



INDIANA  
DEPARTMENT OF  
**WORKFORCE**  
DEVELOPMENT

**State of Indiana  
Nondiscrimination Plan**

*Implementing Section 188 of the Workforce Innovation and Opportunity Act*

**2018 - 2020**



September 2018

Naomi M. Barry-Pérez, Director  
Civil Rights Center  
U.S. Department of Labor  
200 Constitution Avenue NW, Room N-4123  
Washington, D.C. 20210

Ms. Barry-Pérez:

The State of Indiana has developed this Nondiscrimination Plan (NDP) in compliance with the Workforce Innovation and Opportunity Act (WIOA) Section 188 and its implementing regulations at 29 CFR Part 38. The NDP describes Indiana's actions to ensure equal opportunity and nondiscrimination in the availability, access, and delivery of WIOA Title I programs and services.

This NDP is structured in similar format to Indiana's prior Methods of Administration, with each of the nine elements having both a narrative and a documentation section.

As the Governor's designee, I certify that this NDP is an accurate depiction of Indiana's current efforts to ensure compliance with WIOA Section 188 and 29 CFR Part 38.

If you have questions regarding Indiana's NDP, please contact Ms. Jennifer Long, State Equal Opportunity Officer, at [jlong@dwd.in.gov](mailto:jlong@dwd.in.gov) or 317-233-4380.

Respectfully,

Frederick D. Payne, Commissioner

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## Element 1: Designation of State and Local Equal Opportunity (EO) Officers

*[29 CFR 38.28 through 38.33]*

The Governor of Indiana has delegated authority to the Commissioner of the Department of Workforce Development (DWD) to administer and oversee the nondiscrimination and equal opportunity (EO) provisions of Section 188 of the Workforce Innovation and Opportunity Act (WIOA) and its implementing regulations at 29 CFR Part 38 (collectively, Section 188).<sup>1</sup> The DWD Commissioner, on behalf of the Governor, is ultimately responsible for Indiana's Section 188 compliance, including development and implementation of this Nondiscrimination Plan (NDP). DWD employs a designated State EO Officer to ensure that Indiana's Local Workforce Development Areas (LWDAs), sub-recipients, and workforce system partners are aware of, and in compliance with, the NDP and all Section 188 responsibilities. Similarly, each LWDA has designated a Local EO Officer to carry out these duties at the local level.

### State EO Officer Designation

In compliance with Section 188, Jennifer Long has been designated as the State EO Officer.<sup>2</sup> In this role, she oversees the coordination, implementation, maintenance, and monitoring of the nondiscrimination and EO requirements of Section 188. Ms. Long reports directly to DWD's Regulatory Oversight and Compliance (ROC) Division Director Connie Wray, who reports to Chief Strategy Officer Nicholas Goodwin. Ms. Long has access to DWD Commissioner Frederick D. Payne, the Governor's designee, for EO and nondiscrimination matters as needed.<sup>3</sup>

Ms. Jennifer Long, State EO Officer  
Indiana Department of Workforce Development  
10 N. Senate Avenue, IGCS SE 312  
Indianapolis, IN 46204  
317-233-4380  
TDD/TTY: 800-743-3333

### Local EO Officer Designation

Indiana's twelve LWDAs have each designated a senior-level employee as the Local EO Officer.<sup>4&5</sup> Contact information for each Local EO Officer is listed below.

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<sup>1</sup> Documentation 1.1: Governor's Designation Letter

<sup>2</sup> Documentation 1.1: Governor's Designation Letter

<sup>3</sup> Documentation 1.2: State Level Organizational Chart

<sup>4</sup> Documentation 1.3: Sample Local Level Organizational Chart

<sup>5</sup> For a map of Indiana's LWDAs, see Documentation 1.4: Indiana LWDAs

## Indiana Local EO Officer Directory

### **LWDA 1**

Nora Wiergacz, Human Resource Consultant  
Center of Workforce Innovations, Inc.  
2804 Boilermaker Ct., Suite E, Valparaiso, IN 46383  
Phone: 219-462-940  
Email: [nwiergacz@cwicorp.com](mailto:nwiergacz@cwicorp.com)

### **LWDA 2**

Melissa Gard, Disability Resource Specialist  
Northern Indiana Workforce Board, Inc.  
851 S. Marietta Street, South Bend, IN 46601  
Phone: 574-237-9675, Ext 1006  
Email: [mgard@gotoworkone.com](mailto:mgard@gotoworkone.com)

### **LWDA 3**

Andrea Bolinger, Continuous Improvement Manager  
Northeast Indiana Works  
200 E. Main Street, Ste. 910, Ft. Wayne, IN 46802  
Phone: 260-469-4319  
Email: [abolinger@networks.org](mailto:abolinger@networks.org)

### **LWDA 4**

Mellisa Leaming, Director of Operations  
Region 4 Workforce Board  
976 Mezzanine Drive, Suite C, Lafayette, IN 47905  
Phone: 765-807-0888  
Email: [mleaming@tap.lafayette.in.us](mailto:mleaming@tap.lafayette.in.us)

### **LWDA 5**

Cindy Gosser, HR Manager/Payroll Specialist  
WorkOne Central  
836 S. State Street, PO Box 69, Greenfield, IN 46140  
Phone: 317-462-7711, Ext. 303  
Email: [cgosser@workonecentral.org](mailto:cgosser@workonecentral.org)

### **LWDA 6**

Alana Stadelmayer, Sr Manager of Fiscal Services  
Eastern Indiana Works/ASG Inc.  
3301 E Purdue Avenue, Muncie, IN 47305  
Phone: 260-450-1895  
Email: [astadelmayer@easternindianaworks.org](mailto:astadelmayer@easternindianaworks.org)

### **LWDA 7**

Angie Crossley, Chief Operations Officer  
Western Indiana WDB, Inc.  
630 Wabash Ave., Ste. 205, Terre Haute, IN 47807  
Phone: 812-238-5616 x 2; Cell: 812-208-4580  
Email: [acrossley@workforcenet.org](mailto:acrossley@workforcenet.org)

### **LWDA 8**

Rob King, WDB Director/Executive Director of  
Workforce Services  
Vincennes University/WorkOne  
333 S Landmark Avenue, Bloomington, IN 47403  
Phone: 812-322-6835  
Email: [reking@vinu.edu](mailto:reking@vinu.edu)

### **LWDA 9**

Kurt Kegerreis, Executive Director  
Southeast Indiana Workforce Board  
4555 Central Ave., Ste. 1300, Columbus, IN 47203  
Phone: 317-517-3028  
Email: [kurtk@workonesoutheast.org](mailto:kurtk@workonesoutheast.org)

### **LWDA 10**

Ron McKulick, Executive Director  
Region 10 Workforce Board, Inc.  
PO Box 6712, New Albany, IN 47150  
Phone: 812-941-6427  
Email: [rmckulick@workoneregion10.com](mailto:rmckulick@workoneregion10.com)

### **LWDA 11**

Linda Jones, Financial Manager  
Grow Southwest Indiana Workforce Board, Inc.  
318 Main Street, Ste. 504, Evansville, IN 47708  
Phone: 812-492-4511  
Email: [linda.jones@workonesw.org](mailto:linda.jones@workonesw.org)

### **LWDA 12**

Olga Volokhova, Director of Quality and Analytics  
EmployIndy/WorkOne  
115 W Washington St, Ste 450 S, Indianapolis, IN 46204  
Phone: 317-684-2440; Mobile: 650-228-4621  
Email: [ovolokhova@employindy.org](mailto:ovolokhova@employindy.org)

### Public Notice of State and Local EO Officers

DWD makes the identity of the State EO Officer known to applicants, registrants, eligible applicants/registrants, participants, employers, employees, applicants for employment and the public by the following methods:

- Formal notice to Indiana’s workforce development system is disseminated through DWD Policy.<sup>6</sup>
- Name and full contact information published on DWD’s EO webpage at <https://www.in.gov/dwd/eo.htm>.

The Local EO Officers also make their identities known to applicants, registrants, eligible applicants/registrants, participants, employers, employees, applicants for employment and the public by posting notices of “Equal Opportunity is the Law” in the American Job Center offices, which Indiana refers to as WorkOne offices. The notices are posted in languages other than English that reflect the language spoken by significant portions of the population within the relevant service area. DWD provides printable/fillable notice templates on its EO webpage at [https://www.in.gov/dwd/files/EO\\_Law.pdf](https://www.in.gov/dwd/files/EO_Law.pdf). Additionally, each LWDA has developed local policy in conformance with Section 188 and State guidance. The local policies provide contact information for the respective Local EO Officer.

### Duties of State and Local EO Officers

DWD’s State EO Officer is a full-time position.<sup>7</sup> As such, none of the State EO Officer’s duties create a conflict of interest, or the appearance of a conflict, with the responsibilities of an EO Officer.<sup>8</sup>

The State EO Officer’s responsibilities include, but are not limited to:

- Overseeing the development and implementation of the NDP;
- Serving as the state’s liaison with CRC;
- Monitoring compliance of Section 188 requirements on an annual basis;
- Undergoing training and providing training and technical assistance to Local EO Officers; and
- Developing procedure for and investigating discrimination matters that rise to the state level.

Most Local EO Officers operate in this role on a part-time basis.<sup>9</sup> Although the Local EO Officer may have other job duties, those duties do not create a conflict of interest, or the appearance of a conflict, with the EO Officer responsibilities. While formally reporting to their respective

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<sup>6</sup> Documentation 1.5: DWD Policy 2016-09: EO and Nondiscrimination Guidance Letter

<sup>7</sup> Documentation 1.6: State EO Officer Job Description

<sup>8</sup> Documentation 1.7: Excerpt from EO Training Module 1 – EO Roles and Responsibilities

<sup>9</sup> Documentation 1.8: Sample Local EO Officer Job Description

LWDA directors, the Local EO Officers also functionally report to the State EO officer on matters pertaining to Section 188.

The Local EO Officer's responsibilities include, but are not limited to:

- Reporting EO/Nondiscrimination matters to the State EO Officer;
- Processing and investigating local discrimination complaints;
- Monitoring compliance of regional WIOA Title I recipients;
- Undergoing training and providing training for staff and service providers (participation required for quarterly conference calls and training sessions conducted by DWD's State EO Officer);
- Surveying WorkOne offices to ensure compliance with applicable accessibility requirements;
- Reviewing the Region's policies to ensure they are nondiscriminatory;
- Conducting outreach and education about EO and nondiscrimination requirements and how an individual may file a complaint; and
- Ensuring overall implementation of the NDP.

### Support and Training

The State EO Officer has both operational and administrative support through additional ROC staff, several of which have been cross-trained regarding Section 188 compliance. Ms. Long also has one direct report, the ROC Compliance Specialist, who focuses primarily on EO functions.<sup>10</sup> The entire ROC Unit works closely together to coordinate and conduct annual compliance monitoring of each LWDA. Further, the State EO Officer and Compliance Specialist design and implement various training and technical assistance methods to support the Local EO Officers. The State EO Officer and Compliance Specialist salaries are funded by WIOA Administration funds.

Between November 2016 and March 2017, the State EO Officer conducted a series of Section 188 trainings via PowerPoint presentation and conference call.<sup>11</sup> These calls, organized into training modules and mandatory for Local EO Officers, covered the following topics:

- Module 1: EO Roles and Responsibilities
- Module 2: Providing Reasonable Accommodations
- Module 3: EO Complaint Processing Procedures
- Module 4: EO Monitoring
- Module 5: Data Collection and Review

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<sup>10</sup> Documentation 1.9: Compliance Specialist Job Description

<sup>11</sup> Documentation 1.10: EO Training Modules

When a new individual is designated as a Local EO Officer, the State EO Officer provides them with the necessary training and resources to carry out their responsibilities. These five training modules are posted on DWD's EO webpage as a resource for both the Local EO Officers and the public. In an effort to provide continual training, the State plans to develop further training around specialized topics, which may include affirmative outreach and the use of assistive technology tools for people with disabilities.

The State EO Officer hosts quarterly conference calls where the Local EO Officers are required to participate to discuss current activity within the twelve LWDAs. Items discussed include, but are not limited to, structural and programmatic accessibility of buildings, programs, and services to ensure equal access, integration, outreach efforts, training needs of staff, monitoring, and the development and implementation of necessary policies and procedures. These conference calls are used as a vehicle to distribute information, gain insight into training needs for Local EO Officers, and respond to questions from the field.<sup>12</sup>

The State EO Officer is a member of the National Association of State Workforce Agencies (NASWA) EO Committee and regularly attends the quarterly EO Committee meetings. In July 2018, for example, Indiana's State EO Officer attended the EO Committee meeting in Minneapolis, Minnesota.<sup>13</sup> The meeting provided sessions on best practices, CRC updates, and discussions of EO challenges and opportunities in various states throughout the country.

The State EO Officer and other members of DWD's ROC Unit frequently participate in various topic-specific webinars, conference calls, partner training opportunities, and networking events to ensure continual training and competency concerning Section 188 compliance.<sup>14</sup>

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<sup>12</sup> Documentation 1.11: EO Quarterly Conference Calls

<sup>13</sup> Documentation 1.12: NASWA Meeting Agenda

<sup>14</sup> For further details, see Element 5

## Element 1 Documentation

Documentation 1.1: Governor's Designation Letter

Documentation 1.2: State Level Organizational Chart

Documentation 1.3: Sample Local Level Organizational Chart

Documentation 1.4: Indiana LWDAs

Documentation 1.5: DWD Policy 2016-09: EO and Nondiscrimination Guidance Letter

Documentation 1.6: State EO Officer Job Description

Documentation 1.7: Excerpt from EO Training Module 1 – EO Roles and Responsibilities

Documentation 1.8: Sample Local EO Officer Job Description

Documentation 1.9: Compliance Specialist Job Description

Documentation 1.10: EO Training Modules

Documentation 1.11: EO Quarterly Conference Calls

Documentation 1.12: NASWA Meeting Agenda



STATE OF INDIANA  
OFFICE OF THE GOVERNOR  
State House, Second Floor  
Indianapolis, Indiana 46204

Eric J. Holcomb  
Governor

March 13, 2018

Ms. Naomi Barry-Perez, Director  
Civil Rights Center  
200 Constitution Ave. NW, Room N-4123  
Washington, DC 20210

**RE: Section 188 Designee Letter**

Ms. Barry-Perez:

The Indiana Department of Workforce Development (DWD) is the designated state agency recipient of Workforce Innovation and Opportunity Act (WIOA) funding and is therefore responsible for compliance with the equal opportunity (EO) and nondiscrimination provisions of WIOA Section 188 and its implementing regulations at 29 CFR Part 38.

Pursuant to the regulations, the Governor may delegate WIOA Section 188 EO and nondiscrimination responsibilities to a designee. Mr. Frederick D. Payne, DWD Commissioner, is my designee for all such activity (including development and implementation of the State Nondiscrimination Plan, oversight and monitoring of EO and nondiscrimination compliance, and any other related duties of the Governor).

Indiana's designated State-level Equal Opportunity Officer is Ms. Jennifer Long of DWD's Regulatory Oversight and Compliance Division. Ms. Long serves as the liaison for the Civil Rights Center and has access to my designee, Commissioner Payne, as needed.

Should you have any questions or concerns regarding Indiana's EO and nondiscrimination policies, processes, or procedures under WIOA, please contact Ms. Long as indicated below:

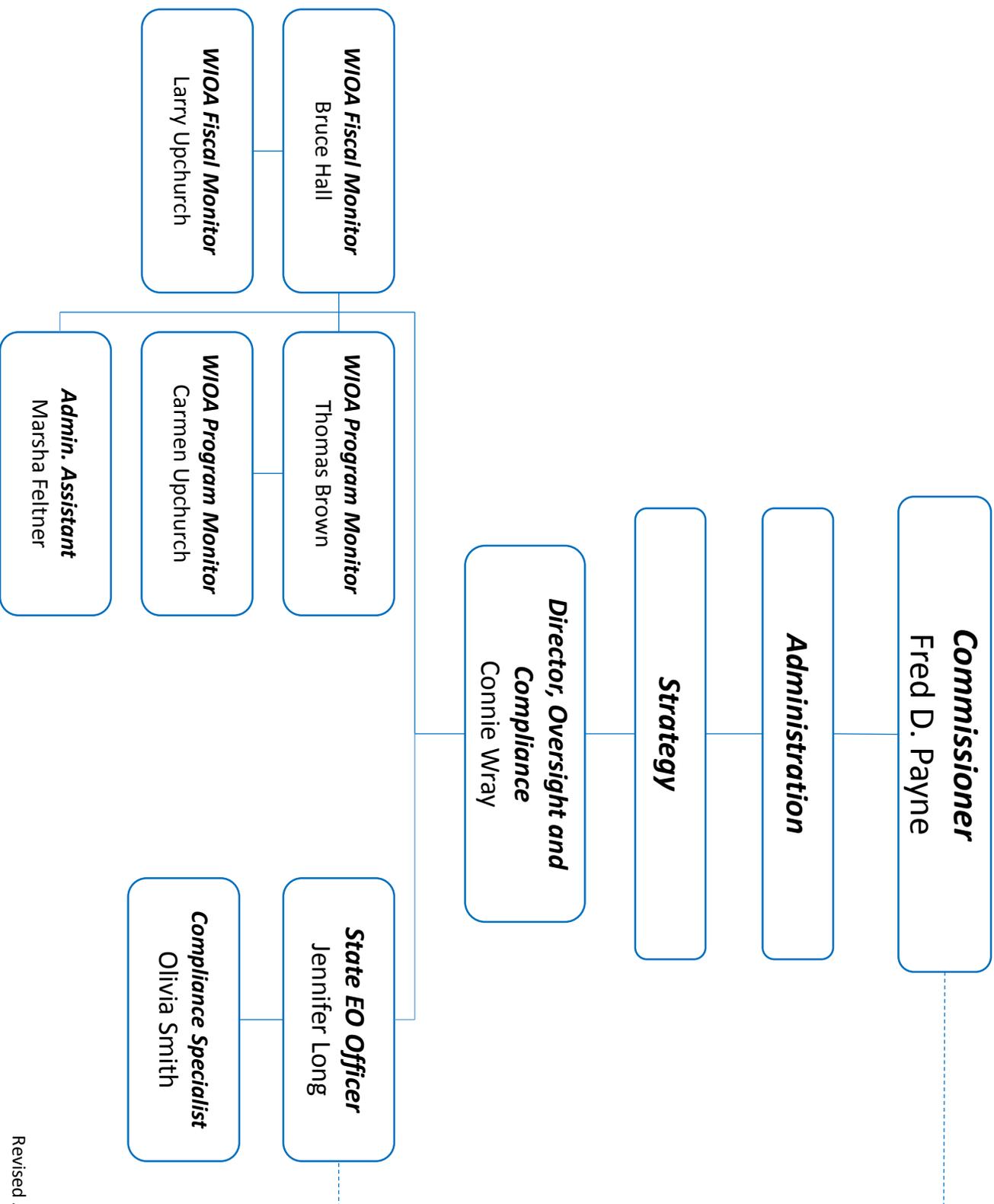
**Jennifer Long, State Equal Opportunity Officer**  
Indiana Department of Workforce Development  
10 N. Senate Ave., IGCS SE 306, Indianapolis, IN 46204

[JLong@dwd.in.gov](mailto:JLong@dwd.in.gov)  
(317) 430-2247

Respectfully,

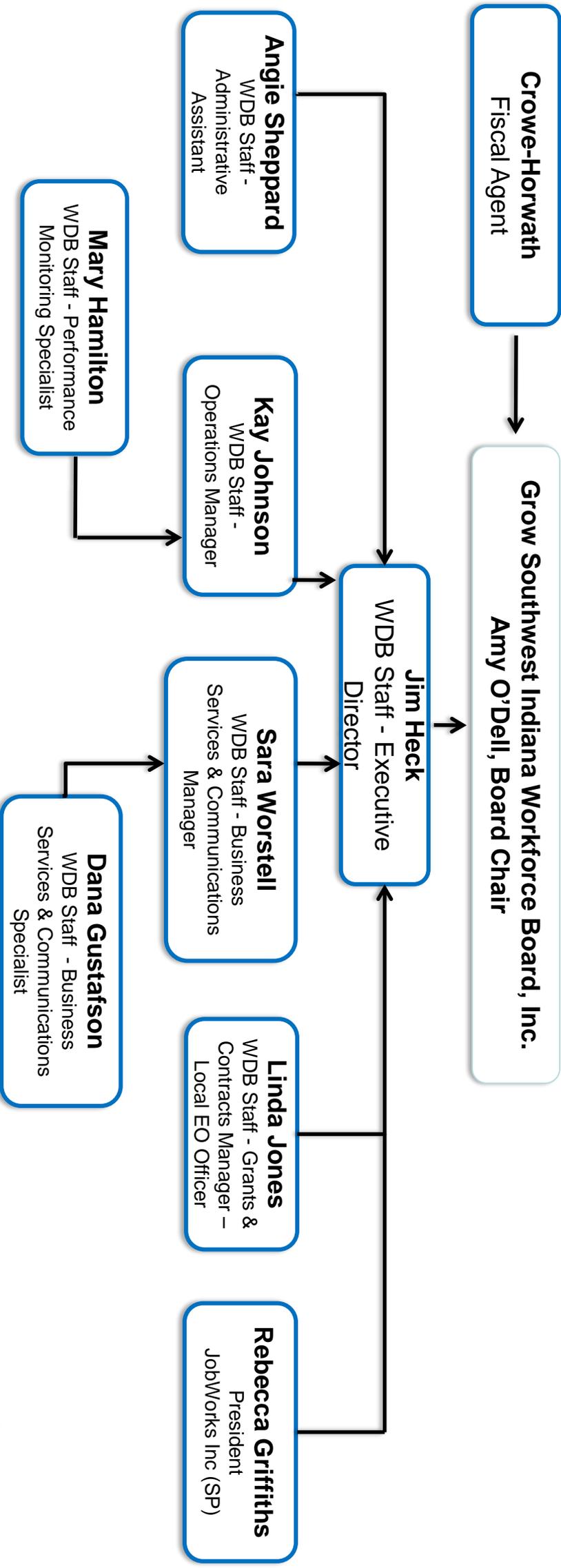


# State Level Organizational Chart



Sample Local Level Organizational Chart

# Staff to the WDB







INDIANA  
**WORKFORCE**  
 DEVELOPMENT  
 AND ITS **WorkOne** CENTERS

**To:** Indiana's Workforce System

**From:** Regina Ashley, Chief Strategy Officer RA

**Date:** March 20, 2017

**Subject:** DWD Policy 2016-09  
 Equal Opportunity and Nondiscrimination Guidance Letter

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## Purpose

To provide initial guidance regarding the observance and enforcement of the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act (WIOA) and its implementing regulations found at 29 CFR Part 38.

## References

- WIOA Section 188
- 29 CFR Part 38, "Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act" Final Rule (January 3, 2017)

## Rescission

- DWD Policy 2012-04, dated September 17, 2012, and entitled, "Nondiscrimination and Equal Opportunity Requirements of the Workforce Investment Act"
- DWD Policy 2012-05, dated September 17, 2012, and entitled, "WIA Equal Opportunity Notice and Posting Requirements within the Workforce Investment System"
- DWD Policy 2007-30, dated April 4, 2008, and entitled, "Ensuring Nondiscrimination and Equal Opportunity to Persons with Disabilities Participating in Programs and Activities in the WorkOne Delivery System"
- DWD Policy 2007-31, dated April 4, 2008, and entitled, "Equal Opportunity Monitoring for the Workforce Investment Act (WIA) Title I"
- DWD Policy 2006-19, dated April 4, 2007, and entitled, "Policy Guidance for Ensuring Access to Services for Persons with Limited English Proficiency."

## Background

All WIOA Title I recipients (Recipients), defined at 29 CFR 38.4, are responsible for ensuring equal opportunity (EO) and nondiscrimination in programs and activities funded in whole or in part under WIOA. Specifically, recipients must comply with all nondiscrimination requirements in the administration and operation of programs, activities, and employment as provided by WIOA Section 188 and its implementing regulations under the 29 CFR Part 38 (Final Rule). The requirements apply to all programs and activities that are operated by One-Stop partners, as defined in WIOA section 121(b), as part of the One-Stop delivery system (the WorkOne system).

The Final Rule became effective on January 3, 2017. This Guidance is intended to provide an initial summary of the major content areas covered in the Final Rule and includes important procedures recipients must follow to maintain compliance. Additional guidance will be issued as available.

## Guidance

WIOA Section 188 prohibits discrimination on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title I-financially assisted program or activity.

The following requirements are found in the Final Rule:

### A. Notice and Communication (38.34 – 38.40)

- a. **EO Poster.** Each Recipient must provide initial and continuing notice that it does not discriminate on any prohibited basis. Appropriate steps must be taken 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 limited English proficient (LEP) individuals.

The Final Rule provides exact language for the *Equal Opportunity Is the Law* notice/poster (the EO Poster). This language cannot be altered except to include the Recipient's Local EO Officer information. **The EO Poster must be initially published within 90 days of January 3, 2017.** The language of the new EO Poster is included in this Guidance for convenience as **Attachment A**. The EO Poster can be found in multiple languages on the Civil Rights Center's website in a fillable, printable pdf format.

The direct link to the English EO Poster is:

[https://www.dol.gov/oasam/programs/crc/pdf/EO\\_Notice\\_WIOA\\_English.pdf](https://www.dol.gov/oasam/programs/crc/pdf/EO_Notice_WIOA_English.pdf)

Links to the EO Poster in other languages can be found at:

<https://www.dol.gov/oasam/programs/crc/external-compliance-assistance.htm>

The EO Poster must:

- be posted prominently, in reasonable numbers and places, in available and conspicuous physical locations and on recipients' website pages;
- disseminated in internal memoranda and other written or electronic communications with staff;

- included in employee handbooks or manuals;
- provided to each participant and employee and made a part of each participant and employee file;
- provided in appropriate formats for the visually impaired and record of such alternate format in participant or employee file; and
- provided in appropriate languages other than English.

- b. **EO Tagline and Relay Service.** All publications, broadcasts, and other communications must include that the 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.”

Where such communications indicate that the Recipient may be reached by telephone, the materials must provide the telephone number of the text telephone (TTY) number or equally effective telecommunications system, such as a relay service, videophone, or captioned telephone.

- c. **Orientations.** Any WIOA Title I orientation for new participants, employees, or the general public must include a discussion of rights and responsibilities under the EO and nondiscrimination provisions of WIOA and the Final Rule, including the right to file a complaint. This information must be communicated in appropriate languages and accessible formats.
- d. **Affirmative Outreach.** Recipients must take appropriate steps to ensure that they are providing equal access to WIOA Title I-financially assisted programs and activities. These steps should involve reasonable efforts to include members of the various protected groups, including, but not limited to persons of different sexes, various racial and ethnic/national origin groups, various religions, LEP individuals, individuals with disabilities, and individuals in different age groups.

Examples of affirmative outreach efforts:

- Targeting specific populations when advertising programs/services
- Sending information to schools or community service groups that serve various populations
- Consulting with community service groups on ways to improve outreach and service

## **B. Equal Opportunity Officers (38.28 – 38.33)**

Every Recipient, except small recipients (defined as serving fewer than 15 beneficiaries during an entire grant year and employing fewer than 15 employees on any given day) and service providers, must designate an EO Officer with adequate knowledge, skills, and abilities to ensure EO/Nondiscrimination in the administration and operation of programs and services. An EO Officer must be a senior level employee with sufficient authority, staff, resources, and training to fulfill his/her responsibilities and maintain competency. The EO Officer must not have other responsibilities that create a conflict or the appearance of a conflict with EO responsibilities.

The State EO Officer’s responsibilities include, but are not limited to:

- Overseeing the development and implementation of the state’s Nondiscrimination Plan (NDP);
- Serving as the state’s liaison with CRC;

- Monitoring compliance of WIOA Title I EO and nondiscrimination requirements;
- Undergoing training and providing training and technical assistance to Local EO Officers; and
- Developing procedure for and investigating discrimination matters that rise to the state level.

The Local EO Officer's responsibilities include, but are not limited to:

- Reporting EO/Nondiscrimination matters to the State EO Officer;
- Processing and investigating regional discrimination complaints;
- Monitoring compliance of regional WIOA Title I recipients;
- Undergoing training and providing training for staff and service providers (participation required for quarterly conference calls and training sessions conducted by DWD's State EO Officer);
- Surveying WorkOne offices to ensure compliance with applicable accessibility requirements;
- Reviewing the Region's policies to ensure they are nondiscriminatory;
- Conducting outreach and education about EO and nondiscrimination requirements and how an individual may file a complaint; and
- Ensuring overall implementation of the NDP.

The EO Officer's name, position title, address, and telephone number (voice and TDD/TTY) must be made public, with the EO Officer's identity and contact information listed on all internal and external communications about the Recipient's nondiscrimination and equal opportunity programs. Changes regarding a Recipient's EO Officer must be updated in all areas where the information is published. Updated contact information must also be forwarded to the State EO Officer at [EO@dwd.in.gov](mailto:EO@dwd.in.gov).

### **C. Language Services (38.9)**

Recipients must take reasonable steps to ensure meaningful access to LEP individuals via every delivery method (written, electronic, and in person). Such steps may include, but are not limited to:

- Assessment to determine language assistance needs
- Outreach to LEP communities to improve service delivery in needed languages
- Oral interpretation or written translation

Recipients must provide adequate notice to LEP individuals of the existence of interpretation and translation services and that these services are available free of charge. Language assistance services must be accurate and provided in a timely manner.

Recipients shall not require an LEP individual to provide their own interpreter, nor rely on an LEP individual's minor child or adult family or friend except in emergency situations. An accompanying adult may interpret or facilitate communication when the information conveyed is of minimal importance or when the LEP individual specifically requests the accompanying adult to provide language assistance. When the Recipient permits the accompanying adult to provide such assistance, it must be documented that the LEP individual decided to use their own interpreter.

Even where an LEP individual elects to use their own interpreter, a Recipient has the option to provide an independent interpreter where precise, complete, and accurate information is critical, or where the competency of the LEP individual's requested interpreter is not established.

For languages spoken by a significant amount of the eligible population to be served, or likely to be encountered, Recipients must translate vital information in written materials and have them readily

available in hard copy, upon request, or electronically. Even where languages are not spoken by a significant amount of the eligible population, Recipients must take reasonable steps to meet the particularized language needs of LEP individuals. The Final Rule does not specify what constitutes a “significant amount”, but rather stresses that providing meaningful access to the LEP population should be handled at the Recipient level based upon the circumstances found in their local area. The Appendix to Section 38.9 of the Final Rule provides further insight into strategy and practice and is a valuable resource surrounding this topic.

Vital information means information that is necessary for an individual to understand how to obtain any aid, benefit, service, and/or training; necessary to obtain any aid, benefit, service, and/or training; or required by law. Examples include, but are not limited to applications, consent and complaint forms, and notices of rights and responsibilities.

All communications of vital information must include a “Babel notice,” which is a short notice included in a document or electronic medium 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.

#### **D. Assurances (38.25 – 28.27)**

Each application for financial assistance under WIOA Title I must include the assurance language found included in this Guidance as **Attachment B**.

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.

In lieu of including the assurance language in its entirety for smaller contracts or agreements (such as OJT contracts, etc.), the following reference to the language may be used:

“The equal opportunity and nondiscrimination assurances at 29 CFR Part 38.25 apply to this contract/agreement.”

#### **E. Accessibility and Reasonable Accommodation (38.12 – 38.14)**

- a. **Physical Accessibility.** Recipients must ensure that their facilities are accessible and usable by individuals with disabilities. Recipients must meet applicable accessibility obligations under Section 504 of the Rehabilitation Act and the implementing regulations at 29 CFR Part 32 and the Americans with Disabilities Act (ADA).
- b. **Programmatic Accessibility.** All WIOA Title I 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.

- c. **Reasonable Accommodations and Modifications.** Recipients must provide reasonable accommodations to qualified individuals with disabilities unless providing the accommodation would cause undue hardship.

A qualified individual with a disability, with respect to aid, benefits, services, or training, is an individual who, with or without auxiliary aids and services, reasonable accommodations, and/or reasonable modifications in policies, practices and procedures, meets the essential eligibility requirements; or, with respect to employment, an individual who satisfies the requisite skill, experience, education, and other job-related requirements, with or without reasonable accommodation can perform the essential functions of such position.

Reasonable accommodation includes, but is not limited to:

- Making existing facilities readily accessible and usable;
- Restructuring of a job or service, or of the way in which aid, benefits, services, or training is/are provided;
- Part-time or modified work or training schedules;
- Acquisition or modification of equipment or devices;
- Appropriate adjustment or modifications of examinations, training materials, or policies;
- Provision of readers or interpreters

Undue hardship means significant difficulty or expense incurred by a Recipient. Factors to be considered in determining whether a reasonable accommodation would impose an undue hardship on a Recipient include:

- Nature and cost of accommodation needed;
- Overall financial resources of the facility;
- Overall financial resources of the Recipient;
- Type of operations of the Recipient; and
- Impact of the accommodation upon the operation of the facility

#### F. **Data and Information Collection and Maintenance (38.41 – 38.45)**

- a. **Data Collection.** Recipients must collect EO data for applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment and record the race/ethnicity, sex, age, and where known, disability status. Beginning on January 3, 2019, each Recipient must also record LEP and preferred language.

Data collected must be stored in a manner that ensures confidentiality and used only for purposes of:

- Recordkeeping and reporting;
- Determining eligibility for WIOA Title I programs or activities;
- Determining the extent to which the recipient is operating its WIOA programs and activities in a nondiscriminatory manner; or
- Other uses authorized by law.

Any medical or disability-related information must be collected on separate forms and maintained in separate files apart from any other information about the individual. This information must be treated as confidential and locked or otherwise secured (for example, through password protection).

Records must be maintained for a period of not less than three years from the close of the applicable program year.

- b. Complaint Logs.** Recipients must maintain 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 complainant, basis of 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. Recipients must submit their complaint logs on a quarterly basis to DWD's EO Officer at [EO@dwd.in.gov](mailto:EO@dwd.in.gov). Logs must cover the Recipient's entire Region and are due on or before the following dates: April 5, July 5, October 5, and January 5.

#### **G. Complaint Processing Procedures (38.69 – 38.85)**

- a. Complaints.** A complainant may file a complaint by completing and submitting CRC's Complaint Information and Privacy Act Consent Forms, which may be obtained either from the Recipient's EO Officer or from CRC. Complaints must be filed in writing, either electronically or in hard copy, and must contain the following information:
- Complainant's name, mailing address, and if available, email address (or another means of contact);
  - Identity of respondent;
  - Description of allegations;
  - Written or electronic signature of the complainant or complainant's representative;
- b. Complaint Processing.** A Recipient's procedures 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. The procedure must include, at a minimum, the following elements:
- Initial, written notice to complainant acknowledging receipt of complaint, notice of complainant's right to representation, notice of rights contained in the EO Poster, and notice that 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 as required;
  - Written statement of the issue(s), provided to complainant, that includes a list of issues raised in the complaint and whether the Recipient will accept or reject each issue;
  - Period for fact-finding or investigation;
  - Period for attempt to resolve complaint, including provision for alternative dispute resolution (ADR);
  - Written Notice of Final Action provided to complainant within 90 days of filing date.

If the Recipient issues its Notice of Final Action before the 90-day period ends, but the complainant is dissatisfied with the Recipient's decision, the complainant may file a complaint with the CRC Director within 30 days after the date on which the Complainant receives the Notice.

If, by the end of 90 days from the filing date, the Recipient has failed to issue a Notice of Final Action, the complainant may file a complaint with the CRC Director within 30 days of the expiration of the 90-day period (i.e., within 120 days of filing date).

#### **H. Compliance Monitoring (38.51)**

EO Officers, at both the State and Local level, are responsible for annually monitoring all services, programs, and activities to ensure compliance with WIOA Section 188 and the Final Rule. Such monitoring must include:

- A statistical or other quantifiable analysis of records and data kept by Recipients, including analyses by race/ethnicity, sex, LEP, age, and disability status;
- An investigation of any significant differences noted in the analyses to determine whether these differences appear to be caused by discrimination; and
- An assessment to determine whether the Recipient has fulfilled its administrative obligations under WIOA Section 188 and the Final Rule (e.g., recordkeeping, notice and communication), and any duties assigned to it under the NDP.

#### **I. Corrective Actions/Sanctions (38.86 – 38.115)**

Corrective actions, or sanctions if voluntary efforts in seeking compliance fail, may be imposed for violations of the EO/Nondiscrimination requirements. Corrective actions are to be designed to completely address each violation and may result from an EO/Nondiscrimination monitoring review, a discrimination complaint, or both. Recipients must have procedures in place for obtaining prompt corrective action. Local EO Officers must notify the State EO Officer of violations discovered, corrective actions implemented, and timeframes for completion.

If the State EO Officer determines a violation has occurred, the Recipient will be notified and a corrective action plan will be developed. Corrective actions should be completed by the date(s) provided by the State EO Officer. If a Recipient does not undertake the corrective actions specified, a conciliation agreement should be initiated and completed based on the model outlined in the Final Rule.

Sanctions will be considered as a last resort. 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/Nondiscrimination compliance review. Sanctions that may be imposed include, but are not limited to:

- Termination of future funding;
- Disallowance of selected costs;
- Restriction from bidding on competitive or discretionary funds; and
- Reduction in funding.

At the Local level, Recipients and Local EO Officers will follow the above procedures for applying corrective actions and sanctions.

**Effective Date**

Immediately

**Ending Date**

Upon Rescission

**Contact for Questions**

[EO@dwd.in.gov](mailto:EO@dwd.in.gov)

**Action**

Recipients must ensure that the nondiscrimination and equal opportunity requirements outlined in this guidance are followed within their respective region.

**Attachments**

- A: Equal Opportunity is the Law Notice/Poster
  - B: Required Assurance Language
-

## Attachment A

### 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:

<b>Recipient's Local Equal Opportunity Officer</b> <b>INSERT LOCAL EO INFO HERE - The</b> <b>recipient's Equal Opportunity Officer (or</b> <b>the person whom the recipient has</b> <b>designated for this purpose)</b>	or	<b>The Director, Civil Rights Center (CRC)</b> U.S. Department of Labor 200 Constitution Avenue NW. Room N- 4123 Washington, DC 20210
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or electronically as directed on the CRC Web site at [www.dol.gov/crc](http://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

## Attachment B

### Required Assurance Language (38.25)

(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.



## JOB DESCRIPTION

State Form 52468 (12-05)

This document is used to provide a basic description of essential duties and other work elements.

<b>Employee Name:</b> Jennifer Long (PCN 10001393)	
<b>Agency:</b> Department of Workforce Development	<b>BU:</b> 00510
<b>Division:</b> Strategy - Regulatory Oversight & Compliance	<b>Section/District:</b> 191005 / 00547
<b>Job Title:</b> Program Director 1	<b>Job Code:</b> 002WM1
<b>Working Title (if different from above):</b> Equal Opportunity Officer	
<b>Reports To:</b> Connie Wray, Counsel/Director - Regulatory Oversight & Compliance	
<b>FLSA Status:</b> <input type="checkbox"/> Non-Exempt (OT Eligible) <input checked="" type="checkbox"/> Exempt	<b>Effective Date:</b> 2018

### Purpose of Position/Summary:

The functions of this position are multifaceted, with the main focus being to ensure that the Department of Workforce Development (DWD), as well as all boards and one-stop operators/providers/partners within Indiana's Workforce Investment system, comply with federal, state, and/or agency issued laws, regulations, policies, and procedures regarding universal access and equal opportunity (EO) in programs and activities funded in whole or in part under the Workforce Innovation and Opportunity Act (WIOA). This position reports to the ROC Director.

### Essential Duties/Responsibilities:

- Coordinate federally mandated functions for Indiana under WIOA Section 188 and 20 CFR Part 38, including, but not limited to:
  - Monitor and investigate the state's activities through DWD, and the activities of the entities that receive WIOA Title I—financial assistance from DWD to make sure that the state and sub-recipients are not violating their nondiscrimination and equal opportunity obligations;
  - Create and publish the state's procedures for processing discrimination complaints;
  - Conduct outreach and education about equal opportunity and nondiscrimination requirements;
  - Develop, implement, and revise the state's Nondiscrimination Plan under §38.54.
  - Lead the collection and analysis of EO data and information;
  - Evaluate processes for affirmative outreach to expand access to services in order to ensure equal opportunity.
- Serve as DWD's subject matter expert regarding EO/Nondiscrimination/Accessibility under WIOA and other applicable federal and state laws, rules, and regulations, including, but not limited to: Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the ADA Amendments Act, and Title IX of the Education Amendments of 1972;
- Plan and implement DWD's state level monitoring of sub-recipients for EO and Accessibility Compliance on an annual basis;
- Develop and conduct EO/Nondiscrimination/Accessibility training for local EO Officers, state staff and/or other partners;
- Plan and implement marketing and outreach strategies to meet the affirmative outreach requirements as required in the regulations;
- Review statewide and local process and architecture to coordinate and ensure programmatic and physical accessibility;
- Act as technical and enforcement consultant to local-level EO Officers;
- Serve as liaison between DWD, the US Department of Labor (DOL), and Civil Rights Center (CRC);
- Review state and local level written policies to ensure they are nondiscriminatory;
- Develop EO/Nondiscrimination/Accessibility policies and procedures and assist in strategic planning and policy matters in related areas;
- Report EO matters to ROC Director;
- Undergo training as needed to maintain competency;
- Perform other duties as assigned.

**Job Requirements:**

- Broad knowledge of WIOA's EO requirements and requirements of 29 CFR Part 38;
- Extensive knowledge of all source materials and references, including federal and state laws governing WIOA and EO/Nondiscrimination programs that are federally funded and administered by DWD and its sub-recipients;
- Working knowledge of the organization of DWD and of state and federal agencies dealing with the CRC and DOL guidelines;
- Ability to comprehend, analyze, interpret, and correlate very technical material and develop and implement new principles and policies;
- Ability to work independently and effectively communicate orally and in writing concerning compliance, training, and evaluation methods;
- Ability to maintain effective working relationships with federal, state and local agencies and personnel;
- Remain current on new and developing law, regulations, policies, or standards, as applicable;
- Ability and willingness to travel statewide and stay overnight, as needed, to conduct business.

**Supervisory Responsibilities/Direct Reports:**

None (functional oversight of local-level EO Officer EO-related activities)

**Difficulty of Work:**

Incumbent exercises considerable knowledge, extensive judgment and interpretation, and appropriate application of federal, state and local guidelines, laws, regulations, statutes, promulgated rules, policies, procedures, practices, and precedents, and utilizes organizational, planning, trouble-shooting and problem solving skills. Highly developed analytical and organizational skills, diplomacy, professionalism and discretion are required. The work is broad in scope and the job is complex, sometimes involving highly confidential and sensitive subject matter. The work involves changing laws and guidelines and the continual development and revision of procedures to maintain agency compliance, efficiency and effectiveness. Incumbent must often work independently and within short time constraints.

**Responsibility:**

The Department of Labor Civil Rights Center (DOL/CRC) issued updated regulations to implement WIOA Section 188. These regulations, found at 29 CFR Part 38, became effective on January 3, 2017 and mandate that each state designate a state-level Equal Opportunity (EO) Officer. Per the regulations, the incumbent must have sufficient expertise, authority, staff, and resources to carry out their EO responsibilities. As DWD's EO subject matter expert, incumbent has technical authority for all EO related issues, pending final approval by the ROC Director. Incumbent has direct access to DWD Commissioner, as the Governor's EO oversight designee, when required.

Incumbent actions, statements, recommendations and decisions may significantly impact agency or workforce development partner operations, programs or funding. The incumbent is charged with the authoritative application of federally mandated EO requirements, and errors in judgment may reflect negatively on image, reputation and credibility, may jeopardize funding, or may otherwise have an adverse fiscal or operational impact on the workforce development partners, DWD or the State of Indiana.

**Personal Work Relationships:**

Incumbent works closely with the ROC Director, ROC Monitoring staff, and local-level EO Officers, as well as various DWD administrative, program and field operations units, program directors and subject matter experts, and workforce development partner executives, and as needed with agency leadership, federal and state auditors, etc. The incumbent builds and maintains rapport and fosters interpersonal relationships with all federal, state and local partners.

**Physical Effort:**

Work is performed in a modern office environment using computer equipment and other common office machines. Required statewide travel is typically by car on a reimbursement basis, but may occasionally include out-of-state or air travel for meetings or training.

**Working Conditions:**

Work is performed in a modern office environment using computer equipment and other common office machines. Required statewide travel is typically by car on a reimbursement basis, but may occasionally include out-of-state or air travel for meetings or training.

## Excerpt from Local EO Officer Training Module I

Local Equal Opportunity Officer Training  
**MODULE 1**

Equal Opportunity Officer's Roles and Responsibilities



#2  
 State and Local EO Officer Responsibilities

Workforce Innovation & Opportunity Act (WIOA) Section 188 requires designation of a Local EO Officer in each workforce region to ensure EO/Nondiscrimination in the administration and operation of programs and services within the One-Stop system.



#2  
 State and Local EO Officer Responsibilities

State EO Officer:

1. Serve as liaison w/ CRC
2. Coordinate State EO responsibilities under 29 CFR Part 38;
3. Draft, implement, and maintain compliance under Indiana's Methods of Administration (MOA);
4. Ensure periodic EO and nondiscrimination compliance monitoring of WIOA Title I programs across the State;
5. Review state and LWISA policies to make sure those policies are nondiscriminatory;
6. Provide training, technical assistance, and guidance to the local EO Officers; and
7. Develop, publish, and ensure compliance with procedures for processing discrimination complaints; and
8. Undergo training to maintain competency.

I-2

#2  
 State and Local EO Officer Responsibilities

State EO Officer:

1. EO Officer must be senior-level employee.
2. EO Officer's job duties and reporting relationships must not create or give the appearance of a conflict of interest.
3. Make public the EO Officer's name, position title, address, and telephone number.
4. Ensure that the EO Officer's identity and contact info appear on all internal and external communications.
5. Assign sufficient staff and resources to the EO Officer, which provides top management support.
6. Ensure that the EO Officer and staff have training opportunities needed to maintain competency.

I-3

#2  
 State and Local EO Officer Responsibilities

What are a recipient's responsibilities?

1. Take appropriate steps to ensure effective communications.
2. Furnish appropriate auxiliary aids or services where necessary.
3. Use telecommunications devices for individuals with hearing impairments.
4. Ensure accessible services, activities, and facilities.
5. Provide signage at a primary entrance to each of its inaccessible facilities.
6. Display the international symbol for accessibility at each primary entrance of an accessible facility.

I-4

#2  
 State and Local EO Officer Responsibilities

Local EO Officer:

1. Report all EO activity to the State EO Officer.
2. Handle regional discrimination complaints.
3. Conduct periodic compliance monitoring of regional Title I WIOA programs.
4. Ensure physical and programmatic accessibility of WorkOne offices and services.
5. Conduct or assist with Americans with Disability Act (ADA) surveys at the WorkOne offices.

I-5

#2  
 State and Local EO Officer Responsibilities

What's the difference between EO and EEO?

- EO = Equal Opportunity
- EEO = Equal Employment Opportunity

I-6

#3  
 Ensure Non-Discriminatory & Regional Non-Discriminatory Practices Are Followed

"No individual in the US may, on the ground of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in any WIOA Title I-financially assisted program or activity, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any WIOA Title I-funded program or activity."



#3  
 Ensure Non-Discriminatory & Regional Non-Discriminatory Practices Are Followed

What does discrimination look like?

- Forms of Discrimination include:
  - **disparate treatment** (intentionally treating members of protected groups differently based on their protected status) and
  - **disparate impact** (using policies or practices that are neutral on their face, but have a disproportionate impact on members of some protected groups).

I-8

**Job Description for  
Grants and Contracts Manager/Equal Opportunity Officer  
Grow Southwest Indiana Workforce Board  
Linda Jones R11**

**Reports To:** Executive Director

**Purpose of Job:** To manage the grants and contracts and to serve as the Equal Opportunity (EO) officer. This includes but is not limit to Workforce Innovation and Opportunity Act (WIOA).

**Primary Job Responsibilities:**

1. Prepare grants and modifications.
2. Assist ED with Request for Proposal process.
3. Prepare contracts and modifications for customer services and other services procured by the Board.
4. Provide staff support at Board meetings and committee meetings.
5. Serve as Region 11's EO Officer.
6. Monitor WIOA recipients to ensure EO compliance.
7. Handle complaints.
8. Survey WorkOnes and Express Sites for compliance with the American with Disabilities Act (ADA).
9. Review Region 11's policies to ensure they are nondiscriminatory.
10. Facilitate the assurances of the nondiscrimination requirements.
11. Serve as liaison to Fiscal Agent to coordinate activities, facilitate projects and problem solve.
12. Provide Fiscal Agent procurement documentation, execute contracts and invoices of expenses incurred by the Board with support documentation.
13. Assist in providing documentation to monitors and auditors.
14. Perform other duties or special projects related to system performance as assigned by the ED.

**Skill Requirements:**

1. Proficiency in reading, analysis, and interpretation of government publications, laws, regulations, and other information.
2. Proficiency in writing skills for reports, procure manuals, and general business correspondence.
3. Proficiency in oral communications skills for presentations to Board, contractors, and others.
4. Mathematical skills sufficient for statistical analysis of performance reports.
5. Problem solving skills for dealing with complex staff situations involving multiple organizations.
6. Proficiency in use of Microsoft Office.

**Requirements for Experience & Education:**

1. Bachelor's degree from four-year college or university in Finance or Accounting; or three to five years' related experience and/or training; or equivalent combination of education and/or experience.
2. Grant funding experience a plus.

**Job Type:** Full-time, salary

**Primary Work Location:** Innovation Pointe, 318 Main Street, Suite 504, Evansville, IN

**Other Considerations:**

1. Occasional travel is require, both in and out of state. Must have own transportation.
2. Must document & support allocation of time in compliance with cost allocation procedures of the region.



## JOB DESCRIPTION

State Form 52468 (12-05)

This document is used to provide a basic description of essential duties and other work elements.

<b>Employee Name:</b> OLIVIA SMITH	
<b>Agency:</b> Department of Workforce Development	<b>BU:</b>
<b>Division:</b> DWD Regulatory Oversight & Compliance	<b>Section/District:</b>
<b>Job Title:</b> Program Director 2	<b>Job Code:</b>
<b>Working Title (if different from above):</b> Compliance Specialist	
<b>Reports To:</b> Jennifer Long, Equal Opportunity Officer	
<b>FLSA Status:</b> <input type="checkbox"/> Non-Exempt (OT Eligible) <input type="checkbox"/> Exempt	<b>Effective Date:</b>

### Purpose of Position/Summary:

Incumbent serves under the supervision of the state's Workforce Innovation and Opportunity Act (WIOA) Equal Opportunity (EO) Officer within DWD's Regulatory Oversight and Compliance (ROC) Division. In this position, the incumbent assists the state EO Officer with DWD's Equal Opportunity and Nondiscrimination requirements mandated under WIOA and other federal regulations. The Compliance Specialist performs research, conducts desk reviews, and monitors compliance of each Local Workforce Development Area (region) to analyze and evaluate regional EO compliance. The Compliance Specialist may also assist with other ROC functions as needed.

### Essential Duties/Responsibilities:

- Serve as subject matter expert for DWD regarding WIOA Section 188 (and related laws and regulations).
- Ensure statewide EO compliance by overseeing grant recipient EO activities.
- Assist EO Officer with training curriculum development and implementation of training activities.
- Collaborate with various partners to perform EO oversight functions.
- Perform desktop and on-site compliance reviews.
- Analyze state, regional, and local EO activities to determine compliance with all applicable federal, state and local regulations and guidelines.
- Analyze entity structures, functions and activities.
- Conduct research, gather relevant data and appropriate citations, and compile detailed reports.
- Contribute to and assist in the preparation of the various EO-related guides, policies, procedures, worksheets, schedules, and tools.
- Other duties as assigned, including assistance in other areas within the ROC Division as needed.

### Job Requirements:

- Extensive knowledge and familiarity of WIOA Section 188 and 29 CFR Part 38 EO requirements (and other related laws and regulations) at the state, regional, and local level.
- Extensive knowledge of and familiarity with a variety of computerized systems and applications.
- Ability to gather data from a variety of sources and compile detailed reports.
- Ability to read, interpret, and accurately apply appropriate federal, state, and local laws, regulations, guidelines, etc.
- Specialized knowledge and understanding of (or ability to quickly learn) agency organization and federal, state, and local entities associated with the various programs within the EO Compliance scope.
- Specialized knowledge of (or ability to quickly learn) grantee entity structures, activities, and functions.
- Ability to effectively communicate verbally and in writing, consistently maintain professionalism and confidentiality, and cultivate positive working relationships.
- Ability and willingness to travel\* as needed for work or job training.

- \*Travel is usually independent and mostly within the State, with possible occasional overnight travel required.

**Supervisory Responsibilities/Direct Reports:**

None

**Difficulty of Work:**

The work is broad in scope involving many complex elements requiring critical and administrative analytical abilities, and the broad interpretation and application of federal, state, and local laws and regulations. Highly developed analytical and organizational skills are required to properly assess and accurately document the EO compliance of grant recipients.

**Responsibility:**

The Compliance Specialist works under the direction of the EO Officer and also in conjunction with the ROC Division's WIOA Monitoring team. The Compliance Specialist possesses sufficient technical authority for the work. Decisions and major recommendations are reviewed for compliance with federal and state guidelines and attainments of goals. The incumbent makes a substantial contribution to the development, implementation, and execution of the EO compliance effort.

**Personal Work Relationships:**

Work relationships are with ROC Division staff members and management, various DWD program directors and executives, grant recipients and sub-recipients, regional Local EO Officers, and other federal, state and local officers for the purpose of maintaining and advancing technical competency, thoroughly and accurately executing the various functions within the scope of conducting EO Compliance work, operations and implementations required of the grant recipients by federal and state regulations, and identifying and resolving matters of non-compliance.

**Physical Effort/Working Conditions:**

Work is performed in a modern office environment. Required statewide or overnight travel is typically by car on a reimbursement basis, but may occasionally include out-of-state travel for training.

## EO Training Modules for Local EO Officers

### Module 1 – EO Roles and Responsibilities

**MONDAY, NOVEMBER 21, 2016**

- Department of Labor (WIOA) Regulations and Requirements Overview of Local EO Officers (desired background) education, training and experience
- The difference between EO and EEO
- Overview of helpful resource tools for Local EO Officers
- Local EO Officers assigned duties regarding nondiscrimination and equal access for person of disabilities
- Signage – Overview of EO Checklist to be used to ensure effective communication on all distributed information within region
- Local EO Officers Data Collection & Maintenance (Universal Access and Assurance) within region
- Discussion - Local EO Officers preparation for the upcoming State EO Officer's Onsite Review for 2016-2017

### Module 2 – Provide Reasonable Accommodation for Individuals with Disabilities

**MONDAY, DECEMBER 19, 2016**

- Examples of appropriate administrative programs in an integrated setting for individuals of disabilities or barriers
- Overview and examples of the Local EO Officers resource tools to effectively communicate with persons of disabilities

### Module 3 – EO Complaint Processing Procedures

**MONDAY, JANUARY 23, 2017**

- EO Quarterly Reports purpose and procedures
- EO procedures for processing discrimination complaints (Reporting)
- Tracking formal complaints (Investigating and Monitoring)

### Module 4 – EO Monitoring

**MONDAY, FEBRUARY 27, 2017**

- Desk review vs. onsite
- Corrective actions/sanctions
- Local EO Officer - Initiate stakeholder engagement to create change to implement better business practices
- Local EO Officer - Executing corrective actions within the region

### Module 5 – Data Collection and Review

**MONDAY, MARCH 27, 2017**

- Monitoring Disparate treatment/impact
- 80-20 rule





# AGENDA

**NASWA Equal Opportunity Committee Meeting** **July 24-25, 2018**  
**Minneapolis Downtown Radisson Blu**  
**35 South 7<sup>th</sup> Street**  
**Minneapolis, MN 55402**

**Homework:** Please be prepared to share challenges and opportunities in your state.

**Tuesday, July 24, 2018**

- |                      |   |
|----------------------|---|
| <b>7:30 – 8:30</b>   | <b>Breakfast</b>  |
| <b>8:30 – 8:45</b>   | <b>Welcome and Introductions</b><br>Scott R. Jensen (RI), Chair<br>Jackie Turner (MS), Vice-Chair<br>Minnesota Welcome: Ann Feaman (MN)     |
| <b>8:45 – 10:30</b>  | <b>Committee State Roundtable and Discussion</b><br>In depth peer to peer discussion. Each state presents current challenges and successes. |
| <b>10:30 – 10:45</b> | <b>Break</b>  |
| <b>10:45 – noon</b>  | <b>Best Practice Presentations and/or CRC Technical Assistance</b>  |
| <b>Noon - 1:30</b>   | <b>Hosted Networking Lunch</b>  |
| <b>1:30 – 2:30</b>   | <b>CRC Update and Discussion</b><br>Naomi Barry-Perez, CRC Director   |
| <b>2:30 – 5:00</b>   | <b>One-stop Tour (under development)</b>  |

**Wednesday, July 25, 2018**

**7:30 – 8:30**

***Breakfast***

**8:30 – 9:30**

**Minnesota Presentation**

**9:30 – 10:30**

**Committee Business**

NASWA Update (Julie Squire)

Approve Minutes

**10:30 – 10:45**

***Break***

**10:45 – noon**

Subcommittee Break-out meetings

Reconvene and Report out

Wrap-up

**Noon**

***Adjourn***

## Element 2: Notice and Communication

*[29 CFR 38.34 through 38.39]*

WIOA Title I recipients, including one-stop partners (OSPs)<sup>15</sup> to the extent they participate in the one-stop delivery system, must provide initial and continuing notice that they do not discriminate on any prohibited basis. This notice must be provided to registrants, applicants and eligible registrants/applicants, participants, applicants for employment and employees, unions or professional organizations that hold collective bargaining or professional agreements with the recipient, sub-recipients that receive WIOA Title I funds from the recipient, and members of the public, including those with impaired vision or hearing and those with limited English proficiency.<sup>16</sup>

### EO Notice Requirements

Recipients were advised of the posting and dissemination requirements of the “Equal Opportunity is the Law” notice (the EO Notice)<sup>17</sup> as well as the requirement that appropriate steps are taken to ensure communications with individuals with disabilities are as effective as communications with others, and that the notice is provided in appropriate languages to ensure meaningful access for limited English proficient (LEP) individuals via DWD Policy 2016-09 (DWD EO Policy).<sup>18</sup> Reminders of this requirement were shared via email.

The DWD EO Policy introduced updated law and regulations under Section 188 and provided a 90 day deadline from the effective date of the final regulations for Local EO Officers to replace existing EO Notices. All EO Notices were to be updated and posted by the end of March 2017 and compliance was verified during annual ROC/EO Monitoring site visits in 2017 and 2018.

The acknowledgment of EO Notice appears in the DWD Case Management System, Indiana Career Connect (ICC) when the applicant reaches the final page of the WIOA application.<sup>19</sup> The case manager prints out the completed application and provides the applicant with a copy of the EO Notice, which is acknowledged by their signature on the final page. If a user is registering for online services through the ICC website, upon selecting to register as an individual, they are immediately directed to the EO Notice that requires their acknowledgment to proceed.<sup>20</sup>

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<sup>15</sup> OSFs, as defined in WIOA 121(b), are considered recipients for purposes of 29 CFR 38.

<sup>16</sup> 29 CFR 38.34

<sup>17</sup> Documentation 2.1: EO is the Law Notice

<sup>18</sup> DWD Policy 2016-09 (see Documentation 1.5)

<sup>19</sup> Documentation 2.2: WIOA Application EO Acknowledgment

<sup>20</sup> Documentation 2.3: ICC Registration EO Acknowledgment

## Publications, Broadcasts, and Other Communications

All recipients must include an EO Tagline in recruitment brochures, pamphlets, and other publications which promote WIOA programs and activities. While the DWD EO Policy follows Section 188, it also gives flexibility for recipients to tailor the EO Tagline dependent on subject matter of the program or materials they are publishing. All recipients must include two required clauses: that the 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." Tagline compliance is checked during annual ROC/EO Monitoring visits, with corrective action required as needed. The EO Tagline and a link to the EO Notice is listed at the bottom of every page on DWD's website.

When a phone number is provided, it must be accompanied by the telephone number of the text telephone (TTY) or equally effective communication system, such as a relay service,<sup>21</sup> videophone, or captioned telephone used by the recipient.

An informal tip sheet was created for internal use with DWD Marketing/Communications which was shared with the LWDA communications directors on May 30<sup>th</sup>, 2018 as "Equal Opportunity Guidelines" providing more specific guidance on appropriate EO Tagline use.<sup>22</sup>

## Information in Languages Other than English

According to the most recent data available, Spanish is the predominant non-English language spoken by LEP individuals in Indiana.<sup>23</sup> In light of this finding, the "Equal Opportunity is the Law" notice is available in both English and Spanish, and copies of the EO Notice in both languages are typically posted in all WorkOne offices. Copies of the EO Notice and additional state and federal posters, such as the Unemployment Insurance and Migrant and Seasonal Agricultural Worker Protection, are provided in English and Spanish on DWD's website.<sup>24</sup>

Spanish-speaking individuals can translate the information provided on the ICC website from English to Spanish using a built-in function. Additional LEP services are provided at the regional level. Examples include, but are not limited to, bilingual staff, hand-held translators, English as a Second Language classes, Google Translate, and specialized software such as Rosetta Stone. Sample LEP documents in Spanish and other languages can be found on the State's Equal Opportunity webpage.<sup>25</sup>

In accordance with regulation prohibiting discrimination against LEP individuals as a form of national origin discrimination,<sup>26</sup> Babel notices are available for all communication of vital

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<sup>21</sup> Relay Indiana, Indiana's statewide Relay Service, is more fully discussed in Element 5.

<sup>22</sup> Documentation 2.4: Equal Opportunity Guidelines

<sup>23</sup> Documentation 2.5: Excerpt of Indiana Census Data on Languages Spoken

<sup>24</sup> State and Federal posters in Spanish: <https://www.in.gov/dwd/2455.htm>

<sup>25</sup> Sample LEP Documents: <https://www.in.gov/dwd/3192.htm>

<sup>26</sup> 29 CFR 38.9

information. Vital information includes information, whether written, oral or electronic, that is necessary for an individual to obtain, or understand how to obtain, any aid, benefit, service, and/or training.<sup>27</sup> Babel notices indicate in appropriate languages that language assistance is available<sup>28</sup> and are given with vital information such as consent and complaint forms, notices of rights and responsibilities, and communications posted on websites. DWD provides Babel notice samples<sup>29</sup> based on the CRC's Babel notice and the particular demographics of Indiana<sup>30</sup>. Until Babel notices can be sufficiently available in ICC, the LWDA's have elected to post the notices in various prominent locations throughout the WorkOnes.

In order to fully meet the needs of LEP persons in Indiana, DWD also provides telephonic<sup>31</sup> and in-person interpreter services<sup>32</sup> at no charge to the client. A contract establishes 24 hour/7 day a week telephonic interpretive services, billed by the minute and based on the language selected. Similarly, a contract establishes hourly rates for face-to face interpretive services, based on the language selected.

As recommended in the regulations,<sup>33</sup> DWD is currently exploring the benefits of developing a language access plan, whether at the state level or providing guidance for individual development at the local level. Additional research and analysis will be conducted regarding this potential endeavor.

### Orientation and Nondiscrimination Efforts

During any orientation session, in-person or remote, DWD and OSPs include a discussion of rights under the nondiscrimination and EO provisions of WIOA. DWD and the local WorkOne offices distribute the EO Notice to registrants, applicants, eligible registrants/applicants, applicants for employment, employees, and interested members of the public to ensure that individuals have been notified of their rights under Section 188.<sup>34</sup>

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<sup>27</sup> 29 CFR 38.4(ttt)

<sup>28</sup> Documentation 2.6: Excerpt from Local EO Officer Training Module II – LEP

<sup>29</sup> Documentation 2.7: Babel Notice for Vital Documents

<sup>30</sup> See Indiana Census Data on Languages Spoken

<sup>31</sup> Documentation 2.8: Telephonic Interpretation Services Contract Excerpt

<sup>32</sup> Documentation 2.9: In-Person Interpretation Services Contract Excerpt

<sup>33</sup> 29 CFR 38.9; Appendix to 38.9

<sup>34</sup> Documentation 2.10: Rapid Response Orientation Presentation Excerpt

## Element 2 Documentation

Documentation 2.1: EO is the Law Notice

Documentation 2.2: WIOA Application EO Acknowledgment

Documentation 2.3: ICC Registration EO Acknowledgment

Documentation 2.4: Equal Opportunity Guidelines

Documentation 2.5: Excerpt of Indiana Census Data on Languages Spoken

Documentation 2.6: Excerpt from Local EO Officer Training Module II – LEP

Documentation 2.7: Babel Notice for Vital Documents

Documentation 2.8: Telephonic Interpretation Services Contract Excerpt

Documentation 2.9: In-Person Interpretation Services Contract Excerpt

Documentation 2.10: Rapid Response Orientation Presentation Excerpt

## 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

**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 website at [www.dol.gov/crc](http://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.

**WIOA APPLICATION**  
**Indiana Career Connect**

**Applicant Certification Statement:** *(Not to be signed and dated until all documentation has been provided.)* I certify that the information on this application is accurate to the best of my knowledge. I understand that my willful misstatement of the facts may cause my forfeiture of rights in the WIOA Program and may result in criminal action. I give permission for outside sources to be contacted and for them to disclose any information necessary to verify my eligibility for WIOA. I further understand and agree that my social security number and other information on this application will be provided to other government agencies if required by law.

I acknowledge I have received an Equal Opportunity is the Law Notice.

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**Applicant Signature**

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**Date**

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**Parent/Guardian Signature**

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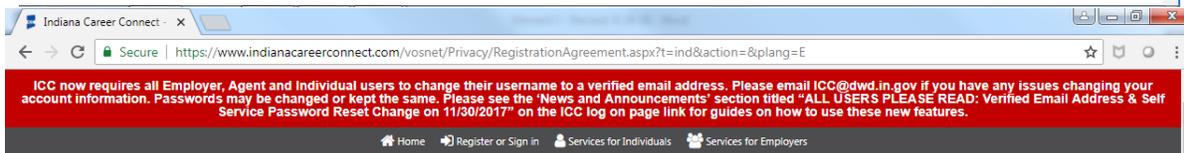
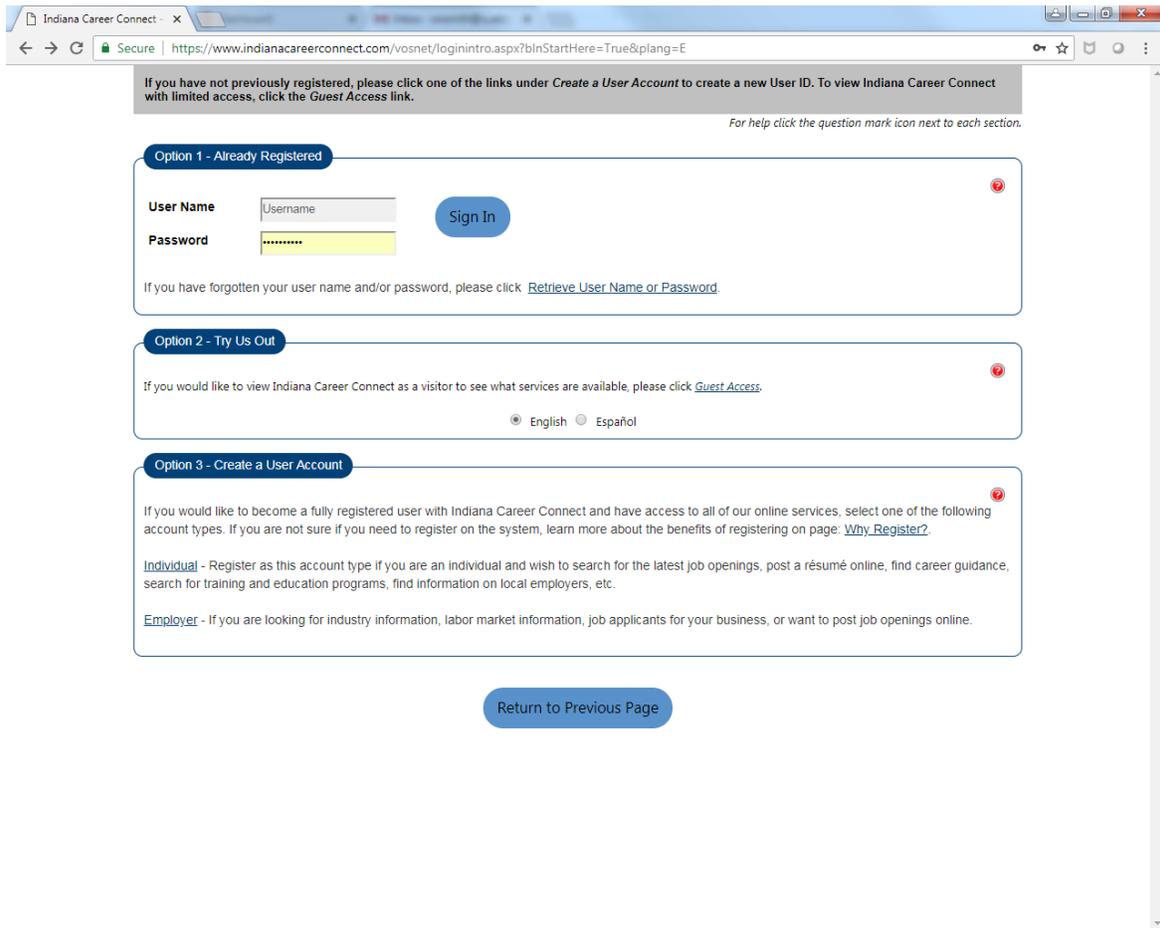
**Date**

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**Staff Signature**

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**Date**



**Equal Opportunity and Non-Discrimination Notice.**

### 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

By clicking the *I agree* button below and continuing with the registration process, you acknowledge that you have reviewed and understand the information contained in the **Equal Opportunity Is the Law** notice above.

# Equal Opportunity Guidelines

## Background

New regulations were finalized/released in early 2017. EO Officers for the state and regions are still in the process of understanding and implementing these new requirements. However, each region has a designated Local EO Officer who should be aware of these requirements.

## Tag Line

While the state policy follows the federal regulations it also gives flexibility to tailor their tag line dependent on subject matter of the program or materials they are publishing. There are two required clauses that must be incorporated into the tag line:

1. The EO Tagline must include language that the program or activity in question is an “equal opportunity employer/program”
2. “Auxiliary aids and services are available upon request to individuals with disabilities.”

Additional language/specifics of the tagline can vary as long as those 2 specific clauses are included.

**\*If\*** a voice telephone number is included, then a TTY or equally effective telecommunications system (e.g., relay service, videophone, captioned telephone, etc.) must also be included. DWD’s TTY line is 1-800-743-3333.

## When is this to be used?

Per 29 CFR Part 38, this tagline must appear in basically all outward facing/external communications. Specifically, the Regulations say “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 or participants.” This also includes program info published or broadcast in the news media.

## Language Requirements

As for languages – the Regulations require that “reasonable steps” be taken to ensure “meaningful access” to limited English proficient (LEP) individuals via EVERY delivery method (written, electronic, and in person). Interpretation/translation services must be available free of charge. For languages spoken by a “significant amount of the eligible population to be served, or likely to be encountered, then all “vital information” in written materials MUST be translated and readily available in hard copy, upon request, or electronically (e.g. websites).

- “Significant population” isn’t clearly defined in the Regulations – states/local areas have discretion to determine this...
- “Vital information” means info that is necessary for an individual to understand how to obtain any aid, benefit, service, and/or training (e.g., applications, consent and complaint forms, and notices of rights and responsibilities.)  
So, unless it’s “vital information” – there isn’t necessarily a requirement to have it readily translated and on hand.

*Again, each Region has a designated Local EO Officer who should be fully aware of these requirements. If you do not know who your Local EO Officer is contact Jennifer Long at [JLong@DWD.in.gov](mailto:JLong@DWD.in.gov) or 317.234.8400.*

## Excerpt of Indiana Census Data on Languages Spoken

Table 15. Detailed Languages Spoken at Home and Ability to Speak English for the Population 5 Years and Over for Indiana: 2009-2013  
Release Date: October 2015

	Number of speakers <sup>1</sup>	Margin of Error <sup>2</sup>	Speak English less than "Very Well" <sup>1</sup>	Margin of Error <sup>2</sup>
<b>Population 5 years and over</b>	<b>6,087,409</b>	<b>542</b>	<b>198,648</b>	<b>4,069</b>
Speak only English at home	<b>5,588,460</b>	<b>5,499</b>	<b>(X)</b>	<b>(X)</b>
<b>Speak a language other than English at home</b>	<b>498,949</b>	<b>5,498</b>	<b>198,648</b>	<b>4,069</b>
<b>SPANISH AND SPANISH CREOLE</b>	<b>277,381</b>	<b>3,508</b>	<b>123,268</b>	<b>3,124</b>
Spanish	277,380	3,508	123,270	3,124
<b>OTHER INDO-EUROPEAN LANGUAGES</b>	<b>136,530</b>	<b>3,659</b>	<b>36,637</b>	<b>1,839</b>
<b>French (incl. Patois, Cajun)</b>	<b>13,911</b>	<b>1,131</b>	<b>3,150</b>	<b>485</b>
French	13,770	1,126	3,110	490
Patois	125	125	(D)	(D)
Cajun	(D)	(D)	(B)	--
<b>French Creole</b>	<b>1,438</b>	<b>432</b>	<b>375</b>	<b>251</b>
<b>Italian</b>	<b>3,574</b>	<b>550</b>	<b>448</b>	<b>138</b>
<b>Portuguese (incl. Portuguese Creole)</b>	<b>1,878</b>	<b>472</b>	<b>512</b>	<b>222</b>
Portuguese	1,880	472	510	222
<b>German (incl. Luxembourgian)</b>	<b>35,409</b>	<b>1,839</b>	<b>8,107</b>	<b>955</b>
German	35,400	1,838	8,100	953
Luxembourgian	(D)	(D)	(D)	(D)
<b>Yiddish</b>	<b>185</b>	<b>124</b>	<b>20</b>	<b>30</b>
<b>Other West Germanic languages</b>	<b>24,121</b>	<b>1,561</b>	<b>7,221</b>	<b>768</b>
Pennsylvania Dutch	15,895	1,391	4,600	631
Dutch	7,950	727	2,595	465
Afrikaans	275	164	(D)	(D)
<b>Scandinavian languages</b>	<b>876</b>	<b>330</b>	<b>44</b>	<b>35</b>
Swedish	220	92	(D)	(D)
Danish	410	243	(D)	(D)
Norwegian	120	67	(D)	(D)
Icelandic	130	169	(B)	--
<b>Greek</b>	<b>4,391</b>	<b>670</b>	<b>1,085</b>	<b>280</b>
<b>Russian</b>	<b>4,835</b>	<b>879</b>	<b>1,980</b>	<b>482</b>
<b>Polish</b>	<b>4,965</b>	<b>620</b>	<b>1,361</b>	<b>323</b>
<b>Serbo-Croatian languages</b>	<b>7,265</b>	<b>897</b>	<b>2,822</b>	<b>469</b>
Serbocroatian	2,705	593	1,260	330
Croatian	780	270	230	119
Serbian	3,780	665	1,330	334
<b>Other Slavic languages</b>	<b>5,154</b>	<b>878</b>	<b>1,709</b>	<b>426</b>
Bielorussian	(D)	(D)	(B)	--
Ukrainian	1,005	286	330	132
Czech	350	136	30	26
Lusatian	(D)	(D)	(B)	--
Slovak	435	206	40	27
Bulgarian	420	225	30	24
Macedonian	2,875	718	1,280	392

## Excerpt from Local EO Officer Training Module II - LEP

**MODULE 2**

LOCAL EQUAL OPPORTUNITY OFFICER TRAINING

#1-PROVIDING SERVICES FOR LEP INDIVIDUALS

**PROVIDING SERVICES FOR LEP INDIVIDUALS**

**LEGISLATIVE AUTHORITIES**  
(§38.9(b))

"A recipient must take reasonable steps to ensure meaningful access to each limited English proficient (LEP) individual served or encountered. . . informed about and/or able to participate in the program or activity."

**PROVIDING SERVICES FOR LEP INDIVIDUALS**

**WHO ARE LEP INDIVIDUALS?**  
(§38.4(hh))

"An individual whose primary language for communication is not English and who has a limited ability to read, speak, write, and/or understand English. LEP individuals 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)."

**PROVIDING SERVICES FOR LEP INDIVIDUALS**

**RECIPIENTS INCLUDE BUT ARE NOT LIMITED TO**

- 1) State-level agencies administering WIDA Title I
- 2) State Workforce Agencies
- 3) State and Local Workforce Development Boards
- 4) WIDA Grant Recipients
- 5) One-Stop Career Center operators
- 6) Service providers, including eligible training providers
- 7) OJT employers
- 8) Job Corps
- 9) Other National Program recipients

**PROVIDING SERVICES FOR LEP INDIVIDUALS**

**REASONABLE STEPS TO PROVIDE MEANINGFUL ACCESS MAY INCLUDE, BUT ARE NOT LIMITED TO**

- 1) Oral interpretation
- 2) Written translation

**PROVIDING SERVICES FOR LEP INDIVIDUALS**

**BABEL NOTICES**  
(§38.4(ii))

"A short notice included in a document or electronic medium (e.g., Web site, "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."

**PROVIDING SERVICES FOR LEP INDIVIDUALS**

**VITAL DOCUMENTS**  
(§38.4(iii))

"Information, whether written, oral or electronic, that is necessary for an individual to understand how to obtain any aid, benefit, service, and/or training; or required by law."

**PROVIDING SERVICES FOR LEP INDIVIDUALS**

**EXAMPLES OF DOCUMENTS CONTAINING VITAL INFORMATION INCLUDE BUT ARE NOT LIMITED TO**

- 1) Applications
- 2) Consent and complaint forms
- 3) Notices of rights and responsibilities
- 4) Notices advising LEP individuals of their rights, including the availability of free language assistance
- 5) Rulebooks
- 6) Written tests that assess competency for a particular license, job or skill
- 7) Letters or notices that require a response

**PROVIDING SERVICES FOR LEP INDIVIDUALS**

**RECIPIENT STEPS - MEANINGFUL ACCESS**

- 1) Number or proportion of LEP in the eligible population
- 2) How often LEP individuals use program
- 3) Importance of recipient's program
- 4) Recipient's resources

**Babel Notice from DWD EO Unit for  
Vital Documents, Notices  
Forms or Applications, Assessments & Training Material**

**29 CFR 38.9(g)(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 websites.”*

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

The DWD EO Officer procured additional translation that can be used electronically and on websites. It is being provided in 10 of the most common non-English languages spoken in the United States. As CRC advised, DWD has added an additional translation for Burmese. Also note that the Babel notice does not replace the obligations for recipients to provide individualized language services.

### **English**

**IMPORTANT!** This document or application contains **important information** about your rights, responsibilities and/or benefits. It is critical that you understand the information in this document and/or application, and we will provide the information in your preferred language at no cost to you. Please contact your local Indiana WorkOne Office near you for assistance in the translation and understanding of the information in this document and/or application.

### **Spanish**

**!IMPORTANTE!** Este documento o solicitud contiene **información importante** sobre sus derechos, responsabilidades y/o beneficios. Es fundamental que usted entienda la información contenida en este documento y/o solicitud, y le proporcionaremos la información en su idioma preferido sin costo alguno para usted. Póngase en contacto con su oficina local de Indiana WorkOne más cercana para obtener asistencia con la traducción y comprensión de la información en este documento y/o solicitud.

### **Chinese – Traditional**

**重要信息！** 本文档或应用程序包含有关您的权限、责任和/或利益的**重要信息**。请务必理解本文档和/或应用程序中的这些信息，而我们将免费为您提供所需语言版本的这些信息。有关本文档和/或应用程序中的信息翻译和理解的事宜，请向您当地最近的印第安纳州 WorkOne 办事处寻求帮助。

## Vietnamese

**QUAN TRỌNG!** Tài liệu hoặc đơn yêu cầu này chứa **thông tin quan trọng** về các quyền, trách nhiệm và/hoặc lợi ích của bạn. Việc bạn hiểu rõ thông tin trong tài liệu và/hoặc đơn yêu cầu này rất quan trọng, và chúng tôi sẽ cung cấp thông tin bằng ngôn ngữ bạn muốn mà không tính phí. Hãy liên hệ với Văn phòng WorkOne Indiana gần vị trí của bạn để được hỗ trợ về dịch thuật và hiểu rõ thông tin trong tài liệu và/hoặc đơn yêu cầu này.

## Tagalog

**MAHALAGA!** Ang dokumentong ito o aplikasyon ay naglalaman ng **mahalagang impormasyon** tungkol sa iyong mga karapatan, pananagutan at/o benipisyo. Napakahalaga na nauunawaan mo ang impormasyong nasa dokumentong ito at/o aplikasyon, at ilalaan namin ang impormasyon ayon sa gusto mong wika nang wala kang babayaran. Mangyaring makipag-ugnayan sa inyong lokal na Opisina ng Indiana WorkOne na malapit sa inyong lugar para matulungan sa pagsasalin at pag-unawa sa impormasyong nasa dokumentong ito at/o aplikasyon.

## French

**IMPORTANT !** Ce document ou cette demande contient **des informations importantes** concernant vos droits, responsabilités et/ou avantages. Il est essentiel que vous compreniez les informations contenues dans ce document et/ou cette demande, que nous pouvons vous communiquer gratuitement dans la langue de votre choix. N'hésitez pas à contacter le bureau WorkOne Indiana proche de chez vous pour obtenir de l'aide concernant la traduction et la signification des informations contenues dans ce document et/ou cette demande.

## Haitian Creole

**AVI ENPÒTAN!** Dokiman oubyen aplikasyon sa genyen **enfòmasyon ki enpòtan** konsènan dwa, responsablite, ak/oswa benefis ou yo. Li enpòtan ke ou konprann enfòmasyon ki nan dokiman ak/oubyen aplikasyon sa, e n ap bay enfòmasyon an nan lang ou prefere a, san ou pa peye anyen. Tanpri kontakte Biwo WorkOne Indiana ki toupre w la pou èd nan tradiksyon ak pou konprann enfòmasyon ki nan dokiman ak/oubyen aplikasyon sa.

## Portuguese

**IMPORTANTE!** Este documento ou aplicativo contém **Informações importantes** sobre os seus direitos, responsabilidades e/ou benefícios. É importante que você compreenda as informações contidas neste documento e/ou aplicativo, e nós iremos fornecer as informações em seu idioma de preferência sem nenhum custo para você. Favor, entre em contato com o seu local Indiana WorkOne Office perto de você para obter a assistência na tradução, e compreensão das informações contidas neste documento e/ou aplicativo.

## Arabic

ذلك من أي أو إعاناتك أو مسؤولياتك أو حقوقك عن **مهمة معلومات** على الطلب أو الوثيقة هذه تحتوي **مهم** ب هذه نزودك وسوف الطلب، أو/و الوثيقة هذه في المتضمنة مآلاتا معلو تفهم أن بإمكان الأهمية ومن. معًا مكتب ب مدلي عليها تشمل ت WorkOne أقرب الاتصال يُرجى. عليك تكلفة أي دون المفضلة بلغتك الم معلومات يال الم معلومات تلك وفهم ترجمة في المساعدة على للحصول إنديانا ولاية في لديك الطلب أو/و الوثيقة هذه

**Russian**

**ВАЖНО!** В этом документе или заявлении содержится **важная информация** о ваших правах, обязанностях и/или льготах. Для нас очень важно, чтобы вы понимали приведенную в этом документе и/или заявлении информацию, и мы готовы бесплатно предоставить вам информацию на предпочитаемом вами языке. Обратитесь в ближайшее отделение Indiana WorkOne Office, где вам помогут с переводом и пониманием указанной в этом документе и/или заявлении информации.

**Korean**

중요! 이 문서 또는 신청서에는 귀하의 권리, 책임 및/또는 혜택에 대한 **중요 정보**가 포함되어 있습니다. 이 문서 및/또는 신청서의 정보를 반드시 이해해야 하며, 원하는 언어로 번역된 정보를 무료로 받으실 수 있습니다. 이 문서 및/또는 신청서 정보를 번역하고 이해하는 데 도움이 필요하시면 가까운 Indiana WorkOne Office에 문의하십시오.

**Burmese**

**သတိပြုရန်။** ဤစာရွက်စာတမ်း သို့မဟုတ် လျှောက်လွှာတွင် သင့်ကိုယ်ပိုင် အခွင့်အရေးများ၊ တာဝန်များနှင့်/သို့မဟုတ် အကျိုးခံစားခွင့်များစသည့် **အရေးကြီးသည့် အချက်အလက်များ** ပါဝင်နေပါသည်။ ဤစာရွက်စာတမ်း နှင့်/သို့မဟုတ် လျှောက်လွှာပါ အချက်အလက်များအား သင်နားလည်ရန် အလွန်အရေးကြီးပြီး ကျွန်ုပ်တို့ဘက်မှ သင်လိုချင်သည့် ဘာသာစကားဖြင့် ဤအချက်အလက်များကို အခကြေးငွေ မယူဘဲ ပံ့ပိုးပေးသွားပါမည်။ ဤစာရွက်စာတမ်း နှင့်/သို့မဟုတ် လျှောက်လွှာပါ အချက်အလက်များကို ဘာသာပြန်ရန်နှင့် နားလည်နိုင်ရန် အကူအညီလိုပါက သင်နှင့် နီးစပ်ရာ ဒေသတွင်း Indiana WorkOne Office ကို ဆက်သွယ်ပေးပါ။

**Quantity Purchase Agreement  
With The State Of Indiana**

<b>Qty Purchase Agreement QPA Number</b>	<b>Page</b>
00000000000000000000000013336	1 of 2
<b>Requisition Nbr.:</b>	<b>Telephonic Interpretation</b>
<b>Effective Date:</b>	01/01/2015
<b>Expiration Date:</b>	12/31/2018
<b>Agency Number:</b>	
<b>Facility:</b>	ASA-14-69
<b>Vendor ID:</b>	0000320968
<b>Vendor Telephone Nbr:</b>	
<b>Name Of Contact Pers:</b>	
<b>Contact Email:</b>	
<b>FAX Number:</b>	

Vendor Remit to: PROPIO LS LLC  
PO BOX 12204  
OVERLAND PARK KS 66282-2204

Name and Address of Vendor: PROPIO LS LLC  
PO BOX 12204  
OVERLAND PARK KS 66282-2204

In accordance with your bid, submitted in response to the above referenced solicitation, the Vendor agrees that the Indiana Department of Administration, Procurement Division, has the option to purchase the items listed below under the terms of this agreement. The Vendor agrees to charge these prices for any products ordered on any QPA release received after the expiration of the QPA but issued prior to the expiration date. The quantity listed herein is an estimate of the requirements. The state may order substantially more or substantially less pursuant to the terms of this agreement. **Orders are to be delivered only upon receipt of properly approved Quantity Purchase Award Release.**

Line Number	Quantity	UNIT	Article and Description	Unit Price
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This is a request to establish a Quantity Purchase Agreement for telephonic interpretive services. QPA can be mutually renewed yearly for two additional years under the same terms and conditions. Renewals subject to the approval of the Department of Administration and the State Budget Agency. Total term of this agreement including all renewals, shall not exceed four years.

Services are available 24/7, with no additional charges for after-hours calls.

For billing or account questions, or to establish an account with this vendor, please contact Windy Taylor, wtaylor@propio-ls.com, (913) 396-6045, ext. 1015. The contract manager for this QPA is Dan Wanee, who can be contacted at dwanee@idoa.in.gov for all other questions.

Tips for Working with a Telephone Interpreter:

1. If you expect the call to last more than 30 minutes, tell the interpreter at the beginning. Interpreters accept scheduled assignments and adjust their on-demand call time accordingly.
2. Always speak in first person, just as you would in normal conversation. For example, say, "Do you have a fever?" rather than, "Ask her if she has a fever."
3. When using a speakerphone, make sure all parties speak clearly and loud enough to allow the interpreter to accurately provide service. Be close to the speakerphone when talking.
4. After speaking a few sentences, pause to give interpreter time to interpret.
5. If several people are on the conference call, manage the discussion. Discourage side-conversations that the interpreter will not hear.
6. Please note that static and poor audio connections can be caused by any party on the line. If audio interference makes it difficult to communicate, have all parties hang up and reinitiate the call. If this approach fails, call Propio's customer service at 1-888-528-6692, option 0, and ask for assistance.

Instructions for using this contract:

- Dial the unique 800 number provided to your agency and/or division.
- Press 1 for Spanish or 2 for all other languages.
- If non-Spanish, enter the appropriate two-digit language code found on card provided by vendor.
- Enter four-digit account number found on the card provided by the vendor. Authorized users may be asked intake questions as requested by their agencies.

1	99,999,999.00 EA	00000000100231643	Telephonic Interpreter Spanish, per minute	0.5600
2	99,999,999.00 EA	00000000100231644	Telephonic Interpreter non-Spanish, per minute	0.7300



## Rapid Response Orientation Presentation Excerpt



# EQUAL OPPORTUNITY

**WorkOne is an Equal Opportunity Program/Employer**  
*Auxiliary aids and services are available upon request*

If you think that you have been subjected to discrimination you may file a complaint within 180 days from the date of the alleged violation.

File a complaint to:  
*This is where the Local EO Officer enters their NAME and contact information*

Or Send Complaint To:

**Director, Civil Rights Center (CRC)**  
**U.S. Department of Labor**  
**200 Constitution Avenue NW**  
**Room N- 4123, Washington, DC 20210**

## Element 3: Review Assurances, Job Training Plans, Contracts, and Policies and Procedures

*[29 CFR 38.25 and 38.54]*

Indiana ensures compliance with 29 CFR Part 38.25 and 38.54 regarding the review of assurances, job training plans, contracts, policies and procedures through various means. This includes requiring that all WIOA Title I grant applicants and recipients agree to the EO assurance language prescribed by Part 38.25<sup>35</sup> and are able to provide programmatic and physical accessibility for individuals with disabilities. Further, it encompasses the review of job training plans, contracts, policies and procedures at the state and local level to ensure they are nondiscriminatory and include the required assurances.

### Assurance Language

Indiana's WIOA State Plan offers an assurance that appropriate action has been taken to comply with Section 188.<sup>36</sup> Further, DWD Policy 2016-09 requires the inclusion of the EO assurance language in all contracts, grants, cooperative agreements, applications, or other arrangements.

DWD Policy, in compliance with Part 38.25(a)(2), informs all recipients that this nondiscrimination assurance is considered incorporated by operation of law in the grant, cooperative agreement, contract, or other arrangement whereby Federal financial assistance under WIOA Title I is made available, whether or not it is physically incorporated in such document and whether or not there is a written agreement between the DOL and the recipient, or between the DOL and the Governor, between the Governor and the recipient, or between recipients.

The assurance also may be incorporated by reference in such grants, cooperative agreements, contracts, or other arrangements. In lieu of including the assurance language in its entirety for smaller contracts or agreements, DWD Policy has provided that the following reference to the language may be used:

“The equal opportunity and nondiscrimination assurances at 29 CFR Part 38.25 apply to this contract/ agreement.”

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<sup>35</sup> Documentation 3.1: Required Assurance Language from DWD Policy 2016-09

<sup>36</sup> Documentation 3.2: Excerpt from Indiana's WIOA State Plan

The LWDA grant agreements for WIOA Title I funds reflect the following:<sup>37</sup>

“The parties to this Grant Agreement assure that each will fully comply with the nondiscrimination and equal opportunity provisions of Section 188 of WIOA and its implementing regulations.”

The grant agreements also require the parties to assure the following is provided in the One-Stop delivery system:

- Facilities and programs are architecturally and programmatically accessible.
- Reasonable accommodations for individuals with disabilities.
- Cost allocation method for making reasonable accommodations.

The State EO Officer is currently working with internal partners, such as the program leads for the Eligible Training Provider List (ETPL), to ensure that the required assurance is included when/where applicable.

#### Assurance Reviews

DWD’s Regulatory Oversight and Compliance (ROC) monitoring team periodically review each LWDA’s contracts, policies, and other agreements to ensure they are nondiscriminatory and that they include all required EO assurances. The monitoring team and EO staff provide technical assistance as needed and conduct periodic desk audits to monitor each LWDA’s compliance with EO and nondiscrimination requirements. DWD’s EO Monitoring Tool outlines this process.<sup>38</sup> Some elements monitored include: structural accessibility, parking for individuals with disabilities, designated restrooms, appropriate signage, program accessibility, and effective communication for persons with disabilities and LEP individuals. For further detail on the monitoring process, please refer to Element 7.

DWD Policy 2016-10, “One-Stop Center Certification” outlines Indiana’s One-Stop Certification process.<sup>39</sup> In accordance with this policy, each LWDA completed a certification tool with verifications for EO provisions, including proper EO awareness and accessibility.<sup>40</sup>

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<sup>37</sup> Documentation 3.3: Grant Boilerplate Language Excerpt

<sup>38</sup> For more information, see Element 7 and Documentation 7.8

<sup>39</sup> Documentation 3.4: DWD Policy 2016-10: One-Stop Center Certification

<sup>40</sup> Documentation 3.5: Excerpt from One-Stop Certification Tool

### Element 3 Documentation

Documentation 3.1: Required Assurance Language

Documentation 3.2: Excerpt from Indiana's WIOA State Plan

Documentation 3.3: Grant Boilerplate Language Excerpt

Documentation 3.4: DWD Policy 2016-10: One-Stop Center Certification

Documentation 3.5: Excerpt from One-Stop Certification Tool

## Attachment B

### Required Assurance Language (38.25)

(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.

## Excerpt from Indiana's WIOA State Plan

the plan was open for public comment. Additionally 3 meeting were held throughout the state, coordinated by the core partners, to take live public comment. The state plan was approved by the state board in January, 2016, in anticipation of the March, 2016 submission date. When the new state plan ICR came out and the plan due date was moved back to April, 2016, slight modifications were made to the plan through the taskforce. The State Board approved the revisions at the March, 2016 State Board meeting and the plan was submitted on time in April.

A similar process was used for the 2018 State Plan updates.

### **V. Common Assurances (for all core programs)**

The Unified or Combined State Plan must include assurances that—

1. The State has established a policy identifying circumstances that may present a conflict of interest for a State Board or local board member, or the entity or class of officials that the member represents, and procedures to resolve such conflicts; Yes
2. The State has established a policy to provide to the public (including individuals with disabilities) access to meetings of State Boards and local boards, and information regarding activities of State boards and local boards, such as data on board membership and minutes; Yes
3. The lead State agencies with optimal policy-making authority and responsibility for the administration of core programs reviewed and commented on the appropriate operational planning elements of the Unified or Combined State Plan, and approved the elements as serving the needs of the populations served by such programs; Yes
4. (a) The State obtained input into the development of the Unified or Combined State Plan and provided an opportunity for comment on the plan by representatives of local boards and chief elected officials, businesses, labor organizations, institutions of higher education, the entities responsible for planning or administering the core programs, required one-stop partners and the other Combined Plan programs (if included in the State Plan), other primary stakeholders, including other organizations that provide services to individuals with barriers to employment, and the general public, and that the Unified or Combined State Plan is available and accessible to the general public; (b) The State provided an opportunity for review and comment on the plan by the State Board, including State agency official(s) for the Unemployment Insurance Agency if such official(s) is a member of the State Board; Yes
5. The State has established, in accordance with WIOA section 116(i), fiscal control and fund accounting procedures that may be necessary to ensure the proper disbursement of, and accounting for, funds paid to the State through allotments made for the core programs to carry out workforce development activities; Yes
6. The State has taken appropriate action to secure compliance with uniform administrative requirements in this Act, including that the State will annually monitor local areas to ensure compliance and otherwise take appropriate action to secure compliance with the uniform administrative requirements under WIOA section 184(a)(3); Yes

7. The State has taken the appropriate action to be in compliance with WIOA section 188, Nondiscrimination, as applicable; Yes
8. The Federal funds received to carry out a core program will not be expended for any purpose other than for activities authorized with respect to such funds under that core program; Yes
9. The State will pay an appropriate share (as defined by the State board) of the costs of carrying out section 116, from funds made available through each of the core programs; Yes
10. The State has a One-Stop certification policy that ensures the physical and programmatic accessibility of all One-Stop centers with the Americans with Disabilities Act of 1990 (ADA); Yes
11. Service providers have a referral process in place for directing Veterans with Significant Barriers to Employment (SBE) to DVOP services, when appropriate; and Yes
12. Priority of service for veterans and eligible spouses is provided in accordance with 38 USC 4215 in all workforce preparation, development or delivery of programs or services funded directly, in whole or in part, by the Department of Labor. Yes

## **VI. Program-Specific Requirements for Core Programs**

The State must address all program-specific requirements in this section for the WIOA core programs regardless of whether the State submits either a Unified or Combined State Plan.

### **Program-Specific Requirements for Adult, Dislocated Worker, and Youth Activities under Title I-B**

The Unified or Combined State Plan must include the following with respect to activities carried out under subtitle B--

#### **a. Adult, Dislocated Worker, and Youth Activities General Requirements**

##### **1. Regions and Local Workforce Development Areas**

###### **A. Identify the regions and the local workforce development areas designated in the State.**

There are 12 local workforce development areas and they are identified in DWD policy 2017-11 Regional Designations under WIOA. . As to Regions, all local workforce development areas are their own region, except for areas 5 and 12. Areas 5 and 12 will be planning regionally. Regions consist of the following counties:

- Region 1: Lake, Porter, LaPorte, Newton, Jasper, Pulaski, Starke

## Grant Boilerplate Language Excerpt

Failure to provide insurance as required in the Grant may be deemed a material breach of contract entitling the State to immediately terminate this Grant.

### **16. Licensing Standards**

The Grantee, its employees and subgrantees shall comply with all applicable licensing standards, certification standards, accrediting standards and any other laws, rules or regulations governing services to be provided by the Grantee pursuant to this Grant Agreement. The State will not pay the Grantee for any services performed when the Grantee, its employees or subgrantees are not in compliance with such applicable standards, laws, rules or regulations. If any license, certification or accreditation expires or is revoked, or any disciplinary action is taken against an applicable license, certification or accreditation, the Grantee shall notify the State immediately and the State, at its option, may immediately terminate this Grant Agreement.

### **17. Lobbying Activities**

- A. Pursuant to 31 USC §1352, and any regulations promulgated there under, the Grantee hereby assures and certifies, and will require any subcontractor or subgrantee to assure and certify, that no federally appropriated funds have been paid, or will be paid, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress, in conjunction with the awarding of any federal grant, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan or cooperative agreement.
- B. If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this grant, the Grantee and any subcontractor shall complete and submit "Standard Form LLL" ("Disclosure Form to Report Lobby").

### **18. Modification**

The parties shall modify or extend this Agreement consistent with applicable law and DWD policy. Such modification or extension shall be made by mutual written agreement of the parties and subsequent approval by all appropriate state officials or their designees.

### **19. Monitoring and Compliance**

The State shall monitor the Grantee's compliance with the terms and conditions of the Grant Agreement including all applicable statutes, regulations, directives and mandates. The Grantee shall provide the State reasonable and adequate opportunity to conduct this monitoring, including providing the opportunity to review and audit all relevant documents, forms, reports or any other records at any time during the term of this Grant Agreement and after the Expiration Date as may be reasonably necessary to monitor compliance with this Grant Agreement. The Grantee will be responsible for on-site monitoring of any sub-recipient.

### **20. Nondiscrimination**

Pursuant to the Indiana Civil Rights Law, specifically including IC 22-9-1-10, and in keeping with the purposes of the federal Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act, the Grantee covenants that it shall not discriminate against any employee or applicant for employment relating to the Grant with respect to the hire,

tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment because of the employee or applicant's : race, color, national origin, religion, sex, age, disability, ancestry, status as a veteran, or any other characteristic protected by federal, state, or local law ("Protected Characteristics"). Furthermore, the Grantee certifies compliance with applicable federal laws, regulations, and executive orders prohibiting discrimination based on the Protected Characteristics in the provision of services.

The Grantee understands that the State is a recipient of federal funds, and therefore, where applicable, the Grantee and any subgrantees agree to comply with requisite affirmative action requirements, including reporting, pursuant to 41 CFR §60-1.1 et seq., as amended, and Section 202 of Executive Order 11246.

- A. **Equal Opportunity Assurances:** The parties to this Grant Agreement assure that each will fully comply with the nondiscrimination and equal opportunity provisions of Section 188 of WIOA and its implementing regulations. These regulations prohibit discrimination because of race, color, religion, sex, national origin, age, disability, or political affiliation or belief in both participation and employment. In the case of participants only, it prohibits discrimination based on citizenship, or his or her participation in any WIOA Title I- financially assisted program or activity.
- B. **Discrimination Complaint Procedures:** The parties to this Grant Agreement will assure those complaints alleging discrimination on any of the above bases will be processed in accordance with applicable WIOA regulations and DWD policy 2016-09, as well as any subsequent DWD policy which rescinds and replaces these, developed pursuant to this section and approved by the U.S. Department of Labor's Civil Rights Center.
- C. **Accessibility and Reasonable Accommodation:** Pursuant to applicable WIOA regulations, the parties to this Grant Agreement will assure that the following is provided in the One-Stop delivery systems:
  - 1) Facilities and programs which are architecturally and programmatically accessible;
  - 2) Reasonable accommodations for individuals with disabilities;
  - 3) Cost allocation method for making reasonable accommodations (i.e., shared or paid by one entity).
- D. **Obligation to Provide Notice:** The parties to this Grant Agreement will provide ongoing and continuing notification that it does not discriminate on any of the prohibited basis in accordance with applicable regulations for Section 188 of WIOA.

## **21. Notice to Parties**

Whenever any notice, statement or other communication is required under this Grant, it shall be sent by first class mail or via an established courier / delivery service to the following addresses, unless otherwise specifically advised.

Notices to the State shall be sent to:

Indiana Department of Workforce Development  
ATTN: Commissioner  
10 North Senate Ave., IGCS, 3rd Floor  
Indianapolis, IN 46204

Notices to the Grantee shall be sent to:

Linda Woloshansky, President  
Center of Workforce Innovations, Inc.  
2804 Boilermaker Court, Suite E  
Valparaiso, IN 46383



**To:** Workforce Development Board Chairs  
Workforce Development Board Directors

**From:** Regina Ashley, Chief Strategy Officer

REA

**Date:** March 20, 2017

**Subject:** DWD Policy 2016-10  
One-Stop Center Certification

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## Purpose

To communicate the process and criteria for evaluating and certifying Indiana's comprehensive and affiliate one-stop centers pursuant to the Workforce Innovation and Opportunity Act (WIOA).

## Rescission

None

## References

WIOA Sec. 121  
WIOA Regulations Sec. 678.800, 678.305, 678.310  
TEGL 4-15

## Content

### *Definitions*

#### Comprehensive One-Stop Center

A comprehensive one-stop center is a physical location where job seeker and employer customers can access the programs, services, and activities of all required one-stop partners. A comprehensive one-stop center must have at least one WIOA title I staff person physically present 100% of the time.

### Affiliate Center

An affiliated site, or affiliate one-stop center, is a site that makes available to job seeker and employer customers one or more of the one-stop partners' programs, services, and activities. An affiliated site does not need to provide access to every required one-stop partner program. The frequency of program staff's physical presence in the affiliated site will be determined at the local level. Affiliated sites are access points in addition to the comprehensive one-stop center(s) in each local area. If used by local areas as a part of the service delivery strategy, affiliate sites must be implemented in a manner that supplements and enhances customer access to services.

In addition to the above requirements for an affiliate center, DWD further defines affiliate centers to mean physical buildings owned and/or operated by the local WDB and its designees.

### **Background**

Title I of WIOA requires the State Board (Indiana State Workforce Innovation Council), in consultation with Chief Elected Officials and Local Workforce Development Boards (WDBs), establish objective criteria and procedures for the local WDBs to evaluate and certify the comprehensive and affiliate one-stop centers<sup>1</sup> located within its Local Workforce Development Area (LWDA). The evaluation and certification examines effectiveness (including customer satisfaction), physical and programmatic accessibility, and continuous improvement. Each one-stop center must be certified in order to be designated as a "one-stop center" and receive funding for infrastructure under the state infrastructure funding mechanism. The certification of one-stop centers is essential to set a minimum level of quality and consistency of services in the one-stop centers across the state.

### **Roles and Responsibilities**

The Indiana Department of Workforce Development (DWD), on behalf of the Indiana State Workforce Innovation Council (SWIC), is responsible for oversight of the one-stop center certification process. DWD, in consultation with the SWIC, is also responsible for ensuring the one-stop certification criteria is reviewed and updated every two years as part of the review and modification of the WIOA State Plan. DWD is also responsible for certifying the one-stop centers when the local board is the one-stop operator in a LWDA.

The local WDBs are responsible for oversight of the one-stop center certification process at the local level and for the appointment of a certification team to conduct the one-stop certification reviews for each one-stop center in its LWDA (unless the local WDB is also the one-stop operator, discussed more fully below). The local WDB must use the *Indiana One-Stop Center Certification Review Form* (Attachment A) and the corresponding criteria established by DWD.

The local WDB may set higher standards for service coordination beyond those identified in the one-stop certification criteria established by the SWIC. However, the additional criteria must be clearly identified in an addenda to the *Indiana One-Stop Center Certification Review Form*.

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<sup>1</sup> Comprehensive and Affiliate One-Stop centers will be collectively referred to throughout this policy as "one-stop center(s)"

## *Procedure*

### **Certification Teams**

If the local WDB does NOT serve in the role of the one-stop operator for its LWDA, the local WDB has the discretion to appoint a team of three or more individuals to conduct the one-stop certification review, so long as there are no conflicts of interest. One of the three individuals appointed to serve on the certification team must be a local WDB member. The local WDB shall notify the chief elected official of the certification team selection.

If the local WDB does serve in the role of one-stop operator for a LWDA, DWD shall be responsible for conducting the one-stop center certification for each one-stop center in that particular LWDA. DWD will appoint a review team of three or more state staff to conduct the certification and ensure there are no conflicts of interest.

The individuals selected to be on either the DWD or local WDB certification team must be able to conduct an independent and objective evaluation of the one-stop center(s) and make a recommendation to the local WDB (if local WDB certification team) or the SWIC/committee (if DWD certification team). One individual on the certification team must serve as the “team lead” for contact purposes.

### **Certification Process**

The certification team shall contact each center to schedule a time to visit the center and conduct the onsite one-stop certification review.

During the onsite certification review, the certification team shall conduct staff interviews with applicable staff<sup>2</sup>. Interviewees shall include the Center Manager, the local Equal Opportunity Officer, and a random sample of at least 20 percent of the frontline (state and partner) service staff at the one-stop center to determine their level of knowledge pertaining to the following:

- WIOA partner programs/services;
- Local Initiatives;
- One-stop center policies and procedures;
- Staff roles and contributions to performance; and
- Awareness of accessibility requirements and available assistive technologies.

The Certification team shall review all necessary documentation including the following:

- The Local MOU;
- Business and/or Local Plan;
- Local policies, procedures, manuals;
- Complaints and compliance findings;

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<sup>2</sup> An affiliate center will likely not have all of the identified staff for the purpose of staff interviews. The certification team should interview the available staff in those centers.

- Marketing and other printed materials;
- Training schedules;
- Customer feedback reports; and
- Customer employment plans/case notes.

### **Certification Determination**

The certification teams shall determine, as a group, whether a one-stop center has sufficiently met the certification criteria. Certification teams shall use the *Indiana One-Stop Center Certification Review Form* and submit a written determination to the DWD Policy Department and the local WDB (if local WDB certification team) or the SWIC/committee (if DWD certification team) within thirty (30) days of conducting the one-stop center certification review. The written documentation shall include:

- A determination of “Certified” or “Not Certified”;
- Documentation that each criteria was reviewed;
- Details regarding areas denoted “Not Meets” or “In Progress”;
- In the event of non-certification, an action plan and timetable prepared in consultation with the One-stop operator to bring the one-stop center into compliance; and
- In the event of non-certification, a date for follow-up review within ninety (90) days.

If the one-stop center fails to achieve certification, the certification team must re-evaluate the one-stop center in ninety (90) days of the written determination. The certification team shall submit, to DWD and the local WDB (if local WDB certification team) or the SWIC/committee (if DWD certification team), a follow-up, written determination within thirty (30) days or reevaluation.

### ***Non-Certification***

If a one-stop center fails to achieve certification after the ninety (90) day re-evaluation review, the center shall be deemed *probationary*, and DWD will notify the chief elected official. The local WDB shall have one year to bring a probationary one-stop center into compliance (infrastructure cost-funding will not be impacted during this time frame). If a local WDB fails to certify any one-stop center after the one year probationary period, that one-stop center will not be eligible for infrastructure-cost funding under the state-funding mechanism for the ensuing program year. Local WDBs may also consider additional ramifications for failing one-stop certifications in their one-stop operator contracts.

### ***Frequency of Certification***

Each one-stop center must be certified every three (3) years.

## ***Submitting Documentation***

Documentation regarding the one-stop center certification should be sent electronically ([policy@dwd.in.gov](mailto:policy@dwd.in.gov)) or by mail the DWD Policy Department.

Policy Department  
Indiana Department of Workforce Development  
10 North Senate Avenue; Room SE308  
Indianapolis, IN 46204-2277

## **Action**

At least ONE comprehensive center in each LWDA must be certified no later **January 1, 2018**. All remaining one-stop centers in a LWDA should be certified no later than **March 30, 2018**. Once certified, the certification status will remain in effect for three years. All future certifications shall be completed no later than March 31 immediately preceding the beginning of the third program year. (*ie-March 30, 2021 for the next round of certifications*)

## **Effective Date**

March 20, 2017

## **Ending Date**

Upon rescission.

## **Contact for Questions**

[policy@dwd.in.gov](mailto:policy@dwd.in.gov)

## **Attachments**

A- *Indiana One-Stop Center Certification Review Form*

## Excerpt from One-Stop Certification Tool

6.5	<b>The center provides maximum access to partner agency programs, which may include providing services outside normal business hours if the local WDB determines there is a need for an extension of service hours.</b>			
	<i>Does the center provide services outside of regular business hours when the need is identified?</i>			
	Comments:			
6.6	<b>Regular business hours are clearly visible outside of the one-stop center building.</b>			
	<i>Verify through observation.</i>			
	Comments:			
<b>7. Equal Opportunity Awareness</b>				
7.1	<b>The local Equal Opportunity Officer periodically reviews policies and procedures regarding accessibility and equal opportunity and provides staff training and updates.</b>			
	<i>Verify the last time the EO officer reviewed/updated policies and procedures. Have staff received training? How often is training provided? Are new employees trained?</i>			
	Comments:			
7.2	<b>The required Equal Opportunity tagline is included on all documents.</b>			
	<i>Review flyers. Forms, brochures, and handouts given to all customers.</i>			
	Comments:			

7.3	<b>There is a process in place for customers to file Equal Opportunity complaints/grievances and a process for addressing these complaints/grievances when they are filed.</b>			
	<i>Review procedural documents pertaining to EO complaints/grievances.</i>			
	Comments:			
<b>8. Physical Accessibility</b>				
8.1	<b>The center is in compliance with all accessibility requirements under Federal Law. The one-stop center meets the physical accessibility requirements under WIOA Sec. 188, set forth in 29 CFR 38.</b>			
	<i>Verify through the DWD Oversight and Compliance Dept.</i>			
	Comments:			
8.2	<b>Staff and program partners are able to demonstrate they know how to use adaptive and assistive technologies and are aware of the available resources.</b>			
	<i>Verify through staff interviews and observation.</i>			
	Comments:			
8.3	<b>A written policy explains how required partners in the one-stop center make reasonable accommodations and includes procedures for handling requests for accommodations</b>			
	<i>Review reasonable accommodations policy and/or procedures.</i>			
	Comments:			

8.4	<b>Workshops are accessible to all customers. The one-stop center has the ability to provide reasonable accommodations to ensure equal access.</b>			
	<i>Verify through observation to ensure workshops are accessible and reasonable accommodations are provided as needed.</i>			
	Comments:			
8.5	<b>The one-stop center utilizes available resources, such as Vocational Rehabilitation Services, to ensure accessibility.</b>			
	<i>Verify through staff interviews and observation. Do staff know when to make the appropriate referrals to agencies such as VR, when needed? Are staff aware of interpreter services/technology available for limited English proficient (LEP) individuals?</i>			
	Comments:			
<b>9. Continuous Improvement</b>				
9.1	<b>Local board or committee meeting minutes reflect discussion about outcomes and strategic improvements.</b>			
	<i>Review board or committee minutes.</i>			
	Comments:			
9.2	<b>The one-stop center has a process in place for customers to provide feedback or complaints outside of the customer feedback survey. The process should identify how complaints are tracked and corrective action plans.</b>			
	<i>Review process for filing complaints to ensure it contains these requirements.</i>			
	Comments:			

## Element 4: Affirmative Outreach

[29 CFR 38.40]

Recipients must ensure equal access to programs and activities by making reasonable efforts to include members of the various groups protected by Section 188, 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.<sup>41</sup> The DWD EO Policy<sup>42</sup> communicates this requirement and provides the following examples of outreach efforts:

- Targeting specific populations in advertisements
- Sending information to schools or community service groups
- Consulting with community service groups on ways to improve outreach and service

### Demographic Assessment

Hoosiers by the Numbers<sup>43</sup> provides the latest, most detailed public data related to labor force, industry, occupations, unemployment, demographics, and job growth and serves as the official source for labor market information for the state of Indiana. Users can pull demographic data (e.g., population data by age, race, ethnicity, gender, etc.) by region to assist in determining targeted populations for outreach efforts.<sup>44</sup> Local demographic information assists the LWDA's in their diversity planning and service development.<sup>45</sup>

### General Outreach Efforts

DWD and its WorkOne Centers strive to serve a broad range of customers through outreach and other utilization of partner resources. Such efforts include community outreach, job fairs, job information centers, as well as posters, fliers, and brochures promoting WIOA Title I programs and activities. WorkOne Centers participate in college/school career days, job fairs and on-site dislocated worker Rapid Response services in order to disseminate information on re-employment services and career opportunities for the general community and, more specifically, for minorities, older workers, veterans and non-veterans with disabilities.<sup>46</sup>

DWD has also recently established the position of Director of Program Diversity to increase the diversity of employers engaged with at the state level, in order to make them aware of relevant programs and opportunities, as well as to promote opportunities for the clients served by DWD.

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<sup>41</sup> 29 CFR 38.40

<sup>42</sup> DWD Policy 2016-09 (see Documentation 1.5)

<sup>43</sup> [www.hoosierdata.in.gov](http://www.hoosierdata.in.gov)

<sup>44</sup> Documentation 4.1: Hoosiers by the Numbers Sample Data

<sup>45</sup> Documentation 4.2: Region 11 and 12 Data Sample

<sup>46</sup> Documentation 4.3 and 4.4: Affirmative Outreach Samples I and II

Many services are available in multiple formats, including web-based applications for labor exchange, unemployment insurance, and labor market information. Customers can go online to access their specific region's WorkOne website to view information regarding programs, services, training, upcoming job fairs, special events, employment opportunities and unemployment insurance. The websites are available at <http://www.in.gov/dwd/WorkOne/locations.html>.

To ensure affirmative outreach at the local level, many WorkOne Centers have taken action such as:

- Posting signs to inform customers of telephone numbers to call or to see the manager if an accommodation is needed to receive services;
- Identifying individuals and organizations available if assistance is needed to provide services or information in a language other than English;
- Utilizing employees who have skills in languages other than English to assist customers by providing instruction, conveying information, or assisting with completing forms;
- Developing and maintaining contacts with community-based organizations and advocacy groups to ensure the center meets specific needs;
- Coordinating linkages with other federal, state and local agencies serving the various segments of the populations have been developed;
- Participating in community employment events such as job fairs, seminars, and public recruitment for employers to publicize the services of WorkOne Centers; and
- Encouraging employers to engage with Indiana's workforce system via on-site visits with employers and community agencies, participation in job fairs, special recruitment efforts, and employer seminars.

### Specific Population Outreach Efforts

The full range of employment and training services delivered through Indiana's WorkOne system is accessible to, and meets the needs of, specific populations. Such populations include dislocated workers, displaced homemakers, low income individuals, migrant and seasonal farm workers, women, minority individuals, individuals training for non-traditional employment, veterans, public assistance recipients, and individuals with multiple barriers to employment, including older individuals, people with limited English proficiency, and people with disabilities. LWDAs are encouraged to develop innovative outreach methods for these populations and to develop relationships with various local organizations and community service groups that may target certain populations.

Examples of specific population outreach efforts are outlined below.

### *Limited English Proficient (LEP)*

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be classified as LEP. Various services are offered within the twelve LWDAs, including but not limited to, bilingual staff, hand-held translators, English as a Second Language classes, and the use of accessibility stations. Further, the Unemployment Insurance call center employs Spanish-speaking staff to assist customers as needed. At the state level, DWD has an existing contract for Interpreter Services. Although these services are available to all of our WorkOne offices, DWD intends to develop additional guidance regarding service to the LEP population.

Recipients are aware that written materials containing vital information must be translated and readily available for languages spoken by a significant number or portion of the population eligible to be served, or likely to be encountered, and further, reasonable steps must be taken to meet the particularized language needs of any LEP individual, regardless of population size.<sup>47</sup> Once a recipient becomes aware of an LEP individual's preferred language, the recipient must convey vital information in that language.

### *Migrant and Seasonal Farm Workers*

The State Monitor Advocate (SMA) provides technical assistance to staff of the WorkOne system, including training on referral of migrant and seasonal farm workers (MSFW) to agricultural and non-agricultural job orders and coordination of services for the MSFW Outreach function.

The MSFW Outreach Specialist works in conjunction with Proteus Inc. and other MSFW community agencies to provide resources and information regarding our WorkOne Centers. DWD anticipates providing Outreach staff with updated brochures on migrant and seasonal farm worker services available from DWD. These brochures will also be posted in the licensed labor camps and the Outreach offices. Additional opportunities for Outreach staff include: working with crew leaders and employers in creating an awareness of the services available in filling openings, crew leader registration, and interpretation/translation services that can be found with the local office. Referrals are made as needed for job search, placement assistance, or other needs with which DWD can assist.

Approximately 71 licensed temporary labor camps and 20 other farm worker employers throughout Indiana represented supplementary contact prospects. A data summary report is provided to DWD and other funding sources at the end of every migrant season, as well as an annual report. These reports are a compilation of all the information gathered from farm workers through the outreach, intake and referral/assessment process.

### *Youth: Jobs for America's Graduates (JAG)*

Indiana has implemented a statewide multi-year drop-out prevention and school-to-career program targeting high school juniors and seniors with barriers to success. An advisory group consisting of a JAG classroom Specialist, high school counselors and administrators, and

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<sup>47</sup> 29 CFR 38.9

workforce program managers selects thirty-five (35) to forty-five (45) students per program. Students with academic, socioeconomic, cultural or familial barriers are selected to participate in the program, which is a DOE credited course. Students receive two years of employability skills training, academic remediation, leadership development training and workforce preparation. Indiana operates several special programs targeted at special populations, including a bi-lingual program in Seymour high school, a program for students who are deaf and hard of hearing at the Indiana School for the Deaf, and other programs working with minority students in some of Indiana's urban school environments.

### *Disabled Individuals*

The special needs of the disabled are addressed in Indiana's WorkOne Centers through various programs and services. Job seekers with disabilities can access information and link to various resources on the Indiana Career Ready (ICR) website<sup>48</sup> for support in preparing for, obtaining and retaining employment. The State and Local EO Officers ensure that all staff are knowledgeable about the importance of meaningful access to services and monitor facilities, programs, and services for physical and programmatic accessibility.

Jobs for Veterans State Grant (JVSG). Indiana also offers specialized programs and services to disabled veterans. DWD operates the JVSG program, which provides federal funding for hiring dedicated staff to provide individualized career and training-related services to veterans and eligible persons with significant barriers to employment and to assist employers in filling their workforce needs with job-seeking veterans. The JVSG program supports the Disabled Veterans' Outreach Program (DVOP) specialist position and the Local Veterans' Employment Representative (LVER) staff. Indiana currently has 23 DVOP specialists and 18 LVER staff. DVOP specialists provide individualized career services to veterans with significant barriers to employment, with the maximum emphasis directed toward serving veterans who are economically or educationally disadvantaged. Veterans with barriers include homeless veterans and vocational rehabilitation clients. LVERs conduct outreach to employers and business associations and engage in advocacy efforts with hiring executives to increase employment opportunities for veterans and encourage the hiring of disabled veterans.<sup>49</sup> Veteran-focused policies on the State level include DWD Policy 2015-09,<sup>50</sup> which further explains required roles and responsibilities for DVOPs and LVERs, and DWD Policy 2015-08,<sup>51</sup> which outlines priority of service for Veterans and eligible spouses.

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<sup>48</sup> <https://www.indianacareerready.com/JobSeeker/DisabilityServices>

<sup>49</sup> Documentation 4.5: USDOL JVSG Program Fact Sheet

<sup>50</sup> Documentation 4.6: DWD Policy 2015-09: DVOP and LVER Roles/Responsibilities

<sup>51</sup> Documentation 4.7: DWD Policy 2015-08: Priority of Services for Veterans and Eligible Spouses

## Priority of Service

WIOA requires that priority of service be given to recipients of public assistance, other low income individuals, and individuals who are basic skills deficient for receipt of career services and training services.<sup>52</sup> Priority of service assists with ensuring meaningful access to all populations served, including disabled and LEP individuals. DWD has instructed LWDA<sup>53</sup> that priority must be given to participants that fall into those three categories, as summarized below to include:

1. Recipients of public assistance.
2. Other low income individuals, meaning an individual who:
  - Receives, or in the past six months has received or is a member of a family that is receiving or has received in the past six months, assistance through the supplemental nutrition program (SNAP), TANF, supplemental security income under title XVI of the Social Security Act, or a state or local income-based public assistance program; or
  - Is in a family with total family income that does not exceed the higher of the poverty line or 70% of the lower living standard income level or
  - Is a homeless individual or
  - Is an individual with a disability whose own income meets the income requirements above, but who is a member of family whose income does not meet this requirement.
3. Individuals who are basic skills deficient, meaning a youth or adult who is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society. DWD considers an individual who meets ANY ONE of the following to be basic skills deficient:
  - Lacks a high school diploma or equivalency and is not enrolled in secondary education; or
  - Scores 8.9 or below on the TABE; or
  - Is enrolled in Title II adult education (including enrolled for ESL); or
  - Has poor English language skills (and would be appropriate for ESL even if the individual isn't enrolled at the time of WIOA entry into participation); or
  - Is WorkINDiana eligible; or
  - The case manager makes observations of deficient functioning and records those observations as justification in a case note.

The LWDA<sup>s</sup> track priority of service within ICC. Each LWDA must have written policy delineating how it will give priority of service. DWD is available for technical assistance to LWDA<sup>s</sup> that do

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<sup>52</sup> WIOA Section 134(c)(3)(E)

<sup>53</sup> Documentation 4.8: Interim Guidance on WIOA Title I Adult Priority of Service

not have 50% or more of their adult participants enrolled into one of the priority categories. Participants served as incumbent workers are excluded from the priority calculation.

### Partnership with Vocational Rehabilitation Services

DWD and its WorkOne system strive to maximize partner resources. For example, DWD coordinates with the Indiana Family and Social Services Administration (FSSA) and its Vocational Rehabilitation Services (VR or VRS) Division. VRS provides quality individualized services to enhance and support people with disabilities to prepare for, obtain or retain employment. Examples of the coordination between DWD, FSSA/VRS include:

- Implementation of Order of Selection (OS).<sup>54</sup> The Rehabilitation Act, as amended by WIOA, requires a state vocational rehabilitation agency to implement OS when it does not have sufficient resources to serve all eligible individuals. On August 1, 2017, Indiana became the 35th state to implement this process, which must be used to prioritize services to individuals with the most significant disabilities first. OS categorizes severity of disability into three priority categories:
  - Priority Category 1: Individuals with most significant disabilities
  - Priority Category 2: Individuals with significant disabilities
  - Priority Category 3: All other VRS eligible individuals (nonsignificant disabilities)

Under OS, Priority Category 1 individuals are served first. Priority Category 2 and 3 individuals are put on a deferred services list to be served if and when sufficient resources become available. Currently, Priority Category 3 individuals are referred to the WorkOne system.

- Cross training and service coordination. DWD/VR cohosted trainings in June and August 2017 to discuss the implementation and impact of OS. The trainings provided an opportunity for the partner agencies to learn more about each other and the services offered by each. Training was conducted to assist each partner in understanding VR and WIOA eligibility requirements, challenges, disability etiquette, and how best to serve various disabilities based on OS categories.<sup>55</sup>
- DWD participation on FSSA's bi-monthly Transition Advisory Council, which focuses on ensuring transition services for youth with disabilities; and
- FSSA/VRS promotion of the WorkOne system's accessible workstations and referring/meeting clients at the WorkOne centers to assist with their client's job search. DWD plans to provide additional staff training on the accessible work stations.

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<sup>54</sup> Documentation 4.9: Order of Selection; Documentation 4.10: Order of Selection FAQ

<sup>55</sup> Documentation 4.11: DWD/VR Roundtable Summit Notes; Documentation 4.12: Excerpts from DWD/VR Training Presentations

## Element 4 Documentation

Documentation 4.1: Hoosiers by the Numbers Sample Data

Documentation 4.2: Region 11 and 12 Data Sample

Documentation 4.3: Affirmative Outreach Sample I

Documentation 4.4: Affirmative Outreach Sample II

Documentation 4.5: USDOL JVSG Program Fact Sheet

Documentation 4.6: DWD Policy 2015-09: DVOP and LVER Roles/Responsibilities

Documentation 4.7: DWD Policy 2015-08: Priority of Service for Veterans and Eligible Spouses

Documentation 4.8: Interim Guidance on WIOA Title I Adult Priority of Service

Documentation 4.9: Order of Selection

Documentation 4.10: Order of Selection FAQ

Documentation 4.11: DWD/VR Roundtable Summit Notes

Documentation 4.12: Excerpts from DWD/VR Training Presentations



## Marion County, IN

Select a topic:

- Population**
- Education
- Commuting
- Labor Force
- Industry
- Income
- Firm Size

Download Options  
Please wait until page completely loads before changing format.

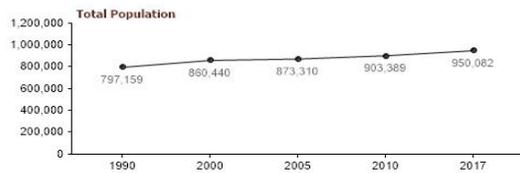


### Population

A region's economy thrives or dives because of the people who choose to live there. That choice may occur by being born there and desiring to stay, or a more deliberate one of choosing to relocate from somewhere else. Monitoring change in the size and movement of population is an important barometer of well-being.

#### Population Over Time

	1990	2000	2005	2010	2017
Total Population	797,159	860,440	873,310	903,389	950,082
Change Since 1990		63,281	76,151	106,230	152,923
Pct. Change Since 1990		7.9%	9.6%	13.3%	19.2%

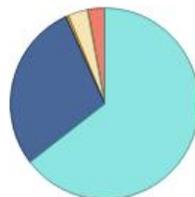


Source: US Census Bureau

### Population Estimates by Race and Hispanic Origin in 2017

	Number	Pct. Dist
American Ind. or Alaskan Native Alone	4,325	0.5%
Asian Alone	31,927	3.4%
Black Alone	272,167	28.6%
Native Hawaiian and Other Pac. Isl. Alone	680	0.1%
White Alone	613,539	64.6%
Two or More Race Groups	27,444	2.9%

#### Population by Race



- 64.58 % White
- 28.65 % Black
- 0.46 % Am. Ind or Alaskan Native
- 3.36 % Asian
- 0.07 % Hawaiian and Pac. Isl
- 2.89 % Two or More

### Hispanic or Latino

Non-Hispanic or Latino	850,162	89.5%
Hispanic or Latino	99,920	10.5%

Source: US Census Bureau

WP Participant Services by Race, Ethnicity and Gender

- LWMA Region: Region 11

- Date Range: 7/1/2016 - 2/16/2018

Individual Category	Total Participants	Basic Career Services (Self - Services)	Basic Career Services (Staff - Assisted)	Individualized Career Services	Information Only/ Workforce Information Services	Career Guidance	Job Search	Referred to Fed. Training	Referred to Employment	Placed into Employment
	% of Total	% of Total	% of Total	% of Total	% of Total	% of Total	% of Total	% of Total	% of Total	% of Total
Total Participants	24843	4952	6673	1346	5091	91	892	4608	4608	4610
	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Total Female	9904	2248	2532	533	2001	30	357	1792	1792	1792
	39.87%	45.40%	37.94%	47.03%	39.30%	32.97%	40.02%	38.89%	38.89%	38.87%
Total Male	14695	2584	4195	712	3087	60	535	2737	2737	2739
	59.11%	52.18%	61.97%	52.90%	60.64%	65.93%	59.98%	59.40%	59.40%	59.41%
Total African American/Black	3067	502	911	254	575	13	167	505	505	505
	12.47%	10.14%	13.65%	18.87%	11.29%	14.29%	18.72%	10.95%	10.95%	10.95%
Total American Indian/Alaskan Native	114	22	32	6	32	2	5	21	21	21
	0.46%	0.44%	0.48%	0.45%	0.53%	2.20%	0.56%	0.46%	0.46%	0.46%
Total Asian	92	16	17	3	18	0	4	10	10	10
	0.37%	0.32%	0.28%	0.22%	0.36%	0.00%	0.46%	0.22%	0.22%	0.22%
Total Hawaiian/Pacific Islander	42	9	11	6	7	0	2	9	9	9
	0.17%	0.18%	0.16%	0.45%	0.14%	0.00%	0.22%	0.20%	0.20%	0.20%
Total White	19503	4059	5245	970	4217	60	650	3770	3770	3772
	78.83%	81.97%	78.60%	72.07%	82.83%	65.93%	72.87%	81.81%	81.81%	81.82%
Total Multi-Racial	228	34	77	29	27	3	8	29	29	29
	0.92%	0.69%	1.15%	2.15%	0.53%	3.20%	0.90%	0.63%	0.63%	0.63%
Total Race Not Disclosed	1687	310	380	78	215	13	56	264	264	264
	6.79%	6.26%	5.69%	5.79%	4.22%	14.29%	6.28%	5.73%	5.73%	5.73%
Individual Category	Total Participants	Basic Career Services (Self - Services)	Basic Career Services (Staff - Assisted)	Individualized Career Services	Information Only/ Workforce Information Services	Career Guidance	Job Search	Referred to Fed. Training	Referred to Employment	Placed into Employment
	% of Total	% of Total	% of Total	% of Total	% of Total	% of Total	% of Total	% of Total	% of Total	% of Total

Total Rows: 111

EEO Wagner Peyser - Ethnicity and Race

- Customer Group: Wagner-Peyser  
 - LWIA/Region: Region 12  
 - Date Range: 7/1/2017 - 2/16/2018

EEO Wagner Peyser	Total	Hispanic or Latino		White		African American/Black		American Indian/Alaskan Native		Asian		Hawaiian/Other Pacific Islander		More than 1 Race	
		M	F	M	F	M	F	M	F	M	F	M	F	M	F
Total Applicants	8322	49	58	1826	2046	1967	1767	11	19	47	46	6	3	27	23
% to Total	100.0%	0.6%	0.7%	21.9%	24.6%	23.6%	21.2%	0.1%	0.2%	0.6%	0.6%	0.1%	0.0%	0.3%	0.3%
Total Referrals	479	1	1	113	139	103	81	0	1	2	3	0	0	7	3
% to Total	100.0%	0.2%	0.2%	23.6%	29.0%	21.5%	16.9%	0.0%	0.2%	0.4%	0.6%	0.0%	0.0%	1.5%	0.6%
Total Placed	2	0	0	0	1	0	1	0	0	0	0	0	0	0	0
% to Total	100.0%	0.0%	0.0%	0.0%	50.0%	0.0%	50.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
EEO Wagner Peyser	Total	Hispanic or Latino		White		African American/Black		American Indian/Alaskan Native		Asian		Hawaiian/Other Pacific Islander		More than 1 Race	
		M	F	M	F	M	F	M	F	M	F	M	F	M	F

Total Rows: 3

EEO Wagner Peyser - Age and Disability Status

- Customer Group: Wagner-Peyser  
 - LWM/Region: Region 12  
 - Date Range: 7/1/2017 - 3/31/2018

	EEO Wagner Peyser	Total	Age 14-21		Age 22-29		Age 30-54		Age 55 and up		Disability Status	
			M	F	M	F	M	F	M	F	M	F
Total Applicants		8323	180	168	748	731	2469	2497	749	768	144	176
% to Total		100.0%	2.2%	2.0%	9.0%	8.8%	29.7%	30.0%	9.0%	9.2%	1.7%	2.1%
Total Referrals		479	4	2	25	19	137	173	67	50	9	14
% to Total		100.0%	0.8%	0.4%	5.2%	4.0%	28.6%	36.1%	14.0%	10.4%	1.9%	2.9%
Total Placed		2	0	0	0	1	0	0	0	1	0	0
% to Total		100.0%	0.0%	0.0%	0.0%	50.0%	0.0%	0.0%	0.0%	50.0%	0.0%	0.0%
EEO Wagner Peyser			Age 14-21		Age 22-29		Age 30-54		Age 55 and up		Disability Status	
	Total		M	F	M	F	M	F	M	F	M	F

Total Rows: 3

## Affirmative Outreach - Examples from Community Partner Meetings

### Contact List for Community Collaboration Meeting

-----Original Appointment-----

**From:** Richard Sapper

**Sent:** Thursday, November 16, 2017 9:37 AM

**To:** Richard Sapper; [kdiernfeld@NWI-CA.org](mailto:kdiernfeld@NWI-CA.org); [riverac@ntto.net](mailto:riverac@ntto.net); Warner-Lowe, Cynthia J; [lsharp1457@mac.com](mailto:lsharp1457@mac.com); [lgonzale@ivytech.edu](mailto:lgonzale@ivytech.edu); Roger Cavazos; Latisha Smith (HS); [newhopehammond@yahoo.com](mailto:newhopehammond@yahoo.com); [timothycottingham@yahoo.com](mailto:timothycottingham@yahoo.com); Brandy Jania (GM); [jberry@healthyec.org](mailto:jberry@healthyec.org); [robert\\_bono@innp.uscourts.gov](mailto:robert_bono@innp.uscourts.gov); [Jeanish@aol.com](mailto:Jeanish@aol.com); [greenr@hammond.lib.in.us](mailto:greenr@hammond.lib.in.us); [robert\\_bono@innp.uscourts.gov](mailto:robert_bono@innp.uscourts.gov); Africa Tarver; [kara.johnson@geminus.org](mailto:kara.johnson@geminus.org); LaShawn Taylor; [earleanallen@rescare.com](mailto:earleanallen@rescare.com); [paige.nichols@rescare.com](mailto:paige.nichols@rescare.com); [dkekelik@ecps.org](mailto:dkekelik@ecps.org); [Rosemary\\_Salazar@usc.salvationarmy.org](mailto:Rosemary_Salazar@usc.salvationarmy.org); [wcallahan@cccsnwi.org](mailto:wcallahan@cccsnwi.org); Nicholas Neal (GM); [pastormcafee@kingdomchristiancenter.us](mailto:pastormcafee@kingdomchristiancenter.us); Luz Perez; [jdyer@catholic-charities.org](mailto:jdyer@catholic-charities.org); [stonetx@lakecountyin.org](mailto:stonetx@lakecountyin.org); [Abraham\\_Marin@usc.salvationarmy.org](mailto:Abraham_Marin@usc.salvationarmy.org); [leta\\_marin@usc.salvationarmy.org](mailto:leta_marin@usc.salvationarmy.org); Louise Valuckis; [esignars@echa-in.org](mailto:esignars@echa-in.org); [JUANITA.BOLAND@GEMINUS.ORG](mailto:JUANITA.BOLAND@GEMINUS.ORG); [gallegosg@gohammond.com](mailto:gallegosg@gohammond.com); [dharris313@ivytech.edu](mailto:dharris313@ivytech.edu); Myriah Freeman; [abarber@ibankpeoples.com](mailto:abarber@ibankpeoples.com); Vanessa Leal (HS); Tovar, Martina; Allen, Earlean; [bstanley@hammondhousing.org](mailto:bstanley@hammondhousing.org); [mpaniagua@hammondhousing.org](mailto:mpaniagua@hammondhousing.org); Joyner, Melissa B; [rcastro@hvusa.org](mailto:rcastro@hvusa.org); [lwillis@hvusa.org](mailto:lwillis@hvusa.org); Richard Nash; [grace.morin@firstmidwestbank.com](mailto:grace.morin@firstmidwestbank.com); Cunningham, Toyka; [cpruitt@calumettpw-in.gov](mailto:cpruitt@calumettpw-in.gov); Diana Sandlin; [cherylfreeman5664@comcast.net](mailto:cherylfreeman5664@comcast.net); [gcssbm@yahoo.com](mailto:gcssbm@yahoo.com); [jflagg@sbcglobal.net](mailto:jflagg@sbcglobal.net); [vallen@ulofnwi.org](mailto:vallen@ulofnwi.org); [tmorrisap@aol.com](mailto:tmorrisap@aol.com); [darnitha.woods@geminus.org](mailto:darnitha.woods@geminus.org); [jena@indianaparentinginstitute.org](mailto:jena@indianaparentinginstitute.org); [kstrong@ulofnwi.org](mailto:kstrong@ulofnwi.org); [melissa.rogers@devry.edu](mailto:melissa.rogers@devry.edu); Rogers, Melissa; [grace.morin@firstmidwest.com](mailto:grace.morin@firstmidwest.com); [mdelgado@impactnetworking.com](mailto:mdelgado@impactnetworking.com); Taylor, Jason A; Rogers, Melissa; Rebecca Morgan; [ccavanaugh@excelcenter.org](mailto:ccavanaugh@excelcenter.org); [rbeachy@excelcenterhs.org](mailto:rbeachy@excelcenterhs.org); [ccavanaugh@excelcenterhs.org](mailto:ccavanaugh@excelcenterhs.org); Ceean Cohill; [awilliamsap@aol.com](mailto:awilliamsap@aol.com); [catherine\\_spann@usc.salvationarmy.org](mailto:catherine_spann@usc.salvationarmy.org); [gracemorin@firstmidwest.com](mailto:gracemorin@firstmidwest.com); [sneal@ccfes.com](mailto:sneal@ccfes.com); [aabrummel@att.net](mailto:aabrummel@att.net); [msexan@nwi-ca.org](mailto:msexan@nwi-ca.org); [martina\\_tovar@fssa.in.gov](mailto:martina_tovar@fssa.in.gov); [therese@indianaparentinginstitute.org](mailto:therese@indianaparentinginstitute.org); [ccohill@catholic.charities.org](mailto:ccohill@catholic.charities.org); [bpeoples@goodwill-ni.org](mailto:bpeoples@goodwill-ni.org); Debie Coble; Stephanie Perkins; Sr. Peg Spindler; [janice\\_lawton@innp.uscourts.gov](mailto:janice_lawton@innp.uscourts.gov); [mcrisler@nationalable.com](mailto:mcrisler@nationalable.com); [shugunna.alexander@fssa.in.gov](mailto:shugunna.alexander@fssa.in.gov); [guadalupe.lopez@fssa.in.gov](mailto:guadalupe.lopez@fssa.in.gov); [Imaney@garyhousing.org](mailto:Imaney@garyhousing.org); Jacqueline Magee; Carol Williams; Rita DelaRosa; [jraelateju@cwicorp.com](mailto:jraelateju@cwicorp.com)

**Cc:** [harambeecorp@gmail.com](mailto:harambeecorp@gmail.com); [harambee\\_corporation@yahoo.com](mailto:harambee_corporation@yahoo.com); Sarah Jackson

**Subject:** Lake County Community Collaboration Meeting

**When:** Thursday, November 30, 2017 11:00 AM-12:30 PM (UTC-06:00) Central Time (US & Canada).

**Where:** Hammond WorkOne, 5265 Hohman Ave, Suite 1A Hammond, IN 46320

Examples of the organizations invited:

Northwest Indiana Community Action Agency, Adult Education, New Hope Missionary Baptist Church, Kingdom Christian Center, Vocational Rehabilitation, Salvation Army, US Courts, Economic Development, Catholic Charities, Township Trustees, Goodwill Industries, Northwest Indiana Urban League, Gary Housing Authority, Indiana Parenting Institute, National Able, Gary Commission on the Social Status of Black Males, International Community Alliance, Hammond Housing, the Aliveness Project



## **Community Partner Meeting**

**8/31/17**

### **Hammond WorkOne**

#### **Alexius Barber, People's Bank**

- Looking for entry level part time tellers.
- She is available for financial presentations in the community.
- Discussed that there credit building products and low cost products available to our customers.
- Workshop on October 28<sup>th</sup> in the Munster office for First Time Home Buyer

#### **Cindy Rivera, North Township Trustee**

- September 12<sup>th</sup>, hiring event for people who lost their jobs at Ultra or Stack's at Wicker Park in Highland
- Job Fair for Superior Ambulance for EMT, Paramedic and Management
- J&M staffing is looking for machine operators and a variety of other positions in two different locations.
- Circle of Services will have Fist Class staffing. Transportation is available.
- Transportation services still available through Dial a Ride
- Food giveaway at Wicker Park, food for 1000 people. 3-6 pm Friday, September 8<sup>th</sup>.
- All dates are available on attached flyers

#### **Luci Maney, Gary Housing Authority, Family Self Sufficiency Program**

- Family Self Sufficiency Coordinator
- Needs help from with jobs and transportation for the people that she works with.
- Trying to help individuals become self-sufficient.
- Graduated 20 people from her program.
- Working on first time home buyers program, but they do not have it yet.
- Participants put money in escrow so that they can become self sufficient
- She is here to network and to find resources for her voucher holders as well as to offer help where needed.

#### **Barb Stanley, Hammond Housing Authority, Family Self Sufficiency Program**

- Services similar to Gary.
- Need to form a committee to coordinate services (as does Gary).
- Working closely with Gary on collaborating on workshops and

#### **LaShawn Jones-Taylor, Catholic Charities**

- New Executive Director: Father Mark Peranitis

- Partnering with Walgreens to run a flu shot clinic in conjunction with the food pantry in East Chicago beginning in September
- Funding for energy assistance in East Chicago. Only funding for the moment.
- Looking for a part time person for the Michigan City office. Receptionist, front desk person. 21 hours per week.

#### **Alyssa Brummel, St. Jude House**

- Help to coordinate a variety of services for the people in her program.
- Has a need for helping to find housing subsidies for participants.
- Looking to connect with other organizations.

#### **Angela Williams, Aliveness Project**

- Free testing for HIV, Hep C Counseling, Housing for the clients that they work with.
  - At their location at 5490 Broadway in Merrillville or at your site.
- They have mental health counseling available.
- In need of banking, credit repair job placement, interviewing skills, etc.

#### **Sheryl Neal, Capital City**

- Social service agency that provides therapeutic service for probation and child services
- Job Fair on Sept 15<sup>th</sup> 10-2 6048 Broadway, case managers, therapists, home maker parent aids.

#### **Vanessa Allen-McCloud, Urban League**

- Lake, Porter and LaPorte counties
- September 20, Scholarship Fair for High School Seniors
  - Several colleges and universities on site for enrollment and scholarship
  - Opportunity for Vendors to reach out to parents and teenagers
  - 2.3 million in scholarships given last year
  - SAT/ACT scores, GPA, Transcripts
- Volunteer Income Tax Assistance coming in the spring for anyone making \$53,000 or less. Already looking for volunteers for this.
- Can help with people struggling with foreclosures with foreclosure modification.
- Food referral to local food banks and churches.
- Indiana Plan is located in the office. Pre-apprenticeship program.
  - Need to pass TABE at the 9<sup>th</sup> grade level, pass drug screen for free training
- 887-9621 Urban League Office number
- Diversity and Inclusion
  - Symposium is November 9<sup>th</sup> 9-2.
  - Purdue Northwest
  - Workshops on how to talk about diversity
  - Working with Senator Melton to have a jobs panel

- Looking for places to refer people to for computer skills training
- Looking for entrepreneurship programs

#### **LaShung Willis, Health Visions Midwest**

- Located in Hammond, but serve a 7 county region
- Focus is on Health Care.
- Nursing shortage is coming with retirements.
- Training provider as well for Community Health Workers.
  - Current training focus is on bilingual individuals.
  - Trained 61 statewide, 100% passed exam, working on getting employed now, 25 are in Lake County
  - Looking for partners to pick up 50% of the training.
  - Next training is October 9<sup>th</sup> for 5 days.

#### **Stephanie Perkins & Melisa Crisler National Able**

- Came to introduce their new Career Coach, Melisa Crisler
- Looking for new non-profit and governmental agencies as host agencies.
- Not looking for new participants at the moment.
- 55+, 125% of poverty guidelines
- Not in unsubsidized employment at time of enrollment
- Partnering with agencies

#### **Jason Taylor, Indiana Tech**

- College of Professional studies, adult learners with family obligations.
- Looking to be a resource for these learners to get a college education.
- Starting FAFSA Fridays with Porter Co United Way
- See handout attached

#### **Martina Tovar, Lupe Lopez, Shugunna Alexander & Melissa Joyner, Voc Rehab**

- Introduced Lake & Newton County Case Managers
- Low Vision, TBI and Hearing Impaired
- Order of selection went into effect on August 1<sup>st</sup>
  - Means that they are only serving the most severely disabled.
  - Most others are getting referred to other agencies through the 17 page resource directory
  - Those who also don't meet the most severely requirements are put on a deferred list.
- Might be able to support the adaptive technology
- Looking for Basic Computer Training
- Participants going to an orientation before being put on a referral list

### **Rob Bono & Janice Lawton, US Federal Probation**

- Needs for training possibilities
- Job search, job experience, teaching them to work

### **Grace Morin, First Midwest Bank**

- Hiring tellers, bankers, residential lending. Tellers can be in process with HS Diploma or HSE
  - Have to apply online
- Discussed free financial workshops, credit building, id theft, home ownership workshops.
- Bank On, second chance program for people with issues with checking accounts hand in hand with budgeting.

### **Rene Greenleaf, Hammond Public Library**

- September 30<sup>th</sup>, the Library is holding Build a Better Future.
  - Organizations who have training that are not necessarily college
  - If interested, please contact the library
- Discussed some of the programs that are available in the library, sign language, computer classes, etc.

### **Debbie Coble & Burgess Peoples, Goodwill**

- Sept 28<sup>th</sup>, new Griffith store with a Career Center attached to it.
- Will host job fairs, hiring events, etc
- Nurse Family Partnership is looking for some nurses for this program
- Discussed Out of School Youth Program
- Also, discussed Gary for Life
- Little Black Dress Event is November 1<sup>st</sup>
- More than a Store tours are available, look online for information.

### **Cindy Cavanaugh, Excel Center ( Goodwill)**

- High School Diploma Program, 8 week sessions. First Session in Hammond begins Sept 11<sup>th</sup>
- Dual credit or training is required
- Indiana Resident or and not on the Sex Offender List
- Located in Hammond across from Morton HS

### **Therese Bibbs, Indiana Parenting Institute**

- Located at 504 Broadway in Gary
- Parent Education, referrals through a variety of
- Birth – 18 program for parents and guardians

- Job training customer service training, job readiness
- Community Resource network for parents.
- Have a need for housing in Hammond/Highland

**Rich Sapper, Rico Nash, WorkOne**

- Next retail training is on September 25<sup>th</sup> at the Southlake Mall Retail Lab
  - Looking for individuals interested in the retail industry for the 2 week training.
  - Employer connections are an advantage to the training. Customers completing the training who became employed were earning on average \$2 more per hour than those who did not start or complete the training.
  - Discussed process. Please refer ASAP as we have to have individuals ready to go 10 days before
- October 3, CPT classes at Gary Ivy Tech
  - Discussed details (see attached flyer)
  - Process includes 2 workshops and an awareness session.
  - Please refer ASAP since it takes a bit of time to get through the process.
- Discussed available Workshops in the WorkOne offices.

Next Meeting: September 21 at North Township Circle of Services.

# WIOA: Serving Youth Since 2000

Since 2000, Northwest Indiana has provided employment and training services to youth in the following locations:

- Gary
- Hammond
- Jasper County
- La Porte County
- Newton County
- Porter County
- Pulaski County
- Starke County

1,650 youth were serviced in Northwest Indiana between July 2014–June 2017.



## Who do we Serve?

- Youth ages 16–24
- Economically disadvantaged
- Drop outs
- Youth deficient in basic literacy skills
- Pregnant and parenting
- Homeless, runaway or foster youth
- Ex-offenders
- Youth with disabilities
- Youth who need assistance in order to complete an education or training program

For more information contact:  
Justin Nutter  
219-362-2175, ext. 532 or  
jnutter@gotoworkonenw.com

September 2017



## Youth Programs in Northwest Indiana

### At Risk Youth Succeed in NW Indiana through the Workforce Innovation and Opportunity Act (WIOA) Program:

With unemployment among youth ages 16 –24 at an all time high, there are fewer employment opportunities for them in Northwest Indiana. Youth that have barriers to employment are finding an even harder time securing employment. The Workforce Innovations and Opportunity Act (WIOA) of 2014 enacted a youth program serving eligible low-income youth and young adults, ages 16-24, who face barriers to employment. WorkOne offices throughout Northwest Indiana provide WIOA services to youth and young adults.



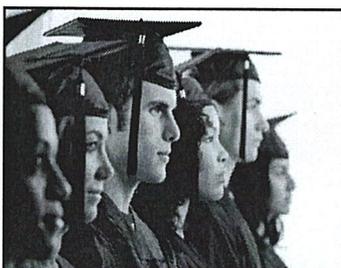
**Goals of the WIOA Youth Program:** One goal is to assist youth without a high school diploma or postsecondary credential to complete their education and obtain a diploma, certification, or degree. A second goal is placement into employment or post secondary education. A third goal is to help improve basic, academic, and job specific skills. The final goal is to provide them 12 months of follow up services.

**Work Based Learning:** Many youth lack a work history and the skills needed for successful employment. Work Based Learning Activities provide a youth with the opportunity to learn more about an actual work environment while gaining both job specific and soft skills needed for employment. Work Based Learning includes Job Shadowing, Internships/Work Experience, Pre-Apprenticeships, and On-the-Job Training. A youth is placed at a worksite for temporary or permanent employment based on the activity.

**Work Ready:** Youth learn about occupations in demand and employment opportunities throughout Northwest Indiana and gain skills needed to enter the workforce through a series of work ready workshops including resume development and interviewing skills.

**Guidance and Support.** Youth staff provide participants with ongoing career guidance and support through case management services and throughout their participation in the program.

### Preparing for Your Future: *Building Skills Through Occupational Training*



Skills development has been seen as an important tool for addressing youth employment. Are you interested in training or have a career in mind? Get started with completing career assessment and exploration using resources and tools at WorkOne. Meet with a Youth Career Advisor for career counseling and guidance. Need assistance with the costs of training? Funding may be available to help with your

training needs. WorkOne offers assistance with tuition, books, uniforms, tools and transportation costs. Contact WorkOne to see if you qualify.

"This promotional piece is funded by the U.S. Department of Labor and does not necessarily reflect our position. The Department of Labor makes no guarantees with respect to its accuracy, completeness or ownership."

*This WIOA Title 1-funded program/activity is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. The TDD/TTY number is 1-800-743-3333.*

**Department of Labor (DOL)**  
**Veterans' Employment & Training Service (VETS)**

**Jobs for Veterans State Grants (JVSG) Program Fact Sheet**

**Overview:** The Jobs for Veterans State Grants (JVSG) program provides federal funding, through a formula grant, to 54 State Workforce Agencies (SWAs) to hire dedicated staff to provide individualized career and training-related services to veterans and eligible persons with significant barriers to employment and to assist employers fill their workforce needs with job-seeking veterans.

**Program Staff:**

The JVSG program supports the Disabled Veterans' Outreach Program (DVOP) specialist position, Local Veterans' Employment Representative (LVER) staff, and Consolidated Position staff. DVOP specialists provide individualized career services to veterans with significant barriers to employment, with the maximum emphasis directed toward serving veterans who are economically or educationally disadvantaged. Veterans with barriers include homeless veterans and vocational rehabilitation clients. Local Veterans' Employment Representatives conduct outreach to employers and business associations and engage in advocacy efforts with hiring executives to increase employment opportunities for veterans and encourage the hiring of disabled veterans. Consolidated Position staff serve in a dual role as DVOP and LVER.

**Program Authorization:** Title 38, United States Code, Section 4102A (b) 5 (38 U.S.C. §4102A(b)5) authorizes funds provided to each state to staff and support DVOP specialists, LVER staff, and the reasonable costs associated with such representatives, including travel to the National Veterans' Employment and Training Services Institute (NVTI). DVOP and LVER roles and responsibilities are defined in 38 U.S.C. §4103A for DVOP specialists and 38 U.S.C. §4104 for LVER staff.

**Program Funding Allocation:** Most State Workforce Agencies' funding allocation is determined by a ratio that reflects the total number of veterans seeking employment in a given state to the total number of veterans seeking employment in all states. Several states receive a minimum amount of funding to ensure that a certain level of staff can be maintained, particularly in states with remote pockets of Native Americans and a large number of sparsely populated rural counties.

**Program Administration:** Every five years, State Workforce Agencies submit a multi-year JVSG state plan or every four years for states that opt to submit a combined Workforce Innovation Opportunity Act (WIOA) state plan. State plans which generally includes a narrative description of the populations of veterans that will receive targeted services, provisions for priority of service for veterans and other eligible persons and performance goals. Each year thereafter, states submit an Annual Funding Modification to their approved state plan.



**To:** Indiana's Workforce Investment System

**From:** Regina Ashley, Chief Strategy Officer *RAA*  
 Josh Richardson, Chief Operating Officer *JOR*

**Date:** May 4, 2016

**Subject:** DWD Policy 2015-09  
 Required Roles and Responsibilities of Disabled Veterans' Outreach Program (DVOP) specialists and Local Veterans' Employment Representatives (LVER) specialists in Indiana Department of Workforce Development's Integrated WorkOne Offices.

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## Purpose

To explain required roles and responsibilities for Disabled Veterans' Outreach Program (DVOP) specialists and Local Veterans' Employment Representatives (LVER) staff in Indiana Department of Workforce Development's (DWD) integrated WorkOne offices.

## Rescission

DWD Policy 2009-01 Priority of Service for Veterans and Eligible Spouses and Required Roles and Responsibilities of Disabled Veterans' Outreach Program (DVOP) Specialists and Local Veterans' Employment Representatives (LVER) in Indiana Department of Workforce Development's Integrated WorkOne offices

## References

- 38 United States Code, Chapter 42, Section 4211 and Section 4215
- Federal Register Part VIII, Department of Labor, Veterans' Employment and Training Service, 20 CFR Part 1010, Priority of Service for Covered Persons (Dec. 19, 2008)
- Jobs for Veterans Act, Public Law 107-288 (Nov. 7, 2002)
- Veteran Program Letter 07-10 Refocused Roles and responsibilities of JVSG Funded Staff

Michael R. Pence, *Governor*  
 Steven J. Braun, *Commissioner*

10 N Senate Avenue  
 Indianapolis, IN 46204-2277  
[www.IN.gov/dwd](http://www.IN.gov/dwd)

Phone: 317.232.7670  
 Fax: 317.233.4793

An Economic Development Partner

- Veteran Program Letter 03-14 Jobs for Veterans State Grants (JVSG) Program Reforms and Roles and Responsibilities of American Job (AJC) Staff Serving Veterans
- Veteran Program Letter 03-14 change 1 Expansion and Clarification of Definition of Significant Barriers to Employment for Determining Eligibility for the Disabled Veterans' Outreach Program (DVOP)
- Veteran Program Letter 03-14 Change 2 Expansion and Clarification of Homeless Definition as a Significant Barrier to Employment (SBE)
- Veteran Program Letter 04-14 Designation of Additional Population of Veterans Eligible for Services from Disabled Veterans Outreach Program Specialist – Veterans ages 18-24
- Veteran Program Letter 07-14 American Job Center (AJC) participation in Capstone Activities and other Outreach to Transitioning Service Members
- Veteran Program Letter 08-14 Designation for Additional Populations Eligible for Services from Disabled Veterans' Outreach Specialists: Transitioning Service Members in need of Intensive Services; and Wounded, Ill, or Injured Service Members Receiving Treatment at Military Treatment Facilities or Warrior Transition Units (MTFs - WTUs); and the Spouses and Family Caregivers of such Wounded, Ill, or Injured Service Members

## Content

### *Definitions*

- **Eligible Veteran**, as defined by the United States Code Title 38 Veterans' Benefits, Chapter 4211, paragraph (4), subparagraph (A) (B), is a person who:
  - served on active duty for a period of more than 180 days and was discharged or released with other than a dishonorable discharge;
  - was discharged or released from active duty because of a service-connected disability; or as a member of a reserve component under an order to active duty pursuant to section 12301(a), (d), or (g), 12302, or 12304 of title 10, served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged or released from such duty with other than a dishonorable discharge.
- **Eligible Spouse**, as defined by the United States Code Title 38 Veterans' Benefits, Chapter 4101, means:
  - the spouse of any person who died of a service-connected disability;
  - the spouse of any member of the Armed Forces serving on active duty who, at the time of application for assistance under this chapter, is listed, pursuant to section 556 of title 37 and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than ninety days:
    - missing in action,
    - captured in line of duty by a hostile force, or
    - forcibly detained or interned in line of duty by a foreign government or power;
 or
  - the spouse of any person who has a total disability permanent in nature resulting from a service-connected disability or the spouse of a veteran who died while a disability so evaluated was in existence.

- **Additional Service Populations**, as defined in The Consolidated Appropriations Act of 2014, are populations receiving support services funded by Jobs for Veteran State grants (JVSG) grants under this Act. Those populations include:
  - transitioning members of the Armed Forces who have been identified as in need of intensive services;
  - members of the Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facilities or warrior transition units; and
  - the spouses or other family caregivers of such wounded, ill, or injured members.
- **Family caregiver**, with respect to an eligible veteran, means a family member who is a caregiver of the veteran.
- **Caregiver** with respect to an eligible veteran, means an individual who provides personal care services to the veteran.
- **Family member**, with respect to an eligible veteran, means an individual who—
  - Is a member of the of the veteran’s family, including—
    - A parent;
    - A spouse;
    - A child;
    - A step-family member; or
    - An extended family member; or
  - lives with, but is not a member of the family of the veteran.
- **Transitioning Service Members (TSM)** according to VPL 08-14, are those members falling within the three categories below and are therefore eligible for DVOP services:
  - Service members who receive a warm handover, or who produce a DD-2958 signed by their commander documenting that they have not met Career Readiness Standards;
  - Transitioning service members ages 18-24, regardless of whether they meet Career Readiness Standards; or
  - Active duty service members being involuntarily separated through a Service reduction-in-force.

### ***General Roles and Responsibilities of WorkOne Staff Serving Veterans***

- **Welcome Team Staff** – Identify those eligible veterans or eligible spouses with significant barriers to employment (SBE) and direct those veterans to the Disabled Veterans' Outreach Program Specialist (DVOPs) for assistance for intensive services and case management. In the event that a DVOP Specialist is not available, the veteran or spouse should be referred to the appropriate Wagner-Peyser or WIOA staff in addition to scheduling or referring to an available DVOP Specialist by appointment. Under normal operating circumstances, all WorkOne customers are greeted by the welcome team and moved on to the appropriate staff for assistance.
- **Wagner-Peyser Staff**—The majority of veterans should be served by Wagner-Peyser or WIOA staff rather than the JVSG Veteran staff.
- **Veteran staff (DVOPs)**—Efforts of veteran staff should be focused on veteran customers with Significant Barriers to Employment (SBE) in accordance with Veterans Program Letter 03-14 and 03-14, Change 1 and Change 2. The six significant barriers to employment (SBE) and five other associated factors for DVOP services, as identified by the Department of Labor are:
  1. A special disabled or disabled veteran, defined in 38 U.S.C § 4211(1) and (3); Special disabled and disabled veterans are those:

- who are entitled to compensation (or who would be entitled to compensation but for the receipt of military retired pay) under laws administered by the Secretary of Veterans Affairs; or,
  - were discharged or released from active duty because of a service connected disability;
2. A Homeless person, as defined in Section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a) and (b), as amended);
  3. A recently-separated service member, as defined in 38 U.S.C § 4211(6), who has been unemployed for 27 or more weeks in the previous 12 months, i.e. the term of unemployment over the previous 12 months remains 27 weeks; however, the requirement of 27 consecutive weeks is eliminated;
  4. An offender, as defined by WIOA Section 3 (38) 1, who is currently incarcerated or who has been released from incarceration, i.e. the expanded definition of SBE includes any eligible veteran or eligible spouse who is currently or was formerly incarcerated, removing the “within the last 12 months” requirement;
  5. Lacking a high school diploma or equivalent;
  6. Low-income individual (as defined by WIOA Section 3 (36));
  7. A Veteran between the ages of 18-24;
  8. A Veteran Affairs Vocational Rehabilitation and Employment Chapter 31 Veteran;
  9. A Transitioning Service Member in need of intensive services;
  10. Wounded, ill, or injured Service Member receiving treatment at a military facility, or Warrior Transition Unit (MTF/WTUS); or
  11. Spouses and family care-givers of such wounded, ill, or injured service members.

### ***Disabled Veterans' Outreach Program Specialist Roles***

In Veterans' Program Letter 07-10 and 03-14, DVOP specialists facilitate intensive services to veterans with barriers to employment and/or special training needs which include:

- Conducting a comprehensive assessment (minimum requirement)
- Developing an individual employment plan that is documented (minimum requirement)
- Chapter 31 Vocational Rehabilitation & Employment Case Management
- Coordinating supportive services
- One-on-One Career Counseling
- Providing short term pre-vocational services
- Group Counseling

#### Case Management and Tracking

The DVOP specialist is the DWD case tracker for veterans in the United States Department of Veterans Affairs Vocational Rehabilitation and Employment Program (Title 38, Code of Federal Regulations, and Chapter 31). This program requires extensive follow-up and the DVOP specialist must be allowed sufficient time to do the case management and intensive services to meet these requirements. The DVOP specialist should work closely with the LVER & WorkOne Business Service Team (BST) to ensure that veterans in Chapter 31 programs who are "job ready" receive priority in their job search, as determined by the Vocational Rehabilitation Counselor (VRC) at the VA.

In accordance with Department of Labor Veterans' Employment and Training Service (DOL-VETS) Technical Assistance Guide dated December 2008, DVOPs are required to complete a service every two weeks for the Chapter 31 Veterans that they are case managing. Typically, this service will also be recorded in the current State client tracking systems under the Chapter 31 Case Management selection.

The DVOP specialist is the resident expert on programs available to assist SBE veterans in improving their skills so they can take the next step up in their careers. This would include workshops the DVOP may present and other staff services available at the WorkOne office as well as the programs available through the Veterans' Administration, such as Vocational Rehabilitation and Employment Program Services (VOC REHAB) and other WIOA training programs. The DVOP specialist is required to do outreach to target all veterans. DVOPs will coordinate outreach activities with their formal and functional managers to ensure maximum efficiency of the event.

In the event that a DVOP specialist does not have a full case-load of eligible veterans and eligible spouses, the DVOP specialist may perform additional outreach activities. For example, at such locations:

- Vocational Rehabilitation & Employment (VR&E) Services
- Homeless Veterans Reintegration Program (HVRP)
- VA Medical and other Centers
- Veterans' Administration Community Based Outpatient Clinic (CBOC)
- Homeless shelters
- Civic and service organizations
- Community Stand Downs
- Military installations
- WIOA partners
- State Vocational Rehabilitation Services
- County Service Veterans Service Officer

#### Case Noting

Case notes for veterans in the Chapter 31 program are confidential and must be kept separate from other case management files. Specific veterans' disability data may not be recorded in any computer system. The only data that can be recorded is the percentage of disability rated by the US Department of Veterans Affairs.

#### Rapid Response for Dislocated Veterans

At a minimum, the DVOP should be a part of the Rapid Response Team at selected Rapid Response events for dislocated veterans, ensuring that SBE veterans are offered JVSG services.

### ***Local Veterans' Employment Representative (LVER) Roles***

In Veterans' Program Letter 07-10 and 03-14, the following are the mandated functions for the Local Veterans' Employment Representative Staff:

1. As an integral part of the State's Labor Exchange System, LVER staff work with employers to promote veterans as job seekers who have highly marketable skills and experience.
2. LVER staff advocate for veterans to gain employment and training opportunities with business, industry, and community-based organizations. To accomplish this, LVER staff participates in a variety of outreach activities including, but not limited to:
  - a. Planning and participation in job fairs.
  - b. Coordinating with unions, apprenticeship programs, and business organizations to promote employment and training opportunities for veterans.
  - c. Promoting credentialing and training opportunities for veterans with training providers and licensing agencies.
3. LVER staff establishes, facilitates, and/or maintains regular contact with employers to include federal contractors. They should coordinate with employer relations representatives as part of the WorkOne system to include veterans in their marketing efforts.

4. LVER staff provides and facilitates a full range of employment, training, and placement services to meet the needs of priority veterans in targeted categories identified and approved in the State Plan. These services may include, but are not limited to:
  - Conducting job search assistance workshops in conjunction with employers
  - Providing job development opportunities

The LVER should be integrated into the WorkOne Employment Team or Business Services Team (or equivalents). The difference between the LVER and any other member of the team is that the LVER advocates for veterans for employment and training opportunities with businesses, industries, unions, and apprenticeship programs. They may ask employers specifically to seek veterans for positions in their companies. Optimally, the employer would target specific positions for veterans with certain skills (based on the veterans' military training/military occupational specialty). Under no circumstances will the LVER provide related services to non-veteran customers unless the customer is an eligible spouse covered by priority of service.

The LVER staff must be able to inform the community of Veteran services. LVER staff should be encouraged to attend meetings of the local Chamber of Commerce, area Unions, and Hiring Events to promote all the WorkOne services; both as a networking tool and for the opportunity to speak about veterans' programs.

### ***Joint Responsibilities of DVOPs and LVERs***

#### Outreach Accountability

In order to maintain accountability for time spent on outreach, each LVER and DVOP shall report the results of their outreach activities, including but not limited to travel logs in writing via e-mail or Outlook Calendar Shares to their WorkOne local management staff. If necessary, copies of these documents and schedules will be provided to formal State Managers, and/or functional managers when applicable. These reports will be used by the LVER staff, Regional Operators, and the Workforce Development Boards (WDB's), to produce the required quarterly reports for the State Veterans Coordinator and U.S. Department of Labor Veterans' Employment and Training Services as required in Public Law 107-288 and VPL 01-15. Outreach activities will be reviewed by supervisors and those that are determined by the management team to be unproductive may be discontinued.

#### National Veterans Training Institute (NVTI)

All DVOPs and LVERs are required to attend veteran related courses at NVTI within 18 months of assignment or hire. Typically, most veteran representatives will attend at least two courses offered by NVTI. In some instances, the DWD State Veterans Coordinator may elect to send veterans' representatives to additional courses based on career development.

#### Indiana Seamless Transition Program

In some instances, LVERs and DVOPs will be called upon to assist with the State of Indiana Seamless Transition Program for State Guard and Reservists returning from deployment. This may include the Yellow Ribbon Program for returning deployed service members.

#### Negotiated Performance Measures

The State of Indiana Veterans Program negotiates Performance Targets with the USDOL/VETS for the JVSG programs which uses ETA 9002/200 reports to report outcomes. The following entities are charged with the responsibility of meeting the VETS Negotiated Performance Targets: Indiana Department of Workforce Development, the State's regional Workforce Development Boards (WDBs), the State Workforce Innovation Council (the State's Workforce Investment Board), Regional Workforce

Board Chairs, and Regional Operators. Indiana's Veterans' Performance Targets are typically negotiated annually with the U.S. Department of Labor's Veterans Employment and Training Service.

### **Effective Date**

Immediately.

### **Ending Date**

Upon rescission.

### **Contact for Questions**

[policy@dwd.in.gov](mailto:policy@dwd.in.gov)



**To:** Indiana's Workforce Investment System

**From:** Regina Ashley, Chief Strategy Officer *RAA*  
 Josh Richardson, Chief Operating Officer *JDR*

**Date:** May 4, 2016

**Subject:** DWD Policy 2015-08  
 Priority of Service for Veterans and Eligible Spouses in Indiana  
 Department of Workforce Development's Integrated WorkOne Offices

## Purpose

This policy addresses Priority of Service for Veterans and Eligible Spouses under the Workforce Innovation and Opportunity Act (WIOA).

## Rescission

DWD Policy 2009-01 Priority of Service for Veterans and Eligible Spouses and Required Roles and Responsibilities of Disabled Veterans' Outreach Program (DVOP) Specialists and Local Veterans' Employment Representatives (LVER) in Indiana Department of Workforce Development's Integrated WorkOne offices

## References

- 38 United States Code, Chapter 42, Section 4211 and Section 4215
- Federal Register Part VIII, Department of Labor, Veterans' Employment and Training Service, 20 CFR Part 1010, Priority of Service for Covered Persons (Dec. 19, 2008)
- Jobs for Veterans Act, Public Law 107-288 (Nov. 7, 2002)
- Veterans' Program Letter (VPL) No. 07-09, "Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in Whole or in Part by the U.S. Department of Labor"
- USDOL/Employment and Training Administration (ETA) Training and Employment Guidance Letter (TEGL) No. 10-09, "Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in Whole or in Part by the U.S. Department of Labor"

Michael R. Pence, *Governor*  
 Steven J. Braun, *Commissioner*

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 Indianapolis, IN 46204-2277  
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An Economic Development Partner

- Training and Employment Notice (TEN) 15-10a, “A Protocol for Implementing Priority of Service for Veterans and Eligible Spouses”

## Content

### Definitions

- **Covered Person**-A veteran who is eligible or the spouse of an eligible veteran who is entitled to receive priority of service as a person who has served at least one day in the active military, naval, or air service and who was discharged or released from service under any condition other than a condition classified as dishonorable. This definition includes Reserve units and National Guard units activated for Federal Service.
- **Qualified job training program** -Any workforce preparation, delivery program, or service that is directly funded, in whole or in part, by the Department of Labor and includes the following:
  - Any such programs or services that use technology to assist individuals to access workforce development programs (such as job and training opportunities, labor market information, career assessment tools, and related support services).
  - Any such program or service under the public employment system, One-stop Career Centers, the Workforce Innovation and Opportunity Act of 2015, a demonstration or other temporary program, and/or those programs implemented by States or local service providers based on Federal block grants administered by the Department of Labor.
  - Any such program that is a workforce program targeted to specific groups.
- **Veteran**- A person who served at least one day in the active military, naval, or air service and who was discharged or released under conditions other than dishonorable, as specified in 38 U.S.C. 101(2).
- **Active duty**- Full-time duty in the Armed Forces, other than active duty for training. This definition of “active service” does not include full-time duty performed strictly for training purposes, (i.e., that which often is referred to as “weekend” or “annual” training), nor does it include full-time active duty performed by National Guard personnel who are mobilized by State rather than Federal authorities. (State mobilizations usually occur in response to events such as natural disasters.)
- **Armed Forces**- United States Army, Navy, Marine Corps, Air Force, and Coast Guard.
- **Eligible spouse**- means the spouse of any of the following:
  - Any veteran who died of a service-connected disability;
  - Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
    - Missing in action;
    - Captured in line of duty by a hostile force; or
    - Forcibly detained or interned in line of duty by a foreign government or power;
  - Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs; or
  - Any veteran who died while a disability was in existence.
  - **NOTE:** A spouse whose eligibility is derived from a living veteran or service member would lose his or her eligibility if the veteran or service member were to lose the status that is the basis for the eligibility (e.g. if a veteran with a total service-connected disability were to receive a revised disability rating at a lower level). Similarly, for a

spouse whose eligibility is derived from a living veteran or service member, that eligibility would be lost upon divorce from the veteran or service member.

### ***Priority of Service***

WorkOne offices are required to ensure that Priority of Service is observed. To further improve service to veterans, the Priority of Service to Veterans and Eligible Spouses Federal Regulations, effective January 19, 2009, provides specific guidance on how One-stop Career Center providers, Wagner-Peyser staff, DVOPs, and LVERs are to serve veterans with respect to priority of service.

Veteran and eligible spouse customers should be identified upon entry at a WorkOne and allowed to move to the front of the waiting line. To assist with identifying veterans and eligible spouses, Priority of Service signs have been developed and are posted in all WorkOne offices where veterans are served. Signs are framed and displayed in a manner where the public and especially veteran and eligible spouse customers can easily see them. In accordance with the priority of service sign, eligible veterans and eligible spouses should notify staff upon entry into the facility. Typically, this will be near the entry point. Customers with visual impairments must be asked if they are a veteran or eligible spouse.

### ***Verification***

- Basic Career Services – No source documentation needed for eligibility when these services are accessed or provided unless the individual who self-identifies as a veteran or eligible spouse:
  - Is to immediately undergo eligibility determination and be registered or enrolled in a program; and
  - The applicable federal program rules require verification of a veteran or eligible spouse status at that time.
- Programs or Services that cannot rely on self-attestation – verification only needs to occur at the point at which a decision is made to commit outside resources to one individual over another for these programs or services.
  - When verification of eligibility is required in these instances, a veteran or eligible spouse should be enrolled, provided immediate priority, and be permitted to follow-up subsequently with any required verification of his or her status as a veteran or eligible spouse.
- Labor Exchange System Reporting— Federal regulations require that all individuals who are veterans be identified as veterans in the Wagner-Peyser labor exchange system, regardless of eligibility requirements.
- Verification of veteran status or eligible spouse—When verification is required, the following official documents may be used:
  - A DD 214 (issued following separation from active duty);
  - An official notice issued by the Department of Veterans Affairs that establishes entitlement to a disability rating or award of compensation to a qualified dependent;
  - An official notice issued by the Department of Defense that documents the eligibility of an individual, based on the missing or detained status of that individual's active duty spouse; or
  - An official notice issued by a State veterans' service agency that documents veteran status or spousal rights, provided that the State veterans' service agency requires Federal documentation of that information.

### ***Implementing Priority of Service***

As defined in Section 2(a) of the JVA (38 U.S.C. 4215(a)), **priority of service means**, with respect to any qualified job training program, that a covered person shall be given priority over a non-covered person for the receipt of employment, training, and placement services provided under that program, notwithstanding any other provisions of the law.

Priority in the context of providing priority of service to veterans and other covered persons in qualified job training programs means the right to take precedence over non-covered persons in obtaining services. Depending on the type of service or resource being provided, taking precedence may mean:

- The covered person receives access to the service or resource earlier in time than the non-covered person; or
- If the service or resource is limited, the covered person receives access to the service or resource instead of or before the non-covered person.

Priority of service applies to every qualified job training program funded, in whole or in part, by the Department of Labor, including:

- Any such program or service that uses technology to assist individuals to access workforce development programs (such as job and training opportunities, labor market information, career assessment tools, and related support services); and
- Any such program or service under the public employment service system, One-stop Career Centers, the Workforce Innovation and Opportunity Act, a demonstration, or other temporary program; any workforce development program targeted to specific groups; and those programs implemented by States or local service providers based on Federal block grants administered by the Department.

### ***Identifying and Informing Covered Persons***

Local Workforce Development Boards must develop and include in their strategic local plan policies implementing priority of service for the local One-Stop Career Centers and for all qualified job training programs delivered through the State's workforce system. These policies must establish processes to ensure that covered persons are identified at the point of entry so that covered persons are able to take full advantage of priority of service. These processes shall ensure that covered persons are aware of:

- Their entitlement to priority of service;
- The full array of employment, training, and placement services available under priority of service; and
- Any applicable eligibility requirements for those programs and/or services.

Point of entry may include reception through a One-stop Career Center established pursuant to the Workforce Innovation and Opportunity Act, as part of an application process for a specific program, or through any other method by which covered persons express an interest in receiving services, either in-person or virtually.

### ***Monitoring for Compliance with Priority of Service***

The U. S. Department of Labor will monitor recipients of funds for qualified job training programs to ensure that covered persons are made aware of and provided priority of service. Monitoring will be performed jointly by the Veterans' Employment and Training Service (VETS) and the DOL agency

responsible for the program's administration and oversight. A recipient's failure to provide priority of service to covered persons will be handled in accordance with the program's established compliance review processes. In addition to the remedies available under the program's compliance review process, a recipient may be required to submit a corrective action plan to correct such failure.

### **Effective Date**

Immediately.

### **Ending Date**

Upon rescission.

### **Contact for Questions**

[policy@dwd.in.gov](mailto:policy@dwd.in.gov)



**To:** Workforce Development Board Directors  
WorkOne Operators  
Youth Coordinators

**From:** Regina Ashley *RAA*  
Associate Chief of Operations for Policy

**Date:** July 2, 2015

**Subject:** MEMORANDUM  
Interim Guidance on WIOA Title I Adult Priority of Service

## Purpose

This Interim Guidance discusses priority of service requirements for Workforce Innovation and Opportunity Act (WIOA) Title I Adults for both Career Services and Training Services. Priority applies for low-income individuals, participants on public assistance, and individuals who are basic skills deficient. Veterans (and eligible spouses) continue to receive priority of service for all DOL-funded training programs under 38 U.S.C. 4215 and 20 CFR 1010.

## References

- Workforce Innovation and Opportunity Act, Section 134(c)(3)(E)
- WIOA Proposed Regulations, Section 680.600

## Content

WIOA Title I Section 134(c)(3)(E) requires that priority of service be given to “recipients of public assistance, other low income individuals, and individuals who are basic skills deficient for receipt of career services ... and training services.” As indicated in the NPRM Preamble, “WIOA builds on the priority given under WIA to providing training services to low-income individuals receiving public assistance.” Further, unlike WIA where priority was required only when funds were limited, “[p]riority must be given regardless of funding levels” in WIOA. As described in the Act, WIOA increases access to and opportunities for employment, education, training, and support services that individuals need, “*particularly those with barriers to employment.*”

Section 194(1) requires that services be provided to those who can benefit from “*and who are most in need of such opportunities.*” The addition of Temporary Assistance for Needy Families (TANF) as a mandatory partner and the inclusion of Adult Education as a core partner in the one-stop delivery system highlight federal intent to bring the populations served by those programs into the opportunities provided by WIOA.

“Priority of service” status is established at the time of eligibility determination for WIOA Title I Adult Registrants and does not change during the period of participation. Priority does *not* apply to the dislocated worker population.

Proposed rule 680.650 re-affirms that veterans continue to receive priority of service in all DOL-funded training programs but that a “veteran must still meet each program’s eligibility criteria.” Thus for WIOA Title I Adult services, the program’s eligibility and priority considerations must be made first, and then veteran’s priority applied.<sup>1</sup>

Local areas must give priority of service to participants that fall into one the below priority categories:

- 1) Recipients of public assistance.
- 2) Other low income individuals. The term “low income individual” is defined at Section 3(36) means an individual who:
  - Receives, or in the past 6 months has received or is a member of a family that is receiving or has received in the past six months, assistance through the supplemental nutrition program (SNAP), TANF, supplemental security income under title XVI of the Social Security Act, or a state or local income-based public assistance program; or
  - Is in a family with total family income that does not exceed the higher of:
    - The poverty line or
    - 70% of the lower living standard income level or
  - Is a homeless individual or
  - Is an individual with a disability whose own income meets the income requirements above, but who is a member of family whose income does not meet this requirement.
- 3) Individuals who are basic skills deficient. The term “basic skills deficient” is defined at Section 3(5) to mean means a youth or adult who is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual’s family, or in society. The Department of Workforce Development (DWD) is providing guidance for making this determination by defining it as an individual who meets ANY ONE of the following:
  - Lacks a high school diploma or equivalency and is not enrolled in secondary education; or
  - Scores 8.9 or below on the TABE; or

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<sup>1</sup> For example, three individuals are applying for services. Two of them are receiving public assistance and one is not. The first two receive priority for enrollment over the third individual. Of the two who fall into the priority categories, one of them is a veteran and the other is not. The veteran would receive priority for enrollment.

- Is enrolled in Title II adult education (including enrolled for ESL); or
- Has poor English language skills (and would be appropriate for ESL even if the individual isn't enrolled at the time of WIOA entry into participation); or
- Is WorkINDiana eligible (Title II participants are eligible for WorkINDiana up to a year after exit); or
- The case manager makes observations of deficient functioning and records those observations as justification in a case note.

Local areas will track priority of service in the state's case management system. Local areas must have written policies that delineate how they will give priority of service and must adhere to these policies. DWD will provide technical assistance to local areas that do not have 50% or more of their adult participants enrolled into one of the priority categories. Participants served as incumbent workers are excluded from the priority calculation.

### **Effective Date**

July 6, 2015

### **Ending Date**

Upon rescission

### **Contact for Questions**

[policy@dwd.in.gov](mailto:policy@dwd.in.gov)

### **Action**

Local Workforce Development Boards (WDBs) are to ensure WorkOne Operators and service providers recruit individuals in the priority of service categories and provide appropriate services to meet those populations' needs. Operators are to regularly review the percentages of WIOA Title I Adult participants who are priority participants and adjust strategies as needed to reach the goal of enrolling at least 50% of adults as priority participants. The percentage applies only to *new* participants in PY 15. Carry-in participants will not be included in the determination.



Eric Holcomb, Governor  
State of Indiana

*Division of Disability and Rehabilitative Services*  
402 W. WASHINGTON STREET, P.O. BOX 7083  
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1-800-545-7763

**To:** DDRS Stakeholders

**From:** Kylee Hope, Director, Division of Disability and Rehabilitative Services (DDRS)  
Theresa Koleszar, Director, Bureau of Rehabilitation Services (BRS)

**Re:** Vocational Rehabilitation Services Order of Selection Implementation

**Date:** July 10, 2017

The Bureau of Rehabilitation Services (BRS) has received approval from the Rehabilitation Services Administration (RSA) to implement an order of selection. The Rehabilitation Act, as amended by the Workforce Innovation and Opportunity Act (WIOA), requires a state vocational rehabilitation services (VR) agency to implement an order of selection when it does not have sufficient resources to serve all eligible individuals. Under an order of selection, a VR agency is federally required to serve individuals with the most significant disabilities first.

RSA approved the amendment to the VR portion of the WIOA State Plan on June 30, 2017, which outlines the justification for the order of selection, and can be viewed at [by clicking here](#).

**The order of selection will be implemented August 1, 2017.** Individuals who have an Individualized Plan for Employment (IPE) in place prior to the implementation date will continue to receive services without disruption. Individuals who have applied or are eligible, but do not yet have an IPE in place prior to implementation, are subject to the order of selection. Additional information about order of selection and how it may impact VR applicants and eligible individuals can be found [by clicking here](#).

Additional information can be found at the [VR order of selection resource Web page](#). Please continue to check the resource page for added content this summer.





## Order of Selection: Frequently Asked Questions

### 1. What is an order of selection?

Order of selection is a process for prioritizing eligible individuals that a vocational rehabilitation (VR) agency intends to serve based on available resources and capacity. The federal government requires a state VR agency to implement an order of selection when it does not have enough money or staff to serve everyone who is eligible. The Rehabilitation Act, as amended by the Workforce Innovation and Opportunity Act (WIOA), requires that individuals with the most significant disabilities be served first.

### 2. Why has the Bureau of Rehabilitation Services (BRS) determined that implementation of the order of selection is necessary?

The decision to implement this process follows identification and implementation of numerous strategies to improve capacity over the past few years. Despite those efforts, BRS has projected a deficit of resources for federal fiscal years 2017 and 2018; and continues to experience significant challenges in building and retaining adequate resources to serve all eligible individuals, and meet expectations for timeliness and quality of service provision.

In addition, efforts to comply with expansive new federal requirements under WIOA are requiring BRS to shift financial resources estimated at up to \$10-12 million annually. More information may be found in the Draft VR Portion of the WIOA Unified State Plan which can be viewed at <http://www.in.gov/fssa/ddrs/5285.htm>. BRS anticipates implementing the order of selection upon approval from the U.S. Department of Education, Rehabilitation Services Administration.

### 3. What impact does the implementation of an order of selection have on individuals who are already in the VR program?

Individuals who have applied, but are not yet determined eligible, or are eligible but do not yet have an Individualized Plan for Employment (IPE) in place when the order of selection takes effect, are subject to the order of selection. Individuals who are already receiving services under an IPE will continue to receive VR services and supports to work toward their vocational goals in line with their IPE. There will be no disruption in services for individuals who had an IPE in place when the order of selection took effect.

### 4. For new VR applicants, or those eligible individuals who do not yet have an IPE at the time the order of selection is implemented, how does VR prioritize individuals with the most significant disabilities to be served first?

Once an individual is determined eligible for VR services, the individual's severity level will be determined using the current process. In Indiana, there are three levels of severity, and each individual is assigned to a priority category, based on his/her level as outlined below:

Levels of Severity	Order of Selection Priority Categories
1. Individuals with most significant disabilities	Priority Category 1
2. Individuals with significant disabilities	Priority Category 2
3. All other eligible individuals (nonsignificant disabilities)	Priority Category 3

Once the order of selection is implemented, Priority Category 1 will remain open, individuals assigned to this category will be served first, and Priority Categories 2 and 3 will be closed. Those individuals who fall into Priority Categories 2 and 3 are put on a deferred services list and will be served if and when sufficient resources become available.

### 5. What does it mean to be an individual with a ‘most significant disability?’

An individual must be determined eligible for VR and meet the following additional requirements set forth in 460 IAC 14-8-1(b):

- The individual has a severe physical or mental impairment that seriously limits three or more functional capacities in terms of an employment outcome (*Functional capacity areas include: communication, interpersonal skills, mobility, self-care, self-direction, work skills and work tolerance*); AND
- The individual requires multiple vocational rehabilitation services over an extended period of time.

All eligible individuals who are determined to have a most significant disability are in Priority Category 1, will receive VR services, and will work with a VR counselor to develop an IPE, which outlines his/her desired vocational outcome and necessary services and supports.

### 6. How does VR assess level of severity for an eligible VR consumer?

VR counselors complete a review and assessment of data to determine eligibility and severity level. Information used by the VR counselor to assess an individuals’ severity level (including functional capacities and the other requirements outlined in question 5) may include: review and assessment of existing data, counselor observations, education records, medical records, relevant information provided by the individual, individual’s representative, or family, or additional assessment if existing data is insufficient. The VR counselor will review all information provided and interview the individual to better understand how the individual’s impairment(s) results in a limitation in one or more functional capacity areas, the services that will be required, and the expected length of time it will take for the individual to achieve competitive, integrated employment.

### 7. How does VR assess functional capacity limitations?

VR will consider a variety of information to determine whether an individual experiences a limitation in one or more functional capacity areas, such as receptive or expressive



communication, ability to understand oral or written instructions, adaptive technology required, stamina or physical restrictions, needed supports, work experience and skills, appropriate social interaction and behaviors, ability to perform activities of daily living, decision making and problem solving, ability to safely navigate in the home and workplace, and other relevant factors.

**8. What happens if an individual does not agree with a VR counselor's determination of severity level?**

An individual will receive a letter with information about their eligibility and severity determination, along with information about appeal rights, which may include informal supervisory review, mediation or an impartial due process hearing. The letter will also include information about the Client Assistance Program (CAP). CAP helps individuals with applying for or getting services from VR. CAP is run by Indiana Disability Rights and more information can be found at the following website: <http://www.in.gov/idr/>.

**9. Can BRS prioritize serving individuals in Priority Categories 2 or 3 for services, instead of those in Priority Category 1 with a most significant disability?**

No, federal law requires that when a VR agency is operating under an order of selection, individuals with the most significant disabilities are served first. This requirement is outlined at 34 CFR 361.36 (3)(iv)(A).

**10. What can individuals who do not meet criteria for Priority Category 1 expect, once the order of selection is implemented?**

Eligible individuals who are determined not to meet the criteria as an individual with a most significant disability, will be placed in Priority Category 2 or 3 based on his/her severity determination assessment. Unless these individuals already have an IPE in place with VR prior to implementation of the order of selection, these individuals will not be able to receive VR services right away because Priority Categories 2 and 3 will be closed when the order of selection takes effect. Individuals in Priority Categories 2 and 3 without an IPE will be placed on a deferred services list according to the individual's application date. If and when sufficient resources become available for VR to serve additional eligible individuals, those individuals in Priority Category 2 with the earliest application date will be served next. The VR program will engage in ongoing evaluations to determine when sufficient resources are available to provide VR services to eligible individuals in Priority Categories 2 and 3.

**11. Individuals assigned to Priority Categories 2 or 3 will not receive VR services once the order of selection begins. How might they obtain assistance in achieving their vocational goals?**

VR will provide information and referral services to other workforce options including agencies in each local area, Work One Centers, Ticket to Work Employment Networks, Independent Living



Centers, college and university career centers and disability services offices, the IN Data Assistive Technology program, and other state or local resources.

**12. Since VR will be referring individuals to other agencies and resources, including local Work One centers, is BRS taking steps to assist these other entities to prepare to serve an increased number of individuals with disabilities?**

Agencies that receive federal funding are required to ensure that services are available for all eligible individuals, which includes individuals with disabilities. BRS is proactively reaching out to state and federal partners to discuss the potential increase in job seekers with disabilities accessing services from these organizations, as a result of the implementation of the order of selection. BRS is prepared to offer training to these entities to assist them in preparing for potentially serving more job seekers with disabilities. As a workforce partner with the Department of Workforce Development, BRS will continue to collaborate and support the Work One centers in providing services to job seekers with disabilities.

**13. Once the order of selection is implemented, can individuals continue to apply for VR services?**

Yes. There are no changes in the VR application process. VR will continue to schedule all new referrals for an intake appointment to complete the application and assessment process. Using the information that applicants provide, a VR counselor will determine whether each individual is eligible for VR services based on the following eligibility criteria set forth in 460 IAC 14-7-1:

1. The individual has a physical or mental impairment;
2. The individual's impairment results in a substantial impediment to employment;
3. The individual requires VR services to prepare for, secure, retain, advance in, or regain employment; and
4. The individual can benefit from VR in terms of an employment outcome.

For all individuals who are determined eligible for VR, the current process to determine each individual's severity level will occur following the eligibility determination. The severity determination process assesses an individual's functional capacities in the following seven categories: 1) communication, 2) interpersonal skills, 3) mobility, 4) self-care, 5) self-direction, 6) work skills and 7) work tolerance. It also includes an assessment of whether the individual requires multiple services over an extended period of time.

VR counselors use information obtained during the assessment phase to determine eligibility and severity level. The severity level then determines the priority category to which the individual is assigned. Information used by the VR counselor to make eligibility and severity determinations may include: review and assessment of existing data, counselor observations, education records, information provided by the individual or individual's family or additional assessment if existing data is insufficient.

**14. When under an order of selection, will VR be able to assist individuals who need services to maintain their job after their VR case is successfully closed?**

VR may be able to provide post-employment services of a limited scope and duration to individuals to assist with maintaining, re-entering or advancing in employment. A VR counselor can assist in determining whether post-employment services are available based on each individual's specific circumstances.

**15. When BRS determines that sufficient resources become available to begin serving individuals in closed priority categories, how will those cases be identified and disbursed?**

When BRS determines that sufficient resources become available to begin serving individuals in one or more closed priority category, those individuals in Priority Category 2 will be prioritized next, according to earliest statewide application date.

**16. What impact does the order of selection have on students with disabilities receiving pre-employment transition services?**

Pre-employment transition services must be made available statewide to all students with disabilities, regardless of whether the student has applied or been determined eligible for VR services. These services include job exploration counseling, work-based learning experiences, counseling on opportunities for enrollment in post-secondary education, workplace readiness training, and instruction in self-advocacy.

Students who are eligible for VR services, but placed in a closed priority category, may continue to receive pre-employment transition services as long as those activities were initiated prior to being placed in a closed priority category. Students who apply for VR services, are determined eligible, and assigned to a closed priority category, may not begin to receive pre-employment transition services if these services were not initiated prior to the individual being assigned to a closed priority category. VR has taken steps to initiate pre-employment transition services during the VR application intake appointment, so that any student who qualifies may be able to receive pre-employment transition services as they become available.

**17. What actions is BRS taking to build capacity and work toward increasing resources to serve all eligible individuals?**

Many strategies to improve staffing capacity have been implemented over the last several years, and BRS will continue to identify innovative approaches to increase capacity and ensure appropriate fiscal resources are available. BRS will provide ongoing updates on progress toward increasing personnel and fiscal resources. Updates can be viewed at

<http://www.in.gov/fssa/ddrs/5285.htm>.



INDIANA  
**WORKFORCE**  
 DEVELOPMENT  
 AND ITS **WorkOne**.CAREER CENTERS

Field Operations & Policy Meeting  
 Monday, June 19, 2017  
 IGSC Conference Room: A  
 DWD/VR Summit- IGCS Conference Room C.  
 10:00am-3:00pm

12:30am-3:00am – 2017 VR Roundtable Summit

### 1. Introductions- Dr. Jennifer Walthall, Secretary – Family Social Services Admin

- a. Read a newspaper article from an individual who is blind, autistic and an actor
- b. Co-hosted event
  - Workforce One Stop Operators/ RO/ Service Provider Managers
  - DWD staff – Chapter 31, policy, field operations, employer relations, youth initiatives, adult education
  - Easter Seals Crossroads
  - DDRS – Bureau of Developmental Disabilities
  - Indiana Ahead
  - Department of Higher Education
  - Indiana National Guard
  - Division of Family Resources

### 2. Overview and goals of summit

- a. Discuss Changes – Changes in Indiana’s Vocational Rehabilitation Program. Order of selection, which may have an impact on your organization.
- b. Address Questions- Understand concerns that you may have, and to identify strategies for addressing those concerns.
- c. Obtain Information- Opportunity to learn about your organization and begin to work on establishing a referral process for jobseekers seeking VR services, impacted by the Order of selection.

### 3. BRS presentation

- What is vocational rehabilitation? VR is a statewide program that provides services and supports jobseekers with disabilities to assist them in achieving their employment goals. VR provides a wide range of services to prepare, secure, retain, advance in, or regain employment. Services may include training, job placement, rehabilitation technology, VR counseling, guidance etc.
- VR Counselor Stories: “Please refer to the PPT slides”
  - Megan Wheeler
  - Jimmy Kennedy III
  - Maria

#### 4. Eligibility requirements, current challenges & Order of Selection

The needs of the individual is a broad range (Eligibility requirements)

- a) Physical or mental impairment
- b) Funded through the Department of Education
  
- Current Challenges
  - a) WIOA needs to shift their resources to meet federal requirements
  - b) Insufficient staffing capacity to support the demand for VR services – order of selection was created to combat this

#### What is order of section and what does it mean?

Definition - After thorough review and evaluation, the Bureau of Rehabilitation Services (BRS) is seeking approval through an amendment to the Unified State Plan to implement a process called “order of selection” for Indiana’s Vocational Rehabilitation (VR) program. Once approved and implemented, VR will prioritize individuals with the most significant disabilities to receive services. A state VR agency is required to implement an order of selection when it anticipates that it will not have sufficient fiscal or personnel resources to fully serve all eligible individuals. Indiana will be the 35th state to implement this process, which must be used to prioritize consumer services in accordance with the Rehabilitation Act, as amended by the Workforce Innovation and Opportunity Act (WIOA). BRS anticipates implementing the order of selection by the end of the current federal fiscal year, pending approval from the U.S. Department of Education, Rehabilitation Services Administration. <http://www.in.gov/fssa/ddrs/5285.htm>

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#### Categories

- Category 1 - Eligible individuals who have the most significant disabilities.
- Category 2 - Eligible individuals with significant disabilities who have limitations in three major areas of functional limitations.
- Category 3 - Eligible individuals with significant disabilities who have limitations in two major areas of functional limitations

Once VR implements, Category 1 – Most Significant Disabilities – will be prioritized to receive VR services

- a. Unable to discuss quickly what this means. But having 3+ functional limitation areas (out of 7) would be someone in this area.
- b. An extended period of time, longer term supports and services
- c. Impairment must result in a substantial impediment to employment;
- d. An individual must be able to benefit from vocational rehabilitation services in terms of employment outcome. Deferred services list are those that have insufficient resources as they have less disabilities
- e. Will provide many resources and agencies that might be able to help the job seekers – required to refer individual to state programs
- f. Information will be available online

#### 5. Discussion of potential impact & Q&A - Address questions and learn about specific concerns:

**Q:** Does WorkOne still have the ability to refer to VR?

**A:** Yes. VR will go through all eligibility assessments to determine where they are eligible.

**Q:** What goes happens to individuals who go on deferment, but they are receiving services from another agency?

**A:** They will be reassessed, but ensure there is not an overlap of services. We would not stop services from the WorkOne office.

**Q:** Based on an analysis of your customers, how many do you think will be referred to outside agencies (those that are not Category 1?)

**A:** Right now 40% individuals are Category 1, they expect this to increase. We are the 35 state to implement this order and the trend has been to have an increase in Category 1. The need for this is due to not meeting timelines and financial constraints.

**Q:** Does Order of Selection have to stay in place?

**A:** If fiscal changes and staffing changes, this could change.

**Q:** How can we be better prepare to serve Category 2 and 3?

**A:** DOLs expectation is that each agency carries what they can carry. It is understood that not all agencies are able to offer all needs for a customer. This would be for anyone in Category 1

**Q:** Is it possible for a customer to get VR services if they only need one item, and the rest are being seen by other organizations?

**A:** This cannot be done due to federal legislations.

**Q:** When will be seeing this go into place?

**A:** August 1<sup>st</sup> but realistically it will probably be sometime in August.

**Q:** How do we obtain more adaptive materials for customers to use?

**A:** DWD is taking an inventory who has assistive technology in the office in each region and who knows how to use it. Will also learn best practices through the regions and from both sides of the house.

**Q:** In ICC there is a question asking jobseekers, do you have a disability? If they answer yes to this question, what is the next step?

**A:** Still continue the processes, refer to the VR. Plus the services they came into the WO office to get. VR- will then review their case and if they are non- category 1. They will be referred back to the WO for services.

**Q:** How many are disabled Veterans?

**A:** VR does not ask to see a DD214 on this. VR serves anyone with a disability.

**Q:** How long does it take for a decision to be made at VR and who can refer?

**A:** Anyone can refer. After the referral is made an appointment is made. Then from the time of the initial meeting 60 days from the actual intake appointment will a decision be made. Sometimes in-between weeks if they are requesting additional information.

**Q:** How do the students move into VR services? Will we have access to their IEP?

**A:** There is a consent form for that could assist us in retrieving that information.

**Q:** What does VR see as what they would like to work with Category 2 and 3?

**A:** All individuals should be treated the same. Understanding the state wants to serve everyone we can, sometimes other agencies will need to serve. Part of the round table is to find out who can make these services available to the jobseeker.

**Q:** Do we need to have a close door to speak with the individuals?

**A:** This is not a requirement.

**Q:** Can we upload any medical documents into ICC?

**A:** No. You would not want individuals to upload medical history documents unless it is necessary for eligibility. At this time there does not appear to be any reason for this to happen.

### **Thoughts from the audience:**

- a) If a region does not believe an individual has the ability to complete a training due to the preserved ability that they would not succeed. Based on the fact we cannot provide additional supportive services. They might still have access to adaptive technology from other agencies
- b) In order to not to be accused of discrimination. Make sure the individual has a reasonable accommodation.
- c) Of the 3 individuals in the stories you provided who would be served under the new order of selection and who would be referred to others?
- d) VR's required state match dollars is a 21.3%.
- e) Who will be paying for hearing aids for working individuals now?
- f) Remember, just because VR refers the individual, VR is aware the customer will not automatically be eligible for services.
- g) Category 2 and Category 3 are going to be referred to other agencies. It would be helpful for us to know what that number looks like. Can we please be provided this per region?
- h) What services have these individuals been getting? We would like to be prepared to assist them.
- i) WorkOne has smaller resources as well, what are we looking at as far as data for amount of individuals coming in and are not who we are already mutual serving
- j) How will we know what accommodations are needed for individuals, that we can provide?

### **6. Professional Development of Staff-** Topics for training gathered from the Regions

What types of specific training do the partners need for your staff?

- *Maybe at a monthly or quarterly staff meeting, a VR counselor can come in person to provide a training.*

1. Assistive Technology
  2. Etiquette
  3. Better understanding of the 7 Functional Capacity Limitation Area. "What they will be able or not able to get from VR?"
  4. Clarification- Education from the WorkOne about the eligibility criteria. "Can & cannot do from the VR side."
  5. Approved Training provider- or Eligible Training provider.
  6. Additional funding
  7. Compliance- closed door office or only is they request it?
  8. Documentation- how to document the mental health or disability issue?
  9. Case manager notes- on what is appropriate and not appropriate.
  10. Reasonable Accommodations.
  11. Training types of behaviors with different type of disabilities.
-

**Tips:**

Having a point of contact in each office will be helpful. However, a single point of contact is hard when there the turnover of staff is at its highest.

POC does not have to be a person. It can be the comprehensive WorkOne office in that region

VR has general office email addresses where 2-3 individuals check this on a routine basis. Maybe the WO could look into having a feature like this.

What we want to avoid is a circular referral to one another. Let us create a processes to put in place. For example Region 1. Region 1 uses a paper referral form to pass back and forth. DOL stated it met the direct linkage (access) with the use of the scheduling system. The form by itself did not meet the needs of this. It also helped keep sensitive information off the fax machines.

# Excerpts from DWD/VR Training Presentations

## Excerpt from June 2017

**Indiana Department of Workforce Development**  
IDWD Overview, WIOA, and Vocational Rehabilitation Training Collaboration

**WorkOne Overview**

Most Career Centers offer:

- Computers with Internet access
- Referrals to community/Partner Services
- Job Boards
- Job Seeker Library
- Over-the-Shoulder Assistance

**Websites and Resources**

[www.hoosierdata.in.gov](http://www.hoosierdata.in.gov)

**WorkOne Overview**

**12 Regional Workforce Boards**

- Membership: business, education, labor, community, WIOA partner and economic development leaders
- Responsibilities: Strategic vision of workforce development and governance of the WorkOne centers.

**Websites and Resources**

[www.in.gov/dwd](http://www.in.gov/dwd)

**Workforce Investment and Opportunity Act (WIOA)**

**WorkOne Overview**

**Over 90 Comprehensive and Affiliate Career Centers**

- Assisting job seekers and businesses in connecting with the right resources to meet their particular needs
- Providing job referrals, training information, placement assistance, community connections, labor market information, and helping employers find qualified workers

**Websites and Resources**

IndianaCAREERConnect.com (ICC)  
Indiana's #1 Source of Job Openings

**WIOA**

- Overview
  - President Barack Obama signed WIOA into law on July 22, 2014. WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy.
  - Congress passed the Act by a wide bipartisan majority; it is the first legislative reform in 15 years of the public workforce system.

# Excerpt from August 2017

WORKING WITH VR  
REFERRALS  
AUGUST 2017



WELCOME

This training was developed jointly by Department of Workforce Development (DWD), WorkOne, and Vocational Rehabilitation Services (VR) staff in the spirit of collaboration to better serve our fellow Hoosiers to assist them with achieving their employment goals.

DISABILITY FACT OR FICTION  
SELF-QUESTIONNAIRE



DISABILITY FACT OR FICTION

How did everyone do? Any takeaways?



OBJECTIVES

- To gain a greater understanding of VR, to include its purpose, the individuals it serves, and the services it offers
- To learn about Order of Selection (OOS) for VR and the impact it will have on local WorkOne offices
- To understand the process by which VR will refer individuals to the local WorkOne offices
- To equip local WorkOne staff to effectively assist individuals referred by VR

ACTIVITY:  
DEBUNKING MYTHS



DEBUNKING MYTHS

WorkOne staff will need to learn about clinical diagnoses and detailed information about different disabilities.	WorkOne staff will focus on the participant's barriers to employment, not diagnoses, as with any other participant.
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DEBUNKING MYTHS

WorkOne offices will have to start providing services to participants referred from VR that they have not provided before.	WorkOne offices will continue to provide the same services to participants as they have before VR entering into OOS.
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DEBUNKING MYTHS

WorkOne offices will likely see a huge increase in the number of individuals coming through their doors due to VR going into OOS.	WorkOne offices will likely see an increase, but the volume is unknown at this point. WorkOne staff will determine program eligibility as they would for any other participant.
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## Element 5: Compliance with Disability Nondiscrimination Requirements

[29 CFR 38.54]

Indiana complies with the disability related requirements of WIOA Section 188, Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act (ADA) of 1990, as amended, as well as implementing regulations, including, but not limited to 29 CFR Parts 32 and 38. These laws and regulations prohibit discrimination on the basis of disability in any program or activity receiving federal financial assistance. Applicable requirements are communicated through DWD Policy 2016-09 “Equal Opportunity and Nondiscrimination Guidance Letter” and general training was provided to the Local EO Officers via presentation module/conference call training in 2016-2017.<sup>56</sup>

The accessibility provisions of 29 CFR Part 38 require that facilities are accessible and usable by individuals with disabilities<sup>57</sup> and that programs and activities 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.<sup>58</sup>

### Physical Accessibility

As part of the One-Stop Certification process<sup>59</sup> discussed in Element 3, each LWDA worked with its Local EO Officer, in collaboration with the State EO Officer, to conduct ADA compliance site surveys during 2017-2018. The EO Officers utilized an informal checklist, adapted from a checklist frequently used by VRS, to note major compliance areas such as parking, accessible routes, ramps, entrances and doors, signage, and restrooms.<sup>60</sup> The EO Officers identified areas of noncompliance and have completed, or are in process of corrective action where necessary.<sup>61</sup> Required modifications depend upon which facilities may be subject to the “safe harbor” provisions of the 2010 ADA standards. If a facility was in compliance with the 1991 ADA standards as of March 15, 2012, that facility may be “safe harbored” and therefore not required to make modifications unless the facility undergoes alterations. If alterations are made, however, they may trigger a requirement for compliance with the newer 2010 ADA standards.<sup>62</sup>

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<sup>56</sup> Documentation 5.1: Excerpt from Local EO Officer Training Module II – Accessibility

<sup>57</sup> 29 CFR 38.13(a)

<sup>58</sup> 29 CFR 38.13(b)

<sup>59</sup> DWD Policy 2016-10 (See Documentation 3.5); Documentation 5.2: Excerpt from One-Stop Certification Tool, Section 8

<sup>60</sup> Documentation 5.3: ADA Inspection Form

<sup>61</sup> Documentation 5.4: Sample WorkOne Office Completed ADA Inspection Form

<sup>62</sup> ADA Update: A Primer for State and Local Governments,  
[https://www.ada.gov/regs2010/titleII\\_2010/title\\_ii\\_primer.html](https://www.ada.gov/regs2010/titleII_2010/title_ii_primer.html)

DWD anticipates additional training for its State and Local EO Officers to better understand ADA requirements for existing facilities.

The State EO Officer, in conjunction with ROC Monitoring staff, conduct annual on-site monitoring of each LWDA where physical accessibility compliance is an element of review and discussion. Annual office reviews typically include, but are not limited to, a check of parking spaces/signage, compliant restroom facilities, wheelchair accessible entrances, and access to TTY/TDD or Relay services.<sup>63</sup>

### Programmatic Accessibility

In efforts to improve programmatic accessibility, DWD utilized Disability Employment Initiative (DEI) grant funding to install several new assistive technology (AT) workstations in WorkOne offices throughout the state. These workstations were installed in 2016 and include adjustable workstations, articulating arm supports, large print keyboards, and ultra HD video magnifiers.<sup>64</sup> Following up on this AT initiative, the State EO Officer conducted an informal full state audit in 2017 to determine what equipment and software were available in each WorkOne office, as well as adequacy of staff training to utilize the AT.

The audit results indicated a variety of AT being utilized in the WorkOne offices, some of which includes print, visual, and audio materials in multiple mediums to include Zoom Text software, large key caps, and other accommodations for individuals with disabilities.<sup>65</sup> Additionally, all comprehensive WorkOne offices have an accessibility workstation like those installed under the DEI grant.<sup>66</sup> These workstations may include a larger computer screen, Braille keyboards, and keyboards with large text letters. For effective communication, all WorkOne offices have access to TTY/TDD and/or Relay Indiana<sup>67</sup> services as well as interpreter services as discussed in Element 2, including American Sign Language (ASL) interpreter services.

Results varied regarding staff knowledge and training, with some LWDA reporting the need for additional training and others providing examples of local training tools in current use.<sup>68</sup> Recognizing the need for further AT training, as well as general disability-related training for WorkOne staff, DWD collaborated with partners such as VRS and Easter Seals Crossroads to develop and implement staff training. For example, DWD and VRS cohosted a “Disability Etiquette” training as part of a staff training initiative in 2017, and provided the LWDA several resources for local level AT training, some of which was derived from prior training from Easter

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<sup>63</sup> Documentation 5.5: On-Site Office Review Checklist

<sup>64</sup> Documentation 5.6: DWD News Release

<sup>65</sup> Documentation 5.7: Accessible Hardware Overview; Documentation 5.8: Accessible Software Overview

<sup>66</sup> For WorkOne Accessible Work Station Training (closed captioning is provided), see <https://www.youtube.com/watch?v=jJ8XF9jJSrc>

<sup>67</sup> For information on Relay Indiana, see [www.relayindiana.com](http://www.relayindiana.com)

<sup>68</sup> Documentation 5.9: Sample LWDA Auxiliary Area Guide

Seals Crossroads. These resources included instructional videos, reference guides, software user manuals, and other documents that were shared with LWDAs in late 2017. DWD directed the LWDAs to complete the local level staff training in early 2018.<sup>69</sup>

### Medical Information

DWD and its recipients may not conduct pre-employment medical examinations or question an applicant for employment or training as to whether the applicant has a disability or the severity of the disability. However, recipients may make a pre-employment inquiry of an applicant's ability to perform job-related functions.<sup>70</sup> Job postings on ICC are written to ensure postings do not contain discriminatory language or language that would screen out an individual with a disability on the basis of the disability.

Pursuant to confidentiality requirements, disability status and medical information are kept in a secured location, apart from other files, and accessible only to certain staff on a need-to-know basis, including supervisors and managers, first aid and safety personnel, and program staff responsible for documenting eligibility (where disability is an eligibility criterion for a program or activity).<sup>71</sup> Government officials may also access this information as necessary to enforce laws and regulations.

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<sup>69</sup> Documentation 5.10: DWD Technical Guidance and Training Deadline Email

<sup>70</sup> 29 CFR 32.15

<sup>71</sup> 29 CFR 38.41

## Element 5 Documentation

Documentation 5.1: Excerpt from Local EO Officer Training Module II – Accessibility

Documentation 5.2: Excerpt from One-Stop Certification Tool, Section 8

Documentation 5.3: ADA Inspection Form

Documentation 5.4: Sample WorkOne Office Completed ADA Inspection Form

Documentation 5.5: On-Site Office Review Checklist

Documentation 5.6: DWD News Release

Documentation 5.7: Accessible Hardware Overview

Documentation 5.8: Accessible Software Overview

Documentation 5.9: Sample LWDA Auxiliary Area Guide

Documentation 5.10: DWD Technical Guidance and Training Deadline Email



ADMINISTRATIVE TOOLS OR RESOURCES IN AN INTEGRATED SETTING FOR DISABLED INDIVIDUALS OR THOSE WITH BARRIERS

**VISUALLY IMPAIRED**

- ✓ Electronic note taker
- ✓ Screen magnification product
- ✓ CCTV (Closed Circuit Television system)
- ✓ Optical magnifier
- ✓ Large-print label
- ✓ Raised lettering on room labels

ADMINISTRATIVE TOOLS OR RESOURCES IN AN INTEGRATED SETTING FOR DISABLED INDIVIDUALS OR THOSE WITH BARRIERS

**MOTOR FUNCTION IMPAIRMENTS**

- ✓ Trackball for easier mouse manipulation
- ✓ Touch screens
- ✓ Ergonomic keyboard
- ✓ Adjustable keyboard tray
- ✓ Portable cart
- ✓ Writing and grip aids
- ✓ Page turners and book holders
- ✓ Stair/room stools
- ✓ Adjustable height desks and work tables
- ✓ Speech amplification systems

ADMINISTRATIVE TOOLS OR RESOURCES IN AN INTEGRATED SETTING FOR DISABLED INDIVIDUALS OR THOSE WITH BARRIERS

**COGNITIVE AND DEVELOPMENTAL DISABILITIES**

- ✓ iPhone
- ✓ iPad
- ✓ Telephone auto-dialer
- ✓ Larger buttons on equipment
- ✓ Memory aids (electronic notebook, pop-up timer on computer)
- ✓ Communication device
- ✓ Voice output with optical character recognition to read documents or use a reading pen

ADMINISTRATIVE TOOLS OR RESOURCES IN AN INTEGRATED SETTING FOR DISABLED INDIVIDUALS OR THOSE WITH BARRIERS

**LEARNING / ADD DISABILITIES**

- ✓ iPad
- ✓ Reading template
- ✓ Automatic line guide
- ✓ Tape recorder
- ✓ Computer with voice output
- ✓ Floor fan or nature tape played on a stereo for white noise
- ✓ Colored labeling

**MODULE 2**

LOCAL EQUAL OPPORTUNITY OFFICER TRAINING

**#6-EXAMPLES OF ADMINISTRATIVE TOOLS OR RESOURCES IN AN INTEGRATED SETTING FOR INDIVIDUALS OF DISABILITIES OR BARRIERS THAT NEED TO BE MONITORED**

EXAMPLES OF ADMINISTRATIVE TOOLS OR RESOURCES IN AN INTEGRATED SETTING FOR INDIVIDUALS OF DISABILITIES OR BARRIERS THAT NEED TO BE MONITORED

**ONE-STOP CENTER SERVICES**

- 1) ICC Indiana Career Connect Job Postings
- 2) UI Filing And Online Resources
- 3) Training & Promotional Videos That Are Used In The WorkOne
- 4) Adult Ed Resources And Online Tools
- 5) TERRANOVA
- 6) TABE & TABE CLAS-E Testing
- 7) TASC Testing

**MODULE 2**

LOCAL EQUAL OPPORTUNITY OFFICER TRAINING

**#7-ADA CHECKLIST OVERVIEW- AN ARCHITECTURE ACCESSIBILITY ASSESSMENT TOOL**

**ADA CHECKLIST OVERVIEW- AN ARCHITECTURE ACCESSIBILITY ASSESSMENT TOOL**

**OVERVIEW OF THE ADA CHECKLIST**

ADA Checklist for EXISTING Facilities: <https://www.ada.gov/ada-checklist-ada-checklist-for-existing-facilities>

1) For those that want to complete an assessment for their facilities now, here are some helpful tips that can be found in brief form - <https://www.ada.gov/ada-checklist-tips>

2) Also, here are the ADA Best Practices Tool Kit for State and Local Governments can be found here <https://www.ada.gov/bestpractices/>

3) Tools needed to perform the ADA assessment can be found here - <https://www.ada.gov/ada-checklist-ada-checklist-for-existing-facilities>

4) ADA Checklist for NEW Facilities: <https://www.ada.gov/ada-checklist-new-facilities>

**ADA CHECKLIST OVERVIEW- AN ARCHITECTURE ACCESSIBILITY ASSESSMENT TOOL**

**HOW TO PREPARE**

- ✓ Get Organized
- ✓ Obtain Floor Plans
- ✓ Conduct the Survey
- ✓ Summarize Barriers and Solutions
- ✓ Make Decisions and Set Priorities
- ✓ Maintain Documentation
- ✓ Make Changes
- ✓ Follow Up

Excerpt from One-Stop Certification Tool, Section 8

7.3	<b>There is a process in place for customers to file Equal Opportunity complaints/grievances and a process for addressing these complaints/grievances when they are filed.</b>			
	<i>Review procedural documents pertaining to EO complaints/grievances.</i>			
	Comments:			
<b>8. Physical Accessibility</b>				
8.1	<b>The center is in compliance with all accessibility requirements under Federal Law. The one-stop center meets the physical accessibility requirements under WIOA Sec. 188, set forth in 29 CFR 38.</b>			
	<i>Verify through the DWD Oversight and Compliance Dept.</i>			
	Comments:			
8.2	<b>Staff and program partners are able to demonstrate they know how to use adaptive and assistive technologies and are aware of the available resources.</b>			
	<i>Verify through staff interviews and observation.</i>			
	Comments:			
8.3	<b>A written policy explains how required partners in the one-stop center make reasonable accommodations and includes procedures for handling requests for accommodations</b>			
	<i>Review reasonable accommodations policy and/or procedures.</i>			
	Comments:			

8.4	<b>Workshops are accessible to all customers. The one-stop center has the ability to provide reasonable accommodations to ensure equal access.</b>			
	<i>Verify through observation to ensure workshops are accessible and reasonable accommodations are provided as needed.</i>			
	Comments:			
8.5	<b>The one-stop center utilizes available resources, such as Vocational Rehabilitation Services, to ensure accessibility.</b>			
	<i>Verify through staff interviews and observation. Do staff know when to make the appropriate referrals to agencies such as VR, when needed? Are staff aware of interpreter services/technology available for limited English proficient (LEP) individuals?</i>			
	Comments:			
<b>9. Continuous Improvement</b>				
9.1	<b>Local board or committee meeting minutes reflect discussion about outcomes and strategic improvements.</b>			
	<i>Review board or committee minutes.</i>			
	Comments:			
9.2	<b>The one-stop center has a process in place for customers to provide feedback or complaints outside of the customer feedback survey. The process should identify how complaints are tracked and corrective action plans.</b>			
	<i>Review process for filing complaints to ensure it contains these requirements.</i>			
	Comments:			

## ADA Inspection Form

**This is an inspection form and does NOT suggest full compliance.**

Property Location/Name \_\_\_\_\_

Inspected by \_\_\_\_\_ Inspection Date/time \_\_\_\_\_

**NOTE:** Item # corresponds to diagrams on following pages.

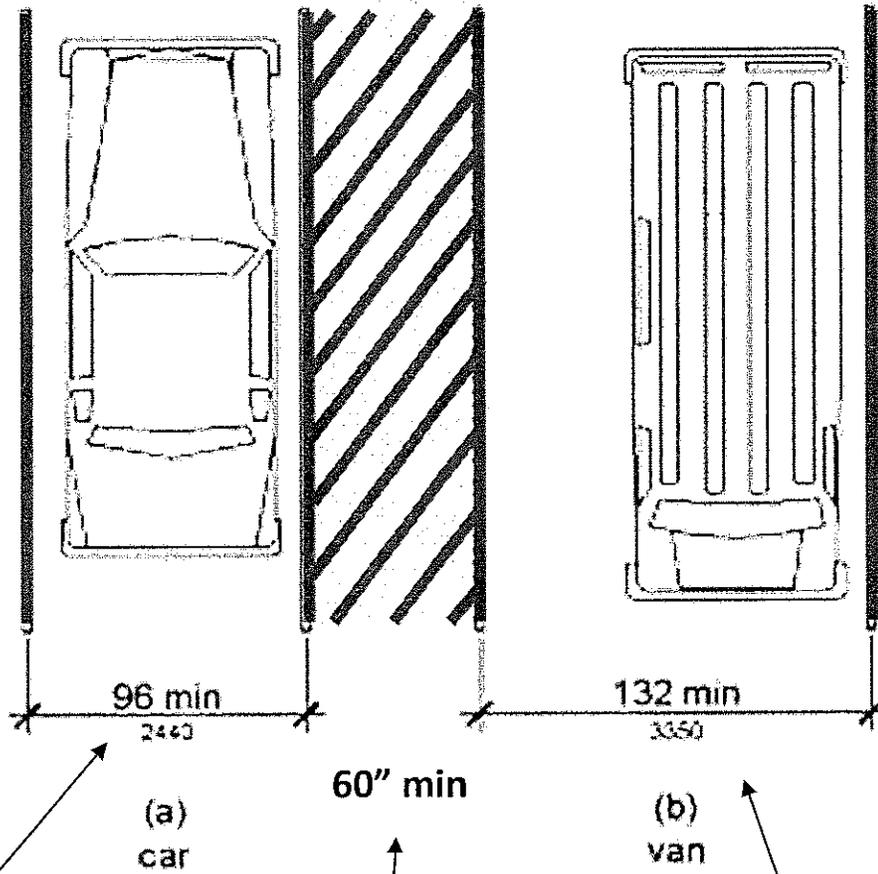
ITEM #	DESCRIPTION	GOOD	NEEDS REPAIR	COMMENTS
<b>A.</b>	<b>Parking Space</b>			
1	Vertical Sign (note height from bottom edge of sign)			
2	"Van Accessible" on sign			
3	Access aisle (60") / Vehicle space (96")			
4	Van space (132")			
5	Blue lines			
<b>B.</b>	<b>Access Route</b>			
6	36" minimum width			
7	Grades/cross slopes (5%/2%)			
8	Surface firm, stable and slip resistant			
9	Openings (1/2" max)			
10	Changes in level (1/2" max)			
<b>C.</b>	<b>Doors</b>			
11	Levered handle			
12	5lbf			
13	Signage on pull side			
14	32" min width			
<b>D.</b>	<b>Restroom (WC)</b>			
15	60" clearance			
16	Grab bars (side and back)			
17	Flush on wide side			
18	Toilet paper w/in reach			
19	Seat height (17-19")			
<b>E.</b>	<b>Restroom (sink)</b>			
20	Height 34" max			
21	Faucet handles			
22	Mirror reflecting surface height (40" max)			
23	Paper towel/dryer 48" height max			
<b>F.</b>	<b>Maintained</b>			
24	Clean/Working order			
25	Area free of litter and hazards			

Item #	ABATEMENT SECTION: Narrative of Action Taken	Date

# Parking Space Inspection

1. Bottom edge of vertical sign(s) 60" from bottom of sign to pavement.

2. The words "Van Accessible" are on the sign of the space with the wider side.



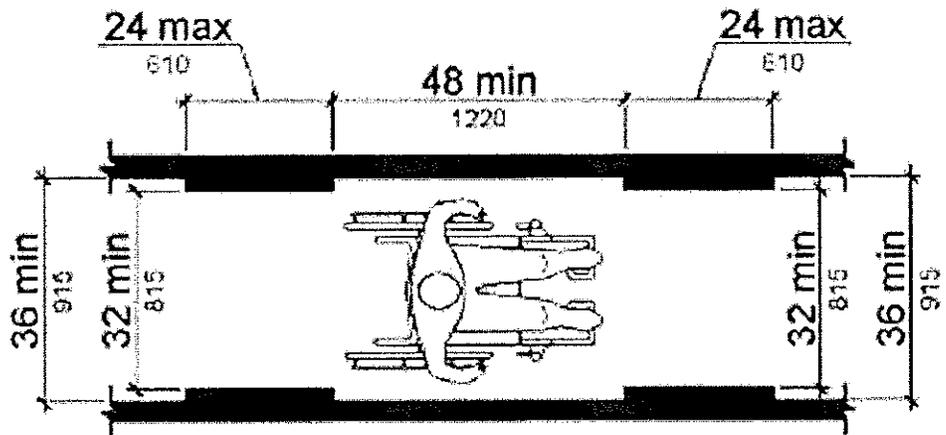
3. Accessible space 96" wide minimum and access aisle 60" minimum.

4. Van space is 132" minimum.

5. Space and access aisle marked with blue lines.

# Access Route Inspection

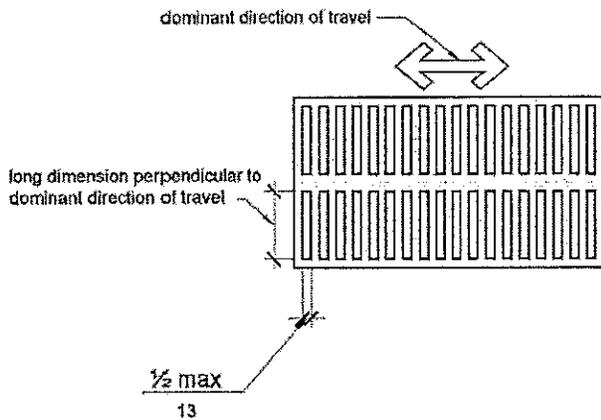
6. Minimum width should be 36", but can decrease to 32" for no longer than 24".



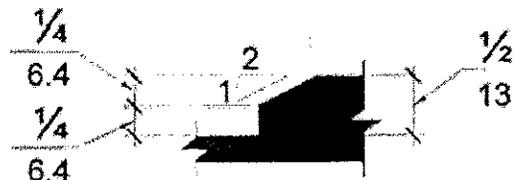
7. Grades and cross slopes shall not exceed 5% and 2% respectively.

8. Walking surfaces shall be firm, stable and slip resistant. (no large, loose stone.)

9. Openings along routes shall not exceed 1/2".



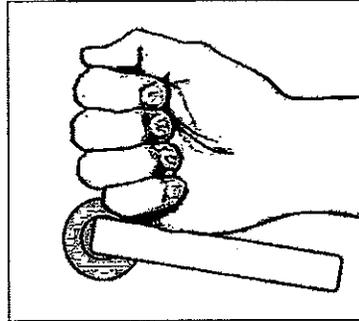
10. Changes in level cannot exceed 1/2".



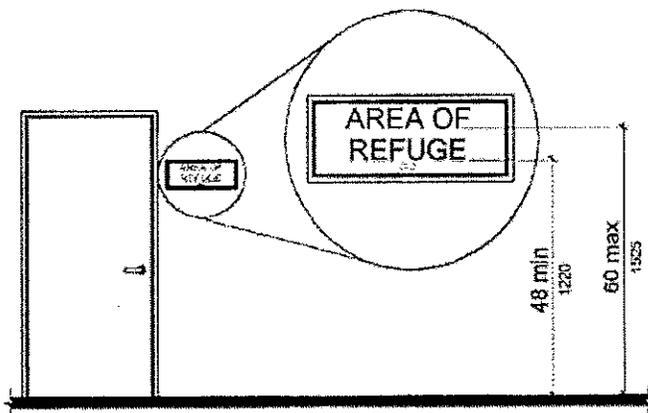
# Doors Inspection

11. Either a levered knob or handle that can be operated with a closed fist.

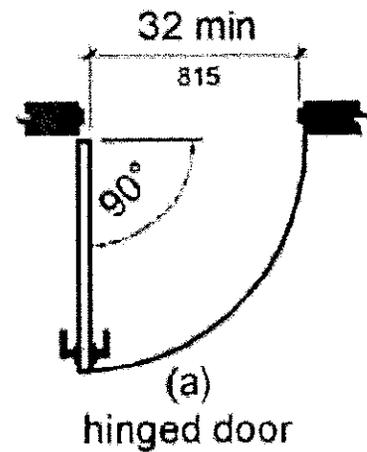
12. The door opening force cannot exceed 5 pounds of force unless it is a door with a powered opener.



13. Signage is to be located on the pull side no higher than 60" to the centerline of the sign.



14. Door openings shall not be less than 32".

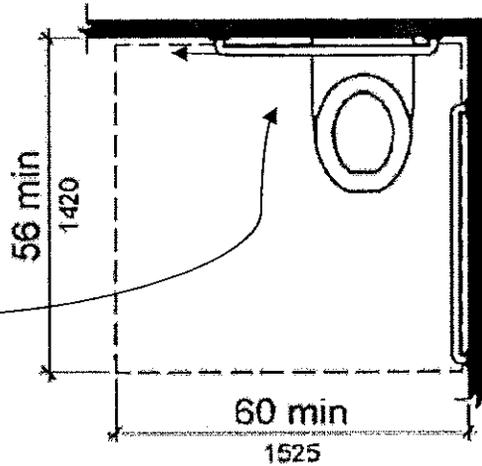


# Restroom (Water Closet) Inspection

15. There needs to be a 56 x 60" clear space at the water closet.

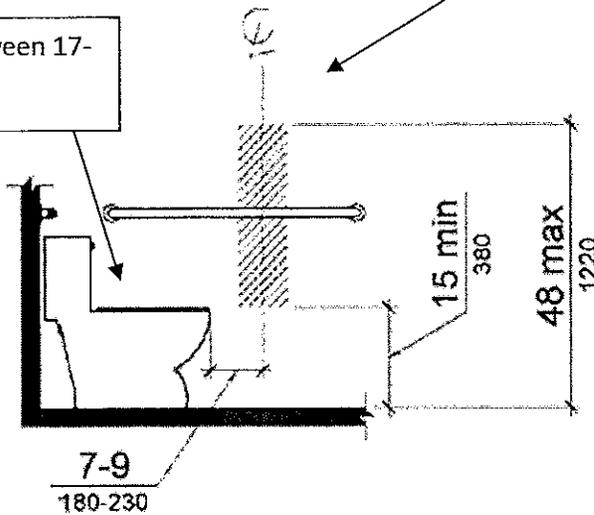
16. Are grab bars on the side and back of the stall (33 – 36" from the floor to the top of the bar surface)?

17. Is the flush handle on the wide side?

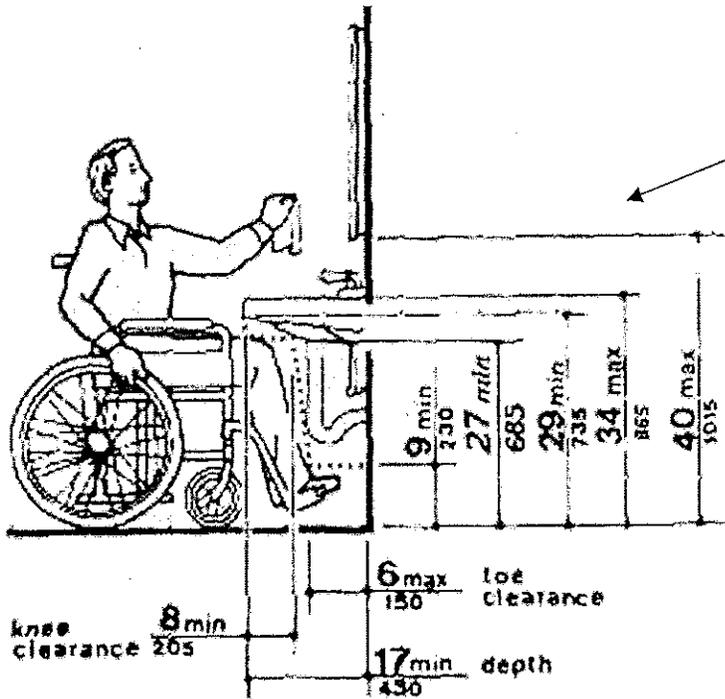


18. The toilet paper shall be within reach range.

19. The top of the toilet seat shall be between 17-19" from the floor.



# Restroom (Sink) Inspection

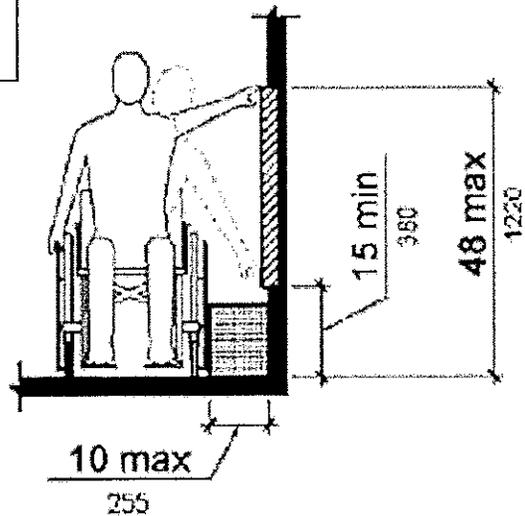


20. The maximum sink height is 34"

21. Faucet handles should be levers, one-hand operation.

22. Reflecting surface of mirrors shall be no higher than 40".

23. Paper towels, dryers, controls shall be no higher than 48".



## ADA Inspection Form

This is an inspection form and does NOT suggest full compliance.

Property Location/Name Vincennes WorkOne  
 Inspected by Kalena James & Linda Jones Inspection Date/time 11/9/2017

NOTE: Item # corresponds to diagrams on following pages.

ITEM #	DESCRIPTION	GOOD	NEEDS REPAIR	COMMENTS
A.	Parking Space			
1	Vertical Sign (note height from bottom edge of sign)	✓		5' 11"
2	"Van Accessible" on sign	✓		marking on Pavement
3	Access aisle (60") / Vehicle space (96")	✓		12 feet
4	Van space (132")			
5	Blue lines	✓		9' 9"
B.	Access Route			
6	36" minimum width	✓		
7	Grades/cross slopes (5%/2%)	✓		8' street to door
8	Surface firm, stable and slip resistant	✓		curb 7 1/2" curb 2" lip
9	Openings (1/2" max)			Recommend level
10	Changes in level (1/2" max)			
C.	Doors	✓		Automatic door
11	Levered handle			on Pull side
12	5bf			
13	Signage on pull side	✓		
14	32" min width	✓		34"
D.	Restroom (WC)			Needs New Sign
15	60" clearance	✓		56" X 80" Clear Space
16	Grab bars (side and back)	✓		3 1/2" From Floor
17	Flush on wide side			Needs new tank
18	Toilet paper w/in reach	✓		
19	Seat height (17-19")	✓		17" Belly 8"
E.	Restroom (sink)			
20	Height 34" max	✓		34"
21	Faucet handles	✓		Levers
22	Mirror reflecting surface height (40" max)		✓	44" from Floor
23	Paper towel/dryer 48" height max	✓		52" CAN be ACCESS
F.	Maintained			Since no trash
24	Clean/Working order	✓		recycle on wall
25	Area free of litter and hazards	✓		

Item #	ABATEMENT SECTION: Narrative of Action Taken	Date
	① improve parking lot to sidewalk in front	Contract Landlord
	② lower or Add another piece of mirror	" "
	③ place handicap/unisex sign left of restroom door	order 10/13/17
	④ PAINT curb blue at cut	Contract Landlord

**Indiana Department of Workforce Development - Regulatory Oversight and Compliance (ROC) Division  
On-Site Office Review Checklist**

<b>LWDA:</b>		<b>DWD Monitor(s):</b>	
<b>Monitoring Loc./ Office Type:</b>		<b>On-Site Review Date/Time:</b>	
<b>Local Staff Interviewed:</b>			

**CONFIDENTIAL INFORMATION AND DOCUMENT SECURITY**

<p><b>Authority:</b></p> <p>DWD Policy 2007-46</p> <p>DWD Policy 2013-03</p>	<p><b>Verification:</b></p> <p>a. Identifying information, including SSNs, addresses, dates of birth, employer account numbers, and Federal Identification Numbers are safeguarded from being obtained by unauthorized persons for any unauthorized use.</p> <p>b. When a desk or work area (including printers, copiers, and fax machines) is left unoccupied, confidential and/or privileged information is not left unattended.</p> <p>c. Employees are not permitted to take State of Indiana electronic or paper records off work premises to be utilized for personal reasons.</p> <p>d. Are employees informed of proper use/management of records? <i>How are situations handled if records are misused?</i></p> <p>e. Social Security Numbers are not disclosed to unauthorized persons or entities.</p> <p>f. When employees are not working directly with confidential documents, these documents are filed or stored in secure drawers/cabinets to prevent inadvertent disclosure of information.</p> <p>g. Employees only access confidential information to the extent they have permission or authority to access.</p>	<p><b>Responses:</b></p> <p>a. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>b. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>c. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>d. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>e. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>f. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>g. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><b>Comments:</b></p>
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**DOCUMENT DESTRUCTION**

<p><b>Authority:</b></p> <p>DWD Policy 2007-42</p> <p>DWD Policy 2007-46</p>	<p><b>Verification:</b></p> <p>a. All documents are destroyed in such a manner as to ensure information contained on the records is unidentifiable.</p> <p>b. Documents are destroyed in a secure location.</p> <p>c. Confidential records are not discarded in trash bins, recycling containers, or other publicly accessible locations.</p>	<p><b>Responses/Comments:</b></p> <p>a. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>b. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>c. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><b>Comments:</b></p>
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WORKPLACE SAFETY AND SECURITY		
<p><b>Authority:</b></p> <p>DWD Policy 2013-03</p> <p>DWD Administrative Inquiry</p> <p>SOI IRUA</p>	<p><b>Verification:</b></p> <p>a. Employee unauthorized use of cameras, including cell phone cameras is prohibited from use on the premises.</p> <p>b. Does office have a written emergency response plan?</p> <p>c. Is there a presence of hazardous chemicals in or near the office?</p> <p>d. Employees do not share computer passwords with fellow workers.</p> <p>e. Computers are used by employees in compliance with the Information Resources Use Agreement (IRUA) which is a statewide policy intended to improve the state's information security and guide state employees regarding appropriate use. (<a href="http://www.in.gov/iot/IRUA.htm">http://www.in.gov/iot/IRUA.htm</a>)</p> <p>f. Does the office utilize security cameras? If so, how many cameras are there and are they currently monitored by an alarm company?</p> <p>g. Does the office utilize on-site security such as a security guard or off-duty police officer?</p>	<p><b>Responses:</b></p> <p>a. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>b. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>c. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>d. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>e. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>f. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>g. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><b>Comments:</b></p>
EMPLOYEE NOTIFICATION		
<p><b>Authority:</b></p> <p>DWD Policy 2013-03</p> <p>DWD Policy 2007-39</p> <p>DWD Policy 2011-03</p> <p>DWD Policy 2010-05</p>	<p><b>Verification:</b></p> <p>a. Employees are aware of ethics rules which prohibit benefiting from, or permitting any other person to benefit from, confidential information as further outlined at <a href="http://www.in.gov./ig">http://www.in.gov./ig</a> (Indiana Inspector General's Office).</p> <p>b. Employees are aware that DWD adopted a zero tolerance policy for employees who fraudulently file for unemployment benefits or public relief while currently employed at DWD.</p> <p>c. Employees are aware of procedures, appropriate responses, and/or reporting requirements in case of injury, threat of legal action, or threat of violence.</p>	<p><b>Responses:</b></p> <p>a. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>b. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>c. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><b>Comments:</b></p>

WORKONE APPEARANCE/EQUIPMENT AND EO COMPLIANCE		
<p><b>Authority:</b></p> <p>DWD Policy 2016-09</p> <p>DWD Administrative Inquiry</p>	<p><b>Verification:</b></p> <p>a. Is there ample room for parking for both WorkOne employees and clientele?</p> <p>b. Is the WorkOne building itself in an acceptable functional condition?</p> <p>c. Are the grounds of the WorkOne facility in good condition and free from excessive trash or clutter?</p> <p>d. If any flags are publicly displayed (Indiana State or United States), are they in acceptable condition for public presentation?</p> <p>e. Is the WorkOne sign easily seen from the road and is there easy access to the facility?</p> <p>f. Does the office have American Job Center signage?</p> <p>g. Does the office possess a sufficient amount of computers for public access?</p> <p>h. Is there EO signage posted in a highly visible area within the WorkOne?</p> <p>i. Is the EO signage formatted for non-English speaking individuals or individuals with visual impairments?</p> <p>j. Request a demonstration of any assistive technology Is the equipment in operable condition, and is staff trained on usage?</p> <p>k. Test handicapped accessible entrances to ensure functionality. Are all in working order?</p> <p>l. How is Babel Notice information conveyed to clients? How is it documented?</p> <p>m. How are partner services provided in this office?</p>	<p><b>Responses/Comments:</b></p> <p>a. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>b. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>c. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>d. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>e. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>f. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>g. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>h. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>i. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>j. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>k. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>l. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>m. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><b>Comments:</b></p>



**For Immediate Release | 3/23/2016**

Contact: Al Ensley

Phone: 317-232-7358

Email: [aensley@dwd.in.gov](mailto:aensley@dwd.in.gov)

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## **DWD Unveils Assistive Technology at WorkOne Career Centers**

**INDIANAPOLIS** (March 23, 2016) – As part of Disability Awareness Month, the Indiana Department of Workforce Development (DWD) and its WorkOne partners are unveiling new workstations that contain assistive technology designed to help Hoosiers with disabilities in their search for gainful employment. These workstations can be found at twelve WorkOne Career Centers throughout the state, with nine more being added by the end of the year.

WorkOne assistive technology workstations include adjustable workstations, articulating arm supports, large print keyboards, and ultra HD video magnifier. WorkOne team members have been participating in regular training sessions to learn new strategies for assisting individuals with disabilities in their job search.

“The Department of Workforce Development exists to provide access to tools and services that enable Hoosiers to prepare for, obtain and retain employment,” said Steven J. Braun, Commissioner of the DWD. “Every job seeker has a different set of barriers to employment, and it is important that DWD staff and our WorkOne partners are trained and ready to assist Hoosiers with disabilities in their search for gainful, integrated employment. The addition of new assistive technology will enable us to better serve some of our most vulnerable and underemployed citizens.”

In addition to the assistive technology at WorkOne offices, DWD staff will join hiring managers, HR professionals and business owners from across Indiana for a disability inclusion conference on March 24, 2016. [“The Successful Recipe for Disability Inclusion”](#) is a day-long training seminar that will focus on ways organizations can improve accessibility in the hiring process, modernize digital and physical infrastructure and raise staff awareness of disability etiquette.

The workstations and conference are part of the Disability Employment Initiative (DEI), which is jointly funded and administered by the U.S. Department of Labor’s Employment and Training Administration and its Office of Disability Employment Policy. The DEI grant is designed to improve education, training and employment opportunities for adults with

disabilities (ages 18-64) who are unemployed, underemployed and/or receiving Social Security disability benefits.

Visit [www.in.gov/dwd/2416.htm](http://www.in.gov/dwd/2416.htm) for more information about DEI, other WorkOne initiatives to assist Hoosier with Disabilities and a list of locations with assistive technology. For more information on the March 24th Disability Inclusion Conference, please visit [www.makingdiversitywork.org](http://www.makingdiversitywork.org).

-30-



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· Indiana Government Center South  
10 North Senate Avenue · Indianapolis, IN 46204 · (800) 891-6499



## Accessible Hardware Overview Outline:

### Infinity **Adjustable Workstation:**

This workstation is a height adjustable workstation that allows the user to independently raise and lower the workstation surfaces with an easy-to-use switch located at the front of the workstation. This workstation will be helpful for persons who are in a wheelchair or those who have musculoskeletal issues that require periodic movement to control pain.



### **Articulating Arm Supports:**

Clients who suffer from repetitive stress injuries (i.e. carpal tunnel) will utilize these articulating arm supports while using the computer to relieve stress in their wrists and arms. Additionally, these arm supports are fully adjustable.



### **Viewsonic 24" Monitor:**

This is a larger screen display that will allow persons with visual impairments more screen surface to view information better. Larger screen monitors automatically make the viewable information larger and when coupled with the Windows Built-in Magnifier access to the computer will become much easier.



### **Merlin Elite Full HD Video Magnifier:**

The Merlin Elite Full HD Video Magnifier has an 24 inch HD monitor and is used by persons with visual impairments to view printed materials (ex. applications, resumes, reading materials, etc.). It comes with controls on the middle front of the monitor to control magnification, color contrast, and focus adjustments. Additionally the X-Y table is used to easily maneuver printed documents for ease of access.



### **Kensington Expert Mouse:**

The Kensington Expertmouse trackball is a pointing device that reduces the amount of movement needed to move a mouse pointer around the computer screen. Clients who have limited mobility or repetitive stress injuries (i.e. carpal tunnel) will benefit from using this pointing device by reducing fatigue and strain that results from using a standard pointing device. Additionally, this pointing device features four programmable buttons and 6 quick launch buttons that can increase a person's efficiency by opening programs and dragging items across the screen with the click of a button.



### **Microsoft LX-3000 Headset:**

The Microsoft LX-3000 headphones are designed to limit outside noises while listening to audio output from the computer. They also double as a microphone for using voice-input software such as the built-in Windows Speech Recognition software. Persons with visual, cognitive and/or physical impairments will use this Headset as they use audio output software (ex. Jaws, NaturalReader) or voice input software (ex. Windows Speech Recognition).



**EnableMart Large Print Keyboard:**

The Large Print Keyboard enlarges the letters and symbols that are on a standard keyboard by almost four times the actual size. This keyboard allows clients with low vision to more easily access the computer keyboard.



**LSS Video Magnifier Cart:**

The LSS Video Magnifier Cart will provide a portable station for the Merlir Elite Full HD Video Magnifier. This portable cart will allow staff to transport the video magnifier to their workspaces should they be meeting with someone with a visual impairment. The cart has a large surface to hold the video magnifier and other materials. It also has locking casters that will keep it from rolling around when in use.



**Ergonomic Office Chair:**

The ergonomic office chair will allow persons with musculoskeletal issues to properly position themselves while using the workstation. The chair offers several adjustments for proper positioning including seat height, seat tilt, seat depth, back height, arm height, and lumbar support.



# Accessible Software Overview Outline:

## Windows Speech Recognition:



Windows Speech Recognition is a voice input program that allows a person to access the computer without the use of the keyboard or mouse. By taking spoken language and translating it into text and system commands a person can operate the computer by simply talking to it. This includes opening up programs, operating the mouse, dictating text, scrolling web pages, using program menus, etc.

## Natural Reader 13:



Natural Reader is a text-to-speech program that will allow persons who have difficulty with reading (ex. Literacy, Dyslexia, etc.) to read Word, PDF, Internet files.. This program reads e-text verbally to the user in naturally sounding voices and will assist with both reading and reading comprehension.

## Windows Magnifier:



Windows Magnifier magnifies the computer screen for persons with visual impairments. It provides incremental magnification and multiple viewing options (full, docked, lens) to assist folks with viewing information that is displayed on the screen.

## Jaws for Windows (Screen Reader):



Jaws is a screen reading system which will allow users who are blind or visually impaired to access the computer. Jaws (Screen Reader) reads information that is displayed on the computer screen and provides context to the user so they know how to navigate or interact wherever the computers focus is. This program also provides accelerator keystrokes for accessing a variety of productivity tools such as MS Word, Internet, Email, etc.

## Allen County Auxiliary Area Guide



### **Turning on:**

Turn on computer (underneath the desk) if it is not already on  
Login to public account  
Use same password as the IRA computers  
Desktop is set up the same as IRA computers

### **Arm supports:**

There are arm supports on both sides of the desk for customers who need the additional support when typing or using the mouse.



### **Keyboards:**

There are two keyboards that may be utilized.  
Both are connected to the computer so nothing needs to be plugged in or unplugged.  
The keyboard setting on the desk has larger font than the keyboards in the IRA.



The second keyboard is attached by Velcro so it can moved and utilized on the desktop of on the customer's lap.



### **Speakers/Headphones:**

There are multiple speakers connected to the computer but they are set to off. If a customer needs the volume louder please have them use the headphones so other customers will not be able to hear the information being presented. If the customer is not able to utilize the headphones you may have them use a private room or have them come in outside of our normal office hours.

There is a set of headphones with a microphone on the desk.

You will need to plug into the telephone or the computer for the customer to utilize.

There are two connectors on the headphones- one is for the headphones and one is for the microphone. If you are using for listening only, you don't have to plug in the microphone portion.

## Zoom

When the customer has physical documents they need to view. You will utilize the Clearview system for this.



You need to click on the red power button to turn on the system.



Place the document on the base of the system. (Where it says Optelec).

The document will appear on the monitor of the system.

Turn the dial to decrease or increase the size of the document.

If you push in the center of the dial it will change the background from white to black. This helps many customers with visual impairments. Clicking the button again will revert back to a black background.



**TTY:**

TTY is Text Telephone which may be used for customers that have a hearing impairment.

Turn the power on with the button located to the right of the display screen.



Pick up the receiver on the phone, push 9 for an outside line and dial the number.



Place the phone receiver on top of the TTY machine.

Dial 9 (to get outside line if applicable), then dial 711 or 800-743-3333

Operator at Relay Indiana will answer and type "RELAY INDIANA, #, M or F (operator gender), and NUMBER CALLING PLS GA". (Which means please go ahead).

Type number you wish to call and the name you wish to speak with and then GA.

They must read everything you type to the person they are calling and they must tell you everything the person states also. They are not able to make judgment calls on what to share.

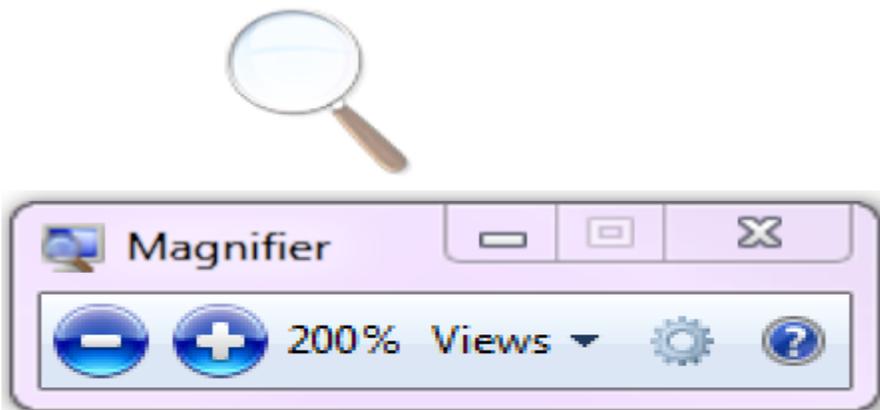
TTY abbreviation guide:

Type: GA= Go Ahead      PLS GA= Please Go Ahead      SK= Stop Keying (done talking)      Q= Question      GA  
to SK= you are done unless he or she has more to add

### **Magnifying:**

There are a few different ways to increase the size of font on the computers:

Click on the start button on the bottom left corner of the screen, type magnifier in the search box, then click on the magnifier icon. To change the size of the font on the screen: click on the magnifying glass, then click on – or + to decrease or increase the size. To close the magnifier: click on the magnifying glass and then click on the x.



Many programs, including Microsoft Outlook, Word and Excel all have magnifying controls on the bottom right hand corner. Click on the – or + to decrease or increase the size.



Most programs also allow keyboard or mouse cheats to do this as an alternative method. Click Ctrl while using the mouse scrolling function to decrease or increase the size.

## On screen keyboard

Click on Start bottom, in Search box- type Ease of Access Center, Click on Start on-Screen Keyboard.

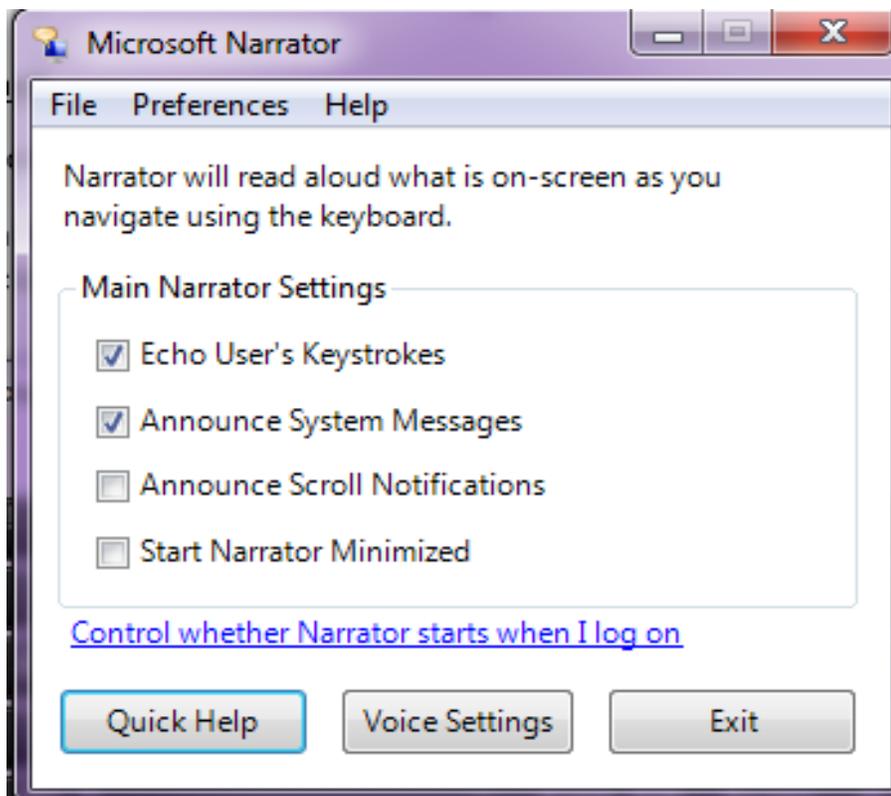
The below keyboard will appear on the screen for customers that only have ability to use the mouse. When done, you click on the box in the right hand corner of the on screen keyboard.



## Narrator

Click on Start bottom, in Search box- type Ease of Access Center, Click on Start Narrator.

Choose the settings requested. Click on the red box when done or click on exit.



## Other options in the Ease of Access Center

### Explore all settings

When you select these settings, they will automatically start each time you log on.



Use the computer without a display

Optimize for blindness



Make the computer easier to see

Optimize visual display



Use the computer without a mouse or keyboard

Set up alternative input devices



Make the mouse easier to use

Adjust settings for the mouse or other pointing devices



Make the keyboard easier to use

Adjust settings for the keyboard



Use text or visual alternatives for sounds

Set up alternatives for sounds



Make it easier to focus on tasks

Adjust settings for reading and typing

**From:** [Gault, Steve](#)  
**To:** [Maxey, Bonnie](#)  
**Cc:** [Long, Jennifer](#)  
**Subject:** FW: Assistive Workstation Training  
**Date:** Friday, May 04, 2018 1:26:01 PM  
**Attachments:** [Accessible Hardware Overview 1 page.pdf](#)  
[Accessible Software Overview 1 page.pdf](#)  
[DWD 2015 Hardware Quick Reference Guides.pdf](#)  
[Jaws Quick Reference.pdf](#)  
[Natural Reader Quick Reference.pdf](#)  
[Windows Magnifier Quick Reference.pdf](#)  
[Windows Speech Recognition Quick Reference.pdf](#)  
[YouTube Training Video - workstation.docx](#)  
[DWD Field Operations Assistive Work Station Training Survey.xlsx](#)  
[Assistive Workstation Equipment and Software.docx](#)

Bonnie,

This is the email we sent with the self-training materials. I've also attached an Excel spreadsheet with the survey results and a Word doc listing of the hardware and software that the workstations contain. Questions, let me know.

Thanks.

---

**From:** Gault, Steve

**Sent:** Friday, December 01, 2017 3:48 PM

**To:** Angie Crossley ([acrossley@workforcenet.org](mailto:acrossley@workforcenet.org)) <[acrossley@workforcenet.org](mailto:acrossley@workforcenet.org)>; Deb Waymire ([dwaymire@tap.lafayette.in.us](mailto:dwaymire@tap.lafayette.in.us)) <[dwaymire@tap.lafayette.in.us](mailto:dwaymire@tap.lafayette.in.us)>; Edmond O'Neal ([eoneal@neinworks.org](mailto:eoneal@neinworks.org)) <[eoneal@neinworks.org](mailto:eoneal@neinworks.org)>; Jacqueline James ([jjames@workoneregion10.com](mailto:jjames@workoneregion10.com)) <[jjames@workoneregion10.com](mailto:jjames@workoneregion10.com)>; Kay Johnson <[Kay.Johnson@workonesw.org](mailto:Kay.Johnson@workonesw.org)>; Krystal Levi ([klevi@gotoworkone.com](mailto:klevi@gotoworkone.com)) <[klevi@gotoworkone.com](mailto:klevi@gotoworkone.com)>; Patricia Griffin ([pgriffin@workonecentral.org](mailto:pgriffin@workonecentral.org)) <[pgriffin@workonecentral.org](mailto:pgriffin@workonecentral.org)>; Richard Sewell ([richards@workonesoutheast.org](mailto:richards@workonesoutheast.org)) <[richards@workonesoutheast.org](mailto:richards@workonesoutheast.org)>; Robyn Minton <[rminton@innovativeworkforce.com](mailto:rminton@innovativeworkforce.com)>; Marie Mackintosh ([MMackintosh@EmployIndy.org](mailto:MMackintosh@EmployIndy.org)) <[MMackintosh@EmployIndy.org](mailto:MMackintosh@EmployIndy.org)>; Shannon Laurent <[slaurent@hotmail.com](mailto:slaurent@hotmail.com)>; Lisa Price ([lprice@asgcorp.org](mailto:lprice@asgcorp.org)) <[lprice@asgcorp.org](mailto:lprice@asgcorp.org)>

**Cc:** Davisson, Nancy <[ndavisson@dwd.IN.gov](mailto:ndavisson@dwd.IN.gov)>; James, Kalena F <[KJames@dwd.IN.gov](mailto:KJames@dwd.IN.gov)>; Wray, Connie E <[CWray@dwd.IN.gov](mailto:CWray@dwd.IN.gov)>; Boyd, Marcus B ([MBoyd2@dwd.IN.gov](mailto:MBoyd2@dwd.IN.gov)) <[MBoyd2@dwd.IN.gov](mailto:MBoyd2@dwd.IN.gov)>; Ouattara, Ibrahim <[IOuattara@dwd.IN.gov](mailto:IOuattara@dwd.IN.gov)>

**Subject:** FW: Assistive Workstation Training

All,

Our approach to provide initial training on the Assistive Workstations is to provide the attached video training and product guides for staff to use to train themselves. The advantage of this approach is that it:

- Provides training now,
- Can be used in the future by new staff,
- Serves a refresher for those trained in past,
- Provides a reference available when needed,
- Provides hands on training,
- Avoids travel and time out of the office.

These materials were provided by Easter Seals and were used as a part of the training the provided.

Regional Administrators should appoint at least two staff per WorkOne with an Assistive Workstation to complete this training as soon as practical but no later than January 15, 2018. When the training has been completed, Please provide the names and contact information of the trained staff to Steve Gault, DWD Field Operations. After the training has been completed, we will follow up with a survey on the effectiveness of this training method and whether additional is needed to complete this first round. Note that some WorkOnes may not have the exact hardware or software covered by these guides but a different kind that performs a similar function. In these cases, search the internet for guides and videos that can be used for training and reference or refer to materials that may have been shipped with it. If you need assistance using these materials or have other questions, please contact Steve Gault, [sgault@dwd.in.gov](mailto:sgault@dwd.in.gov) or 812.675.2481 for assistance.

We are committed to ensuring staff can be effective and feel comfortable in using the tools of the Assistive Workstations to help customers receive the services they desire and this is a step in doing so.

Thanks.

## Element 6: Data and Information Collection and Maintenance

*[29 CFR 38.41 through 38.45]*

Recipients must collect and maintain records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment and must record race/ethnicity, sex, age, and where known, disability status. Beginning on January 3, 2019, each recipient must also record LEP and preferred language. Data collected must be stored in a manner that ensures confidentiality and used only for purposes of recordkeeping and reporting, determining eligibility for WIOA Title I-funded programs or activities, or other uses authorized by law.

### Systems

Indiana Career Connect (ICC) is Indiana's job-matching and client tracking system. The web-based system may be accessed online or at terminals in WorkOne offices by both employers and job seekers to facilitate job-matching.<sup>72</sup> Employers may post job openings and find candidates. Job seekers can register for work, find job openings, and use other services, such as resume drafting, available on the website.

As part of DWD's demand-driven workforce system (DDWS) that provides job-matching, case management, and data collection services, ICC also collects and reports data for the programs administered by DWD. ICC collects data for applicants and participants receiving WIOA career services.<sup>73</sup> The State EO Officer is able to retrieve and cross-reference Job Service and demographic information from ICC. The collected information is examined during the monitoring process using a participant file review tool.<sup>74</sup>

Uplink is Indiana's portal for filing Unemployment Insurance (UI) claims, and is accessible online and in WorkOne offices. The State EO Officer is currently working with UI management to develop better system integration and enrich the quality and understanding of participant data.

### Records and Resources

Demographic information is collected at Hoosiers by the Numbers,<sup>75</sup> which provides a demographic breakdown by workforce service area and counties. This is used in conjunction with the ICC reporting system, as outlined in Element 7's monitoring procedures.

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<sup>72</sup> See <http://www.indianacareerconnect.com>

<sup>73</sup> Documentation 6.1: WIOA ICC Application

<sup>74</sup> Documentation 6.2: WIOA Adult Participant File Review Checklist; See Element 7 for further detail on monitoring.

<sup>75</sup> See <http://www.hoosierdata.in.gov>

Certain participant records, such as those containing medical information, are secured and kept separate from other information to ensure confidentiality.<sup>76</sup> All participant data collected is retained for a period of three years from the date of application, and for complaints, three years after resolution of the complaint.<sup>77</sup>

Each LWDA utilizes a formal Complaint Log<sup>78</sup> to record complaints filed that allege discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship status and/or participation in a WIOA Title I-financially assisted program or activity. The Local EO Officers submit the Complaint Log on a quarterly basis (April 5, July 5, October 5 and January 5) to the State EO Officer.

### Enforcement

WIOA grant applicants and recipients must notify the State EO Officer of any administrative enforcement actions or lawsuits filed regarding discrimination. Additionally, the Director of CRC will be notified of any administrative enforcement actions and lawsuits against recipients that allege discrimination on one or more of the bases prohibited by WIOA Section 188.

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<sup>76</sup> 29 CFR 38.41. See also DWD Policy 2016-09 (Documentation 1.5) and Documentation 6.3: DWD Policy 2013-03: Confidential and Privileged Information.

<sup>77</sup> 29 CFR 38.43; See Indiana Record Retention guidelines at <https://www.in.gov/iara/files/gr.pdf>.

<sup>78</sup> Documentation 6.4: Complaint Log

## Element 6 Documentation

Documentation 6.1: WIOA ICC Application

Documentation 6.2: WIOA Adult Participant File Review Checklist

Documentation 6.3: DWD Policy 2013-03: Confidential and Privileged Information

Documentation 6.4: Complaint Log

**WIOA APPLICATION  
Indiana Career Connect**

General Information				
Application Status:				
Name:		SSN:		
AppID:		WIA Converted App ID:		
State ID:		User ID:		
LWIA:		Office: Office of Responsibility:		
Assigned Case Manager:				
Application Date:		Login Name:		
Eligibility Dates				
Basic Core Date:	Adult Date:	Dislocated Worker:	Youth Date:	Incumbent Worker Date:
Contact Information				
Current Address:		County:		
Mailing Address:				
Eligibility Address:		County:		
Primary Phone:		Primary Phone:		Fax:
Phone Type: Cell/Mobile Phone		Phone Type: Cell/Mobile		1
Phone Mode:		Phone Mode:		
Email:				
Demographic Information Date				
of Birth:		Age:	Gender:	
Selective Service: Not applicable Verified		Authorized to work in US: Citizen of U.S. or U.S. Territory		
Selective Service Registration Number: Not Available		Verified		
Selective Service Registration Date:		Alien Registration Number: Not Available		
		Alien Registration Expiration Date: Not Available		
Hispanic:		Race:		
Considered to have a Disability:		Category of Disability:		
Received services from a State Development Disabilities Agency (SDDA):				
Received services from a State or Local Mental Health Agency (LSMHA):				
Received services from a Home & Community Based Service Provider Under a State Medicaid (HCBS) Waiver:				
Disability Work Setting:				
Type of Customized Employment Services Received:				
Received Disability Financial Capability:				
Section 504 Plan:				
Received services from Vocational Rehabilitation:				
Transitioning Service Member Information				
Type of Transitioning Service Member:			Estimated Discharge Date:	
Veteran Eligible Spouse Information				
Veteran Status: No		Disabled Veteran:		
Homeless Veteran: No		Received Services from Veteran VR:		

**WIOA APPLICATION**  
**Indiana Career Connect**

**Multiple Tours of Duty:** No

**Veteran Separation Dates:**

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-

**WIOA APPLICATION**  
**Indiana Career Connect**

Employment Information		
Employment Status: Not Employed Verified	If employed, under-employed: Not Applicable	
Unemployment Eligibility Status: Claimant Verified	UI Referred By: RESEA	
Claimant has been exempted from work search: No	Date claimant exempted from work search:	
Number of weeks Unemployed:	Meets Long Term Unemployed Definition: No	
Current or most recent Hourly Wage:	Occupation of Most Recent Employment Prior to WIOA Participation:	
Termination/Layoff Information		
Reason for Layoff: Category 1: Terminated or laid off, or has received notice of termination or layoff, and is eligible for or has exhausted entitlements to UC, and is unlikely to return to previous industry or occupation. Verified		
Is unemployed due to general economic conditions in the community lived in, or worked in, or related to a military installation realignment:		
Is unemployed as result of an emergency or natural disaster in the community lived in, or worked in:		
Is considered long term unemployed, as defined by the state in the NDWG grant:		
Actual Layoff Date: 01/21/2018	Projected Layoff Date:	
Dislocation Employer Name:	Employer Address:	
Dislocation Hourly Wage:		
Attended Group Orientation: No		
Most Recent Date Attended Rapid Response Service:	Rapid Response Event:	
Education Information		
School Status: Not attending school; Secondary School Graduate or has a recognized equivalent - Verified		
Highest School Grade Completed: 12th Grade Completed		
High School Diploma or Equivalent received: Yes		
Highest Educational Level Completed: Attained a high school equivalency		
Education Partner Services		
Receiving services from Adult Education (WIOA Title II): Did not self-identify		
Receiving services from YouthBuild: Not Applicable	YouthBuild Grant Number:	
Receiving services from Job Corps: Did not self-identify		
Receiving Services from Vocational Education (Carl Perkins): Did not self-identify		
Individualized Education Program Participant: Not Applicable		
Barriers		
English Language Learner: No	Basic Skills Deficient/Low Level of literacy: No	Homeless: No
	Ex-Offender: No	
Barriers to Employment		
Displaced Homemaker: No	Within 2 years of exhausting TANF lifetime eligibility: No	
Hawaiian Native: No	American Indian/Alaskan Native: No	Single parent including pregnant women: No
Cultural barriers: No	Eligible migrant and seasonal farmworker as defined in WIOA Sec. 167(i) : No	Meets Governors special barriers to employment: No
Public Assistance		

**WIOA APPLICATION  
Indiana Career Connect**

Temporary Assistance for Needy Families (TANF):No	TANF Recipient:	
Supplemental Security Income (SSI): No	SSI Recipient:	
General Assistance (GA): No	GA Recipient:	
Refugee Cash Assistance (RCA): No	RCA Recipient:	
Social Security Disability Income (SSDI): No		
Supplemental Nutrition Assistance Program (SNAP): No	Receiving services under SNAP Employment & Training Program: No	
Foster Child (state or local payments are made for applicant): No	Youth currently living in high-poverty area: No	
Youth currently receives, or is eligible to receive free or reduced lunch under the Richard B. Russell National School Lunch Act : No	Receiving or been notified will receive any Pell Grant Monies: No	
Ticket to Work Holder issued by the Social Security Administration: No		
<b>Income Information</b>		
Due to disability, qualifies as Family of One:No	Family Size: 1 Verified	
Annualized Family Income: \$17,062.00 Verified		
<b>Eligibility</b>		
Applicant meets the definition for Low Income:No	Youth applicant meets low income based upon living in a high poverty area or free/reduced school lunch:No	
Dislocated Worker Eligibility:Yes Adult Eligibility: Yes	Youth Eligibility: Youth exception:Meets the 5% Exception and/or 5% Limitation (checkbox is displayed and is NOT checked)	
<b>WIOA Grant Eligibility</b>		
National Dislocated Work Grant NDWG (formerly NEG):	Statewide Adult Eligibility:	
Statewide Dislocated Worker Eligibility:	Statewide Youth Eligibility:	
Incumbent Worker Eligibility:	Statewide Rapid Response Additional Assistance:	
<b>Non-WIOA Program Eligibility</b>		
Non-WIOA Special Grants:		
Local Funded Grants:		
<b>Staff Eligibility Information</b>		
Comments:		
Adult Review: Met Requirements :Not Applicable	Adult Review Date:	Adult Review Staff:
Dislocated Worker Review: Met Requirements :Not Applicable	Dislocated Worker Review Date:	Dislocated Worker Review Staff:
Youth Review: Met Requirements :Not Applicable	Youth Review Date:	Youth Review Staff:
<b>WIOA Miscellaneous Information</b>		
Meets the Additional Priorities established by the Governor and/or Local Board:		
Youth of Incarcerated Parent: No		
Substance Abuse: No		
Lacks Transportation: No		
Lacks Child Care: No		
<b>Signatures</b>		

**WIOA APPLICATION  
Indiana Career Connect**

**Applicant Certification Statement:** *(Not to be signed and dated until all documentation has been provided.)* I certify that the information on this application is accurate to the best of my knowledge. I understand that my willful misstatement of the facts may cause my forfeiture of rights in the WIOA Program and may result in criminal action. I give permission for outside sources to be contacted and for them to disclose any information necessary to verify my eligibility for WIOA. I further understand and agree that my social security number and other information on this application will be provided to other government agencies if required by law.

I acknowledge I have received an Equal Opportunity is the Law Notice.

\_\_\_\_\_  
**Applicant Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Parent/Guardian Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Staff Signature**

\_\_\_\_\_  
**Date**



<p>SSI/SSDI: <input type="checkbox"/> SSI Only <input type="checkbox"/> SSDI Only <input type="checkbox"/> SSI &amp; SSDI <input type="checkbox"/> No          (Note: SSI counts as a low income benefit, SSDI does not.)</p> <p>Docu &amp; Date _____</p> <p>General Assistance: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response      Docu &amp; Date _____</p> <p>Refugee Cash Assistance: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response      Docu &amp; Date _____</p> <p>Homeless: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response      Docu &amp; Date _____</p> <p><b>BASED ON INCOME PREVIOUS SIX MONTHS:</b> If the participant is <u>not</u> receiving one of the above listed benefits defining s/he as low income, then the family's income for the previous six months should be calculated to determine if the participant meets the low income definition (100% FPL or 70% LLSIL, whichever is higher).</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No    The participant is an individual with a disability whose own income meets the income requirements above, but who is a member of a family whose income does not meet the requirement.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No    Household members reported meet the WIOA definition of family</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No    Family size recorded is accurate</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No    Family income is tallied for past six months and annualized properly          Annual Income _____ Documentation _____</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No    Income shown for each family member, is documented with allowable sources, &amp; complies with inclusions &amp; exclusions for the WIOA program.</p>	
<p><b>PRIORITY OF SERVICE (POS)</b></p> <p><input type="checkbox"/> Not Applicable</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No    A determination of the POS category was made during eligibility determination for veteran/eligible spouse status.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No    ICC data fields are completed to support the individual is in a POS category. (when verification is required per DWD policy)</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No    Participant file contains documentation to support the individual is in a POS category.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No    File documentation indicate the participant received services according to the <u>state</u> POS policy.</p>	<p><b>Authority:</b>          DWD Policy 2015-08          MEMORANDUM: Interim Guidance on WIOA Title 1 Adult Priority of Service, dated July 2, 2015          20 CFR 680.600          TEG1 10-09</p> <p><b>Comments:</b></p>

**INITIAL, COMPREHENSIVE AND SPECIALIZED ASSESSMENTS**

Yes  No Provided Initial Assessment (basic skill levels, prior work experience, interests/ aptitudes, abilities, & support service needs, etc.)

Yes  No Provided and properly documented Additional Comprehensive and/or Specialized Assessment (increased skill levels, changes in interests/aptitudes, mastered abilities, in-depth interviewing and evaluation to identify employment barriers, and changes in support service needs, etc.)

Date	File Doc	Assessment tool	Areas Assessed

Comments:

**INDIVIDUAL EMPLOYMENT PLAN (IEP)**

Yes  No Was an Objective Assessment completed prior to development of IEP? Objective Assessment Date: \_\_\_\_\_

Yes  No Initial IEP is completed, signed and documented (based on assessments and employment/training goals jointly developed with the participant). Initial IEP Date: \_\_\_\_\_

Yes  No Initial and updated IEPs are signed and dated and contain participant's employment goals, achievement objectives, determination of need for training, and an appropriate combination of services for participant to achieve employment.

Yes  No The initial IEP and updated IEPs correspond with employment goals and services being reported in ICC and case notes.

Yes  No IEP is reviewed, updated, signed, dated, and properly documented in the participant file.

**Authority:**  
WIOA Sec. 134(c)(2)(A)(xii)(II)  
20 CFR 680.170

Comments:

**CAREER SERVICES**

- None Provided
- Yes  No Acceptable file documentation.
- Yes  No Appropriate services related to assessment.
- Yes  No Career services provided according to the WDB's local policy and procedures.

**Authority:**  
TEGL 19-16  
20 CFR 678.430  
20 CFR 678.100-195  
WIOA Sec. 134 (c)

Date	File Doc	Services	Case Notes

**Comments:**

**TRAINING SERVICES**

- None Provided
- Yes  No The need for training is documented in the participant's file as described in the Local Plan.
- Yes  No Participant has the skills and qualifications to complete training.
- Yes  No The training program is directly linked to employment opportunities.
- Yes  No The training program was selected from the State ITA list.
- Yes  No The file contains documentation showing the participant has the necessary resources (loans, grants, personal funds, etc.) to attend and complete the training.
- Yes  No The participant's progress in training is monitored by the case manager to ensure positive performance credit.
- Yes  No ITA Vouchers authorizing training are in file.
- Yes  No Training related to IEP.
- Yes  No Other grants/financial assistance applied for.
- Yes  No Job search assistance provided after completion.
- Yes  No Measurable Skills Gains achieved and reported

**Authority:**  
WIOA Sec. 134(c)(3)  
TEGL 19-16  
20 CFR 680.200-230  
20 CFR 680.300-350

NOTE: Training service date corresponds with the date of the first service, not the voucher date.  
NOTE: Once a client becomes TAA eligible, any existing WIOA-paid training must be moved over to TAA funding within 45 days or at the next natural break in training.

Program Yr	Measurable Gain	File Doc	Case Notes

**Comments:**

**SUPPORTIVE SERVICES**

- None Provided
- Yes  No Participant received supportive services based on an assessment.
- Yes  No Documentation validates that the supportive services are necessary in order for the individual to participate in their WIOA services.
- Yes  No Documentation of referrals to other resources.
- Yes  No Services coordinated with dual-enrolled programs.
- Yes  No Other sources were sought before using WIOA funds.

**Authority:**  
TEGL 19-16  
20 CFR 680.900-970

Date	File Doc	Services	Case Notes

**Comments:**

**OJT & REGISTERED APPRENTICESHIP**

- None Provided
- Yes  No Determined eligible prior to hire date with OJT company
- Yes  No Does the contract contain the required elements found in DWD Policy WIOA 1 (134)-P1-Attachment B?
- Yes  No OJT identified on the IEP
- Yes  No Assessment used to determine OJT training plan
- Yes  No Contract signed and dated by all parties before OJT start date
- Yes  No Timesheets, vouchers, or other reimbursement docs in participant file
- Yes  No On-site monitoring performed by WDB or service provider staff
- Yes  No Document the factors used for any reimbursement over 50%?
- Yes  No Does the Region utilize Registered Apprenticeships?

**Authority:**

TEGL 19-16  
WIOA T1 (134)-P1 (under WIOA on DWD website)  
20 CFR 680.700-840

Elig Dt	Dt Contract Signed	OJT Start Date	OJT End Date	On-site Monitoring Dates

**Comments:**

**PLANNED GAP IN SERVICE**

None Provided

Planned Gap Inclusive Dates \_\_\_\_\_ to \_\_\_\_\_

Yes  No Properly documented

Yes  No Valid reason

Yes  No Other services were closed and documented

**Comments:**

**EXIT INFORMATION**

Not Yet Exited

Yes  No Exit completed per criteria described in local plan

Exit Reason:  Employment  Education  Exclusion  Other Exit Date: \_\_\_\_\_

Yes  No Exclusionary exit documentation Document \_\_\_\_\_

**Comments:**

**FOLLOW-UP / PERFORMANCE TRACKING**

Not Applicable

Yes  No First date of employment documented

Yes  No Follow up conducted properly

Yes  No Quarterly Follow-up surveys completed

Yes  No Supplemental employment data documentation

**Authority:**

TEGL 26-16

Date	Q1	Q2	Q3	Q4

**Comments:**

**CASE NOTES**

Yes  No Case notes demonstrate the WDB's process for contacting participants

Yes  No Case notes are comprehensive

Date of last direct contact: \_\_\_\_\_

**Comments:**



INDIANA  
**WORKFORCE**  
 DEVELOPMENT  
 AND ITS **WorkOne** CENTERS

**TO:** Indiana's Workforce Investment System

**FROM:** Jeffrey M. Gill  
 General Counsel 

**DATE:** August 13, 2013

**SUBJECT:** DWD Policy 2013-03  
 Requirements Pertaining to Confidential and Privileged Information

**PURPOSE:**

This policy establishes guidelines and requirements for the appropriate use, storage, and access of Confidential and/or Privileged Information maintained by the Indiana Department of Workforce Development ("Department") and/or any entity providing customer services connected to or through the WorkOne system.

**RESCISSION:**

DWD Policy 2007-45, "Requirements Pertaining to Confidential and Privileged Information," issued June 28, 2008

**CONTENT:**

All individuals, organizations, business entities, and Department staff with access to Confidential and/or Privileged Information have an obligation to ensure the protection and appropriate business use of the information. This policy provides a definition for Confidential and Privileged Information and specifies the requirements for the use, storage, and access to this information.

State employees, and those who have a business relationship with the Department, are subject to the Indiana Code of Ethics. These ethics rules and the Indiana Code of Ethics apply to any entity, organization, or individual providing customer services connected to or through the WorkOne system. The ethics rules prohibit those subject to the rules from benefiting from, or permitting any other person to benefit from, information confidential in nature and from divulging Confidential Information. For a complete copy of the ethics rules, visit <http://www.in.gov/ig>.

**Definitions**

Confidential Information

Confidential Information is that which has been so designated by statute or by promulgated rule or regulation based on statutory authority. Information and records of the Department relating to

the unemployment tax or the payment of benefits, including that which may reveal the individual's or the employing unit's identity, are confidential pursuant to IC 22-4-19-6(b).

#### Privileged Information

Privileged Information is that which is available only to authorized persons and is gained access to by one's position within the Department or through partnership in contractual relationships with the State of Indiana or any subcontracted entity funded in whole or in part by Department grants/contracts. This information is not confidential pursuant to the law but is sensitive in nature. Privileged Information is subject to the same restrictions as Confidential Information for purposes of this policy.

#### Personally Identifiable Information

Personally Identifiable Information (PII) is any information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. Both Confidential Information and Privileged Information may contain PII. PII can be further delineated as Sensitive PII (or Protected PII) and Non-Sensitive PII. See the Training and Employment Guidance Letter ("TEGL") No. 39-11.

Sensitive PII, or Protected PII, is any information that if disclosed could result in harm to the individual whose name or identity is linked to that information. Examples include, but are not limited to, social security numbers, credit card numbers, bank account numbers, personal telephone numbers, ages, birthdates, marital status, spouse names, educational history, medical history, financial information, and computer passwords.

Non-Sensitive PII is information that if disclosed, by itself, could not reasonably be expected to result in personal harm. Examples include, but are not limited to, first and last names, general education, credentials, gender, or race. However, depending on the circumstances, a combination of those items could potentially be categorized as Protected or Sensitive PII.

#### State Property

All information including but not limited to documents, software, files, and e-mail, created, accessed, transmitted, or stored, electronically or in paper form while employed by or partnered in contractual relationships with the State of Indiana or any of its subcontracted entities shall be considered the exclusive property of the State of Indiana.

#### **Data Security Requirements**

##### Storage of Confidential and/or Privileged Information

When an employee's desk is unattended, it is the employee's responsibility to ensure that Confidential and/or Privileged Information, including that containing PII, is properly filed and stored. This means that all documents containing Confidential and/or Privileged Information must not be left on desks, fax machines, printers, or photocopiers unattended. When not working directly with these documents, they must be filed or stored in drawers to prevent inadvertent disclosure of information.

#### Access to Confidential and/or Privileged Information

Employees may only access Confidential and/or Privileged Information, including that containing PII, to the extent they have permission and/or authority to access it. Accessing, processing, and storing of any data containing PII on personally owned equipment, at off-site locations, e.g., employee's home, and non-grantee managed IT services, e.g., Yahoo mail, is strictly prohibited unless otherwise approved by the Department. Wage data may only be accessed from secure locations.

#### Electronic Data

Any and all Confidential and/or Privileged Information containing PII transmitted via e-mail or stored on CDs, DVDs, thumb drives, mobile or portable devices, etc. must be encrypted using a Federal Information Processing Standards ("FIPS") 140-2 compliant and National Institute of Standards Technology ("NIST") validated cryptographic module. WorkOne employees or Department staff are prohibited from e-mailing unencrypted Confidential or Privileged Information containing Sensitive PII to any person or entity. *See* TEGL No. 39-11.

#### Additional Security Measures

The unauthorized use of cameras, including cell phone cameras, is prohibited from use at all times while on WorkOne or Department premises. Cameras that are used for business reasons or to document special occasions, such as retirements and birthday parties, must be used with management approval and all photographs limited to the subject area.

#### Security Breach

Any WorkOne employee and Department staff who becomes aware of any security breach resulting from the inadvertent or intentional leak or release of Confidential and/or Privileged Information, including that containing PII, shall immediately inform their direct supervisor as well the General Counsel of the Department.

#### **Violation of Data Security Requirements**

WorkOne employees and Department staff that fail to abide by the storage and filing requirements listed herein for Confidential and/or Privileged Information, including that containing PII, may be subject to disciplinary action.

WorkOne employees and Department staff that access and/or use Confidential and/or Privileged Information, including that containing PII, beyond the scope of the authority granted or without legitimate business reason to do so will be subject to immediate disciplinary action, up to and including termination of employment.

In addition, a person who knowingly or intentionally exerts unauthorized control over the property of another commits criminal conversion, which is a Class A misdemeanor under IC 35-43-4-3(a). Therefore, WorkOne employees and Department staff who take State electronic or paper records off work premises to be utilized for personal reasons can expect to be charged with committing criminal conversion.

Failure to adhere to any other requirements or terms of this release may result in disciplinary action.

**Acknowledgement Release**

All WorkOne employees and Department staff shall sign an Acknowledgement Release that they have read DWD Policy 2013-03 as well as TEGL No. 39-11 and agree to use Confidential and/or Privileged Information, including that containing PII, for authorized work-related purposes only and to abide by all other requirements and terms contained therein.

If an employee has signed State Form 54116, Acknowledgement of Agency Policies and Procedures, as part of the hiring process at the Department, that will satisfy the Acknowledge Release requirement of this policy. State Form 54116 may be found at:

<http://www.in.gov/spd/2599.htm>.

**Effective Date:**

Immediately

**Ending Date:**

Upon Rescission

**Ownership:**

DWD Field Operations and DWD Legal Affairs  
Indiana Department of Workforce Development  
10 North Senate Avenue  
Indianapolis, Indiana 46204  
Field Operations telephone: 317.233.6078  
Legal Affairs telephone: 317.232.0198

**Action:**

All WorkOne Centers and WorkOne Express sites and Indiana Department of Workforce Development staff shall adhere to the requirements of this policy. All employees of organizations partnered in direct or indirect contractual relationships with the State of Indiana or any of its subcontracted entities shall adhere to the requirements of this policy.



## Element 7: Monitor Recipients for Compliance

[29 CFR 38.51]

Monitoring in the form of desk reviews, on-site reviews, and data analysis contribute to continued, robust implementation of WIOA Section 188 and 29 CFR Part 38. The coordinated efforts of the State and Local EO Officers and the DWD ROC Monitoring Unit ensure monitoring and compliance of the Local Areas.

### Monitoring

Each of the twelve LWDAs are reviewed annually for compliance with the nondiscrimination and EO requirements of WIOA Section 188 and 29 CFR Part 38 through a combination of desk review, on-site monitoring, and data analysis. If the review reveals disparities in services rendered, the State and/or Local EO Officer will conduct a follow-up investigation to determine if the differences are due to discrimination. This will be done through a variety of techniques such as interviews and records review.<sup>79</sup>

Monitoring is based on:

- Desk reviews;
- On-site reviews;
- Complaint records;
- The review and analysis of data output reports from the ICC System and the Hoosiers by the Numbers website, using the 80 Percent Rule;<sup>80</sup>
- Reports from DWD Oversight Program Monitors or other interested parties; or
- Demographics and geography.<sup>81</sup>

At the regional level, Local EO Officers are responsible for monitoring in their respective LWDAs. In addition to the training modules, the State EO Officer disseminated an optional sample Local Monitoring Tool to the Local EO Officers to help guide their monitoring and provide a framework for their efforts.<sup>82</sup>

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<sup>79</sup> Documentation 7.1 Excerpt from Local EO Officer Training Module IV

<sup>80</sup> Documentation 7.2: ICC Reports; Documentation 7.3: Sample Data Analysis Tools

<sup>81</sup> Documentation 7.4: Hoosiers by the Numbers Sample Demographics; See also: <http://www.stats.indiana.edu/>

<sup>82</sup> Documentation 7.5: Local EO Monitoring Tool

## Desk Review

The state-level annual EO monitoring process begins with desk review, where each LWDA completes a pre-monitoring tool and submits relevant documentation to the ROC Monitoring Unit and State EO Officer.<sup>83</sup> LWDA's submit information such as:

- Local EO policies
- Job description of the Local EO Officer
- EO Notice requirements
- Complaint procedures
- Contracts, training agreements, and Memoranda of Understanding (to review for required nondiscrimination language)

The State EO Officer reviews the survey responses on the pre-monitoring tool along with the document assessment and data review to make an initial evaluation of compliance and prepare for on-site reviews.

## On-site Reviews

The State EO Officer conducts annual on-site reviews concurrently with the ROC monitoring team to ensure compliance with the equal opportunity and nondiscrimination provisions of Section 188 and 29 CFR Part 38.<sup>84</sup> These reviews consist of interviews with the Local EO Officer as well as assessments of the WorkOne offices.

The interviews are guided largely by the EO Monitoring Tool, which is modeled after the nine elements of this NDP and 29 CFR Part 38.<sup>85</sup> On-site structural accessibility, parking for individuals with disabilities, designated restrooms, appropriate notice and signage, program accessibility, and effective communication with persons with disabilities are some of the elements monitored by the State EO Officer and/or ROC Monitoring staff.

## Findings & Resolution

A formal monitoring report is issued to each LWDA following the annual monitoring review process. The State EO Officer collaborates with ROC Monitoring staff to incorporate an EO segment into each report. The monitoring reports recognize best practices, areas of concern, and compliance findings that require corrective action.<sup>86</sup> All findings are detailed and tracked through report close-out utilizing a formal resolution process.<sup>87</sup>

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<sup>83</sup> Documentation 7.6: DWD EO Pre-Monitoring Tool

<sup>84</sup> Documentation 7.7: PY 2018-19 LWDA Monitoring Schedule

<sup>85</sup> Documentation 7.8: DWD EO Monitoring Tool

<sup>86</sup> Documentation 7.9: Sample Monitoring Report

<sup>87</sup> See Element 9, Documentation 9.1

## Element 7 Documentation

Documentation 7.1: Excerpt from Local EO Officer Training Module IV

Documentation 7.2: ICC Reports

Documentation 7.3: Sample Data Analysis Tools

Documentation 7.4: Hoosiers by the Numbers Sample Demographics

Documentation 7.5: Local EO Monitoring Tool

Documentation 7.6: DWD EO Pre-Monitoring Tool

Documentation 7.7: PY 2018-19 LWDA Monitoring Schedule

Documentation 7.8: DWD EO Monitoring Tool

Documentation 7.9: Sample Monitoring Report

## Excerpt from Local EO Officer Training Module IV



### Monitoring Responsibilities

- Each Governor is responsible for: (29 CFR Part 38.51):
  - Ensuring compliance with the nondiscrimination and EO provisions of WIOA and EO Regulations and negotiating, where appropriate, with a recipient to secure voluntary compliance if non-compliance is found
  - Annually monitoring compliance of recipients

### Minimum Requirements: EO Annual Monitoring

- Statistical or quantifiable analysis of required records and data collected by recipient and an investigation of any significant differences to determine whether those differences appear to be caused by discrimination
- Assessment to determine whether recipient has fulfilled its administrative obligations under WIOA and the Nondiscrimination Plan

### Data/Record Analysis

- Annual analysis must cover:
  - Record review by race/ethnicity, sex, limited English proficiency, preferred language, age, and disability status to determine significant differences
  - Analyses of records, interviews, and other appropriate methods to determine causes of differences

### Assessment of Recipient Administrative Obligations

- The assessment covers:
  - Assurances
  - EO Officers
  - Notice & communication
  - Data and information
  - Affirmative Outreach
  - Monitoring & evaluating policy development, communication, and training
  - Corrective action & sanctions
  - Complaint processing procedures
  - Other responsibilities via NDP

### EO Monitoring In Indiana

- EO Monitoring consists of:
  - Interview-style assessments
  - Desk-top reviews
  - Site visits
  - Post-review report
  - Corrective Actions/Sanctions

### EO Monitoring In Indiana (Not an all inclusive list!)

- WDB staffing chart and Local EO Officer job description
- "EO is the Law" posters
- Completed Complaint Forms and documentation
- Handicap & visually impaired accessible assistive technology
- Examples of ways the recipient is providing "equal access" for Title I WIOA services and activities (affirmative outreach)

### EO Monitoring In Indiana (Not an all inclusive list!)

- Examples of ways recipient is providing reasonable steps to ensure meaningful access to LEP individuals
- Examples of Babel Notices and Tag Lines
- Monitoring instruments and instructions
- Information on the extent to which EO training has been carried out or is planned

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### EEO Reports

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- WP Participant Services by Race, Ethnicity and Gender

- Service Types - Adult and Dislocated Worker
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ETA 9127

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ETA WIOA 9090 Quarterly  
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Selection Criteria  
Location

Region/LWDB Status:  Active  Inactive  All

- Region/LWDB:
  - Region 10
  - Region 11
  - Region 12
  - State Contractor

Office Status:  Active  Inactive  All

- Office Location:
  - None Selected
  - College Park - Parkstone WorkOne Express
  - DWD Admin
  - Fathers & Families

Date

Date Range Type:  Annual  Quarter  Month  Manual

Date range: Custom Date

From: 07/01/2017 (mm/dd/yyyy)

To: 06/30/2018 (mm/dd/yyyy)

Reset Dates

Run Report

[Save to My Reports]

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# DESK REVIEW DATA

## WIOA - *Statewide & By Region 2017*

2013 2014 2015 2016 2017  
 2017 2018 2019 2020 2021

### WIOA Regions Statewide PY 2015

Latino	American Indian	Asian	Black	White	Pacific Islanders	Unknown Race	Disabled	Limited E	Statewide Age Population
0	0	0	0	0	0	0	0	0	14-18 0
									19-21 0
									22-29 0
									30-54 0
									55+ 0

### Indiana State Population

Latino	American Indian	Asian	Black	White	Pacific Islanders	Unknown Race	Disabled	Limited E	55+

PY 2015 Statewide	Total Applicants	% of total	Total Participants	% of total	Entered Staff Assisted Services	% of total	Entered Intensive Services	% of total	Entered Training Services	% of total	Comp. Training with Credential	% of total	Positive Exit	% of total	Negative Exit	% of total
Male	0	0.566	0		0		0		0		0		0		0	
Female	0	0.434	0		0		0		0		0		0		0	
Unknown	0		0		0		0		0		0		0		0	
Total	0		0		0		0		0		0		0		0	

### Region 1 - MALE

APP	Latino	14-18	Disabile	APP	Latino	14-18	Disabile
PAR	Amer. Ind	19-21	Limited E.	PAR	Amer. Ind	19-21	Limited E.
ESAC	Asian	22-29		ESAC	Asian	22-29	
EIS	Black	30-54		EIS	Black	30-54	
ETS	White	55+		ETS	White	55+	
CT-w-CS	Pacific			CT-w-CS	Pacific		
Pos Exit	Unknown			Pos Exit	Unknown		
Neg Exit				Neg Exit			

### Region 1 - FEMALE

APP	Latino	14-18	Disabile	APP	Latino	14-18	Disabile
PAR	Amer. Ind	19-21	Limited E.	PAR	Amer. Ind	19-21	Limited E.
ESAC	Asian	22-29		ESAC	Asian	22-29	
EIS	Black	30-54		EIS	Black	30-54	
ETS	White	55+		ETS	White	55+	
CT-w-CS	Pacific			CT-w-CS	Pacific		
Pos Exit	Unknown			Pos Exit	Unknown		
Neg Exit				Neg Exit			

### Region 2 - MALE

APP	Latino	14-18	Disabile	APP	Latino	14-18	Disabile
PAR	Amer. Ind	19-21	Limited E.	PAR	Amer. Ind	19-21	Limited E.
ESAC	Asian	22-29		ESAC	Asian	22-29	
EIS	Black	30-54		EIS	Black	30-54	
ETS	White	55+		ETS	White	55+	
CT-w-CS	Pacific			CT-w-CS	Pacific		
Pos Exit	Unknown			Pos Exit	Unknown		
Neg Exit				Neg Exit			

### Region 2 - FEMALE

APP	Latino	14-18	Disabile	APP	Latino	14-18	Disabile
PAR	Amer. Ind	19-21	Limited E.	PAR	Amer. Ind	19-21	Limited E.
ESAC	Asian	22-29		ESAC	Asian	22-29	
EIS	Black	30-54		EIS	Black	30-54	
ETS	White	55+		ETS	White	55+	
CT-w-CS	Pacific			CT-w-CS	Pacific		
Pos Exit	Unknown			Pos Exit	Unknown		
Neg Exit				Neg Exit			

PERSONNEL INFO

COURSE LIST

TRAINING MARTRIX

# DESK REVIEW DATA

## WIOA - Statewide & By Region 2015



WIOA Applicants (BY RACE) - PY 2013

Latino	American Indian	Asian	Black	White	Pacific Islanders	Unknown Race	Disabled	Lim. E
3,684.00	528.00	495.00	12,192.00	51,477.00	106.00	0.00	1,202.00	129.00
0.0520	7.16%	0.0074	1.03%	0.0070	0.96%	0.1720	23.68%	0.7263
						0.0015	0.21%	0.000
								0.00%

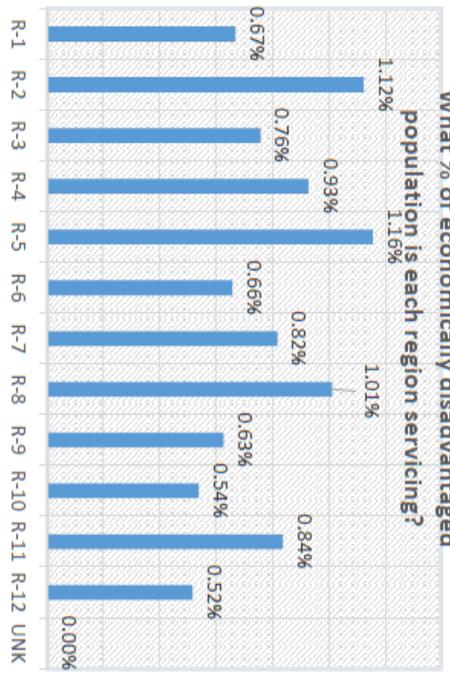
Under the 80% rule, does adverse impact exist for the below classifications? (Check for anything under 8% in RED) If adverse impact exist examine why and provide a summary for Management.

WIOA Applicants who participated in WIOA Services Categorized (BY GENDER) - (HIGHLIGHTED YELLOW cells show the % of male and female WIOA participants who completing training with credentials)

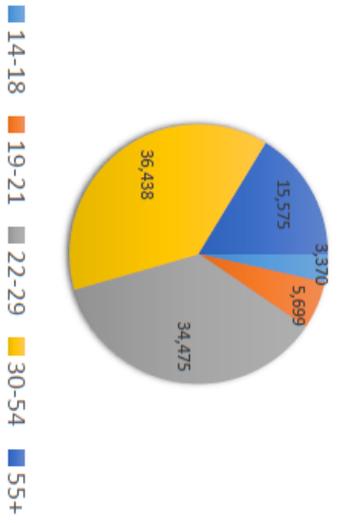
PY 2013 Statewide	Total Applicants	% of cell D	Total Participants	% of cell D	Entered Staff Assisted Services	% of cell F	Entered Intensive Services	% of cell F	Entered Training Services	% of cell F	Comp. Training with Credential	% of cell F	Positive Exits	% of cell D	Negative Exits	% of cell D
Male	40,116	57%	2,035	5.07%	993	48.80%	485	23.83%	1,416	69.58%	542	26.63%	1,648	4.11%	54	0.1%
Female	30,744	43.38%	2,644	8.60%	1,299	49.13%	632	23.90%	1,972	74.58%	675	25.53%	1,046	3.40%	51	0.2%
Unknown	14	0.02%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Total	70,874	100%	4,679		2,292		1,117		3,388		1,217		2,694		105	

Data at a glance: Chart 1 shows the % of economically disadvantaged population being serviced by its region / Chart 2 shows the age group serviced majority of the time. / Chart 3 compares the rate of completed credentialled training by gender

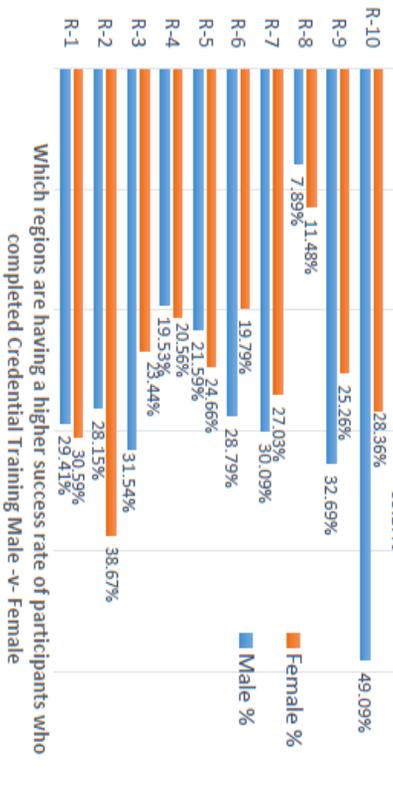
What % of economically disadvantaged population is each region servicing?



What age population are we servicing majority of the time?



Which regions are having a higher success rate of participants who completed Credentialled Training Male -v- Female



[Race and Ethnicity](#) | [Home](#) | [Data by Region](#) | [Data by Topic](#) | [Tools & Resources](#) | [What's New?](#)

## Race and Ethnicity

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[Overview](#) | [Comparison](#) | [Time Series](#)

General Area: Indiana Counties | Year: 2017 | Format: Web Page

Select Geography: Marion | [Get Data](#)

### Race and Ethnicity

Printable Version

**Population by Race in 2017**

	Total	Percent Change From 2000	Percent Distribution
Marion Co, IN in 2017			
All Races	950,082	10.4%	100.0%
White	613,539	-1.6%	64.6%
Black	272,167	29.3%	28.6%
Asian	31,927	148.5%	3.4%
American Indian/Alaska Native	4,325	77.2%	0.5%
Hawaiian and Other Pacific Islander	680	52.1%	0.1%
Two or more races	27,444	143.4%	2.9%
Hispanic or Latino	99,920	192.3%	10.5%
Not Hispanic or Latino	850,162	2.8%	89.5%

Source: U.S. Census Bureau  
 Notes: Total minority is the sum of all races excluding white; this summing can result in some duplication since Hispanics can be of any race.

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## Race and Ethnicity

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[Overview](#) | [Comparison](#) | [Time Series](#)

General Area: Indiana Counties | Year: 2017 | Major Topic: Hispanic or Latino (can be of any race) | Format: Web Page

Select Geography: All Counties | [Get Data](#)

Group counties in region

### Population by Race & Ethnicity: 2017

Printable Version

Geography	Hispanic or Latino (can be of any race)
Adams County, IN	1,580
Allen County, IN	28,041
Bartholomew County, IN	5,493
Benton County, IN	455
Blackford County, IN	188
Boone County, IN	2,006
Brown County, IN	258
Carroll County, IN	832
Cass County, IN	5,929
Clark County, IN	6,364
Clay County, IN	361
Clinton County, IN	5,205
Crawford County, IN	174
Davless County, IN	1,646
Dearborn County, IN	617
Decatur County, IN	541
DeKalb County, IN	1,187
Delaware County, IN	2,897

# LOCAL EQUAL OPPORTUNITY AND NONDISCRIMINATION MONITORING TOOL

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---

Region:

Contact/Name:

Address:

Phone:

Date:

## REFERENCES

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- **Section 188 of the Workforce Innovation and Opportunity Act**  
<https://www.dol.gov/crc/188rule/>
- **Ensuring Equal Access to the Nation's Workforce Development System *Final Rule to promote nondiscrimination and equal opportunity in WIOA Title I—financially assisted programs and activities FACT SHEET*** (WIOA Section 188 Nondiscrimination and Equal Opportunity, 29 CFR Part 38) <https://www.dol.gov/crc/188rule/fact-sheet.htm>

# Monitoring Review Instrument

**Action:** Please type in your answers. Be as detailed as possible in your response. If you have any questions or need technical assistance in Elements 1 through 9, please state as such.

## Element 1: Designation of Equal Opportunity (EO) Officers

Reference: 29 CFR Part §38.28; §38.29-.33 and DWD Policy 2016-09

1. Name of Local EO Officer:
  
2. To whom does the Local EO Officer report?
  
3. For the Local EO Officer, describe any non-EO related job functions that may create a conflict of interest or the appearance of a conflict of interest.
  
4. On what internal and external communications concerning the region's nondiscrimination and equal opportunity programs does the Local EO Officer's identity and contact information appear?

5.

Does the Local EO Officer:	Y	N
Process complaints?		
Review participant reports for equity of service?		
Conduct on-site visits to service providers and contractors or review monitoring reports to ensure that the region and its contractors are not violating their nondiscrimination obligations?		
Provide EO training to staff and contractors?		
Review written policies to make sure they are nondiscriminatory?		
Develop and publish discrimination complaint procedures?		

6. What equal opportunity training has been provided to staff within the region? (Please specify dates and locations)
  
7. What training has been provided to service providers and contractors? (Please be specific)
  
8. What professional training has the Local EO Officer attended? Identify the training received and dates:

9. Describe staffing support for the Local EO Officer, if any. For example, is any staff trained to receive a discrimination complaint as well as complete the complaint information form and customer service record log?

## Element 2: Notice and Communication

Reference: 29 CFR §38.34 – §38.39; DWD Policy 2016-09

10. Where are the WIOA “Equal Opportunity is the Law” posters displayed? Are they posted in reasonable numbers and places and located in plain sight?

10a. which versions are displayed?

- English                       Spanish                       Other (please list language(s):

11. How is it ensured that participants are notified of their rights to file a complaint? Does the form include the required WIOA “Equal Opportunity is the Law” language?

11a. where paper files are maintained, is the notice included in the participant’s file? Yes\_\_\_\_ No\_\_\_\_

11b. during each presentation to orient new participants, new employees, and/or the general public to its WIOA Title I-financially assisted program or activity, how does the region include a discussion of rights under the nondiscrimination and equal opportunity provisions of WIOA, including the right to file a complaint of discrimination with the region or the Director of the U.S. DOL CRC? For example, is this done in WorkOne orientation sessions?

12. What steps are taken to see that continuing notice is provided in the appropriate language when a significant number or proportion of the population eligible to be served, or likely to be directly affected, need services or information in a language other than English?

13. Is the tagline: *This WIOA Title I-financially assisted program is an “equal opportunity employer/program,” and that “auxiliary aids and services are available upon request to individuals with disabilities”* included in all of the region’s publications, brochures, flyers, announcements, websites, and broadcast and print mass media?

14. How has the region communicated the requirement not to discriminate on the basis of disability and the obligation to provide reasonable accommodations to its sub recipients?
  
15. What efforts does the region make to ensure that communications with individuals with disabilities are just as effective as communications with others?
  
16. In all communications indicating that the recipient/Agency may be contacted by telephone, is the telephone number for the TDD/TTY or relay service provided?
  
17. How is the Equal Opportunity Notice provided in alternate formats for individuals with visual impairments?

**Element 3: Assurances**

Reference: 29 CFR §38.25 – 38.27; DWD Policy 2016-09

18. Does the region include a written equal opportunity/nondiscrimination assurance in each grant, agreement, contract or other WIOA Title I-financial assistance application? Yes\_\_\_\_ No\_\_\_\_

## **Element 4: Affirmative Outreach**

Reference: §38.40; DWD Policy 2016-09

19. Describe local outreach efforts to provide universal access to persons of various racial/ethnic groups, persons with disabilities, minority groups and persons of different age groups to broaden the applicant pool.
  
20. Does the region review Labor Market, Census or other statistical data to develop outreach strategies to job seekers and employers? Yes\_\_\_\_ No\_\_\_\_
  
21. What reasonable steps has the region taken to ensure services and other information is provided to Limited English Proficient persons?
  
22. In what languages is information within the region provided, other than English?
  
23. What documents have been determined "vital" and translated into languages designated as essential?

## **Element 5: Compliance with Section 504**

Reference: §38.72 – 38.73; DWD Policy 2016-09

24. Have WorkOne offices within the region been assessed to ensure they are physically accessible to persons with disabilities? Yes\_\_\_\_ No\_\_\_\_
  
- 24a. List the offices that have been surveyed within the last two program years and the date the surveys took place.
  
25. Have contractor facilities within the region been assessed to ensure it is physically accessible to persons with disabilities? Yes\_\_\_\_ No\_\_\_\_

26. For necessary modifications or corrections, have corrective measures been put in place to ensure the changes will be made? Yes\_\_\_\_\_ No\_\_\_\_\_

**Please see attached table for corrective measures. (ADA Surveys)**

27. Are contractor and service provider sites accessible to individuals with disabilities? Yes\_\_\_\_\_ No\_\_\_\_\_

27a. is there at least one entrance to the buildings that are wheel chair accessible? If no, explain.

- If yes, does it have the international symbol for accessibility for individuals with disabilities posted? If no, explain.

27b. Do inaccessible entrances have signs indicating the location of the nearest accessible entrance? Explain.

27c. are there designated restrooms with appropriate signage available for individuals with disabilities? Explain.

27d. Are TTY/TDD or Relay Services available for use? Explain.

27e. how often are contractor's facilities monitored to ensure accessibility?

28. Does the region have any programs or resources designed specifically to assist persons with disabilities? Yes\_\_\_\_\_ No\_\_\_\_\_

29. Describe efforts to prohibit discrimination on the basis of disability in employment practices by the region and its partners.

- Requiring the provision of reasonable accommodations in employment, when appropriate

- Reviewing job qualifications to ensure that it does not use selection criteria that screen out or tend to screen out an individual with a disability on the basis of that disability unless the criteria is job related for the position in question and consistent with business necessity.
- Prohibiting pre-employment inquiries regarding disability except to ask for the individual to self-identify himself or herself as a person with a disability on a voluntary basis for reporting purposes and will be maintained confidentially.

30. How does the region insure that programs and activities are administered in the most integrated settings possible?

31. How does the region 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?

32. Please describe the availability of assistive equipment for individuals with disabilities.

33. Please describe the region's web site in regards to its ADA accessibility.

34. Please describe any reasonable accommodations that have been provided for applicants, participants, or employees with disabilities.

35. How are reasonable accommodations provided regarding the registration for, and the provision of, aid, benefits, services or training--including core and intensive training--and support services to qualified individuals with disabilities?

36. Does the region have a written reasonable accommodation policy? Yes\_\_\_\_ No\_\_\_\_

37. Describe how medical condition information is maintained separate from other files and secured.

## **Element 6: Data and Information Collection and Maintenance**

Reference: §38.41 – 38.45; DWD Policy 2016-09

38. How is staff made aware that data must be collected on race, sex, age, disability, etc.?
39. Does the Local EO officer maintain a discrimination complaint log/file? Yes\_\_\_\_\_ No\_\_\_\_\_

## **Element 7: Monitor Recipients for Compliance**

Reference: §38.51 – 38.53; DWD Policy 2016-09

40. Does the region monitor service providers for compliance with WIOA equal opportunity and nondiscrimination regulations? Yes\_\_\_\_\_ No\_\_\_\_\_
41. Describe the EO and general monitoring process.
42. List the Local EO Officer monitoring visits conducted for WorkOne Comprehensive, Affiliates and service providers within the last two program years.
- .
43. How often is on-site monitoring conducted?

## **Element 8: Complaint Processing Procedures**

Reference: §38.60 – 38.73; DWD Policy 2016-09

44. What discrimination complaint policies and procedures are used in the region?
45. Explain how customers and employees obtain a copy of the discrimination complaint policy and procedures and/or discrimination complaint form?

46.

<b>Does the discrimination complaint log for complaints include:</b>	<b>Y</b>	<b>N</b>
Name and address		
Basis of complaint		
Brief description of complaint		
Date filed		
Disposition		

47. Please list any formal complaints that have been filed with the last two program years.

48.

<b>Please respond to the following concerning each complaint:</b>	<b>Y</b>	<b>N</b>
Was the complaint filed within 180 days?		
Was the complainant provided a written notification of receipt of the complaint?		
Was the complainant provided a written statement of each of the issues raised in the complaint and whether you would accept or reject each issue?		
Was the complainant sent a written notice of lack of jurisdiction when the region determined that it did not have jurisdiction over a complaint?		
Was the complainant notified that they have the right to representation in the complaint process?		
Was the complainant offered Alternative Dispute Resolution as an effort to resolve the complaint?		
Was the complainant provided a written Notice of Final Action within 90 days of the date the complaint was filed?		
Did the Notice of Final Action contain your decision on each issue and an explanation of the reason underlying the decision?		
Did the Notice of Final Action inform the complainant that he/she has a right to file a complaint with CRC within 30 days of the date in which the Notice of Final Action is issued if he/she is dissatisfied with your final action on the complaint?		
Has the State EO Officer been advised of the complaint?		

49. How is an individual protected from discharge, intimidation, retaliation, threat or coercion when s/he:
- Filed a complaint;
  - Opposed a practice prohibited by the nondiscrimination and equal opportunity provisions of WIOA; or
  - Assisted or participated in any manner in an investigation?

50. Describe the region's policy for handling discrimination complaints from contractors regarding participants.

### **Element 9: Corrective Actions/Sanctions**

Reference: §38.72 – 38.73; DWD Policy 2016-09

51. Describe the region's procedures for obtaining voluntary compliance when equal opportunity violations are found.

52. What is the follow up policy for violations?

53. Describe any corrective actions/sanctions taken against contractors within the last two program years.

# LWDA Equal Opportunity Survey

## DWD Regulatory Oversight & Compliance (ROC) Division

### Pre-Monitoring Review Tool

**LWDA:**

**Date:**

**Local EO Officer Name:**

**Local EO Officer Email:**

**Local EO Officer Phone:**

### Directions & Interview Prep

- Review the **“Benchmarks”** and mark the box **“☑”** for each benchmark the LWDA has achieved successfully (*Mark all that apply within each category*).
- Add additional info as applicable within the **“Comments”** section (e.g., if the LWDA is in the process of implementing a benchmark but not yet complete).
- If there is additional information to share please include specifics on the final page under **“Additional Comments.”**
- Submit the completed survey to [oversight@dwd.in.gov](mailto:oversight@dwd.in.gov) in accordance with the instructions in the Monitoring Documentation Checklist attached to the PY2018-19 Monitoring Announcement Letter.

*This survey is used as a pre-monitoring review tool and is NOT all inclusive or limiting. For questions or concerns while completing the survey, please contact the State EO Officer at [EO@dwd.in.gov](mailto:EO@dwd.in.gov).*

#### Assurance: 38.25

Does the grantee provide a “Written Assurance” that complies with the recipient’s obligation of WIOA Section 188?

Benchmarks:

<input type="checkbox"/>	Recipient is aware of its obligations to comply with the nondiscrimination and equal opportunity provisions for the duration of the grant contract
<input type="checkbox"/>	The recipient maintains a policy that describes how EO Regulations will be carried out
<input type="checkbox"/>	The required assurance language of 29 CFR Part 38.25, or a reference to it, is provided on all grant applications, agreements, and contracts
<input type="checkbox"/>	Local staff have reviewed and are aware of the current DWD EO policies & regional policies

Comments:

#### Local Equal Opportunity Officer: 38.28

Local EO Officer ready to provide support?

Benchmarks:

<input type="checkbox"/>	Recipient has designated a local EO Officer
<input type="checkbox"/>	Local EO Officer’s name, title/position, address, and telephone number have been made public at the local level (including on web-site); contact info appears on internal and external communications regarding nondiscrimination programs
<input type="checkbox"/>	Local EO Officer is a senior level employee of the recipient
<input type="checkbox"/>	The Local EO Officer does not have other responsibilities that create a conflict or the appearance of a conflict with the responsibilities of an EO Officer
<input type="checkbox"/>	Local EO Officer has staff and/or resources sufficient to carry out the EO requirements

Comments:

**Does the Local EO Officer understand their roles and responsibilities?**

**Benchmarks:**

<input type="checkbox"/>	The Local EO Officer has a solid knowledge of the EO Regulations, 29 CFR Part 38
<input type="checkbox"/>	The Local EO Officer undergoes mandatory training to maintain competency with WIOA Section 188 and its EO Regulations
<input type="checkbox"/>	The Local EO Officer reviews the recipient's written policies to make sure that those policies are nondiscriminatory
<input type="checkbox"/>	The Local EO Officer monitors and investigates the recipients and entities that receive WIOA Title I funds to ensure compliance
<input type="checkbox"/>	The Local EO Officer tracks discrimination complaints filed against recipient
<input type="checkbox"/>	The Local EO Officer provides local area staff with EO training

**Comments:**

**Notice and Communication: 38.34**

**What action has the recipient taken to disseminate EO notice?**

**Benchmarks:**

<input type="checkbox"/>	"EO is the Law" poster is posted prominently, in reasonable numbers and places, in available and conspicuous physical locations, and on recipient's Web site pages
<input type="checkbox"/>	The EO tagline is printed in recruitment brochures and other materials that describe requirements for participation by recipients and participants
<input type="checkbox"/>	All orientation sessions for new employees, new participants, and/or the general public include a discussion of rights and responsibilities of the nondiscrimination and equal opportunity provisions of WIOA and the EO Regulations
<input type="checkbox"/>	Babel Notices written in multiple languages are included with vital documents
<input type="checkbox"/>	Auxiliary aids or services are available in alternate formats (to ensure communication with individuals with disabilities or LEP individuals is as effective as communications with others)

**Comments:**

**Data and Information Collection/Maintenance: 38.41**

**Does the LWDA collect and maintain data and other information securely to ensure nondiscrimination and equal opportunity provisions of WIOA?**

**Benchmarks:**

<input type="checkbox"/>	Regional staff tracks applicants, registrants, eligible applicants, eligible registrants, participants, terminees, employees, and applicants for employment
<input type="checkbox"/>	Regional staff tracks race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, terminnee, applicant for employment, and employee
<input type="checkbox"/>	Regional staff tracks limited English proficiency and preferred language of each applicant, registrant, participant, and terminnee (beginning Jan 3, 2019)
<input type="checkbox"/>	Beneficiary/participant file is free of subjective and/or inappropriate remarks and comments such as on medical and disability information
<input type="checkbox"/>	All medical or disability-related information, whether in hard copy, electronic, or both, is maintained in a SEPARATE file and treated as confidential
<input type="checkbox"/>	Beneficiary/participant signs the state's program application/enrollment form (i.e., client application for ICC); acknowledgement of EO notice
<input type="checkbox"/>	Beneficiary/participant file is retained for at least three (3) years after close of the applicable program year
<input type="checkbox"/>	Such information above is used only for the purposes of recordkeeping and reporting; determining eligibility where appropriate
<input type="checkbox"/>	The recipient ensures that eligibility criteria that can screen out or tend to screen out an individual with a disability is not being offered unless such criteria can be shown as necessary

**Comments:**

**Affirmative Outreach: 38.40**

Has recipient taken appropriate steps to ensure that they are providing equal access to their WIOA Title I- financially assisted programs and activities?

Benchmarks:

<input type="checkbox"/>	The recipient conducts affirmative outreach to certain target groups
<input type="checkbox"/>	The recipient advertises its programs and/or activities that specifically target various populations in the media, such as newspapers or radio programs
<input type="checkbox"/>	The recipient sends appropriate notices about openings in its programs and/or activities to schools or community service groups that serve various populations
<input type="checkbox"/>	The recipient consults with appropriate community service groups about ways to improve its outreach and service to various populations

Comments:

**Complaint Records: 38.69 – 38.72**

Has the LWDA maintained its recordkeeping obligations?

Benchmarks:

<input type="checkbox"/>	The recipient has published procedures for processing complaints in accordance with 29 CFR Part 38
<input type="checkbox"/>	The Local EO Officer maintains a log of complaints for the entire Local Area
<input type="checkbox"/>	The Local EO Officer submits a copy of the log for its LWDA to DWD every quarter
<input type="checkbox"/>	Complaints of discrimination are retained for a period of no less than three (3) years after resolution
<input type="checkbox"/>	Each Notice of Final Action was issued within 90 days of the date the complaint was filed

Comments:

**Physical and Programmatic Accessibility: 38.13**

Is the recipient meeting its physical and programmatic accessibility obligations for individuals with disabilities?

Benchmarks:

<input type="checkbox"/>	Individuals with disabilities have adequate parking spaces
<input type="checkbox"/>	Individuals with disabilities have appropriate wheelchair accessibility
<input type="checkbox"/>	Individuals with disabilities have appropriate restroom accommodations
<input type="checkbox"/>	Individuals with disabilities are afforded the opportunity to participate in services or training that is equal to or as effective as provided to non-disabled participants
<input type="checkbox"/>	Individuals with disabilities have been provided adequate assistive technology, as needed
<input type="checkbox"/>	Staff has been trained on use of the assistive technology to properly assist participants
<input type="checkbox"/>	Meaningful accommodations are provided regarding registration for the provision of aid, benefits, services or training – including core and intensive training and support services -- to qualified individuals with disabilities

Comments:

**Evaluation of Compliance: 38.60**

Is the recipient meeting its overall compliance obligations?

Benchmarks:

<input type="checkbox"/>	The LWDA has no unresolved monitoring findings or EO complaints
<input type="checkbox"/>	If unresolved findings or complaints exist, the LWDA has implemented a corrective action plan

Comments:

PY2018-19 LWDA Monitoring Schedule	
September 10-14, 2018	Region 4
October 1-5, 2018	Region 1
October 22-26, 2018	Region 7
November 26-30, 2018	Region 2
January 7-11, 2019	Region 5
February 4-8, 2019	Region 12
February 25-March 1, 2019	Region 11
March 18-22, 2019	Region 6
April 8-12, 2019	Region 8
April 29-May 3, 2019	Region 9
May 13-17, 2019	Region 10
June 3-7, 2019	Region 3



<b>Local Equal Opportunity Officer: 38.28</b>		<i>Requirement:</i> Every recipient except small recipients and service providers, as defined in §38.4 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.
Local EO Officer ready to provide support?		
Benchmarks:		
<input type="checkbox"/>	Recipient has designated a local EO Officer	
<input type="checkbox"/>	Local EO Officer's name, title/position, address, and telephone number have been made public at the local level (including on web-site); contact info appears on internal and external communications regarding nondiscrimination programs	
<input type="checkbox"/>	Local EO Officer is a senior level employee of the recipient	
<input type="checkbox"/>	The Local EO Officer does not have other responsibilities that create a conflict or the appearance of a conflict with the responsibilities of an EO Officer	
<input type="checkbox"/>	Local EO Officer has staff and/or resources sufficient to carry out the EO requirements	
<b>OVERALL CONCLUSION:</b> The Region <i>has taken minimal action</i> <input type="checkbox"/> <i>is working toward compliance</i> <input type="checkbox"/> <i>is in compliance</i> <input type="checkbox"/>		
<b>Interview questions and Responses:</b>		
<ul style="list-style-type: none"> <li>Is the EO information on the LWDA's Website, including the EO officer's contact information?</li> <li>How have you prepared yourself for this position?</li> <li>Describe the "positioning" of the EO Officer – where in organization, level of authority, who they report to, etc.?</li> </ul>		
<i>Requested Documents:</i> Request from FISCAL monitors: <ul style="list-style-type: none"> <li>Copy of EO Officer's job description and staffing/org chart</li> </ul>		

Does the Local EO Officer understand their roles and responsibilities?

Benchmarks:

<input type="checkbox"/>	The Local EO Officer has a solid knowledge of the EO Regulations, 29 CFR Part 38
<input type="checkbox"/>	The Local EO Officer undergoes mandatory training to maintain competency with WIOA Section 188 and its EO Regulations
<input type="checkbox"/>	The Local EO Officer reviews the recipient's written policies to make sure that those policies are nondiscriminatory
<input type="checkbox"/>	The Local EO Officer monitors and investigates the recipients and entities that receive WIOA Title I funds to ensure compliance
<input type="checkbox"/>	The Local EO Officer tracks discrimination complaints filed against recipient
<input type="checkbox"/>	The Local EO Officer provides local area staff with EO training

OVERALL CONCLUSION: The Region *has taken minimal action*  *is working toward compliance*  *is in compliance*

Interview questions and Responses:

- How would you describe your job responsibilities as the EO Officer?
  
- In what ways have you made yourself knowledgeable on 29 CFR Part 38?
  
- Please describe your local EO monitoring process and resolution. How do you ensure that your own policies are non- discriminatory?
  
  
- How do you go about ensuring your staff have been trained and have resources relating to EO?

*Requirement:*

Every recipient must ensure that the Local EO Officer has skill and ability to do the job. This includes the correct job description on their work profile, reporting to senior staff, and having sufficient manpower and resources to do their EO job related duties, training to staff, and tracking nondiscrimination activities.

*Requested Documents:*

Request from FISCAL monitors:

- Copy of the local monitoring tool



Data and Information Collection/Maintenance: 38.41	
Does the region collect and maintain data and other information securely to ensure nondiscrimination and equal opportunity provisions of WIOA?	
Benchmarks:	
<input type="checkbox"/>	Regional staff tracks applicants, registrants, eligible applicants, eligible registrants, participants, exited participants, employees, and applicants for employment
<input type="checkbox"/>	Regional staff tracks race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, exited participants, applicant for employment, and employee
<input type="checkbox"/>	Regional staff tracks limited English proficiency and preferred language of each applicant, registrant, participant, and exited participants (beginning January 3, 2019)
<input type="checkbox"/>	Beneficiary/participant file is free of subjective and/or inappropriate remarks and comments such as on medical and disability information
<input type="checkbox"/>	All medical or disability-related information, whether in hard copy, electronic, or both, is maintained in a SEPARATE file and treated as confidential
<input type="checkbox"/>	Beneficiary/participant sign the state's program application/enrollment form (i.e., client application for ICC); acknowledgment of EO notice
<input type="checkbox"/>	Beneficiary/participant file is retained for at least three (3) years after close of the applicable program year
<input type="checkbox"/>	Such information above is used only for the purposes of recordkeeping and reporting; determining eligibility where appropriate
<input type="checkbox"/>	The recipient ensures that eligibility criteria that can screen out or tend to screen out an individual with a disability is not being offered unless such criteria can be shown as necessary
<p><b>OVERALL CONCLUSION:</b> The Region <i>has taken minimal action</i> <input type="checkbox"/> <i>is working toward compliance</i> <input type="checkbox"/> <i>is in compliance</i> <input type="checkbox"/></p> <p><u>Interview questions and Responses:</u></p> <ul style="list-style-type: none"> <li>As Voc Rehab sends more disabled individuals to the WorkOne offices, there is a corresponding increase in the volume of medical records being stored. What procedures are in place to ensure that medical and disability-related information is being maintained separately and securely from other client information?</li> <li>How do you ensure that staff are not denying or screening out applicants who are applying but have a disability?</li> </ul>	
<p><i>Requirement:</i> Records of recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, exited participants, 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 exited participants. 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.</p> <hr/> <p><i>Requested Documents:</i> Request from PROGRAM monitors:</p> <ul style="list-style-type: none"> <li>Follow up after site visit to report on how medical records are kept private, separate and confidential.</li> </ul>	

**Affirmative Outreach: 38.40**

Has recipient taken appropriate steps to ensure that they are providing equal access to their WIOA Title I-financially assisted programs and activities?

**Benchmarks:**

- |                          |  |
|--------------------------|--|
| <input type="checkbox"/> | The recipient conducts affirmative outreach to certain target groups   |
| <input type="checkbox"/> | The recipient advertises its programs and/or activities that specifically target various populations in the media, such as newspapers or radio programs        |
| <input type="checkbox"/> | The recipient sends appropriate notices about openings in its programs and/or activities to schools or community service groups that serve various populations |
| <input type="checkbox"/> | The recipient consults with appropriate community service groups about ways to improve its outreach and service to various populations                         |

**OVERALL CONCLUSION:** The Region *has taken minimal action*  *is working toward compliance*  *is in compliance*

**Interview questions and Responses:**

- Describe the affirmative outreach efforts occurring in your region. What are the target groups for outreach, and how they were identified? (This could include people with disabilities, LEP individuals, differing age groups, various community service groups, etc.)
  
- Do you have any copies of outreach efforts (i.e. recruitment brochures and presentations) to different target groups?

**Requirement:**

Target group: 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.

**Requested Documents:**

Request from LOCAL EO OFFICER:

- Copies of their outreach efforts, such as advertisements to the newspaper, radio or recruitment brochures, and presentations



**Accessibility: 38.13**

Is the recipient meeting its physical and programmatic accessibility obligations for individuals with disabilities?

**Benchmarks:**

- Individuals with disabilities have adequate parking spaces
- Individuals with disabilities have appropriate wheelchair accessibility
- Individuals with disabilities have appropriate restroom accommodations
- Individuals with disabilities are afforded the opportunity to participate in services or training that is equal to or as effective as provided to non-disabled participants
- Individuals with disabilities have been provided adequate working assistive technology, as needed
- Staff has been trained on use of the assistive technology to properly assist participants
- Meaningful accommodations are provided regarding registration for the provision of aid, benefits, services or training – including core and intensive training and support services -- to qualified individuals with disabilities

**OVERALL CONCLUSION:** The Region *has taken minimal action*  *is working toward compliance*  *is in compliance*

**Interview questions and Responses:**

- Describe the assistive technology provided to individuals with disabilities. How have staff been trained on the use of the assistive technology to ensure that they can properly assist participants?
  
- How do you meet physical and programmatic accessibility obligations?
  
- How are individuals with disabilities provided the opportunity to participate in services or training that is equal to that provided to others? *Examples -visual, physical or hearing impaired*
  
- How are individuals with disabilities provided services or training that is equal to that provided to others? *Examples -visual, physical or hearing impaired*
  
- ADA surveys been checked and addressed?

*Requirement:*

**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.

**Programmatic accessibility.** All WIOA Title I-financially assisted programs and activities must be programmatic 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.

*Requested Documents:*

- Request from LOCAL EO OFFICER:
- Copy of any ADA survey updates

**Evaluation of Compliance: 38.60**

Is the recipient meeting its overall compliance obligations?

Benchmarks:

<input type="checkbox"/>	The LWDA has no unresolved monitoring findings or EO complaints
<input type="checkbox"/>	If unresolved findings or complaints exist, the LWDA has implemented a corrective action plan

**OVERALL CONCLUSION:** The Region *has taken minimal action*  *is working toward compliance*  *is in compliance*

**Interview questions and Responses:**

- If unresolved findings or complaints exist, how has the LWDA implemented a corrective action plan?

*Requirement:*

From time to time, the Director may conduct pre-approval compliance reviews of grant applicants for WIOA Title I-financial assistance to determine the ability to comply with the nondiscrimination and equal opportunity provisions of WIOA and this part and may conduct post-approval compliance reviews of recipients to determine compliance with the nondiscrimination and equal opportunity provisions of WIOA and this part. Reviews may focus on one or more specific programs or activities, or one or more issues within a program or activity. The Director may also investigate and resolve complaints alleging violations of the nondiscrimination and equal opportunity provisions of WIOA and this part.

*Requested Documents:*

No requested documents



February 20, 2018

Larry West, Board Chair  
Roger Feldhaus, Executive Director  
Tecumseh Area Partnership, Inc.  
d/b/a Region 4 Workforce Board  
976 Mezzanine Drive, Suite C  
Lafayette, IN 47905

RE: Program Year 2017-18 WIOA Monitoring Report for LWDA 4

Mr. West and Mr. Feldhaus:

The Indiana Department of Workforce Development (DWD), on behalf of the Governor, oversees the programmatic and financial activities of the state's subrecipients to ensure proper stewardship of federal Workforce Innovation and Opportunity Act (WIOA) funding. Federal regulations require an annual on-site review of each Local Workforce Development Area (LWDA or Local Area) within a state.

DWD's Regulatory Oversight and Compliance (ROC) Division conducts these annual on-site reviews to monitor compliance with administrative, equal opportunity (EO) and nondiscrimination, fiscal, and programmatic requirements. As such, ROC Division monitors began a comprehensive review of LWDA 4 on January 8, 2018. Results of the review are outlined within the attached Comprehensive Monitoring Report (Report). Because a compliance finding has been identified, a Resolution Document is also attached for your response. Please return the completed Resolution Document to [oversight@dwd.in.gov](mailto:oversight@dwd.in.gov) by March 22, 2018.

Questions or concerns regarding this Report should be addressed to Bruce Hall, ROC Division Senior Fiscal Monitor and Resolution Specialist, at 765.623.9989 or [BRHall@dwd.in.gov](mailto:BRHall@dwd.in.gov).

Respectfully,

Connie Wray, Counsel/Director  
Regulatory Oversight & Compliance  
Indiana Dept. of Workforce Development  
10 N Senate Ave; IGCS SE 304  
Indianapolis, IN 46204  
859.620.4373  
[CWray@dwd.in.gov](mailto:CWray@dwd.in.gov)



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**COMPREHENSIVE MONITORING REPORT  
PROGRAM YEAR 2017-18**

**Local Workforce Development Area 4**

Tecumseh Area Partnership, Inc.  
d/b/a Region 4 Workforce Board  
976 Mezzanine Drive, Suite C  
Lafayette, IN 47905

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<b>On-Site Visit:</b>	January 8 - 12, 2018
<b>Monitoring Period:</b>	July 2017 - December 2017
<b>Monitoring Team:</b>	Connie Wray (Director), Thomas Brown, Carmen Upchurch, Bruce Hall, Larry Upchurch, Kalena James

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**I. REPORT STRUCTURE**

The Indiana Department of Workforce Development (DWD) Regulatory Oversight and Compliance Division (ROC Division) conducts monitoring of each Local Workforce Development Area (LWDA or Local Area) to examine compliance with statutory and regulatory requirements and identify areas in need of administrative, financial management, and/or programmatic improvement. This Comprehensive Monitoring Report (Report) includes program review summaries, compliance findings, qualitative observations, significant technical assistance and guidance provided during the review period, and may also discuss any notable new initiatives or best practices.

Workforce Innovation and Opportunity Act (WIOA) findings, observations, and areas subject to review, for purposes of this Report, are explained below:

**Findings.** Items identified as non-compliant with WIOA, federal regulations, or state/DWD policies and procedures shall be classified as findings. ROC Division staff will provide citations from WIOA, federal regulations, or state/DWD policies and procedures to identify specific areas of non-compliance and will explain the corrective measures necessary for resolution.

**Observations.** Items that may or may not be compliance-based, but may impede effectiveness and efficiency of services to individual and business customers shall be classified as observations. ROC Division staff may offer suggestions or guidance to assist the Local Area in making qualitative improvements, or may make a referral for further technical assistance by appropriate DWD staff. New, unique, significant, or innovative programmatic efforts and results, and/or any practices that are noteworthy or exemplary will be discussed as observations.

**Areas Subject to Review.** The ROC Division begins the monitoring of each Local Area by performing desk reviews of relevant and LWDA-specific input and feedback gathered from various DWD Program Directors and Subject Matter Experts (SMEs), inspecting and testing various electronic documents submitted by the LWDA, and conducting an assessment of risk using DWD's Risk Assessment Tool, which is based on knowledge of, history with, and learned information about the Local Area and its activities. The Local Area's assessed risk (i.e., low, medium, high) is factored in to what is examined during the administrative, fiscal, and programmatic site visits and reviews. Workforce Development Board (WDB), one-stop operator (OSO), and service provision information, systems, policy, procedures, and documents at all management and service levels are subject to review under, but not limited to, four major subject areas (Review Areas):

1. **Administrative & Financial Management.** This area includes, but is not limited to, an evaluation of the Local Area's Workforce Development Board (WDB) and subcommittees, the WorkOne American Job Center (WorkOne) system, administrative and financial policies and practices (i.e., internal and budget controls, cash management and reporting, cost

classification and allocation, procurement, record retention, etc.), prior independent audit results, and subrecipient monitoring and oversight according to applicable federal and state legislation, regulations, policies and guidance, and Office of Management and Budget (OMB) Circulars and Uniform Guidance. ROC Division staff conduct this evaluation via on-site visits, document inspection, and sample testing.

- 2. Workforce Development Programs.** This area includes, but is not limited to, an evaluation of the Local Area’s programs and services to eligible participants pursuant to WIOA requirements and related federal and state legislation, regulations, policies and guidance, and OMB Circulars and Uniform Guidance. A computer-generated, randomly-selected file sample of at least 30 Adult, Dislocated Worker, and Youth participant files are examined for proper maintenance and content, inclusion of pertinent forms and data, appropriate and adequate case notes to ensure continuity from time of application through completion of services, as well as verification that all relevant data has been entered into the Indiana Career Connect (ICC) case management system. On-site visits to various WorkOne centers within the Local Area and interviews with local management, staff, and clientele are conducted to observe operations (e.g., security, building function, appearance, convenience to customers, safety concerns, etc.) and gain insight into the Center’s environment, processes and procedures, and overall customer service efforts and effects.

This area may also include a review of other DWD-administered grants and programs active within the Local Area during the monitoring period. ROC Division staff, during the overall review, correspond with applicable grant and program management staff to obtain progress and status updates for potential inclusion in this Report.

- 3. Equal Opportunity and Nondiscrimination.** This area includes, but is not limited to, an evaluation of the Local Area’s Equal Opportunity (EO) and Nondiscrimination activity, policy, and practices. All recipients of WIOA Title I funding must comply with all equal opportunity and nondiscrimination requirements in the administration and operation of programs, activities, and employment as provided by WIOA Section 188 and its implementing regulations under 29 CFR Part 38 (Final Rule) which became effective on January 3, 2017. These requirements apply to all programs and activities operated by One-Stop partners. DWD Policy 2016-09<sup>1</sup> provides a summary of the major content areas covered in the Final Rule and includes important procedures recipients must follow to maintain compliance.
- 4. Performance.** This area includes, but is not limited to, a snapshot of information regarding the LWDA’s fiscal performance and its performance against applicable performance requirements.<sup>2</sup> WIOA significantly advances the strategic alignment of the U.S. Department of Labor’s (USDOL) core workforce development programs: Adult, Dislocated Worker, and Youth programs; the Wagner-Peyser Employment Service; the Adult Education and Family Literacy program; and Vocational Rehabilitation. While much of WIOA became operational on July 1, 2015, the performance accountability provisions (sec. 116) became effective on July 1, 2016.<sup>3</sup> The six (6) primary performance indicators are: 1) participant employment in the 2<sup>nd</sup> quarter after exit, 2) participant employment in the 4<sup>th</sup> quarter after exit, 3) participant median earnings in the 2<sup>nd</sup> quarter after exit, 4) participant credential attainment rate within 1 year after exit, 5) percentage of participants in training showing measurable skill gains toward a credential or employment, and 6) effectiveness of the core programs in serving employers.

## **II. LOCAL WORKFORCE DEVELOPMENT AREA SUMMARY**

<b>Counties:</b>	Benton, Carroll, Cass, Clinton, Fountain, Howard, Miami, Montgomery, Tippecanoe, Tipton, Warren & White
<b>Grant Recipient:</b>	Tecumseh Area Partnership, Inc. (TAP)
<b>Fiscal Agent:</b>	TAP
<b>Administrative Entity:</b>	TAP
<b>One-Stop Operator:</b>	JobWorks
<b>Service Provider(s):</b>	JobWorks

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<sup>1</sup> DWD Policy 2016-09: Equal Opportunity and Nondiscrimination Guidance Letter

<sup>2</sup> While DWD has begun performance data collection, the analysis and reporting of the data is not yet complete. This information will be included in future Reports as available.

<sup>3</sup> Training and Employment Guidance Letter WIOA No. 26-15: Operating Guidance for the Workforce Innovation and Opportunity Act

**Prior Monitoring:** No compliance findings/no questioned costs during last review

**Prior Year Assessed Risk:** Low

**PY2017-18 Assessed Risk:** Low

Tecumseh Area Partnership, Inc., d/b/a Region 4 Workforce Board, is the grant recipient. WIOA Adult, Dislocated Worker, and Youth client services are provided by subrecipient service provider, JobWorks. The 10 WorkOne sites operating within this 12 county LWDA include:

Comprehensive

Howard County / Kokomo  
Tippecanoe County / Lafayette

Affiliate

Montgomery County / Crawfordsville  
Cass County / Logansport  
White County / Monticello  
Miami County / Peru

Access Point

Carroll County / Delphi  
Warren County / WilliamSPORT  
Clinton County / Frankfort  
Benton County / Oxford

On-site monitoring was conducted in January 2018 by DWD’s ROC Division at the TAP office located in Lafayette and various WorkOne centers within the LWDA. An Entrance Conference was held by phone with the Executive Team attending. WorkOne sites visited included Monticello, Logansport, Kokomo, Peru, Crawfordsville, and Lafayette. A summary of potential findings and observations was presented during an Exit Conference at the end of the on-site monitoring week.

As of the date of this Report, the LWDA 4 PY2017-18 WIOA allocation (WIOA704) is \$2,599,040.00. Other grants active within the LWDA and within the scope of this review include:

- |  |  |   |  |
|--|--|---|--|
| <ul style="list-style-type: none"><li>• WIB504</li><li>• WIB604</li><li>• BC704</li><li>• IFA704</li></ul> | <ul style="list-style-type: none"><li>• JAG704</li><li>• JAGMS704</li><li>• JAGT504</li><li>• JFH704</li></ul> | <ul style="list-style-type: none"><li>• RESEA604</li><li>• SKILLUP504</li><li>• TAACM704</li><li>• WIN604</li></ul> | <ul style="list-style-type: none"><li>• WorkKeys Job Profiling</li></ul> |
|--|--|---|--|

**III. ANALYSIS**

Information within this section summarizes the ROC Division’s overall evaluation of the LWDA relative to the Review Areas described herein.

**1. Administrative & Financial Management**

**Review Summary:**

Specific subject areas where documentation and practices were inspected, examined, and tested by ROC Division staff include contracts, property leases, policies and procedures, policy compliance, audits, required local reporting to various DWD programs, internal and budget controls, accrued expenditures and cash draws, cash management and reconciliations, general ledgers and disbursements, cost classification and allocation, asset management, procurement and requests for proposals (RFPs), staffing, payroll, subrecipient monitoring oversight and audit resolution, record retention, and WDB governance, organizational structure, and meeting minutes.

**Compliance Findings:**

There were no administrative or fiscal compliance findings identified within the scope of this review.

**Qualitative Observations:**

Observation #1: Lack of Directional Signs for the Crawfordsville WorkOne Office

The Crawfordsville WorkOne office is located on a back road surrounded by other large businesses that obscure it. Since this office’s location is relatively new, it is recommended that a WorkOne directional sign be placed at the nearest major road

intersection to help guide the public to the office, therefore promoting the office's services to the community at large.

#### Observation #2: Noteworthy Effort of Relocating the Kokomo WorkOne Office

The Kokomo WorkOne office recently moved to a new location. It is now in a newly-renovated building, which also houses a number of civic, wellness, and other community-based organizations. The office is spacious and modern, with abundant space for training classes, workshops, orientations, and small job fairs. If more space is needed, larger conference rooms in the building are available at no additional cost. Other advantages to the new location include easy access by public transportation, a very large parking lot, adequate space to house partner services, and close proximity to a newly-built low income housing complex, whose residents may benefit from WorkOne services. The new office is somewhat less visible than the prior location, but its design, layout, and accessibility to clients appear to outweigh any issues with a less prominent location.

#### Observation #3: Noteworthy Effort in Service Provider Transition

The WDB made a change in WIOA service providers for the 2017-18 Program Year. For many years, the LWDA contracted with two entities to provide services in its twelve counties. The WDB moved in a different direction this year and selected a single provider for the entire LWDA. The WDB was committed to maintaining continuity in client services and requested that the winning bidder, which was one of the two long-term service providers, take steps to ensure the retention of experienced staff. The selected service provider offered employment opportunities for existing staff of the departing entity without the staff having to reapply for their current positions, and also guaranteed contracted employment for a period of at least a year. Employees of the former service provider were also given nine months to decide if they wanted permanent positions directly with the new entity, and were guaranteed no loss of seniority, pay level, or accrued vacation time. The WDB's request prevented the loss of experienced, proven staff, minimizing turnover and possible disruption of client services.

## **2. Workforce Development Programs**

### **Review Summary:**

A computer-generated, randomly-selected file sample of at least 30 WIOA Adult, Dislocated Worker, and Youth participant files were examined by ROC Division staff. The sample included In-School and Out-of-School Youth, Veterans, Low Income Individuals, OJT participants, and clients served with Sector Partnership Grants. The sample consisted of clients who were active or exited participants at some point during the current program year. ROC Division staff also visited various WorkOne centers within the LWDA, observed operations first-hand, conducted interviews with various WorkOne management, staff, and clients, and gained insight on the WorkOne environment, processes and procedures, and overall customer service efforts and effects.

### **Compliance Findings:**

There were no programmatic compliance findings identified within the scope of this review.

### **Qualitative Observations:**

#### Observation #4: Noteworthy Efforts of Coordinating WIOA and Non-WIOA Funding

The LWDA has been active in its pursuit of funding opportunities outside of its WIOA allocation. It has applied for and received direct grants, most notably from USDOL, that allow increased flexibility in client enrollment and training services. These grants have enabled the WDB to offer an array of training opportunities to better meet the needs of local businesses and to expand the number of clients who can benefit from services offered through the WorkOne system.

## **3. Equal Opportunity & Nondiscrimination**

ROC Division staff conducted desk reviews, phone interviews, and WorkOne site visits to evaluate the Local Area's progress in implementation of the new EO and Nondiscrimination regulations. The evaluation covered the following areas: local EO and nondiscrimination policy/procedures; EO notices and communications (e.g., posters, Babel notices, taglines, relay services, etc.); orientations for participants, employees, those with limited English proficiency (LEP), and the general public on rights, responsibilities, and the filing of complaints; affirmative outreach; Local EO Officer designation; physical and programmatic accessibility; reasonable accommodations and modifications; data and information collection and maintenance; and complaint

processing procedures.

**Compliance Findings:**

Finding #1: Updated Language Missing from Local EO Policy

The LWDA’s local EO Policy contained outdated language in reference to the required “Equal Opportunity is the Law” Notice. This language was updated via WIOA Sec. 188’s Final Rule effective on January 3, 2017<sup>4</sup> with a 90 day deadline to initially publish the Notice<sup>5</sup>. DWD provided additional policy guidance on the requirement to update this Notice within the specified timeframe.<sup>6</sup>

Finding #1: Corrective Action Required

The LWDA must submit its response via the attached Resolution Document to [oversight@dwd.in.gov](mailto:oversight@dwd.in.gov) within 30 days of the date of this Report, along with a copy of its revised policy reflecting the changes noted above.

**Qualitative Observations:**

Observation #5: Noteworthy Operational Procedure of Allocating EO Work Time

A noteworthy practice occurring within the LWDA was that the Local EO Officer specifically allocates time once a week for EO-focused work. Because EO Officers may have other duties beyond the scope of their EO responsibilities, it is commendable that the LWDA has placed priority on ensuring that the Local EO Officer has sufficient time to dedicate to this work.

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<sup>4</sup> 29 CFR 38.35

<sup>5</sup> 29 CFR 38.36(d)

<sup>6</sup> DWD Policy 2016-09: Equal Opportunity and Nondiscrimination Guidance Letter

#### 4. Performance

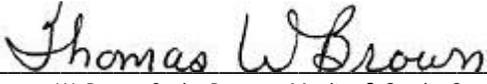
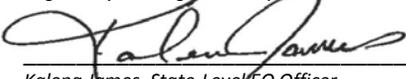
The table below shows a summary of the LWDA's fiscal performance, as of November 2017, for all grants active during the monitoring review period.

<b>TABLE A: LWDA 4 Fiscal Performance Snapshot - November 2017</b>								
<u>Grant Name</u>	<u>Program Name</u>	<u>Start Date</u>	<u>End Date</u>	<u>\$ Allocated</u>	<u>\$ Obligated</u>	<u>% Obligated</u>	<u>\$ Expended</u>	<u>% Expended</u>
WIB504	WIOA PY15 - Adult	07/01/15	06/30/17	\$ 866,722.00	\$ 866,722.00	100%	\$ 866,722.00	100%
WIB504	WIOA PY15 - Adult Admin	07/01/15	06/30/17	\$ 96,301.00	\$ 96,301.00	100%	\$ 96,301.00	100%
WIB504	WIOA PY15 - DW	07/01/15	06/30/17	\$ 773,334.00	\$ 773,334.00	100%	\$ 773,334.00	100%
WIB504	WIOA PY15 - DW Admin	07/01/15	06/30/17	\$ 85,925.00	\$ 85,925.00	100%	\$ 85,925.00	100%
WIB504	WIOA PY15 - Youth	07/01/15	06/30/17	\$ 1,096,078.00	\$ 1,096,078.00	100%	\$ 1,096,078.00	100%
WIB504	WIOA PY15 - Youth Admin	07/01/15	06/30/17	\$ 121,786.00	\$ 121,786.00	100%	\$ 121,786.00	100%
	<b>WIOA PY15 - TOTAL</b>	<b>07/01/15</b>	<b>06/30/17</b>	<b>\$ 3,040,146.00</b>	<b>\$ 3,040,146.00</b>	<b>100%</b>	<b>\$ 3,040,146.00</b>	<b>100%</b>
WIB604	WIOA PY16 - Adult	07/01/16	06/30/18	\$ 783,872.00	\$ 783,872.00	100%	\$ 783,872.00	100%
WIB604	WIOA PY16 - Adult Admin	07/01/16	06/30/18	\$ 87,096.00	\$ 87,096.00	100%	\$ 87,096.00	100%
WIB604	WIOA PY16 - DW	07/01/16	06/30/18	\$ 796,933.00	\$ 700,000.00	87.84%	\$ 675,705.00	84.79%
WIB604	WIOA PY16 - DW Admin	07/01/16	06/30/18	\$ 88,547.00	\$ 88,547.00	100%	\$ 81,963.00	92.56%
WIB604	WIOA PY16 - Youth	07/01/16	06/30/18	\$ 996,804.00	\$ 942,619.00	94.56%	\$ 876,012.00	87.88%
WIB604	WIOA PY16 - Youth Admin	07/01/16	06/30/18	\$ 110,755.00	\$ 110,755.00	100%	\$ 53,470.00	48.28%
	<b>WIOA PY16 - TOTAL</b>	<b>07/01/16</b>	<b>06/30/18</b>	<b>\$ 2,864,007.00</b>	<b>\$ 2,712,889.00</b>	<b>94.72%</b>	<b>\$ 2,558,118.00</b>	<b>89.32%</b>
WIOA704	WIOA PY17 - Adult	07/01/17	06/30/19	\$ 661,449.00	\$ 400,000.00	60.47%	\$ 301,930.00	45.65%
WIOA704	WIOA PY17 - Adult Admin	07/01/17	06/30/19	\$ 73,494.00	\$ -	0%	\$ -	0%
WIOA704	WIOA PY17 - DW	07/01/17	06/30/19	\$ 115,756.00	\$ 50,000.00	43.19%	\$ 46,175.00	39.89%
WIOA704	WIOA PY17 - DW	07/01/17	06/30/19	\$ 616,758.00	\$ -	0%	\$ -	0%
WIOA704	WIOA PY17 - DW Admin	07/01/17	06/30/19	\$ 81,390.00	\$ -	0%	\$ -	0%
WIOA704	WIOA PY17 - DW>Adult	07/01/17	06/30/19	\$ 115,756.00	\$ 50,000.00	43.19%	\$ 46,175.00	39.89%
WIOA704	WIOA PY17 - Youth	07/01/17	06/30/19	\$ 840,993.00	\$ 400,000.00	47.56%	\$ 292,284.00	34.75%
WIOA704	WIOA PY17 - Youth Admin	07/01/17	06/30/19	\$ 93,444.00	\$ -	0%	\$ -	0%
	<b>WIOA PY17 - TOTAL</b>	<b>07/01/17</b>	<b>06/30/19</b>	<b>\$ 2,599,040.00</b>	<b>\$ 900,000.00</b>	<b>34.63%</b>	<b>\$ 686,564.00</b>	<b>26.42%</b>
BC704	Bus Consultant (BC) PY17	7/5/2017	6/30/2018	\$ 120,000.00	\$ 56,000.00	46.67%	\$ 35,519.00	29.60%
IFA704	Infrastructure/Addtl Cost PY17	7/1/2017	6/30/2018	\$ 109,010.48	\$ 36,336.83	33.33%	\$ 36,336.83	33.33%
JAG704	Jobs/America's Grads PY17	7/1/2017	6/30/2018	\$ 626,703.00	\$ 10,000.00	1.60%	\$ 8,364.00	1.33%
JAGMS704	Jobs for America's Graduates (JAG) Master Specialist PY17	12/1/2017	9/30/2018	\$ 5,000.00	\$ -	0%	\$ -	0%
JAGT504	JAG TANF PY15	07/01/15	09/15/17	\$ 447,640.00	\$ 447,640.00	100%	\$ 447,640.00	100%
JFH704	Jobs for Hoosiers (JFH) PY17	1/2/2017	12/31/2018	\$ 39,500.00	\$ -	0%	\$ -	0%
RESEA604	Re-Employment Services and Eligibility Assessment (RESEA) PY16	1/1/2017	6/30/2018	\$ 518,550.00	\$ 371,551.00	71.65%	\$ 302,939.00	58.42%
SKILLUP504	SkillUP Advanced Manufacturing	2/18/2016	3/31/2018	\$ 2,163,624.00	\$ 2,063,624.00	95.38%	\$ 2,013,581.00	93.07%
TAACM704	Trade Adjustment Assistance (TAA) Case Management PY17	7/1/2017	6/30/2018	\$ 115,185.00	\$ 10,500.00	9.12%	\$ 3,410.00	2.96%
WIN604	WorkIndiana Adult Education PY16	7/1/2016	9/30/2017	\$ 184,622.00	\$ 144,622.00	78.33%	\$ 102,437.00	55.48%
WorkKeys Profiling	WorkKeys Job Profiling - DWD JOBS Initiative	8/1/2016	7/31/2018	\$ 401,500.00	\$ -	0%	\$ -	0%

LWDA performance measures for WIOA are not yet available or included in this Report, however are expected to be included in future Reports.

**COMPREHENSIVE MONITORING SUMMARY**

This Report summarizes WIOA and OMB compliance findings and observations that resulted from the DWD ROC Division’s monitoring of LWDA 4 for the time period July 2017 - December 2017. Information provided herein represents our best efforts to analyze the financial and programmatic status of DWD-funded programs active within the LWDA. The results contained in this Report are believed to be true and accurate based on the samples tested, files reviewed, and staff and individuals interviewed.

Certified By:	 _____ <i>Thomas W. Brown, Senior Program Monitor &amp; On-site Coordinator Regulatory Oversight &amp; Compliance</i>	<u>February 20, 2018</u> Date
	 _____ <i>Bruce Hall, Senior Fiscal Monitor &amp; Resolution Specialist Regulatory Oversight &amp; Compliance</i>	<u>February 20, 2018</u> Date
	 _____ <i>Kalena James, State-Level EEO Officer Regulatory Oversight &amp; Compliance</i>	<u>February 20, 2018</u> Date
Approved By:	 _____ <i>Connie Wray, Counsel/Director Regulatory Oversight &amp; Compliance</i>	<u>February 20, 2018</u> Date

## Element 8: Complaint Processing Procedures

[29 CFR 38.69 through 38.85]

DWD published EO complaint processing procedures mirroring those found in 29 CFR Part 38 via the DWD EO Policy.<sup>88</sup> These procedures provide a complainant with the option to file a complaint with the LWDA's Local EO Officer or directly with the CRC Director. Local EO Notices provide filing instructions, the Local EO Officer's name and contact information, as well as CRC contact information.<sup>89</sup>

### Complaints

Applicants, registrants, eligible applicants/registrants, participants, employees and applicants for employment are notified of their right to the complaint process by way of posters and notices in the WorkOne offices with the prescribed language from 29 CFR Part 38. The "Equal Opportunity is the Law" notice communicates that any person who believes that she/he, or any specific class of individuals, has been or is being subjected to discrimination prohibited by WIOA, may file a written complaint within 180 days of the alleged discrimination.

A complainant may file a complaint by completing and submitting CRC's Complaint Information and Privacy Act Consent Forms, which may be obtained either from the Local/State EO Officer or from CRC. The forms are available on CRC's website at <https://www.dol.gov/oasam/programs/crc/filing-complaint.htm>. Complaints must be filed in writing, either electronically or in hard copy, and must contain the following information:

- Complainant's name, mailing address, and if available, email address (or other means of contact);
- Identity of respondent;
- Description of allegations;
- Written or electronic signature of the complainant or complainant's representative.

### Complaint Processing

- Whether a complaint is filed locally with a recipient's Local EO Officer or directly with CRC, established complaint processing procedures must be followed.<sup>90</sup> DWD Policy 2016-09 outlines the procedures that must be followed by recipients. Those procedures must include, at a minimum, the following elements: initial, written notice to complainant acknowledging receipt of complaint, notice of complainant's right to representation, notice of rights contained in the EO poster, and notice that the

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<sup>88</sup> DWD Policy 2016-09 (See Documentation 1.5)

<sup>89</sup> Documentation 8.1: Sample Local EO Notice

<sup>90</sup> Documentation 8.2: Excerpt from Local EO Officer Training Module III

complainant has the right to request and receive, at no cost, auxiliary aids and services, language assistance services, and that the notice will be translated as required;

- Written statement of the issue(s), provided to complainant, that includes a list of issues raised in the complaint and whether the recipient will accept or reject each issue;
- Period for fact-finding or investigation;
- Period for attempt to resolve complaint, including provision for alternative dispute resolution (ADR);
- Written Notice of Final Action (NFA) provided to complainant within 90 days of filing date.

### Notice of Final Action

Recipients must issue the NFA to the complainant within 60 days of the date on which the complaint was filed. The NFA informs the complainant of the ruling for the issue(s) raised in the initial complaint and an explanation of each decision, or a description of the way the parties resolved the issue. The NFA also advises the complainant of the right to appeal the decision.

If the recipient issues its NFA before the 90-day period ends, but the complainant is dissatisfied with the recipient's decision, the complainant may file a complaint with the CRC Director within 30 days after the date on which the Complainant receives the NFA.

If, by the end of 90 days from the filing date, the Recipient has failed to issue a NFA, the complainant may file a complaint with the CRC Director within 30 days of the expiration of the 90-day period (i.e., within 120 days of the filing date).

### Alternative Dispute Resolution

At any point after complaint filing, but before issuance of the NFA, the parties may request the use of an ADR process such as mediation.<sup>91</sup> Election whether to use ADR is a decision of the complainant. Should an agreement reached under ADR be breached, the non-breaching party may file a complaint directly with CRC within 30 days of the date on which the non-breaching party learns of the alleged breach. If the CRC Director determines that the agreement has been breached, the complaint will be reinstated and processed in accordance with the recipient's procedures.

If the parties are unable to reach an agreement through ADR, the complainant may file the complaint directly with CRC as described in 29 CFR 38.69 – 38.72.

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<sup>91</sup> Documentation 8.3: Sample Mediation Agreement Form from ICRC

## Element 8 Documentation

Documentation 8.1: Sample Local EO Notice

Documentation 8.2: Excerpt from Local EO Officer Training Module III

Documentation 8.3: Sample Mediation Agreement Form from ICRC

## 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);

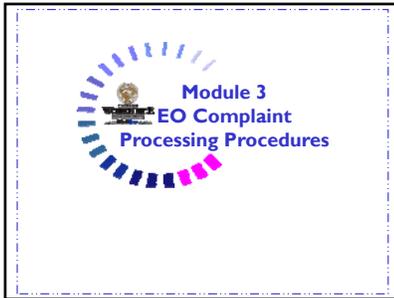
**Mellisa Leaming, Equal Opportunity Officer; Region 4 Workforce Board; 976 Mezzanine Drive, Suite C; Lafayette, IN 47905** or electronically at [mleaming@tap.lafayette.in.us](mailto:mleaming@tap.lafayette.in.us).

or

**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 website at [www.dol.gov/crc](http://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.

## Excerpt from Local EO Officer Training Module III



### General Requirements

- Each state must adopt and publish procedures for processing complaints alleging discrimination against any WIOA recipient
- The Governor, LWSA, and the EO Officers are responsible for developing and publishing complaint procedures
- The EO Officer is responsible for ensuring that recipients follow procedures for processing discrimination complaints under 29 CFR 38.76 – 38.79.
- The procedures must provide the complainant with the option to file with the recipient or directly with CRC.
- All recipients must comply with the complaint procedures.

### General Requirements

- Recipients That Must Comply With Complaint Procedures
  - State-level agencies that administer, or are financed in whole or part with WIOA Title I funds
  - State Workforce Agencies
  - State and Local Workforce Development Boards
  - LWSA Grant recipients
  - One-Stop Operators

### General Requirements

- Recipients That Must Comply With Complaint Procedures
  - Service providers, including eligible training providers
  - On-the-Job Training(OJT) employers
  - Job Corps contractors and center operators
  - Job Corps national training operators
  - Placement agencies, including Job Corps contractors that perform these functions
  - Other National Program recipients

### Who May File A Complaint?

- **Who May File a Complaint?**
  - Any person or the person's authorized representative who believes either of the following circumstances exist:
    - ✓ has been or is being subjected to discrimination prohibited under WIOA.
    - ✓ Has been or is being retaliated against for protected actions.

### Information Required for a Complaint

- Complainant's name/address or another means of contacting the complainant
- Identity of the respondent (individual or entity alleged to have discriminated)
- Allegations described in sufficient detail to determine:
  - Jurisdiction of CRC or recipient, as applicable, over complaint
  - Complaint was filed within specified time
  - Complaint has apparent merit
- A signature from the complainant or their authorized representative

### Time Frame for Filing a Complaint

- A complaint must be filed:
  - Within 180 days of the alleged discrimination
- ✓ An extension of the 180-day filing period may be granted for good cause shown by the complainant
- Only the Director of CRC can grant this extension

### Acceptance for Investigation or Rejection by the Recipient

- **Determining Jurisdiction**
  - Respondent is a WIOA Recipient
- Complaint has been filed within the 180-day time period, or the Director of CRC has granted an extension waiver
- The complaint issue is covered under Section 188 of WIOA

### Acceptance for Investigation or Rejection by the Recipient

- **Discrimination Complaints vs. Program Complaints**
  - WIOA complaints can be divided into 2 categories:
    - ✓ Discrimination complaints, processed according to ETA regulations
    - ✓ Program complaints, processed according to ETA regulations

### Acceptance for Investigation or Rejection by the Recipient

- Discrimination vs. Program Complaints (cont.)

	Discrimination Complaint	Program Complaint
Elements included	An issue A prohibited basis	An Issue A non-prohibited basis
Procedures to follow	CRC regulations at 29 CFR 38	ETA regulations at 20 CFR Subpart F, Sec. 667.600 [a][b]

### Acceptance for Investigation or Rejection by the Recipient

- No Jurisdiction
  - Recipient must send the complainant a Written Notice of Lack of Jurisdiction including:
    - The reason(s) for the determination
    - Notice that the complainant has a right to file a complaint with CRC within 30 days of receiving the Written Notice of Lack of Jurisdiction

### Processing Timeframe Requirements

- Recipient's 90-Day Processing Timeframe
- Complainant's 30-day Timeframe for Appeals
- Extension of Complainant's 30-Day Timeframe to Appeal

### Processing Timeframe Requirements

- Recipient's 90-day Processing Timeframe
  - Issue a Written Notice of Lack of Jurisdiction
  - Refer the complainant to another federal grant-making agency for investigation where there is dual jurisdiction
  - Issue a Written Notice of Final Action

### Processing Timeframe Requirements

- Complainant's 30-Day Timeframe for Appeals
  - Recipient issues a Written Notice of Lack of Jurisdiction
  - Recipient fails to issue either a Written Notice of Lack of Jurisdiction, a Written Notice of Final Action, or a referral to another federal grant-making agency within the 90-day timeframe
  - A party to an agreement breaches the agreement
  - An ADR process fails to produce an agreement

### Processing Timeframe Requirements

- Extension of Complainant's 30-Day Timeframe Appeal
  - CRC Director may extend the complainant's 30-day timeframe if the complainant can show good cause.

### Record-Keeping Requirements

- Name and address of the complainant
- Basis of the complaint
- Description of the complaint
- Date when the complaint was filed
- Disposition of the complaint and the date the disposition was issued
- Other pertinent information

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- Name and address of the complainant
- Basis of the complaint
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- Other pertinent information



## Sample Mediation Agreement Form from ICRC

ERIC HOLCOMB, *Governor*  
GREGORY WILSON, *Executive Director*

## RESPONDENT'S AGREEMENT TO BEGIN MEDIATION

ICRC No.: [REDACTED] EEOC/HUD No: [REDACTED]

I, Lyndsey Hellem, agree to enter into voluntary mediation and agree to the following:

- Abide by the ground rules established by the mediator;
- Be willing to listen respectfully, sincerely try to understand the other person's needs and interests and work at a reasonable resolution;
- Keep information shared in the mediation session in confidence;
- Come with an open mind, understanding that this is a process where there are no admissions, but rather where negotiations are made to reach a fair solution for all parties;
- To stay away from establishing hard positions, but instead express the outcomes we wish to realize;
- Understand that the mediator will make NO binding determination and the Complainant's right to proceed legally will not be affected in the event that no agreement is reached
- To be polite and respectful of all the parties participating in the mediation and to actively participate in an orderly manner. There will be no blame or attack, refraining from unproductive arguing, venting, or narration, and agree at all times to use our time in mediation to work toward what we perceive to be our fairest and most constructive agreement possible.

Signature: Lyndsey Hellem

Phone Number: [REDACTED]

Date: 1/25/2018

Email: [REDACTED]

\*A mediator will contact you as soon as the form is received.



## Element 9: Corrective Actions/ Sanctions

*[29 CFR 38.86 through 38.115]*

Corrective actions, or sanctions if voluntary efforts in seeking compliance fail, may be imposed for violations of EO/Nondiscrimination requirements per 29 CFR Part 38. Sanctions are imposed as a last resort, with technical assistance, guidance, and corrective action opportunities offered first.

### Corrective Actions

Corrective actions must be designed to completely address each violation and may result from an annual monitoring review, a discrimination complaint, or both. Recipients must have procedures in place for obtaining prompt corrective action. Local EO Officers must notify the State EO Officer of violations discovered, corrective actions implemented, and timeframes for completion.

If the State EO Officer determines a violation has occurred, the recipient will be notified and corrective action, including anticipated resolution timelines, will be required.<sup>92</sup> The State EO Officer and/or ROC Monitoring Resolution staff will provide technical guidance and thoroughly track the resolution process. If a recipient does not undertake the corrective actions specified, a conciliation agreement should be initiated and completed based on the model outlined in 29 CFR Part 38.

### Sanctions

Sanctions will be considered as a last resort. DWD is in process of developing updated Sanctions policy and procedure to align with WIOA. Generally speaking and as provided in DWD Policy,<sup>93</sup> 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 a compliance review. Sanctions that may be imposed include, but are not limited to:

- Termination or reduction of funding;
- Disallowance of selected costs;
- Restriction from bidding on competitive or discretionary funds.

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<sup>92</sup> Documentation 9.1: Sample Resolution Document

<sup>93</sup> DWD Policy 2016-09 (See Documentation 1.5)

## Element 9 Documentation

### Documentation 9.1: Sample Resolution Document



COMPREHENSIVE MONITORING REPORT  
PROGRAM YEAR 2017-18

## RESOLUTION DOCUMENT

Local Workforce Development Area 4  
Tecumseh Area Partnership, Inc.  
d/b/a Region 4 Workforce Board  
976 Mezzanine Drive, Suite C  
Lafayette, IN 47905

### Compliance Findings:

#### Finding #1: Updated Language Missing from Local EO Policy

The LWDA's local EO Policy contained outdated language in reference to the required "Equal Opportunity is the Law" Notice. This language was updated via WIOA Sec. 188's Final Rule effective on January 3, 2017<sup>1</sup> with a 90 day deadline to initially publish the Notice<sup>2</sup>. DWD provided additional policy guidance on the requirement to update this Notice within the specified timeframe.<sup>3</sup>

#### Finding #1: Corrective Action Required

The LWDA must submit its response via the attached Resolution Document to [oversight@dwd.in.gov](mailto:oversight@dwd.in.gov) within 30 days of the date of this Report, along with a copy of its revised policy reflecting the changes noted above.

**LWDA 4 Response #1** *(Use the Tab Key to move between text fields. Please email this completed Resolution Document and any additional supporting documentation to [oversight@dwd.in.gov](mailto:oversight@dwd.in.gov).)*

**Date:** *February 20, 2018*

**Response:** *EO Policy has been updated to reflect the "Equal Opportunity is the Law" Notice. Policy is attached.*

#### **DWD ROC Division Response #1**

**Date:** *March 20, 2018*

**Response:** *The DWD ROC Division has reviewed the LWDA 4 response to the finding identified in the PY2017 WIOA Comprehensive Monitoring Report and has determined the finding to be satisfactorily resolved. The finding and resolution will again be reviewed during the next monitoring visit.*

**PLEASE NOTE:** *The State-Level EO Officer contact information must be changed in the local EO policy from Kalena James to Jennifer Long. Please contact Jennifer at [EO@dwd.in.gov](mailto:EO@dwd.in.gov) if further assistance is needed.*

<sup>1</sup> 29 CFR 38.35

<sup>2</sup> 29 CFR 38.36(d)

<sup>3</sup> DWD Policy 2016-09: Equal Opportunity and Nondiscrimination Guidance Letter