

Illinois 2019 Nondiscrimination Plan

Office of Equal Opportunity Monitoring and Compliance

Workforce Innovation and Opportunity Act



**Illinois Department of Commerce
& Economic Opportunity and
Illinois Department of Employment
Security**

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Introduction

The Illinois workforce development system provides a framework that offers a range of employment, education, training, and related services and supports to help all job-seekers secure good jobs while providing businesses with the skilled workers. This foundation integrates workforce services with education and economic development. In Illinois, 22 Local Workforce Innovation Boards (LWIB) operate through Local Workforce Innovation Areas (LWIAs) having a total of 23 comprehensive and 76 affiliated American Job Centers, known as Illinois workNet Centers, giving businesses and job seekers seamless access to comprehensive workforce services.

The Department of Commerce and Economic Opportunity (DCEO) and the Illinois Department of Employment Security (IDES) serve as Illinois' designated administrative entities in administering the Workforce Innovation and Opportunity Act (WIOA) throughout the State. As instructed in the nondiscrimination and equal opportunity provisions contained in 29 CFR 38.28-33. The Nondiscrimination Plan serves as assurance for the United States Department of Labor (USDOL), Civil Rights Center (CRC), that the State of Illinois has appropriate and meaningful measures in place to comply with the requirements set forth in the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act, as detailed in 29 Code of Federal Regulations (CFR) Part 38. Illinois and all our statewide partners are committed to ensuring equal opportunity and meaningful and universal access to programs, services and benefits administered through DCEO and IDES and our Illinois workNet Center system.

This Nondiscrimination Plan will act as policy for the Illinois workNet system in the administration of the Equality Opportunity Provisions and be incorporated into the Illinois workNet ePolicy portal. For purposes of this document LWIA will be the primary reference for the LWIB and/or the Illinois workNet Center system.

Pursuant to Executive Order 2003-11 and implementing interagency agreements, the authority for the administration of WIOA Title I by the State of Illinois was transferred from IDES to the DCEO, effective July 1, 2003. Therefore, IDES is no longer responsible for administering WIOA Title I in Illinois. With regards to IDES' other WIOA related programs and operations, IDES is in full compliance with the requirements of the Workforce and Innovation and Opportunity Act including any and all federal regulations, such as 29 CFR 38, et.al.

I. ASSURANCES - SECTIONS 38.25 THROUGH 38.27

DCEO, and all 22 LWIAs, agree to abide by the WIOA nondiscrimination requirements. Each LWIA is monitored annually to ensure continued compliance and any identified deficiencies are remediated with prompt corrective action. Requests for Proposals (RFPs), as well as all final contract agreements, contain assurance language ensuring compliance with WIOA Section 188, 29 CFR Part 38, Title VI of the Civil Rights Act,

Section 504 of the Rehabilitation Act, The Age Discrimination Act and Title IX of the Education Act, where applicable.

Each LWIA EO (Equal Opportunity) Officer conducts monitoring using a standardized ADA accessibility checklist for each training provider in their respected jurisdiction. This checklist covers both programmatic and architectural accessibility to ensure compliance with the WIOA nondiscrimination requirements. To ensure continued compliance, the checklist is completed anytime a new or renovated location is proposed and all completed checklists are submitted to the State-Level EO Officer for review. If any issues are identified, the State-Level EO Officer performs follow-up review to ensure the issues are resolved timely. The LWIA EO Officers have been instructed to complete the checklist prior to entering into any new lease agreement.

DCEO ensures that all contracts, such as those with youth providers and agreements related to work-based learning, are both nondiscriminatory and contain the required EO assurances. A sample of contracts are reviewed at all LWIAs during the annual on-site monitoring process to ensure the necessary assurances are included.

DCEO policy issuances are reviewed by the State-Level EO Officer prior to issuance to ensure they are not discriminatory in intent or effect. All policy updates and issuances are distributed to staff members and non-State partners via email once finalized and are available via the DCEO website. LWIA policies/procedures are reviewed annually as part of the on-site monitoring reviews and the LWIA also is charged with reviewing their subrecipient policies no less than annually.

IDES does not pass along any of its federal administrative grants for Unemployment Insurance (UI) or Employment Service (ES) programs to sub-grantees. IDES ensures that these grants are nondiscriminatory and contain required assurances by exclusively using grant agreement documents required and prepared by the Education and Training Administration of USDOL. This required standardized language also serves as policy directives and guidelines used by IDES to ensure that the required assurances are included in all pertinent documents.

IDES also enters into numerous procurement and other contracts to carry out the State's Unemployment Insurance and Employment Service programs. In addition to applicable Federal requirements, State law and regulation require these contracts to be nondiscriminatory and to contain required assurances regarding nondiscrimination and equal opportunity. This required standardized language also serves as policy directives and guidelines used by IDES to ensure that the required assurances are included in all pertinent documents.

II. Equal Opportunity Officer - Section 38.28 Through 38.33

Governor Pritzker was sworn into office on January 14, 2019. Currently, the State Level Equal Opportunity Officer/ Deputy Director of the Office of Equal Opportunity Monitoring and Compliance (EOMC) for WIOA is vacant. An appointment will be made soon to designate this position that will report directly to the Governor pertaining to all WIOA equal opportunity issues. Once the designation is made, DCEO will notify the CRC with a revised Nondiscrimination Plan. In the meantime, DCEO staff remains working on the day to day operations and fulfilling the responsibilities of the Deputy Director of EOMC including, but not limited to:

Providing oversight for all WIOA EO issues on behalf of the Governor and;

- Coordinating of State EO responsibilities under WIOA Section 188 and 29 CFR Part 38;
- Responsibility for developing, implementing and updating the Nondiscrimination Plan;
- Overseeing DCEO's Agency-wide EO Compliance/Education and Training Programs;
- Compiling a quarterly report with significant events for the Director;
- Providing oversight and responsibility for DCEO's Affirmative Action Program;
- Ensuring the uniformity in nondiscriminatory policy of EO requirements for grant recipients;
- Training LWIA EO Officers, managers, and staff of their roles and responsibilities regarding WIOA equal opportunity policies and procedures;
- Providing technical assistance to LWIA EO Officers on analysis and coordinating with general counsel regarding issues such as Federal Civil Rights, investigations, rehabilitation legislation, regulatory law, and Federal policies and programs;
- Monitoring subrecipients receiving WIOA funds to ensure compliance; and,
- Implementing corrective actions when there are findings of noncompliance.

EOMC employs full time staff assigned to conduct WIOA EO investigations, monitoring, and compliance activities. This staff trains and monitors statewide grantees associated with DCEO programs to ensure full compliance with all nondiscrimination provisions of State & Federal laws, rules, regulations, ordinances, & Executive Orders. Using the monitoring tools and processes described in later detail, the EOMC staff works with recipients to identify problem areas and to develop a plan for corrective action when deficiencies occur. Follow-up visits are scheduled to ensure that the appropriate actions were fulfilled.

Local Level EO Officers

Each LWIB must designate an EO Officer for their area to comply with 29 CFR Part 38.28 - 38.33. The State WIOA EO Officer reviews all LWIA EO officer designees to ensure they meet the eligibility requirements and other duties, or responsibilities do not create a conflict, or the appearance of a conflict with the responsibilities of an EO Officer.

The LWIA EO Officer's duties include, but are not limited to:

- Serving as the LWIA grant recipient's designated local WIOA EO officer and liaison with the State WIOA EO Officer;
- Monitoring and investigating the LWIA recipient's and sub-recipient's activities for compliance with the nondiscrimination and equal opportunity obligations under WIOA Title I and 29 CFR Part 38; developing and publishing the LWIA grant recipient's procedures for processing discrimination complaints under Sections 38.69-38.85 of 29 CFR Part 38, and ensuring that those procedures are followed;
- Reviewing the local written policies to ensure that they are nondiscriminatory; and coordinating and conducting EO training sessions to train LWIA managers and staff of their roles and responsibilities regarding the WIOA equal opportunity policies and procedures;
- Providing technical assistance to LWIA grant recipient management on analysis and interpretation of federal civil rights and rehabilitation legislation, regulations, policies and programs affecting the service delivery operations within the Illinois WIOA program; and,
- Reporting directly to the LWIA grant recipient about all local equal opportunity matters.
- Maintaining records of most recent Demographic Analysis, this includes giving special emphasis to demographic group analysis using the Standard Deviation method.

In instances where a perceived or actual conflict of interest arises at the LWIA level, the senior level administrator will work with the LWIB to reassign to another qualified staff, person, or ask the State WIOA EO Officer for assistance.

Publicizing EO Officer Information

DCEO makes the identity of the State WIOA EO Officer known and works with WIOA Partners to distribute information to all interested members of the public by the following methods:

- Formal notice to USDOL, LWIA recipients, and partners;
- Posting of the notice "Equal Opportunity is the Law" prominently in common areas in all local Illinois workNet Centers. The poster notice gives the name, organization name, address, e-mail address, telephone, and TDD/TTY numbers of the State WIOA EO Officer and the relevant LWIA EO Officer. The notice is posted in English and Spanish and any other languages spoken by significant portions of the population of the area in which the notice is posted;
- Publishing the name of the State WIOA EO Officer in the Department's general phone directory (available on the Internet and in hard-copy), along with equal opportunity policies and procedures applicable to WIOA employees and procedural manuals providing guidelines for handling complaints from WIOA applicants, employees and third parties; and,
- Disseminating written notice brochures to WIOA Partners and to any interested member of the public.
- DCEO's web page contains EO information for the workforce investment community that includes contact information for the State and LWIA EO Officers.

LWIA's publicize the name of their LWIA EO Officer to the State, partners, WIOA applicants, and the public by the following methods:

- Submitting formal notice to the State WIOA EO Officer;
- LWIA EO officer names on the notice "Equal Opportunity is The Law" prominently, in reasonable numbers and places, in local workNet and affiliated centers;
- LWIA staff members provide the name of the LWIA EO Officer through internal documents and memoranda and other written or electronic communication; orientation and application processes in employer handbooks and manuals; and ensuring the "Equal Opportunity is the Law" notice is made available to each participant during the intake process and made part of the participant's file; and,
- Listing the names and contact information of each LWIA EO Officer on the web pages of the local LWIAs.

Resources

The types of administrative support the State WIOA EO Officer receives from various resources including:

- Office of Employment and Training (OET) provide funding for two WIOA EO Compliance Monitors, program guidance, IWDS information, and handles nondiscrimination program complaints.
- Legal Counsel to ensure that DCEO's nondiscrimination and EO Obligations are appropriately addressed;
- Assistance by DCEO Agency Services for professional graphics operations including the publication of posters, brochures and training manuals;
- Information sharing with the Illinois Department of Employment Security (IDES) and Illinois workNet on regional labor market and demographic data;
- Technical advice from the Illinois Department of Labor;
- Illinois Assistive Technology Program provides technical advice, training, and guidance about new assistive technology;
- Training by the Illinois Department of Human Services, Division of Rehabilitation Services on technology programs to the Illinois workNet Centers staff;
- Technical assistance and resources by the USDOL Offices for planning training initiatives, as well as with complaint proceedings; and
- Assistance by the USDOL Civil Rights Center with technical information regarding development policies and procedures for implementing the nondiscriminatory policies for the State and local levels.

Financial support for the WIOA EO activities is provided by WIOA 5% administrative funds. This expenditure authority is approved by the state legislative body (the Illinois General Assembly) on an annual basis.

All designated local grant recipients in a LWIAs receive their annual WIOA Title I federal program budgets from the State. This process begins with the annual submission grant

application complete with budget and program objectives. In addition, funding for one EO Officer's activities comes from administrative WIOA funding levels.

Training

29 CFR 38.29 requires the State WIOA EO Officer and LWIA EO Officers and their staffs to be sufficiently funded, administratively supported, and trained to maintain competency to commensurate with their level of assignment, knowledge, skills, and abilities necessary to carry out their responsibilities and comply with the language found in 29 CFR 38.29 (f). DCEO has instituted best practices that ensure all EO staff receives adequate training.

The State WIOA EO Officer provides opportunities for scheduled training that includes activities such as:

- Information and resource sharing and regional best practices shared.
- Collaborative efforts and partnerships that communicate statewide EO accountability, ADA accessibility, and LWIA monitoring activities.
- On-site or regional technical assistance is requested from USDOL Civil Rights Center Staff to train State and LWIA EO personnel.

The Governor, DCEO and IDES Director are fully committed to ensuring the State-Level EO Officer has enough opportunities and funding for the training necessary to ensure he has adequate knowledge and competency to ensure compliance with the nondiscrimination requirements. Examples of training include national conferences hosted/attended by CRC staff, subject matter experts and out-of-state travel for other trainings or conferences that are pertinent to all matters EO.

In July 2018, the State-level EO Officer conducted a two-day training summit for all LWIA EO Officers and their Executive Directors. The presentation material was taken from various CRC trainings and tailored to apply to the LWIA EO Officers and their roles within the system. The State-Level EO Officer will provide training to all LWIA EO Officers at least annually. These trainings will cover a variety of topics including, but not limited to, current issues, "hot topics", etiquette for serving various groups of individuals, best practices, and regulation updates.

IDES employs its own Equal Opportunity Officer, Ms. Anna L. D'Ascenzo, Esq. Ms. D'Ascenzo has been designated as the EO Officer for IDES and full-time Manager of its Office of Equal Employment Opportunity/Affirmative Action. Under the Director and in accordance with Federal and State statutes, rules, regulations, etc., Ms. D'Ascenzo is responsible for ensuring that IDES meets its obligations under 29 CFR Part 38 for equal opportunity and nondiscrimination in all IDES benefits, programs and services, including Unemployment Insurance and Employment Service. Ms. D'Ascenzo reports directly to the highest level of the agency, IDES Director, Jeff Mays. Ms. D'Ascenzo is a licensed attorney and has worked in IDES' EO Office since 2014 and previously in another State agency's EO Office since 2010.

Prior to Ms. D'Ascenzo's employment with the State she worked as a City of Chicago attorney for 10 years where she held various positions, the latest dealing with Civil Rights issues.

Ms. D'Ascenzo business address is as follows:

Ms. Anna L. D'Ascenzo,
EO Officer/Manager
Office of Equal Opportunity/Affirmative Action
Illinois Department of Employment Security
33 South State St., 10th Floor
Chicago, Illinois 60603
(312) 793-9290 (Voice)
(888) 340-1007 (TTY)
(312) 793-0302 (Fax)
[E-Mail: Anna.DAscenzo@illinois.gov](mailto:Anna.DAscenzo@illinois.gov)

IDES' EO Office is comprised of thirteen authorized positions, of which six are filled with permanent, full-time staff as follows: the EO Manager, Ms. D'Ascenzo (Senior Public Service Administrator); one EO Compliance Reporting Supervisor, Tina Tiliks (Public Service Administrator); one Reports and Data Analysis Specialist, Mr. Stanislav Volkhovsky (Executive I); two UI/ES EO Monitors, Mr. Steven Holman (Public Service Administrator) and UI/ES EO Monitor, Ms. Angela Millsap (Public Service Administrator) and one Investigations Supervisor, Ms. Kathleen Wilson (Public Service Administrator).

Subject to budgetary and operational considerations, the following positions may be filled at a later date: one Senior Public Service Administrator (Monitoring and Evaluation); one Public Administration Intern; one Compliance Supervisor EO monitor and two Executive I positions. One Executive I position, and the Administrative Assistant position are Spanish language option positions, which means that they can only be filled by individuals who are bilingual.

Overview of the Duties, Responsibilities and Organizational Location of IDES' EO Officer

The EO Officer, Ms. D'Ascenzo, reports directly to the agency's Director and is a member of the Department's Executive Team (senior level management staff). Ms. D'Ascenzo reports on equal opportunity matters directly and confidentially to the Director. Director Mays is a Cabinet level administrator for the Governor of Illinois.

Ms. D'Ascenzo's job description reflects the senior level nature of her position. As a policy-implementing manager, she establishes, develops and evaluates the EO/Affirmative Action

program for the Department. One of her primary responsibilities is the development of the agency's annual Affirmative Action Plan, which sets workforce goals related to underutilization in hiring, and ensures non-discrimination and full access in all aspects of employment and program/service delivery. (See 2019 IDES Affirmative Action Plan attached hereto). Additionally, Ms. D'Ascenzo administers a complaint system for investigating charges of discrimination filed by agency clientele under Title VI & VII of the Civil Rights Act, the Americans with Disabilities Act and other laws that address equal opportunity and nondiscrimination. Ms. D'Ascenzo also ensures that, where warranted, corrective action is taken to eliminate discriminatory practices in the servicing of clients and/or applicants. She also advises managers and supervisors to ensure that employment and operational practices are in compliance with applicable laws, rules and regulations. Director Mays has also given the Ms. D'Ascenzo full responsibility for ensuring that the agency complies with the nondiscrimination provisions of the Equal Pay Act, the Age Discrimination in Employment Act and any other Federal and State Nondiscrimination related rules and regulations.

Direction and leadership is provided to the EO professional and support staff engaged in implementing and monitoring compliance programs and services. Ms. D'Ascenzo also hires and evaluates staff and recommends appropriate merit increases and disciplinary action for the IDES EO Office. She is also responsible for aiding in the development and implementation of the Non-Discrimination Plan report and serves as liaison to the Federal Civil Rights Center.

The name and address of the EO Officer and all other pertinent information is identified on the "EO Is the Law" poster, which is prominently displayed in areas accessible to employees and the public at all local IDES offices. Furthermore, the Department's policies and procedures manual contain a comprehensive internal EO policies which are available to all employees both in hard copy and via an on-line "intranet" computer system. (See EO Policies 1200 through 1207).

Job Description of IDES' EO Officer

The following is taken directly from the EO Officer's official job description. "Pursuant to 56 Ill. Administrative Code this position serves as the EO Officer and shall report directly to the Agency's Chief Executive Officer and shall be on the Chief Executive Officer's staff. And in accordance with federal regulation 29 CFR 38.31, this position also serves as the EO Officer, a senior-level employee and shall report on equal opportunity matters directly to the SESA (State Employment Security Administrator); that is responsible for Agency EO related compliance. Subject to administrative approval plans, develops, organizes, controls and evaluates the operation of the Equal Opportunity (EO) and Equal Employment Opportunity (EO) programs for the Department of Employment Security; serves as the Department's EO Officer, Business Enterprise Program (BEP) Liaison and 504/ADA (American with

Disabilities Act) Coordinator; recommends, formulates and executes EO, Rehabilitation and ADA policies for the Department.”

IDES’ EO Officer’s job description further states, “As a policy formulating manager, establishes, develops and evaluates the EO/Affirmative Action Program for the Department of Employment Security to assure equal employment opportunity in all aspects of the hiring, treatment, advancement and development of the employees of the Department of Employment Security as well as the delivery of services to clients. Recommends and formulates the EO, Rehabilitation and ADA policy of the Agency for approval by the Director in accordance with State and Federal equal employment, rehabilitation and ADA laws, regulation and policy. Provides technical assistance to management on the analysis and interpretation of Federal Civil Rights and Rehabilitation legislation, regulations, policies and programs affecting the divisional programs of service delivery operations. Provides training to inform managers and staff of the role and responsibility of EO through seminars, workshops and orientation sessions. Directs and coordinates the development of the annual Business Enterprise Program for Minorities and Females (BEP) Compliance Plan for the agency for submission to the Illinois Department of Central Management Services; monitors compliance. Consults with community and civic organizations, deliver speeches, representing the Agency in conference and seminars to explain departmental policy and promote support for program objectives.”

“Through subordinate managerial staff, plans, assigns, reviews and evaluate the activities of staff. Prepares and signs performance evaluations comparing results attained with established goals and objectives; hears first level grievances and implements disciplinary action. Provides direction and leadership to subordinates, professional and supportive staff engaged in the implementation and monitoring of mandated compliance programs and functions affecting the assurances of equal employment opportunity internally and the nondiscriminatory rendering of services. Selects and evaluates staff, initiating and recommending appropriate merit or disciplinary action.”

“Prepares, develops and administers the Division budget plan. Institutes policy for the application of allocated resources based upon Office of the Budget formula. Analyzes budget monitoring reports and executes actions necessary to accommodate allocation of human resources. Directs the development of staffing and organizational plans and changes.”

“Directs the development of a complaint system for receiving and investigating charges of discrimination filed by Agency clientele under Title VI & VII of the Civil Rights Act and Americans with Disabilities Act. Institutes corrective action to eliminate discriminatory practices in the servicing of clients and/or applicants. Advises managers and supervisors if employment and operational practices are in compliance with laws, rules and regulations.

Represents the Agency in investigations and settlement negotiations in which the Department is named defendant in complaints of discrimination filed with the EOC, IDHR and the CRC. Directs and coordinates the preparation of documentation in support of the Agency's position in response to allegations. As requested, directs agency staff in taking appropriate action to correct discriminatory practices identified by the department, and report back on the progress of actions taken. Formulates, establishes, oversees and modifies as necessary, an alternative dispute resolution process."

"Directs the ongoing review and evaluation of UI/ES (Unemployment Insurance/Employment Service) operations and other programs in accordance with 29 CFR Part 38, ensuring the collection and maintenance of records consistent with the requirements of regulation to determine compliance with the nondiscrimination/equal opportunity provisions relating to programs and services."

III. Notice and Communication - Section 38.34 Through 38.39

The "Equal Opportunity Is the Law" notice was disseminated to all Local Workforce Innovation Board (LWIB) Chairpersons, WIOA recipients, WIOA State, and Local Partner Agencies, and training providers during annual program monitoring.

DCEO's policy requires that the "Equal Opportunity Is the Law" notice be:

- Posted prominently, in reasonable numbers and places;
- Disseminated in internal memoranda and other written or electronic communications (i.e. Illinois workNet Welcome Internet Homepage);
- Included in handbooks or manuals;
- Made available to each participant and made a part of the participant's file;
- Provided in appropriate formats to individuals with visual impairments; and
- Where notice has been given in an alternative format to a participant with a visual impairment, a record that such notice has been given is to be made a part of the participant's file.

The "Equal Opportunity is the Law" notice is posted in multiple languages for the benefit of the public and clients in all the appropriate locations at DCEO as well as all WIOA Illinois workNet Centers (both physical and electronic versions) and training providers. Posters are available in Spanish, Polish, Arabic, Chinese Traditional, French, French Creole, Korean, Portuguese, Russian, Tagalog, and Vietnamese. The notice is also available in alternative formats such as by audio for the visually impaired.

Notification to Individuals with Disabilities

The "Equal Opportunity is the Law" notice is available to individuals with disabilities in the following ways:

- Large print, Braille and audiocassette versions of the notice are available to persons with visual impairments;
- Readers are made available to the visually impaired for use with websites where the notice is electronically posted at all workNet Centers; and,
- When requested, sign language interpreters are made available to persons with hearing impairments should they have questions about the notice or the filing process.

Each comprehensive and affiliate Illinois workNet Center resource room provides auxiliary aids and services such as:

- Qualified interpreters;
- Assistive listening headsets;
- Closed and open captioning on videos;
- Telecommunication devices for deaf persons;
- Computers that allow voice input and output;
- Readers;
- Taped texts;
- Brailled materials;
- Video-text imaging displays; and
- Transcription services.

Every LWIA must indicate that a TDD/TTY number, or an equally effective means of communicating with individuals with hearing impairments, is noted on its local recruitment and marketing materials whenever a phone number is included. All public information includes the tag, “auxiliary aids and services are available upon request to individuals with disabilities,” on local recruitment and marketing materials.

Recruitment Notification and Communication

When the State advertises for employment positions, the “DCEO is an Equal Opportunity employer” statement is always included. The main employment application utilized by the State of Illinois, Department of Central Management Services, includes the following language:

“In compliance with the state and federal constitutions, the Illinois Human Rights Act, the U.S. Civil Rights Act, the Americans with Disabilities Act, and Section 504 of the Federal Rehabilitation Act, the Department of Central Management Services does not discriminate in employment, contracts, or any other activity. If you have a complaint, please contact the Department of Central Management Services at Springfield (217) 785-1985 or (217) 524-1383 (TTD/TTY only) before the date of the test.”

Notification to Persons of Limited English Proficiency

It is the responsibility of all WIOA recipients and sub-recipients to ensure equal opportunity and equal access within their specific facility. When clients and applicants arrive for WIOA Title I services, and need assistance in a language other than English, the LWIA staff utilizes

established procedures to provide translation services for the client. Individuals entering any of the Illinois workNet Center may view the "Equal Opportunity is the Law" poster prominently posted throughout the centers and within the resource room. The poster is available in English in all locations, and in areas which have identified a significant non-English speaking population, the Notice is also posted in those languages.

Individuals which apply or enroll in any program offered at the Illinois workNet Centers receive a copy of the Notice for their records and sign an acknowledgement of receipt form which is maintained in their participant file. If an individual receives an alternative format of the Notice (non-English, Braille, large print, etc.), a record that such Notice has been given is maintained in the individuals file.

All LWIAs receive assistance from the Illinois Department of Rehabilitation Services, as well as various interpretation services throughout the state to assist with individuals requesting accommodations. These services include, but are not limited to, sign language interpreters, the utilization of text readers, translation of information to Braille, large print, etc. Notice of the availability of interpreter services is posted at all Illinois workNet locations and staff are knowledgeable on how to assist individuals with disabilities to ensure they are receiving the proper services. If a staff member is unable to assist an individual requesting an accommodation, the EO Officer is immediately contacted for assistance.

The "Equal Opportunity is the Law" Notice (in various languages) is required signage in all comprehensive and affiliate locations, including all training providers. The posters are supplied to all local agencies whenever changes are made and are physically verified during the on-site annual EO monitoring reviews. All recruitment brochures (i.e. forms, flyers, posters, broadcasts and publications) and other materials that are ordinarily distributed or communicated in written, oral, electronically and/or on paper, to staff, clients or to the public at large, include the EO tagline as well as the availability of auxiliary aids and services with the applicable TTY/TDD or relay number anytime a standard telephone number is published. Materials published and distributed by the LWIAs, and their subrecipients, are also reviewed during the on-site annual EO monitoring review.

Limited English proficiency and preferred language data is collected for everyone during the intake process at each American Job Center. This information is maintained within the Illinois Workforce Development System (IWDS) and is utilized when working with the individual to ensure they are getting the services and assistance which best suits them. Additionally, at each site, there are postings which alert individuals to the availability of language assistance at no cost. If an individual enters the Illinois workNet Center and does not speak English, or speaks limited English, staff utilize the "I Speak" placards to help identify the language and assist them in ensuring the necessary assistance is obtained. Areas which have identified a significant non-English speaking population have bi-lingual staff on-site to assist individuals.

If there is a need for language assistance that is not readily available on-site, LWIAs partner with various Community Colleges within their regions in addition to utilizing other State agencies or partners. If these local agencies cannot assist an individual timely, local areas

utilize the prescribed tele-interpreter services such as Propio, or similar vendors, for interpretation and translation services. To provide effective communication methods, DCEO and its partners utilize the language interpreter services contracted through the Illinois Department of Central Management (CMS) Telecommunication Unit. When using the service, employees follow the instructions illustrated in the brochure.

Orientation Notification

Although each LWIA conducts their orientation process slightly different, EO information is shared with everyone at every location. Each orientation includes a section on the individuals rights and the Agency's responsibilities regarding Equal Opportunity and the Nondiscrimination provisions of WIOA. Information on how to file a complaint is also shared and the individuals receive and sign acknowledgement of the EO Notice.

Each applicant attending the orientation briefing signs a statement which lists all training objectives, sign a statement indicating they were given "Equal Opportunity is the Law" brochure, how to file a discrimination complaint, the name of the LWIA EO Officer, and how to use the resource room. This statement is kept in the applicant's file. A notice to the availability of reasonable accommodations and other available assistance is posted in the entrance of each Illinois workNet Job Center. If an individual entering the Illinois workNet Center for the first time requires assistance, staff are trained in identifying the type of assistance needed and who to connect with the individual to ensure they are receiving equally effective services.

During the intake process, individuals are asked to self-identify any disabilities or special needs. When the individual meets with a career counselor to explore their opportunities, the counselor may then identify additional testing or necessary reasonable accommodations to ensure the individual receives effective services. Each LWIA utilizes the Illinois Relay Services (711) to assist individuals who are deaf, have a speech impairment, or are hard of hearing. The relay number is listed on all postings, brochures, taglines, and websites. Each workNet location is equipped with various assistive technology including screen readers, TTY machine, videophones, etc. to assist individuals with disabilities.

Training

Employees are taught how to prevent employment discrimination from occurring in the workplace. DCEO's management preference is to prevent discrimination in the workplace when compared to the costs for remedying the consequences of discrimination. EOMC is committed to providing training and technical assistance, outreach and education programs to understand and prevent discrimination. EOMC conducts ongoing training opportunities (i.e. webinars, teleconferences, video conferences, on-site training, and informational alerts) for LWIA EO Officers. The State WIOA EO Officer directs individualized and sometimes, specialized technical assistance when needed. Individualized training is necessary to assist new EO Officers in their respective positions. DCEO also supports training for LWIA EO Officers through attendance at educational seminars and skill-building workshops.

Pursuant to 29 CFR Part 38 the Illinois Department of Employment Security communicates (internally and externally) its EO policies and provides training to staff who have EO responsibilities in a variety of ways. The Department provides initial and ongoing communication announcing that it does not discriminate. Such communication is provided through a variety of means described below. Moreover, IDES has incorporated a notice of its nondiscrimination policy into its UI claims taking and Employment Service application process. Initial and continuing notice is given in Spanish, English, Polish, Chinese and other languages, where appropriate, through ADA posters, EO posters, auxiliary aids, and provisions for language interpreters and “sign interpreters for the hearing impaired.”

The nondiscrimination policy is communicated to UI claimants and ES applicants in the IDES' *"I Filed My Claim, What Happens Now?"* publication. This pamphlet is disseminated to all agency clients including claimants for UI Benefits and applicants for job referrals. This pamphlet is also disseminated to workers by employers and during outreach at employer sites. Various languages and large type versions have been developed. The pamphlet currently includes a nondiscrimination statement. The revised pamphlet includes the following nondiscrimination statement:

IDES is an equal opportunity employer and complies with all state and federal nondiscrimination laws in the administration of its programs. Auxiliary aids and services are available upon request to individuals with disabilities. Contact the Office Manager of the IDES office nearest you or the IDES Equal Opportunity Officer at (312) 793-9290 or TTY (888) 340-1007.

EO Is the Law Notice

The "EQUAL OPPORTUNITY IS THE LAW" statement is posted prominently for the benefit of the public and clients in all of the Department's Consolidated UI and ES offices (hereinafter referred to as "UI/ES Offices"), as well as in appropriate locations in the central office. Posters are available in multi-lingual languages in addition to English, plus this message will be communicated via audio CDs or MP3 file. Provisions are made to include this statement of nondiscrimination on all UI claim and ES applications. All IDES Field Offices display a large laminated 12 ½ x 18 ½ "EO Is the Law" Poster in both English and Spanish. "EO Is the Law" posters in Polish are also displayed in designated Offices where services are provided to the Polish community. All IDES Regional Offices, The Central Office in Chicago and the Director's Office in Springfield display an 11 x 17 version.

This "EO Is the Law" Notice is permanently mounted in each and every department of Employment Security Office. Notices are permanently displayed and the Department's EO Officer has on file a written confirmation from each Manager attesting to the fact that the

Poster is being prominently displayed. When the EO Monitors conduct their site visits of each local IDES Office, additional follow-up occurs because they check to determine if the Posters are being prominently displayed as well. Monitors also examine local offices to determine that the requisite ADA related posters are also being displayed.

Currently there are nineteen (19) IDES Field Offices and five (5) Regional Offices, a Central Office in Chicago, the Director's Office and the Central Processing Unit in Springfield. The "Equal Opportunity is the Law" Notice has been posted in service locations.

IV. Affirmative Outreach-Section 38.40

Each of the LWIAs hold a strong presence in the communities throughout their region. State-wide, LWIAs currently partner with specialized training providers which include community colleges, universities, intermediate school districts, governmental agencies, for-profit entities, and non-profit organizations. Many of these groups have a physical presence throughout the state. In addition to contracted partners, LWIA staff work with and play an active role on local boards and community groups. These groups include local economic development boards (comprised mainly of local businesses and local education providers), religious groups, various racial and ethnic/national origin community groups, and groups representing individuals with disabilities. Local businesses and community groups also have representation on the Local Workforce Innovation Boards which help form the LWIA's policies and practices.

Each LWIA performs affirmative outreach within their region by advertising information regarding their local programs/opportunities throughout various media sources, sharing information regarding their local programs/opportunities with the numerous institutions mentioned above, and by continuously consulting with the local boards and community groups which each LWIA is a part of. Input and feedback received from these partners is used to help improve the programs and services which the LWIAs provide.

Affirmative outreach efforts are discussed and reviewed as part of the annual EO monitoring process at each LWIA. If EOMC determines there is insufficient outreach being performed (either through monitoring or data analysis review), the LWIA is required to complete a corrective action plan detailing how they will improve their efforts to attract the under-represented group(s). DCEO outlined how these efforts are accomplished in outreach and recruitment programs, communication programs, alternate formats, and in monitoring programs mentioned below.

Outreach and Recruitment

All LWIAs describe outreach, recruitment, and priority of service efforts in their local methods of administration materials as well as their local/regional plans.

Communication

Recipients must ensure they take appropriate steps to communicate with individuals with disabilities, and that such communication is as effective as communications with others. In addition, when a significant proportion of persons being served are individuals with limited English proficiency, the recipient must provide the same information in languages other than English.

Printed communication materials such as brochures, pamphlets, publications, etc. that describe WIOA programs or activities must include the required language “taglines” indicating that the program or activity in question is an “equal opportunity employer/program” and that “auxiliary aids and services are available upon request to individuals with disabilities.”

Assistive Technology and Auxiliary Aids (AT)

DCEO continues to work with Illinois workNet Centers to replace obsolete assistive technology with updated hardware and software. LWIAs are encouraged to identify obsolete or outdated assistive hardware and software programs. In addition, LWIAs must program and plan budgets or work with partners to replace obsolete items.

IDES ensures its affirmative outreach and universal access requirements under WIOA and federal regulations are met by implementing the following:

A. Unemployment Insurance and Employment Services Outreach Initiatives

The Illinois Department of Employment Security is addressing requirements found in 29 CFR 38.40 by providing equitable services among substantial portions of the eligible population through its outreach programs. These programs are designed to broaden the composition of the pool of those considered for participation in programs administered through Employment Services (ES) to include: members of both sexes; the various race/ethnicity and age groups, individuals with disabilities and all other protected EO categories.

IDES Local Office site location is mentioned in Illinois Statutes, (See 20 ILCS 1015 and 820 ILCS 405/1705). IDES goes beyond the requirements of the statute as evidenced by locations listed on the Drug Free Work Place certification filed each year with USDOL. Local UI/ES Offices are the focus of this outreach to a broad scope of individuals including veterans through the Agency’s Disabled Veteran's Outreach Plan. Local offices are strategically placed and equipped to ensure access by the broadest range of racial and ethnic groups, members of targeted age groups individuals with disabilities and all other protected EO categories.

To deliver services to veterans prescribed by Title 38 United States Code, Chapter 41 and 42, IDES receives funding each Federal Fiscal Year to station Local Veterans Employment Representatives (LVERs) and Disabled Veterans Outreach Program Representatives

(DVOPs) in the local Illinois WorkNet Centers. This funding is negotiated with the Assistant Secretary for Veterans Employment and Training of the U.S. Department of Labor. Plans are due to the State Director of Veterans Employment and Training of the U.S. Department of Labor by mid-August.

The Equal Opportunity Officer reviews current population's demographics, unemployment insurance and employment service characteristic data to assess population trends. In addition, IDES publishes a yearly report on Women and Minorities in the Illinois Labor Force as required by statute. The EO officer along with the State Business Services Manager and the Acting State Monitor Advocate conducts outreach to community groups.

Ongoing efforts will continue to be made to reach out to members of both sexes; individuals of various race/ethnic backgrounds; members of targeted age groups, and individuals with disabilities. Accordingly, to supplement these current and ongoing efforts, IDES tracks community events throughout the year. These outreach activities include minority and female targeted job fairs, media events and local ethnic events. Other events involving the calendar serve as a method to disseminate Unemployment Insurance/Employment Services program information throughout Illinois communities and to encourage all groups, including individuals with Limited English Proficiency, to engage in IDES services. The calendar serves as a tool to address universal meaningful access.

Additionally, IDES has entered into interagency agreements with other various Illinois Agencies such as the Department of Human Services (IDHS), Department of Corrections (IDOC) to provide outside agency staff to access the IDES' Illinois JobLink system. IDHS assists food stamp recipients and persons with disabilities with job referrals through the IDES Illinois JobLink System. IDOC staff has access to Illinois JobLink to provide job referrals to the formerly incarcerated. For years, IDES has funded a cooperative program with IDOC which provides job placement services to clients in selected Community Correctional Centers and IDES/Illinois WorkNet Centers. In SFY 2005, this initiative was expanded to become the Re-entry Employment Service Program. IDES also entered into a Memorandum of Understanding (MOU) between IDOC and the Illinois Department of Veterans Affairs to implement a pilot program for incarcerated veterans under USDOL's Incarcerated Veterans Transition Program.

IDES has trained IDOC staff in the procedures for the Work Opportunity Tax Credit and for the Fidelity Bonding Program. Through the latter program, IDES arranges bonds for formerly incarcerated felons whose employers are unable to bond them through their usual bond providers, or for prospective employers who wish to reduce the perceived risk associated with hiring a formerly incarcerated felon.

IDES continues to explore additional avenues to enter into interagency agreements with other various Illinois Agencies, in order to make outreach efforts to disabled individuals, members of both sexes, members of various racial and ethnic groups and members of the various age groups. Throughout the year the IDES participates or organizes job fairs throughout the state, including job fairs in minority communities. There are ongoing employment workshops in the local offices that include minorities and women. The Agency website lists a calendar of upcoming events including job fairs and community events, in additions to these listed events the IDES will participate in activities organized by minority, female and other disability groups.

B. Outreach to Minority, Immigrants, Faith Based and Female Organizations

IDES works regularly with two key organizations that support minority hiring: the Illinois Hispanic Association of State Employees and the Illinois Association of Minorities in Government.

In addition, IDES has worked with community-based organizations to reach out to residents with limited English proficiency. Below are examples of collaborations between IDES and community-based organizations as well as other state agencies to promote IDES services. The EO Officer also is a member of the following committees, councils and taskforces: Illinois Hispanic Advisory Council, Illinois Asian American Advisory Council, African American Advisory Council, Illinois Economic and Employment Opportunity for Persons with Disabilities Taskforce, Equip for Equality's Disability Rights Consortium and Equip for Equality's ADA Project. More regarding these committees are discussed below.

1. The Illinois Association of Hispanic State Employees: (IAHSE)

The mission of IAHSE is to advocate for the employment, educational and professional development of the Latino state employees and to ensure quality services to Latino communities in Illinois. IDES participates in an annual IAHSE Conference where a variety of topics are discussed and workshops are attended. Additionally, IDES has received and implemented various guidance from IAHSE on filling bilingual positions throughout the State to ensure we are meeting the LEP populations' needs.

2. Illinois Association of Minorities in Government (IAMG):

The IAMG advocates on behalf of minority employees for jobs, promotions, job retention and protection against discriminatory acts. Founded in 1978, the organization has actively sought to ensure implementation of existing equal opportunity laws and to challenge government officials in areas of unfair employment practices.

3. Illinois Hispanic Employment Advisory Council

IDES' Equal Opportunity Office (EO Office) attends regular meetings for the Hispanic Employment Plan Advisory Council. The Council was implemented by the Illinois General Assembly to address barriers in State government employment faced by Hispanics, to gather information on their workforces, and provide solutions and incentives to foster the employment and promotion of these groups in general the labor market and State government. IDES' EO Office provides information and shares IDES' workforce history and successes at these meetings.

4. Illinois Asian-American Employment Advisory Council

IDES' EO Office attends regular meetings for the Asian-American Employment Plan Advisory Council. The Council was implemented by the Illinois General Assembly to address barriers in State government employment faced by Asian-Americans, to gather information on their workforces, and provide solutions and incentives to foster the employment and promotion of these groups in general the labor market and State government. IDES' EO Office provides information and shares IDES' workforce history and successes at these meetings.

5. Illinois African-American Employment Advisory Council

IDES' EO Office attends regular meetings for the African-American Employment Plan Advisory Council. The Council was implemented by the Illinois General Assembly to address barriers in State government employment faced by African-Americans, to gather information on their workforces, and provide solutions and incentives to foster the employment and promotion of these groups in general in the labor market and State government. IDES' EO Office provides information and shares IDES' workforce history and successes at these meetings.

6. Polish American Association

The Polish American Association (PAA), a human service agency, is to serve the diverse needs of the Polish community in the Chicago Metro area by providing resources for changing lives with emphasis on assisting immigrants. IDES has provided the PAA staff with training on Illinois JobLink to assist Polish immigrants with employment opportunities.

7. Centro de Información

Centro de Información is a not-for-profit Hispanic social service agency founded in 1972. The agency helps nearly 15,000 predominantly low-income Hispanic immigrants each year by providing individual and family counseling, bilingual advocacy, information and referral, immigration and naturalization services, parenting skills training, community education and youth programs. IDES representatives periodically visit the Center and update staff on IDES services.

8. Chinese American Service League

Founded in 1978, the Chinese American Service League (CASL) is the largest and most comprehensive social service agency in the Midwest dedicated to serving the needs of Chinese Americans. Housed in the Kam L. Liu Building, with multilingual and multicultural professional and support staff, CASL's budget supports programming that mainly serves newly-arrived immigrants who often do not have formal education, possess few transferable job skills and know little of the world around them. The community group has been provided orientation on IDES services and has access to job openings.

9. Mi Raza

Faith based organization that serves as an outreach health and education center for all citizens of the town of Arcola and Douglas County, but specializes in offering many of the outreach services to the growing Hispanic and Spanish speaking population. IDES provides information on Illinois WorkNet services in the areas to the organization.

10. Illinois Department of Human Services

The Department of Human Services and IDES established the Welcoming Center in North Riverside Illinois to provide one stop services for food stamp assistance and employment services to immigrants. IDES has provided assistance to IDHS' Welcoming Center to clients in need of employment. Additional Welcoming Centers are planned for Aurora and Chicago. Funding will determine operational feasibility of these centers.

11. Women in the Trades

Chicago Women in Trades works to increase the number of women in the skilled trades and other blue-collar occupations and to eliminate the barriers that prohibit women from entering and remaining in non-traditional careers. IDES has hosted workshops for women interested in the Chicago Women in Trades Organization

IDES offers an avenue to unsubsidized training opportunities in the private sector through the Apprenticeship Information Center (AIC). The AIC provides guidance to persons interested in becoming apprentices in the construction trades. Operating through IDES/Illinois WorkNet Centers, specially trained IDES staff located in the Chicago metropolitan areas provide information on specific prerequisites and application procedures for several trades and various apprenticeship programs.

Over the last few years, IDES has helped with outreach efforts to recruit and refer women to nontraditional occupations, particularly apprenticeship openings in the building trades. In this activity, IDES cooperates with federal agencies, such as the Women's Bureau, and local groups such as Chicago Women in Trades (CWIT). CWIT works with IDES/AIC to extend their ability to attract women into the high wage, high-skilled jobs in the construction industry.

CWIT, IDES/AIC, the Illinois Department of Labor Office of Apprenticeship, Illinois Community College Board, The Builders Association, Construction Industry Service Corporation, the Chicago Building Trades Council, and the Workforce Boards of Metropolitan Chicago help women overcome barriers to employment. AIC staff receive training, recruitment materials, assessment tools, and participant handbooks and guides to help them serve women interested in entering the construction industry.

12. Illinois Migrant Council

The Illinois Migrant Council (IMC) is a community-based non-profit organization with the *primary mission* of promoting employment, education, health, housing and other opportunities for migrant and seasonal farmworkers (MSFW) and their families to achieve economic self-sufficiency and stability. Outreach workers from IDES work with IMC staff to visit rural areas in Illinois to meet with migrant and seasonal farmworkers to ensure they are afforded equal and meaningful benefits, services and programs from IDES.

13. Mexican Home Town Associations

There are several Hometown Associations that have formed throughout Illinois. Its members are immigrants from specific states in Mexico. IDES has participated in events sponsored by the Home Town Associations including Casa Jalisco's Summer social services event.

14. Governor's Office of New Americans (GONA)

The New Americans Office held town hall meetings called Dialogs in various parts of Illinois. IDES participated in these outreach events to expand its outreach efforts to new immigrant groups.

C. Limited English Proficiency Populations

1. Services and Management Initiatives

IDES provides a telephone interpreter service to assist individuals in filing unemployment insurance claims and adjudicating issues arising with respect to those claims. The same system is provided for employment service clients looking for employment opportunities. In addition, there are approximately 150 bilingual staff assigned to local offices serving significant Limited English Proficiency populations including Spanish, Polish and Chinese.

Additionally, the Agency will perform periodic monitoring to identify and implement other reasonable steps that can be taken to provide services and information in appropriate languages where there is a significant number or proportion of the population eligible to be served at an IDES facility, or likely to be directly affected by those services, who may need

services or information in a language other than English in order to be effectively informed about or able to participate in the services.

2. Limited English Proficiency Population (LEP) Assessment

IDES EO staff also uses existing means to assess language needs in the local office service area. IDES will track the number of LEP clients who file unemployment claims, review telephone interpreter requests, the number of clients who call the Spanish certification telephone line (Tele-serve), the number of non-monetary determinations issued to LEP claimants, “hits” on the Internet link to IDES website information in Spanish, Russian, Polish and Chinese as well as local census data. IDES also contracts with Propio Language Services to ensure compliance with its LEP requirements and to serve the LEP community and provide meaningful and equal access to our programs, services and benefits.

Service complaints associated with LEP will also be used to assess language needs. IDES has a statutory requirement to complete the annual Hispanic and Asian-American Employment Plan Surveys and the annual Bilingual Needs Survey. The surveys are an evaluation of an Agency’s needs to increase bilingual workers. Another state statutory requirement seen under the Illinois State Services Assurance Act is to monitor the number of bilingual front-line staff. This Act requires IDES to maintain its bilingual workforce at a minimum 127 bilingual staff. Currently IDES has approximately 142 bilingual front-line staff to ensure our federal and state LEP requirements are met.

Based on the data to date the greatest number of LEP clients in Illinois are Spanish speaking. The IDES website provides translated publications and several translated forms which are available to both the public as well as local office staff. The IDES website page also translates into a number of different languages.

D. Outreach to Individuals with Disabilities

IDES works regularly with state agencies and community organizations that support individuals with disabilities.

1. Equip for Equality, Disability Rights Consortium

Equip for Equality, a disability rights advocate group also runs a Disability Rights Consortium which IDES’ EO Office is a member. Disability Rights Consortium members are members of the legal community, business community, government, educators and public that gather to learn about recent law, relevant hot topics, and areas of concern that individuals with disabilities face in our communities. IDES’ EO Office is in regular attendance at the Disability Consortium meetings held at Equip for Equality.

2. Equip for Equality, Americans with Disabilities Project (ADA Project)

Equip for Equality, a disability rights advocate group also runs the ADA Project which IDES' EO Office is actively involved with. The ADA Project also has members of the legal community, business community, government, educators and public that gather to learn about recent law, relevant hot topics, and areas of concern that individuals with disabilities face in our communities. IDES' EO Office is in regular attendance at the ADA Project meetings held at Equip for Equality.

3. Employment and Economic Opportunity for Persons with Disabilities Task Force

IDES' EO Office is a member of the Illinois Task Force on Employment and Economic Opportunity for Persons with Disabilities (EEOPWDT), which was established via legislation to join the forces of 10 designated state agencies, including IDES, with 15 public members, including at least 5 who have a disability. The Task Force recommends to the General Assembly and to the Governor, including legislative proposals, regulatory changes, systems changes, and budget initiatives, that would advance employment and economic opportunity for persons with disabilities in Illinois. Through this taskforce IDES is able to disseminate information on employment services and programs. Several workgroups exist within the EEOPD Taskforce, who work on reform of existing employment systems, wage, education, housing and transportation legislation and issues throughout Illinois. Anna D'Ascenzo actively participates in the Employer workgroup, which has drafted strategic plans presented to the Illinois General Assembly.

4. Office of Rehabilitation Services

Offices of Rehabilitation Services field staff use the IDES Career Information System as an on-line resource for individuals with disabilities. The ORS staff works with the physically, mentally, visually impaired and the hearing impaired on skills assessments and employment placement. The vocational rehabilitation counselor's work with IDES staff on and use the web-based Labor Exchange Services. On January 18, 2012 IDES provided an overview of Illinois JobLink program to the Division of Vocational Rehabilitations (DRS). DRS is the statewide program providing services to individuals with disabilities.

5. Disabilityworks

Disabilityworks role is to increase the economic and employment opportunities of people with disabilities while meeting the workforce needs of businesses located in the State of Illinois by promoting a collaborative partnership between the private and public sectors. The organization is part of the Illinois WorkNet program. IDES staff works with the organization to provide job leads for people with disabilities. In addition, IDES participated in employer workshops to increase awareness of the advantages of hiring individuals with disabilities. These workshops were held in Rockford, Springfield and Fairview Hills. Members from the Statewide Independent Living Council participated in these workshops.

6. Statewide Independent Living Council (SILC)

The DES Officer also serves on the Statewide Independent Living Council (SILC) subcommittee on Employment for Individuals with Disabilities. DES provides updates on DES services. SILC was a participant of the employer workshops in 2011.

7. Access Living

IDES has provided overview of IDES services to a number of disability organizations including Chicago Access Living (<http://www.accessliving.org/>) which provides services to individuals with disabilities in the Chicago area.

V. Compliance with Section 504 29 CFR 38.14 – 38.24 and WIOA Section 188

DCEO ensures all recipients and service providers commit to provide written assurances and certificates in their agreements, grants, and contracts that they will comply with the requirements of:

- WIOA Section 188;
- Rehabilitation Act of 1973 (the Rehab Act);
- The Americans With Disabilities Act of 1990 (ADA); and,
- Section 504, as implemented by Title 29, Part 32 of the Code of Federal Regulations; and applicable disability laws.

Equal Effective Participation

The foundation of the general requirements in Section 188 is the principle that qualified individuals with disabilities must be provided an equal opportunity to participate in and benefit from the programs and services provided by the recipient. The State of Illinois recognizes in its practices the following definition of a “qualified individual with a disability” as:

A person who has the requisite skills, experience, education, and other job-related requirements of the employment or training position that the individual holds or desires and who, with or without reasonable accommodation, can perform the essential functions of the position.

A primary goal of the general requirements is the ‘equally effective ‘participation of qualified individuals with disabilities by ensuring that individuals with disabilities are integrated to the maximum extent appropriate. This goal does not preclude a recipient from providing different or separate services or programs for individuals with disabilities. However, it does mean that these separate, or special, services must be as effective as the mainstream services – those programs and services designed for persons without disabilities.

State Laws Ban Discrimination

WIOA required that states offer a range of different job training, education, and other human resource programs through their service delivery systems. DCEO adheres to Section 188 of WIOA, which bars discrimination from programs, services, and employment based on a disability. Illinois workforce systems emphasize the need to provide services to individuals with disabilities, must be alongside – not segregated from – people without disabilities, to the greatest extent possible. Among the types of discrimination prohibited by these regulations on the grounds of disability are:

- Denying a qualified individual with a disability the opportunity to participate in or benefit from aid, services or training;
- Affording a qualified individual with a disability an opportunity to participate in or benefit from the aid, services, or training that is not equal to that afforded others;
- Providing a qualified individual with a disability with an aid, service or training that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;
- Providing different, segregated or separate aid, services, or training to individuals with disabilities unless such action is necessary to provide qualified individuals with disabilities with aid, services or training that are as effective as those provided to others;
- Denying a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards; or,
- Otherwise limiting a qualified individual with a disability in enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving any aid, benefit, service, or training.

In addition, DCEO provides reasonable accommodations to qualified individuals with disabilities in all aspects of its programs, services, and activities. Accommodations may include, but are not limited to, qualified sign language interpreters, readers, auxiliary aids, and alternate formats. Reasonable modifications in policies, practices, or procedures are made, when necessary, to avoid discrimination based on disability, unless making the modifications would result in an undue hardship on the Agency (i.e. unreasonable cost or would fundamentally alter the nature of the service, program, or activity).

Finally, the State WIOA EO Officer provides guidance to staff and recipients regarding disability requirements of applicable federal and state laws and regulations.

Two Types of Accessibility

DCEO recognizes and complies with the architectural and programmatic accessibility standards contained within Section 188. Architectural Accessibility includes the kinds of physical modifications that are most commonly thought of as access for persons with disabilities. Program accessibility requires that a program or activity be set up in advance to be accessible to qualified persons with disabilities.

DCEO works with State and LWIA partners to ensure each workNet Center (One-Stop) or Affiliate site comply with the most stringent architectural accessibility guidelines included in the Illinois Accessibility Code. Approved reasonable accommodations are provided for people who have difficulty walking or maintaining balance, people who use wheelchairs, crutches, canes, walkers or have restrictive gaits. Surfaces must be hard surface and slip resistant. Parking lots, walkways, corridors, elevators, carpets, and entry doors must comply with Disabilities Act Accessibility Guidelines (ADAAG). Annual on-site monitoring of workNet Centers and their affiliated sites ensures architectural accessibility.

Providing accessibility for people with disabilities does not mean that WIOA recipients can wait for persons with disabilities to show up at their doorstep and ask to participate in their programs and activities. Rather, it means that the recipient must both plan and act ahead of time. Recipients must plan for and take a wide range of actions, in advance, to be ready to provide effective services – long before the first person with a disability shows up. A recipient is not required to make every part of its facilities accessible. However, if a program is available in only one location, that site must be accessible, or the program must be available at an alternative and accessible site.

DCEO ensures that workNet systems of service delivery contractors comply with programmatic-related provisions of Section 188, which prohibits discrimination against qualified individuals with disabilities. DCEO also prohibits disability-based discrimination by public entities that receive federal financial assistance. DCEO adopted the WIOA implementing regulations that involves the three-part definition used by Section 504 and the ADA to define “disability” as:

- A physical or mental impairment that substantially limits one or more of the major life activities of such an individual
- A record of such an impairment; or
- Being regarded as having such and impairment (i.e. person is considered as having a disability if that person has a history or record of a physical or mental impairment that substantially limited one or more major life activity).

A person who qualifies under any of the above listed criteria is deemed an individual with a disability for purposes of coverage under Section 188 of WIOA. The federal laws barring discrimination based on disability do contain several exceptions to the definition of “individual with a disability.” These exceptions deal with disorders or diseases that affect job performance and safety -- sexual behavior disorders, current illegal use of drugs, current alcohol abuse, or currently contagious disease or infection.

DCEO recognizes the following examples of actions considered programmatically discriminatory under Section 188 of WIOA:

- When a qualified person with a disability applies to participate in a WIOA-funded activity and s/he is denied because of his or her disability
- When a person with a disability is not given an equal opportunity to get the same results or benefits from a program or activity that people without disabilities receive
- When a person or group with a disability is asked to pay any extra fees to cover the extra cost of accommodating their disability

EOMC opposes all actions considered discriminatory and unlawful. Even if an individual or entity had not intended to discriminate, the above actions are, by themselves, unlawful and prohibited.

DCEO advocates for programmatic accessibility awareness by all workforce partners and encourages using taglines that “auxiliary aids and services are available upon request to individuals with disabilities in all of our Illinois workNet Centers” on all printed materials. Auxiliary aids and services are those qualified persons, tools, equipment, or services that effectively deliver materials to persons with disabilities. Recipients are required to furnish appropriate auxiliary aids or services when necessary. The recipient must provide an opportunity for individuals with disabilities to request the auxiliary aids and services of their choice.

Recipients should give deference to the request of the person with a disability because:

- There is a wide range of disabilities
- A person with a disability may or may not be aware of various auxiliary aids and services that are available;
- Personal circumstances affect one’s auxiliary aid or service choice.
- Effectively communicating with persons with disabilities also includes the following;
- Recipients should let interested individuals know of the existence and location of accessible facilities and services;
- When a facility is not accessible or does not provide accessible services, recipients should provide adequate signage at the primary entrance to direct users to where they can obtain information about accessible facilities and services; and,
- Recipients must use the international symbol for accessibility at each primary entrance of an accessible facility

Additional alternative forms of communication provided at the Illinois workNet Centers, include TTY/TDD (NextTalk Services), Braille, Dragon Speak, the Illinois Relay Center, and Interpreter services. These services are described below:

- NextTalk – Individuals with impaired hearing who have questions or require information about WIOA programs are advised to call 1-800-785-6055. This number is published on the “Equal Opportunity is the Law” poster that is distributed statewide to all Illinois workNet Centers.
- Illinois Relay Center - The Illinois Relay Service (IRC), also known as Telecommunications Relay Service (TRS), is a free service provided 24-hour a day, seven day a week, service providing a communication link between persons using a text telephone (TT) and persons using a standard voice telephone. Specially trained communications assistants relay conversations over the telephone between a person using a TT and a person using a standard voice telephone simultaneously. All calls through the IRC are strictly confidential, as employees may not discuss any information seen or heard as they assist with calls. Communication Assistants will relay entire conversations, and there is no record of the call, other than billing data, after the conversation is completed.

- Interpreter Services - DCEO and workNet Centers contact the Illinois Deaf and Hard of Hearing Commission (IDHHC) through their web site (www.idhhc.state.il.us) or by calling 877-455-3323 for assistance. The State WIOA EO Officer assists managers and staff in making referrals using Illinois' Interpreter Registry as necessary.

Pre-employment or Pre-training Inquiries

Generally, a recipient may not ask an applicant for employment or training whether s/he has a disability or the nature or severity of a disability, except for the following reasons:

- When a recipient is taking remedial action to correct the effects of past performance;
- When the recipient or the government is attempting to determine the extent to which the recipient has operated its programs in a nondiscriminatory way; and,
- When the recipient or the government is collecting EO data.

The prohibition against asking an applicant about a disability does not apply when such an inquiry is required or necessitated by federal law or regulation. However, before applicants are asked to provide information about their medical condition or history, even if the question is allowable under one of the exceptions, applicants must be:

- Told that the information is being requested on a voluntary basis.
- Informed about the ways in which the information will be used and the narrow circumstances under which the information may be disclosed.

Recipients may not require pre-employment medical examinations. However, they may condition a job offer on the results of a medical examination to be conducted prior to the individual's entrance on duty under any of the following circumstances:

- A medical examination is required for that job regardless of disability status;
- Results are not to be used unjustifiably to discriminate based on disability; and,
- Information is kept confidential

Reasonable Accommodation

While accessibility is proactive, meaning there requires planning before any person with a disability asks to participate in the program. By contrast, reasonable accommodation is reactive as it refers to the actions a program must take at the time that a person with a disability wants to take part in the program or service, based on that person's individual needs. DCEO adheres to the regulations and provides accessibility for individuals with disabilities and encourages reasonable accommodations for persons with disabilities. Individuals with known disabilities are entitled to reasonable accommodations for the application process or admissions process. Once an applicant with a known disability is admitted, reasonable accommodations are changes that can be made to allow the individual to receive equal benefits. For individuals with disabilities hired to work for the program, reasonable accommodations are changes that can be made to enable them to perform the essential functions of the job.

EOMC follows a three-phase operational plan to address accommodations as listed below:

1. A person with a disability must be accommodated so that s/he can go through the application or admission process.
2. When admitted to a program, a person with a disability must receive accommodation to be allowed to receive benefits.
3. Once a person with a disability is hired, reasonable accommodations must be made to allow that person to do the job.

Accommodations vary from person to person and situation to situation. These general principles simply provide a context for understanding how EOMC applies the concept of reasonable accommodation. Requests for reasonable accommodations may be made by the individuals making the request, or their representatives. DCEO requires recipients to provide reasonable accommodations for individuals with disabilities, unless providing the accommodation would impose an undue hardship on the program.

Undue hardship may result if a requested accommodation requires “significant financial difficulty or expense” to complete. The factors listed here summarize what the recipient must consider in deciding whether an accommodation would impose an undue hardship.

Factors EOMC and its recipients consider when determining the feasibility of the accommodation include the:

- Type of accommodation asked for
- Net cost of the accommodation
- Overall size of the program
- Overall financial resources
- Effect that providing the accommodation would have on the program or facility’s ability to serve other customers and carry out its mission.

If the recipient decides that a requested accommodation creates an undue hardship, it must take any steps that eliminate the hardship, but that will enable the person with a disability to participate in the program to the maximum extent possible. Additionally, the recipient must prepare a written statement of the reasons underlying their decision and provide a copy of that statement to the person who requested the accommodation. The recipient is obligated to provide reasonable accommodations as expeditiously as possible, but in not more than 60 days from the time that the request is acknowledged, except where structural changes in facilities are necessary.

If structural changes are necessary, the recipient must develop a transition plan, establishing the steps necessary, including a time frame, to complete the required changes. This plan must be developed in partnership with the individual for whom the accommodation is being designed.

Service Animals

The Americans with Disabilities Act (ADA) and Illinois law (775 ILCS 30 and Public Act 097-0956) require that service animals be permitted to accompany persons with disabilities in all areas where members of the public are normally allowed access. In addition, service animals trained to perform tasks for the benefit of a recipient with a disability must be permitted to accompany that recipient at all functions, unless the presence or behavior of the animal compromises the health or safety of the animal or others or fundamentally alters the nature of the program or activity.

Employment Related Provisions

The Illinois WIOA program requires its recipients to promote employment opportunities for individuals with disabilities and encourages its recipients to consider qualified individuals with disabilities for their job openings. Each Illinois workNet Center has an operational plan that addresses how these services are accomplished.

The Department of Human Services (DHS) provides services and activities for individuals with disabilities. DHS is partnered with the Illinois workNet and staff works with the WIOA client case managers, when necessary, to ensure WIOA services are made available. Through this cooperative partnership, evaluation of the clients' employment capabilities, appropriate work environment, and identification and development of suitable job openings is accomplished. Employment counseling through DHS and LWIAs helps clients recognize vocational options, develop a plan to achieve employment goals, overcome barriers to employment, and adjust to the work environment. Job-ready individuals with disabilities receive consideration for suitable openings in the job matching process.

Confidentiality

The State WIOA EO Officer, through the monitoring process, ensures WIOA recipients maintain the confidentiality of medical information provided by applicants and registrants. Some of the items that are reviewed by the State WIOA EO Officer include:

- The LWIAs develop a written confidentiality policy that specifically addresses medical information and staff has been trained/apprised of the policy;
- Medical information is maintained in a separate locked container; and,
- Medical information is available only to persons with a need to know as outlined in 32.15 (d) (1 - 4).

There are very limited circumstances under which recipients may disclose medical information, including the fact that the participant has a disability. These include the following:

- Medical information may be disclosed to Supervisors and managers so that they can understand the limitations on activities that the participant or employee can perform and plan accordingly. They would also need disability information to arrange for reasonable accommodation;

- First aid and emergency personnel need to be told about medical conditions that may require emergency treatment; and,
- Government officials who are investigating compliance with disability nondiscrimination laws should receive medical information if they request it.

Recipients must keep disability-related records confidential. This includes records containing information about the results of medical examinations. This means that recipients must keep this information separate from other information about each participant, whether this information is on paper or in an electronic format.

Integration

The State provides technical assistance and provides training to recipients to apprise them of their duty to serve individuals with disabilities in the most integrated setting appropriate to that individual.

IDES remains in full compliance with all requirements federal and state laws, regulations and internal policies and procedures as they relate to WIOA nondiscrimination regulations, the Rehabilitation Act of 1973 (the Rehab Act), the Americans With Disabilities Act of 1990 (ADA); and, Section 504, as implemented by Title 29, Part 32 of the Code of Federal Regulations; and all other applicable disability laws.

Through the agency's EO Officer, IDES has advised all employees of the key provisions of the Americans with Disabilities Act (ADA), as amended, and has developed policies and procedures with respect to non-discrimination based on disability. Key issues addressed therein include: requiring reasonable accommodations and auxiliary aids and services; effective communications; site selection to assure accessibility; and conducting self-evaluations, which include the development of a corrective action plan. Efforts will continue to be made to ensure program and site access to all individuals with disabilities.

All new employees are required to attend a comprehensive orientation session, where they are made aware of the agency's commitment to preventing disability-based discrimination and providing reasonable accommodations both in employment and in the delivery of its programs and services. The agency also promotes employment opportunities for individuals with disabilities and regularly encourages employers to consider qualified individuals with disabilities to fill their job openings. IDES cooperates with the Illinois Department of Human Services, Division of Rehabilitation Services (DRS) in providing services/activities to individuals with disabilities under the WIOA State Plan. These include the evaluation of clients' employment capabilities, identification of the appropriate work environment, and identification and development of suitable job openings. Employment counseling through the Office of Rehabilitation Services and the Local Workforce Investment Areas (<http://www.illinoisworkforce.net/index.html>) helps clients recognize vocational options,

develop a plan to achieve employment goals, overcome barriers to employment and adjust to the work environment. Job ready individuals with disabilities receive consideration for suitable openings in the job matching process.

The agency has taken a number of steps to ensure the confidentiality of employees' medical records, including the dissemination of clear, written procedures limiting access to such records, as well as the implementation of various administrative practices which isolate these records from others. Specifically, such records are physically kept separate and apart from employees' personnel files and in locked cabinets with highly-restricted access. Only Labor Relations staff and the Human Resources division have access to the file cabinets containing medical information. They are responsible for making determinations regarding eligibility for disability leaves of absence and ensuring the proper application of the Family and Medical Leave Act. The file cabinets remain locked throughout each day and are only unlocked when labor relations staff need to examine a file. Once the examination of a file is completed, the file is returned, and the file cabinet is once again secured.

The EO Officer also oversees the ADA Coordinator. This responsibility includes receiving and reviewing requests for reasonable accommodations from IDES employees, applicants and clients. Determinations are made by the EO Officer and appropriate management personnel on a case-by-case basis. In most cases, medical documentation is required to support each requested accommodation when the disability is not obvious. These medical documents are secured within the EO files in locked cabinets. Only designated EO staff have access to these files, which are locked at all times. Further, these locked cabinets are in a locked file room for extra protection.

Additionally, confidentiality of employees' medical information is regularly addressed in all supervisory training sessions throughout the agency. Supervisors are instructed to forward all confidential medical records that they receive from employees directly to the Labor Relations office for placement in the secured medical files, or to the EO office when appropriate. Furthermore, confidentiality is addressed in several IDES policies and procedures which are posted on the intranet for IDES' employees' easy access.

The agency also has policies and procedures in place to enforce the provisions of the Americans with Disabilities Act, as amended and Section 504 of the Rehabilitation Act and to provide for reasonable accommodation(s). Section 1205 of the agency's Policies and Procedures Manual, entitled "*Accommodating Individuals with Disabilities*," addresses in detail the agency's ADA policies and procedures. The agency issued a directive requiring the posting of large ADA informational notices at all of its local offices and work sites. (See EO Policies and Procedures 1200 through 1207, attached hereto). Section 1205 also includes

provisions entitled, *“Auxiliary Aids and Services for Individuals with Impaired Vision/Hearing”* and *“Individuals with Disabilities that Pose a Direct Threat to Health and Safety.”*

Numerous accommodations have been provided to IDES employees. For example, visually-impaired personnel have been provided with specialized computer programs to enlarge text, and with related equipment to complement the software. IDES has bought ergonomic chairs, sit and stand desks, larger computer monitors, computer software programs, granted flexible schedules, modified work hours and modified break times to name a few.

Policies and procedures in IDES are available to all employees through the agency’s and the State of Illinois’ Intranet web pages. The agency has an Intranet site which affords employees access to various IDES forms and reports, as well as to all of the department’s policies and procedures. Policies affecting the equal opportunity/ADA programming area are drafted by the EO Office and are circulated throughout the agency for review and comment. Once all technical and programmatic staff have reviewed these policies and concurred with them, the final sign-off of all such policies rests with the agency director.

B. Services to the Public

1. Acquisition of Equipment or Devices

The agency is required to comply with Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act (ADA), as amended, both of which prohibit discrimination on the basis of disability. The regulations of the U.S. Department of Labor provide that "A recipient must take appropriate steps to ensure that communications with individuals with disabilities such as beneficiaries, registrants, applicants, eligible applicants/registrants, participants, applicants for employment, employees, members of the public and their companions are as effective as communications with others." (See 38.15(a)).

Auxiliary aids and services are available upon request to individuals with disabilities. Such auxiliary aids include, but are not limited to: sign language interpreters, readers, audio texts, large print and other methods of communication for persons with a physical or mental condition which includes conditions which effect vision or hearing. Each of these is designed to ensure their receipt of essential information regarding the agency's services, programs, policies and procedures, and particularly those that pertain to their eligibility and appeal rights. Such aids and devices are also available for employees to ensure effective communication regarding common job-related issues, i.e., training, meetings, workshops and interviews.

The agency is responsible for providing equal and meaningful services to applicants with disabilities and for employees to ensure compliance with the reasonable accommodation

provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and the ADA as amended. Both Section 504 and the ADA mandate that recipients of federal financial assistance provide equal employment opportunities to qualified disabled individuals and to make reasonable accommodations to the known physical or mental limitations of otherwise-qualified disabled individuals, unless the recipient of federal financial assistance demonstrates such accommodation would impose an "undue hardship" on the conduct of its program.

Inquiries by IDES staff on behalf of applicants with a disability and employees are routinely made in order to determine the type of auxiliary aids needed to ensure full participation in the intake and assessment of the agency's initiatives, services, benefits and programs. This information will also assist in filling job orders of employers listed with the agency under provisions of Section 504 of the Rehabilitation Act of 1973, as amended.

Local WorkNet Center resource rooms contain assistive technology equipment affording universal access to employment services. This equipment includes Zoom Text and/or JAWS software for screen magnification, text to speech or Braille refresher options, closed circuit monitors and Braille printers for the visually impaired. Additionally, those with hearing/speech impairment have available the Pocket Talker portable amplification device, headsets for PC voice features, access to online services such as unemployment insurance and job listings. The resource room will also provide Trackball ergonomic mouse for those with hand/arm disabilities, large desk top monitors (24" or more) large key ergonomic keyboards, and for those who may have language challenges available is the *Browse Aloud* text to speech translation feature which can translate written text in five different languages. Lastly, IDES will provide a reasonable accommodation not listed above to any qualified applicant seeking benefits, services or access to our programs.

With funding from American Recovery Reinvestment Act the Department expanded auxiliary services with the purchase of additional software licenses of ZoomText and JAWS and *Browse Aloud* as well as additional hardware technology purchases for 24" monitors, ergonomic Mouse and Keyboards and assistive listening devices to assist clients with disabilities.

2. Text Telephone Teletypewriter (TTY)

A TTY, (866) 488-4016, is installed in the agency's Central Office for persons with impaired hearing, which enables them to certify for UI benefits. Persons with impaired hearing who have questions or require information about agency programs are also advised to call IDES' Equal Employment Office at 888-340-1007 (TTY) or call the Illinois Relay Service for assistance. Additionally, a PC software program, NexTalk, is installed in the Office of EO and fifteen of our local offices as well as in our Appeals unit, Benefit Payment Control, Employer

Services and Claimant Services. The EO number, 888-340-1007 (TTY), is published on the ADA poster and in all printed material where general EO information is provided.

3. Illinois Relay Service

The Illinois Relay Service, also known as Telecommunications Relay Service (TRS), is a 24-hour per day, seven-day per week service which provides a communications link between persons using a text telephone (TT) and persons using a standard voice telephone. TT's are special typewriter-style devices used by individuals with impaired hearing or speech to communicate by telephone. Specially-trained communications assistants relay conversations over a telephone between a person using a TTY and a person using a voice telephone. This is done by communicating simultaneously with both parties. When the person using the voice telephone speaks, the communications assistant types the information to the TT caller. When the TT caller responds, the communications assistant voices the typed information to the person on the standard voice telephone. The Illinois Relay Telephone users dial (800)-526-0844 (TTY) and (800) 526-0857 (Voice). Spanish to Spanish users dial (800) 501-0864 (TTY). The EO ADA liaison assists managers and staff. Video Relay Service is also used to provide effective communication between a caller and the Agency where a sign interpreter is used to relay information.

4. Interpreter Services

IDES Bilingual Staff

In order to ensure compliance with Federal and State Limited English Proficient laws IDES employs various bilingual employees. IDES determines its bilingual needs based on the surrounding community it is serving amongst other factors determined by Federal regulations and case law. IDES currently employs approximately 150 bilingual staff.

Approximately, out of the IDES locations that routinely deal with the public, Chicago Region offices have 69 frontline staff, (20 bilingual Spanish, 1 bilingual Polish, 1 bilingual Chinese); Metro South Region offices have 66 frontline staff, (13 bilingual Spanish); Northern Region offices have 112 frontline staff, (34 bilingual Spanish, 1 bilingual Polish); Northwest Region offices have 92 frontline staff, (13 bilingual Spanish); Southern Region offices have 101 frontline staff (1 bilingual Polish). Further, Lombard and Rock Island call centers have 122 frontline staff, (20 bilingual Spanish, 2 bilingual Polish); DVOP has 25 frontline staff, (1 bilingual Spanish); Field Audit has 52 frontline staff, (1 bilingual Spanish). In the Chicago central office, BOR has 13 frontline staff, (2 bilingual Spanish); BPC has 26 frontline staff, (11 bilingual Spanish & 1 bilingual Polish); ES has 10 frontline staff, (2 bilingual Spanish); QACR has 9 frontline staff, (2 bilingual Spanish); Appeals have 42 frontline staff (1 bilingual Spanish); HR has 11 frontline staff, (1 bilingual Spanish); Employer Reporting has 19 frontline staff, (1 bilingual Spanish); Collection Enforcement has 19 frontline staff, (1

bilingual Spanish); Labor Exchange/IL JobLink has 6 frontline staff, (1 bilingual Spanish). In addition, Special Population Division has 8 frontline staff with 4 bilingual Spanish in Chicago, Northwest & Southern Regions.

Propio Language Services

IDES contracts with Propio Language Services to ensure compliance with Federal and State language needs. Propio offers over-the-phone interpreting, in-person interpreting and document translation services between more than 200 languages. Serves the healthcare, insurance, call center, financial and government sectors. Propio Language Services is a system of highly-qualified interpreters using technology that will assist persons with barriers of communication in different languages. The technology uses a third party to interpret between the 2 individuals to translate so that there is no breakdown in the understanding of what is being verbally communicated between the two parties. The service are available 24/7/365 days of the year, with an average connect time of 35 seconds so that everyone who uses this system can have their needs met.

Illinois Deaf and Hard of Hearing Commission (IDHHC)

IDHHC is an executive state agency that promotes education and awareness of the legal requirements for effective communication on behalf of people with hearing loss in Illinois. IDHHC provides outreach, education, training and information for individuals with hearing disabilities. IDHHC also maintains provides a listing of qualified, available sign language interpreters for individuals and businesses to utilize. IDES' EO Office and other IDES employees contact the Illinois Deaf and Hard of Hearing Commission to arrange for a qualified interpreter should other interpreter services be unavailable. <https://www2.illinois.gov/idhhc/Pages/default.aspx>

If necessary, other sources for sign language interpreters may be used, such as those available through the Chicago Hearing Society, (773)-248-9121, and the Chicago Area Interpreter Service (CAIRS), Voice (312)-895-4300 or VP (866) 401-0923. The EO ADA liaison assists managers and staff in making referrals to appropriate sources for local and statewide services.

5. Architectural Accessibility

IDES and DCEO works with the Illinois Department of Central Management Services to ensure ADA compliance at the physical location and through its lease agreements. The Illinois Accessibility Code (IAC) (http://www.illinois.gov/cdb/business/codes/pages/illinois_accessibilitycode.aspx) provides specifications for State of Illinois leased properties. Furthermore, Disability Navigators from Disability Works, as well as IDES and DCEO EO staff perform routine site

visits to ensure facilities remain in compliance with all applicable Federal and State Accessibility requirements.

C. IDES Website

Accessibility for Users with Disabilities

The IDES website has been designed to be fully accessible to individuals with disabilities. In an effort to address the needs of all users, the Illinois Technology Office has established the Illinois Web Accessibility Standards (IWAS). On February 14, 2002, the Governor of Illinois signed an Administrative Order <http://www.icdri.org/legal/> directing Illinois agencies to "utilize the Illinois Web Accessibility Standards for the development of websites, intranets, and web-based applications." These standards are based on Federal "Section 508" and World Wide Web Consortium accessibility guidelines, which were reviewed extensively by a panel of experts during the preparation of IWAS.

Effective August 20, 2008, The Illinois Information Technology Accessibility Act <http://www.dhs.state.il.us/page.aspx?item=32765> (IITAA) requires Illinois agencies and universities to ensure that their websites, systems, and other information technologies are accessible to people with disabilities. While the Americans with Disabilities Act, as amended, and Section 504 of the Rehabilitation Act require the state to address accessibility in general, the IITAA requires the state to establish and follow specific, functional accessibility standards and to address accessibility proactively.

The IDES website, including the sites for Illinois Job Link (IJL), Labor Market Information and the agency's internet-based Unemployment Insurance application, were evaluated using the Illinois Information Technology Accessibility Act Web Developer Testing Checklist 1.0 and 2.0. The agency periodically tests its website to ensure accessibility standards are met and will continue to work with the Department of Information and Technology (DoIT) and the Office of Rehabilitation Services for related technical assistance.

D. Accommodating Individuals with Disabilities Policy

Section 1205 of the agency's Policies and Procedures Manual addresses the agency's responsibility for providing reasonable accommodation based on the known disabilities of qualified IDES employees, job applicants, and clients. It is the policy of the agency to comply with, among other State and Federal laws, the Americans with Disabilities Act of 1990 (Titles I and II), as amended, Section 504 of the Rehabilitation Act of 1973 and the Illinois Human Rights Act. IDES will provide reasonable accommodation, upon request, based on the known disabilities of qualified employees, job applicants and clients unless a requested accommodation will impose an undue hardship on agency operations. An individual must

request reasonable accommodation and establish that he or she has a qualifying physical or mental disability. Then, if the requested accommodation will not impose an undue hardship, IDES will provide the accommodation that will: (1) enable the qualified disabled employee to perform the essential functions of his or her job; (2) enable a qualified disabled job applicant to participate in the hiring process; or (3) enable a qualified disabled client to fully access the agency's benefits, programs and services.

A qualified individual with a disability may request a specific reasonable accommodation. The request will be considered, but the accommodation that is ultimately offered to the individual will be determined by the agency at its sole discretion. A qualified individual with a disability is not required to accept a particular accommodation, but rejection of an offer of reasonable accommodation may jeopardize the individual's status as a qualified individual with a disability. A request for reasonable accommodation may be denied if the requesting individual poses a direct threat to the health or safety of himself or others. A reasonable accommodation may also be rescinded by the agency if it later proves to pose an undue hardship or a direct threat to the health or safety of the requesting individual or others, or if the individual no longer qualifies as a person with a disability, or if he/she no longer requires the accommodation.

1. Methods of Accommodation

The following are some examples of methods that may be used to reasonably accommodate qualified individuals with disabilities:

- Making existing facilities readily accessible.
- Acquiring and/or modifying equipment or devices.
- Adjusting personnel examinations and/or agency training materials.
- Providing qualified readers or interpreters.
- Making modifications or adjustments to policies and procedures so as to enable a qualified individual with a disability to enjoy equal access to and full participation in, all of the agency's benefits, programs and services.

2. Job Restructuring

Job restructuring is the modification of a job by removing barriers to performance, eliminating nonessential functions and/or exchanging assignments with other employees, so that a qualified person with a disability can perform the essential functions of the job.

3. Part-Time or Modified Work Schedules

Part-time or modified schedules may be a form of reasonable accommodation as long as they do not violate the collective bargaining agreements which control the

employee workforce. The ADA does not require individuals with disabilities to be granted more *paid* leave than is granted to employees without disabilities, but a reasonable accommodation may include the provision of additional *unpaid* leave if doing so does not create an undue hardship on the agency. Reassignment does not include "bumping" employees from their positions to create vacancies for disabled employees. In certain limited instances, employees may be offered alternative employment by referral to the Illinois Department of Central Management Services.

4. Adjustments / Modifications of Examinations, Training or Related Materials

The agency will continue to provide reasonable accommodations in this area, for example, by ensuring that training classes are offered at accessible locations and that training materials are made available in accessible formats.

5. Agreement Between AFSCME and CMS

The Illinois Department of Central Management Services has negotiated a comprehensive collective bargaining agreement with the American Federation of State, County and Municipal Employees (AFSCME) which applies to all Illinois state agencies under the governor's jurisdiction. Article XXXI, Section 11 of that contract specifically addresses the issue of reasonable accommodation for employees with disabilities. This represents another written policy whereby the State of Illinois has agreed to reasonably accommodate its employees.

6. Designation of ADA Liaison

The EO Specialist (ADA Coordinator) serves as the agency's chief ADA liaison. Additionally, each cost center manager serves as an ADA liaison with respect to reasonable accommodation requests arising in his/her cost center. The EO/ADA liaison's function is to provide assistance to qualified individuals with disabilities, and to assist in the filing of complaints based on the denial of requests for reasonable accommodation, or with regard to complaints of discrimination based on disabilities. Managers and supervisors are required to assist EO with all aspects of the accommodation process, as appropriate.

7. Requests for Reasonable Accommodation

IDES employees who request reasonable accommodation are required to complete specific forms and submit them to the EO Officer for appropriate action. Employees may also submit a request for reasonable accommodation directly to the EO Office. In all instances, cost center managers are given the opportunity to provide input into the decision-making process if the requested accommodation effects the operations of the unit. Internal policies and procedures have been updated to reflect this.

All requests for a reasonable accommodation must be submitted to the EO Officer whether or not they require an expenditure of funds. Managers do not approve or disapprove an employee's request for a reasonable accommodation. The EO Officer and ADA Coordinator is responsible for reviewing the request and making every effort to respond to the employee within 10 working days, when possible, from the date the request is received by the EO Officer. IDES employees who are provided a reasonable accommodation are given a reasonable period of time during regular working hours to familiarize themselves with, and to develop reasonable competency in the use of, any new aids or devices provided to them.

8. Acquisition of Equipment or Devices

The equipment and devices that IDES will provide as a reasonable accommodation do not include personal-use items such as hearing aids and eyeglasses. For individuals who are visually impaired, equipment or devices that may be provided include, but are not limited to: adaptive computer hardware and software, electronic visual aids, Braille devices and related material, talking calculators, magnifiers and audio recordings. EO will follow up with an employee who has been provided equipment or a device as a reasonable accommodation to ensure that the accommodation meets that employee's needs.

VI. Data and Information Collection and Maintenance-Section 38.41 Through 38.45

The Code of Federal Regulations names three key requirements for Data and Information Collection and Maintenance:

1. Each recipient must establish a properly functioning system that will collect data and information in accordance with WIOA regulations.
2. DCEO requires both regulatory and discretionary information be provided to verify that the recipient has complied with WIOA regulations.
3. All applicants for and recipients of WIOA funding have the responsibility to maintain the confidentiality of information that is collected.

Data Categories

Monitoring activities are critical to identifying discriminatory practices and largely depend on the existence of verifiable applicant and participant data. Data is collected and maintained by race, ethnicity, sex, age, and disability status. All applicant characteristics are collected at point of intake and/or service. Race/ethnicity categories are stipulated through Federal requirements and our data collection efforts reflect the following classifications:

- White; Black or African-American;

- Hispanic or Latino;
- Native American; and,
- Asian/Pacific Islander

The information is used only for record keeping, reporting, determining applicant eligibility, and determining program compliance with nondiscrimination requirements for specified, targeted groups. The collection of data reflects the composition of the LWIA workforce at each geographical location, by race, national origin, sex and disability, and any other category that DCEO may require.

Illinois Workforce Development System (IWDS)

The Illinois Workforce Development System (IWDS) records and stores WIOA programmatic and demographic data in accordance with guidance from the Office of Employment and Training. IWDS is compliant with 29 CFR 38.42 in the collection of the required EO statistical data at the point in which the job seeker/client is “registered” or the person hired becomes an employee of the agency or its partnerships. Recipients are required to maintain statistical analysis records in accordance with 29 CFR 38.43. Procedures have been enacted for investigating and accessing any significant statistical disparity.

The annual EO monitoring conducted by the State-Level EO Officer includes a data review and analysis. To ensure that EOMC and its partners are administering its programs and activities in a nondiscriminatory manner, a review of data collected and maintained within IWDS is performed. This review provides a statistical analysis of the data collected and includes an analysis by race/ethnicity, sex, age, disability status, Limited English Proficiency and preferred language by LWIA. This analysis employs dynamic formulas to compare each group's success rates versus all others to identify any outliers. If an anomaly is found performing the dynamic formula analysis, further analysis is completed using the standard deviation method. This data analysis process will be initially completed for the program year end June 30, 2019. As EOMC continues to improve our data collection and analysis process, statistical analysis will also be utilized to perform trend analysis to identify potential areas of improvement or opportunities to enhance our outreach efforts.

A fundamental goal of IWDS is to provide case managers with tool for managing their customers' programs, by collecting data about the participant's acceptance rates by race/ethnicity, sex, age, and disability status for those who apply for and receive services funded by WIOA programs. This includes evaluating client eligibility, recording assessment results, developing and implementing service plans, inserting case notes and exit outcomes. WIOA programs that are monitored include:

- Adult;
- Dislocated worker;
- Youth programs;
- Trade Adjustment Act (TAA);
- Disability Employment Initiative (DEI);
- Rapid Response;
- Workforce Development (WDQI);
- WIF Partners & Regional; and,
- National Dislocated Worker Grants (NDWG)

Data Confidentiality

Included in the Department's Discrimination Complaint Procedures are the laws and regulations that govern the Department's use of personal information. These policies and procedures are in place to safeguard documentation pertaining to specific job seekers, program participants, enrollees, benefit claimants, employers, and agency/partnership employees. Data is accessible only to authorized personnel needing access to the systems providing direct services. IWDS collects demographic information, as required by USDOL, and reflects the composition of each LWIA's workforce by race, national origin, sex, and disability. This information is confidential and used for determining program compliance with nondiscrimination requirements.

DCEO mandates that all recipients financially assisted under Title I of the WIOA must have in place a written policy regarding who has access to medical information. Records, particularly those containing medical information, are stored in a manner that ensures their confidentiality. Only persons with a need to know will be privy to the information as outlined in 32.15 (d) (1), (2), (3), and (4). All non-medical records are kept in a separate place from records that contain medical information. Medical records might include insurance application forms as well as health certificates, and results from physical exams. Within each WIOA recipient grant agreement, records retention and right of inspection clauses are included. At the local level, each LWIA is required to provide a copy of its' written procedures, demonstrating data collection, access and maintenance to records meeting the requirements of 29 CFR 38.45. Each grant recipient and sub-recipient is accountable for all funds received and shall maintain for a minimum of three (3) years, following the date of submission by the Grantee of its final expenditure report, all books, records, and supporting documentation necessary to verify the expenditure and use of expended funds.

Asserted considerations of privacy or confidentiality are not a basis for withholding information from EOMC and will not bar EOMC staff from evaluating or seeking to enforce compliance. Grant applicants and recipients are ultimately responsible;

- Records must be stored to ensure confidentiality;
- Only staff who need to know should have access to records and information; and
- Complainants and those who provide information must be protected against retaliation.

Complaint Logs

DCEO maintains a confidential discrimination complaint log that includes:

- complainant name and address;
- grounds of the complaint;
- description of the complaint;
- date filed;
- disposition and date; and
- any other pertinent information.

As required, EOMC maintains the complaint log and actions taken on the complaints for a period of not less than three years from the date of the resolution of the complaint. WIOA regulations grant authority to the CRC Director to require additional information to determine compliance with EO rules:

- Recipients must notify the CRC Director if an administrative action or lawsuit is filed against them alleging discrimination.
- Applicants and recipients must let the CRC Director know the name of any federal agency that has investigated and found the applicant or recipient to be in noncompliance with civil rights procedures if that investigation was within two years prior to the time the WIOA application was filed.

Each LWIA is required to maintain a Discrimination Complaint Log. The log records pertinent information for all discrimination complaints received and acts as a tracking mechanism for the resolution process. LWIA EO Officers are directed to report all discrimination complaints to the State-Level EO Officer immediately upon receipt and the complete log is required to be submitted within 15 days of the close of each quarter. All discrimination complaints, and subsequent resolution/corrective action, are reviewed during the annual EO review at each LWIA.

IDES also ensures compliance with its data collection and maintenance requirements under WIOA and federal regulations with the following:

Consistent with 29 CFR 38.41 – 38.45, the Department of Employment Security collects, analyzes and provides data and reports to Civil Rights Center in order to determine compliance with nondiscrimination/EO provisions. Data is collected and maintained by race/ethnicity, sex, age and disability status. All applicant characteristics are collected at

point of contact, intake and/or service and are consistent with standard EO categories established by the federal government. These include: White, African-American, Hispanic, Native American and Asian/Pacific Islander. All such information is compiled, stored and maintained by the Department's Information Services Bureau (ISB), and the Deputy Director of DoIT who has overall responsibility for this support function. Reports are provided to the EO Monitor and EO Compliance Supervisor on a regular schedule. The information is used to determine applicant eligibility and program compliance with nondiscrimination requirements for specified programs, as well as for related record keeping and reporting purposes. Additionally, the agency's Internet-based computer system which matches job seekers with potential employers, Illinois Job Link (IJL), is also used to capture related data. All EO-related data is compiled as it pertains to each local office and is stored for a five-year period. Furthermore, all systems that are used to collect and maintain related EO data are designed to allow for statistical/quantifiable analysis and to ensure confidentiality of the data.

1. IJL and ETA 9173 Reports

All employment service data is compiled and analyzed using the Illinois JobLink Tool (IJL). The agency also examines referral patterns pertaining to specific occupations as well as related wage patterns and placements. Also, in the IJL 9173 reports are also used to collect and maintain data which is used to evaluate agency services for compliance with nondiscrimination law.

2. Illinois Benefit Information System (IBIS)

Unemployment Insurance data, including applicant characteristics, is collected and stored within the agency's primary computer program, the Illinois Benefit Information System (IBIS). This data is kept for a period of seven years. Statistics on the number of "Lower" and "Higher" level decisions are also kept in the IBIS system.

3. Central Complaint Log

IDES maintains a Central Complaint Log listing all EO-related complaints, and specifying the following for each complaint: (a) the name of the complainant; (b) the name of the respondent; (c) the date the complaint was filed; (d) whether the complaint is an MSFW complaint; (e) whether the complaint is ES-related or non-ES-related; (f) if the complaint is ES-related, whether it is employer-related or agency-related; (g) if the complaint is non-ES-related, the information required by subsection .604 of this Part; and, (h) the action taken and whether the complaint has been resolved. The procedures related to complaint logs maintained by local offices are detailed in IDES Procedure 7202.351 (ES Complaint Logs).

4. Confidentiality of Data Collected

As previously mentioned, all EO-related data that is collected by the agency pertaining to program applicants/participants and applicants for employment is maintained and stored in a confidential manner. Additionally, information regarding race/ethnicity is kept separate from individuals' other records in order to protect confidentiality. All EO-related data is kept by the agency for at least the minimum-required three-year period.

VII. Governor's Oversight Responsibilities - Section 38.51 And 38.53

The State-Level EO Officer has created an in-depth monitoring guide which encompasses the requirements set-forth in 29 CFR Part 38.51, that requires detailed information for the EO monitoring process. DCEO meets the standards of periodic monitoring set forth by the CFR by providing monitoring information described by the following:

- The procedure for reviewing recipients' policies and procedures to ensure that these policies and procedures do not violate the prohibitions outlined in section 188 of WIOA, specifically;
- The written reports prepared for each review. These reports must provide, among other things, that the results of the monitoring activities will be made available to the recipient(s) through a monitoring corrective action letter;
- The involvement of the State and LWIA EO Officer(s) in conducting reviews. Where individuals other than the State or LWIA EO Officers carry EO monitoring out, the narrative should provide the names, job titles, and the WIOA organizations in which these persons are employed;
- The level of training provided, and by whom, to these individuals, and how does the State WIOA Officer coordinate the review efforts from start to finish; and
- The procedure for determining which recipients are to be reviewed, the frequency of reviews of recipients, and the number of recipients to be reviewed per year.

Both the State and LWIAs share equal responsibility to monitor for compliance. The monitoring schedule is comprehensive, and it involves the State WIOA EO Officer, LWIA Executive Officers/Administrators, key management staff, and LWIA EO Officers. At a minimum, EOMC staff will visit each LWIA site annually, and additional visits may be scheduled if the situation warrants ensuring implementation of corrective measures. DCEO imposes specific requirements upon itself as well as the LWIAs for complying with monitoring responsibilities. Each EO monitoring review must include a review of each recipient's collective EO/ADA internal control programs and operations to determine if:

- The recipient is complying with its administrative obligations under Section 188 of WIOA. Examples of these administrative obligations include designating an EO Officer, notice and communications, reasonable accommodations, confidential information and record protection, tag lines, LEP Program, operability of current assistive technology, bulletin board maintenance, and contractual assurances.

- The recipient is complying with its responsibilities.
- The recipient's programs and services are free of discrimination practices.

To make the above assessments ensuring nondiscrimination in EO operations, DCEO's annual monitoring review includes:

- Conducting EO monitoring/evaluation reviews
- Evaluating policy development, communication, and training
- Analyses by race/ethnicity, sex, age, and disability status to determine significant differences; and
- Analyses of records, client interviews, and other appropriate methods to determine causes of differences.

Follow-up investigations are conducted when there are significant demographic analytical differences to determine whether the differences are due to discriminatory conduct or to some other factors. The use of record reviews, interviews, and other appropriate investigation techniques aid in the identification of the potential issues. When WIOA EO/ADA compliance violations are found, DCEO will use appropriate enforcement procedures.

Local Workforce Areas

Each LWIA will monitor their sub-recipients annually and provide DCEO with their findings and corrective actions. Each LWIA is expected to monitor their subrecipients (Illinois workNet Centers, affiliates, and training providers) annually, like the method used by the State. LWIA monitors will use similar monitoring tools and processes that the State EO Officers utilize to identify problem areas, operational weaknesses, and to develop corrective actions plans. Follow-up visits may be scheduled as necessary to ensure that the appropriate corrective actions were completed. In demonstrating compliance with CRC regulations, it is necessary for an LWIA grant recipient who has received WIOA financial assistance from the State to show its adherence to policies, procedures, and systems contained in the State's Nondiscrimination Plan. Included in the documents section is the monitoring instrument used during on-site monitoring visits to acquire data from the LWIA recipients.

The monitoring instrument does not create new legal requirements or change current legal requirements, as its purpose is to facilitate an evaluation of the extent to which recipients are complying with the following administrative obligations:

- Designation of Equal Opportunity Officers;
- Notice and Communication;
- Assurances, job training plans, contracts and policies and procedures;
- Universal Access;
- Data Collection and Record Keeping;
- Section 504 of the Rehabilitation Act;
- Data and Information Collection and Maintenance;
- Complaint Processing Procedures; and
- Corrective Actions and Sanctions

DCEO Accessibility Checklist is an extension of the monitoring instrument used to determine compliance with disability requirements found in 29 CFR Part 38 and Section 188. The Accessibility Checklist identifies the basic requirements under Section 188 of WIOA. It includes portions of the regulations that implement Section 504 of the Rehabilitation Act as applicable to LWIA grant recipients concerning the operation of their WIOA programs and activities.

Desk Reviews

Desk reviews begin with a self-evaluation prepared for EOMC by the LWIA EO Officer. Incomplete or incorrect responses to the self-evaluation will, at a minimum, prompt technical assistance and further monitoring. LWIA EO Officers submit self-evaluation reports prior to the on-site monitoring visit to assist DCEO EO monitors conducting their comprehensive review. The desk review will include:

- EO Appointment Letter
- EO Job Description
- Agency's Organizational Chart
- Review of reports from previous non-discrimination program reports;
- Review of discrimination complaint files;
- Review of compliance monitoring reports prepared by the LWIA EO Officer;
- Review of program accessibility self-evaluation and procedures to ensure compliance with requirements pertinent to individuals with disabilities; and
- Review of facility accessibility surveys;
- Website 508 Accessibility;
- 5-Year Marketing Outreach Plans;
- IWDS registration Data using the Standard Deviation Analysis Method; and
- Review of IDES Census Demographic Data

On-Site Reviews

On-Site Reviews provide the opportunity to meet and discuss policies, procedures, or issues with top LWIA management and the EO Officer. It may be used to clarify information from the desk review. The primary contact during this phase of the review is the LWIA EO Officer. The site review consists of the following:

- An entrance conference, to include discussion of the results of the desk review;
- Policy and Procedures Review (i.e. EO Program staff training, sexual harassment, complaints, monitoring procedures, LEP, and applicant files reviews);
- Site locations, points-of-contacts, and route coordination;
- Website Accessibility
- Staff surveys and interviews;
- Customer surveys and interviews;
- Facility-accessibility survey review and assessment;
- Review of customer information materials, tag lines, bulletin boards, to include materials in alternative formats and languages other than English;
- Review of community contact programs;
- Complaint-file review;

- Discussion of program intake and assessment processes, to include provisions to serve individuals with disabilities or who are non-English speaking (LEP Program & language cards);
- Contracts and assurances boiler plate clauses and other similar agreements are reviewed to ensure that they are nondiscriminatory;
- Review of EO role-related training and budgets for equal opportunity officers planned and accomplished to date; and
- An exit conference to include a discussion of preliminary findings.

If technical assistance is necessary, it may be done during the on-site visit as time permits or scheduled at a future date.

Local Monitoring

Each LWIA EO Officer, using the same monitoring process developed and used at the State level, monitors the activities of the Illinois workNet Center, satellite locations, and contractor activities to ensure EO/ADA compliance. The monitoring review process requires written reviews that are kept on file for a minimum of three years. DCEO developed monitoring tools that are useful to ensure a consistent statewide approach to monitoring for nondiscrimination and equal opportunity in the Illinois workNet system.

Monitoring Corrective Action Letter

DCEO monitors will prepare a monitoring corrective action letter that details the findings and deficiencies identified during the monitoring activities within ninety (90) days. LWIA Directors will be responsible for responding to the letter with a written response to the findings and corrective actions within sixty (60) days. In those situations where there are no findings identified, a “no finding” letter will be sent to the CEO, LWIB Chair and the LWIA Director.

Conducting Follow-Up

Upon receipt of the monitoring report, the LWIA Director will respond to the corrective action identified as to how the LWIA is going to implement the corrective activities described in the monitoring review. This written response is sent to the State WIOA EO Officer for review and approval. If on-site follow-up monitoring determines the causes for the initial finding have not been appropriately corrected, technical assistance is offered, and further corrective actions are mandated. In the event if follow up activities are necessary, DCEO EO Compliance Monitors will schedule follow up visits to ensure that corrective actions have been implemented.

IDES has also complied consistently with its obligations to monitor recipients for compliance seen under 29 CFR 38.51 through 38.53. A wide variety of data is collected and used to monitor local IDES offices with respect to both Unemployment Insurance and Employment Service programs. EO Monitors are responsible for evaluating both programmatic and

physical accessibility compliance at each local office. Compliance reviews are conducted according to a fixed schedule and apply to both UI and ES programs. Section 1204 of the agency's Policies and Procedures Manual describes procedures for monitoring of UI/ES programs in all local offices. (See EO Policies and Procedures 1200 through 1207, attached hereto). There are various supporting documents attached to this report which support this assertion and illustrate IDES' programmatic and physical monitoring of its local offices.

A. Employment Service Monitoring

Compliance reviews include on-site visits by EO Monitors and the examination of data related to the following services/activities: (1) registration taking; (2) job orders; (3) job referrals; and (4) job placements. Data is also analyzed with respect to UI benefits being granted across all protected EO categories to ensure there is no discriminatory impact on any protected group. Recommendations are made in any case where data indicates there may be a disparity. The data is analyzed as it applies to specific applicant groups according to age, gender, race/ethnicity, disability and LEP status. (See IDES Local Office Monitor Reports attached hereto).

1. Illinois Job Link (IJL)

An attempt to identify significant statistical variations in the level of Employment Security (ES) service provided to the agency's customers within the groups referenced above, both the "four-fifth" rule and provisions of the Equal Opportunity Data Requirements for Employment Service are used. To this end, the department has developed Illinois Job Link.

The program uses the Employment and Training Administration 9173 statistical tables which are used to identify potential disparities among applicant groups. The tables provide data on the number of registrants, referrals, placements, wage patterns and other applicant services for each local office. The ETA tables evaluate services that different applicant groups receive and how these services affect their employability. The ETA data provides information on race/ethnicity, gender, age, disabilities, migrant seasonal farm workers and veteran applicant groups. ETA also provides a list of specific applicant services and job order information. As stated earlier, both the "four-fifths" rule and standard deviation are used to measure levels of service to applicants. Referrals, placement and wage information is broken down by occupational categories. ETA reports are generated on a regular basis. Additional reports are compiled upon request from the Civil Rights Center.

Access to registrations and job orders is also available through Illinois Job Link. Samples of registrations and job orders are reviewed as part of local office monitoring process. The EO Auditing link available in IJL assists EO Monitors to review job orders job descriptions as well as referral and placement activities within the job orders. Applicant referral characteristics are provided within IJL EO Audit features. Additional EO employment service

reports are available through Data Analysis Reporting Tool (DART) as well as Federal reports to Employment and Training.

B. Unemployment Insurance Monitoring

Compliance reviews include on-site visits by EO Monitors and the examination of data related to claims taking and adjudication. The data is analyzed as it applies to specific applicant groups according to age, gender, race/ethnicity and disability status. (See IDES Local Office Monitor Reports attached hereto).

As cited in data and information collection section data that includes applicant characteristics is collected through the Illinois Benefit Information System (IBIS). Statistical tables on monetary and non-monetary determinations are reviewed, as well as the number of claims processed, separation and non-separation determinations, and appeals. All such reviews are conducted for each local office. The IDES Information Systems Bureau provides access to UI data and assists in generating a list of adjudicated cases by applicant groups and specific issues. From the list a sample of cases are selected for analysis. (See IDES Local Office Monitor Reports attached hereto).

C. Unemployment Insurance Appeals Monitoring

The same general process for monitoring and evaluating UI and ES programs is followed with regard to the Appeals divisions on a quarterly basis. Both lower and higher authority decisions are examined to assess if one or more groups have a disproportionate lower number of favorable outcomes. Recommendations to address any issues are made when applicable.

D. Equal Opportunity Monitors (EO)

The EO Monitors are under the direction of the EO Officer. The EO Monitors assist in planning and coordinating the monitoring of local office activities to ensure compliance with federal mandates. Principal duties include: performance of statewide on-site visits, development of statistical computer-based reports involving the applications of complex mathematical and statistical methodologies. In addition, EO Monitors utilize mainframe systems and computer software programming language application, data collection, analysis and report writing. The EO Monitors assists in the implementation, maintenance, evaluation and monitoring of procedures to ensure local offices are in full compliance with federal nondiscrimination requirements found in 29 CFR 38. Additional duties include the following:

1. Prepares analysis of findings, using narrative, charts, tables and graphs; presents pertinent information to management through chain of command.
2. Consults with other divisions and the Information Systems Bureau (ISB) to resolve technical problems, especially with regard to integrating the mainframe and PC systems.

3. Makes recommendations to the Local Office staff on how to correct any issues identified in its monitoring of the Local Office.
4. Follows up with the Local Office to ensure that all recommendations are followed and when necessary implemented.
5. Assists in any additional training of Local Office staff when necessary.

Section 1204 of the agency's Policies and Procedures Manual provides a detailed description of the system for monitoring UI/ES offices. Since 1996 on-site reviews have been conducted on a monthly or quarterly basis. Attached to this document is a representative sample of an EO Monitoring Report the EO office has developed a local on-site review guide which details activities of the EO Monitor when preparing for and conducting the on-site review. (See EO Policies and Procedures 1200 through 1207, attached hereto).

The responsibilities of an EO Monitor, when conducting on-site reviews, include the observing intake and referral processes, interviewing local office staff, determining the office's compliance with equal employment opportunity directives such as the posting of required notices and any conducting any necessary training regarding Nondiscrimination regulations. On-site visits are also conducted to comply with requests from the Civil Rights Center for specific data on designated offices. The following sequence illustrates the preparatory stages of these reviews as well as activities undertaken while at the local office, and includes all actions through the final report writing:

1. Notification of Local Office On-Site Review.

The EO Monitor notifies the local office manager of scheduled site visit, and then follows up with a phone call to ensure local office management will be available for the review.

2. Data Collection

- A. The EO Monitor collects and reviews census data on local population, civilian labor force and civilian unemployment labor statistics. Data is provided through Economic Information and Analysis Bureau (EI&A) and is accessible through IDES web page.
- B. The EO Monitor collects and reviews employment service data. Also, reviews data from federal report (ETA 9002). Run summary tables from IJL program. Review data for statistical disparities in referrals, placements and service. The EO Monitor runs detailed reports pertaining to job orders and applicants using IJL program and requests Ad Hoc reports from IJL for additional detailed data.
- C. The EO Monitor collects unemployment data from Illinois Benefit Information System (IBIS). The EO Monitor request five summary tables: claims, monetary determinations, non-monetary determinations, separation determinations

and non-separation determinations. The EO Monitor creates statistical tables on “allow” rates and “denial” rates.

- D. The EO Monitor collects employee staff characteristics of the local office and identifies number of available employees providing interpretive services.
- E. The EO Monitor obtains telephone report from Propio Language Services regarding local office usage of interpretive telephone language services and performs an analysis to determine if our LEP requirements are being sufficiently addressed.

(See IDES Local Office Monitor Reports attached hereto).

3 **ON-SITE REVIEW**

A. Entrance interview with local office manager/supervisor.

- 1. Review employment service data and statistical disparities.
- 2. Review unemployment insurance data and statistical disparities.
- 3. Review availability of assistive devices and software for individuals with disabilities.

B. Desk reviews.

- 1. Request from local office UI manager/supervisor one or two days of applications taken during the last 10 days. Select an appropriate number of applications for review.
- 2. Check UI applications for EO documentation.
- 3. Check accurate collection of EO data (race/ethnic, gender, age and disability).
- 4. Request a sample of adjudication cases by applicant characteristics and request Benefit Total Quality (BTQ) reviews for the previous two or three months.
 - a. Review separation determinations
 - b. Review non-separation determinations
 - c. Review BTQ cases.
- 5. Review a random sampling of registrations from the applicant groups and select those that have been identified as having received a disproportionately low number of referrals, placements or services.
 - a. Review number of skills listed
 - b. Review skill experience of applicants.
 - c. Review services provided to the applicant.
- 6. Review local office complaint log for past three years.
- 7. Review facility for accessibility using the following ADA check list and guidelines.
 - a. Public Parking; check for adequate parking spaces for the disabled and appropriate signage.

- b. Office Entrance; check entrance for accessibility.
 - c. Universal Signage; identify accessibility and room identification as well as assistance signs.
 - d. Restrooms: check restrooms for ADA compliance.
 - e. Public Service Areas; check accessibility to resource rooms, training rooms and other public service areas. Is reception area clearly defined for applicants?
 - f. Public Telephone - accessibility
 - g. Water Fountain – accessibility
- C. Inspection of EO posters, EO pamphlet/notices and ADA poster.**
- 1. Are EO notices (poster) posted in a prominent location?
 - 2. Is EO notice posted in a language other than English where appropriate?
 - 3. Are EO Notices (8 ½” X 11” handouts) provided to applicants/The EO Monitor claimants?
 - 4. EO Notice available in languages other than English
 - 5. Is the American with Disabilities Act poster displayed conspicuously?
- D. Observation of Staff Interaction with Clients**
- 1. Observe if Benefit Rights are provided to claimants.
 - 2. Coaching of applicants registering for employment service (IJL).
 - 3. Observe adjudication interviews.
 - 4. Observe language assistance.
- E. Local Office interviews with Selected Staff**
- 1. Determine which staff should be interviewed based on local office manager/supervisor description of staff assignments.
 - 2. Selected staff should include employees conducting activities in employment service, veteran’s assistance, unemployment insurance and reception.
 - 3. When possible, selected staff should include females, minorities and persons with disabilities.
- F. Exit Conference**
- 1. Verbally review local office findings and tentative recommendations with manager/supervisor. Official recommendations from the EO Officer are presented with the final written report.
(See IDES Local Office Monitor Reports attached hereto).

4 DRAFT FINAL REPORT WITH FINDINGS AND RECOMMENDATIONS

Report and Corrective Action Plan

After completion of an on-site review, the EO Monitor prepares a written summary of his/her conclusions and recommendations. A draft report is

submitted to the EO Compliance Supervisor and EO Officer for review and approval. The report is then forwarded to the appropriate manager and Operations Deputy Director for response and development of any needed corrective action plan. The corrective action plan, including specific steps to be taken, due dates and identification of each responsible person, is then included in the Final Report. The Final Report is approved by the EO Officer and submitted to the Director. Operations management is responsible for taking appropriate steps to ensure compliance with any related corrective action plan, and the EO Office is responsible for conducting any necessary follow-up. The Final Report includes the following items:

A. On-site review Findings and Recommendations

- a. ADA facility requirements
- b. EO posters, EO pamphlets/notices and ADA poster
- c. Staff interviews
- d. Language assistance

B. Employment Service Findings and Recommendations

- a. Referrals and Placements
- b. Wage patterns
- c. Non-Service
- d. Registrations
- e. Job orders

C. Unemployment Insurance Findings and Recommendations

- a. Allow/Denial rates
- b. Adjudication reviews
- c. EO documentation
- d. EO data collection

5. CONDUCTING FOLLOW UP

- A. Operations Bureau formally responds in writing to the recommendations. A copy of Operation's response is included in the final report, and the report is sent to the EO Officer for review and approval. The Director of the Bureau receives the final report in its entirety.
- B. Follow up with local office occurs within scheduled monitoring timetable or as directed by the EO Officer.
(See IDES Local Office Monitor Reports attached hereto).

VIII. Complaint Processing Procedures - Section 38.72 Through 38.73

In Illinois, individuals have the option of filing a discrimination complaint with either the LWIA EO Officer, the State EO Officer, or the CRC; therefore, each LWIA is responsible for creation and implementation of their own complaint processing procedures.

Recipients That Must Comply with Complaint Procedures

A recipient is any entity that qualifies and receives financial assistance to provide WIOA programs or services. Illinois workNet Center partners are treated as recipients and are subject to the nondiscrimination and equal opportunity requirements based on their participation in the workNet Center delivery system. The list of recipients that must comply with EOMC's complaint procedures include, but is not limited to:

- State-level agencies that administer WIOA funds;
- State Employment Security Agencies (UI);
- State and Local Workforce Investment Boards;
- LWIA Grant recipients;
- workNet Center operators and partners;
- Providers of services, and benefits;
- On-the-job (OJT) employers;
- Center operators (excluding federally operated centers); and
- Placement agencies, including Job Corps contractors that perform these functions.

Key Elements of the Complaint

29 CFR 38.70 outlines specific elements that must be apparent in the recipient's complaint processing procedures. The procedures must include the following:

1. Initial written notice including:
 - Acknowledgment of the written complaint
 - Notice to the complainant of his or her right to be represented in the complaint process.
2. Written statement of issues including:
 - List of the issues raised in the complaint
 - Statement whether the recipient accepts the issue for investigation or rejects the issue and the reasons for each rejection
3. Process for investigation or fact-finding:
 - The choice to use customary process rests with the complainant
4. Alternative Dispute Resolution Process:
 - Choice for the complainant to use ADR or the customary process
 - Provision for any party to file a complaint with the CRC Director if ADR agreement is breached

5. Written Notice of Final Action including:

- The recipient's decision and explanation (investigation or fact-finding) or of the way the parties resolved the issue if using ADR;
- A notice stating that if the complainant is dissatisfied with the recipient's resolution of the complaint, he or she has the right to file a complaint with CRC within 30 days
- Notice of final Action (90 days); and
- Record keeping.

Jurisdiction

Any person, or any specific class of individuals, who believes that they have been or are being subjected to discrimination on the basis of race, color, national origin (including limited English proficiency), religion, sex (including pregnancy, childbirth and related medical conditions, sex stereotyping, transgender status, and gender identity), age, disability, political affiliation or belief and, for participants only, citizenship may file a complaint under WIOA. Examples of typical complainants include, but are not limited to:

- Applicants and/or registrants for aid, benefits, services, or training;
- Eligible applicants/registrants;
- Participants;
- Employees;
- Applicants for employment;
- Service providers who may be attributed a racial, national origin, or other characteristic entitled to protection under WIOA; and
- Eligible service providers.

Complainants may file a written complaint either on their own or through a representative. These complaints can take one of three forms: individual, class action, or third party. An individual complaint occurs when an individual alleging he had been personally subjected to discrimination. A class action complaint occurs when one or more individuals file the complaint. This action is not only on behalf of themselves, but also on behalf of a group of similarly situated individuals. Class action complainants must have "standing" by being a member adversely affected class and have been injured by the alleged discrimination. In addition, all individuals included in the complaint must provide a signed consent document. Class action secures a remedy that eliminates the following:

- a. Discrimination against person(s) named in the complaint;
- b. Discrimination against other injured parties, regardless of whether they have been individually named in the complaint; or
- c. Discrimination caused by a practice or policy.

Lastly, EOMC accepts third party complaints when an authorized representative of injured individual (s), alleges discrimination against another group or individual after being subjected to discrimination. The complainant may file a discrimination charge if an

organization, such as the NAACP, provides the necessary contact information for the injured party.

Information Required for a Complaint

A complaint must be filed in writing using the complaint form developed by the State or the CRC's Complaint Information Form and must contain standard information as described in 29 CFR 38.70:

- Complainant's contact information;
- The identity of the respondent or entity alleged to have discriminated;
- Correct jurisdiction;
- Timeliness of filing (180 days of the alleged incident filing timeframe); and
- A signature from the complainant or their authorized representative

It is important that the allegations be described in sufficient detail to determine the apparent merit of the complaint covered by EOMC's jurisdiction. This means that the allegation of discrimination, or complaint, if proven true, would violate WIOA regulations. There is no apparent merit if the allegation of discrimination does not reference a basis prohibited under Section 188 of WIOA. Once the complainant demonstrates apparent merit, EOMC then establishes:

Written Notification

A Notice of Receipt will be issued within five (5) working days from the date of receipt of a written complaint. Should the complaint be accepted or rejected for jurisdictional reasons, EOMC will send the complainant a Written Notice of Lack of Jurisdiction including:

- The reason(s) for the determination;
- Notice that the complainant has a right to file a complaint with the CRC within 30 days of receiving the Written Notice of Lack of Jurisdiction.

90-day Processing Timeframe

Within 90 days of receipt of the complaint, EOMC will either issue:

- A Written Notice of Lack of Jurisdiction; or
- Refer the complainant to another federal grant-making agency for investigation where there is dual jurisdiction; or
- Issue a Written Notice of Final Action.

Notice of Complaint Processing Procedures

All Illinois workNet Centers, affiliates, contractors, and partners may access EOMC's complaint processing procedures on DCEO's website. Applicants receive a copy and are required to sign a statement indicating they understand the complaint processing procedures. Recipients may receive alternate formats to all handouts upon request. In addition, DCEO's web site provides a link to resources that will tell recipients what to do if they experience discrimination.

Roles and Responsibilities

The State WIOA EO Officer has overall responsibility for developing and implementing complaint procedures, as well as ensuring appropriate complaint processing training to LWIA EO Officers. The State WIOA EO Officer provides oversight, monitoring and technical consultation for the processing of all discrimination complaints regarding WIOA Title I services, including provision of the ADR required under 29 CFR Part 38.85.

Responsibilities for LWIA EO Officers include:

- Adopting, publicizing and implementing the state discrimination process in their area in accordance with these regulations;
- Assisting customers in filing a complaint;
- Providing oversight and monitoring for logging, tracking, reporting and processing of all discrimination complaints filed regarding WIOA Title I services;
- Providing EO guidance to local intake services for discrimination complaints to determine if the complaint is covered by 29 CFR Part 38, resolving jurisdictional issues, and, if appropriate, routing the complaint to the appropriate entity for processing;
- Monitoring the activities of the recipient to ensure that nondiscrimination and equal opportunity obligations are not being violated, and to review written policies to ensure that those policies are nondiscriminatory;
- The LWIA EO Officer confers with the State WIOA EO Officer promptly upon receipt of the complaint, prior to determining jurisdiction over the matter; and
- Conducting the fact-finding, facilitating mediation as appropriate, and issuing Notices of Final Action in complaints filed at the local level.

Record Keeping

Both the LWIA EO Officer and the State WIOA EO Officer shall maintain records regarding complaints and actions taken for three years from the date of resolution of the complaint. All complaints will be annotated on a Complaint Log. The complaint log instructions detail what information is gathered, such as:

- The date the complaint was received;
- The name and address of the complainant; category of complainant (i.e., employee, applicant, participant, client or organization);
- Status of the complaint;
- Was this a DOL Funded Program;
- Date of alleged discrimination;
- The basis/ issue(s) of complaint;
- The name and address of the respondent; category of respondent (service provider, administrative entity, grant recipient or private employer);
- Is the complainant a WIOA recipient;
- Disposition of Complaint
- Date and results of determination, and
- Was ADR used? (Yes/No)

Alternative Dispute Resolution (ADR)

ADR consists of a variety of approaches and techniques for dispute resolution that include coaching, facilitation, mediation, and arbitration. Each ADR technique provides an opportunity to discuss and consider possible solutions with the assistance of a neutral third party. The Notice of Receipt contains information instructing the complainant of ADR and the options available. If the complainant selects ADR, and the method proves unsuccessful in mitigating their complaint, the complainant can select another technique of ADR. Should a situation arise that necessitates a third-party dispute professional, the Office of Equal Opportunity Monitoring and Compliance will contract with an appropriate service vendor to conduct the ADR activity.

Due Process

Upon receiving and processing the complaint, EOMC provides written notice to all parties who have a legitimate interest in the complaint. Regulations require that an “impartial” decision-maker investigate and process complaints. All parties receive due process during the investigative process including:

- Representation;
- Present evidence;
- Question others who present evidence;
- File with CRC when they are not satisfied with an agency’s decision; and
- Decisions should be made strictly based on evidence gathered (no outside factors will be taken into consideration).

Fact Finding/Investigation

Both State and LWIA investigators gather information relating to the alleged discriminatory actions during the fact-finding process, including:

- Discussions with the complainant to record all elements of the complaint;
- Interviews with any witnesses or others who have knowledge of the issue involved;
- Review of written and electronic files and records which pertain to the complainant and the alleged discrimination; and
- Interviews with the respondent.

Notice of Final Action

The Complainant receives a written Notice of Final Action within 90 days of the receipt of a complaint. If the investigating authority finds reasonable cause to believe that the respondent has violated the nondiscrimination and equal opportunity provisions of WIOA, the Notice of Final Action shall include:

- The specific findings of the investigation;
- An explanation of the reasons underlying the decision;
- A description of the way the parties resolved the issue;

- The corrective action and timeline; and
- Notice that the complainant has the right to file a complaint with the Civil Rights Center Director within 30 days of the issuance date of the Notice of Final Action if the complainant is dissatisfied.

Retaliation

DCEO has a zero-tolerance policy that prohibits retaliation, intimidation, or reprisal during any protected activity during complaint investigations. Individuals have the right to file complaints if they believe they have been subjected to intimidation, coercion, or other threatening behavior because they:

- Filed or threatened to file a complaint;
- Opposed a practice prohibited by the non-discrimination and equal opportunity provisions of WIOA; or
- Exercised any rights and privileges, including furnishing information to, or assisting in any manner, an investigation, review, hearing, or any other activity related to the provisions under 29 CFR 38.

In general, EOMC maintains confidentiality regarding the identity of individuals who file complaints, supply information, oppose discriminatory actions or behaviors, or participate in investigations.

IDES has also implemented policies and procedures to ensure its obligations with respect to discrimination complaint processing procedures are in compliance with WIOA and federal regulations. IDES Office of Equal Employment Opportunity/Affirmative Action has designated responsibility for the development and implementation of procedures for processing complaints alleging discrimination under the provisions of 29 CFR Part 38.72-38.73 to its Investigations Manager.

The Illinois Department of Employment Security has adopted and published procedures providing for the prompt and equitable resolution of complaints alleging violations of the nondiscrimination/equal opportunity provisions. The IDES EO Officer has adopted and published the complaint procedures and ensures that they are followed. Furthermore, the EO Office maintains logs of discrimination complaints filed. Such logs contain the name and address of the complainant, basis and description of complaint, date filed and disposition of complaint. The complaints received are from IDES employees or manager referrals, the Equal Employment Opportunity Commission, the Illinois Department of Human Rights and IDES clients.

All internal publications reflect the following information: ensure that all time frames associated with the filing of complaints are spelled out (time frames are currently spelled out in the Affirmative Action Plan); instructions for filing complaints directly with the Civil Rights Center (CRC). The filing of a time extension is granted by the CRC Director; and EO

internal policy and procedures for processing complaints ensure that all required information is provided to and obtained from complainant. All external complaints are handled in accordance with State and Federal regulations. The "EO Is The Law" poster which is posted in all local offices and other work areas provides detailed instructions for filing complaints.

The non-discrimination plan requires the State to describe how it ensures that complaint procedures have been developed and published; provide an initial written notice to the complainant which acknowledges that the complaint has been received; and provide to the complainant a written statement containing a list of issues raised in the complaint. It also requires that: a period of fact-finding or investigation of the complaint occur; a period exist wherein an attempt to resolve the complaint is made; a written notice of final action be provided to the complainant; and along with the notice of final action, a notice that the complainant has a right to an appeal.

To address these requirements, the IDES EO Office developed a formal, detailed, step-by-step approach relative to the management, investigation and disposition of EO cases. The complaint procedures and policy include an Alternative Dispute Resolution Process. This formal process is explained in the enclosed policy and procedure sections 1200 and 1201 and adheres to the requirements set forth in the Federal guidelines for The Non-Discrimination Plan. (See EO Policies and Procedures 1200 through 1207 attached hereto).

XI. CORRECTIVE ACTIONS/SANCTIONS 29 CFR 38.90 – 38.100

Recipients determined to be in violation of the nondiscrimination portions of the WIOA because of a discrimination complaint, monitoring reviews or both, are required to take prompt corrective and/or remedial action.

Corrective Actions

A corrective action is required from a recipient when there is probable cause to believe a violation of the nondiscrimination and equal opportunity requirements of WIOA has occurred. A violation is a failure to comply with WIOA regulation and may range in seriousness from an infraction, or a technical violation, to a more significant discrimination violation. DCEO recognizes two different types of violations that if identified, must require corrective actions.

Technical Violation

Technical violations are based on a strict adherence contained within the implementation of the nondiscrimination provisions of 29 CFR Part 38 and to the policy, rules and procedures predicated from all applicable Federal and State laws. For example, a technical violation

involving the failure to include tag lines in a communication would result in a corrective action to re-issue the communication with the tag lines included.

Whole Relief

Discrimination violations tend to be more serious breaches of regulations and may require more investigation than technical violations. To correct a discrimination violation, the appropriate corrective action shall include provisions to make “whole relief.” Make-whole relief retroactively provides the victim(s) with whole or full monetary compensation or program services that may have been wrongly denied because of the discriminatory practice by bringing the person to the condition they would be in if, the discrimination had not occurred. Such relief might involve back pay, front pay, retroactive benefits, training, or any service discriminatorily denied.

Violation Compensation

Corrective action procedures include the execution of a written agreement or assurance documenting that the violation has been or will be corrected in a time frame that demonstrates that the corrective action will be completed as soon as possible. The procedures must also include the steps to be taken to ensure that the violation is not repeated. Federal funds may not be used to provide make-whole or any other form of monetary relief. The recipient is obliged to find another financial source, such as local tax dollars, to compensate the victim.

Both technical and discriminatory violations require corrective actions to be addressed in a timely, appropriate, and reasonable manner. An appropriate corrective or remedial action is designed to completely correct each violation. DCEO will seek corrective action from an LWIA in the following circumstances:

- Technical deficiencies such as a failure to follow through on written assurances or a barrier to universal access causing a disparate impact in services;
- Assessment of the circumstances surrounding a complaint and/or grievance, and/or the use of desk audits, on-site reviews, investigation, or other fact-finding tools in conjunction with the assessment process, reveals barriers to equal opportunity or access to WIOA services; and,
- Refusals to implement voluntary corrective action, submit requested data or documentation, or provide access to premises or records during a compliance review.

Conciliation Agreements

When it is not possible to immediately carry out or complete a corrective action, a conciliation agreement is required. Examples of this situation include, but are not limited to instance involving:

- Correcting and republishing a brochure to include appropriate language regarding access for individuals with disabilities;
- Developing and delivering an EO training program; or,
- Providing whole relief to an individual or group of participants.

The conciliation agreement must follow the guidelines listed below:

- The agreement must be in writing and describe the violation(s);
- Specify the time frame for the applied corrective or remedial action
- Be sufficient in scope to avoid reoccurrence
- Institute periodic reporting on the status and allow for enforcement procedures

The State WIOA EO Officer and/or Local EO officer must follow up to ensure that Prospective Relief Plans and Conciliation Agreements are fulfilled.

Sanctions

When a recipient does not have the capacity to correct a violation(s), or when it's clear that the recipient has failed or refuses to do so, DCEO is required to respond by imposing sanctions. EOMC has procedures in place to impose sanctions when all attempts to aid voluntary correction of a violation have failed, or when it is apparent that the recipient fails or refuses to correct the violation within the timeframe established. DCEO reserves the right to take enforcement proceedings as approved by the Director of DCEO when corrective actions are not carried out to comply with WIOA regulations include suspension, termination, and denial of funding. DCEO explicitly considers sanctions as the actions enforced through judicial process when a recipient refuses or fails to carry out corrective actions.

Due to either findings of discrimination as part of a complaint investigation, or compliance review, written notifications shall be issued to recipients of their noncompliance. Supportive documentation will indicate findings and methods to accomplish voluntary compliance in a corrective-action plan. The State WIOA EO Officer works with the non-compliant entity to establish necessary schedules to correct the violation. In the case of a finding of discrimination, the corrective-action plan must provide for whole relief. The State WIOA EO Officer may make recommendations for sanctions to the DCEO Director when the recipient does not comply with the established action plan.

IDES has also implemented policies and procedures to ensure its obligations under "Corrective Action and Sanctions" section 38.90 through 38.100 of the federal regulations are followed.

1. Summary

IDES has established procedures for obtaining prompt corrective action and applying necessary sanctions when noncompliance is found with respect to the services, benefits and programs it administers. These procedures have been established with respect to IDES employees as well as IDES itself, and address discriminatory non-compliant conduct directed at IDES employees and IDES clients. IDES contractors may also be held accountable by IDES for violations of various Federal and State nondiscrimination and EO statutes and rules.

2. Organizational

The Department of Employment Security is organized to provide program services through a system of local offices reporting to six (5) Regional Office Managers, who report to the Executive Deputy Director of Service Delivery. The Department also provides program services via the Internet. The managers of the Department's Internet services report to the Deputy Director of DoIT. The managers of the Department's administrative operations report either to the Executive Deputy Director of Administration or to the IDES Director. The Executive Deputy Directors and Deputy Director report directly to the IDES Director, which enables the resolution of complaints and violations quickly at the highest levels of the Department."

Corrective and remedial action may take place whenever IDES, an IDES employee, or an IDES contractor is as the result of an Equal Opportunity Compliance Review or the investigation of a complaint. The Office of Equal Opportunity is responsible for conducting EO Compliance reviews and complaint investigations of alleged discrimination and for issuing notifications of violation when violations are found.

3. Violations involving IDES

Notification will go to the Executive Deputy Director of the affected division as well as to the Department Director. Every IDES employee is required to sign the IDES Code of Ethics. In signing this document, the employee agrees to abide by its terms and conditions, which includes EO, Affirmative Action and Sexual Harassment provisions. Included in the Code of Ethics is a description of the sanctions applied in the event of noncompliance. Additionally, as discussed previously, IDES Policies/Procedures 1200 through 1207 establish procedures for obtaining prompt corrective action and applying necessary sanctions when noncompliance is found with respect to the Departments nondiscrimination policies. In the event of noncompliance, both the Department and its employees are subject to these noncompliance provisions. Disciplinary actions are described in IDES Policy and Procedures 2002. In the event employees or clients have been found to have been discriminated the EO Officer will make recommendations to the Department for corrective action including training or discipline.