



Arkansas
**Workforce
Connections**

STATE OF ARKANSAS NONDISCRIMINATION PLAN

UNDER THE

**WORKFORCE INNOVATION
AND
OPPORTUNITY ACT**

(2025 - 2026)

WORKFORCE INNOVATION AND OPPORTUNITY ACT

Section 188 – Nondiscrimination

Table of Contents

Letter Designating State EO Officer	1
ELEMENT 1 - Equal Opportunity Officers	2
ELEMENT 2 - Notice and Communication.....	8
ELEMENT 3 - Assurances	13
ELEMENT 4 - Affirmative Outreach	16
ELEMENT 5 - Compliance with Section 504 of the Rehabilitation Act of 1973 ...	20
ELEMENT 6 - Data and Information Collection Maintenance	36
ELEMENT 7 - Monitoring Recipients for Compliance.....	38
ELEMENT 8 - Complaint Processing Procedures.....	43
ELEMENT 9 - Corrective Actions/Sanctions	47



STATE OF ARKANSAS
SARAH HUCKABEE SANDERS
GOVERNOR
February 17, 2025

Ms. Naomi Barry-Perez, Director
U.S. Department of Labor
200 Constitution Avenue, N.W., Room N-4123
Washington, DC 20210

RE: 2025- 2026 Nondiscrimination Plan

Dear Director Perez:

I hereby designate Ms. Patrenna White, Equal Opportunity Manager at Arkansas Workforce Connections (AWC), as the State-level Equal Opportunity Officer. Ms. White possesses the knowledge and skills to fulfill the responsibilities of this role.

Under the direction of Mr. Cody Waits, AWC Director, Ms. White is responsible for coordinating, developing, organizing, providing technical assistance, and monitoring the overall operations pursuant to 23 CFR 38.54.

If you have any questions or concerns, please contact Ms. Patrenna White, who can be reached by phone at (501) 682-3106 or by email at patrenna.white@arkansas.gov. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Sarah Sanders".

Sarah Huckabee Sanders
Governor of Arkansas

State Capitol Building • Little Rock, AR 72201
Telephone: (501) 682-2345
www.governor.arkansas.gov

ELEMENT 1

Equal Opportunity Officers (29 CFR 38.28 - 38.33)

In accordance with 29 CFR Part 38 (Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act), the Governor of the State of Arkansas has designated the Equal Opportunity Manager at Arkansas Workforce Connections (AWC), as the State-level Equal Opportunity Officer, the liaison with the United States Department of Labor (USDOL) Civil Rights Center (CRC), to act as liaison and coordinate activities with local-level Workforce Development Board EO Officers. Carrying out this responsibility shall include such duties as the development and implementation of the Nondiscrimination Plan pursuant to 29 CFR 38.54.

Operation of Arkansas Workforce Development System

Arkansas State Workforce Development Board is an entity with members and percent representation by business and industry. The Board assisted in the development of the statewide Workforce Development System. Following a process that included public comment, discussions with local officials, and the recommendation of the state board, ten local workforce development areas were designated by the Governor. Each area has a local board appointed by the chief local elected official and comprised of percent representation by business and industry.

The Workforce Development System is the primary mechanism through which the strategic economic and workforce development goals will be attained. A statewide one-stop system is the vehicle to deliver local services. Three tiers of local responsibility for one-stop systems are the establishment of a Local Workforce Development Board (LWDB), designation of one-stop operators by the local board, and selection of both are required and optional one-stop partners. Adults, dislocated workers, and youth aged 18-21 may receive core, intensive, and training services. Core services (individual assessment, job search, and placement assistance) are universally available to all customers at the one-stop center. Intensive services (comprehensive assessment, development of individual employment plan, case management) are available to persons unable to obtain employment as a result of receiving core services. Intensive services may be provided by one-stop partners or may be contracted to an outside entity. Training services, limited to eligible individuals unable to obtain employment as a result of receiving intensive services, may include occupational skills training, on-the-job training, and customized training. These services are made available through providers certified by the LWDB. Recognizing that customer choice is an essential ingredient of the redesigned Workforce Development System, individuals can access training services through the use of individual training accounts.

Structure of Arkansas' Workforce Development System

Arkansas' one-stop system delivery is structured in ten (10) Local Workforce Development Areas (LWDAs). Included in certification criteria for one-stop delivery system is the following:

Nondiscrimination and Equal Opportunity Provisions

Section 188 of the Workforce Innovation and Opportunity Act, and the implementing regulation at 29 CFR Part 38, prohibits discrimination because of race, color, religion, sex (including pregnancy, childbirth, or related medical conditions, gender identity, and transgender status), national origin (including limited English proficiency), age, disability or political affiliation or belief, citizenship status, or participation in any WIOA Title I financially assisted program or activity.

Workforce Center operators and partners must agree on a single One-Stop Equal Opportunity Officer who will process local complaints of discrimination and attempt to address same as prescribed by 29 CFR Part 38, "Implementation of the Nondiscrimination and Equal Opportunity Provisions of WIOA." The parties to this agreement will abide by 29 CFR Part 38, Section 188 of WIOA, and implementing directives issued by the State.

Listed for the State of Arkansas is the designated State-level EO Officer, ten (10) Local Workforce Development Board (LWDB) EO Officers and the Director that each EO Officer reports to.

WIOA EO Officers

The Governor of the State of Arkansas has designated Patrenna White, AWC Equal Opportunity Manager, as the State EO Officer. Under the direction of the AWC Director, the Governor's designee, the State EO Officer is responsible for coordinating, developing, organizing, and providing technical assistance and monitoring the overall operations of the State's Nondiscrimination Plan pursuant to 29 CFR 38.54.

The State EO Officer has knowledge of WIOA, principles and practices of compliance monitoring, federal and state laws, as well as rules and regulations. The State EO Officer attends all EO related trainings allowed by the State's administrative budget in order to maintain the knowledge, skills and abilities necessary to competently fulfill the responsibilities of the nondiscrimination and equal opportunity provisions of WIOA under 29 CFR 38.31.

State-Level EO Officer Responsibilities

The State EO Officer is responsible for receiving, investigating and resolving any complaints alleging a violation of the nondiscrimination and equal opportunity provisions of Section 188 of WIOA or 29 CFR Part 38. These responsibilities include, but are not limited to:

- Serving as a recipient's liaison with the Civil Rights Center (CRC).
- Providing EO training and technical assistance for the LWDB EO Officers and staff, to ensure compliance with nondiscrimination provisions applicable to recipients of federal financial assistance.
- Serving as the point of contact for all recipient personnel who have questions about WIOA's nondiscrimination and equal opportunity programs.
- With (his/her staff) monitor the activities and services of the recipient and its recipients to ensure nondiscrimination and equal opportunity.
- Reviewing the recipient's written policies to make sure that those policies are

nondiscriminatory.

- Adopting, publishing, and overseeing the recipient's procedures for processing discrimination complaints.
- Maintaining the level and knowledge, skills, and abilities necessary by undergoing training (at the recipient's expense) to fully and effectively carry out his/her responsibilities.
- Overseeing the development and implementation of the recipient's Nondiscrimination Plan; and
- Conducting outreach and education about equal opportunity and nondiscrimination requirements consistent with Section 38.40 and how an individual may file a complaint consistent with Section 38.69.

Local-level EO Officer Responsibilities

Each recipient/LWDB except small recipients and service providers must designate a senior level employee to act as EO Officer and to report directly to the recipient's highest-level official. The Local-level EO Officer responsibilities include, but are limited to:

- Serving as the recipients' liaison with the State-level EO Officer.
- Monitoring and investigating the activities of the recipients and the activities of the entities that receive WIOA Title I funds from the recipients, to ensure that the recipients and its subrecipients are not violating their nondiscrimination and equal opportunity obligations.
- Reviewing the recipients written policies to assure that those policies are nondiscriminatory.
- Coordinating the recipient's compliance activities under WIOA Section 188 and 29 CFR Part 38.
- Assisting complainants in completing complaint forms.
- Being responsible for accepting discrimination complaints and forwarding such complaints to the State-level EO Officer.
- Completing at the recipients' expense, training to maintain competency when such training is required by CRC or the WDB.
- Serving as liaison to the State-level EO Officer in all matters concerning the state Nondiscrimination Plan.
- Providing EO training to the LWDB and to the staff of any contractor or subcontractor.
- Developing, maintaining and implementing the LWDB MOA on nondiscrimination and equal opportunity.
- Processing any grievance or complaint.
- Serving as a focal point for activity with the WDB jurisdiction such as outreach to broaden the composition of applicant, registrant, participant pools; and
- Serving as designated American with Disabilities Act Coordinator.

Dissemination of Equal Opportunity Officers' Names, Positions, Address and Telephone Number (voice and TDD/TTY) Public

The following is the manner in which the identity of the EO Officer(s) are made known to applicants, registrants, eligible applicants/registrants, participants, employees, and applicants for employment, and the interested public (29 CFR 38.29)

Equal Opportunity Is the Law Notice

The individual designated as State-Level Equal Opportunity Officer and each individual designated as Local-Level Equal Opportunity Officer will be identified by name, position/title, business address (e-mail address if applicable) and telephone number (including TDD/TTY number) on each posted EO Notice. Also included is the Federal level information (the Director's address and telephone number).

The "Equal Opportunity is the Law" notice shall be posted where all internal and external customers are able to review, on the employee bulletin boards, break rooms or any conspicuous place.

The WIOA form, "Equal Opportunity is the Law" must be signed by all applicants and placed in their folder.

Press Release

The State and Local level designated Equal Opportunity Officer for Administration of Regulations/Implementing Section 188 of the WIOA will be identified in the Press Release in state and local newspapers.

Inquiries and requests for information relative to the nondiscrimination requirements for entities receiving federal financial assistance should be directed to the State and Local- level EO Officers.

Dissemination of Nondiscriminatory Policies

Workforce Center operators and partners must ensure the establishment of a Notice and Communication system that makes all registrants, applicants, eligible applicant registrants, applicants for employment, employees and interested members of the public aware of the recipient'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. One-Stop operators and partners will accomplish such dissemination of information by:

- including the One-Stop Center's non-discrimination policy in brochures, pamphlets and communications which are designed to acquaint registrants, applicants, eligible applicants/registrants, applicants for employment, employees and interested members of the public with the One-Stop programs and services.
- ensuring recruitment brochures and other materials routinely made available to the public include the statements ensuring "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, a TDD/TTY number must be provided for an equally effective means of communications.
- communicating information in a language other than English as required by federal regulations.
- notifying all customary referral sources that services and benefits are provided in a nondiscriminatory manner; and
- displaying posters indicating the One-Stop program's nondiscriminatory policies in prominent places throughout the Board's offices and provider facilities.

Actions the State must take to comply with 29 CFR 38.28 regarding EO Officers:

The Board uses the four following methods to **INSTRUCT** recipients as to the actions the State must take to comply with 29 CFR 38.28 - 38.33 with regards to EO Officers:

- (1) Arkansas Workforce Centers Application for Certification (see Documentation in Element 3)

This instrument is used by the Arkansas LWDB to certify the Workforce Centers are in compliance with the Federal WIOA. This document was submitted to **ALL** entities responsible for administering workforce development programs.

- (2) Equal Opportunity: Nondiscrimination policies and procedures (29 CFR Part 38 Implementation Section 188 of WIOA)

The nondiscrimination policies and procedures have been disseminated to **ALL** Local Workforce Development Boards and is referenced in the Nondiscrimination Plan submitted to CRC.

- (3) Memorandums from the Executive Director of AWC

This is the main source of communicating with recipients/subrecipients.

- (4) Internet/Zoom/TEAMS

These are the major methods of communicating or instructing the recipients / subrecipients on WIOA policies and procedures.

Training

The State EO Officer attends all EO related trainings allowed by the State's administrative budget in order to maintain the knowledge, skills and abilities necessary to competently fulfill the responsibilities of the nondiscrimination and equal opportunity provisions of WIOA under 29 CFR 38.31.

The State EO Officer attends EO training offered by the National Association of State Workforce Agencies (NASWA), as well as EO training by the U.S. Department of Labor, Civil Rights Center (USDOL/CRC) and Equal Employment Opportunity Commission (EEOC) in areas such as Section 504 of the Rehabilitation Act, Age Discrimination Act, Fair Labor Standards Act, Family and Medical Leave Act, Sexual Harassment and Diversity, Limited English Proficiency, Equal Employment Opportunity Principles and Practices and American with Disability Act management responsibilities.

The State EO Officer meets and corresponds with the LWDA EO Officers, at a minimum, on an annual basis to discuss equal opportunity and nondiscrimination issues, policies, training opportunities, updates in regulations, monitoring strategies, data analysis and other EO matters, as needed via telephone, email, virtually and in person.

WDB Announces Equal Opportunity Officers

Little Rock - Arkansas' State Workforce Development Board and local boards have designated the following as Equal Opportunity Officers for the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act.

All of the Equal Opportunity Officers can be reached through the Arkansas Relay Service at 1-800-285-1121 (Voice), 1-800-285-1131 (TDD) or 711.

WIOA EO Officers

WIOA LOCAL CONNECTIONS

<https://www.dws.arkansas.gov/>

The State of Arkansas is divided into ten local workforce development areas based on common geographic and economic factors. Each area contains at least one comprehensive service center and affiliate service centers.

WIOA Local Connections

EO is the Law Posters (English, Spanish and Participant)

EO is the Law Posters

ELEMENT 2

Notice and Communication (CFR 38.34 - 38.40)

The Workforce Development Board (WDB) 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 WDB; subrecipients that receive WIOA Title I funds from the WDB; and members of the public including those with impaired vision or hearing are aware of the WDB'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 WDB 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 WIOA Title I. 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 WDB 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.
- Display posters indicating the WDB's nondiscriminatory policy in prominent places, including offices that provide programs or services under WIOA Title I.
- The WDB 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 WDB 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 WIOA Title I furnished program or activity. In determining what type of auxiliary aid or service is necessary, the WDB shall give primary consideration to the requests of an individual with a disability. The WDB 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 WDB will have the burden of proving that compliance with a request would result in such alteration or burdens.

Equal Opportunity Notice/Poster
(Element Two Documentation Section)

The "Equal Opportunity is the Law" notice/poster (English and Spanish) as required by 29 CFR 38.34 and 38.35, 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 the 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 29 CFR Part 38 are met. A recipient shall obtain the review and approval of the Workforce Development Board EO Officer before implementation of such a system. This notice will also be included in the Orientation of the Complaint Procedure for WIOA program participants to sign. A copy of the notice will be placed in the participant's file (Element 2 Documentation Section).

All AWC intermittent and full-time employee personnel records are stored electronically and on hard copy. Also, all the LWDA participant files are electronic and hard copy.

The notice/poster is sent electronically or by other methods to LWDA and EO Officers which allows the partners to edit the documents to include information about the identification and contact information of the EO Officer for each LWDA and the information for the State EO Officer.

All WIOA EO complaints may be filed at the local level, the state level or directly with the U.S. Department of Labor/Civil Rights Center.

Information in Languages Other Than English

During the implementation of Workforce Development Program in Arkansas, stakeholders from the Spanish community were involved in the planning primarily because they are the largest concentration of the non-English speaking 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 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.

The State has notified each of the WIOA One-Stop system partners in writing by memorandum of the Equal Opportunity is the Law notice (Element 2 Documentation Section).

The State EO Officer completes on-site monitoring of at least one Center in each Local Workforce Development Area on an annual basis to ensure that the recipients have the EO Notice in English and Spanish posted and other required posters in place.

Publications, Broadcasts, and Other Communications

The State has notified each of the WIOA One-Stop system partners in writing by memorandum of the Transmit Policy on Publications/Broadcasts and other Communications.

The State EO Officer ensures that communications, offices and programs are accessible to disabled individuals during on-site compliance reviews. The State ensures that brochures and other materials made available to the public indicate a TDD/TTY number and include the statement "equal opportunity/employer/program" and "auxiliary aids and services are available upon request to individuals with disabilities".

Communication of Notice in Orientations

The Local Workforce Development Areas (LWDAs) include in the orientations for registrants, applicants, eligible applicants/registrants and employees a discussion of equal opportunity and nondiscrimination rights. The LWDAs are required, at the time of orientation, to include a written copy of the Equal Opportunity is the Law notice detailing the equal opportunity law and the right to file a complaint of discrimination with the recipient or the Director to be signed and placed in the participant's file. During on-site monitoring the State EO Officer review the participant's files or electronic records for this document.

Also, it is the policy of the State to provide services and information in a language other than English for customers with Limited English Proficiency (LEP) and must translate its written program materials into that language and provide effective interpretation services to those customers.

EO is the Law Posters



Auxiliary Aids

For Individuals With Disabilities

"Auxiliary aids and services are available upon request to individuals with disabilities."

The State WDB and LWDB use the Arkansas Relay Service as a means of communicating with the hearing impaired. The TDD will be located in all state and local One-Stop Career Centers.

WIOA FILE REVIEW CHECKLIST

	Present	Missing	Not Required
1. IEP	_____	_____	_____
2. Reading/Math Results	_____	_____	_____
3. Assessment Summary	_____	_____	_____
4. One Stop Registration	_____	_____	_____
5. Social Security Number Verified	_____	_____	_____
6. Selective Service Verified	_____	_____	_____
7. Equal Opportunity is the Law	_____	_____	_____
8. Complaint Procedures	_____	_____	_____
9. Core Services Documented	_____	_____	_____
10. Intensive Services Documented	_____	_____	_____
11. Training Services Documented	_____	_____	_____

ELEMENT 3

Assurances (38.25 - 38.27)

The Workforce Development Board set up a system for reviewing plans, contracts, assurances, and other similar agreements to carry out WIOA Title I financially assisted programs or activities and included in those documents the nondiscrimination and equal opportunity assurance. Depending on the programs, this could include reviewing the (1) four-year plan; (2) job training plan; (3) contracts; and (4) policies and procedures.

Each application for WIOA funds is to include a specified assurance 29 CFR 38.25 and parts of 38.54 committing the potential recipients to "comply fully with the nondiscrimination and equal opportunity provisions" of WIOA and acknowledging the government's right to seek judicial enforcement of the assurance. The assurance is deemed incorporated by reference, whether it is incorporated in the resulting contract or other arrangement.

Assurances

1. The State assures that it will establish, in accordance with Section 184 of the Workforce Innovation and Opportunity Act, 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 the allotments made under Sections 127 and 132. (§112(b)(11).)
2. The State assures that it will comply with Section 184(a)(6), which requires the Governor to, every two years, certify to the Secretary, that -
 - a. The State has implemented the uniform administrative requirements referred to in Section 184(a)(3).
 - b. The State has annually monitored local areas to ensure compliance with the uniform administrative requirements as required under Section 184(a)(3).
 - c. The State has taken appropriate action to secure compliance pursuant to Section 184(a)(5), (§184(a)(6).)
3. The State assures that the audit and youth funds received under the Workforce Innovation and Opportunity Act will be distributed equitably throughout the State, and that no local areas will suffer significant shifts in funding from year to year during the period covered by this Plan. (§112(b)(12)(8).)
4. The State assures that veterans will be afforded employment and training activities authorized in Section 134 of the Workforce Innovation and Opportunity Act, and the activities authorized in Chapters 41 and 42 of Title 38 US code. The State assures that it will comply with the veteran's priority established in the Jobs for Veterans Act. (38 USC 4215).
5. The State assures that the Governor shall, once every two years, certify one local board for each local area in the State. (§117(c)(2).)
6. The State assures that it will comply with the confidentiality requirements of Section 136(f)(3).
7. The State assures that no funds received under the Workforce Innovation and Opportunity Act will be used to assist, promote, or deter union organizing. (§181(b)(7).)
8. The State assures that it will comply with the nondiscrimination provisions of Section 188, including an assurance that a Nondiscrimination Plan has been developed and implemented (§188.)
9. The State assures that it will collect and maintain data necessary to show compliance with the nondiscrimination provisions of Section 188. (§185.)
10. The State assures that it will comply with the grant procedures prescribed by the Secretary

(pursuant to the authority at Section 189(c) of the Act) which are necessary to enter into grant agreements for the allocation and payment of funds under the Act. The procedures and agreements will be provided to the State by the ETA Office of Grants and Contract Management and will specify the required terms and conditions and assurances and certifications, including, but not limited to, the following:

General Administrative Requirements:

- 29 CFR Part 97 - Uniform Administrative Requirements for State and Local Governments (as amended by the Act)
- 29 CFR Part 96 (as amended by OMB Circular A-133) - Single Audit Act
- OMB Circular A-87 - Cost Principles (as amended by the Act) Assurances and Certifications: SF 424 B - Assurances for Non-Construction Programs
- 29 CFR Part 38 - Nondiscrimination and Equal Opportunity Assurance (and regulation) 29 CFR §37.25
- CFR Part 93 - Certification regarding lobbying (and regulation)
- 29 CFR Part 98 - Drug Free Workplace and Debarment and Suspension Certifications (and regulation)

Special Clauses/Provisions:

Other special assurances or provisions as may be required under Federal law or policy, including specific appropriations legislation, the Workforce Innovation and Opportunity Act, or subsequent Executive or Congressional mandates.

11. The State certifies that the Wagner-Peyser Act Plan, which is part of this document, has been certified by the State Department Workforce Services Director.
12. The State certifies that veterans' services provided with Wagner-Peyser Act funds will be in compliance with 38 U.S.C. Chapter 41 and 20 CFR Part 1001.
13. The State certifies that Wagner-Peyser Act funded labor exchange activities will be provided by merit-based public employees in accordance with DOL regulations.
14. The State assures that it will comply with the MSFW significant office requirements in accordance with 20 CFR Part 653.
15. The State certifies it has developed this Plan in consultation with local elected officials, local workforce boards, the business community, labor organizations and other partners.
16. 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 will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:
 - Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I-financially assisted program or activity.
 - Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color and national origin.
 - Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities.
 - The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and
 - Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

The grant 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.

17. The State assures that funds will be spent in accordance with the Workforce Innovation and Opportunity Act and the Wagner-Peyser Act and their regulations, written Department of Labor Guidance implementing these laws, and all other applicable Federal and State laws.

[Application for Certification and Checklist Form](#)

[Arkansas Workforce Center Certification Form](#)

ELEMENT 4

Affirmative Outreach (38.40)

The WIOA Board will assesses how it and its recipients are complying and will continue to comply with the requirements of 38.40 relating to the provision of affirmative outreach to programs and activities through communicating with those stakeholders through the following policy directive:

All WIOA Title I-financially assisted programs, activities, and recipients shall certify that no funds provided under WIOA are used to discriminate against any individual in violation of the act; all program customers, regardless of disability, including persons of limited English speaking ability, are to be provided equal access to and accommodations necessary for meaningful participation in all program activities, and that barriers to such participation be eliminated. Records necessary to assure compliance with the provision of opportunity for equal access and participation for applicants, participants, and employees, will be maintained on an on-going basis, and will include, but not be limited to, characteristic data on race, sex, national origin, age and disability status. Auxiliary aids and services will be made available upon request to individuals with disabilities.

Targeting Outreach and Recruitment Plan

Identify the national and local groups that target the targeted population such as:

National

- Urban League
- N.O.W. (National Organization for Women)
- NAACP (National Association for the Advancement of Colored People)
- Catholic Social Services
- Bureau of Indian Affairs
- L.U.L.A.C. (League of United Latin American Citizens)
- Centers for Independent Living
- YWCA's and YMCA's
- Community Action Agencies
- Area Agencies on Aging

Media

- Newspaper
- Internet
- Church Bulletins
- Radio and Television
- Newsletter

Local Workforce Development Board Diversity

Affirmative Outreach to Program and Activities

The Workforce Development Board ensure affirmative outreach to the aid, benefit, services, training, or employment opportunities that are offered under WIOA Title I financially assisted program and activities. The Workforce Development and Local Workforce Development Boards will take proactive steps to reach out to all eligible populations and to use a variety of means to enhance community awareness of the programs and activities. The following strategies are used to help accomplish the Board's goals:

- Advertising the Board's programs in a variety of media and to various segments of the market.
- Sending notices of programs, activities or openings to school or community service groups that serve a variety of populations; and
- Consulting with community service groups to develop improved outreach and service to diverse populations.

OUTREACH ACTIVITIES

The Workforce Development Board and its' recipients will comply with the requirements of 38.40 relating to the provision of affirmative outreach to programs and activities.

Efforts will be made through outreach and recruitment to broaden the composition of the applicant, registrant and participant pools of those considered for participation in WIOA programs and activities to include members of both sexes, the race/ethnic groups specified in guidelines issued by the Office of Management and Budget, various age groups, and individuals with disabilities.

The assessment applies to those considered for employment and participation in WIOA programs and activities.

The Arkansas Workforce Development Board is committed to insuring that the programs, services, and facilities of each One-Stop delivery system are accessible to all of Arkansas' workers, including individuals with disabilities.

The One-Stop/LWDB focus/assessment on the programs authorized under Title I of WIOA, serving:

- Adults
- Youth
- Job Corps
- Native American Programs
- Migrant and Seasonal Farm Worker Programs
- Veterans Workforce Program

The State Board and the Local Board have hired marketing agencies and staff to outreach and broaden the composition of the pool of those considered for participation or employment in their program and activities in an effort to include members of both sexes, of the various racial and ethnic groups and of various age groups, as well as individuals with disabilities.

Affirmative Outreach is included in the State monitoring tool (see Monitoring Tools 1, 2 & 3 in Element 7) to evaluate the success of LWDB efforts to broaden the composition of those considered for participation and employment in their program and activities.

Limited English Proficient

The provisions of universal access of 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:

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

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

In designing an effective language assistance program, State/LWDB EO Officers will 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.

The target groups authorized under Title I of WIOA:

- Adults
- Youth
- Job Corps
- Native American Programs
- Migrant and Seasonal Farm Worker Program
- Veterans Workforce Program

LIMITED ENGLISH PROFICIENT

The provision of affirmative outreach 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:

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

ELEMENT 5

Compliance with Section 504 of the Rehabilitation Act of 1973 As Amended, Reference 29 CFR 38.54(c)(2)(v)

As required in 29 CFR Section 38.40 Workforce Development Board (WDB) will take appropriate steps to ensure that recipients -

- Meet the Board's obligation not to discriminate on the basis of disability.
- Provide reasonable accommodation for individuals with disabilities.
- Provide reasonable modification of policies, practices and procedures, as required.
- Provide architectural accessibility for individuals with disabilities.
- Provide programmatic accessibility for persons with disabilities.
- Provide for and adhere to a schedule to evaluate job qualifications to ensure that the qualifications do not discriminate on the basis of disability.
- Limit preemployment/employment medical inquiries to those permitted by and in accordance with WIOA Section 188, Section 504, the Americans with Disabilities Act of 1990, and their implementing regulations.
- Ensure the confidentiality of medical information provided by registrants, applicants, eligible applicants/registrants, participants, employees, and applicants for employment.
- Administer their WIOA Title I-financially assisted programs and activities so that each individual with a disability participate in the most integrated setting appropriate to that individual; and
- Are able to communicate with persons with disabilities as effectively as with others.

ARKANSAS WORKFORCE DEVELOPMENT BOARD

AMERICANS WITH DISABILITIES ACT ADMINISTRATIVE POLICY STATEMENT

1. **PURPOSE**

It shall be the policy of the Arkansas Workforce Development Board to comply with Americans with Disabilities Act (ADA) administrative requirements.

2. **SCOPE**

This policy applies to all local workforce development boards, grant recipients, and subrecipients.

3. **RESPONSIBILITIES**

It shall be the responsibility of all grant recipients and subrecipients to develop a system to undertake the activities listed below:

Posting Notices: Posting equal employment opportunity notices in an accessible format (i.e. in large print, braille and audiocassette) in advance with Section 12115, Posting Notice.

Dissemination Policy: Equal Employment Policy - Internal/External

Recordkeeping/Retention of Records: The Board will follow the U.S. Department of Labor's guidelines regarding the Equal Opportunity Data Collection and Retention of Records Requirements.

Complaint Procedures: Any qualified individual with a disability - whether an applicant, participant or employee - who has a complaint with regard to discrimination or suspected discriminatory treatment because of their disability in an application, or on a referral for employment has the right to file a complaint. He or she may use the complaint procedures outlined in the WIOA procedural manual or the employee and participation handbook.

Applicants, participants and employees will be provided interpreters, readers, and other types of accommodations that may be deemed reasonable and necessary to ensure accessibility to the process.

4. **CONTACT**

Chief Elected Officials, Local Workforce Development Boards, Arkansas Career Development Network Operators, and Arkansas Career Development Network Partner Agencies.

ARKANSAS WORKFORCE DEVELOPMENT BOARD

AMERICANS WITH DISABILITIES ACT APPLICANT/PARTICIPANT RECRUITMENT POLICY STATEMENT

1. PURPOSE

It shall be the policy of the local workforce development board (LWDB) grant recipients and state subrecipients to comply with the reasonable accommodation requirements of the American with Disabilities Act (ADA) for the recruitment, certification, and assessment of participants with disabilities.

2. SCOPE

This policy shall apply to employees of LWDB grant recipients, state grant subrecipients, organizations, or persons seeking employment or training, subcontracts, and grants or services funded with WIOA funds.

3. RESPONSIBILITIES

It shall be the responsibility of the LWDB grant recipient and state grant subrecipients to develop and enforce a policy for complying with reasonable accommodation requirements for the ADA. This policy shall include at a minimum:

A. Administrative Practices - The employees of WIOA grant recipients and state grant subrecipients will be required to attend staff training on the requirements of the ADA and the local workforce investment area's policy regarding reasonable accommodation to participants with disabilities.

B. All WIOA grant recipients, state grant subrecipients, subcontractors, agencies, organizations and persons seeking employment/training with WIOA funds will be required to adhere to the Arkansas Workforce Development Board policy for participants.

1. The WIOA grant recipients' and state grant subrecipients' contract assurances and certification will include a statement regarding adherence to the requirements of the ADA

2. WIOA grant recipients' and state grant subrecipients' subcontractors will be required to comply with the ADA requirements of accessibility for people with disabilities.

3. WIOA grant recipients and state grant recipients will be responsible for ensuring that EEOC posters are prominently displayed in an accessible format (i.e., large print, braille, or audio cassette) in accordance with Section 12115 (Posting Notice).

4. For reporting purposes only, as required by the affirmative action requirements of Section 503, an applicant may be asked to self-identify on an application form if he or she has a disability, (i.e., Do you have a disability? Yes_ No_).

C. Recruitment, Certification and Assessment of Participants with Disabilities

1. All information and material used for recruitment of participants will include a statement assuring non-discrimination against people with disabilities.
2. Auxiliary aids will be used for testing and certification, as needed. (For more specifics, please refer to the Auxiliary Aids Policy Statement).

3. Visually Impaired Person(s)

A reader will be assigned in the event the individual is not accompanied by a counselor from rehabilitation.

The LWDB will identify the name of a person or persons that will be responsible for reading for the visually impaired on a case-by-case basis.

4. Hearing Impaired Person(s)

The LWDB will use only certified interpreters for the hearing-impaired applicants on a case-by-case basis (as needed). Presently, Arkansas has only one referral service for interpreters:

Arkansas Spanish Interpreters & Translators, Inc.
100 N. Rodney Parham Road, Suite IC
Little Rock, Arkansas 72205
Telephone (501) 312-1300 Fax (501) 312-0077

All communication that contains a (voice) telephone number will also reflect a TDD number (1-800-285-1131), or 711.

5. Employment Practices

Hiring qualified individuals with disabilities: Refer to Qualified Individuals with Disabilities Policy Statement.

4. AGENCY CONTACT

EO Officer
Local Workforce Development Board

ARKANSAS WORKFORCE DEVELOPMENT BOARD

AMERICANS WITH DISABILITIES ACT
MEETINGS AND CONFERENCES POLICY STATEMENT

1. **PURPOSE**

It shall be the policy of the Arkansas Workforce Development Board to ensure that conferences, workshops, meetings, or training events are accessible to persons with disabilities in accordance with the Rehabilitation Act of 1973.

2. **SCOPE**

This policy applies to all Boards that schedule conferences, meetings, trainings, workshop, etc.

3. **RESPONSIBILITIES**

It shall be the responsibility of all conference or workshop planners to develop a system to assure enforcement of this policy.

- A. Survey facility for accessibility before scheduling meeting.
- B. Plan for program access.
- C. Develop a questionnaire to ascertain what should be done for people at the event.

4. **MEETING AND CONFERENCE POLICY STATEMENT**

Accessibility Assistance Interpreter

Services:

- Vision impaired Hearing impaired

Meeting Room Accommodations for Persons using:

- Wheelchairs Other

WORKFORCE DEVELOPMENT BOARD

ADA Complaint Procedure

Filing Complaints of Discrimination

Title I of the ADA

Title I of the Americans with Disabilities Act of 1990 prohibits private employers with 15 or more employees, State and Local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment.

The U.S. Equal Employment Opportunity Commission (EEOC) and the Department of Justice (DOJ) share responsibility for enforcing Title I of the ADA. Complaints alleging employment discrimination should be **filed directly with the EEOC**. The EEOC may bring suits against private employers, and the Department may bring suits against state and local government employers.

The Department is committed to enforcing Title I against state or local government employers.

ARKANSAS WORKFORCE DEVELOPMENT BOARD

AMERICANS WITH DISABILITIES ACT PRE-EMPLOYMENT CONSIDERATION POLICY STATEMENT

1. PURPOSE

It shall be the policy of the Arkansas Workforce Development Board to ensure that administrative entities are aware of and have an understanding of the Americans with Disabilities Act (ADA) as it affects their roles in assuring that prospective employees with disabilities are given an equal opportunity for employment for which they qualify.

2. SCOPE

This policy applies to all administrative entities operating under the Workforce Innovation and Opportunity Act.

3. RESPONSIBILITIES

It shall be the responsibility of the administrative entities to develop a system to assure enforcement of this policy, the system should include at a minimum:

- A. The issuance of procedures governing compliance with ADA statute and EEOC regulations which (Section 1630.13 and 1630.14) prohibit pre-employment inquiries that do not relate to the ability of applicant to perform job-related functions.
- B. Identify essential functions of the position before any interviews are conducted.
- C. Use essential functions as the basis for interviewing.
- D. Timely reviews of existing qualification standards, employment tests or other selection criteria that screen out or tends to screen out individuals with disabilities, unless standard test or criterion is job-related and consistent with business necessity (Section 1630.10).

4. AGENCY CONTACT

Local Workforce Development Boards

ARKANSAS WORKFORCE DEVELOPMENT BOARD

AMERICANS WITH DISABILITIES ACT EQUAL EMPLOYMENT POLICY STATEMENT

1. PURPOSE

It shall be the policy of the Arkansas Workforce Development Board to provide equal employment opportunity to all people without regard to 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 Vietnam era veteran status.

2. SCOPE

This policy applies to all employees financially assisted under WIOA Title I-funded programs and all persons seeking employment. It also applies to all persons or organizations seeking contracts, agreements, grants and subgrants, programs and projects funded through it, and to all persons, organizations, or employers (both public and private) seeking services from it.

3. RESPONSIBILITIES

It shall be the responsibility of the administrative entities to hire, upgrade, train, and promote in all job classifications without regard to 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 Vietnam era veteran status.

ARKANSAS WORKFORCE DEVELOPMENT BOARD

AMERICANS WITH DISABILITIES ACT QUALIFIED INDIVIDUALS WITH DISABILITIES POLICY STATEMENT

1. PURPOSE

It shall be the policy of the Arkansas Workforce Development Board to ensure that administrative entities operating under the Workforce Innovation and Opportunity Act (WIOA) are aware of and have an understanding of the Americans with Disabilities Act (ADA) as it relates to the fair treatment of "qualified individuals with disabilities." By definition, employers are prohibited from discriminating against "qualified individuals with disabilities" who with or without reasonable accommodation, can perform the essential functions of a job.

Pursuant to the guidelines established under Title I of the ADA, it shall be the policy of the Arkansas Workforce Development Board that all employees and prospective employees have an equal opportunity for advancement and/or employment.

Specifically, the agency shall not discriminate in employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. This policy shall apply to recruitment, advertising, tenure, layoff, leave, fringe benefits, and all other employment-related activities.

2. SCOPE

This policy applies to all administrative entities operating under the Workforce Innovation and Opportunity Act.

3. RESPONSIBILITIES

It shall be the responsibility of each administrative entity to develop a written job description for each position (regular full-time and intermittent) in their respective areas. The job description must identify the essential and non-essential job functions and will include at a minimum:

- A. The administrative entities' judgment as to which functions are essential.
- B. Written job descriptions which shall be prepared before advertising a vacancy.
- C. The amount of time spent performing the function.

To assist in the development of essential job functions, the following factors must be considered:

- A. The consequences of not requiring an incumbent to perform the function.
- B. Work experience of past incumbents in the job; and
- C. Current work experience of incumbents in similar jobs.

ARKANSAS WORKFORCE DEVELOPMENT BOARD

AMERICANS WITH DISABILITIES ACT REASONABLE ACCOMMODATION POLICY STATEMENT

1. **PURPOSE**

It shall be the policy of the Arkansas Workforce Development Board to provide reasonable accommodations to persons with disabilities who are otherwise qualified for positions for which they are applying or in which they are employed. The policy is based on federal legislation and state mandates including Sections 503/504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act.

2. **SCOPE**

This policy applies to all employment practices and actions. It includes, but is not limited to, recruitment, examination and testing, hiring, training, disciplinary actions, rate of pay or other compensation, advancement, reclassification, relocation, promotion, demotion and benefits.

The provision of reasonable accommodation assists the Board, as an employer, to:

- A. Overcome otherwise exclusionary employment practices, policies and consequence.
- B. Provide equal opportunities for participation in education and training programs.
- C. Enhance the upward mobility of qualified employees with disabilities, and.
- D. Assure the accessibility of procedures for swift and judicious resolution of complaints consistent with this policy and other already existing policies and procedures.

3. **RESPONSIBILITIES**

It shall be the responsibility of all administrative entities operating under the Workforce Innovation and Opportunity Act to develop a system to assure enforcement of this policy.

ARKANSAS WORKFORCE DEVELOPMENT BOARD

AMERICANS WITH DISABILITIES ACT
BARRIER-FREE ARCHITECTURAL ACCESS POLICY STATEMENT

1. **PURPOSE**

It shall be the policy of the Arkansas Workforce Development Board to ensure architectural access for individuals with physical disabilities to all facilities owned, leased, or utilized by the administrative entities operating under the Workforce Innovation and Opportunity Act. It is the intent of this Board that all individuals are assured -of an equal opportunity in employment and access to services through a barrier-free environment.

2. **SCOPE**

This policy applies to all facilities owned, leased, or utilized by the administrative entities operating under the Workforce Innovation and Opportunity Act for the provision of services, either direct or in a support role. Said facilities shall comply with the Handicapped Accessibility Standards developed by Arkansas State Building Services, provided that such accommodation would not impose an undue hardship.

3. **RESPONSIBILITIES**

It shall be the responsibility of the local workforce development boards to develop a system to assure enforcement of this policy, said system to include at a minimum:

- A. The issuance of procedures governing compliance with accessibility standards in the construction, renovation, or leasing of facilities.
- B. Timely reviews of existing facilities for compliance with governing accessibility standards.
- C. The provision of technical assistance to appropriate managers and program administrators in the development of corrective action plans for facilities not meeting standards.
- D. Monitoring state and federal issuance relative to changes in accessibility standards that impact facilities.

ARKANSAS WORKFORCE DEVELOPMENT BOARD

AMERICANS WITH DISABILITIES ACT AUXILIARY AIDS POLICY STATEMENT

1. PURPOSE

It shall be the policy of the Arkansas Workforce Development Board to issue a uniform policy to insure the provision of reasonable accommodations (auxiliary aids) to qualified applicants, claimants, participants, employees and prospective employees. also to inform all program administrators and grant recipients that a toll-free (1-800) number serves as a relay system to communicate with the Deaf and Hearing Impaired.

2. SCOPE

This policy applies to all programs/projects funded through financially assisted programs funded under WIOA Title I and grant recipients and subgrant subrecipients.

3. RESPONSIBILITIES

It shall be the responsibility of all administrative entities operating under the Workforce Innovation and Opportunity Act to develop a system to assure enforcement of this policy, said system to include at a minimum:

Auxiliary Aids

- A. Deaf and Hearing -Impaired: (Include not only those persons who are totally deaf, but also those with limited or partial hearing). Develop a method to disseminate the 1-800 (TDD) number to the public. Assure that all printed material that reflects the (voice) telephone number reflects the TDD number. Example: 1-800-285-1131 (TDD).

Provide sign interpreters when needed, and require buildings to have warning devices, such as, fire alarms or public address systems.

Take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.

Furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity.

- B. Blind and Visually Impaired: (Includes not only those persons who are totally blind, but also those with limited vision). Applicant intake forms will be available in the following medium:

Readers: A reader will be provided for applicants/claimants.

Braille: Where permanent identification is provided for rooms and spaces, signs shall be installed on the wall adjacent to the latch side of the door.

- C. Mentally Impaired: Use of visual cues for signage. Willingness of someone to assist and/or answer questions and provide directions.

- D. Difficulty With Upper Body Movement: (Includes those persons who have limited use of arms, shoulders, persons who are in wheelchairs or on crutches; people of short stature; those who cannot perform certain hand movements or have difficulty controlling movement). Relocated a program or service to accessible area. Use of adaptive equipment or modification of present hardware.
- E. Mobility Impairments: (Includes those persons having breathing difficulties, stamina limitations, as well as those in wheelchairs and on crutches). Replace existing hardware and equipment. Make necessary structural changes to eliminate barriers-install ramps and widen doorways.
- F. Information and Signage: Ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.

Provide signage at all inaccessible entrance to each of its facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each accessible entrance of a facility.

ARKANSAS WORKFORCE DEVELOPMENT BOARD

AMERICANS WITH DISABILITIES ACT EMPLOYMENT TESTS POLICY STATEMENT

1. **PURPOSE**

It shall be the policy of the Arkansas Workforce Development Board to make sure that employment tests are selected and administering in a way to ensure that test results accurately reflect the skills or aptitudes necessary to perform the job rather than reflect the impaired sensory, manual, or speaking skills of the applicant or employee, unless the sensory, speaking, or manual ability is necessary to perform critical element(s) of the job.

2. **SCOPE**

This policy applies to all local workforce development boards (LWDBs) that administer aptitude and/or performance tests.

3. **RESPONSIBILITIES**

It shall be the responsibility of LWDB administrators to:

- A. Identify any tests(s) that has or could have a disproportionate, adverse impact on applicants with disabilities (i.e., tests that, instead of measuring only the factors the tests purport to measure, are measuring the applicant's impaired manual, sensory, or speaking skill, except where those are the skills being measured).
- B. Make sure employees that administer tests are prepared to give alternative tests and/or modify the method of administering tests in order to accommodate persons who have disabilities that impair sensory, manual, or speaking skills.

Alternative Tests

USES Transcribing Operator Test (typing test for the blind and sighted applicants).

- C. Develop steps to be taken to ensure that criteria for testing alternatives will be adequately communicated to all potential program applicants/participants, including those with hearing and vision impairments.

ARKANSAS WORKFORCE DEVELOPMENT BOARD

AMERICANS WITH DISABILITIES ACT CONFIDENTIALITY AND LIMITATIONS ON USE OF MEDICAL INFORMATION

1. **PURPOSE**

Although the ADA does not limit the nature or extent of post-offer medical examination and inquiries, it imposes very strict limitations on the use of information obtained from such examinations and inquiries. These limitations also apply to information obtained from examination or inquiries of employees (Title I ADA Section 6.5).

2. **SCOPE**

This policy applies to all administrative entities operating under the Workforce Innovation and Opportunity Act.

3. **RESPONSIBILITIES**

It shall be the responsibility of the administrative entities to:

- A. Keep the information in a medical file in a separate, locked cabinet, apart from the location of personnel files; and
- B. Designate a specific person or persons to have access to the medical file.

All medical-related information must be kept confidential, with the following exceptions:

- Supervisors and managers may be informed about necessary restrictions on the work or duties of an employee and necessary accommodations.
- First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment or if any specific procedures are needed in the case of fire or other evacuations.
- Government officials investigating compliance with the ADA and other Federal and state laws prohibiting discrimination on the basis of disability or handicap should be provided relevant information on request. (Other Federal laws and regulations also may require disclosure of relevant medical information.)

ARKANSAS WORKFORCE DEVELOPMENT BOARD

AMERICANS WITH DISABILITIES ACT
INTEGRATED SETTING

1. **PURPOSE**

It shall be the policy of the Arkansas Workforce Development Board to ensure an integrated setting for individuals with physical disabilities in all facilities owned, leased, or utilized by the administrative entities of the Workforce Innovation and Opportunity Act. It is the intent of this Board that all individuals are assured of an equal opportunity in employment and access to service through a barrier free environment.

2. **SCOPE**

This policy applies to all facilities owned, leased, or utilized by the administrative entities operating under the Workforce Innovation and Opportunity Act for the provision of service, either direct or in a support role.

3. **RESPONSIBILITIES**

It shall be the responsibility of the Local Workforce Development Board to develop a system to assure enforcement of this policy, that at a minimum:

38.12(d) - All recipients of WIOA Title I · financially assisted programs and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

The recipient must provide programs or activities in a setting that enables individuals with disabilities to interact with non-disabled persons to the fullest extent possible.

ADA Checklist

ELEMENT 6

Data and Information Collection Maintenance (38.41 - 38.45)

Pursuant to 29 CFR 38.53, the local Workforce Development Board (WDB) shall collect and maintain information on applicants, registrants, eligible applicants/registrants, participants, terminees, employees and applicants for employment to provide data for determining compliance with eligibility requirements and nondiscrimination and equal opportunity provisions. The local WDB must also record race/ethnicity, sex, age, and where known disability status of every applicant registrant, eligible applicant/registrator, participant, terminee, applicant for employment and employee. Beginning on January 3, 2019, each recipient must also record the limited English proficiency and preferred language of each applicant, registrant, participant, and terminee.

Such information shall be stored in a manner that ensures confidentiality and used only for the purpose of record keeping and reporting, determining eligibility, where appropriate for Workforce Innovation and Opportunity Act funded programs.

Any medical or disability-related information obtained about a particular individual is collected on separate forms and the information is kept in a confidential file (locked cabinet) separate from the participants' record file.

The system and format in which the records and data are maintained is designed to allow the WDB and CRC to conduct statistical and other quantifiable data analysis which will verify the local WDB's compliance with Section 188 of WIOA.

The local WDB shall maintain such records in a confidential manner for not less than three years from the close of the applicable program year. Records regarding complaints shall be retained for not less than three years from the date of resolution of the complaint.

The local WDB shall also maintain a log of complaints filed that allege discrimination on one or more of the bases and notify the Director of administrative enforcement and the recipient when any such action or lawsuits are filed.

It must be determined that the local WDB is operating its WIOA funded programs and activities in a nondiscriminatory manner and the process of Data and Information Collection and Maintenance will identify compliance and non-compliance.

EO Report

- EO Annual Program by Race and Gender Report

The Arkansas Job Link (AJL) maintains records on applicants/registrants and eligible applicants/registrants for services under Title 1-B of the Workforce Innovation and Opportunity Act (WIOA) and participants and terminees who received service under Title 1-B of WIOA. AJL also provides a place for users to enter and maintain race/ethnicity, sex, date of birth, and disability status of each individual in the categories identified.

Every person who enters a Workforce Center completes a One-Stop Registration which is entered into AJL. This consists of core demographic and address information along with additional data elements required by the State Workforce Development Board to be gathered. Race/ethnicity, sex, date of birth, and disability status is included in this information. If the person requests assisted services under Title 1-B, and Intake Registration is entered into AJL. This is the information required to determine the person's eligibility status. At this point, the case manager (or employee of the Workforce Center) enters the eligibility status of the person into the system. If the person is eligible and chooses to receive services, the person is enrolled/registered into a WIOA Title 1-B service program and begins receiving services. AJL maintains all the information required for DOL reporting concerning the participant's services. When the participant is exited from the service program, follow-up information is maintained on the participant for 4 quarters following the exit quarter.

EO reports will be available in AJL. The EO Officer, and other authorized users, will have access to generate these reports on a statewide level or at a LWDB level.

[EO ANNUAL PROGRAM - ENROLLMENT BY RACE AND SEX REPORT FOR AR](#)

ELEMENT 7

Monitoring Recipients for Compliance Reference: 29 CFR 38.51(b)

The State shall monitor its activities, and the activities of its contractors and subcontractors, to determine compliance with nondiscrimination and equal opportunity provisions and regulations required in 38.54(c)(1)(ii). At a minimum, such monitoring shall include a review of:

1. Assurances in applications for financial assistance under Title I of WIOA, as defined in Section 38.4. Documents such as request for proposals, proposals, contracts, etc. must contain information regarding the proposed levels of service to males and females, the various racial, ethnic and age groups, and individuals with disabilities to assure equitable services (Reference: 38.25 - 38.27).
2. Duties and responsibilities of assigned Equal Opportunity Officer (38.28 - 38.33).
3. Dissemination of nondiscrimination and equal opportunity notices (Reference: 38.34 - 38.39) to the following:
 - a. Registrants, applicants, and eligible applicants/registrants.
 - b. Participants
 - c. Applicants for employment and employees.
 - d. Union or professional organizations that hold collective bargaining or professional agreements with the recipient.
 - e. Subrecipients that receive WIOA Title I funds from the recipient; and
 - f. Members of the public, including those with impaired vision or hearing.
4. Analysis of data collected and maintained on participation and applicants for determining compliance with eligibility requirements and nondiscrimination and equal opportunity provisions. (Reference: 38.41 - 38.45)

Such data includes, but is not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees and applicants for employment. Each recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, eligible applicant/registrant, participant, terminee, applicant for employment and employee. Records maintained are confidential and restricted to authorized persons.

Where significant differences are found, there are follow-up investigations through record review, interviews and other appropriate investigative techniques to determine whether the differences are due to discrimination.

System and format in which the records and data are kept must be designed to allow the Governor and CRC to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with Section 188 of WIOA.

5. Outreach and service efforts to include members of both sexes, various racial and ethnic groups, individuals with disabilities and individuals in differing age groups in WIOA Title I-financial assisted programs and activities including, but are not limited to advertising in

newspapers or radio programs, that specifically target various populations, sending notices to schools and community service groups that serve various populations, consulting with appropriate community service groups about ways to improve its outreach and service to various populations. (Reference: 38.40)

6. Maintenance of a complaint system and complaint records in compliance with 38.72 - 38.73.
7. EO evaluation and monitoring of applicants for and recipient of WIOA Title I financial assistance including monitoring assurances and program and physical accessibility.
8. Records of nondiscrimination and equal opportunity training.
9. Sanctions and corrective actions.
10. Pursuant to 29 CFR 38.41 through 45 the recipient will use the following methods to determine whether any differences based upon race/ethnicity or sex have practical or statistical significance.
 - "Eighty percent (80%) rule" - 41 CFR 60.3 the regulation regarding the Uniform Employee Selection Guidelines, those that reveal statistical significance, such as the two standard deviation test.
 - Analysis of the data and records collected, to determine whether any differences based upon race/ethnicity or sex have practical or statistical significance; and where significant differences are found, follow-up investigations to determine, through review, interviews and other appropriate investigative techniques, whether the differences are due to discrimination.
11. The systems are evaluating the extent to which recipients are complying with the administrative obligations of 29 CFR 38 such as: Assurances, Equal Opportunity Officers, Data and Information Collection and Maintenance, Universal Access, and Complaint Processing Procedures are as follows: (See Monitoring Tool in Documentations).

Assurances (See Monitoring Tool in Documentations)

Applicants, grants, cooperative agreements, contracts, or similar documents specify the recipient's assurance of nondiscrimination, using the language reprinted from 29 CFR Section 38.25(a)(i) at the beginning of the present chapter.

Instruments that effect or record the transfer of real property, structures, or improvements on real property or structures used in conjunction with WIOA Title I activities includes a covenant assuring nondiscrimination and equal opportunity.

Equal Opportunity Officers (See Monitoring Tool in Documentations)

- Recipient, larger than a "small recipient" has appointed an EO Officer.
- Small recipient has designated and charged an individual to develop and publish complaint procedures and process complaints alleging discrimination against persons with disabilities.
- EO Officer is a senior-level employee.
- EO Officer does not have other responsibilities that are or appear to be in conflict with responsibilities of an EO Officer.
- EO Officer serves a liaison with CRC.
- EO Officer is charged with monitoring recipient's activities and reviewing recipient's written policies to ensure nondiscrimination.
- EO Officer has developed and published recipient's procedures for processing discrimination complaints.
- EO Officer reports directly to Agency Director regarding equal opportunity matters.
- EO Officer has received sufficient training to exercise the position.
- Notice of the EO Officer's name and contact information are readily available to the public.
- Notice of the EO Officer's name and contact information appear on internal and external communications about the recipient's nondiscrimination and EO programs.
- EO Officer has sufficient staff and resources.
- EO Officer has explicit support of top management.
- EO staff has received sufficient training to maintain competency.

Notice and Communication (See Monitoring Tool in Documentations)

- Initial and continuing nondiscrimination and EO notice is provided to all registrants, applicants, eligible applicants/registrants; participants; applicants for employment and employees; unions or professional organizations that hold collective bargaining or professional agreements with the recipient; subrecipients, and to members of the public using the wording of 29 CFR Section 38.25 that is reprinted earlier in the present chapter.

- Initial and continuing notice of EO and nondiscrimination is provided to those with impaired vision and hearing.
- Recipient ensures that communications with individuals with disabilities are as effective as communication with others.
- EO and nondiscrimination notice is posted prominently in reasonable numbers and places.
- EO and nondiscrimination notice is disseminated in internal memoranda and other written and electronic communications.
- EO and nondiscrimination notice is included in handbooks and manuals.
- EO and nondiscrimination notice is made available to each participant and included in his/her file.
- EO and nondiscrimination notice is provided in appropriate alternate formats to persons with visual impairments and record of such provision is recorded in participant's file.
- Recruitment brochures and other materials that describe a recipient's program to the public indicate that the WIOA Title I-financially assisted program or activity is an "equal opportunity employer/program" and that "auxiliary aids and services are available upon request to individuals with disabilities".
- Materials that are made available to the public that include a recipient's telephone number also include the telephone number of TDD/TYY or relay service used by the recipient.
- Recipient's program information that is published or broadcast in the news media include the notice that any 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".
- Recipient employs no communications in any form or media that suggest that the recipient treats beneficiaries, registrants, applicants, participants, employees or applicants for employment differently on any prohibited ground, except where legally permissible.
- Each orientation presentation for new participants, new employees, or the general public includes a discussion of rights under the nondiscrimination and EO provisions of WIOA, including the right to file a complaint with the recipient or the CRC.

Data and Information Collection and Maintenance (See Monitoring Tool in Documentations)

Recipient maintains nondiscrimination and EO records that include race/ethnicity, sex, age, and disability status, where known, for:

- Applicants
- Registrants
- Eligible applicants or registrants
- Participants
- Terminees
- Employees
- Applicants for employment
- The system and format in which the records are kept allows the governor or CRC to conduct quantitative data analyses from the data.
- Recipient maintains adequate procedures to guard the confidentiality of all data and information that relates to compliance reviews or investigation of a complaint, including the identity of any person who files a complaint of discrimination.
- Recipient maintains a log of complaints filed with them that allege EO or disability discrimination; the log includes: name and address of complainant; ground of the

complaint; description of the complaint; date the complaint was filed; disposition and date of disposition of the complaint; other pertinent information.

- Recipient retains EO and nondiscrimination records for at least three years following the close of each program year.
- Recipient grants access upon request of the CRC Director for monitoring or complaint investigation.
- Recipient has provided prompt notification to CRC of any lawsuits or enforcement actions filed against the recipient, including: the names of parties to the action or lawsuit, the forum in which each case was filed, and relevant case numbers.

Affirmative Outreach (See Monitoring Tool in Documentations)

- Recipient has taken appropriate steps to ensure provision of affirmative outreach to their programs and activities.
- Steps have incorporated reasonable efforts to include members of both sexes, various racial and ethnic groups, individuals with disabilities, and individuals from differing age groups.
- Recipients that use advertisements have placed advertisements in various newspaper or radio programs that target diverse segments of the population.
- Recipients that send notices to schools or community service groups have included those schools and groups that serve a variety of populations.
- Recipients have consulted with appropriate community service groups regarding ways to improve recipient's outreach and service to various populations.

Complaint Processing Procedures (See Monitoring Tool in Documentations)

- Recipient has adopted and published procedures for responding to complaints of discrimination that may be filed with them in accordance with 29 CFR Sections 38.72-73.
- Recipient's procedures provide assurance that a written Notice of Final Action on discrimination complaints will be issued within 90 days of the date any complaint is filed. Recipient's procedures for responding to complaints of discrimination include the option of alternative dispute resolution (ADR) that may be elected by any complainant.
- Recipient's procedures for responding to complaints include notifying complainant that they have the right to be represented by an attorney or other individual.
- Recipient's EO Officer has copies of CRC's Complaint Information and Privacy Act Consent Form in his/her file.

12. Monitoring Schedule. The Monitoring Schedule will start the 3rd quarter. The Monitoring Tool in the Documentations will be used.

13. The AWC and WIOA Equal Opportunity and Nondiscrimination Annual Monitoring Plan is used to coordinate the review efforts from start to finish.

EO MONITORING REVIEW INSTRUMENT

Element 8

Complaint Processing Procedures Reference: 29 CFR 38.72 - 38.73

Purpose: To provide procedures for WIOA recipients and designated EO Officers to be used when processing complaints of discrimination.

Authority: Title 29 Part 38 Implementation of the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act.

Any person or the person's representative who believes that any of the following circumstances exist may file a written complaint:

- A person, or any specific class of individuals, has been or is being discriminated against on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, citizenship status, or participation in any WIOA Title 1-financially assisted program or activity as prohibited by WIOA or this part.
- Either the person or any specific class of individuals, has been or is being retaliated against as described in §38.19.

A person or the person's representative may file a complaint with either the recipient's EO Officer (or the person the recipient has designated for this purpose) or the Director. Complainants filed with the Director should be sent to the address listed in the notice or filed electronically as described in the notice in §38.35.

Generally, a complaint must be filed within 180 days of the alleged discrimination or retaliation. However, for good cause shown, the Director may extend the filing time. The time period for filing is for the administrative convenience of Civil Rights Center (CRC) and does not create a defense for the respondent.

To file a complaint with the Director of CRC:

§38.70 Required contents of complaint

Each complaint must be filed in writing, either electronically or in hard copy, and must contain the following information:

- The complainant's name, mailing address and, if available, email address (or another means of contacting the complainant).
- The identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination).
- A description of the complainant's allegations. The description must include enough detail to allow the Director or the recipient, as applicable, to decide whether:

1. CRC or the recipient, as applicable, has jurisdiction over the complaint.
2. The complaint was filed in time; and
3. The complaint has apparent merit; in other words, whether the complainant's allegations, if

true, would indicate noncompliance with any of the nondiscrimination and equal opportunity provisions of WIOA or this part.

4. The written or electronic signature of the complainant or the written or electronic signature of the complainant's representative.

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. The forms are available electronically on CRC's website, and in hard copy via postal mail upon request.

Mailing address for Director CRC:

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

Complaint Procedure AWC/WIOA

Mailing address for WIOA EO Officer:

Arkansas Workforce Connections
Equal Opportunity Manager
P. O. Box 2981
Little Rock, AR 72203
Phone Number: 501-682-3106/1418
Fax: 501-682-3748

- A complainant may file a complaint by completing and submitting the AWC EO Complaint Form with documentation(s), if any.
- Walk-in and/or appointments are accepted.
- Complaints may also be submitted by mail.
- All complaints shall be submitted in writing and filed within 180 days of the incident.
- Complete and the Arkansas Department of Workforce Services (ADWS) Complaint Form.
- The complainant's name, phone number, mailing address, workforce center location, and if available, email address.
- The identity of the individual or workforce center that the complainant alleges is responsible for the discrimination.
- A detailed description of the incident(s). Who, where and when.
- The complainant's signature or the signature of the complainant's representative.
- Inform the complainant he or she has the right to representation by an attorney or other individual of his/her choice at no cost to ADWS.
- Provide written notice to the complainant acknowledging receipt of the complaint and of his or her rights under §38.35 (Equal Opportunity is the Law).
- Inform the complainant that he/she has the right to request and receive, at no cost auxiliary aids and services, language assistance services, and will be translated into the non-English languages as required in §§38.4(h) and (i), 38.34, and 38.36.
- A written notice of the issue(s) shall be provided to the complainant to include a list of the issues raised in the complaint.
- For each issue provide a statement whether the recipient will accept the issue for investigation or reject the issue, and the reason(s) for rejection.

- A period of thirty (30) workdays for fact-finding or investigation of the circumstances underlying the complaint.
- A period of fifteen (15) workdays for the EO Officer attempts to resolve the complaint also the Alternative Dispute Resolution (ADR) is to be included among the methods made available to resolve the complaint.
- A written Notice of Final Action shall be provided to the complainant within 90 working days of the date on which the complaint was filed and to include for each issue raised in the complaint a statement of either (1) the recipient's decision on the issue and an explanation of the reasons underlying the decision; (2) a description of the way the parties resolved the issue, and (3) inform the complainant that he or she has a right to file a complaint with the CRC within 30 days of the date on which the Notice of Final Action is received if the complainant is dissatisfied with the recipient's final action on the complaint.

If the complainant elects to file with the CRC rather than with the State WIOA EO Officer, the State WIOA EO Officer shall provide assistance if requested by the complainant.

If the complainant elects to file a complaint at the at the Local Workforce Development Board (LWDB) WIOA EO Officer, the LWDB EO Officer shall review the complaint for accuracy and completeness and send a copy to the State WIOA EO Officer. From the date of receipt, LWDB EO Officer has thirty (30) working days to attempt to resolve the complaint. If the LWDB EO Officer resolves the complaint he or she will submit a copy of the resolutions to the office of the State WIOA EO Officer.

The LWDB EO Officer shall investigate complaints alleging discrimination at their level, but not to exceed thirty (30) working days. During this period the LWDB EO Officer shall make every effort to resolve the complaint. The LWDB EO Officer shall inform the complaint of the Alternative Dispute Resolution in an effort to resolve the complaint. Should the LWDB EO Officer fail to resolve the complaint, it shall be forwarded to the State WIOA EO Officer by the close of business on the thirtieth (30th) day of filing. The State EO Office will conduct an investigation and to render a decision within thirty (30) working days.

If the complainant is not satisfied with the State's resolution, the complainant will be informed of his or her right to file with CRC within thirty (30) days.

Alternative Dispute Resolution

The complainant may attempt ADR at any time after the complainant has filed a written complaint with the State EO Officer, but before a Notice of Final Action has been issued.

The choice whether to use ADR or the customary process rests with the complainant.

A party to any agreement reached under ADR may notify the CRC Director in the event the agreement is breached. The non-breaching party may notify the CRC Director within 30 days of the date on which the non-breaching party learns of the alleged breach. The CRC Director must evaluate the circumstances to determine whether the agreement has been breached. If the CRC Director determines that the agreement has been breached, the complaint will be reinstated and processed in accordance with the State WIOA EO Officer procedures. If the parties do not reach an agreement under ADR, the complainant may file a complaint with the CRC Director as described in §§38.69 through 38.71.

§38.19 Intimidation and retaliation prohibited

A recipient must not discharge, intimidate, retaliate, threaten, coerce or discriminate against any individual because the individual has:

- Filed a complaint alleging a violation of Section 188 of WIOA
- Opposed a practice prohibited by the nondiscrimination and equal opportunity provisions of WIOA
- Furnished information to, or assisted or participated in any manner in, an investigation, review or hearing.
- Any activity related to the administration of the nondiscrimination and equal opportunity provisions of WIOA
- Any exercise or authority under those provisions
- Any exercise of privilege secured by those provisions or otherwise exercised any rights and privileges under the nondiscrimination and equal opportunity provisions of WIOA.
- The sanctions and penalties contained in Section 188(b) of WIOA, or this part may be imposed against any recipient that engages in any such retaliation or intimidation or fails to take appropriate steps to prevent such activity.

[DOL COMPLAINT INFORMATION FORM](#)

[Complaint Log-Blank](#)

ELEMENT 9

Corrective Actions/Sanctions Reference: 29 CFR 38.54(c)(2)(vii)

- (a) As part of the Notice of Final Action, the WDB may impose any corrective or remedial action, which may be, imposed by the Director of CRC under 29 CFR Section 38.90.
- (b) In addition to the corrective actions and remedies described in 29 CFR Section 38.90, the WDB may require that the respondent complete one or more of the following:
 - (1) develop an appropriate equal opportunity policy.
 - (2) remove any discriminatory information from the complainant's records; and
 - (3) provide equal opportunity training for all staff members.
- (c) The respondent shall inform the WDB within ten days of receipt of the Notice of Final Action that it has accepted the WDB's resolution of the complaint and that it will complete the required corrective action listed in the Notice.
- (d) If the complaint involved discrimination against an applicant for employment, a respondent may be required by the WDB to make a written offer of employment of the type and grade denied to the applicant, unless the record indicates the applicant would not otherwise have been hired. If the employment is accepted, the appointment may be retroactive, with back pay, from the date the applicant would have been hired to the date of actual employment. The applicant may be deemed to have been employed from the retroactive date for all purposes except for meeting a probationary or trial employment period.
- (e) Monetary relief required by a Notice of Final Action may not be paid from federal funds.

Sanctions

If the WDB finds a recipient to be in violation of the nondiscrimination and equal opportunity provisions of the WDB, or such entity has not accepted a suggested resolution or conciliation agreement, or has breached an establishment resolution or conciliation agreement, the WDB may impose sanctions.

- (A) If no findings are reported, the monitoring report will be closed out and the monitoring agency will send a close out letter to the monitored entity with the report. If there are findings, a letter closing the report will be issued within 10 calendar days of the receipt of the last response. If corrective action is determined acceptable, the close out letter will constitute final action on the report.
- (B) If, after two (2) responses from the monitored entity, corrective action is determined to be inadequate and findings are unresolved, a final determination will be written which will include identification of the unresolved issues and identify what steps are to be taken as a result of the unresolved issues. Within ten (10) calendar days, copies of the letter and all related written reports and communication will be sent to the monitored entity, Workforce Development Board (WDB), Board Chair, the monitoring agency's resolution staff, and the Department of Labor, if applicable.
- (C) If sanctions are imposed, the monitored entity has the option of appealing through the WIOA grievance process. Ten (10) calendar days after the final action on the grievance or the notification of imposed sanctions, copies of the report, responses and other related written communication will be mailed to the local Workforce Development Board Chairperson.