NH Nondiscrimination Plan

Appendix II. Equal Opportunity Officers
SUPPLEMENTAL JOB DESCRIPTION

Classification: Administrator IV  Function Code: 0072-035

In-House Title: Administrator of Operations  Date Established: 05/04/09

Position Number: 43644  Date of Last Amendment: 

Employee: Jacqueline Heuser  Supervisor: Will Arvelo

SCOPE OF WORK: Administers agency objectives by authorizing and directing workforce opportunity/investment procedures for the Department within the Division of Economic Development.

ACCOUNTABILITIES:

Authorizes the development and policies and procedures relative to workforce opportunity

Prepares annual budget and fiscal reports; monitors fiscal performance of all sub-contractors against contract/federal requirements, preparing and submitting quarterly federal financial reports on all grants.

Reviews monthly financial statements for inconsistencies and/or inaccuracies; monitors corporate expenditures and recommends appropriate action regarding variances.

Oversees the annual external audit, ensuring that requested information and/or reconciliations are completed in a timely fashion.

Manages and supervises other professionals in developing and implementing policies and procedures.

Reviews all Requests for Proposals (RFPs) before issued to ensure consistency with various corporate/legal requirements of certifications, neutrality, scoring requirements, etc. and reviews all contracts before issued to ensure consistency with various corporate/legal requirements, negotiating new contracts or initiatives as appropriate.

Recommends new grant initiatives after evaluation of the grant mission against the mission/strategic plan and organization's oversight ability based on financial and staff resources.

Acts as grant management resource, as appropriate, and performs program management of discretionary grants issues.

Negotiates and oversees vendor contract(s) for the WIA Reporting System (e Teams, PACIA, Application Service Provider (ASP)) including enhancements and ongoing system maintenance, as well as the WIA Customer Satisfaction Survey.

Ensures that all required WIA participant and financial reports are submitted in an accurate and timely manner.

Acts as WIA state-designated equal opportunity officer.
MINIMUM QUALIFICATIONS:

Education: Master's degree from a recognized college or university with major study in business administration, public administration, or accounting.

Experience: Eight years' experience in grant monitoring and/or preparation, five years of which must have been in a management level position involving administrative or supervisory duties concerned with program administration, program planning and evaluation, business management or related management experience. Each additional year of approved work experience may be substituted for one year of required formal education at the graduate level only.

LICENSE/CERTIFICATION:

SPECIAL QUALIFICATIONS:

DISCLAIMER STATEMENT: The supplemental job description lists the essential functions of the position and is not intended to include every job duty and responsibility specific to the position. An employee may be required to perform other related duties not listed on the supplemental job description provided that such duties are characteristic of that classification.

SIGNATURES:

We have reviewed and discussed the content of the above job description, and certify that it is an accurate reflection of this position's duties.

_________________________  ___________________________
Employee's Signature                           Date Reviewed

Supervisor's Name and Title: Jeffrey Rose, Commissioner #9U092

_________________________  ___________________________
Supervisor's Signature                           Date Reviewed

Human Resources Representative

12/18/14

Date Approved
SUPPLEMENTAL JOB DESCRIPTION

CLASSIFICATION: Administrator III
FUNCTION CODE: 0071-027

POSITION TITLE: Administrator of Integrity Programs and Information Security Officer
DATE ESTABLISHED: 08/15/88

POSITION NUMBER: 11299

DATE OF LAST AMENDMENT: 7/7/17

Scope of Work: Directs the activities of the Department of Employment Security’s Internal Security Program to promote and maintain a safe and secure environment for employees and customers and to ensure the security of department facilities and assets. Administers the Department’s Unemployment Compensation Integrity Programs by planning short and long term organizational goals, formulating, and developing/revising program processes and procedures as required by state and federal law.

Accountabilities:

- Serves as the Agency Information Security Officer (ISO), develops, implements, and supervises security policies and procedures for NH Employment Security to ensure a high level of information and cyber security and to protect the confidentiality, integrity, and availability of agency and client data and information assets in compliance with state and federal regulatory requirements. Represent NHES on the State of NH Cyber Security Advisory Council. Manages and coordinates the Department’s participation in federally mandated audits and system security reviews.

- Works in conjunction with state and federal agencies, including but limited to: the US Department of Labor (USDOL), Social Security Administration, US Treasury, Internal Revenue Service, NH Office of Child Support & Enforcement, and NH Attorney General’s Office, regarding a broad range of information security issues, actual or suspected data breaches, identity theft and fraud prevention, and also regarding data access and information sharing among agencies where permitted or required by law. Serves as the department’s Systems Security contact responsible for notifying state and federal partners in the event of a data loss or breach.

- Administers the New Hampshire Employment Security Integrity Programs; manages section supervisors, conducts performance evaluations, and support staff in executing integrity program efforts related to the detection, deterrence and prevention of fraud, waste, and abuse; to include the activities of the Quality Control, Benefit Payment Control and the Claims Representative, Units, in accordance with USDOL requirements.

- Serves as the New Hampshire Employment Security, Equal Opportunity Officer (EEO), develops and implements policies and procedures and monitors performance to ensure the effective administration of the Department’s legal responsibilities under applicable state and federal Equal Opportunity and nondiscrimination laws and regulations for federally funded programs. Ensures the timely investigations of allegations of discrimination. Provides direction to the Commissioner, Deputy Commissioner, managers and staff regarding appropriate remedial action if violations are alleged.

- Oversees, analyzes, and directs the New Hampshire Employment Security Continuity of Operations Program (COOP) and disaster recovery plans. Monitors agency-wide implementation of security policies and procedures in accordance with State and US Department of Labor COOP initiatives.

- Participates in matters of agency policy, administrative rules, and program legislation to maintain the integrity of programs administered by the department. Authorize and oversee grant allocations and expenditures for security activities and integrity program operating costs; participate in planning agency budget and long and short term fiscal objectives.

- Researches and develops a broad range of regularly scheduled reports for the Unemployment Insurance Integrity Program and the Security and Equal Opportunity activities, to demonstrate and track outcome
measures and overall program performance in accordance with state and federal regulations.

- Develops, evaluates, and presents reports, program information/data, and training materials for agency administration, partners, and personnel regarding systems and operational security, federal compliance, and integrity programs.

MINIMUM QUALIFICATIONS:

**Education:** Master's degree from a recognized college or university with major study Business Administration, Project Management, or Public Administration.

**Experience:** Seven years' experience in personnel or industrial relations or professional experience in public employment service, unemployment compensation or state labor law, four years of which must have been in a management level position involving administrative or supervisory duties concerned with program administration, program planning and evaluation or related management experience.

**OR**

**Education:** Bachelor's degree from a recognized college or university with major study in Business Administration, Project Management, or Public Management.

**Experience:** Eight years' experience in personnel/industrial relations or professional experience in public employment service, unemployment compensation or state labor law, four years of which must have been in a management level position involving administrative or supervisory duties concerned with program administration, program planning and evaluation or related management experience.

**License/Certification:** Valid Driver’s License.

**RECOMMENDED WORK TRAITS:** Knowledge of program administration and evaluation. Knowledge of state and federal laws relating to the programs within assigned area. Knowledge of the principles of supervision, administration, and community organization as applicable to specialized program area. Ability to prepare budgets. Ability to express ideas clearly and concisely both orally and in writing. Ability to evaluate and analyze program effectiveness and resource management. Ability to speak before public groups and legislative committees. Ability to establish and maintain effective working relationships with federal, state and other public officials. Must be willing to maintain appearance appropriate to assigned duties and responsibilities as determined by the agency appointing authority.

**DISCLAIMER STATEMENT:** The supplemental job description lists typical examples of work and is not intended to include every job duty and responsibility specific to a position. An employee may be required to perform other related duties not listed on the supplemental job description, provided that such duties are characteristic of that description.

**SIGNATURES:**
I have reviewed the content of this supplemental job description with my supervisor.

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<thead>
<tr>
<th>Employee's Name</th>
<th>Employee’s Signature</th>
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<tbody>
<tr>
<td>Supervisor's Name and Title:</td>
<td>Deputy Commissioner, #9U591</td>
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I have discussed the work responsibilities outlined by this supplemental job description with the above employee.

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<th>Supervisor's Signature</th>
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<td>Jennifer J. Elberfeld</td>
<td>7/7/17</td>
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**Division of Personnel**
Dear WIOA Equal Opportunity Officers:

As the State is in the process of developing its WIOA Nondiscrimination Plan, we wanted to share related training materials:

- The most recent listing of EO Officers.
- The EO Officer Roles and Responsibilities
- Presentations from the US Department of Labor – Office of Civil Rights
  - CRC Updates Section 188 WIOA Equal Opportunity Regulations
  - Disability Roundtable
    - Accessibility (DOL Training Access)
    - Enforcing Federal Anti-Discrimination Laws (EEOC)
    - Limited English Proficiency

Please keep in mind that there are a number of Equal Opportunity Policies developed by the State of New Hampshire that can be found through the link https://das.nh.gov/hr/hr-policy.aspx

- Americans with Disabilities Act
- State Domestic Violence in the Workplace Policy
- State of NH Policy on Sexual Harassment Policy
- State of NH Transgender Policy
- Employee Gender Transition Form
- Executive Order 2016-04

In addition, there are also related policies available through the NH Commission for Human Rights https://www.nh.gov/hrc

- Pregnancy Discrimination
- Disability Discrimination
- Mediation Resolution Program

Rather than having a training, we are choosing to share the material for your review. If you have any questions, please contact either Bonnie St. Jean or Jackie Heuser. Please return to me by August 1st an email confirming your receipt of these materials and your review. If we do not receive your confirmation, a training session to review these materials will occur.
When the WIOA non-discrimination plan is approved by the Consortium and Governor Sununu, an electronic link will be forwarded to you.

If you have any questions in the interim, please let me know.

Thanks.

Sincerely,

Bonnie St. Jean

Division of Economic Development/Office of Workforce Opportunity
Department of Business and Economic Affairs
State of New Hampshire
603-271-0337 (O) 603-419-9900 (C)

nheconomy.com // nhworks.org

Statues and regulations that are applicable may be found through the link https://www.dol.gov/oasam/programs/crc/internal-statutes-regs.htm and include

**Statutes and Regulations**

**Statutes:**

- Title VII, Civil Rights Act of 1964, as amended
- Civil Rights Act of 1991 (DOC)
- Equal Pay Act of 1963, as amended
- Genetic Information Nondiscrimination Act of 2008 (DOC)
- Lilly Ledbetter Fair Pay Act of 2009 (DOC)
- Age Discrimination in Employment Act of 1967, as amended (DOC)
- American with Disabilities Amendments Act of 1990, as amended (PDF)
- Rehabilitation Act of 1973, as amended (DOC)
- Civil Service Reform Act of 1978 (PDF)
- Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act)

**Executive Orders:**

- Executive Order 13145 To Prohibit Discrimination in Federal Employment Based on Genetic Information
- Executive Order 11478 Equal Employment Opportunity In The Federal Government, as amended

• **Executive Order 13087** Equal Employment Opportunity in the Federal Government (PDF 58Kb)

• **Executive Order 13152** Equal Employment Opportunity in the Federal Government (PDF 132Kb)

• **Executive Order 13163** Increasing the Opportunity for Individuals With Disabilities To Be Employed in the Federal Government (PDF)

• **Executive Order 13164** Requiring Federal Agencies To Establish Procedures To Facilitate the Provision of Reasonable Accommodation (PDF)

• **Executive Order 13548** Increasing Federal Employment of Individuals with Disabilities (PDF)

**Federal Regulations and Policies:**

• **DOL FEO Alternate Dispute Resolution Program Policy** (PDF) | (HTML)


• **Equal Employment Opportunity Commission's Management Directive 110 Complaint Processing**


• **Harassing Conduct Policy Statement**, December 2017

• **DOL’s Policy on Equal Employment Opportunity**, December 2017
New Hampshire Works

EO Officer Roles and Responsibilities

EO Officer Responsibilities

- Conducting outreach and education about equal opportunity and nondiscrimination requirements, including how to file a complaint of discrimination.
- Undergoing training to maintain the competency of the EO Officer and staff.

Selecting an Equal Opportunity Officer

- Must be a "senior-level" employee.
- Must have access to the "top officials" to report directly on EO matters.
- Must not be assigned other (non EO-related) duties or activities that create either an actual or apparent conflict of interest with the responsibilities of an EO officer.

Equal Opportunity Officer’s Roles and Responsibilities

- Know WIOA Section 188 and related civil rights laws that apply to your programs and activities.
- Know your programs and activities from start to finish.
- Develop policies and procedures that apply across the board
  - Assurances
  - Tribal
  - Discrimination complaints
  - Harassment and hostile environment
  - Serving persons with disabilities
  - Serving limited English proficient persons (LEP)
  - Handling religious-based accommodation requests
- Regularly train responsible staff
- Monitor your programs and activities

Equal Opportunity Officer’s Roles and Responsibilities

- Conducts monitoring and discrimination complaint investigations
- Reviews the recipient’s written policies and procedures to ensure they are nondiscriminatory
- Develops and publishes discrimination complaint procedures
- When appropriate, the EO Officers participates in the development and implementation of the State’s Nondiscrimination Plan.
Section 188 applies to who?

• These statues apply to all recipients and sub-recipients of WIOA Title I related assistance including but not limited:
  - NH Works Partners
  - Government agencies
  - Successors, transferees, or assignees of WIOA-related assistance in the form of loans, grants, property, federal personnel, etc.
  - On the job training contractors
  - Eligible training providers
  - Apprenticeship Programs
  - Service providers for a WIOA program or activity
  - Contractors that are part of the delivery process for the WIOA program or activity

Plan of Action

• Post statues enforced by the US Dept. of Labor and the prohibited bases of discrimination covered by the statues on:
  - Websites
  - Handbooks
  - Internal manuals
  - Written Notices
  - Recruitment and orientation materials

  **Notify the public of their rights**

Plan of Action

• Know your program, activities and services
• Training your staff on the prohibited bases.
• Ensure "Equal Opportunity is the Law" posters are posted
• Make sure staff have the necessary resources for persons with disabilities and LEP customers
• Ensure “assurance language is in all contracts, agreements, MOU’s, etc.”

Assurance Statement

• Section 504 of the Americans with Disabilities Act of 1973, as amended, which prohibits discrimination on the basis of race, color, religion, sex (including pregnancy), national origin, age, disability, or on the basis of sexual orientation or gender identity.
• Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, national origin, or on the basis of sex in programs or activities receiving Federal financial assistance.
• Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of disability in programs or activities receiving Federal financial assistance.
• The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age.
• Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs or activities.
• Comply with 29 CFR part 38 and all other regulations implementing the laws listed above.

TAG LINE

• (name of organization), a member of the NH Works/America’s Job Center System and WIOA financially assisted program, is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with a disability.

Plan of Action

Monitoring Programs and Activities

• Ensure data is collected in different formats for various purposes.
• OWO performs statistical analyses to ensure compliance (annually) for its contractors; other programs need to ensure statistical analyses are occurring annually.
• Data is collected on a variety of individuals taking advantage of your programs and activities including:
  - Applicants
  - Registrants
  - Eligible applicants and eligible registrants
  - Participants
  - Terminatees
  - Employees and applicants for employment, where appropriate.
Ensure you have policies in place to address:

- Individuals with disabilities
  - Accommodations/modifications
- Harassment and Hostile Environment
- Serving Limited English Proficient Persons
  Great resource (www.lep.gov)

Thank you to the States of Utah and Missouri in the development of the initial training.
Background

- The workforce development system is the backbone of job training and education in the United States.

- It provides millions of jobseekers and workers the opportunity to learn new skills and obtain new and better jobs.

- The system also serves a critical role in bringing together workers and businesses to ensure that workers can find good jobs and that employers can find the skilled workers they need.
Background

- An essential element of the workforce development system is its accessibility to everyone on an equal basis.

- The Department of Labor's Civil Rights Center (CRC) is tasked with ensuring that all people can access the programs, services, and benefits that the system provides, equally and free from unlawful discrimination.

- These principles are vital to a successful workforce development system.

Background

- CRC has updated the regulations implementing the equal opportunity provisions of the bipartisan Workforce Innovation and Opportunity Act (WIOA), which was signed into law in July 2014, to protect participants and other beneficiaries in the workforce development system.
Nondiscrimination and equal opportunity for individuals with disabilities

- Requires that facilities, programs, services, technology, and materials must be physically and programmatically accessible, and
- that auxiliary aids and services may be required to ensure that communications with individuals with disabilities are as effective as communication with others


- This Guide will be updated with the new regulatory citations and re-released in the coming weeks.
- Available for download at www.dol.gov/crc
Important Updates

- The Final Rule provides important updates to the existing regulations, which have not been substantively updated since 1999.

- The old rule did not reflect the many developments in civil rights law since that time, changes in the CRC's enforcement procedures and processes, or new practices of beneficiaries and recipients of WIOA Title I financial assistance (for example, the routine use of computer and internet-based systems).

- The update ensures the entire workforce system is aware of current equal opportunity rights and responsibilities of beneficiaries and recipients of WIOA Title I financial assistance.

- This rule increases equality of opportunity for the millions of job applicants, training participants, program beneficiaries, and employees of recipients who interact with the workforce development system each year.
The rule’s updates also enhance access to the system, in particular for people with disabilities, individuals with limited English proficiency, transgender individuals who may face various forms of sex discrimination, and individuals who are pregnant, have had a child or have related medical conditions.

What’s New in the Final Rule

- CRC has revised its regulations to implement the nondiscrimination and equal opportunity obligations under WIOA Section 188.

- Section 188 prohibits discrimination against individuals in any WIOA Title I–financially assisted program or activity, which includes job training for adults and youth and programs or activities provided by recipients at American Job Centers (one-stop centers).
These programs or activities may not refuse to offer or provide services to individuals because of their race, color, religion, sex, national origin, age, disability, or political affiliation or belief.

Discrimination on these bases is also prohibited against employees who are employed in the administration of, or in connection with, any WIOA Title I-financially assisted program or activity.

Beneficiaries, applicants, and participants – as defined by the Final Rule – cannot be denied covered services because of their citizenship status, and cannot be denied their rights because of participation in a WIOA Title I–financially assisted program or activity.
The rule applies to recipients of WIOA Title I financial assistance and to programs and activities that are operated by American Job Center partners (one-stop partners) as part of the American Job Center system (one-stop delivery system), such as Unemployment Insurance, Temporary Assistance for Needy Families, adult education, Trade Adjustment Assistance, and others.

The Final Rule ...

Updates the nondiscrimination and equal opportunity provisions to align them with current law and legal principles.

The rule captures developments since 1999 under the following laws, reflected in case law and in regulations issued by other Federal agencies, including the Departments of Justice and Education and the Equal Employment Opportunity Commission:
- Title VI and Title VII of the Civil Rights Act of 1964;
- Title IX of the Education Amendments of 1972;
- The Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008; and
While the rule makes many substantive changes since 1999, the final rule does not impose significant new obligations on recipients.

The rule’s updated provisions generally reflect obligations already imposed by changes to other nondiscrimination and equal opportunity laws.

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The Final Rule...

- Ensures protection from discrimination based on pregnancy.

The rule makes clear that sex discrimination includes discrimination based on pregnancy, childbirth, and related medical conditions, in accord with the Pregnancy Discrimination Act of 1978, which amended Title VII of the Civil Rights Act of 1964, and in accord with Title IX of the Education Amendments of 1972.
The Final Rule …

- Safeguards meaningful access to the workforce system for persons with limited English proficiency (LEP).

- The regulations clarify that discrimination based on national origin includes failing to provide language services to someone with limited English proficiency.

- As such, under the rule, recipients must take reasonable steps to ensure that individuals with LEP have meaningful access to aid, benefits, services, and training.

- These steps may include oral interpretation and written translation of both hard-copy and electronic materials into non-English languages.

- This ensures that individuals with LEP are informed about or able to participate in covered programs or activities.
In addition, the rule clarifies which documents contain "vital" information and thus must be translated into languages spoken by a significant number or portion of the population eligible to be served or likely to be encountered.

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

The rule requires recipients to record the limited English proficiency and preferred language of applicants who seek to participate in the workforce development system to help ensure they have the necessary information to serve individuals with LEP effectively.
Finally, an appendix to the LEP section of the rule describes promising practices to help recipients comply with their legal obligations and includes the components of a plan to facilitate meaningful access for individuals with limited English proficiency.

The Final Rule ...

- Ensures equal access to the workforce system for people with disabilities by bringing the regulations in line with updated disability rights law.

- The rule brings the CRC regulations in accord with the Americans with Disabilities Act Amendments Act of 2008 and the implementing regulations and guidance issued by the Department of Justice, as well as the implementing regulations and guidance issued by the Equal Employment Opportunity Commission.
The rule's updated language ensures that the definition of "disability" will be interpreted broadly, which will enable more individuals with disabilities to be effectively served within the workforce development system.

The rule also addresses accessibility requirements (such as for information and electronic technologies) and service animals.

The Final Rule ...

Ensures that recipients and beneficiaries are aware of the full scope of their responsibilities and rights.

CRC revised the equal opportunity notice or poster that recipients are required to display and distribute in order to ensure that they, and individuals participating in their programs and activities, are aware of the scope of the nondiscrimination and equal opportunity responsibilities and recent developments in law.

As the final rule explains, CRC will make translations of this notice available to recipients in the ten most frequently used languages in the U.S. (other than English).
Changes to the notice reflect, for example, that "sex," as a prohibited basis for discrimination, includes pregnancy, childbirth, and related medical conditions; transgender status and gender identity; and sex stereotyping.

Similarly, the changes make clear that discrimination against persons with limited English proficiency is a form of national origin discrimination.

The Final Rule ...

- Outlines protections against sex discrimination.
- The rule states that discrimination on the basis of transgender status, gender identity, and sex stereotyping are forms of sex discrimination, in accord with similar developments under other civil rights laws.
● The rule specifically states that Section 188's prohibition of discrimination on the basis of sex includes, at a minimum, sex discrimination related to an individual's sexual orientation where the evidence establishes that the discrimination is based on gender stereotypes.

● CRC anticipates that the law regarding sex discrimination will continue to evolve, and CRC will monitor legal developments in this area.

Parting Thoughts

● The new WIOA Section 188 regulations were published in the Federal Register on December 2, 2016 and become effective on January 3, 2017.

● They can be found through the links on our website: www.dol.gov/crc.
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<th>NH Works System Programs</th>
<th>Contact Information</th>
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<tr>
<td>NH Works System State-Wide</td>
<td>NH Works System Programs</td>
<td>Jacqueline Heuser</td>
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<td>Governor’s Liaison:</td>
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<td></td>
<td>Christopher Ellms</td>
<td>172 Pembroke Rd.</td>
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<td>Policy Advisor</td>
<td>Concord, NH</td>
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<td>Office of Governor Christopher T. Sununu</td>
<td>603-271-7275</td>
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<td>Farm Workers, State Veterans Grant, Tax Credits</td>
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<td>NH Department of Education</td>
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<td>Lisa Hatz</td>
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<td>Adult Basic Education</td>
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<td>WIOA Title I Adult/Dislocated Worker – local provider</td>
<td>21 South Fruit Street, Suite 20</td>
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<td>Southern NH Services, Inc.</td>
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<td><a href="mailto:Lisa.Hatz@doe.nh.gov">Lisa.Hatz@doe.nh.gov</a></td>
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<td>Community Action Program Belknap-Merrimack</td>
<td>SCSEP – local provider</td>
<td>Greg Schneider</td>
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<td><a href="mailto:gschneider@snhs.org">gschneider@snhs.org</a></td>
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<tr>
<td>NH Department of Health and Human Services</td>
<td>TANF (work programs)</td>
<td>Teresa Beauchesne</td>
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<td>SNAP (work programs)</td>
<td>Community Action Program, Belknap-Merrimack Counties, Inc.</td>
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<td>P.O. Box 1016</td>
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<td>Jennifer Jones</td>
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<td>Department of Health and Human Services</td>
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<td>NH Job Corps</td>
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<td>Students: Nicole Sirois</td>
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<td>P: 603-695-8806</td>
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<td>Staff: Emily Smith</td>
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<td>NH Job Corps Center</td>
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<td>943 Dunbarton Road</td>
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<td>Nashua Community College –</td>
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<td>Lizabeth Gonzalez</td>
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<tr>
<td>VP of Community &amp; Corporate Affairs/</td>
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<tr>
<td>Title IX Coordinator</td>
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<tr>
<td>(603) 882-6923</td>
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<tr>
<td><a href="mailto:LGonzalez@ccsnh.edu">LGonzalez@ccsnh.edu</a></td>
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<tr>
<td>Manchester Community College –</td>
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<tr>
<td>Terry Chisholm (Student Support Services Counselor) <a href="mailto:tchisholm@ccsnh.edu">tchisholm@ccsnh.edu</a></td>
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<tr>
<td>(603) 206-8177</td>
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<td>White Mountains Community College –</td>
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<tr>
<td>Melissa LaPlante</td>
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<td>Director of Library Services/Title IX Coordinator</td>
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<tr>
<td>(603)342-3029</td>
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<td><a href="mailto:mlaplante@ccsnh.edu">mlaplante@ccsnh.edu</a></td>
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<td>Lakes Region Community College –</td>
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<tr>
<td>Marti Pasqualli</td>
<td></td>
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<tr>
<td>Nursing Department Chair/Professor of Nursing/Title IX Coordinator</td>
<td></td>
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<tr>
<td>(603) 524-3207 x6745</td>
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<tr>
<td><a href="mailto:mpasqualli@ccsnh.edu">mpasqualli@ccsnh.edu</a></td>
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<tr>
<td>Great Bay Community College –</td>
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</tbody>
</table>
EO Officer Roles and Responsibilities

Carolyn Parsons
State Equal Opportunity Officer
Utah Department of Workforce Services

Danielle Smith
State Equal Opportunity Officer
Missouri Division of Workforce Development

Introduction to the Utah System

- Utah is a single state service delivery system
- One Workforce Development Board
- WIOA Title I Programs and Services
- UI
- Employment Exchange Activities
- Food Stamps (SNAP)
- Medicaid
- Childcare
- Housing
- TANF
- Utah State Office of Rehabilitation

State and Local EO Responsibilities

- An Equal Opportunity Officer is responsible for coordinating a recipient's obligations under 29 CFR Part 38 of the Workforce Innovation and Opportunity Act.
- The State EO Officer serves as the recipient's liaison with CRC.
- All EO Officers are responsible for monitoring and investigating the recipient's activities, and the activities of all the entities that receive WIOA Title I funding.

State and Local EO Responsibilities

- Monitoring includes data collection and analysis
- Reviewing all policies and procedures to ensure they are non-discriminatory
- Developing written policies and procedures for processing complaints of discrimination, to include a tracking system of the complaints
- Ensuring LEP policies and procedures are written and followed

State and Local EO Responsibilities

- Conducting outreach and education about equal opportunity and nondiscrimination requirements, including how to file a complaint of discrimination.
- Undergoing training to maintain the competency of the EO Officer and staff.
- Overseeing the development and implementation of the Nondiscrimination Plan.

Missouri Division of Workforce Development
Equal Opportunity Program
**EO Officer Roles and Responsibilities**

Carolyn Parsons  
State Equal Opportunity Officer  
Utah Department of Workforce Services

Danielle Smith  
State Equal Opportunity Officer  
Missouri Division of Workforce Development

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**Missouri Division of Workforce Development**

Equal Opportunity Program
Equal Opportunity Officer’s Roles and Responsibilities

- Conducts monitoring and discrimination complaint investigations
- Reviews the recipient’s written policies and procedures to ensure they are nondiscriminatory
- Develops and publishes discrimination complaint procedures
- When appropriate, the EO Officer oversees development and implementation of the recipient’s Nondiscrimination Plan

Section 188 Applies to Who?

These statutes apply to all recipients and sub-recipients of WIOA Title I-related assistance including but not limiting:

- Government agencies (state, county, city, and municipality levels)
- Any individual or entity that receives WIOA-related funding
- Successors, transferees, or assigns of WIOA-related assistance in the form of loans, grants, property, federal personnel, and so on
- Subsidies
- On-the-job training
- Eligible Training Providers
- Apprenticeship Programs
- Service providers for a WIOA program or activity
- Contractors that are part of the delivery process for the WIOA program or activity

Coverage beyond WIOA Programs

- WIOA Section 188 applies to any program or activity operated out of, or through, your American Job Center even if it is not funded by the Department of Labor.
- Holds true for WIOA Core partners
  - Unemployment Insurance programs and activities
  - Holds true even if the UI program is operated outside the centers

Who is Covered?

Beneficiaries and potential beneficiaries of the services, aid, training, or benefits you offer

Plan of Action

Post statutes enforced by the US Dept of Labor and the prohibited bases of discrimination covered by the statues on:

- Websites
- Handbooks
- Internal manuals
- Written notices
- Recruitment and orientation materials

Notify the public of their rights!

Plan of Action

- Know your program, activities and services
- Train your staff on the prohibited bases
- Ensure “Equal Opportunity” posters are posted
- Make sure staff have the necessary resources for persons with disabilities and LEP customers
- Ensure “Assurance” language are in all contracts and agreements
Questions

Carolyn Parsons
State Equal Opportunity Officer
Utah Department of Workforce Services
Email: cparsons@utah.gov

Danielle Smith
State Equal Opportunity Officer
Missouri Division of Workforce Development
Email: danielle.smith@declmo.gov
Equal Opportunity
Workforce Innovation and Opportunity Act
PY 2016

Self Introductions
- Please introduce yourself to your neighbor in front, side, and in back of you:
- Your name, office, and position

Federal Requirement – Annual EO Training
- Please stand if you have attended a WIA or WIOA EO Training previously
- Please break into small groups, preferably with at least one person that has attended EO Training previously.
- In your packet is a piece of paper with the EO Questions for you to write your team’s response.

EO GAME
- Not trivia – for Equal Opportunity is important
- Not a quiz – no test scores and nothing goes into your personnel file
- Not Family Feud – take too long to organize teams according to units or offices

Question #1:
- There are 12 protected groups within WIOA EO. What are they?
- Race, color, religion, sex, national origin, age, disability, political affiliation or belief, genetics and for beneficiaries only, citizenship or participation in WIOA funded activates

Question #2
- At what age does US DOL recognize age discrimination?
- It is unlawful to discriminate against any individual age 40 or older because of his/her age with respect to any term, condition, or privilege of employment, including but not limited to recruitment, hiring, firing, promotion, layoff, compensation, benefits job assignments, and training.
Question #3
- Who is your EO Officer?
  - State/OWO – Jackie Heuser
  - NH Dept. of Education
    - Adult Education – contractor or SAU EO Officer
    - Vocational Rehabilitation – Lisa Hatz
    - WIOA Youth – Kim Rumin and/or contractor EO Officer
  - NHES – Colleen O’Neill
  - NH Health and Human Services –
    - SCSEP – Theresa Beauchesne
    - SNHS – Greg Schneider
  - Contractors – check with your agency

Question #4
- What is the EO Officer’s primary EO responsibilities?
  - Monitoring and investigating activities to make sure no violation of nondiscrimination under WIOA.
  - Ensuring policies and practices are non-discretionary.

Question #5
- What EO Poster must be posted at all WIOA funded sites?
  - EO Is the Law Notice

Question #6
- There are a number of avenues to communicate to potential employees, staff, applicants, and contractors EO requirements. Please identify three methods:
  - Disseminating the EO notice to applicants/registrants, participants, applicants for employment, employees/union or professional organizations that hold collective bargaining agreement or professional agreement.
  - Disseminate in internal memoranda and other written or electronic communications.
  - Include in handbooks and/or manuals.
  - Description of how EO notice is provided for individuals with disabilities.
  - Included within each grant, cooperative agreement, contract, plan, etc.
  - Provision of programmatic and architectural accessibility for individuals with disabilities.

Question #7
- What does universal access mean?
  - All populations (various racial and ethnic groups, members of both sexes, individuals with disabilities, individuals in different age groups, and individuals with different language needs) will be equally considered for employment and participation in WIOA.

Question #8
- What does compliance with 504 mean?
  - Meet the obligation to not discriminate on basis of disability
  - Provide reasonable accommodations for individuals with disabilities
  - Provide reasonable modification of policies, practices and procedures
  - Provide architectural accessibility for individuals with disabilities
  - Provide programmatic accessibility for persons with disabilities
  - Evaluate job qualifications to ensure that the qualifications do not discriminate on the basis of disability.
  - Limit pre-employment/employment medical inquiries to those permitted and in accordance with WIOA and Americans with Disabilities Act (ADA).
  - Ensure confidentiality of medical information provided…registrants, applicants, employees, applicants for employment.
  - Individuals with disabilities participate in most integrated setting appropriate to that individual.
  - Able to communicate with persons with disabilities as effectively as with others.
Question #9
- What EO data needs to be collected on applicants/registrants, eligible applicants/registrants, and employments and/or applicants for employment?
  - Voluntary reporting of race/ethnicity, sex, age, and disability status.

Question #10
- Who can you file an EO complaint with?
  - Statewide WIOA Equal Opportunity Officer
  - Agency EO Officers
  - Service Provider EO Officers
  - US Dept. of Labor, Office of Civil Rights
  - NH Human Rights Commission

Question #11
- Who may file an EO complaint?
  - Applicant/registrant for aid, benefits, services or training
  - Participants
  - Employees
  - Applicants for employment
  - Service providers or eligible service providers

Question #12
- On what grounds may an EO complaint be filed?
  - Race, color, sex (gender), national origin, religion, disability, political affiliation or belief, age, citizenship status as a lawfully admitted immigrant authorized to work in the U.S. or participant in any WIOA program or activity, genetics, intimidation and/or retaliation for filing and/or participating in a discrimination complaint
  - Sexual orientation and marital status qualify under state rules, they are not grounds under WIOA.

Question #13
- When must the complaint be filed?
  - Within 180 days from the date of the alleged discrimination.

  - Extensions only for good cause and granted only by the Director of Civil Rights Center, US Dept. of Labor

Question #14
- How do you file an EO complaint?
  - Individuals may file directly or through a representative

  - Complaints must be in writing and signed by the complainant or complainant’s authorized representative.
Question #15
- What information is required in an EO Complaint?
  - Complainant's name and address
  - Description of the allegations
    - Details of description will determine
      - Jurisdiction, Timeliness, Merit

Question #16
- What is the timeframe for an EO Officer's response?
  - Within 10 days, written acknowledgement
  - Within 30 days, list of issues accepted
  - Within 90 days of filing, written resolution after
    - Investigation
    - Hearing (if needed)
    - Note of right to file with Civil Rights Center

Question #17
- What happens after 90 days of resolution?
  - If no resolution or individual is not satisfied with
    resolution, a complaint may be filed with Civil Rights Center (CRC), Washington D.C.
  - If the individual is not satisfied with the CRC decision, the CRC is responsible for sharing the
    appeal process pertaining to CRC decision.

Question #18
- What is Alternative Dispute Resolution?
  - Mediation, a voluntary attempt by the parties to reach
    resolution through discussion.
  - The EO Officer and/or Mediator make determination
    based on a number of factors:
    - Type of complaint
    - Willingness of parties to participate (is settlement the true
      goal of the parties?)
    - Collective Bargaining Agreement (if applicable)
    - NH Division of Personnel Rules
    - NH Administrative Procedures Act.

Question #19
- How does a Complainant ask for Mediation?
  - Request within 15 days of filing of the complaint.
  - Request should be filed with the same entity
    where the complaint was filed
  - Requests must be in writing and provide name
    and address of complainant, identity of respondent, summary of facts OR reference the
    original complaint.

Question #20
- What is the EO Tag line that should be on all external and internal documents?
  - (Your agency name) is a sponsor of the NH Works system, a proud member of the American Job
    Centers Network and an equal opportunity employer/program. Auxiliary aids and services are
    available upon request to individuals with disabilities.
    TDD ACCESS: RELAY NH 1-800-735-2964
NHWorks System Equal Opportunity Training

I, _______________, verify that I attended the NHWorks Equal Opportunity training sponsored by the NHWorks partners.

Job Title: __________________________

Agency: __________________________

Date: May 24, 2017

Signature: _________________________
DRED -- EO Training 5/24/17
Bonnie St. Jean
Holly Sirois
Jackie Heuser
Julie Pelletier
Karen Smith
Michael Power
AJ Lambert
Carol Johnson
Christine Hutchinson
David Laine
Elsie MacDonald
Fran Bishop
Ginny Hooker
Hope Aure
Jean Donzello
Laura Kate Dickstein
Leeanne Topolosky
Linwood Goodwin
Maureen Griffin
Melinda Wilson
Michael Piaseczny
Michael Ugarte
Nicole DeModena
Paula Philbrook
Sara Bethel
Tracy Jackson
Patricia Tallmadge

Phil Przyeweski Sector grant
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<tr>
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<td>Amy Darrigo</td>
<td>NH JAG</td>
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<tr>
<td>Beverly Robie</td>
<td>NH JAG</td>
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<tr>
<td>Brian Reeves</td>
<td>My-Turn</td>
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<tr>
<td>Brigitte Bowmar</td>
<td>DOE</td>
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<tr>
<td>Cathy Slack</td>
<td>NH JAG</td>
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<td>Elaine Nason</td>
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<td>Erin Foran</td>
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<td>Holly Joseph</td>
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<td>J W Williams</td>
<td>My-Turn</td>
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<td>Janet Arnett</td>
<td>NH JAG</td>
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<tr>
<td>Jessika Szatny</td>
<td>NH JAG</td>
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<tr>
<td>Jimmy Migneault</td>
<td>??</td>
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<td>Jocelyn Mahoney</td>
<td>My-Turn</td>
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<td>Joshua Ellison</td>
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<tr>
<td>Katie Dichard</td>
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<td>Sharolyn Fortin</td>
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<tr>
<td>Tara Gorski</td>
<td>My-Turn</td>
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Vocational Rehabilitation
Amy Clark
Bill Finn
Cynthia Capodestria
Danielle Love
Doris Baillargeon
Eleni Norskey
Janice Moore
Karen LaSella
Kevin Stevenson
Kimberly Barger
Lisa Beck
Lisa Hinson-Hatz
Liz Willis
Louise Belanger
Maria Jose Brandon
Michael Braun
Michael Brown
Nicole Levesque
Phyllis Bartlett
Rebecca Auger
Sandeep Shah
Seth Hussey
Seth Hussey
Steven Aylward
Susan Emery
Terri Tedeschi
Tina Greco
Tracy Frye
Adult Education
A Hood (SAU 6)
Alan LaBranche
Amy Marchildon
Barbara DelloRusso
Barrie-Jane Corey
Carol Conforti Adams
Carol Lundin
Crystal Sawyer
Deanna Strand
Debbie Liskow
Eddie Collins
Irina Lopukhina von Becker
Jacalyn Lesser
Jacqueline Verville
Jennifer Alexander
Joanne Del Deo
Katherine Costa
Kayla Stewart
Kevin Girard
Lauren Osowski
Leslie Haslam
Lynne Lonergan
Mauri Fauth
Pam Shore
Peggy Blais
Rachel Owens
Robin Letendre
Rosemary Stewart
Samba Halkose
Sha Boyle
Sharon Norby
Shea Hortman
Susan Bup
Susan Hagerstrom
Trish Bush (Hilsboro)
Vigdis Dunn
Job Corps
Bill Bissonnette
Brett Mayhew
Evan Anctil (Student Ambassador)
Giovanni Korsko (Student)
Kevin Murphy (Student Ambassador)
NHES
Ann Thompson
Bruce Ramos
Cindy Noble-Hanson
Cynthia Perkins
Denise Perna
Denise Roy-Iunnarelli
Diane Coute
Dianne Carpenter
Elizabeth LeMere
Francell Gibbs
Jeri Jewell
John McDermott
John Rodgers
Jonna Allard
Jules Kennett
Kevin Myers
Leslie Glover
Lindsey Richards
Mark Belanger
Michael Burke
Patric Moynihan
Patricia Belanger
Patricia Hewitt
Renee Carboni
Sandra Jamak
Scott Koblich
Sherry Sampas
Stephanie Denver
Tania Drummond
WorkReadyNH
Chrissy Wall
Elaine Champagne
Judy Woodward
Regina Kelleher
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<tr>
<td>Sharon Abood</td>
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<td>Michelle Hart</td>
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<td>Pauline Lacroix</td>
<td>DOE</td>
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You have been invited to attend an IDVideoPhone Conference for EO on 9/18 from 8:30 – 12 noon. This is a mandatory training for all One Stop staff.

If this is your first time using IDVideoPhone on this device, the link below will prompt you to install the VidyoDesktop Client, and once installed, please return to this email and click on the link again to prompt the guest user log in.

If Vidyo is already installed, please make sure it is running and then click the following link:

https://nhes.idvideophone.com/flex.html?roomdirect.html&key=ellRVQN6At

To join from an H323 device, such as a Polycom or Cisco use the following dial string:72.52.65.174##24326124 or 326124@72.52.65.174

To join from a telephone dial the following number: 3172194036x326124

If you are receiving an error message or are unable to join the conference, please open the guest link in a different Internet browser or make sure the browser you are using is up to date. The latest versions of Internet Explorer, Firefox and Chrome are all supported.

For information on configuring Vidyo once you are in your meeting, please use the Vidyo Guest User Guide at:
New Hampshire Works

Equal Opportunity Training
PY 2018

Two Components

- Equal Opportunity – Nondiscrimination Plan
  - Bonnie St. Jean, Office of Workforce Opportunity, Dept. of Business and Economic Affairs

- Limited English Proficiency
  - Colleen O’Neill, NH Employment Security
Nondiscrimination Plan

- Replaces Methods of Administration
- Components Include:
  - Assurances
  - Equal Opportunity Officers
  - Notice and Communication
  - Data and Information Collection and Maintenance
  - Affirmative Outreach
  - Governor’s Oversight Responsibility Regarding Recipients
  - Recordkeeping
  - Complaint Processing Procedures
  - Governor’s Oversight and Monitoring Responsibilities
  - Corrective Actions/Sanctions

Sign In forms

- Please make sure you sign the EO Training Form and submit to the person collecting who will forward to the Office of Workforce Opportunity.
Nondiscrimination Plan -- continued

- NH Works Policies related to Nondiscrimination Plan
  - Service Animals Providing Accommodation Policy
  - Same Sex Marriage Policy
  - Religious Accommodation Policy
  - Sexual Harassment Policy
  - Site Selection to Assure Accessibility and ADA Compliance Checklist
  - Accommodations for Individuals with Disabilities

Nondiscrimination Plan - continued

- State of NH Policies
  - Sexual Harassment
  - Prohibiting Discrimination on the Basis of Gender Identity or Gender Expression
  - Transgender Employment Policies and Procedures
  - ADA Reasonable Accommodation Policy
Nondiscrimination Plan - continued

- NH Commission for Human Rights Policies
  - Pregnancy discrimination
  - Disability Discrimination
  - Mediation Resolution Program

Equal Opportunity Assurances

- Section 188 of the Workforce Innovation and Opportunity Act (WIOA), prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I- financially assisted program or activity;
- Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;
- Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
- The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and
- Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs
- Comply with 29 CFR part 38 and all other regulations implementing the laws listed above.

Highlighted reflects additional verbiage.
Where do I find Assurance Statement?

- Request for Proposals (RFP), Contracts, Agreements, Memorandum of Understanding,
- Handbooks
- Internal manuals
- Written Notices
- Recruitment and orientation materials
- Individual Training Agreement Application
- On-the-Job Training Contracts
- Work Experience Contracts

**Notify the public of their rights**

---

Equal Opportunity Officer

- All NH Works Partners have an Equal Opportunity Officer.
  - Who is your respective EO Officer for your agency?
  - Who is the State EO Officer?
EO Officer Responsibilities
(or designee!)

- State EO Officer serves as the Liaison with US Dept. of Labor's Civil Rights Center
- Conducting outreach and education about equal opportunity and nondiscrimination requirements, including how to file a complaint of discrimination.

Selecting an Equal Opportunity Officer

- Must be a "senior-level" employee
- Must have access to the "top officials" to report directly on EO matters.
- Must not be assigned other (non EO-related) duties or activities that create either an actual or apparent conflict of interest with the responsibilities of an EO officer. If this occurs, an alternative NH Works or State EO Officer would handle the grievance.
Equal Opportunity Officer’s Roles and Responsibilities

- Know WIOA Section 188 and related civil rights laws that apply to your programs and activities.
- Know your programs and activities from start to finish.
- Develop policies and procedures that apply across the board
  - Assurances
  - Taglines
  - Discrimination complaints
  - Harassment and hostile environment
  - Serving persons with disabilities
  - Serving limited English proficient persons (LEP)
  - Handling religious-based accommodation requests
- Regularly train responsible staff
- Monitor your programs and activities

Equal Opportunity Officer’s Roles and Responsibilities

- Conducts monitoring and discrimination complaint investigations
- Reviews the recipient’s written policies and procedures to ensure they are nondiscriminatory
- Develops and publishes discrimination complaint procedures
- When appropriate, the EO Officers participates in the development and implementation of the State’s Nondiscrimination Plan.
Notice and Communication

- Ensure “Equal Opportunity is the Law” posters are posted; Note – in three languages
- Appropriate usage of the Babel notices
- Ensure all applicants are aware of the EO grievance procedures and how to access and submit a grievance. (Clients and staff); Clients attestation to receipt of grievance procedures at intake or staff at hiring.
- Communication through effective methods – interpreters, braille, readers, language line, Relay Line, etc.

Notice and Communication (continued)

- Use of TAG line on letterhead, brochures, etc.
  - "(name of organization), a member of the NH Works/America’s Job Center System and WIOA financially assisted program, is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with a disability. Relay or TTY phone number (NHES: Relay NH 1-800-735-2964)"
Web Requirements

- ...comply with all statutes, laws, regulations, and orders of federal, state, county or municipal authorities which impose any obligation or duty upon the Contractor, including, but not limited to, civil rights and equal opportunity laws. This may include the requirement to utilize auxiliary aids and services to ensure that persons with communication disabilities, including vision, hearing and speech, can communicate with, receive information from, and convey information to the Contractor.

Notice and Communication Implementation

- Updated EO is the Law Posters
- Notice of EO/Grievance/Complaint Information when registering
- Participant and Employee File Checklist
- Orientation Agenda/power points
- EO training – including attendees signatures
- Recruitment and promotional materials – everyone funded with WIOA funds
Governor’s Oversight Responsibility Regarding Recordkeeping

- Collection and maintenance of equal opportunity data as requested in PIRL (Participant Information Record Layout)
- Self reported data (not observed)
- Data remains confidential and used only for recordkeeping and reporting and/or determining eligibility.
- Medical or disability-related information collected on separate forms.
- Access to the information for
  - Documenting eligibility (if criterion for program or activity)
  - First aid and safety personnel for medical condition in an emergency
  - Requested accommodations

Governor’s Oversight Responsibility Regarding Recordkeeping - continued

- EO Grievance Complaint Logs
- Reporting to Civil Rights Center if there is an EO administrative enforcement or lawsuit filed
- All EO records must be maintained for a minimum of not less than three years from the close of the applicable program year. (Records include records of applicants, registrants, eligible applicants/registrants, participants, terminees, employees and applicants for employment.)
Data and Information Collection and Maintenance

- Demographics on applicants, registrants, participants, and tereminees are collected at intake and through a computerized case management system, the NH Works Partner is able to determine if discrimination has occurred between intake and assessment, assessment and services, services and completion, and between service completion and placement. Anything greater than a 2% standard deviation will warrant additional review and monitoring.
- Demographics on applicants for employment through a self-reporting system is also gathered.
- Medical records need to be maintained in a confidential space not within the case management files.
- Policies to protect the confidentiality of customers – i.e. confidentiality, personal identification number, etc.
- EO Grievance Logs are maintained by the EO Officer. Contains name and address of complainant, basis of the complaint, date complaint filed, and disposition.

Affirmative Outreach

- Equal Access is provided through
  - Advertising the recipient’s programs and/or activities in media, such as newspapers or radio programs, that specifically target various populations;
  - Sending notices about openings in the recipient’s programs and/or activities to schools or community service groups that serve various populations; and
  - Consulting with appropriate community service groups about ways in which the recipient may improve its outreach and service to various populations.
Affirmative Outreach - Continued

- Enrollment Plans – including special populations (i.e. ESL)
- Demographic report comparisons

Complaint Processing Procedures

Complaint Filing

- Any person (or specific class of individuals) or the person’s representative may file a written complaint if the person has been discriminated against on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, citizenship status, or participation in any WIOA Title I-financially assisted program or activity as prohibited by WIOA or this part. Furthermore, if there has been or is being retaliated against a complaint may be filed with either the recipient’s EO Officer or the Civil Rights Center Director. A complaint must be filed within 180 days of the alleged discrimination or retaliation. The Civil Rights Center Director may extend the filing time should a good cause be demonstrated.
Complaint Processing Procedures - continued

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

(a) The complainant's name, mailing address, and, if available, email address (or another means of contacting the complainant);

(b) The identity of the respondent [the individual or entity that the complainant alleges is responsible for the discrimination];

(c) A description of the complainant's allegations. This description must include enough detail to allow the EO Officer or Director to decide whether:
   - There is jurisdiction over the complaint;
   - The complaint was filed within the time range;
   - The complaint indicates noncompliance with any of the nondiscrimination and equal opportunity provisions;
   - The written or electronic signature of the complainant or the written or electronic signature of the complainant’s representative.

A complainant may file a complaint by completing and submitting CRC's Complaint Information and Privacy Act Consent Forms, which may be obtained either from the NH Works' EO Officer or from the Civil Rights Center.

Right to Representation

- Both the complainant and the respondent have the right to be represented by an attorney or other individual of their choice.
Complaint Processing Procedures - Continued

Required Elements of a Recipient’s Complaint Processing Procedures

- As evident in the NH Works Grievance Policy and related forms, all grievance complaints will be issued a Notice of Final Action within 90 days of the date for which the date is filed. The elements will include, initial, written notice to the complainant that contains the following information:
- An acknowledgment that the recipient has received the complaint; and
- The complainant has the right to be represented in the complaint process;
- Individuals with disabilities may request auxiliary aids and services at no cost.
- Complainant has the right to language assistance services, and that this notice will be translated into the non-English languages
- A written statement of the issue(s) that
  (i) A list of the issues raised in the complaint; and
  (ii) For each such issue, a statement whether the recipient will accept the issue for investigation or reject the issue, and the reasons for each rejection.

Complaint Processing Procedures - continued

- Period for Fact-finding or Investigation

- Attempts to resolve the complaint will occur. The methods available to resolve the complaint may include alternative dispute resolution (ADR).
Complaint Processing Procedures - continued

• The complainant will be notified in writing within 90 days of the date on which the complaint was filed, the following:
  • For each issue raised in the complaint, a statement of either:
    - (A) The recipient's decision on the issue and an explanation of the reasons underlying the decision; or
    - (B) A description of the way the parties resolved the issue; and
    - (C) Notice that the complainant has a right to file a complaint with Civil Rights Center (CRC) within 30 days of the date on which the Notice of Final Action is received if the complainant is dissatisfied with the recipient's final action on the complaint.

Complaint Processing Procedures - continued

Alternative Dispute Resolution (ADR)

• NH Works ADR policy indicates the complainant may attempt ADR at any time after the complainant has filed a written complaint with the recipient, but before a Notice of Final Action has been issued. The choice whether to use ADR or the customary process rests with the complainant. A party to any agreement reached under ADR may notify the Civil Rights Director in the event the agreement is breached.
Complaint Processing Procedures - continued

Non-Jurisdiction

• If it is determined that the NH Works partner does not have jurisdiction over a complaint, the EO officer will notify the complainant, in writing within five business days of making such determination. This Notice of Lack of Jurisdiction will include:
  (a) A statement of the reasons for that determination; and
  (b) Notice that the complainant has a right to file a complaint with the Civil Rights Center (CRC) within 30 days of the date on which the complainant receives the Notice.

Complaint Processing Procedures - continued

Complainant Dissatisfaction after Receiving a Notice of Final Action

• If the NH Works Partner issues its Notice of Final Action before the 90-day period ends, but the complainant is dissatisfied with the decision on the complaint, the complainant or the complainant’s representative may file a complaint with the Civil Rights Center Director within 30 days after the date on which the complainant receives the Notice.
Complaint Processing Procedures - continued

Failure to Issue a Notice of Final Action within 90 days after the Complaint was Filed

• If, by the end of 90 days from the date on which the complainant filed the complaint, the NH Works partner has failed to issue a Notice of Final Action, the complainant or the complainant’s representative may file a complaint with the Civil Rights Director within 30 days of the expiration of the 90-day period.

Complaint Processing Procedures - continued

Implementation
  – Complaint/Grievance Policy and Forms
  – Alternative Dispute Resolution Policy
Governor’s Oversight and Monitoring Responsibilities for State Programs

- Ensuring **compliance with the nondiscrimination and equal opportunity provisions** of WIOA and negotiating, where appropriate to secure voluntary compliance when noncompliance is found;
- **Annually monitoring the compliance of recipients**, with WIOA section 188, including a determination as to whether each NH Works Partner is conducting its WIOA assisted program or activity in a nondiscriminatory way. This will include annual monitoring review to include a statistical or other quantifiable analysis of records and data kept by the Partner. The analyses will include race/ethnicity, sex, limited English proficiency, preferred language, age, and disability status. If there are significant differences in the programs, activities, or employment provided, an analysis to determine whether these differences appear to be caused by discrimination will occur. This investigation must be conducted through review of the recipient’s records and any other appropriate means; and
- **An assessment to determine whether the NH Works Partner has fulfilled its administrative obligations** under Section 188 of WIOA (for example, recordkeeping, notice and communication) and any duties assigned to it under the Nondiscrimination Plan.

Governor’s Oversight and Monitoring Responsibilities for State Programs – continued

- Implementation
  - Program Monitoring Policy
  - Monitoring tools
  - Monitoring Reports
Sanctions

- It is the policy of the NH Works Consortium that any action to suspend, terminate, deny or discontinue WIOA financial assistance must be limited to the particular political entity, or part thereof, or other recipient (or grant applicant) as to which the finding has been made, and must be limited in its effect to the particular program, or part thereof, in which the noncompliance has been found.

- No order suspending, terminating, denying or discontinuing WIOA financial assistance will become effective until after all appeal rights have been exhausted or waived and the respective agency Commissioner (or designee) has issued a Final Determination or Notification of Breach of Conciliation Agreement.

Sanctions -- continued

- Implementation
  - Programmatic Corrective Action and Sanctions Policy
Questions ???????????????????????????????????????
WIOA Youth Mandatory Training Information

ADA Training:
Link:  http://www.wiawebcourse.org/index.php#login
ADA Training must be completed within 90 days of hire.

Employment and Labor Market Information Training:
Training must be completed within 90 days of hire.
The ELMI training series can be found by going to:

www.nhes.nh.gov/elmi  once you get to the home page, click on ELMI tools (to the right), then click on LMI training. Then you’ll see the 5 sections below that all need to be completed. These are power points only, that need to be read and the survey monkey link at the end of this series is no longer live, so please just send me an email that they have completed it. ELMI

CASAS training:
CASAS Training must be completing before administering the CASAS Appraisal, Pre-tests and Post-tests

Here is a step by step guide for registering for CASAS training:

To register for the 3 required CASAS modules:

When you type in this URL, it will bring you to the CASAS Training and Support Page

https://www.casas.org/training-and-support

Click on “create account” in the upper mid-right part of the page and create an account. You will have to add lots of information and then CASAS sends an email to your email account that look like this: