled as determined by GCWDB Leadership (Executive Director and Operations Director) TA was completed and we have attached the Documentation for the TA (TA1-9). This Technical Assistance (TA) included everything from the first contact with the client (application) through federal performance. All monitoring concerns were addressed. GCWDB staff was very pleased with the TA. Moving forward there should be less issues with the DWFS cases.

- There must be an ongoing transparent snapshot of eligibility in your uploaded eligibility forms for all 3 programs and supporting documentation of that eligibility.

GCWDB Response:

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- **Finding:** The local area must ensure that not more than five percent of newly enrolled ISY in a given program year are eligible based on the “requires additional assistance” barrier.

GCWDB Response: See response to Area of Concern (above.)

Corrective Action: The strategy for meeting this compliance requirement is increasing the number of out-of-school youth and serving the youth eligible under the statutory barriers for ISY and OSY.

GCWDB Response:

Compliance requirement is noted in policy and referred to in monitoring notifications to SP. Scheduled TA training July 20 & 21, 2023 for SP. TA training will be ongoing and scheduled as determined by GCWDB Leadership (Executive Director and Operations Director) TA was completed and we have attached the Documentation for the TA (TA1-9). This Technical Assistance (TA) included everything from the first contact with the client (application) through federal performance. All monitoring concerns were addressed. GCWDB staff was very pleased with the TA. Moving forward there should be less issues with the DWFS cases.

- **Area of Concern:** The local area is behind in outreach activities which has resulted in an extremely low number of enrollments and low participation, and the result has subsequently led to low outcomes.

GCWDB Response: See response to corrective action.

- **Condition:** Several clients from the random sample are not progressing through the programs in accordance with the individual service strategy.
Corrective Action: No youth should exit that does not accomplished the goals outlined in their Individual Service Strategy (ISS).

GCWDB Response:

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- **Finding:** 20 CFR § 681.580 describes follow-up services as “critical services provided following a youth’s exit from the program to help ensure the youth is successful in employment and/or postsecondary education and training. See the local area findings on the delivery of follow-up services below.

GCWDB Response: See response to corrective action.

- **Finding:** Work Experience totals for PY21 and Prior Finding for Work experience expenditures for the local area are below the 20% statutory requirement.

Corrective Action: You must ultimately meet the 20% statutory requirement for two consecutive program years in order for the local area to be in compliance with the minimum statutory threshold.

GCWDB Response:

GCWDB has addressed the 20% will all staff, service provider staff, OSO and all partners in order for us to target the youth where they are and enroll more. We have also streamlined the application process to be on-line applications. This allows for youth to access services from any smart devise quickly. The Service Provider has a process in place to make contact with the applicants within 24 hours and the enrollment process should not take more than 2 weeks at the most. GCWDB expects the rule to be 5 working days or less. The Service Provider is working with its process and staff to make this happen. DWFS has had issues with keeping staff, turnover effects timelines due to having to train new staff.

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WIOA Formula Youth Work Experience Update:

The Department of Labor clarified in 2020 that work experience also includes Registered Apprenticeships. While not explicitly recognized in the Act or in Section 681 as a type of work experience, Registered Apprenticeship is a type of work experience. Expenses for a Registered Apprenticeship that occur prior to a participant's exit from the WIOA Youth program can be counted toward the work experience expenditure requirement. Expenditures for the Registered Apprenticeship after participant exit cannot be counted toward the work experience expenditure requirement.

Youth Design: We respectfully request that the local area continue its redesign of the local strategy with emphasis on increasing regional business partnerships. High priority on initial awareness amongst youth on the importance of the element, including pre-apprenticeships, registered apprenticeships, internships and on-the-job training for in-demand industries and occupations, and the potential for long-term employment is the best step towards successful youth work experience. The advantage to the youth and local areas is that work experience offers a more prompt reply to youth in need of true employment hard skills that blend individuals with poor work history into the workforce while also helping them build needed soft skills through the academic and educational component required in work experience.

20% Minimum Requirement: If the local area does not meet this requirement at the end of their period of performance, ODOC-OOWD will follow standard monitoring procedures for this program element.

Frequently Asked Question: If the local area were on track to meet the 20% work experience expenditure requirement before COVID-19 impacted the ability to put youth in work experiences, will there be flexibility on these requirements?

Response: ODOC-OOWD acknowledges the tremendous impact that COVID-19 has had on local areas' abilities to implement the WIOA Youth program and, in particular, to provide work experiences in person at a workplace during the initial shutdowns. Please ensure you have exhausted all means of providing work experience opportunities, including telework and virtual work experience, as well as reviewing the list of expenditures that count towards the work experience expenditure requirement (*i.e.*, those expenditures beyond just wages or stipends). See TEGL 21-16 and 8-15.

TEGL 9-22: Effective March 2, 2023 in TEGL 9-22, the Employment and Training Administration recently determined that supportive services that enable WIOA participants to participate in training can count toward training expenditures.

Frequently Asked Question: Regarding Youth Incentives and follow-up services,

- Can we still pay out an incentive to a youth participant after he/she has already exited and completed 12 months of follow-up?

ODOC/OOWD Response:

- Yes. It is also allowable to provide incentives post-exit or during follow-up if there are written policies in place to address the following:
 - The purpose of offering an incentive is to induce behavior toward achievement of a specific goal. In order for an incentive to be effective, participants must:
 - be aware of the existence of such incentive, and
 - understand the terms and standards of its award to improve the likelihood of success and lead to a successful outcome or achievement of grant performance measures. Client #2094475 is a perfect candidate. See comments below.

Follow-up Services (Required/Critical Element) Activities and Attempts:

Area of Concern: There were several attempted contacts for follow-up. However, follow-up services contacts were not successful. The purpose in all follow-up services must be to help ensure the youth is successful in employment and/or postsecondary education and training. We want responsiveness from all clients in follow-up and one way of getting the response and callback is to ensure that the client's finds a value in the WIOA service and partner program referrals offered through Green Country.

GCWDB Response:

Follow-up was gone over in the TA, "What is follow-up", follow-up is an actual service and how to engage your participants to determine what they need. Ask the questions and listen to what the client has to say.

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Basing Goals on Enrollments, Youth Served and Outcomes:

The local area must focus high enrollments and providing the appropriate mix of services that lead to achieving participant and program goals.

Of the total youth who received WIOA services during the monitoring review period, a comprehensive review was conducted on 10 enrollments that consisted of 10 out-of-school youth (OSY) and 0 in-school youth (ISY) enrollment. All exits without completions are an Area of Concern:

PY21 Participant Review:

Participant 1757451: Determined eligible. Customer completed CNA training on 8/13/2021 and successfully passed her CNA certification on 8/23/2021.

Goal Long -term employment goal is to obtain sustainable employment as an LPN.

Upon completion of WIOA program services and training and successful placement the participant will be transitioned to follow-up phase of programming. The follow-up phase of programs lasts for 4 quarters (12 months) following exit status in program. During follow-up participant will maintain monthly contact with program staff and provide communication and documentation as it pertains to employment, additional training and certifications, and any needs or barriers to maintaining employment during this period. Staff will work with clients to provide support for job placement, career guidance, and referrals to both employment and training opportunities and community partners, as needed.

Long term goal is to be an LPN. Therefore, in follow-up, we expect to see:

Follow-up Service: Activities that help youth prepare for and transition to postsecondary education and training. However, the follow-up conversation was very generic, and the service provider staff was to follow up again in 2021 but there was no other contact.

Finding: No provision of follow-up service entered into the S&T Plan.

GCWDB Response:

PID 1757451 was served by previous SP and Exited 2/2/2022.

Follow-up was discussed at length during the TA. See above comment.

Participant 1841348: Determined eligible. The CDL Goal was not achieved due to the client exiting without completing the program.

Reviewed Local area Youth Program Policy signed by Chairperson on 2/14/23. It is very detailed and has the flexibility needed to assess under multiple assessment

techniques.

ODOC/OOWD Question in monitoring and exit: How does the local area determine if the client is basics skills deficient? The GCWDB Youth Policy P.19: *The initial assessment should include, "A basic assessment of skill levels including literacy, numeracy, and English language proficiency....*

Participant 1841348:

Finding: Follow-up Services: No provision of follow-up services. No provision of follow-up service entered into the S&T Plan.

GCWDB Response:
Same response as above

ISS Indicates: Upon completion of WIOA program services and training and successful placement the participant will be transitioned to follow-up phase of programming. The follow-up phase of programs lasts for 4 quarters (12 months) following exit status in program. During follow-up participant will maintain monthly contact with program staff and provide communication and documentation as it pertains to employment, additional training and certifications, and any needs or barriers to maintaining employment during this period. Staff will work with clients to provide support for job placement, career guidance, and referrals to both employment and training opportunities and community partners, as needed.

Participant 1939496: RA/OJT but exited without completion Start 3/2/2020 end 1/1/2022.

Observation: *1/2/22 Case Note indicates Participants WIOA enrollment was determined as not valid by Quality Assurance/Improvement review. File was exited without further services and only follow-up validation to be completed is through 3rd party verification processes (Work Number and state wage reports). No direct contact with participant for follow-up is warranted based on corrective action process.*

Is there an eligibility issue that the state has not determined?

According to the information we obtained, the youth was a OSY/parenting youth.

Documentation: Birth Cert uploaded/ Birth 12/23/18

Follow-up Services: ISS indicates Career Navigator and Client will work together to ensure successful retention of employment once a position is secured. CN will be available for regular guidance and will offer assessments and tutorials if the client expresses a need for additional assistance.

GCWDB Response:

PID 1939496 was served by previous SP, Ending 1/12022. GCWDB review of case file indicated no eligibility issues. Previous SP invalid eligibility determination reasoning is unclear.

Scheduled TA training July 20 & 21, 2013 for current SP. Scheduled TA training July 20 & 21, 2023 for current SP. TA training will be ongoing and scheduled as determined by GCWDB Leadership and as indicated in GCWDB Monitoring results. TA was completed and we have attached the Documentation for the TA (TA1-9). This Technical Assistance (TA) included everything from the first contact with the client (application) through federal performance. All monitoring concerns were addressed. GCWDB staff was very pleased with the TA.

Participant 2094475: Eligible based on multiple barriers:

SNAP & TABE Score;

Offender, Pregnant or Parenting;

Area of Concern: Dropout Status on #2 contradicts #5 on uploaded Youth eligibility form.

GCWDB Response:

Participant enrolled under previous Service Provider, documentation was not closely monitored under previous SP or previous GCWDB Leadership monitoring practice. GCWDB has requested current SP staff update file and program notes. Please see attached notification emailed to Service Provider Project Director. GCWDB Monitoring Team will ensure corrections are made and addressed.

Scheduled TA training July 20 & 21, 2013 for current SP. Scheduled TA training July 20 & 21, 2023 for current SP. TA training will be ongoing and scheduled as determined by GCWDB Leadership and as indicated in GCWDB Monitoring results. TA was completed and we have attached the Documentation for the TA (TA1-9). This Technical Assistance (TA) included everything from the first contact with the client (application) through federal performance. All monitoring concerns were addressed. GCWDB staff was very pleased with the TA.

Area of Concern: MSG indicators do not include Work Experience nor Summits. It was set as a skills Progression in your Youth (Out of School) Measurable Skill Gains and Goals for either the work experience or the Elevate Summit.

GCWDB Response: GCWDB Response:

Participant enrolled under previous SP and is previous SP supervisor's offspring,

documentation was not closely monitored under previous SP or previous GCWDB Leadership monitoring practices. GCWDB has requested current SP staff update file and program notes. Please see attached notification emailed to Service Provider Project Director (also uploaded to TEAMS Monitoring Files Repository). Scheduled TA training July 20 & 21, 2013 for current SP. Scheduled TA training July 20 & 21, 2023 for current SP. TA training will be ongoing and scheduled as determined by GCWDB Leadership and as indicated in GCWDB Monitoring results. TA was completed and we have attached the Documentation for the TA (TA1-9). This Technical Assistance (TA) included everything from the first contact with the client (application) through federal performance. All monitoring concerns were addressed. GCWDB staff was very pleased with the TA.

11/18/22 Note: *Due to staff error, clients file was exited in error while services for Work Experience and Supportive Services were being planned and Career Planning/Guidance were being provided, but not entered into file. Client requested continued services and request to re-enroll client for WIOA services was presented to Board leadership and approved. Client had aged out of Youth program and will be re-enrolled as Adult for future services.*

Adult Program (11/2/22-open)

Reminder: Work Experience for Adults (Do not charge those costs to the youth program for Work Experience since the youth had exited the program).

GCWDB Response: GCWDB has requested current SP staff update file and program notes. Please see attached notification emailed to Service Provider Project Director. The GCWDB Monitoring Team will continue to monitor this case to ensure appropriate services are provided to this participant.

Follow-up: Although she is an active participant in the adult program as of the review, we need to continue to serve the client as an exited OSY and provide Youth follow-up services.

GCWDB Response: GCWDB has requested current SP staff update file and program notes. Please see attached notification emailed to Service Provider Project Director. The GCWDB Monitoring Team will continue to monitor this case to ensure appropriate services are provided to this participant.

Area of Concern: The client was exited in error. Now let's make it up to her through youth follow-up and Adult programs.

GCWDB Response: GCWDB has requested current SP staff update file and program notes. Please see attached notification emailed to Service Provider Project Director. The GCWDB Monitoring Team will continue to monitor this case

to ensure appropriate services are provided to this participant.

Follow-Up Service Corrective Action Requirement:

(a) Follow-up services are critical services provided following a youth's exit from the program to help ensure the youth is successful in employment and/or postsecondary education and training. Follow-up services may include regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise.

(b) Follow-up services for youth also may include the following program elements:

(1) Supportive services;

(2) Adult mentoring;

(3) Financial literacy education;

(4) Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and

(5) Activities that help youth prepare for and transition to postsecondary education and training.

(c) All youth participants must be offered an opportunity to receive follow-up services that align with their individual service strategies. Furthermore, follow-up services must be provided to all participants for a minimum of 12 months unless the participant declines to receive follow-up services or the participant cannot be located or contacted. Follow-up services may be provided beyond 12 months at the State or Local WDB's discretion. The types of services provided and the duration of services must be determined based on the needs of the individual and therefore, the type and intensity of follow-up services may differ for each participant. Follow-up services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome.

GCWDB Response: Scheduled TA training July 20 & 21, 2013 for SP. TA training will be ongoing and scheduled as determined by GCWDB Leadership (Executive Director and Operations Director)

Participant 2616062:

1/12/22 Eligibility Summary indicates: The 1/12/22 summary indicates the client was a homeless youth based on attestation: That witness aka friend might not be the best witness to documents homelessness, but we will allow the local area to look into that process going forward. It was a 9/27/2021 attestation.

GCWDB Response:

Served Under previous SP, Exited 5/6/22. At the technical assistance we discussed

Homelessness and the requirements needed for WIOA.

Scheduled TA training July 20 & 21, 2013 for SP. TA training will be ongoing and scheduled as determined by GCWDB Leadership (Executive Director and Operations Director)

Participant 2624023: Eligibility Review. Income form and Attestation of Disability

Participant 2632540: Eligibility Review. Attestation of client working part-time at Arby's (10-15 hours per week) to pay college tuition. A witness attested for the client.

Client referenced disclosing a disability that impacts ability to complete tasks.....

ODOC Response to disability attestations: Attestations are allowed but remember that the disability must be in line with Section 3 of ADA.

GCWDB Response:

Mike Branan, GCWDB EO officer presented at the TA regarding EO procedures and what is a disability.

Scheduled TA training July 20 & 21, 2023 for current SP. TA training will be ongoing and scheduled as determined by GCWDB Leadership and as indicated in GCWDB Monitoring results. TA was completed and we have attached the Documentation for the TA (TA1-9). This Technical Assistance (TA) included everything from the first contact with the client (application) through federal performance. All monitoring concerns were addressed. GCWDB staff was very pleased with the TA. Moving forward there should be less issues with the DWFS cases. Section 3 of ADA was specifically addressed in TA and a handout of the ADA description was provided to SP staff. See attached documentation.

Participant 2633203: Youth with disability according to WIOA Youth Eligibility Form.

Participant 2634558: Eligible based on Income form and Youth in High Poverty Area, and TABE NRS 4 on Reading.

Participant 2637576: Determined to be a parenting youth based on SNAP Documentation.

ODOC/OOWD reviewed the local area Youth Program Policy signed by Chairperson on 2/14/23. It is very detailed and has the flexibility needed to assess under multiple assessment techniques.

SECTION 7 – EQUAL OPPORTUNITY AND NONDISCRIMINATION

The PY21 review of the Green Country Workforce Development Board demonstrates substantial compliance with the provisions of Section 188 of WIOA and 29 CFR 38 regarding equal opportunity and nondiscrimination. See recommendations or recommended actions.

Indicator: A review of the one-year plan denotes appropriate assurances listed on page 40.

Recommended Action: No Recommended Action.

Promising Practice: As part of the document review and approval process, the recipient must conduct a self-evaluation in accordance with 29 CFR 32.6(c) (i.e., evaluate current policies and practices and their effects on individuals with disabilities and take remedial steps to eliminate the effects of any discrimination, and consult with interested parties such as individuals with disabilities). Routing this process through the Equal Opportunity Officer assists in compliance with the duties and responsibilities of the Equal Opportunity Officer and certifies compliance with the assurances provisions.

Indicator: The organizational chart does indicate clear and direct reporting to the highest level of authority. The organizational chart provided was clear and concise with relationships. A review of the job description with duties and responsibilities and an E.O. Officer resume is appropriate for the position.

Recommended Action: No Recommended Action.

Promising Practice: GCWDB is exercising a promising practice with a detailed organizational chart. The importance of emphasizing the relationship can occur by including the E.O. Officer at all official meetings and allotting time to equal opportunity nondiscrimination issues on the agenda. This practice reinforces the importance and relationship with the organization.

Observation: A tour of the facility demonstrated that appropriate signage is displayed in areas where staff and clients have access to the notice and communication of the “Equal Opportunity is the Law.”

Recommended Action: No Recommended Action.

Promising Practice: On a regularly scheduled basis, review and update signage contact information as needed.

Observation: The State reviewed the Green Country Workforce Development Board website for notice and communications. The notice was readily apparent. Policies are

readily available to the public. Complaint procedures are listed in the Equal Opportunity areas. The vital service and information notice needs to be updated with the current Local or State E.O. Officer contact information.

Recommended Action: No Recommended Action.

Promising Practice: On a regularly scheduled basis, review and update policies, notices, and procedures with current contact information as needed. It is imperative that clients and regulators have the correct contact information, including the local E.O., to ensure the timely handling of complaints and issues as they arise.

Indicator: A review of E. O. reports with cohort data assigned to the area collected the appropriate information. Relevant data is being collected for review and analysis.

Recommended Action: No Recommended Action.

Promising Practice: Some One-Stop Centers have leveraged additional tools, i.e., *Salesforce*, to assist in the data collection and analysis, which is a positive investment toward identifying and tracking outcomes.

Indicator: Document retention policy is noted explicitly in policy, Discrimination Complaint Procedures Governing WIOA Activities, and Oklahoma Works One Stop Center.

Recommendation: Published policies should be dated with an effective date and/or revision date for monitoring purposes to ensure the appropriate policies in effect at the review time are known. An overall documentation policy will align with the organization's document management principles and practices.

Recommended Action: No Recommended Action.

Notable Practice: Documents submitted by the Green Country Workforce Development Board indicate collaboration with community partners, as evidenced by meeting flyers, minutes, and agendas. Regular outreach with these entities through regular meetings and projects is indicated with ties to the communities being served.

Recommended Action: No Recommend Action

Promising Practice: Continue to consult with appropriate community groups to identify other solutions. Data should be reviewed to support decision-making that potentially impacts clientele. This is a promising practice but should be monitored to ensure services are equivalent and meet competitive integrated settings for compliance with Section 504 of the Rehabilitation Act of 1973, as amended.

Indicator: Complaint logs were submitted for review. The log details complaints and resolution of allegations of discrimination, along with the name and address of the

complainant. As part of the State of Oklahoma Nondiscrimination Plan, the reports must be submitted quarterly to the State E. O. Officer.

Recommended Action: No Recommended Action.

Promising Practice: In quarters where no complaint is filed, continue to submit the log and indicate no complaints received during the indicated quarter. This submission ensures a continuous information flow and review of documentation. It can be challenging to determine continuity if personnel change positions when there are extended periods of no entry in a log sheet. The local E. O. officer is skilled and efficient regarding the necessary WIOA reporting procedures.

Indicator: Green Country Workforce Development Board provides a system for communicating policy on its website.

Recommended Action: No Recommended Action

Promising Practice: Yearly reviews and training with all staff can ensure refreshed knowledge and communication of Equal Opportunity Policies and reinforce procedures for correcting issues when noncompliance is found.

Indicator: Green Country Workforce Development Board utilizes the State of Oklahoma's Eligible Training Provider List Policy and Procedures (OWDI #01-2023).

The use of OWDI #01-2023 complies with nondiscrimination and equal opportunity provisions applicable to state and federal law.

Recommended Action: No Recommended Action.

Indicator: A monitoring visit of the 1295 Skills Center Circle, Tahlequah, comprehensive location, took place on March 28, 2023. There were no issues with ADA compliance found.

Recommended Action: No Recommended Action.

Promising Practice: The continued review and development of plans to ensure complete accessibility for all is a strong practice to maintain accountability and compliance. GCWDB has a well-developed logistical plan that was implemented strategically with regard to site accessibility.

Conclusion

Green Country Workforce Development Board and the Tahlequah American Job Center staff are dedicated and customer-centered in serving the public. The administration and management of the staff are conducive to the service of the community. The documentation of the GCWDB is efficient, and there are no significant areas of concern. In the area of equal opportunity and nondiscrimination, the GCWDB has shown

attention to detail and a commitment to serve the public effectively.

GCWDB Response:

For Program year 2023 GCWDB will continue its commitment and efforts concerning equal opportunity. As a measure to refresh and renew accessibility, all 5 American Job Centers have been reviewed by the Oklahoma Department of Rehabilitation Services. Once those reports are completed, with assistance and cooperation from partners and lessors, deficiencies and findings will be addressed. In the coming program year GCWDB will also provide equal opportunity training to service provider staff as well as partner agency staff located within the American Job Centers. New policies relating to Equal Opportunity were adopted and approved by the GCWDB on December 8, 2022, subsequent changes or modifications to these policies will be noted and signed with an appropriate effective date. As technology advances, and GCWDB's online presence continues to evolve GCWDB will continue to ensure accessibility is a priority.

Section 8 – Business Services and Employer Engagement

A review and observation of Green Country Workforce Development Board (Green Country) program year 2021 Business Services, shows an effort to serve the business community in the Green Country Oklahoma area. This monitoring includes required and recommended actions which will take time to implement.

We acknowledge that corrective actions have already been implemented in some areas during PY22.

Sector Strategies

Areas of Concern:

- During PY21 documentation in OKJobMatch was severely lacking. **This presents a major issue for the reports to US Department of Labor.**

Required Action:

- Use the “Partnerships to identify and address WF challenges” drop down for Impact Partnerships / Sector Partnerships.
- **GCWDB Response:** BST collaborated and consulted with OOWD and other BST's across the state to identify best practices for business services documentation. BST has documented and implemented this process to ensure accurate and consistent documentation moving forward. BS team will document impact partnerships/sector partnerships utilizing the “Partnerships to identify and address WF challenges” drop down moving forward.

Recommended Action:

- Document in OKJobMatch all meetings of an Impact Partnership/Sector Partnership attended by anyone from Green Country. The Results area of the OKJobMatch documentation should state “Impact Partnership Meeting.”
- **GCWDB Response:**
BST has documented and implemented this process to ensure accurate and consistent documentation moving forward.

Notes:

- It is important that Impact Partnerships have representatives of businesses as the core leaders.
- Bridges appears to be a successful partnership.
- When properly documented, Impact Partnership meetings count as Employer Focused Events.
- Impact Partnerships were on the PY21 Score Card and will be a negotiated category in PY23.

Career Pathways Systems and Programs

Areas of Concern

- During PY21 Documentation in OKJobMatch was severely lacking. **This presents a major issue for the reports to US Department of Labor.**

Required Action:

- Document Apprenticeship Presentations and Enrollments that Green Country participates in. Use Registered Apprenticeship Outreach and Development drop down.
- **GCWDB Response:**
BST has documented and implemented this process to ensure accurate and consistent documentation moving forward. BST will use the “Registered Apprenticeship Outreach and Development” drop down.

Recommended Action:

- Work with OOWD staff specialists for help presenting and enrolling Registered Apprenticeships.
- All Registered Apprenticeship Presentations should state that in the Results area of the OKJobMatch documentation.
- All Registered Apprenticeship Enrollments should state that in the Results area of the OKJobMatch documentation.
- **GCWDB Response:**
 - BST currently works closely with OOWD staff specialists with presentations but will follow up for additional training in the RA enrollment process.
 - BST has documented and implemented this process to ensure accurate

- and consistent documentation moving forward.
- BST has documented and implemented this process to ensure accurate and consistent documentation moving forward.

Notes:

- Registered Apprenticeships were on the Score Card in PY21 and will be a negotiated category in PY23.
- Registered Apprenticeships are a focus at both the national and state level.

Business Services

Areas of Concern:

- During PY21, documentation in OKJobMatch was severely lacking. **This presents a major issue for the reports to US Department of Labor.**
- GCWDB Response:
BST collaborated and consulted with OOWD and other BST's across the state to identify best practices for business services documentation. As a result, BST documented and implemented a process to ensure accurate and consistent documentation moving forward.
- The lack of Business Services Team (BST) meetings presents an effectiveness issue. According to the US Census Business Survey in 2017 the City of Tulsa alone had over 11,000 businesses hiring employees. Green Country's two Business Services Representatives alone cannot visit even a small percentage of the employers. An effective Business Services Team is a force multiplier.
- GCWDB Response:
 - BST has quarterly Green Country Business Services Alliance meeting with the following partners as attendees: OESC, DRS, Family & Children Services, YWCA Tulsa, Union Public Schools, Muskogee Public Schools, Center Tech and Dynamic Workforce Solutions.
 - BST has bi-weekly meeting with Dynamic business service and outreach team
 - BST is working with OESC to bring back quarterly Employer Council Meetings
- To be effective in the current world, marketing must include social media and not rely only on email and brochures. Provided is information to help with using social media.
- GCWDB Response:

GCW BST maintains an active presence on all social media platforms

(Facebook, Instagram, and LinkedIn) and utilized partnerships where there is a cross branding opportunity online and in print. In person outreach is top priority and maintaining a consistent presence in the community by participating in community focused events online and in person.

- The Reporting of Rapid Responses is not clear enough to know if requirements are being met.
- **GCWDB Response:**

GCWDB Response: BST will utilize the business services documentation process to collect and document proper Rapid Response data to ensure requirements are being met.

Required Action:

- All Business Services Events, BST Meetings, Employer Contacts and Core Program Services being provided to businesses, must be documented in OKJobMatch.

- **GCWDB Response:**
BST will utilize the business services documentation process to collect and document proper data to ensure requirements are being met.

- All contacts with businesses must be documented in OKJobMatch.

- **GCWDB Response:**

BST will utilize the business services documentation process to ensure all employer contacts are entered and documented correctly.

- A Rapid Response is required to be offered when:
 - A WARN notice is received (USDOL TEGL 19-16)
 - When a layoff of 25 or more occurs at one location per OWDI 07-2020 Change 1 and OWDI 14-2017 Change 2
 - When a plant closure of any size occurs per OWDI 07-2020 Change 1 and USDOL TEGL 19-16
 - When a TAA petition is approved per USDOL TEGL 19-16

- **GCWDB Response:**
BST will provide rapid response services if any of the items listed above occur and will utilize the business services documentation process to collect and document proper Rapid Response data to ensure requirements are being met.

- The Rapid Response event must be documented in both the WARN notice (in OKJobMatch) and the contacts. In the contacts use the Rapid Response Assistance drop down.

- **GCWDB Response:**

BST will utilize the business services documentation process to collect and document proper Rapid Response data to ensure requirements are being met.

Recommended Actions:

- The acronym WARN should only be used when a WARN notice is issued by a company to avoid confusing clients, partners, and businesses.

- **GCWDB Response:**

BST will only use the acronym WARN when issued by a company to avoid confusing clients, partners, and businesses.

- All Employer Focused events should state that in the Results section of contact documentation. Note that only the actual event should be recorded that manner.

- **GCWDB Response:**

BST will utilize the business services policy and documentation process to collect and document proper data to ensure requirements are being met and the event is properly documented in the results section for reporting.

- All Business Core Programs should state that in the Results area of OKJobMatch Contact documentation. Note that only the actual core program delivery or contract signature should be documented this way.

- **GCWDB Response:**

BST will utilize the business services policy and documentation process to ensure all requirements are met and the service is properly documented in the results section for reporting.

- The Rapid Response event should state that in the Results area of OKJobMatch Contact documentation.

- **GCWDB Response:**

BST will utilize the business services policy and documentation process to ensure all requirements are met and the service is properly documented in the results section for reporting.

- Business Services Team
 - A Business Services Team should consist of partners who also have staff calling on businesses and at a minimum meet quarterly.
 - If not already being done, consider using some form of a referral system or emailed form between BST partners.
 - Interaction with and/or possible inclusion on Business Services Teams should include organizations serving underserved groups and minority groups. (Examples might include The Black Wall Street Chamber of Commerce, Tulsa Urban League, REI Women’s Business Center, Mosaic, etc.)
 - I noted that before our monitoring week, Green Country has already taken action to establish a Business Services Team.
- **GCWDB Response:**
 - BST has quarterly Green Country Business Services Alliance meeting with the following partners as attendees: OESC, DRS, Family & Children Services, YWCA Tulsa, Union Public Schools, Muskogee Public Schools, Center Tech and Dynamic Workforce Solutions.
 - Current Referral system consist of direct referrals via email and the business service online application.
 - BST has bi-weekly meeting with Dynamic business service and outreach team
- Marketing
 - Use social media platforms for marketing. This will help in reaching different age groups and professionals. Examples might be Facebook, Instagram, Tik Tok, You Tube, WhatsApp, Snap Chat and LinkedIn. A **minimum** would be the use of Facebook and LinkedIn. Consumers tend to be dedicated to one or two, plus they are stratified by age groups and social groups.
<https://www.searchenginejournal.com/social-media/biggest-social-media-sites/#close> <https://www.adobe.com/express/learn/blog/top-social-media-sites>
 - Workforce GPS on marketing.
<https://www.workforcegps.org/events/2023/01/11/19/49/Outreach-and-Marketing-for-the-Public-Workforce-Development-System-2>
 - Use press releases to help market events. Well written releases are popular with newspapers and radio stations in small markets. If you need

advice on writing a press release, contact David Crow on OOWD staff.
David.crow@okcommerce.gov

- **GCWDB Response:**

GCW BST will continue to maintain an active presence on all social media platforms (Facebook, Instagram, and LinkedIn) and utilized partnerships where there is a cross branding opportunity online and in print.

- Customer Retention, Registered Apprenticeships and Impact Partnership are a good sources of success stories.

- **GCWDB Response:**

BST will utilize the documentation and data collected for services provided business services to share success stories moving forward.

- Some success stories can be used in press releases and Chamber of Commerce speeches.

- **GCWDB Response:**

The GCWDB OSO is tasked with collection of the success stories for the area. We will make sure she and everyone else knows success stories can be shared with the chamber of commerce.

Notes:

- Customer Retention level of 4.0% probably is not accurate due to deficient documentation levels. If it is accurate, the number should be above a minimum of 5.0% for PY21.
- An update of Business Services Strategic Plan occurred in September 2022.
- The Business Services Self-Assessment Tool was last done in February 2022.
- Customer Satisfaction Survey Results was on the PY21 Score Card but not deemed usable for monitoring.
- Customer Retention was not on the PY21 Score Card but will be a category in PY23.
- Core Business services was on the PY21 Score Card and will be a negotiated category in PY23.
- Employer Focused Events were on the PY21 Score Card and will be a negotiated category in PY23.

Notable Practices

Although not evident in documentation, personal observation shows an effort to do quality Rapid Responses to mass layoffs.
Green Country is moving quickly to solve their issues with Business Services and

with documentation. Many changes have already been made.

GCWDB Response:

BST has made proper documentation a top priority and implemented a process that significantly improves the way services are documented and reported. This process ensures all requirements are being met and consistent results are documented. As a result of new leadership, BST has a better understanding of how to properly document our services and showcase our success so we can continue to lead in innovation and workforce development.



O K L A H O M A
W O R K S

Oklahoma Department of Commerce
Oklahoma Office of Workforce Development

PY21 Initial Monitoring Determination
Northeast Workforce Development Board

OOWD Monitors:

Connie Littleton
Emmit E. Grayson Jr.
Sandy Elledge
William Hancock
Karla Jackson

August 18, 2023

Oklahoma Department of Commerce
900 N. Stiles Avenue, OKC, OK 73104

MONITORING DATES:

May 22-26, 2023

OVERVIEW OF THE LOCAL AREA:

Local Workforce Development Board- Northeast Workforce Development Board, Inc.
Fiscal Agent- Northeast Workforce Development Board, Inc.
Service Provider PY21- Eckerd Youth Alternatives, Inc.; dba Eckerd Connects
Kaiser Group, Inc. dba Dynamic Workforce Solutions

SUMMARY OF REVIEW:

The Oklahoma Office of Workforce Development conducted a review of Local Area Monitoring and Oversight, Program and Grant Management Systems, Financial Management Systems, Adult and Dislocated Worker Programs, Youth Programs, and Equal Opportunity and Nondiscrimination. The purpose of this review was to assess whether key policies, procedures, and systems are in place to manage these programs.

The Oklahoma Office of Workforce Development reviewed Program Year 21 (PY21), which covers the period from July 1, 2021- June 30, 2022.

All local areas need to evaluate outreach and recruitment efforts because we must increase our WIOA program enrollments and participation for all 3 programs (i.e., adult, dislocated worker, and youth) as Oklahoma continues to have nearly a 40,000-worker shortage.

REVIEW SCOPE:

Local Area Monitoring and Oversight
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Adult and Dislocated Worker
Youth Programs
Equal Opportunity and Nondiscrimination
Business Services

SECTION 1 – LOCAL MONITORING

For Program Year 21 (PY21) financial monitoring was broad and comprehensive and in compliance with their own monitoring policies. Northeast Workforce Development Board, as fiscal agent maintains written documentation, including monitoring reports, findings, corrective actions, and resolutions for each fiscal monitoring conducted. After review of working papers, policies, and processes, no issues were found.

The Northeast Workforce Development Board Adult and DLW monitoring was comprehensive, thorough, and in alignment with the local monitoring policy. Overall data entries were reviewed, including items related to specific payments and allowability of expenditures. Both comprehensive monitoring and spot check reviews are conducted monthly by the local monitor.

The Northeast Workforce Development Board programmatic monitoring of the Youth Programs was comprehensive and complete and was conducted in accordance with the Northeast Workforce Development Board's monitoring policy, procedures, and schedule. The monitoring included observations, required actions, NEWDB Responses and detailed responses including resolutions.

SECTION 2 - DESIGN AND GOVERNANCE

Under Subpart C – Local Workforce Development Boards - §679.300, The vision for the Local WDB is to serve as a strategic leader and convener of local workforce development system stakeholders. The Local WDB partners with employers and the workforce development system to develop policies and investments that support the public workforce system strategies. These strategies support regional economies, the development of effective approaches, including local and regional sector partnerships and career pathways, and high-quality, customer-centered service delivery and service delivery approaches.

The vision of the LWDB is structured under the Design and Governance section of the WIOA monitoring guide. The objective areas of focus were: strategic planning, board administration, and youth operating systems.

Observations from Review of Policies and Documentation:

Strategic Planning

A review of the requested documentation for the following indicators was monitored.

- Indicator #1, Integration and One-Stop Delivery. All documentation was signed and completed. The NEWDB utilizes a competitive process. The One-Stop Operator's role is clearly defined, and all policies comply with applicable laws, regulations, and State policies. The Board approved the demand occupations list on August 8, 2022. The NEWDB utilized criteria from the Office of Workforce Development/Oklahoma Department of Commerce, Oklahoma Employment Security Commission, and Economic Modeling Specialists, who all provided tools for economic modeling, and local information to create a quality list.
- The State has no areas of concern for indicator #2, Veteran's priority of service, Adult priority, and other priority populations.
- Indicator #3 Local Area Authority and Flexibility. The State has no areas of concern.

Board Administration

The NEWDB has a certified Workforce Development Board that received board certification on May 5, 2021. There are currently no vacancies. There were 7 new appointments since certification.

- As required by indicator #4, the NEWDB is compliant, and State has no areas of concern.
- Indicator #5, By-Law review – the State has no areas of concern.

- Indicator #6, Open Meeting Act Compliance – The LWDB complied with the Open Meeting Act [20 CFR § 679.390; Title 25 Oklahoma Statutes §301-314; 74 O.S. 3106.2] when conducting all business. All meetings were posted with date, time, and location as required. The State has no areas of concern.
- Indicator #7 Youth Committee/Council – The NEWDB has a Standing Youth Committee that is recommendatory in nature. Any recommendations of the Youth Committee are brought to the Board for consideration and implementation. The Youth Committee does not have a separate set of by-laws and has no decision-making authority. The Youth Committee’s focus is to ensure proper linked youth services are coordinated efficiently. The State has no areas of concern.

Youth Operating Systems

The State examined the LWDB’s policies for youth services. All policies, OSO procedures, Youth Committee minutes, and the 2-year plan comply, and the State has no areas of concern.

Area of Concern: N/A

Findings: N/A

Promising Practices: N/A

SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS

During financial monitoring, administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, and contracting and procurement samples were reviewed. After review of program and grant management, working papers, policies, and processes, no issues were found.

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS

ODOC/OOWD reviewed samples of WIOA contracts along with the corresponding budget, accounting records, and cash requests for PY21 (July 2021-June 2022). In addition, a sampling of board, fiscal agent, and service provider expenditures were reviewed. In review of working papers to determine financial and administrative compliance, no issues were found.

Note: In accordance with 2 CFR 200. 475-Travel Costs (e) (1)

Airfare costs in excess of the basic least expensive unrestricted accommodations class offered by commercial airlines are unallowable except when such accommodations would:

Require circuitous routing;

Require travel during unreasonable hours;

Excessively prolong travel;

Result in additional costs that would offset the transportation savings; or

Offer accommodations not reasonably adequate for the traveler's medical needs. The non-Federal entity must justify and document these conditions on a case-by-case basis in order for the use of first-class or business-class airfare to be allowable in such cases.

NEWDB Response – 08/21/2023

The NEWDB notes the response from OOWD regarding costs in excess of the basic least expensive unrestricted accommodations class offered by commercial airlines and would like the monitoring records to show that the NEWDB has not, nor will we purchase first-class or business-class for staff travel, or any other travel.

Required Federal and State Minimums:

PY21 Federal and State Required Minimum Expended Expenditures and Percentages for the Adult, Dislocated Worker, and Youth Programs	
Combined Federal Minimum Required Expended Expenditure Percentages	
Youth Work Experience Percentage	4%
Out of School Youth Percentage	41%
Combined State Minimum Required Expended Expenditure Percentages	
Adult-Direct Participant Training Percentage	26%
Dislocated Worker-Direct Participant Training Percentage	27%

SECTION 5 – DELIVERY OF ADULT AND DISLOCATED WORKER SERVICES

ODOC/OOWD’s comprehensive review of the Adult and Dislocated Worker (DLW) programs consisted of a random monitoring sample that included five Adult and three Dislocated Worker files.

The monitoring sample indicates that the Northeast Workforce Development Board (NEWDB) operates the Title I Adult and DLW programs in accordance with Federal Statutes, as well as within the Federal Regulations and applicable State policies.

Adult Files

- PID 2637890
- PID 2623491
- PID 2371549
- PID 929094
- PID 2461709

Dislocated Worker Files

- PID 884913
- PID 98630
- PID 99975

PID 2637890 Observation: The 5/23/2023 program note includes a statement that the client brought in a letter from the Department of Rehabilitation Services (DRS) to document that he was placed on a waiting list for assistance with training costs. The local area was informed during the 6/30/2023 Onsite Monitoring Exit that the DRS letter was not located in the case management system.

The DRS letter was successfully uploaded by the local area on 7/05/2022, verifying the attempt to coordinate funding and the placement on the DRS waiting list for an unspecified period.

Coordination of services and funding is a requirement to ensure WIOA funds for training are secondary to other available grant assistance as per 20 CFR §680.210 (c), §680.230 (a)-(c), and §680.340(e). Additionally, timely uploads of supporting documents are necessary for data validation, including documentation of the coordination and availability of training funds from other sources. OWDI #02-2019 Change 2 addresses the uploading of data validation documents for program enrollment, including documentation used to validate or support data elements, career services, training, performance measures, or other documents required by state and/or local policy. Additionally, the policy describes supporting documentation, which is documentation used to validate data or information entered into the case management system.

The Service Provider, Dynamic Workforce Solution (aka DWFS), facilitated virtual training to Northeast staff on 3/16/2023. Topics included eligibility criteria and related forms for the Title 1 Adult and Dislocated Worker programs, as well as a review of OOWD 02-2019 Data Validation Change 2. Documentation of training was provided to the State Monitor on 7/18/2023.

No further action is required.

PID 2623491 Observation: The participant was determined to be a statutory Priority 2 for Adult Program, when he was in fact an Adult Priority 1 based upon the DD-214 in the file documenting his Honorable Discharge from the U.S. Marine Corps.

There is no questioned cost for the following reasons: (1) the individual was eligible for WIOA Title 1 services as a Priority 1 and (2) DWFS did not pay for the training as the participant failed to attend, opting to obtain employment instead.

Resolution to the issue is based on the provision and documentation of virtual training facilitated by DWFS on 3/16/2023, which included a review of NEWDB Priority of Service Policy 02.09.2022. The documentation was provided to the State Monitor on 7/18/2023. A review of the local policy confirms that it is in alignment with the State's Adult and DLW policy (OWDI 07-2020 Change 1) and #TA-01-2021, issued by ODOC 3/04/2021. **No additional action is required.**

SECTION 6 – DELIVERY OF YOUTH SERVICES

Of the total youth who received WIOA services during the monitoring review period, a comprehensive review was conducted on 10 enrollments that consisted of 9 out-of-school youth (OSY) and 1 in-school youth (ISY) enrollment:

The monitoring sample indicated the NEWDB is serving the WIOA eligible/target population.

There must be a concerted local focus on increasing the youth participation of enrolled in the WIOA youth program. Increasing the number of youth enrollments means more regional youth with access to the diversity of career services offered in the AJCs, and program outcomes which will increase the States goals of increased credentials and a more demand prepared workforce.

- Continue circulating occupational information from the Demand Occupations which represents the wealth generating opportunities and the various careers within those fields.
- Serve youth in your region that consider themselves part of the tribes that can not verify that they are tribal members. There should be an outreach attempt or enhancement of the existing outreach to the population.

Key Reminders:

Strategically focus on serving local area in school youth by simply inviting secondary school ISY to the local area AJCs after the last official calendar school day of their senior year and initiate the eligibility determination process. As we know, if the youth is not enrolled and or attending post-secondary education, they are not considered ISY for eligibility determination. Also, youth enrolled or attending non-credit-bearing postsecondary classes. DOL received a number of questions related to what counts as attending postsecondary education for purposes of determining school status. If the youth participant is enrolled in any credit-bearing postsecondary education classes, including credit-bearing community college classes and credit-bearing continuing education classes, then they are considered attending postsecondary education, and, therefore, an ISY. If the youth is only enrolled in non-credit-bearing postsecondary classes, they would not be considered attending postsecondary school and, therefore, an OSY.

Expanded Work Experience Focus. WIOA section 129(c)(4) prioritizes work experiences with the requirement that local areas must spend a minimum of 20 percent of non-administrative local area funds on work experience.

Work Experience: There must be some redesign in the local strategy with emphasis on increasing regional business partnerships. High priority on initial awareness amongst youth on the importance of the element, including pre-apprenticeships, internships, and on-the-job training (OJT) for in-demand industries and occupations, and the potential for long-term employment is the best step towards successful youth work experience. The advantage to the youth and local areas is that work experience offers a prompter reply to youth in need of true employment hard skills that blend individuals with poor work history into the workforce while also helping them build needed soft skills through the academic and educational component required in work experience.

- **PY21 Work Experience:** Work experience expenditures for the local area are below the 20% statutory requirement. You must ultimately meet the 20% statutory requirement for two consecutive program years in order for the local area to be in compliance with the minimum statutory threshold.
- **Finding:** Work Experience totals for PY21 and Prior Finding for Work Experience

expenditures for the local area are below the 20% statutory requirement. You must ultimately meet the 20% statutory requirement for two consecutive program years in order for the local area to be in compliance with the minimum statutory threshold.

- The local area is not meeting the 75% OSY requirement as well.

Frequently Asked Question: Can ODOC-OOWD provide relief on the 20% Work Experience expenditure requirement?

ODOC Response: Program expenditures on this program element may include more than just wages paid to youth. Allowable expenditures may include items referenced in TEGL 21-16 and 8-15.

If the local area does not meet this requirement at the end of their period of performance, ODOC-OOWD will follow standard monitoring procedures for this program element.

Please ensure you have exhausted all means of providing work experience opportunities, including telework and virtual work experience, as well as reviewing the list of expenditures that count towards the work experience expenditure requirement (*i.e.*, those expenditures beyond just wages or stipends). See TEGL 21-16 and 8-15.

NEWDB Response – 08/21/2023:

- NEWDB recognizes the importance of meeting expenditure requirements for both the 75% OSY and 20% Youth WBL. NEWDB’s PY22 numbers show markedly improved performance in that space. NEWDB and the service provider has been able to drastically improve the number of youths receiving services. The table below demonstrates the number of new youth enrollments and the total number of youths being served in each of the 3 previous program years. This improved trend continues into PY23.

	# New Enrollments	Total Youth Served
PY 20	14	29
PY 21	19	31
PY 22	53	73
PY 23 (as of 08/21/23)	9	60

- NEWDB recognizes that we missed the mark in expenditure requirements in PY 21, mostly due to not having spent enough funds. NEWDB’s grant award was for \$324.7k and NEWDB spent \$235.9k, with 70.45% of those expenditures being on OSY. Improvements in spending were made in PY22 with NEWDB expending 100% of grant awards, and NEWDB’s grant expenditures reflect that 88% of funds were expended on OSY, and 30% of funds were expended on WBL.

Individual Service Strategy leveraging:

We are highlighting notes indicating, *“Funds will be braided with Cherokee Nation where and when appropriate.”*

- ✓ This is a great example of leveraging multiple resources through the braiding of funding in support of the same client. We are working in partnership with the tribes.

Results from the Youth Program Review:

Participant 2129257 Area of Concern: Please note that a low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment... applies to the State developed additional assistance criteria in OWDI 02-2016 Change 2 and the State Plan. The local area WIOA Youth Eligibility Form Identified *“Assistance with training funds.”* If the criteria in the State policy does not apply, don’t use the section. We also observed an updated form where a change to, *“Poor or Sporadic Work History,”* was added.

Follow-up planned: Career Navigator and participant will work together to ensure successful retention of employment once a position is secured. CN will be available for regular guidance and will offer assessments and tutorials if the client expresses a need for additional assistance.

NEWDB Response – 08/21/2023

NEWDB has addressed the Needs Additional Assistance barrier and provided documentation for this training in [Dropbox](#). Going forward, eligibility forms will only reflect this barrier when it actually applies. A corrected eligibility form was completed for this participant and uploaded on 06/05/2023.

Participant 2415292 Area of Concern: Please note that a low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment... applies to the State developed additional assistance criteria in OWDI 02-2016 Change 2 and the State Plan. The local area WIOA Youth Eligibility Form Identified *“SNAP.”* If the criteria in the State policy does not apply, don’t use the section.

NEWDB Response – 08/21/2023

NEWDB has addressed the Needs Additional Assistance barrier and provided documentation for this training in [Dropbox](#). Going forward, eligibility forms will only reflect this barrier when it actually applies. A corrected eligibility form was completed for this participant and uploaded on 06/05/2023.

Participant 2618794: Eligibility based on dropout status. The incentive for the attainment of the GED in the amount of \$200 was reasonable.

Participant 2627391: The follow-up process works in accordance with the statute, state policy and case management system functioning.

Observation: The client was entered into follow-up based on the service and training plan entry. However, participating setting services were subsequently provided the same day under Supportive Service for mileage reimbursement for attending the Elevate Summit.

Condition/Area of Concern (potential finding): It is not straightforward as to whether the client attended the Elevate Summit.

Case Notes from 6/5/23: *Spoke with Mackenzie by phone, and she stated she is doing well. I advised her that I was calling her to confirm that she was wanting to exit the WIOA Youth Program. She stated Yes. Also advised her that she would be transitioned into the Follow-up Phase of the program for 12 months. She stated she understood. I also told her that I was confirming that she did not want to attend the Elevate Summit. She stated again No she did not want to attend. CN advised her that she was now being exited from the WIOA Youth Program per her verbal request. She stated thank you.*

Cause: Lack of documentation in uploader at the time of review.

Criteria: *DOL is conducting more thorough improper payment reviews of its programs to ensure compliance with the Act and that improper payments are recovered. Therefore, DOL requires that grant recipients make every effort to identify and recover improper payments.*

Corrective Action: Provide documentation of the client attending the Elevate Summit including the incentive and supportive service documentation received by the client on one check #301747 for \$220.76, i.e., in accordance with the local area policy, **Supportive Services Policy February 9, 2022:**

- **Form: Supportive Service Voucher**
- **Form: Unavailability of Services**
- **Form: Customer Goods/Services Procurement**
 - **Must include validation of costs from the procurement via printouts, screenshots, or vendor quotes, of the quoted items.**

WIOA funds may be used to assist participants with the travel costs associated with attending occupational skills training, job readiness training employment activities, approved events or activities,

Notable: We particularly like the **notes on follow-up services** for the client.

[NEWDB Response 08/21/2023](#)

[Documentation has been uploaded to validate the participant attended Elevate and received their incentive and mileage reimbursement. Uploads are dated 06/06/2023 and](#)

PoP is dated 06/07/2023.

Participant 2633718: A sample of the eligible client virtual file was conducted without any observations, areas of concerns or findings noted.

Participant 2634486: A sample of the eligible client virtual file was conducted without any observations, areas of concerns or findings noted.

Participant 2638825: A sample of the eligible client virtual file was conducted without any observations, areas of concerns or findings noted.

Participant 2639063 Area of Concern: Please note that a low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment, applies to the State developed additional assistance criteria in OWDI 02-2016 Change 2 and the State Plan. The local area WIOA Youth Eligibility Form states, “*LPN/RN Training.*” Then the ISY additional assistance criteria states “*Lack of funds for training.*” If the criteria in the State policy does not apply, don’t use the section.

NEWDB Response – 08/21/2023

NEWDB has addressed the Needs Additional Assistance barrier and provided documentation for this training in [Dropbox](#). Going forward, eligibility forms will only reflect this barrier when it actually applies. This particular participant was determined not to be eligible for Youth Services as part of NEWDB’s February 2023 monitoring. His program costs were subsequently changed from Youth to Adult.

Participant 2643850: A sample of the eligible client virtual file was conducted without any observations, areas of concerns or findings noted.

Participant 2644427 Area of Concern: Low Income youth who requires additional assistance is noted on the Youth eligibility form without a description of which barrier applies. But the attachment for disability has that barrier checked and a black Dropout form is attached but has signature.

NEWDB Response – 08/21/2023

NEWDB has addressed the Needs Additional Assistance barrier and provided documentation for this training in [Dropbox](#). Going forward, eligibility forms will only reflect this barrier when it actually applies. A corrected eligibility form was completed for this participant and uploaded on 06/05/2023.

SECTION 7- EQUAL OPPORTUNITY AND NONDISCRIMINATION (EO):

According to the duties and responsibilities described in 29 CFR 38.28, the State conducted an on-site monitoring visit on May 30, 2023, at the Pryor Creek American Job Center. A tour of the facility, a sampling of policies, and documentation for review

identify compliance issues under the nondiscrimination and equal opportunity mandates of Section 188 of the Workforce Innovation and Opportunity Act.

Indicators, Observations, Recommendations, Recommended Action, and Promising Practices are detailed below.

Indicator: A review of the Local Plan denotes appropriate assurances listed on page(s) 51-52.

Recommended Action: No Recommended Action.

Promising Practice: As part of the document review and approval process, routing through the Equal Opportunity Officer assists in compliance with the duties and responsibilities of the Equal Opportunity Officer and certifies compliance with the assurance provisions. Clarifying the job duties assists all staff in the organization in ensuring appropriate review and input for equal opportunity.

Indicator: The organizational chart does indicate clear and direct reporting of the Equal Opportunity Officer to the highest level of authority. The organizational chart provided was clear and concise with relationships. A review of the job description with duties and responsibilities and an E. O. officer resume is appropriate for the position.

Recommended Action: No Recommended Action.

Promising Practice: NEWDB is exercising a promising practice with a detailed organizational chart. The importance of emphasizing the relationship can occur by including the E. O. Officer at all official meetings and allotting time to equal opportunity nondiscrimination issues on the agenda. This practice reinforces the importance and relationship with the organization.

Indicator: Review of budgeting documents.

Recommended Action: No Recommended Action.

Promising Practice: NEWDB includes a budget line item for Board Administration, which includes a breakdown of E. O. budget items.

Indicator: A tour of the American Job Center located at 403 E. Graham Ave., Pryor, OK, demonstrated that appropriate signage is displayed in areas where staff and clients have access to the notice and communication of the "Equal Opportunity is the Law."

Recommended Action: No Recommended Action.

Promising Practice: NEWDB should, on a regularly scheduled basis, continue to review and update signage contact information as needed.

Indicator: The State reviewed the Northeast Oklahoma Workforce Development Board website for notice and communications. The notice was readily apparent. Policies are readily available to the public. Complaint procedures are listed in the Equal Opportunity areas.

Recommended Action: No Recommended Action.

Indicator: NEWDB has an efficient system to collect and maintain records and necessary data to determine compliance with nondiscrimination and EO provisions. The data is stored in a manner that ensures confidentiality and is used only for recordkeeping, reporting, determining eligibility, and program compliance with nondiscrimination requirements.

Recommended Action: Update the forms to reflect the current staffing changes at the State E. O. level.

Recommended Action: NEWDB should continue with the regular scheduled review and update of policies, notices, and procedures to ensure that current contact information is displayed. It is imperative that clients and regulators have the correct contact information, including the local E. O., to ensure the timely handling of complaints and issues as they arise.

[NEWDB Response – 08/21/2023](#)

[NEWDB received updated EO posters from the State EO Officer on 06/15/2023. These posters were distributed to the AJCs and hung in public viewing spaces. NEWDB staff have confirmed the posters are up. NEWDB will continue to update policies with the new EO title and contact info.](#)

Indicator: A review of E. O. reports with cohort data assigned to the area collected the appropriate information. Relevant data is being collected for review and analysis.

Recommended Action: No Recommended Action.

Promising Practice: Some One-Stop Centers have leveraged additional tools, i.e., *Salesforce*, to assist in the data collection and analysis, which is a positive investment toward identifying and tracking outcomes.

Indicator: Document retention policy is noted explicitly in policy, Discrimination Complaint Procedures Governing WIOA Activities, and Oklahoma Works One-Stop Centers.

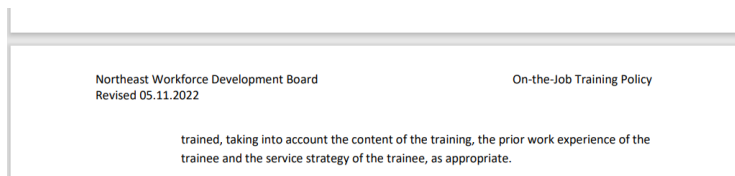
Recommended Action: Update the forms to reflect the current staffing changes at the State E. O. level.

Recommended Action: NEWDB should continue to date policies with an effective date and/or revision date for monitoring purposes. This practice ensures that the appropriate policies are known and effective during the review.

NEWDB Response – 08/21/2023

NEWDB received updated EO posters from the State EO Officer on 06/15/2023. These posters were distributed to the AJCs and hung in public viewing spaces. NEWDB staff have confirmed the posters are up. NEWDB continues to update policies with the new EO titles and contact.

NEWDB will continue the practice of showing an effective/revision date on all policies. This has historically been the practice. If there is a specific policy referenced during the monitoring period that does not have the effective/revision date, we request notice so we can correct the policy. Below is an example of our practice of showing the effective/revision date on a local policy.



Indicator: Documents submitted by the Northeast Workforce Development Board indicate collaboration with community partners, as evidenced by meeting flyers, minutes, and agendas. Regular outreach with these entities through regular meetings and projects is indicated with ties to the communities being served.

Recommended Action: Continue to consult with appropriate community groups to identify other solutions. Data should be reviewed to support decision-making that potentially impacts clientele. This is a promising practice but should be monitored to ensure services are equivalent and meet competitive integrated settings for compliance with Section 504 of the Rehabilitation Act of 1973, as amended.

NEWDB Response – 08/21/2023

NEWDB will continue best practices as identified in this report.

Indicator: Complaint logs were submitted for review. The log details complaints and resolution of allegations of discrimination, along with the name and address of the complainant. As part of the State of Oklahoma Nondiscrimination Plan, the reports must be submitted quarterly to the State E. O. Officer.

Recommended Action: No Recommended Action.

Promising Practice: In quarters where no complaint is filed, continue to submit the log and indicate no complaints received during the indicated quarter. This submission ensures a continuous information flow and review of documentation. It can be

challenging to determine continuity if personnel change positions when there are extended periods of no entry in a log sheet. The local E. O. officer is skilled and efficient regarding the necessary WIOA reporting procedures.

Indicator: Northeast Workforce Development Board provides a system for communicating policy on its website.

Recommended Action: No Recommended Action.

Promising Practice: Yearly reviews and training with all staff can ensure refreshed knowledge and communication of Equal Opportunity Policies and reinforce procedures for correcting issues when noncompliance is found.

Indicator: Northeast Workforce Development Board utilizes the State of Oklahoma's Eligible Training Provider List Policy and Procedures (OWDI #01-2023). The use of OWDI #01-2023 complies with nondiscrimination and equal opportunity provisions applicable to state and federal law.

Recommended Action: No Recommended Action.

Indicator: The State conducted an on-site monitoring visit on May 30, 2023, at the Pryor Creek American Job Center, located at 403 E. Graham Ave., Pryor, OK. There were no ADA compliance concerns.

Recommended Action: No Recommended Action.

Promising Practice: Using checklists for identifying potential barriers is an excellent tool to involve all staff in identifying and becoming part of the solution for barrier removal. Reviewing the Site Evaluation report with staff may lead to solutions or implementations of the recommendations upon identifying obstacles faced by those already challenged by accessibility. Breaking down the report to each item can assist in obtaining cost estimates or creating metrics for completion. The continued review and development of plans to ensure complete accessibility for all is a strong practice to maintain accountability and compliance. NEWDB has a well-developed logistical plan that was implemented strategically concerning site accessibility.

Conclusion

The PY21 review of the Northeast Workforce Development Board demonstrates substantial compliance with the provisions of Section 188 of WIOA and 29 CFR 38 regarding equal opportunity and nondiscrimination. Northeast Workforce Development Board and the Pryor Creek American Job Center staff are dedicated and customer-centered in serving the public. The administration and management of the staff are conducive to the service of the community. The documentation provided by NEWDB is efficient, and there are no significant areas of concern. Regarding equal opportunity and nondiscrimination, NEWDB has shown attention to detail and a commitment to serve the public effectively.

Section 8 – Business Services and Employer Engagement

A review and observation of the Northeast Oklahoma Workforce Development Board program year 2021 Business Services shows a good effort to serve the business community in northeast Oklahoma. This monitoring includes no required actions. This monitoring includes several recommended actions.

Sector Strategies

No Areas of Concern

Recommended Action:

- Attendance at Sector Partnership Meetings should state that in the Results area of the OKJobMatch Contact documentation.

Notes:

- Continue the work with the NE Healthcare Advisory Council and the Heavy Metal Training Institute
- Impact Partnerships were on the PY21 Score Card and will be a negotiated category in PY23.

NEWDB response – 08/21/2023

Regarding the recommended actions above, the NEWDB received guidance from OOWD regarding required documentation on 06/01/2023. Since receiving the guidance on 06/01/23, the NEWDB created training materials which were provided to NEWDB's internal and service provider teams. Teams were trained on 06/26/2023 and 07/06/2023. These materials and training addressed this recommended action. Validation from these trainings can be found in the [Dropbox folder](#). Additional training is planned for 09/06/2023.

Career Pathways Systems and Programs

Areas of Concern:

- OKJobMatch has ten reported Registered Apprenticeship presentations and/or enrolments in OKJobMatch could be higher.

Recommended Action:

- When you negotiate the Registered Apprenticeship level for PY23, look for a higher target.
- If the local Business Services Representative gives a lead to OOWD or helps OOWD, it still should be documented as a presentation and/or enrollment.
- All Registered Apprenticeship Presentations should state that in the Results area of the OKJobMatch Contact documentation.
- All Registered Apprenticeship Enrollments should state that in the Results area of the OKJobMatch Contact documentation.

Notes:

- If Northeast has a role in a Registered Apprenticeship, Northeast should count it.

- Registered Apprenticeships were on the Score Card in PY21 and will be a negotiated category in PY23.
- Registered Apprenticeships are a focus at both the national and state level.

NEWDB Response – 08/21/2023 –

- As of 08/22/2023 NEWDB has not received notice of negotiation or target numbers from OOWD for PY 23. We are uncertain what our target is, but our focus is in advancing all WBL programs, including RAPs. The NEWDB requests the opportunity to immediately begin negotiations so we know our target for the program year and have enough time to implement strategies to push us to those goals.
- Moving forward NEWDB will document RA presentations as suggested in these recommended actions. NEWDB as implemented these changes as of the date of the monitoring exit call.

Business Services

Areas of Concern:

- Documentation made it difficult to determine the number of Core Business Services provided.

Recommended Action:

- Continue to strengthen your good ties with MAIP, CIED, and Tulsa Ports.
- All Employer Focused Events should state that in the Results section of contact documentation.
- Planning meetings and calls on businesses for an Employer Focused Event still counts as a contact, but only the actual event counts as an Employer Focused Event.
- All Core Business Services should state that in the Results area of OKJobMatch Contact documentation.
- Only the actual core service delivery or contract signature for a service should be documented this way.
- The use of Facebook and some LinkedIn is great. Recommended is the use of more social media like Instagram, Threads, TikTok, SnapChat, WhatsApp, and YouTube. People tend to be dedicated to one or two social media, plus they are stratified by age groups and social groups.
<https://www.searchenginejournal.com/social-media/biggest-social-media-sites/#close> <https://www.adobe.com/express/learn/blog/top-social-media-sites>
- Press releases are also effective in small markets like Miami. Media in small markets like free content and residents pay more attention to local media. If you need advice on writing a press release, contact David Crow on OOWD staff.
David.crow@okcommerce.gov
- Workforce GPS on marketing
<https://www.workforcegps.org/events/2023/01/11/19/49/Outreach-and-Marketing-for-the-Public-Workforce-Development-System-2>
- Customer Retention, Registered Apprenticeships and Impact Partnership are a good sources of success stories.

- Do a Business Services Self-Assessment.
<https://businessengagement.workforcegps.org/resources/2018/06/11/16/56/Business-Engagement-Self-Assessment-Tool>

NEWDB Response – 08/21/2023 –

- MAIP, CIEDA, and Tulsa Ports are among numerous partners we have a long history of partnering with and our strategy is to continue working with these partners and to expand the partner network. NEWDB additionally partners with DRS and OESC regularly.
- NEWDB has implemented changes to contact documentation that include using the results section of the contact documentation; this implementation was effective after the monitoring exit call.
- NEWDB will move forward with documenting events as “Employer Focused Events” and planning meetings/discussions as “Core Business Services” as outlined in this report. This is reflected in NEWDB’s training materials and implemented after the exit call.
- The NEWDB has a strong presence on social media and utilizes these outlets as capacity allows.
- NEWDB logs “Promising Practices” and collects success stories throughout the program year. These successes are routinely shared with stakeholders and on social media.
- The NEWDB previously completed the self-assessment and has plans to update the tool in February 2023.
- The NEWDB Business Services Strategic Plan was updated in August 2023.

Notes:

- Customer Retention level of 10.7% based on OKJobMatch entries is great.
- All employees of Northeast, the OSO and the service provider count for delivering Core Business Services.
- Update of the Business Services Strategic Plan was last done August 2022.
- Customer Retention was not on the PY21 Score Card but will be a category in PY23.
- Customer Satisfaction Survey Results was on the PY21 Score Card but not deemed usable for monitoring.
- Core Business services was on the PY21 Score Card and will be a negotiated category in PY23.
- Employer Focused Events were on the PY21 Score Card and will be a negotiated category in PY23.

Notable Practices

Working with the Oklahoma Department of Corrections is a notable practice.

Participation in Women in Business by Jonette Duck is a notable practice.

Although the documentation is difficult to interpret, it is obvious that the number of Core Business Services is great. My best estimate is over 200 in PY21. Your internal number of 170 did not include everyone who can be counted.

The Business Service Team meeting monthly is a notable practice.

The broad base of career pathways and programs is good.

The Business Services page of Northeast's website is well laid out and informative.

It is Notable that Northeast's Business Services Representative was the first in the state of Oklahoma to earn their certification from TAD Grants.

This report documents the issues substantiated during the review; however, there is no assurance other issues do not exist.



OKLAHOMA WORKS

Oklahoma Department of Commerce
Workforce Development

PY21 Initial Monitoring Determination
Western Oklahoma Workforce Development Board

OOWD Monitors:

Connie Littleton
Emmit E. Grayson Jr.
Sandy Elledge
Karla Jackson
William Hancock

June 21, 2023
Oklahoma Department of
Commerce
900 N. Stiles Avenue
Oklahoma City, OK 73104

MONITORING DATES:

February 27, 2023 through March 3, 2023

OVERVIEW OF THE LOCAL AREA:

Local Workforce Development Board – Western Oklahoma Workforce Development Board

Workforce Development Board Fiscal Agent – Central Oklahoma Workforce Innovation Board (COWIB)

Service Provider- The Kaiser Group DE, LLC dba Dynamic Workforce Solutions

SUMMARY OF REVIEW:

The Oklahoma Department of Commerce- Oklahoma Office of Workforce Development conducted a review of Local Area Monitoring and Oversight, Design and Governance, Program and Grant Management Systems, Financial Management Systems, Adult and Dislocated Worker Programs, Youth Programs, and Equal Opportunity and Nondiscrimination. The purpose of this review was to assess whether key policies, procedures, and systems are in place to manage these programs. The Oklahoma Office of Workforce Development reviewed Program Year 21 (PY21), which covers the period from July 1, 2021- June 30, 2022.

All local areas need to evaluate outreach and recruitment efforts because we must increase our WIOA program enrollments and participation for all 3 programs (i.e., adult, dislocated worker, and youth) as Oklahoma continues to have nearly a 40,000-worker shortage.

REVIEW SCOPE:

Local Area Monitoring and Oversight
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Adult and Dislocated Worker
Youth Programs
Equal Opportunity and Nondiscrimination
Business Services

SECTION 1 – LOCAL MONITORING

For Program Year 21 (PY21) financial monitoring was broad and comprehensive and in compliance with their own monitoring policies. COWIB, as fiscal agent maintains written documentation, including monitoring reports, findings, corrective actions, and resolutions for each fiscal monitoring conducted. After review of working papers, policies, and processes, no issues were found.

The Western Oklahoma Workforce Development Board monitoring of the Adult and Dislocated Worker programs was in alignment with their local monitoring policy approved 11/12/2020. It is noted that WOWDB implemented a process for 100% monitoring of all new enrollments in PY21, as well as process to issue monthly

monitoring reports to the Service Provider and staff.

The Oklahoma Department of Commerce has provided the local area with copies of core guidance monitoring tools which were developed after the states tool for all 3 programs, and we believe that these tools will serve the local area in its ongoing and future monitoring.

SECTION 2 - DESIGN AND GOVERNANCE

Under Subpart C – Local Workforce Development Boards - §679.300, The vision for the Local WDB is to serve as a strategic leader and convener of local workforce development system stakeholders. The Local WDB partners with employers and the workforce development system to develop policies and investments that support the public workforce system strategies that support regional economies, the development of effective approaches, including local and regional sector partnerships and career pathways, and high-quality, customer-centered service delivery and service delivery approaches.

The vision of the LWDB is structured under the Design and Governance section of the WIOA monitoring guide.

The objective areas of focus were: strategic planning, board administration, and youth operating systems.

Observations from Review of Policies and Documentation:

Strategic Planning

A review of the requested documentation for the following indicators were monitored.

- Indicator #1, Integration and One-Stop Delivery. All documentation was signed and completed. The LWDB utilizes a competitive process. The One-Stop Operator's role is clearly defined, and all policies comply with applicable laws, regulations, and State policies. It is noted that the demand occupations are under annual review and will be updated at the WOWDB meeting in April 2023. WOWDB is providing Business Services with the addition of three Business Services Representatives.
- The State has no areas of concern for indicator #2, Veteran's priority of service, Adult priority, and other priority populations.
- Indicator #3 Local Area Authority and Flexibility. The LWDB received permission from OOWD to utilize an entity as part of the WIOA performance accountability calculation, however, the business has backed out of the service.

Local Response: Awaiting clarification from OOWD as we are unfamiliar with this service arrangement

Per Karla Jackson's response on 07-10-23: The response for Western's Local Area Authority and Flexibility should have been reported as: "The LWDB has a

strong and efficient policy in place that is tailored to the local area's needs. The State has no concerns in this area.”

Board Administration

The LWDB has a certified Workforce Development Board that received certification in May 2021. In the time since certification, there were two board replacements for PY21.

- As required by indicator #4, the State received pertinent information and proper notification regarding the board replacements.
- Indicator #5, By-Law review – the State has no areas of concern
- Indicator #6, Open Meetings Act Compliance – The LWDB complied with the Open Meeting Act [20 CFR § 679.390; Title 25 Oklahoma Statutes §301-314; 74 O.S. 3106.2] when conducting all business. The State has no areas of concern.
- Indicator #7 Youth Committee/Council – The LWDB works closely with the standing Youth Committee. The committee holds quarterly meetings which includes participants from the area and pass their collected information to the working group to ensure services are not duplicated. The State has no areas of concern.

Youth Operating Systems

The State examined the LWDB’s policies for youth services. All policies, Youth Committee minutes, and the 2-year plan are in compliance, and the State has no areas of concern.

Area of Concern: N/A

Findings: N/A

Promising Practices: N/A

SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS

During financial monitoring, administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, and contracting and procurement samples were reviewed. After review of program and grant management, working papers, policies, and processes, no issues were found.

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS

OOWD reviewed samples of WIOA contracts along with the corresponding budget, accounting records, and cash requests for PY21 (July 2021-June 2022). In addition, a sampling of board, fiscal agent, and service provider expenditures were reviewed. In review of working papers to determine financial and administrative compliance, no issues were found.

Required Federal and State Minimums:

<p>PY21 Federal and State Required Minimum Expended Expenditures and Percentages for the</p>

Adult, Dislocated Worker, and Youth Programs	
Combined Federal Minimum Required Expended Expenditure Percentages	
Youth Work Experience Percentage	24%
Out of School Youth Percentage	58%
Combined State Minimum Required Expended Expenditure Percentages	
Adult-Direct Participant Training Percentage	25%
Dislocated Worker-Direct Participant Training Percentage	27%

SECTION 5 – DELIVERY OF ADULT AND DISLOCATED WORKER SERVICES

ODOC/OOWD’s comprehensive review of the Adult and Dislocated Worker (DLW) programs consisted of a random monitoring sample that included six Adult Program participants and three DLW participants.

Results from the Review of Adult and Dislocated Worker Files:

Observation #1 - Follow-up contacts and use of alternate contacts: Alternate contacts were not utilized on a regular basis when attempts to reach participants for follow-up failed. The Service Provider has since documented their follow-up and contact best practices. Training to staff was provided by the local area’s Operations Manager on 3/23/2023, including the requirement for Career Navigators/Case Managers to attempt contact with the client by all possible means, i.e., telephone, text, Facebook, email and, when other methods fail, utilizing the alternate contacts the participant entered in the case management system. The local policy regarding documenting follow-up contact/contact attempts was enacted in May 2022. **No further action is required.**

Observation #2 - Follow-up Services: Front line staff were not distinguishing between follow-up contacts and Follow-Up Services. Training on when to enter a Follow-Up Service was provided locally to the Career Navigators (i.e., case managers) on 3/23/2023. **No further action is required.**

Participant 2449935: The participant was co-enrolled as an Out-of-School Youth (OSY), however both Occupational Skills Training (OST) and supportive services were funded by Title I Adult formula funds.

Area of Concern: The participant achieved his goals of completing Emergency Medical Technician (EMT) training and obtained employment as an EMT. He later requested assistance with funding to support his long-term goal of becoming an Air Evac Paramedic and was informed that due to his income as an EMT, he was not eligible for additional training funds. Both the Individual Employment Plan (IEP) in the Adult Program enrollment and the Individual Service Strategy (ISS) in the OSY enrollment included the long-term goal. Although the individual no longer qualified for Title 1 Adult funds, he was eligible for additional training under the OSY Program based on the following:

As per 20 CFR 681.250, only those youth who are recipients of a secondary school diploma or its recognized equivalent and are either basic skills deficient or an English language learner, and youth who require additional assistance to enter or complete an educational program or secure or hold employment, must be low-income. Therefore, youth that meet OSY eligibility under 681.210(c)(1), (2), (4), (5), (6), (7), and (8) are not required to be low-income. Participant 2449935 was eligible based on his declaration of a disability. Additionally, as per 20 CFR 681.450, there is no minimum or maximum time a youth can participate in the WIOA youth program. Participation in Title I Youth programs is linked to the ISS and not the timing of youth service provider contracts or program years.

Resolution of Area of Concern: WOWDB's Operations Manager conducted eligibility training for the Title I OSY, Adult, and DLW programs on 3/23/2023. Documentation of OSY training included the training agenda, the list of attendees (including all Career Navigators), and meeting notes to address and support the regulations found in the Area of Concern above, as well as eligibility factors for both the Title I Adult and DLW programs. **No further action is required.**

PID 2612976: Based on the review of the documentation in this file, a revised On-the-Job Training (OJT) policy was recommended. The revised OJT policy was Board approved on 4/20/2023, and included the following essential requirements noted as lacking in the policy in effect since January 2019:

- Overtime hours that exceed 40 hours per week must be reimbursed at the regular rate of pay. The OJT employer is required to pay the overtime rate for all hours above the regular rate in full.
- The local area's procedures for numbering OJT contracts will also be included in the revised OJT policy.

Local Response: As stated, policy was updated with recommended revisions effective 04/20/23. The updated Policy was sent to Sandy on 04/21/23 after Board approval. OJT Contracts have been numbered since OOWD recommendation received, 03/07/23.

SECTION 6 – DELIVERY OF YOUTH SERVICES

A review of the Western Oklahoma Region Cumulative 4-Quarter Reporting Period report indicates the local area has continued its focus on the WIOA primary target population of out-of-school youth.

Of the total youth who received WIOA services during the monitoring review period, a comprehensive review was conducted on 10 enrollments that consisted of 10 out-of-school youth (OSY) and 0 in-school youth (ISY) enrollment:

- The monitoring sample indicates the Western Oklahoma Workforce Development Board is serving the WIOA eligible/target population.
- Western Oklahoma Workforce Development Board has developed an individual service strategy (ISS) that identifies and meets the specific needs of each

- participant.
- Supportive services are being provided as needed to overcome barriers to participation and completion of the Individual Service Strategy.
 - There must be a statewide concerted local focus on increasing the quantity of youth served and youth credential rate which will support the longer-term State goal of a more prepared workforce.
 - Comments on follow-up services are outlined below.
 - Out-of-School Youth Percentages are below the 75% requirement. See Section 4: Out-of-School Youth remain the WIOA youth priority. A minimum of 75 percent of the Youth funds allocated to States and local area, except for the local area expenditures for administration, must be used to provide services to out of school youth.
 - ODOC believes there is still a unique opportunity for implementing or expanding workforce services within the Department of Defense pipeline considering the local service area geographically includes 2 military installations.
 - All local areas need to evaluate outreach and recruitment efforts because we must increase our WIOA program enrollments and participation for all 3 programs (i.e., adult, dislocated worker, and youth) as Oklahoma continues to have nearly a 40,000-worker shortage.

WIOA Formula Youth Work Experience: The Department of Labor clarified in 2020 that work experience also includes Registered Apprenticeships. While not explicitly recognized in the Act as a type of work experience, Registered Apprenticeship is a type of work experience. Expenses for a Registered Apprenticeship that occur prior to a participant's exit from the WIOA Youth program can be counted toward the work experience expenditure requirement. Expenditures for the Registered Apprenticeship after participant exit cannot be counted toward the work experience expenditure requirement.

Attached is the link to TEGL 09-22 [TEGL 09-22 | U.S. Department of Labor \(dol.gov\)](#) which does not rescind 21-16 nor 21-16 Change 1. See clarifications and a few updates, specifically the following on supportive services:

f. Supportive Services. Supportive services allow participants to persist in and complete program activities and are vital ingredients in youth success. i. Supportive services as an allowable work experience expenditure: TEGL 21- 16 stated that "supportive services are a separate program element and cannot be counted toward the work experience expenditure requirement even if supportive services assist the youth in participating in the work experience." However, Employment & Training Administration (ETA) policy on this issue has evolved. ETA recently determined that supportive services that enable WIOA participants to participate in training can count toward training expenditures. Therefore, to be consistent with this policy, supportive services that enable WIOA participants to participate in work experience can now count toward the work experience expenditure requirement.

Considering the Department specifically states that, "can now count toward," indicates

this is not an opportunity for us to go back to prior reporting/ revise and include the specific supportive service in previous reported totals. But this is a big step in achieving the minimum 20% requirement. ETA always demonstrates they get it and support us in our workforce initiatives.

Preview of priorities under TEGL 9-22:

Equity: On January 21, 2021, his first day in office, President Biden issued Executive Order 13985 On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. The Executive Order defines equity “as the consistent and systemic, fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment.” Advancing equity to ensure youth have equal access to and outcomes in high quality education and training is a key priority for the Department. Equity must be integrated into everything programs do; from outreach and recruitment to service delivery strategies to partnership development and to using data to inform decision making. Equity in the WIOA Youth program means that not only do youth have equitable access to services and supports but also that youth are achieving equitable outcomes.

Quality Work Experiences: Integrating equity and job quality principles into the WIOA Youth program is achieved by ensuring youth have access to quality work experiences, in particular, paid work experience whenever possible, that have on-ramps to career pathways. The decade between ages 14 and 24 is marked by critical transitions as youth begin to enter adulthood and make decisions about how to continue their education or enter the workforce. The opportunities and support available to young people during this time influences their long-term trajectories into adulthood. Early employment represents one experience that is generally associated with better labor and wage outcomes in the future, potentially because it helps youth to develop soft skills, a job history, and connections to employer networks.

Stipend and Incentive Policy:

Western’s Incentive Policy which is imbedded in the joint policy is as close to a best practitioner policy as we can share. We also delivered the policy to the DOL Region IV Office when asked for an example of one of the state’s incentive policies and it currently shared nationally on workforcegps.org.

Results from the Youth Program Review:

PY20 Finding: There was no provisioning of follow-up services nor an entry in the service and training plan (S&T) for the WIOA Youth Program.

In **PY21 and forward**, we have continued to reiterate the statutory requirement.

20 CFR § 681.580 states that all youth participants must be offered an opportunity to receive follow-up services that align with their individual service strategies. Furthermore, follow-up services must be provided to all participants for a minimum of 12 months

unless the participant declines to receive follow-up services or the participant cannot be located or contacted.

The Individual Service Strategy indicates under follow-up services:

The client will be provided regular contacts and support to ensure they are continually employed.

Reminder: Even with an unsuccessful completion, we are positioned to continue support to the client due to the co-enrollment. You are not limited to follow-up to a “participant only” as under the adult program. Co-enrollment in the WIOA Youth program provides flexibility in the provision of follow-up services, i.e., allowed at any point after the last service or unsuccessful service.

Corrective Action: OkJobMatch follow-up procedures at a minimum: "A service and training plan (S&T) for follow-up will be entered to align with the date of exit. Then an additional S&T will be entered for each time a follow-up service is provided. Contacts by themselves do not count as follow-up nor do contact attempts."

Local Area Response: Western will continue to reinforce with Service Provider through training and technical support.

Participant 1952339: Unsuccessful completion of occupational skills training at SW Technology Center is not the end all.

Area of Concern: The client self-attested to being basic skills deficient according to the WIOA Youth Eligibility Form. Under WIOA, use of self-attestation does not apply to the determination of “basic skills deficient.”

Corrective Action: Determine whether the individual was basic skills deficient during enrollment.

Local Area Response: TABE results were obtained from SW Technology Center, reflecting basic skills deficiency. Unfortunately, this participant is banned from SW Technology Center at this time because of threatening administration with violence. Career Navigator has been instructed to continue to attempt to re-establish contact with participant in order to make appropriate referrals as well as continue to provide follow up services. CN is documenting all attempted contacts (using various methods, call, text and email).

Participant 2217744: The client failed to report to work experience. Therefore, job shadowing may be the next step in her career pathway if re-enrolled and not self-sufficient and or employed. Otherwise, there are several services that we must offer during follow-up.

Required: Enter follow-up service in the service and training plan (S&T) and deliver the element for a minimum of 12 months.

Local Area Response: Follow-up S&T entered on 5/16/2023. Contact and attempted contacts made throughout the follow-up period with services offered. The follow-up period ended 7/5/2023.

Participant 2398020: Positive Outcome. LPN license issued 1/5/23

Participant 2436315: Positive Outcome. CNA License issued 7/19/22. Follow-up was documented in service and training plan (S&T).

Participant 2616417: The client was enrolled in alternative secondary education through youth build but exited without completion.

Local Area Response: The follow-up period ended on 10/8/2022. Contact and attempted contacts were made every month until 3/2/2023, 5 months after follow-up period ended. WOWDB Monitoring will pay special attention to youth build co enrollments in the coming year, assuring quality case management.

Follow-up Services in ISS: The service and training plan (S&T) entry is added so let's offer the follow-services needed for a minimum of 12 months.

Participant 2616419: The client received the Penn Foster on 5/3/22.

Follow-up Services in ISS: WIOA Service Provider will provide follow-up services for at least 12 months after the participant obtains unsubsidized employment and exits the WIOA program. Therefore, enter the service in the service and training plan (S&T) and deliver the services needed under follow-up.

Local Area Response: Participant moved out of state right before exiting 5/19/2022. Attempted contact was made twice a month during the follow-up period which ended on 5/19/2023.

Participant 2617217: Samples of the following eligible client virtual files were conducted without any observations, areas of concerns or findings noted.

Participant 2623699:

Area of Concern: Is he registered for selective service? If not, was the rationale documented and reviewed by the Board Director? Otherwise verify whether he has been registered.

Local Area Response: Selective service registration was uploaded to OKJM on 12/30/2021. Demographics on both programs show he is registered for selective service.

Participant 2623844: Samples of the following eligible client virtual files were conducted without any observations, areas of concerns or findings noted.

Adult Mentoring: The provision of adult mentoring is a 12 month commitment by statute. It is not just a 1 day service.

20 CFR § 681.490 states that adult mentoring must last at least 12 months and may take place both during the program and following exit from the program and be a formal relationship between a youth participant and an adult mentor that includes structured activities where the mentor offers guidance, support, and encouragement to develop the competence and character of the mentee. The final rule also states that while group mentoring activities and mentoring through electronic means are allowable as part of the mentoring activities, at a minimum, the local youth program must match the youth with an individual mentor with whom the youth interacts on a face-to-face basis.

Considering he was not exited due to receiving the financial literacy on January 3, 2023, he is still in participation status and we need to demonstrate what services we plan to offer as an active participant. Ultimately in servicing address how the local area is going to help him overcome the barriers identified.

If the client is still active/ not exited from either program enrollment, i.e., WIOA Adult and WIOA Youth, there is still opportunity for the local area to focus on the barriers to training and employment without being limited to follow-up services only. We trust that local area will bridge any gaps in communication and service support and align services specific to the needs.

Earlier we discussed Core Guidance on local strategy to ensure program activities that lead to recognized post-secondary credentials.

Local Area Response: Continuous monitoring guidance and technical assistance will be provided to the Service Provider regarding adult mentoring.

Please note that there may be issues beyond the review not noted in this report.

Section 7- Equal Opportunity (EO) and Nondiscrimination:

The PY21 review of the Western Oklahoma Workforce Development Board demonstrates substantial compliance with the provisions of Section 188 of WIOA and 29 CFR 38 regarding equal opportunity and nondiscrimination. See recommendations or recommended actions.

Indicator: A website review of the Local Plan July 1, 2021 – June 30, 2025, denotes appropriate assurances listed on pages 108 – 109.

Recommended Action: No Recommended Action.

Promising Practice: As part of the document review and approval process, the recipient must conduct a self-evaluation in accordance with 29 CFR 32.6(c) (i.e., evaluate current policies and practices and their effects on individuals with disabilities and take remedial steps to eliminate the effects of any discrimination, and consult with

interest parties such as individuals with disabilities) Routing this process through the Equal Opportunity Officer assists in compliance with the duties and responsibilities of the Equal Opportunity Officer and certifies compliance with the assurance provisions.

Indicator: The organizational chart does indicate clear and direct reporting to the highest level of authority. The organizational chart provided was clear and concise with relationships. A review of the job description with duties and responsibilities and an E.O. Officer resume is appropriate for the position.

Recommended Action: No Recommended Action.

Promising Practice: WOWDB is exercising a promising practice with a detailed organizational chart. The importance of emphasizing the relationship can occur by including the E.O. Officer at all official meetings and allotting time to equal opportunity nondiscrimination issues on the agenda. This practice reinforces the importance and relationship with the organization.

Observation: A tour of the facility demonstrated that appropriate signage is displayed in areas where staff and clients have access to the notice and communication of the "Equal Opportunity is the Law." The signs distributed were posted; however, the office did not update the correct contact information regarding the WOWDB E. O. Officer. The office updated the signs with the current Oklahoma Workforce Development change in the information with the Oklahoma Department of Commerce.

Recommended Action: Update all signs with the correct contact information for the local area staff.

Local Area Response: The signage in all Centers is reviewed quarterly, but as a result of this report, all Centers were immediately monitored by the OSO and Board Staff. This was completed July 5, 2023. It should be clarified that the signage (mentioned in this report) that was not updated was not located in an AJC, but in the break area of the Board Staff office. It is not an area accessible to the public.

Promising Practice: On a regularly scheduled basis, review and update signage contact information as needed.

Observation: The State reviewed the Western Oklahoma Workforce Development Board website for notice and communications. The notice was readily apparent. Policies are readily available to the public. Complaint procedures are listed in the Equal Opportunity areas. The vital service and information notice needs to be updated with the current Local or State E.O. Officer contact information.

Recommended Action: Update all policies, notices, and procedures with the current contact information.

Local Area Response: WOWDB will immediately update the contact information page

for each of our published policies. This will be completed by September 30, 2023.

Promising Practice: On a regularly scheduled basis, review and update policies, notices, and procedures with current contact information as needed. It is imperative that clients and regulators have the correct contact information, including the local E.O., to ensure the timely handling of complaints and issues as they arise.

Indicator: A review of E.O. reports with cohort data assigned to the area collected the appropriate information. Relevant data is being collected for review and analysis.

Recommended Action: No Recommended Action.

Promising Practice: Some One-Stop Centers have leveraged additional tools, i.e., *Salesforce*, to assist in the data collection and analysis, which is a positive investment toward identifying and tracking outcomes.

Indicator: Document retention policy is noted explicitly in policy, Discrimination Complaint Procedures Governing WIOA Activities, and Oklahoma Works One Stop Center

Recommendation: Published policies should be dated with an effective date and/or revision date for monitoring purposes to ensure the appropriate policies in effect at the review time are known. An overall documentation policy will align with the organization's document management principles and practices.

Recommended Action: Update all documents to reflect current staffing changes at the local and State level.

Local Area Response: This was being performed on as policies were being updated but WOWDB will immediately update the contact information page for each of our published policies. This will be completed by September 30, 2023.

Notable Practice: Documents submitted by the Western Oklahoma Workforce Development Board indicate collaboration with community partners, as evidenced by meeting flyers, minutes, and agendas. Regular outreach with these entities through regular meetings and projects is indicated with ties to the communities being served.

Recommended Action: No Recommend Action

Promising Practice: Continue to consult with appropriate community groups to identify other solutions. Data should be reviewed to support decision-making that potentially impacts clientele. This is a promising practice but should be monitored to ensure services are equivalent and meet competitive integrated settings for compliance with Section 504 of the Rehabilitation Act of 1973, as amended.

Indicator: Complaint logs were submitted for review. The log details complaints and

resolution of allegations of discrimination, along with the name and address of the complainant. As part of the State of Oklahoma Nondiscrimination Plan, the reports must be submitted quarterly to the State E. O. Officer.

Recommended Action: No Recommended Action.

Promising Practice: In quarters where no complaint is filed, continue to submit the log and indicate no complaints received during the indicated quarter. This ensures a continuous information flow and review of documentation. It can be challenging to determine continuity if personnel change positions when there are extended periods of no entry in a log sheet.

Indicator: Western Oklahoma Workforce Development Board provides a system for communicating policy on its website.

Recommended Action: No Recommended Action

Promising Practice: Yearly reviews and training with all staff can ensure refreshed knowledge and communication of Equal Opportunity Policies and reinforce procedures for correcting issues when noncompliance is found.

Indicator: Western Oklahoma Development Workforce Board utilizes the State of Oklahoma's Eligible Training Provider List Policy and Procedures (OWDI #01-2023). The use of OWDI #01-2023 is in compliance with nondiscrimination and equal opportunity provisions applicable to state and federal law.

Recommended Action: Attach a link of the OWDI #01-2023 OWDI #01-2023 to WOWDB website to ensure transparency of use of the policy.

Local Area Response: A link to OWDI #01-2023 on the WOWDB Policy page will be provided effective 07-17-23 (<https://wowdb.org/about-us/policies/>) until WOWDB is able to complete the Local ETP Policy, at which time, it will be uploaded to the WOWDB Policy page.

Observation: A monitoring visit of the Woodward location took place on March 7, 2023. A review of the report from ADA Coordinator Charles Watt reinforced observations made at this location. The following areas of concern/issue:

- The facility does not have adequate ADA parking or visible ADA signage for spaces.
- The facility does not have definitive accessibility with concern to elevators. The width of the doors of the elevators needs to be more compliant with ADA standards.
- The facility does not have good restroom accessibility.

Recommended Action: Use the findings from the Site Accessibility Evaluation to perform correction action for accessibility compliance.

Recommended Action:

If the recommended repairs are not made, this facility is unsuitable as an AJC under WIOA compliance and guidelines.

Local Area Response: The WOWDB is well aware of the Site Accessibility Evaluation report mentioned above. Center Certification in May 2021 recommended relocation of the Woodward AJC from its former location of 1117 11th Street in Woodward, OK due to unresolved ADA issues. There is a corresponding EEAAP that is attached here was also reviewed quarterly and the issue with the Woodward AJC was reported to the board quarterly. During the time between 2021 and early 2023, the OSO and OESC Area Director have been seeking a new space in which to relocate the Woodward AJC. The Site Accessibility Report mentioned above is a result of their visit to Suite 109 of 1222 10th Street to determine if it could be a suitable location.

Since it was found to be insufficient for an AJC, the three offices in that suite were remodeled (with an adjoining door) to be included in the Board Staff office space and leased by WOWDB. Three Business Services Representatives are normally officed there. It is not accessed by the public.

In February 2023, OESC (AJC leaseholder) had a dispute with the landlord at the 1117 11th Street location and that lease was ended immediately, resulting in eviction. The WOWDB Executive Director offered a **sublease on an emergent basis so that they would have a location to remain open and to continue to serve the public during their search for a new permanent location. Suite 109 is not a permanent AJC location, but only temporary.**

As soon as a new, ADA-compliant location is procured by OESC for the Woodward AJC, a new Site Accessibility Evaluation will be completed. A copy of the sublease will be included in our response.

Section 8 – Business Services and Employer Engagement

A review and observation of the Western Oklahoma Workforce Development Board program year 2021 Business Services shows a good effort to serve the business community in western Oklahoma area.

Sector Strategies**Areas of Concern:**

- Each Impact Partnership/Sector Partnership meeting attended should be documented in OKJobMatch and in your Impact Partnership documentation. These also count as Employer Focused Events.

Local Area Response: When the BSR's attend an Impact Partnership meeting they give a summary of the meeting topics and place Impact Partnership in the Results area below.

- Materials provided on the Jackson County Community Health Action Team. If this is presented as an Impact Partnership/Sector Partnership, in what way does the

Jackson County Community Health Action Team involve business's, find employees, train individuals in a skill, provide a career pathway, or help individuals find jobs.

Local Area Response: JCCChat works with local businesses and the AJC to help their clients find work and other resources. In addition, City of Altus attends the meetings and lets the group know of the local programs that the city is offering to help the lower income population.

- The Local Area Response stated that the Business Services Partner Meetings are a Sector Partnership. "Sector strategies establish partnerships of multiple employers within a critical industry that brings together education, economic development, workforce systems, and community organizations to identify and collaboratively meet the workforce needs of that industry within a regional labor market" ^A

Local Area Response: The JCCChat is a consortium of healthcare and mental health industries. We assist the lower income individuals and families with resources such as employment, housing and needed medical resources. JCCChat also offers the Getting Ahead and Bridges out of Poverty programs.

Recommended Action:

- Document all meetings of an Impact Partnership/Sector Partnership attended by anyone from Western. The Results area of the OKJobMatch documentation should state "Impact Partnership Meeting."

Local Area Response: The BSRS updated the past year with correct verbiage (completed 07-07-23) are currently entering these on OKJobMatch at Impact Partners Meeting.

- Review and familiarize yourself with Industry/Sector Partnerships and Sector Strategies on page 18, with resources on page 35, of the USDOL TEN 08-22 to better understand a Sector Partnership.

Local Area Response: These documents have been reviewed and our Impact partnerships do meet this qualification.

- Work on involving additional employers in your new Healthcare Sector Partnership.

Local Area Response: Considerable time has been spent in the panhandle counties, promoting and communicating with the healthcare providers in those communities about Sector Partnerships. The Northwest Community Healthcare Action Team (NWCHAT) Sector Partnership is Western's newest Sector Partnership that first met on 9.19.22. The different employers that are invited to it are as listed: Beaver County Hospital Authority which includes Beaver County Nursing Home, Newman Memorial Hospital, Guymon Heritage Manor/ Dunaway Manor, Cimarron County Memorial Hospital, Harper

County Community Hospital, Parkview Pointe Assisted Living in Laverne, Seiling Nursing Center, Vici Nursing home, Alliance Health Woodward. Parkview Pointe attends every meeting, Newman Memorial is very dedicated as well, and Harper County attends regularly as well. The others have attended when they have time. We have set the meeting day and time to be the same every month. This list is still growing and the different businesses are continuing to come up with new employers to attend. The focus is the elder care in each community along with the staffing and training for each facility.

Notes:

- The Healthcare Sector Partnership that is in PY22 appears to be fitting the parameters for a Sector Partnership.

Impact Partnerships were on the PY21 Score Card and will be a negotiated category in PY23.

Career Pathways Systems and Programs

Areas of Concern:

- Six reported Registered Apprenticeship presentations and/or enrolments is a low amount and should be higher.

Local Area Response: According to WOWDB records we totaled 8 apprenticeship presentations. WOWDB has increased this number considerably in PY 2022.

Recommended Action:

- When you negotiate the Registered Apprenticeship level for PY23, look for a higher target.

Local Area Response: When WOWDB negotiated these numbers in 2022 this number was increased to 9 for the year and we will be meeting this number.

- Work with OOWD staff for help presenting and enrolling Registered Apprenticeships.

Local Area Response: The BSRs work closely with Mr. Joe Cox and they attend presentations together to employers.

- All Registered Apprenticeship Presentations should state that in the Results area of the OKJobMatch documentation.

Local Area Response: This is already being done.

Notes:

- Registered Apprenticeships were on the Score Card in PY21 and will be a negotiated category in PY23.
- Registered Apprenticeships are a focus at both the national and state level.

Business Services

Areas of Concern:

- OKJobMatch contact documentation needs to be clearer if a core program service is provided or an Employer Focused Event is held.

Local Area Response: WOWODB BST received the e-mail June 1, 2023 that was sent to all BSR's by Mr. Hancock. WOWDB has used this documentation to enter contacts and services into OKJobMatch; all updates were completed July 7, 2023.

- The last Business Services Self-Assessment was in 2018.

Local Area Response: A Self-Assessment was completed January 2023 that was included in 8.4 monitoring information. We have attached the document in this response.

Recommended Action:

- In OKJobMatch documentation (in Results area), state if a core program service is being provided and/or state when an Employer Focused Event is held.

Local Area Response: We have been more detailed in entering the core program service for each entry. The BSR's will have all PY22 entries corrected by July 7, 2023.

- Please conduct a Business Services Self-Assessment.
<https://businessengagement.workforcegps.org/resources/2018/06/11/16/56/Business-Engagement-Self-Assessment-Tool>

Local Area Response: See above, and section 8.4 monitoring documentation.

- Review and consider additional social media platforms. This will help in reaching different age groups and professionals. Examples might be Instagram, WhatsApp, SnapChat and LinkedIn. <https://www.searchenginejournal.com/social-media/biggest-social-media-sites/#close>
<https://www.adobe.com/express/learn/blog/top-social-media-sites>
- Workforce GPS on marketing
<https://www.workforcegps.org/events/2023/01/11/19/49/Outreach-and-Marketing-for-the-Public-Workforce-Development-System-2>
- Customer Retention, Registered Apprenticeships and Impact Partnership are a good sources of success stories.
- Look at contacting and involvement with targeted/minority business groups. Your best chance will be in Enid or Stillwater. An example might be Enid Women in Business, <https://www.enidwib.com/>.

Notes:

- Customer Retention level of 5.6% based on OKJobMatch entries is good.
- Western's local area response included all the Business Services "services."
- Western's Business Services program appears to be well thought out.
- An update of Business Services Strategic Plan occurred in March 2021.

- Customer Satisfaction Survey Results was on the PY21 Score Card but not deemed usable for monitoring.
- Customer Retention was not on the PY21 Score Card but will be a category in PY23.
- Core Business services was on the PY21 Score Card and will be a negotiated category in PY23.
- Employer Focused Events were on the PY21 Score Card and will be a negotiated category in PY23.

Notable Practices

- Maintaining regular contact with Chambers of Commerce and Economic Development groups is a notable practice.
- Western's practice of providing LMI and other information to Chambers of Commerce and Economic Development groups is great.
- Western's practice of doing press releases for the media and getting the radio stations to participate is great.
- Going door to door to businesses when you are already in a community is an efficient way to contact more businesses.
- The emailed one-page Universal Referral Form among the partners in Western's Business Services Team is a great communication method.

References

- A. US Department of Labor Training and Employment Notice 08-22



OKLAHOMA WORKS

Oklahoma Department of Commerce Oklahoma Office of Workforce Development

PY21 Initial Monitoring Determination
Southern Workforce Board, Inc.

OOWD Monitors:

Connie Littleton
Emmit E. Grayson Jr.
Sandy Elledge
Karla Jackson
William Hancock

August 30, 2023

Oklahoma Department of Commerce
900 N. Stiles Avenue
Oklahoma City, OK 73104

MONITORING DATES:

June 19-23, 2023

OVERVIEW OF THE LOCAL AREA:

Local Workforce Development Board – Southern Workforce Board Inc.

Fiscal Agent – Southern Workforce Board Inc.

Service Provider- Dynamic Workforce Solutions

SUMMARY OF REVIEW:

The Oklahoma Office of Workforce Development conducted a review of Local Area Monitoring and Oversight, Program and Grant Management Systems, Financial Management Systems, Adult and Dislocated Worker Programs, Youth Programs, and Equal Opportunity and Nondiscrimination and Business Services. The purpose of this review was to assess whether key policies, procedures, and systems are in place to manage these programs.

The purpose of this review was to assess whether key policies, procedures, and systems are in place to manage these programs. The Oklahoma Office of Workforce Development reviewed Program Year 21 (PY21), which covers the period from July 1, 2021- June 30, 2022.

All local areas need to evaluate outreach and recruitment efforts because we must increase our WIOA program enrollments and participation for all 3 programs (i.e., adult, dislocated worker, and youth) as Oklahoma continues to have nearly a 40,000-worker shortage.

REVIEW SCOPE:

Local Area Monitoring and Oversight
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Adult and Dislocated Worker Programs
Youth Programs
Equal Opportunity and Nondiscrimination
Business Services

SECTION 1 – LOCAL MONITORING

For Program Year 21 (PY21) financial monitoring was broad and comprehensive and in compliance with their own monitoring policies Southern Workforce Board, as fiscal agent maintains written documentation, including monitoring reports, findings, corrective actions, and resolutions for each fiscal monitoring conducted. After review of working papers, policies, and processes, no issues were found.

***Note:** For sub-recipient monitoring please utilize Worksheet 1.2A in Section 1 Tool and Sub-recipient Monitoring Questioner to accompany sub-recipient monitoring report.

PY21 Adult and Dislocated Worker (DLW) programmatic monitoring was broad,

comprehensive, and conducted as per the local area's Monitoring and Quality Assurance Policy, SWB – #114. The local policy still references the sequencing of services, as was noted in the PY20 Monitoring Report. The local Adult, Dislocated Worker and Wagner-Peyser policy (SWB - #109), correctly states that there is no sequence of service requirement, in alignment with both state and Federal requirements. OOWD acknowledges that the Southwest Workforce Board is currently working on updating and/or revising several policies, and will provide technical assistance upon request.

The Southern Workforce Board WIOA Youth Program monitoring was comprehensive, detailed and aligned with the local monitoring schedule and policy (reviewed). We appreciate seeing the “failed to report review” on the Program PY21 & 22 Monitoring schedule.

SECTION 2 – DESIGN AND GOVERNANCE

Under Subpart C – Local Workforce Development Boards - \$679.300, the vision for the Local WDB is to serve as a strategic leader and convener of local workforce development system stakeholders. Southern Workforce Board partners with employers and the workforce development system to develop policies and investments that support the public workforce system strategies. These strategies support regional economies, the development of effective approaches, including local and regional sector partnerships and career pathways, and high-quality, customer-centered service delivery and service delivery approaches.

The vision of the LWDB is structured under the Design and Governance section of the WIOA monitoring guide. The objective areas of focus were: strategic planning, board administration, and youth operating systems.

Observations from Review of Policies and Documentation:

Strategic Planning

A review of the requested documentation for the following indicators was monitored.

- Indicator #1, Integration and One-Stop Delivery. All documentation was signed and completed. The LWDB utilizes a competitive process. The One-Stop Operator's role is clearly defined, and all policies comply with applicable laws, regulations, and State policies. The demand occupations list was approved on March 23, 2023. The MOU is in place for the McAlester comprehensive center, containing the appropriate cost-sharing agreements.
- The State has no areas of concern for indicator #2, Veteran's priority of service, Adult priority, and other priority populations.
- The State has no areas of concern for indicator #3, Local Area Authority and Flexibility.

Board Administration

The SWB has a certified Workforce Development Board that is awaiting updated

board certification. OOWD received the pending paperwork on May 31, 2023.

- As required by indicator #4, the State received pertinent information and proper notification regarding the board nomination, replacements, and reappointments. There are currently no vacancies.
- Indicator #5, By-Law review – the State has no areas of concern.
- Indicator #6, Open Meeting Act Compliance - The SWB complied with the Open Meeting Act [20 CFR § 679.390; Title 25 Oklahoma Statutes §301-314; 74 O.S. 3106.2] when conducting all business. The State has no areas of concern.
- Indicator #7, Youth Committee/Council – The SWB operates a Youth Committee that utilizes the By-Laws of the SWB. The committee makes recommendations to the LWDB on Youth Provider services and operations. The State has no areas of concern.

Youth Operating Systems

The State examined SWB’s policies for youth services. Dynamic Workforce Solutions provide Youth Operating Systems. All policies, OSO procedures, Youth Committee minutes, and the 2-year plan comply. The State has no areas of concern.

Area of Concern: N/A

Findings: N/A

Promising Practices: N/A

SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS

During financial monitoring, administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, and contracting and procurement samples were reviewed. After review of program and grant management, working papers, policies, and processes, no issues were found.

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS

OOWD reviewed samples of WIOA contracts along with the corresponding budget, accounting records, and cash requests for PY21 (July 2021-June 2022). In addition, a sampling of board, fiscal agent, and service provider expenditures were reviewed. In review of working papers to determine financial and administrative compliance, no issues were found.

Required Federal and State Minimums:

PY21 Federal and State Required Minimum Expended Expenditures and Percentages for the Adult, Dislocated Worker, and Youth Programs	
Combined Federal Minimum Required Expended Expenditure Percentages	
Youth Work Experience Percentage	13%
Out of School Youth Percentage	56%

Combined State Minimum Required Expended Expenditure Percentages	
Adult-Direct Participant Training Percentage	20%
Dislocated Worker-Direct Participant Training Percentage	27%

SECTION 5 – DELIVERY OF ADULT AND DISLOCATED WORKER SERVICES

ODOC/OOWD’s comprehensive review of the Adult and Dislocated Worker (DLW) programs consisted of a random monitoring sample that included the following Adult and Dislocated Worker files.

Adult Files

PID 2445773	PID 2605018
PID 1991375	PID 2550821
PID 2346396	PID 2620807

Dislocated Worker Files

PID 2573202	PID 2580000
PID 2156276	PID 1950519

The monitoring sample indicates that the Southern Workforce Board (SWB) operates the Title I Adult and DLW programs in accordance with Federal Statutes, as well as within the Federal Regulations and applicable State policies. There were no Findings or Questioned Costs.

Observations and Technical Assistance

Observation 1: In addition to an in-depth interview with Title I applicants, the Southern workforce development area’s comprehensive assessment includes the Test of Adult Basic Education (TABE), and the career research tools OK Career Guide and O*Net. The Kuder Interest Assessment is the only section of OK Career Guide utilized for all applicants. The Skills Confidence Assessment and Work Value Assessment are added for individuals needing additional career exploration.

Southern’s 7/26/2023 agenda for All Staff Training included the following topics and activities:

- Career Exploration, including overviews of labor market information (LMI), career clusters, non-traditional careers, and the transportation and healthcare pathways.
- An overview of OK Career Guide
- Breakout sessions to practice interviewing skills and use of resources
- An overview of the Comprehensive Assessment section of the Individual Employment Plan (IEP) / Individual Service Strategy (ISS), including a “homework” activity to create a Comprehensive Assessment IEP/ISS entry

Observation 2: PID 2445773’s Demographics Snapshot in the virtual case management system indicated that the household size was 6, while the program notes and an Interagency Referral and Information Form in the file, utilized for public assistance verification, documents a family size of 4 (the participant and 3

dependents). This observation was discussed in detail with the local area during the on-site Monitoring Exit on 6/27/2023.

Technical Assistance: The demographics section of the virtual case management system must be reviewed with an applicant prior to enrolling them in a WIOA Title I program or programs.

Dynamic Workforce Solutions (DWFS) provided training on Exit Compliance, Follow-up Services, and Household Size on 7/12/2023, and had a discussion with staff on the importance of reviewing demographics with applicants prior to their self-attestation that the demographics entered are accurate. DWFS also trained on determining family size and which household members may be claimed as dependents (based on technical assistance provided to all LWDBs on 6/29/2023 by ODOC's WIOA Case Management Program Officer). The local area added the State guidance to their pre-application process and ensures that training on the above topics and processes will be utilized for onboarding new hires.

Observation 3: There are 11 follow-up services entered in the S&T for exited participant PID 1950519. There are no follow-up services documented in the file, however the service dates entered correspond with follow-up contacts or attempted contacts. Contacts with participants to verify continued employment are not follow-up services. Follow-up entries in the S&T should only be made when actual services have been provided to individuals after exit.

Technical Assistance: Examples of allowable follow-up services for exited Title I participants include workplace counseling (i.e., strategies for retaining employment), career pathway planning, referrals to workforce partners or community resources for supportive services necessary to retain employment, peer support groups, and the provision of information regarding career advancement, educational opportunities, or new employment opportunities, as well as other services as determined by the local area. OOWD stresses that contacts and contact attempts are not follow-up services, including contacts made with the participant to verify they are still employed.

Training on follow-up services was provided to staff on 7/12/2023 by DWFS. The training included a review of DWFS's powerpoint presentation on Follow-up Services and a review of the SWB's Follow-up Policy (SWB - #117) and local processes. The local area's training also included a review of their Follow-up Survey, including discussion on the services that are entered (i.e., whether the exited individual stated additional services were needed).

It is also noted that DWFS utilizes a self-service online form (i.e., the Jot Form) that counts as monthly contact for exited participants. The Jot Form requires the client to provide current information on their employment status, including employment details (name of employer, rate of pay, hours worked, etc.), and current contact information. The form also allows individuals to list any services needed to retain employment or services needed if they are no longer employed. Upon completion of the Jot Form, participants are prompted to choose one of 12 work-related seminars,

such as financial literacy, employment retention, selfcare, career advancement, and time management.

Provision of the requested services listed on the Jot Form and completion of any seminar related to employment retention may be determined to be follow-up services, whereas the completion of the form as a monthly contact (i.e., with no services provided or seminars completed) is simply a monthly contact.

SECTION 6 – DELIVERY OF YOUTH SERVICES

An observation of the Southern Oklahoma Region Cumulative 4-Quarter Reporting Period report indicates the local area has continued its focus on the WIOA primary target population of out-of-school youth.

The monitoring sample indicated the Southern Workforce Board is serving the WIOA eligible/target population.

- ✓ The electronic files contain the proper documentation to fully support the eligibility determination under WIOA
- ✓ There were no discrepancies in eligibility determinations made for the participants in the sample.

- The LWDB develops an ISS that identifies and meets the specific needs of each participant, and is developed jointly.

- Supportive services are being provided as needed to overcome client barriers to participation and completion of the ISS.

- Participants reviewed were either receiving training as needed and progressing in accordance with their career goal or career pathway or exited without completion.

- PY21 5% review indicates in PY21, 47 In-School Youth were served and with 0 in the 5%, and 275 Out-of-School served.

Of the total youth who received WIOA services during the monitoring review period, a comprehensive review was conducted on 10 enrollments that consisted of 10 out-of-school youth (OSY) and 0 in-school youth (ISY) enrollment.

Participant 1105198: Occupational Skills Training exit without completion.

However, the follow-up service entry is in the Service & Training Plan (S&T) as of 1/21/22. We still have the flexibility to provide follow-up services following the youth's exit from the program to help ensure the youth is successful in employment and/or postsecondary education and training.

Participant 1888132:

Notable in the ISS: We like the 14 program elements being referenced in the ISS although not required. This mirrors the DOL recommended ISS format and ensures during the development of and update to the ISS that clients are fully aware of the program elements available.

Participant 1934940:

Observation: We missed an opportunity to provide support with tuition due to not receiving the Coordination of Training Funds Form.

Effectiveness Questions:

- Where is the gap in the process?
- What was the result of the referral to the Oklahoma Department of Rehabilitation Services (DRS)? This is the next question we need to answer?

Participant 2577865: We conducted a review to determine whether the client was accurately enrolled as an Out-of-School youth:

- The applicant certified on 6/3/21 that she was a recent high school graduate (Graduation Date 5/14/21).
- The Youth Eligibility Form dated 6/10/21 was uploaded 6/15/21.
- The Coordination of Training Funds was uploaded detailing scholarships for Fall 2022.
- Oklahoma State University school status began on 8/16/21.

The sample of the above eligible client virtual file was conducted without any observations, areas of concerns or findings noted:

Participant 2187671: The eligible client aspired to get a Class A Drivers License. However, the client never began participation in the WIOA program.

Recommendation: We recommend at least financial literacy education and career counseling during follow-up after entering the follow-up service in the Service & Training Plan (S&T).

Final Note: The client exited without enrollment in the Occupational Skills Training. But we still have the flexibility to provide follow-up services following the youth's exit

from the program to help ensure the youth is successful in employment and/or postsecondary education and training.

Participant 2334842: The client exited without enrollment in a program element. But we still have the flexibility to provide follow-up services following the youth's exit from the program to help ensure the youth is successful in employment since the 3/31/23 notes indicates he is making \$1600 per week. If the weekly pay is accurate, through follow-up such as, *“regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise,”* we are subsequently an after exit benefit and support to youth clients that may be earning a self-sufficient income, and the goal is to assist the youth in maintaining the earned income.

Samples of the following eligible client virtual files were conducted without any observations, areas of concerns or findings noted:

Participant 2356744: The client is currently attending Occupational Skills Training. Samples of the following eligible client virtual file was conducted without any observations, areas of concerns or findings noted.

Participant 2402953: There is opportunity to support the client in follow-up services with supportive services at minimum if needed.

Participant 2425382: The sample of the eligible client virtual file was conducted without any observations, areas of concerns or findings noted.

Participant 2440535: The sample of the eligible client virtual file was conducted without any observations, areas of concerns or findings noted. See the recommendation below:

- **Reason for Exit:** No Contact
- **Follow-up Plan:** No follow-up plan has been established as client is a no contact.
- **Case Management Note:** *“Will continue to reach out to client each month to see if contact can be made.”*

Recommendation: At least follow-up such as, *“regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise,”* is allowed in follow-up if the client can be contacted.

Participant 2230752: The client did not have success in the WIOA Youth Program. The local area determined eligibility, provided the steps to an ISS development and the client subsequently exited after Career Guidance.

Observation: There was no follow-up service entered in the S&T to demonstrate it was the next step after exit.

Client Update: She was making \$14 an hour but as of October 20, 2022 she is not employed. There were consistent attempts at follow-up. February 27, 2023, the client stated she wanted to be removed from follow-up.

Program Reminder: All WIOA youth determined eligible and enrolled in the Title I youth program are eligible for follow-up services after the last participation setting service exit when no other service is needed, and even if they do not become a participant

Supportive Services and Disabled WIOA Youth:

Supportive Services must be based on the needs of the participant and consistently amongst all participants and in accordance with 20 CFR § 681.570, and state and local area policy.

Individuals with disabilities are identified as individuals with barriers to employment under WIOA, and should receive any and all American Job Center services that would normally be provided to any other job seeker. Supportive services for disabled youth include reasonable accommodations for youth with disabilities.

SECTION 7 – EQUAL OPPORTUNITY AND NONDISCRIMINATION

According to the duties and responsibilities described in 29 CFR 38.28, the State conducted an on-site monitoring visit on July 7, 2023, at the Poteau American Job Center. A tour of the facility, a sampling of policies, and documentation for review identify compliance issues under the nondiscrimination and equal opportunity mandates of Section 188 of the Workforce Innovation and Opportunity Act. Indicators, Observations, Recommendations, Recommended Action, and Promising Practices are detailed below.

Indicator: A review of the Local Plan denotes appropriate assurances listed on page 145.

Recommended Action: No Recommended Action.

Promising Practice: As part of the document review and approval process, routing through the Equal Opportunity Officer assists in compliance with the duties and responsibilities of the Equal Opportunity Officer and certifies compliance with the assurance provisions. Clarifying the job duties assists all staff in the organization in ensuring appropriate review and input for equal opportunity.

Indicator: The organizational chart does indicate clear and direct reporting of the Equal Opportunity Officer to the highest level of authority. The organizational chart provided was clear and concise with relationships. A review of the job description

with duties and responsibilities and the E. O. officer resume is appropriate for the position.

Recommended Action: No Recommended Action.

Promising Practice: SWB is exercising a promising practice with a detailed organizational chart. The importance of emphasizing the relationship can occur by including the E. O. Officer at all official meetings and allotting time to equal opportunity nondiscrimination issues on the agenda. This practice reinforces the importance and relationship with the organization.

Indicator: Review of budgeting documents. There was no assigned budget to the E. O. Officer/E.O. Program, but the position is clearly identified and charges/costs for the FTE are identifiable.

Recommended Action: No Recommended Action.

Observation: A tour of the American Job Center located at 511 S. Harper, Suite B, Poteau, OK 74943, on July 7, 2023, demonstrated that appropriate signage is displayed in areas where staff and clients have access to the notice and communication of the "Equal Opportunity is the Law."

Recommended Action: No Recommended Action.

Promising Practice: SWB should, on a regularly scheduled basis, continue to review and update signage contact information as needed.

Observation: The State reviewed the Southern Workforce Board's website for notice and communications. The notice was readily apparent. Policies are readily available to the public. Complaint procedures are listed in the Nondiscrimination and Equal Opportunity areas.

Recommended Action: No Recommended Action.

Indicator: SWB has an efficient system to collect and maintain records and necessary data to determine compliance with nondiscrimination and E.O. provisions. The data is stored in a manner that ensures confidentiality and is used only for recordkeeping, reporting, determining eligibility, and program compliance with nondiscrimination requirements.

Recommended Action: No Recommended Action.

Promising Practice: SWB should continue with regularly scheduled reviews and updates of policies, notices, and procedures to ensure that current contact information is displayed. It is imperative that clients, employees, and regulators have the correct contact information, including the local E.O., to ensure the timely handling of complaints and issues as they arise.

Indicator: A review of E. O. reports with cohort dates assigned to the area collected the appropriate information. Relevant data is being collected for review and analysis.

Recommended Action: No Recommended Action.

Promising Practice: Some One-Stop Centers have leveraged additional tools, i.e., *Salesforce*, to assist in the data collection and analysis, which is a positive investment toward identifying and tracking outcomes.

Observation: Document retention policy is noted clearly in policy, Discrimination Complaint Procedures Governing WIOA Activities, and Oklahoma Works One-Stop Centers.

Recommended Action:

Ensure all forms reflect the current staffing changes at State E. O. level.

Promising Practice:

SWB should continue to date policies with an effective date and/or revision date for monitoring purposes. This practice ensures that the appropriate policies are known and effective during the review.

Indicator: Documents submitted by the Southern Workforce Board indicate collaboration with community partners, as evidenced by meeting flyers, minutes, and agendas. Regular outreach with these entities through regular meetings and projects is indicated with ties to the communities being served.

Recommended Action: No Recommended Action.

Promising Practice: Continue to consult with appropriate community groups to identify other solutions. Data should be reviewed to support decision-making that potentially impacts clientele. This is a promising practice but should be monitored to ensure services are equivalent and meet competitive integrated settings for compliance with Section 504 of the Rehabilitation Act of 1973, as amended.

Indicator: Complaint logs were submitted for review. The log details complaints and resolution of allegations of discrimination, along with the name and address of the complainant. As part of the State of Oklahoma Nondiscrimination Plan, the reports must be submitted quarterly to the State E. O. Officer.

Recommended Action: No Recommended Action.

Promising Practice: In quarters where no complaint is filed, continue to submit the log and indicate no complaints received during the indicated quarter. This submission ensures a continuous information flow and review of documentation. It can be challenging to determine continuity if personnel change positions when there are extended periods of no entry in a log sheet. The local E. O. officer is skilled and efficient regarding the necessary WIOA reporting procedures.

Indicator: The SWB provides a system for communicating policy on its website.

Recommended Action: No Recommended Action.

Promising Practice: Yearly reviews and training with all staff can ensure refreshed knowledge and communication of Equal Opportunity Policies and reinforce procedures for correcting issues when non-compliance is found.

Indicator: Southern Workforce Board utilizes the State of Oklahoma's Eligible Training Provider List Policy and Procedures (OWDI #01-2023). The use of OWDI #01-2023 complies with nondiscrimination and equal opportunity provisions applicable to state and federal law.

Recommended Action: No Recommended Action.

Observation: The State conducted an on-site monitoring visit on July 7, 2023, at the Poteau American Job Center, located at 511 S. Harper, Suite B., Poteau, OK 74953. The following ADA compliance concerns/issues were noted.

- Upon entry, there are no automatic doors to assist with accessibility.
- A slope on the south side of the parking lot makes it difficult for individuals with disabilities to navigate.
- The facility does not have good restroom accessibility.

Recommended Action: Use the findings from the Site Accessibility Evaluation to perform corrections for accessibility compliance.

Promising Practice: Using checklists for identifying potential barriers is an excellent tool to involve all staff in identifying and becoming part of the solution for barrier removal. Reviewing the Site Evaluation report with building staff may lead to solutions or implementations of the recommendations upon identifying obstacles faced by those already challenged by accessibility. Breaking down the report to each item can assist in obtaining cost estimates or creating metrics for completion. The continued review and development of plans to ensure complete accessibility for all is a strong practice to maintain accountability and compliance. SWB has a well-developed logistical plan that was implemented strategically concerning site accessibility. Although the Poteau AJC is a shared location with HHS, the leaseholder; the items of ADA non-compliance should be addressed immediately.

Conclusion

The PY21 review of the Southern Workforce Board demonstrates substantial compliance with the provision of Section 188 of WIOA and 29 CFR 38 regarding equal opportunity and nondiscrimination. Southern Workforce Board and the Poteau American Job Center staff are dedicated and customer-centered in serving the public. The administration and management of the staff are conducive to the service of the community. The documentation provided by SWB is efficient, and there are no significant areas of concern. Regarding equal opportunity and

nondiscrimination, SWB has shown attention to detail and a commitment to serve the public effectively.

SECTION 8 – BUSINESS SERVICES AND EMPLOYER ENGAGEMENT

A review and observation of the Southern Oklahoma Workforce Board Program Year 2021 Business Services shows a good effort to serve the business community in southern Oklahoma. This monitoring includes one required action and many recommended actions.

Sector Strategies

No Areas of Concern

Recommended Action:

- Keep working on Impact Partnerships/Sector Partnerships.

Note:

- Although it appears that you did not have an operating Sector Partnership in PY21, you have the healthcare partnership in place now.
- Impact Partnerships/Sector Partnerships were on the PY21 Score Card and will be a negotiated category in PY23.

Career Pathways Systems and Programs

Areas of Concern:

- OKJobMatch has five reported Registered Apprenticeship presentations and/or enrolments. According to contact documentation in OKJobMatch, you did not meet your goal of eight.

Recommended Action:

- When you negotiate the Registered Apprenticeship level for PY23, look for a higher target than eight.
- If the local Business Services Representative gives the lead to OOWD, it still should be documented as a presentation and/or enrollment.
- All Registered Apprenticeship Presentations should state that in the Results area of the OKJobMatch Contact documentation.
- All Registered Apprenticeship Enrollments should state that in the Results area of the OKJobMatch Contact documentation.

Note:

- Registered Apprenticeships were on the Score Card in PY21 and will be a negotiated category in PY23.
- Registered Apprenticeships are a focus at both the national and state level.

Business Services

Areas of Concern:

- Service provider setting up an OJT or WEX is not being documented in OKJobMatch.

- Service provider and Southern staff contacts with businesses are not being recorded in OKJobMatch. **This presents a major issue for the reports to US Department of Labor.**
- Thirteen Core Business Services are documented in OKJobMatch, with Southern's level of activity, we would expect a higher number of Core Business Services. Your goal was 80 for the year. We suspect that lack of documentation represents most of the missing Core Business Services. **This presents a major issue for the reports to US Department of Labor.**

Required Action:

- Any business contacts and/or Core Business Services provided by an employee of Southern or by its service provider should be documented the same as if done by a Business Services Representative. The service provider setting up an OJT or WEX should be documented in OKJobMatch as a Core Business Service.

Recommended Action:

- Each employer contact should be entered separately in OKJobMatch.
- All Employer Focused Events should state that in the Results section of contact documentation.

Reminder:

- Planning meetings and calls on businesses for an Employer Focused Event still count as a contact, but only the actual event counts as an Employer Focused Event.
- All Core Business Services should state that in the Results area of OKJobMatch Contact documentation.
- Only the actual core service delivery or contract signature for a service should be documented this way.
- We recommend that the local area doing a Business Services Self – Assessment every year.
 - <https://businessengagement.workforcegps.org/resources/2018/06/11/16/56/Business-Engagement-Self-Assessment-Tool>
- While the use of Facebook and LinkedIn are great, we recommend the use of multiple social media like Instagram, Threads, Tik Tok, SnapChat, WhatsApp, and You Tube. Consumers tend to be dedicated to one or two, plus they are stratified by age groups and social groups.
 - <https://www.searchenginejournal.com/social-media/biggest-social-media-sites/#close> <https://www.adobe.com/express/learn/blog/top-social-media-sites>

Press releases are also effective in small markets. Media in small markets like free content and residents pay more attention to local media. If you need advice on writing a press release, contact David Crow- Outreach & Information Officer at David.crow@okcommerce.gov

- Workforce GPS on marketing

- <https://www.workforcegps.org/events/2023/01/11/19/49/Outreach-and-Marketing-for-the-Public-Workforce-Development-System-2>
- Customer Retention, Registered Apprenticeships and Impact Partnership are a good sources of success stories.

Note:

- Customer Retention level of 5.1% based on OKJobMatch entries is at the low end of acceptable.
- Customer Retention was not on the PY21 Score Card but will be a category in PY23.
- Business Services Strategic Plan is in the process of being updated.
- Business Services Self-Assessment was conducted during PY21.
- Customer Satisfaction Survey Results was on the PY21 Score Card but not deemed usable for monitoring.
- Core Business services was on the PY21 Score Card and will be a negotiated category in PY23.
- Employer Focused Events were on the PY21 Score Card and will be a negotiated category in PY23.
- All employees of Southern and the service provider count for delivering Core Business Services.
- All employees of Southern and the service provider count for contacts with businesses.

Notable Practices

Extensive participation with Chamber of Commerce and Economic Development groups is a Notable Practice.