

# **ELEMENT 2**

## NOTICE AND COMMUNICATION

Reference: 37.54(d)(1)(iii)

The Workforce Investment Board and its recipients have a notice and communication system which ensures that registrants, applicants, and eligible applicants/registrants; participants; applicants for employment and employees; unions or professional organizations that hold collective bargaining or professional agreements with the Workforce Investment Board; subrecipients that receive WIA Title I funds from the Workforce Investment Board; and members of the public including those with impaired vision or hearing are aware of the Workforce Investment Board's obligation to operate in a nondiscriminatory manner, and further, the extent of the right of members of these groups to file complaints of discrimination.

The Workforce Investment Board will disseminate its equal opportunity policy by providing initial and continual notice that it does not discriminate on any prohibited ground. This will be accomplished by the following:

- include the nondiscrimination policy in brochures, pamphlets and communications which are designed to acquaint beneficiaries, potential beneficiaries, and members of the general public with programs and services under WIA Title 1. All recruitment brochures and other materials made available to the public will include the statements "equal opportunity employer/program" and "auxiliary aids and services are available upon request to individuals with disabilities", and where a telephone number is included on these materials, the Workforce Investment Board ensures that a TDD/TTY number is indicated;
- communicate and print information in a language other than English as required by federal regulations;
- notify all customary referral sources that services and benefits are provided in a nondiscriminatory manner;
- and display posters indicating the Workforce Investment Board's nondiscriminatory policy in prominent places, including offices that provide programs or services under WIA Title 1;
- the Workforce Investment Board will also take appropriate steps to ensure that communications with beneficiaries, applicants, eligible applicants, participants, applicants for employment, employees and members of the public who are individuals with disabilities are as effective as communications with others. The Workforce Investment Board will furnish appropriate auxiliary aids or services where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of a WIA Title I funded program or activity. In determining what type of auxiliary aid or service is necessary, the Workforce Investment Board shall give primary consideration to the requests of an individual with a disability. The Workforce Investment Board will not be required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. The Workforce

Investment Board will have the burden of proving that compliance with a request would result in such alteration or burdens.

### **Where Participant/Staff Files Are Maintained Electronically**

The following description is the procedures used by the State and the Local WIA Board to comply with 29 CFR 37.29 and 37.30 –

#### **Agency**

#### **Procedures**

ADWS – Employees

Over 900 employees, Intermittent and Full Time employees, each employee personnel record is stored electronically and on hard copy. Please note Documentation Checklist – and Certification Equal Opportunity is the Law.

All of the agencies below have → Participants file electronic and hardcopy

- Central AR Planning & Development District, Inc.
- WIA - Eastern Arkansas Workforce
- White River Planning & Development District
- Employment & Training Services, Inc.
- Northwest Arkansas Certified Development Company
- Western Arkansas Employment Development Agency
- Little Rock Workforce Center
- Southwest Arkansas Planning & Development District, Inc.
- West Central Arkansas Career Development Center

### **Information in Languages Other Than English**

During the implementation of Workforce Investment Program in Arkansas, stakeholders from the Spanish community were involved in the planning primarily because they are the largest concentration of the population to be served in Arkansas. The following are some of the recommendations by the stakeholders:

The Board has adopted some of the approaches suggested in Limited English Proficiency (LEP) Guidance.

In designing an effective language assistance program, a recipient should develop procedures for obtaining and providing trained and competent interpreters and other interpretation services, in a timely manner, by taking some or all of the following steps:

- Hiring bilingual staff who are trained and competent in the skill of interpreting;
- Hiring staff interpreters who are trained and competent in the skill of interpreting;
- Contracting with an outside interpreter service for qualified interpreters;
- Arranging formally for the services of volunteers who are qualified interpreters;
- Arranging/contracting for the use of a telephone language interpreter service.

## **Limited English Proficient**

The provisions of universal access for Limited English Proficient (LEP) applicants, participants and employees requires that administrative and direct service providers receive training and demonstrates skills in those areas of communication and cultural competency required for working with English language learners. This includes the following:

- English as a Second Language (ESL) teaching/training skills
- Cultural awareness sufficient for appropriate accommodations required for working with LEP adults
- Use of training materials, instructional methodologies, and technology appropriate for LEP participants
- Use of assessment methods and materials appropriate for LEP participants
- Utilization of language-appropriate outreach materials, strategies for LEP participants
- Periodic and timely program evaluation and review to determine effectiveness of providing meaningful services for LEP participants

A description of the process the State has used and will continue to use to develop and communicate policy and conduct training regarding nondiscrimination and equal opportunity.

See nondiscrimination policies and procedures page 5 (2a, b & c)

## **EO NOTICE**

The following notice, as required by 29 CFR 37.30, will be posted where all internal and external customers are able to review. The notice will also be on audiotape for individuals that are vision impaired. Where notice has been given in an alternate format to a participant with a visual impairment, a record that such notice has been given will be made a part of the participant's file. For information and services accessed electronically, each recipient shall establish a system which assures that the notice requirements of 20 CFR Part 37 are met. A recipient shall obtain the review and approval of the Workforce Investment Board EO Officer before implementation of such a system. This notice will also be included in the Orientation to Complaint Procedure form for WIA program participants to sign. A copy of the notice will be placed in the participant's file.

## **EQUAL OPPORTUNITY IS THE LAW**

It is against the law for this recipient of Federal financial assistance to discriminate on the following basis:

Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and

Against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his/her participation in any WIA 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 WIA 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.

### **What To Do If You Believe You Have Experienced Discrimination**

If you think that you have been subjected to discrimination under a WIA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

The recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or

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

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 do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. 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 complaint within 30 days of the date on which you received the Notice of Final Action.

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***The Workforce Investment Board and subrecipients receiving WIA Title I funds will require all program information that is published or broadcasted in the news media state the program is an equal opportunity employer/program and that auxiliary aids and services are available upon request to individuals with disabilities.***

***The Workforce Investment Board will require that all requests for proposals, proposals, and contracts or subcontracts contain information regarding nondiscrimination.***

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I certify that I have been furnished a copy of the Equal Opportunity Is The Law Notice, and that the Notice has been discussed in detail with me.

\_\_\_\_\_  
APPLICANT/PARTICIPANT/EMPLOYEE SIGNATURE

\_\_\_\_\_  
DATE

## DOCUMENTATIONS

1. Equal Opportunity is the Law Notice
2. Auxiliary Aids and Services Available for Disabled
3. TDD/TTY Number
4. Job Applications with Sound (JAWS)
5. Notice available in Letters, Advertisement, Manuals, Handbooks, Brochures, etc.  
(examples)
6. Tag Line
7. Certification – Equal Opportunity Is The Law
8. Employee Induction/Orientation form
9. Checklist for participant files
10. Schedule of EO Training (See Element 1)  
Agenda(s) of Past/Future EO Training
11. Dissemination of EO Policy Communication and procedures the WIB/LWIB use to  
ensure applicants, participants, and claimants are made aware of the Equal  
Opportunity Is The Law Notice
12. Policy on publications/broadcasts and other communications
13. Information in languages other than English
14. WIA Handbooks (See Documentation in Element 1)
15. Menu of Services