J. Kevin Stitt
Office of the Governor
State of Oklahoma

August 31, 2019

Ms. Naomi Barry-Perez
Director
Civil Rights Center
200 Constitution Ave., N.W.
Room N-4123
Washington, D.C. 20210

Dear Ms. Barry-Perez:

Oklahoma State University-Oklahoma City (OSU-OKC)/Oklahoma Office of Workforce Development (OOWD) is the designated recipient of Workforce Innovation and Opportunity Act (WIOA) funding and is therefore responsible to comply with Section 188 of the Act, and the Equal Opportunity regulations at 29 CFR Part 38.

As such, the OOWD is providing this report in compliance with the requirement to review the State of Oklahoma Nondiscrimination Plan every two years and resubmit any changes made to the Civil Rights Center per 29 CFR § 38.55(c), for which the Governor is liable.

The Nondiscrimination Plan has been revised to reflect the following changes:

- Revised the format
- Updated Equal Opportunity Officers and other pertinent personnel for Local and State
- Made minor edits in wording
- Added a revised job description for State Equal Opportunity Officer
- Changed the State-level Equal Opportunity Officer's name to new personnel
- Updated attachments with revised policies
- Added attachment for new Nondiscrimination and Equal Opportunity Corrective Actions and Sanctions Policy and Guidelines under Section 188 of WIOA and 29 CFR Part 38 (OWDI #05-2019)

The revised NDP is attached.

We strive to maintain EO compliance at all times and this office stands ready to ensure the OOWD at OSU-OKC and the State-level WIOA EO Officer has the resources necessary to fulfill this important responsibility for the State of Oklahoma.

Sincerely,

J. Kevin Stitt
Governor

cc: Sean Kouplen, Secretary of Commerce and Workforce Development
Sarah Ashmore, Interim Executive Director, Oklahoma Office of Workforce Development

STATE OF OKLAHOMA

NONDISCRIMINATION PLAN

2019-2021

OKLAHOMA WORKS

A proud partner of the AmericanJobCenter network

In Compliance with the
Workforce Innovation and Opportunity Act (WIOA) 2014
Concerning Nondiscrimination and Equal Opportunity

August 31, 2019

The Oklahoma Office of Workforce Development/Oklahoma Works is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

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SECTION 1 – REVIEW ASSURANCES, JOB TRAINING PLANS, CONTRACTS AND POLICIES AND PROCEDURES *(29 CFR 38.25 AND 38.54)*

PURPOSE

The State ensures that nondiscrimination and equal opportunity provisions of WIOA are incorporated in all grants, agreements or other similar applications for federal financial assistance under WIOA. Each application for WIOA funds includes the specified assurance committing the potential sub-recipient to comply fully with the nondiscrimination and equal opportunity provisions of WIOA Section 188 and 29 CFR Part 38. The assurance is deemed incorporated, whether or not it is physically incorporated in the resulting contract or other arrangement.

The Oklahoma Office of Workforce Development and its state partner agencies have developed this Nondiscrimination Plan detailing the actions that have been and will be taken to ensure compliance with WIOA Section 188 and 29 CFR Part 38. This document will be reviewed and updated every two years and substantive changes will be forwarded to the U.S. Department of Labor, Civil Rights Center.

NARRATIVE

Each grant applicant, and each training provider seeking eligibility, includes in its application for financial assistance under Title IB of WIOA the required EO assurance. *(29 CFR 38.25 (a) (1))*

The State requires and monitors each of the Local Workforce Development Boards (LWDBs) to include the required equal opportunity assurance in the submissions of their Local Workforce Development Plans with the following language: *(Section 1 Documentation – Attachment 1)*

> A system that includes compliance with:
>
> - Section 188 of the WIOA, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation, or belief, and against beneficiaries on the basis of either citizenship, status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I financially assisted program or activity;
> - Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, and national origin;
> - Section 504 of the Rehabilitation Act of 1973 as amended which prohibits discrimination against qualified individuals with disabilities;
> - The Age Discrimination Act of 1975 as amended which prohibits discrimination on the basis of age; and
> - Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs. The grant recipient also assures compliance with 29 CFR Part 38 and all other regulations implementing the laws listed above. This

assurance applies to the grant recipient's operation of the WIOA Title I financially assisted program or activity and to all agreements the grant recipient makes to carry out the WIOA Title I financially assisted program or activity.

Each Local Plan is reviewed to ensure that all required assurances are included.

The required assurances are incorporated into each grant, cooperative agreement, contract, or other arrangement whereby Federal financial assistance under Title I of WIOA is made available. *(29 CFR 38.20)*

The State provides funds to all approved grant applicants. Contracts provided for each recipient through the OOWD include nondiscrimination assurances required by the Federal regulations, the State *(Section 1 Documentation – Attachment 2)* and OOWD in each, assuring each entity complies with this requirement. The required assurances are also incorporated into cooperative agreements, contracts and MOUs, thereby Title I is made available. Additionally, compliance is ensured by continued monitoring where corrective action, if needed, is required.

Each grant applicant, and each training provider seeking eligibility, is able to provide programmatic and architectural accessibility for individuals with disabilities. *(Subpart C of 29 CFR Part 32.28)*

Every training provider that applies to be listed on the ETPL must sign a Training Provider Assurances (TPA) electronic form before receiving final approval to be added to the ETPL. The TPA electronic form indicates the training provider will comply with nondiscrimination and equal opportunity provisions of all federal and state applicable laws. As programs come up for continued eligibility, current training providers must sign this TPA form.

The EO Officers will utilize a monitoring tool to guide them in monitoring the contracts established by the recipients for activities, trainings and services.

Compliance results from reviews completed by the EO Officers shows that the recipients, sub-recipients, and service providers are meeting the programmatic and architectural accessibility guidelines. If accessibility guidelines are not met, the State requires that corrective action plans are developed and follow-up monitoring conducted to ensure any noncompliance findings are corrected within the identified timeframes. OOWD works in consultation with the Oklahoma Department of Rehabilitation Services (DRS) to ensure architectural accessibility for all individuals with disabilities.

Job training plans, contracts, assurances, and other similar agreements entered into by recipients are both nondiscriminatory and contain the required language regarding nondiscrimination and equal opportunity. *(29 CFR 38.25)*

The State ensures the EO Officers check job training plans, contracts, assurances, and other similar agreements entered into by the grantee and its recipients to ensure compliance with the requirement that these documents contain the required language regarding nondiscrimination and equal opportunity.

State and local level policy issuances, or issuances from other recipients, are not discriminatory either in intent or effect. *(29 CFR 38.54)*

The State requires equal opportunity policies for all recipients and sub-recipient programs receiving financial assistance through WIOA Title I. The policies developed are checked by the State EO Officer to ensure they are not discriminatory either in intent or effect.

Policies on WIOA Title I nondiscrimination and/or equal opportunity issues are developed and implemented in a timely manner.

The State has made a concerted effort to ensure all needed nondiscrimination and/or equal opportunity policies are published as quickly as possible. The State reviews and rewrites all policies to ensure that our directives are in compliance with the federal regulations. EO Officers throughout the State have made a commitment to ensure that all recipients are in full compliance with all parts of WIOA Section 188 and the requirements of 29 CFR Part 38.

Section 1 – Documentation

ATTACHMENTS

1. Regional and Local Planning Instructions Template with Assurances

2. Oklahoma Office of Workforce Development Terms and Conditions, and Assurances (Contracts)

Regional Planning Template for July 1, 2017 - June 30, 2021

(This template is to be completed by each of Oklahoma's workforce development regions that are comprised of multiple workforce development areas.)

Planning Region	
Local Areas Within the Planning Region	

A. Data Analysis

1. Provide an analysis of the regional economic conditions, including:
    a. Existing and emerging in-demand industry sectors and occupations; and,
    b. Employment needs of employers in existing and emerging in-demand industry sectors and occupations.

2. Provide an analysis of the knowledge and skills needed to meet the employment needs of the employers in the region, including employment needs in in-demand industry sectors and occupations.

3. Provide an analysis of the regional workforce, including current labor force employment and unemployment data, information on labor market trends, and the educational and skill levels of the workforce, including individuals with barriers to employment.

4. Provide an analysis of workforce development activities, including providing the SWOT analysis,that indicates how the planning region's service delivery system is prepared to meet the community's workforce development needs.
    a. Describe the strengths and weaknesses of the regional workforce development activities.
    b. Describe the alignment of the regional education and training programs with the employment needs of regional employers.
    c. Describe the region's capacity to provide the workforce development activities to address the education and skill needs of the workforce, including individuals with barriers to employment.
    d. Describe the region's capacity to meet the employment needs of employers.

5. Based on the analysis above, describe the region's key workforce development issues, and possible solutions to be implemented within the region, to reach the region's economic and workforce development oriented vision and strategic goals.

B. Descriptions of Regional Strategies

1. Briefly describe the activities and steps taken to develop this regional plan.

2. Describe the shared regional strategy to align available resources among **the required, and any additional, partners** within a planning region.

3. Describe how the planning region, with the collaboration of the local workforce development boards, will support the goals and strategies identified in Oklahoma's Unified State Plan.

4. Describe the development and implementation of joint regional service strategies for common requirements and policies for:
    a. Work-based learning/training (customized training, incumbent worker training, and on-the-job training); and
    b. Training services using individual training accounts in a mutual manner. Include copies of any cooperative service delivery agreements.

5. Describe the development and implementation of joint regional services strategies for career pathways. List the career pathways, and, for each, describe:
    a. The phase of development (conceptual, in initial implementation, being sustained, or, expanding)
    b. Workforce Demand (need) – Describe the business workforce need being addressed by the strategy. Indicate the industry(s) and occupations being represented, how the need was determined, and the occupational skills to be addressed.
    c. Relevance – Indicate the connection between the demand and the priority(ies) for the region.
    d. Strategy – Identify the sector partners and the role of each.
    e. Funding – Describe available resources that will support the strategy.
    f. Unfunded Critical Elements – Identify any critical elements for the identified strategy that must be done for the success of the strategy that cannot be met with available resources. This may include: the expansion of an existing strategy, in any phase, from one LWDA to others in the region; the need to procure new training vendors; planning sessions involving multiple partners; training of One-Stop staff; and development of regional data collection systems.

6. Describe the coordination of economic and workforce development within the region including:
    a. Current economic development organizations engaged in regional planning;
    b. Education and training providers involved with economic development;
    c. Current businesses involved with economic development organizations; and,
    d. Targeted businesses from emerging sectors/industries.

7. Describe the development and implementation of joint regional services strategies for industry sector partnerships/strategies. List the industry sector partnerships and, for each, describe:
    a. The phase of development (conceptual, in initial implementation, being sustained, or, expanding)
    b. Workforce Demand (need) – Describe the business workforce need being addressed by the strategy. Indicate the industry(s) being represented, how the need was determined, the occupational skills to be developed, the number of jobs being addressed, and the timeframe(s) associated with the need.
    c. Relevance – Indicate the connection between the demand and the priority(ies) for the region.
    d. Strategy – Identify the sector partners and the role of each.
    e. Funding – Describe available resources that will support the strategy.

f. Unfunded Critical Elements – Identify any critical elements for the identified strategy that must be done for the success of the strategy that cannot be met with available resources. This may include: the expansion of an existing strategy, in any phase, from one LWDA to others in the region; the need to procure new training vendors; planning sessions involving multiple partners; training of One-Stop staff; and development of regional data collection systems.

8. Describe efforts that have taken place or anticipated efforts to assess the need for and establish regional services strategies, including the use of cooperative service delivery agreements. In addition, describe the strategies and services that will be used to:
    a. Engage employers in workforce development programs, including small employers and employers in in-demand industry sectors and occupations;
    b. Provide business services to employers;
    c. Manage regional rapid response activities;
    d. Incorporate relevant secondary and post-secondary education programs and activities within the one-stop delivery system;
    e. Incorporate within the one-stop delivery system the adult education and literacy activities under WIOA Title II, including the review of applications submitted under Title II;
    f. Incorporate within the one-stop delivery system the provisions of vocational rehabilitation services under Title IV;
    g. Strengthen linkages between the one stop delivery system and unemployment insurance programs; and,
    h. Ensure priority for adult career and training services will be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient.

9. Describe how administrative cost arrangements have been coordinated, including pooling funds for administrative costs, as appropriate.

10. Describe the coordination amongst the planning region for the provision of transportation, including:
    a. An outline of transportation issues related to workforce development and ways the region will address identified needs. This may include a map of the regional commuting patterns.
    b. Whether the provision of transportation services can be enhanced, and if so, how.
    c. What organizations currently provide, or could provide transportation services
    d. An established process to promote coordination of transportation supportive services delivery.

    If the region has determined regional coordination of transportation not to be appropriate for the planning region at this time, discuss how that determination was made.

11. Describe the coordination amongst the planning region for the provision of other appropriate supportive services in the planning region, including:
    a. A copy of the Job Seeker Wrap Around Services Service Matrix
    b. Whether the provision of supportive services could be enhanced, and if so, how.
    c. What organizations currently provide or could provide supportive services.
    d. Establishing a process to promote coordination of supportive services delivery.
    e. If the region has determined regional coordination of support services not to be appropriate for the planning region at this time, discuss how that determination was made.

12. Describe the process to develop, and, the finalized agreement concerning how the region will collectively negotiate and reach agreement with the Governor on local levels of performance for, and report on, the performance accountability measure described in WIOA Section 106(c) for local areas or the planning region.

13. The process the planning region undertook to provide input to the development of the plan, and, a 30-day public comment period of the regional and local plans, prior to submission.

Each Local Area in the Multi-Area Planning Region must also complete a Local Area Plan (See Attachment B for the template) and submit as an addendum to the regional plan.

Signatures for the Regional Plan - Include signatures on the signature page of **all** of the local workforce development board chairpersons, local workforce development board directors, and the local chief elected officials for all the workforce development areas within the region. The State will not approve a regional plan and attached local plans if all required signatures are not included. Please add/remove signature access as needed for the number of local areas in your region.

By signing the regional plan, all signatories attest that:

- They submit this plan on behalf of the region and the local areas within that region;
- The planning was done with leaders throughout the region and represents the collective thinking of those regional representatives;
- The information contained herein is true and accurate to the best of their knowledge;
- The regional plan and accompanying local plans represent the local workforce development boards' efforts to maximize resources available under Title I of the Workforce Innovation and Opportunity Act and to coordinate these resources with other State and Local programs in the planning region;
- They will operate the local system in accordance with the regional plan, their respective local area plan, and applicable federal and state laws, regulations, policies and rules; and,
- All assurances have been met.

Workforce Development Board Chair Signatures:

Local Area Name_____
Typed/Printed Name:_____
Signature_____ Date_____

Local Area Name_____
Typed/Printed Name:_____
Signature_____ Date_____

Local Area Name_____
Typed/Printed Name:_____
Signature_____ Date_____

Local Chief Elected Officials Signatures:

Local Area Name_____
Typed/Printed Name:_____
Signature_____ Date_____

Local Area Name_____
Typed/Printed Name:_____
Signature_____ Date_____

Local Area Name_____
Typed/Printed Name:_____
Signature_____ Date_____

Workforce Development Board Executive Director Signatures:

Local Area Name_____
Typed/Printed Name:_____
Signature_____ Date_____

Local Area Name_____
Typed/Printed Name:_____
Signature_____ Date_____

Local Area Name_____
Typed/Printed Name:_____
Signature_____ Date_____

Local Plan Template for July 1, 2017 - June 30, 2021

(This template is to be completed by each of Oklahoma's local workforce development areas. As noted by an asterisk (*) within the plan instructions, as appropriate, a local area in a multi-area region may use the Data Analysis section of the regional plan to meet the requirements of the first section of this plan [Local Workforce Development System Vision questions 1-7], and the Description of Regional Strategies section of the regional plan to meet the requirements of this plan's Local Workforce Development System Description questions 2b, 2e, 3, 6, 7, 10, and 15] while noting any unique aspects of the local area that are not captured within the regional plan. For those local areas within a multi-area region, this local plan will be submitted as an attachment to the regional plan.)

Workforce Development Area	
WDB Chair	
Chief Local Elected Official	
WDB Executive Director	

The following signatures attest that:

- They submit this local plan on behalf of the local WDB and Local Elected Officials in the area;
- The planning was done with leaders within the community and represents the collective thinking of those local representatives;
- The information contained herein is true and accurate to the best of their knowledge;
- The local plan represents the local board's and local elected officials' efforts to maximize resources available under Title I of WIOA and to coordinate these resources with other State and Local programs in the local area;
- They will operate the local system in accordance with the local plan, and, applicable federal and state laws, regulations, policies and rules; and,
- All assurances within this template have been met.

WDB Chair Typed/Printed Name: _____

Signature _____ Date _____

Chief Local Elected Official Typed/Printed Name: _____

Signature _____ Date _____

Local Workforce Development System Vision

1. Provide an analysis of the local area's economic conditions, including:
   a. Existing and emerging in-demand industry sectors and occupations; and
   b. Employment needs of employers in existing and emerging in-demand industry sectors and occupations. *

2. Describe the knowledge and skills needed to meet the employment needs of the employers in the local area, including employment needs in in-demand industry sectors and occupations. *

3. Provide an analysis of the local workforce, including current labor force employment and unemployment data, information on labor market trends, and educational and skill levels of the workforce, including individuals with barriers to employment.*

4. Provide an analysis of workforce development activities*, **including providing the SWOT analysis**, that indicates how the local area's service delivery system is prepared to meet the community's workforce development needs.
   a. Describe the strengths and weaknesses of workforce development activities.
   b. Describe the workforce development system's capacity to provide the workforce development activities to address the education and skill needs of the workforce, including individuals with barriers to employment.
   c. Describe he employment needs of employers.

5. Based on the information above, describe the local area's key workforce development issues and possible solutions to be implemented within the local area.*

6. Based on the analysis above, provide a description* of the local board's strategic vision and goals to support economic growth and economic self-sufficiency, including:
   a. Goals for preparing an educated and skilled workforce, including individuals with barriers to employment; and,
   b. Goals relating to the performance accountability measures based on performance indicators.

7. Describe the strategy* to work with entities that carry out the core programs and required partners to align resources available to the local area, to achieve the strategic vision and goals.

Local Workforce Development System Description:

1. Describe the workforce development system in the local area by addressing each of the following.
   a. List and describe the programs that are included in the system.
   b. List the location(s) of the comprehensive One Stop Center(s) (at least one) within your local area; and any affiliated or specialized centers (both physically and electronically linked, such as libraries) in the local workforce development area.
   c. Identify your key strategies for aligning the core programs (WIOA Title I, II, III, and IV programs) as well as all required partner programs within the local the local one-stop system of comprehensive and affiliate offices by addressing each of the following items.

- Assess the types and availability of adult and dislocated worker employment and training activities in the local area.
- Provide an explanation of how the local board addresses local rapid response activities.
- Describe how the local board will coordinate relevant secondary and post-secondary education programs and activities with workforce investment activities to coordinate strategies, enhance services, and avoid duplication of services.
- Describe how the local board, in coordination with the One Stop operator, maximizes coordination, improves service delivery, and avoids duplication of Wagner-Peyser Act services and other services provided through the delivery system.
- Describe how the local board will coordinate WIOA Title I workforce investment activities with adult education and literacy activities under WIOA Title II, including how the local board will carry out the review of local applications submitted under Title II.
- Describe and assess the type and availability of youth workforce investment activities in the local area, including activities for youth who are individuals with disabilities, and provide an identification of successful models.

(**Include a copy of any completed Process Maps** and how they are used to align services and avoid duplication of services).

d. Describe the roles and resource contributions of each of the one-stop partners. **Please include the completed Job Seeker and Business Services service matrices**.

2. Describe how the local board will work with entities carrying out core programs to accomplish the following outcomes:
   a. Expand access to employment, training, education, and supportive services for eligible individuals, particularly eligible individuals with barriers to employment.
   b. Facilitate the development of career pathways*. Provide a list of the career pathways, and for each include:
      - The phase of development (conceptual, in initial implementation, being sustained, or, expanding);
      - Workforce Demand (need) – Describe the business workforce need being addressed by the strategy. Indicate the industry(s) and occupations being represented, how the need was determined, and the occupational skills to be addressed;
      - Relevance – Indicate the connection between the demand and the priority(ies) for the region;
      - Strategy – Identify the sector partners and the role of each;
      - Funding – Describe available resources that will support the strategy;
      - Unfunded Critical Elements – Identify any critical elements for the identified strategy that must be done for the success of the strategy that cannot be met with available resources. This may include: the expansion of an existing strategy, in any phase, from one LWDA to others in the region; the need to procure new training vendors; planning sessions involving multiple partners; training of One-Stop staff; and development of regional data collection systems.
   c. Facilitate co-enrollment, as appropriate, in core programs.

d. Improve access to activities leading to a recognized post-secondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable).
e. Facilitate engagement of employers* in workforce development programs, including small employers and employers in in-demand industry sectors and occupations to:
    - Support a local workforce development system that meets the needs of businesses in the local area;
    - Provide better coordination between workforce development programs and economic development;
    - Support sector partnership strategies, including a list of active sector partnerships. For each, describe:
        - The phase of development (conceptual, in initial implementation, being sustained, or, expanding)
        - Workforce Demand (need) – Describe the business workforce need being addressed by the strategy. Indicate the industry(s) being represented, how the need was determined, the occupational skills to be developed, the number of jobs being addressed, and the timeframe(s) associated with the need.
        - Relevance – Indicate the connection between the demand and the priority(ies) for the region.
        - Strategy – Identify the sector partners and the role of each.
        - Funding – Describe available resources that will support the strategy.
        - Unfunded Critical Elements – Identify any critical elements for the identified strategy that must be done for the success of the strategy that cannot be met with available resources. This may include: the expansion of an existing strategy, in any phase, from one LWDA to others in the region; the need to procure new training vendors; planning sessions involving multiple partners; training of One-Stop staff; and development of regional data collection systems.
    - Strengthen linkages between the One Stop delivery system and unemployment insurance programs; and,
    - Implement initiatives such as incumbent worker training programs, on-the-job training programs, customized training programs, industry and sector strategies, career pathways initiatives, utilization of effective business intermediaries, and other business services and strategies designed to meet the needs of regional employers.

3. Describe how the local board will implement the goals and strategies of Oklahoma's Unified State Plan.*

4. Describe how the local board will coordinate local workforce development activities with regional economic development activities that are carried out in the local area and how the local board will promote entrepreneurial skills training and microenterprise services.

5. Describe how:
    a. The local board will ensure the continuous improvement of eligible providers of services through the system in order to meet the employment needs of local employers, workers, and jobseekers; and,

b. Entities within the One Stop delivery system, including system/center operators and partners, will comply with section 188 of WIOA, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including providing staff training and support for addressing the needs of individuals with disabilities.

6. Describe how the local board will coordinate WIOA Title I workforce development activities with the provision of transportation, child care, and other appropriate supportive services in the local area. **Include a copy of a completed Job Seeker Wrap Around Services service matrix**.*

7. Provide the executed cooperative agreements* which define how service providers will carry out the requirements for integration of, and access to, the entire set of services available in the local One Stop system. This includes cooperative agreements between the local WDB and other local entities with respect to efforts that will enhance the provision of services to individuals with disabilities and to other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination.

8. Identify the local:
   a. Fiscal agent
   b. One Stop Operator(s)
   c. Service Provider(s) for Adult and Dislocated Worker WIOA Title I Basic and Individualized Career Services
   d. Service Provider(s) for Youth WIOA Title I Services

9. Describe the competitive process used to award the subgrants and contracts for WIOA Title I activities.

10. Describe the local levels of performance negotiated with the State.*

11. Describe the actions the local board will take toward becoming or remaining a high performing board.

12. Describe how training services will be provided through the use of individual training accounts, including, if contracts for training services will be used, how the use of such contracts will be coordinated with the use of individual training accounts, and how the local WDB will ensure informed customer choice in the selection of training programs regardless of how the training services are to be provided.

13. Describe how One Stop centers are implementing and transitioning to an integrated, technology-enabled intake and case management information system for programs carried out under WIOA.

14. Describe the direction given to the One Stop center operator to ensure priority for adult career and training services will be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient.

15. Describe the process used by the local board to provide a 30 day public comment period prior to submission of the plan*, including an opportunity to have input into the development of the local plan, particularly for representatives of businesses, education, and labor organizations. The required public comment process is outlined in section 108(d) of WIOA.

Assurances

Provide a statement indicating the local workforce development board will agree to the following assurances:

- The Local Workforce Development Board assures it will establish fiscal control and fund accounting procedures to ensure the proper disbursement of, and accounting for all funds received through the Workforce Innovation and Opportunity Act.
- The Local Workforce Development Board assures it shall keep records that are sufficient to permit the preparation of reports required by the Act and shall maintain such records, including standardized records for all individual participants, and submit such reports as the State may require.
- The Local Workforce Development Board assures it will collect and maintain data necessary to show compliance with the nondiscrimination provisions of the Act.
- The Local Workforce Development Board assures funds will be spent in accordance with the Workforce Innovation and Opportunity Act, regulations, written Department of Labor Guidance, written Oklahoma guidance, and all other applicable Federal and State laws.
- The Local Workforce Development Board assures that veterans will be afforded employment and training activities authorized in the Jobs for Veterans Act and 20 C.F.R. Part 1010.
- The Local Workforce Development Board assures it will comply with any grant procedures prescribed by the Secretary which are necessary to enter into contracts for the use of funds under WIOA, but not limited to the following:
    - General Administrative Requirements – Uniform Guidance at 2 C.F.R. Part 200 and 2 C.F.R. Part 2900.
    - Assurances and Certifications – SF 424B – Assurances for Non-Construction Programs; 29 C.F.R. Part 31,32 – Nondiscrimination and Equal Opportunity Assurance (and Regulation); 29 C.F.R. Part 93 – Certification Regarding Lobbying (and Regulation); 29 C.F.R. Parts 94 and 95 – Drug Free Workplace and Debarment and Suspension; Certifications (and Regulation).

Section 1 – Attachment 2

CONTRACT (TEMPLATE)
PART I
SUMMARY AND SIGNATURES

Contracting Agency:

Contractor:
Local Workforce Investment Area:
Contract Title:

Contract Number:
Contract Amount:
Source:
Funding Period:

Submit Requisitions to:
Office of Workforce Development
Oklahoma State University-Oklahoma City
900 N. Portland Ave.
Oklahoma City, OK 73107-6120

Issue Payment To:

Part I – Summary and Signatures
Part II – Terms and Conditions

AGREEMENT COMPONENTS:

Non-Construction Programs Assurances

Nondiscrimination and Equal Opportunity Assurances

SPECIAL CONDITIONS:

SIGNATURES – EXECUTION OF CONTRACT

The rights and obligations of the parties to this contract are subject to and governed by Part II-Terms and Conditions. To the extent of any inconsistency between the general and the specific, the specific governs.

I certify that I am authorized to sign this document, and any attachments or addendums thereto, and I have read and agree to all parts of the contract.

Executed by:

Signature of Authorized Official

Date

Executed by:

Signature of Authorized OOWD Official

Date

OMB Approval No. 0348-0040

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

NONDISCRIMINATION AND EQUAL OPPORTUNITY ASSURANCE

As a condition to the award of financial assistance from the Department of Labor, under Title I of the Workforce Innovation and Opportunity Act, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I financially assisted program or identity;

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.

The grant applicant also assures that, as a recipient of WIOA Title I financial assistance, it will comply with 29 CFR part 38 and all other regulations implementing the laws listed above.

This assurance applies to the grant applicant's operation of the WIOA Title I financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I financially assisted program or activity.

The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

SECTION 2 – DESIGNATION OF STATE AND LOCAL LEVEL EQUAL OPPORTUNITY OFFICERS *(29 CFR PART 38.28 THROUGH 38.33)*

PURPOSE

The purpose of this Nondiscrimination Plan (NDP) is to provide a reasonable guarantee of the State of Oklahoma's (State) compliance with the Americans with Disability Act, Section 504 of the Rehabilitation Act of 1973 (as amended), Section 188 of the Workforce Innovation and Opportunity Act (WIOA) of 2014, and 29 CFR Part 38. The NDP applies to: (1) any recipient; (2) programs and activities that are part of the WIOA One-Stop delivery system and that are operated by One-Stop partners (OSP) listed in this element, to the extent that the programs and activities are being conducted as part of the One-Stop delivery system; and (3) the employment practices of a recipient and/or OSPs, as provided in 29 CFR 38.2. The NDP must be renewed every two years, and the state must advise the United States Department of Labor's (DOL) Civil Rights Center (CRC) promptly of updates to the NDP, and of changes to the State-level WIOA Equal Opportunity (EO) Officer (hereafter State EO Officer) to ensure compliance with 29 CFR 38.55(b). Additionally, the State EO Officer should not be in a position that would constitute a conflict of interest. The State must assure that on equal opportunity matters, the State EO Officer reports directly to the Governor and/or designee.

DESIGNATIONS

Each individual designated as a State-level EO Officer and each individual designated as a local level Equal Opportunity Officer, by name, position title, business address and telephone number. (29 CFR 32.28)

State-level WIOA EO Officer
Ferris Barger
State EO Officer
Oklahoma Office of Workforce Development
900 N. Portland Avenue
Oklahoma City, OK 73107
Phone: (405) 945-9184
FAX: (405) 945-8658
TTY: 711 or 800-722-0353
Email: eoofficer@osuokc.edu

Workforce Administration
Oklahoma Office of Workforce Development
Don Morris
Executive Director
Oklahoma Office of Workforce Development
900 N. Portland Avenue
Oklahoma City, OK 73107

Phone: (405) 945-9197
FAX: (405) 945-8658
TTY: 711 or 800-722-0353
Email: don.morris@osuokc.edu

Oklahoma Employment Security Commission
Unemployment Insurance/Wagner-Peyser
Emma Woodford
Civil Rights Administrator/ADA/EO/EAP
P.O. Box 52003
Oklahoma City, OK 73152-2003
Phone: (405) 557-7255
FAX: (405) 557-7174
Email: emma.woodford@oesc.state.ok.us

Local Workforce Development Areas (LWDA) Designated EO Officers

The State of Oklahoma has seven (7) Local Workforce Development Areas. Each LWDA has identified an EO Officer and their Director.

Central Workforce Development Area

LWDA Director
Eddie Foreman
Executive Director
Central Workforce Development Board
3813 N. Santa Fe, Suite 135
Oklahoma City, OK 73118
Phone: (405) 622-2031
TTY: 711 or 800-722-0353
Email: eddieforeman@cowib.org

EO Officer
Ashley Sellers
EO Officer/Chief Operations Officer
Central Workforce Development Board
3813 N. Santa Fe, Suite 135
Oklahoma City, OK 73118
Phone: (405) 622-2026, x302
TTY: 711 or 800-722-0353
Email: ashleysellers@cowib.org

Eastern Workforce Development Area

LWDA Director
Jerri Stoutermire
Director
Eastern Workforce Development Board
215 State Street, Suite 400
P.O. Box 2698
Muskogee, OK 74402
Phone: (918) 683-8553
TTY: 711 or 800-722-0353

EO Officer
Michael Branan
Operations Manager /EO Officer
Eastern Workforce Development Board
215 State Street, Suite 400
P.O. Box 2698
Muskogee, OK 74402
Phone: (918) 683-8443 ext. 1026
TTY: 711 or 800-722-0353

Email: jstoutermire@easternwib.org

Email: mbranan@easternwib.org

Northeast Workforce Development Area

LWDA Director
Michelle Bish
Executive Director
Northeast Workforce Development Board
1503 Lynn Riggs Blvd., Suite D
Claremore, OK 74017
Phone: (918) 907-0902
TTY: 711 or 800-722-0353
Email: michelle.bish@northeastworkforceboard.com

EO Officer
Linda Wilson
Compliance Monitor/EEO Officer
Northeast Workforce Development Board
1503 Lynn Riggs Blvd., Suite D
Claremore, OK 74017
Phone: (406) 459-6113
TTY: 711 or 800-722-0353
Email: linda.wilson@northeastworkforceboard.com

South Central Workforce Development Area

LWDA Director
Trina Southard
Director
South Central Workforce Development Board
1711 SW 11th Street
Lawton, OK 73501
Phone: (580) 357-3500
TTY: 711 or 800-722-0353
Email: trinas@scworkforceboard.org

EO Officer
Jana Farmer
Equal Opportunity Officer
South Central Workforce Development Board
1711 SW 11th Street
Lawton, OK 73501
Phone: (580) 357-3500
TTY: 711 or 800-722-0353
Email: janafarmer@scworkforceboard.org

Southern Workforce Development Area

LWDA Director
Kerry Manning
Director
Southern Workforce Development Board
910 W. Evergreen
P.O. Box 1577
Durant, OK 74702
Phone: (580) 745-5397
TTY: 711 or 800-722-0353
Email: kmanning@swb-ok.com

EO Officer
Karen Davidson
Equal Employment Opportunity Officer
Southern Workforce Development Board
910 W. Evergreen
P.O. Box 1577
Durant, OK 74702
Phone: (580) 745-5397
TTY: 711 or 800-722-0353
Email: kdavidson@swb-ok.com

Tulsa Workforce Development Area

LWDA Director
Rachel Hutchings
Executive Director

EO Officer
Kate Tillotson
EO Officer & Workforce Strategy Analyst

Workforce Tulsa Board
907 S. Detroit Avenue, Suite 1325
Tulsa, OK 74120
Phone: (918) 595-8824
TTY: 711 or 800-722-0353
Email: rhutchings@workforcetulsa.com

Workforce Tulsa Board
907 S. Detroit, Suite 1325
Tulsa, OK 74120
Phone: (918) 859-22219
TTY: 711 or 800-722-0353
Email: ktillotson@workforcetulsa.com

Western Oklahoma Workforce Development Area

LWDA Director
Christi Porter
Director
Western Oklahoma Workforce
Development Board
1222 10th St., Suite 115
Woodward, OK 73801
TTY: 711 or 800-722-0353
Phone: (580) 256-8553
Email: ccastor@oeda.org

EO Officer
Tara Goldman
One-Stop Operator/EO Officer
Western Oklahoma Workforce
Development Board
400 E. Central, Suite 103
Ponca City, OK 74601
TTY: 711 or 800-722-0353
Phone: (580) 716-7276
Email: goldman.tara@odlemanagement.com

The level within the organization (described in such terms as the individual's authority and position relative to the top of the hierarchy) occupied by the EO Officer.

The Governor of Oklahoma has designated the Oklahoma Office of Workforce Development (OOWD) to administer implementation of the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act (WIOA) as they relate to workforce development activities. The Governor (or his designee) has designated Ferris Barger, as the State EO Officer responsible for ensuring that all WIOA Title I, One-Stop Partners and Oklahoma Employment Security Commission (OESC) are operated in a nondiscriminatory manner. The State EO Officer is designated by the Executive Director of the Oklahoma Office of Workforce Development (OOWD), the Governor's designee, and has full accessibility to the Governor's Office for matters related to equal opportunity and nondiscrimination. The State EO Officer is responsible for ensuring the One-Stop Center programs that receive federal financial assistance are in compliance with the nondiscrimination and equal opportunity provisions in Section 188 of WIOA and 29 CFR Part 38. The State EO Officer has knowledge of WIOA, principles and practices of compliance monitoring, federal and state laws, as well as rules and regulations.

In addition, the State EO Officer's body of knowledge includes the workforce system policies, computerized products used in tracking, performance reports, the monitoring of systems and processes, and the compliance practices and techniques.

The State EO Officer attends all EO related trainings allowed by the State's administrative budget to maintain these competencies in order to oversee and assist in the development and implementation of

Oklahoma's Nondiscrimination Plan under 29 CFR 38.54. Trainings include, but are not limited to, EEOC training, NASWA EO Committee training and the Civil Rights Center training.

Nondiscrimination Plan

The Oklahoma Office of Workforce Development develops and submits to the Civil Rights Center every two years Oklahoma's Nondiscrimination Plan. This document outlines the equal opportunity policies, procedures, and system established by our Governor to give a reasonable commitment that the State and its recipients will comply with the USDOL equal opportunity and nondiscrimination requirements. The State EO Officer is responsible for overseeing the development and implementation of Oklahoma's Nondiscrimination Plan.

The State Equal Opportunity is responsible for developing and publishing the procedures for processing discrimination complaints that will be used within his or her area of jurisdiction. The State EO Officer is responsible for the discrimination complaint procedures to be used at the State and local levels. The WIOA nondiscrimination regulations provide that "any person who believes that either he or she, or any specific class of individuals, has been or is being subjected to discrimination prohibited by WIOA or 29 CFR Part 38, may file a written complaint, either by him/herself or through a representative." This language means that anyone may file a complaint if she/he believes that discrimination is taking place within the Oklahoma workforce system.

The duties of the State EO Officer, and the manner in which those duties are carried out. Describe both the State EO duties, responsibilities and activities associated with the implementation of 29 CFR Part 38, and all other duties, responsibilities and activities.

The State EO Officer's designated duties corresponding to the implementation of 29 CFR Part 38 includes: *(Section 2 Documentation – Attachment 1)*

- Coordinating the State EO responsibilities under 29 CFR Part 28;
- Functioning as the state's liaison with the Civil Rights Center;
- Monitoring the LWDAs, OSPs, (recipients and sub-recipients) and State Unemployment Insurance (UI) programs to ensure WIOA Title I financially assisted programs and/or activities are operating in a nondiscriminatory manner. The State EO Officer prepares monitoring reports including any needed corrective actions and monitors the corrective actions for completion and compliance;
- Developing, coordinating, providing oversight, researching, analyzing data, preparing reports, revising policies and procedures for equal opportunity and civil rights as well as other communications relative to programmatic performance on assigned LWDAs, OSPs, and UI;
- Conducting, leading, or assisting monitoring investigations (i.e., determines nature, scope, and direction of the investigation);
- Writing correspondence and reports regarding findings of investigations;
- Providing appropriate resource and referral information for complainants and for members of the general public relative to discrimination and employment law;
- Reporting conflicts or apparent conflicts of interest to appropriate parties;

- Reviewing and analyzing complaints for WIOA jurisdiction and basis of discrimination;
- Reviewing data and information to discern specific trends or patterns which could reflect possible accessibility issues or need for targeted outreach;
- Initiating and coordinating meetings to provide information to or resolve issues with contractors, programs or other groups both within and outside the department and/or the general public;
- Providing technical assistance and training, as required, to contracted providers and Department staff relating to the implementation and operation of contracted activities and requirements within designated LWDAs, OSPs and UI;
- Interpreting federal and state laws, regulations, policies and procedures related to program services, as well as LWDA, OSPs, UI policies and procedures to ensure compliance with equal opportunity and civil rights;
- Overseeing and assisting the development and implementation of the recipient's Nondiscrimination Plan under 29 CFR 38.54;
- Preparing and presenting Equal Opportunity information and/or concerns to executive management, directors, managers, and supervisors;
- Reporting directly to the appropriate official about equal opportunity matters;
- Undergoing training to maintain competency; and
- Performing equal opportunity related work as required.

All equal opportunity matters within the seven (7) Local Workforce Development Areas (LWDA) are referred directly to the individual Local EO Officer. The Local EO Officers are responsible for:

- Serving as the recipient's liaison with the State EO Officer and CRC;
- Developing and publishing the recipient's procedures for processing discrimination complaints and making sure those procedures are followed;
- Reporting to the appropriate official about equal opportunity matters;
- Ensuring that the roles and duties of the Local EO Officers are given top priority to adequately accomplish all of his/her responsibilities under WIOA Section 188 and 29 CFR 38;
- Undergoing training to maintain competency;
- Monitoring and investigating the recipient's activities, and the activities of the entities that receive WIOA Title I financial assistance from the recipient, to make sure that the recipient and its sub-recipients are not violating their nondiscrimination and equal opportunity obligations under WIOA Title I and 29 CFR Part 38;
- Reviewing written policies to ensure they are nondiscriminatory; and
- Coordinating all local-level, WIOA EO activities, thus ensuring compliance with the nondiscrimination and equal opportunity provisions of WIOA are implemented and enforced.

The manner in which the recipient makes the identity of the EO Officer(s) known to applicants, registrants, eligible applicants/registrants, participants, employees, and applicants for employment, as well as interested members of the public.

The notice/poster, "Equal Opportunity Is the Law", is distributed by the State EO Officer to all LWDAs electronically (English and Spanish) and includes LWDA EO Officer or UI EO Officer's information before being printed and posted. *(Section 2 Documentation – Attachments 2 and 3)* The "Equal Opportunity Is the Law" notice/poster is included with LWDA forms, such as participant enrollment forms, policies, etc. Registrants, eligible applicants, participants, claimants, employees and applicants for employment and interested members of the public are made aware of the LWDA EO Officer's information through the LWDA nondiscrimination posters, policies, and letters. The State, LWDA, UI and WP EO Officer's name and contact information appear on any communications regarding nondiscrimination and equal opportunity programs. Policies are posted on the Oklahoma Works website.

The level of staff and other resources available to State and local level EO Officer(s) to ensure that WIOA Title I financially assisted programs and activities operate in a nondiscriminatory way.

The Oklahoma Office of Workforce Development (OOWD) employs sufficient staff and adequate resources to ensure the State EO Officer is in compliance with the nondiscrimination and equal opportunity provisions of Section 188 of the WIOA and with 29 CFR 38.28.

The State EO Officer meets and corresponds with the LWDA EO Officers, at a minimum, on an annual basis to discuss updates in regulations, monitoring strategies, data analysis and other EO matters, as needed.

The State EO Officer's salary is funded by the WIOA fifteen percent allowable statewide set-aside funding.

Each LWDA has appointed an EO Officer that has staff and other available resources to ensure that programs and activities operate in a nondiscriminatory way.

An EO Officer may be assigned other duties, but he or she must be able to give top priority to, and to adequately accomplish all of his or her responsibilities or activities that create a conflict or the appearance of a conflict, with his or her duties as an EO Officer.

The State's plan for ensuring that State and local level EO Officers and their staff are sufficiently trained to maintain competency. *(Section 2 Documentation – Attachment 4)*

The State EO Officer is a member and attends annually sponsored National Association of State Workforce Agencies (NASWA) Equal Opportunity trainings, as well as EO classes and training conferences offered through webinars from Workforce GPS, U.S. Department of Labor (USDOL)/CRC, National Skills Coalition (NSC), Equal Employment Opportunity Commission (EEOC), ABLE Tech to maintain competency, and others.

The State requires that LWDA staff receive annual EO training via Local EO Officers, the State EO Officer, or through the WIOA Technical Assistance Conferences or similar conferences and trainings.

OOWD makes training available to the State EO Officer in areas related to equal opportunity and nondiscrimination, such as the Section 504 of the Rehabilitation Act, Age Discrimination Act, Fair Labor Standards Act, Family and Medical Leave Act, Sexual Harassment and Diversity, Limited English Proficiency,

Equal Employment Opportunity Principles and Practices, American Disability Act Management Responsibilities and the Health Insurance Portability Accountability Act. This training helps ensure the Local EO Officers understand the responsibilities required in the enforcement of equal opportunity and nondiscrimination laws under WIOA.

The State EO Officer communicates via telephone, email and in person with LWDA EO Officers and UI EO Officer regarding equal opportunity and nondiscrimination issues, policies, training opportunities and other relevant matters as they are presented for public knowledge by USDOL.

The identity, by name, title and organization, of the individual to whom each State and local level EO Officer reports on equal opportunity matters and reporting relationships.

Ferris Barger, State EO Officer, OOWD, has full accessibility to the Governor's Office on equal opportunity matters.

LWDA EO Officers are required to report directly to their highest-ranking officer in their organization (such as Local Workforce Board Directors) on all equal opportunity matters as well as to the State EO Officer. He or she must have access to that person without undue delay or obstructions, to ensure that the necessary flow of information between the EO Officer and the top official is not hindered.

A description of the professional and support staffing levels and resources provided to each State and local level EO Officer to assist him or her in ensuring compliance with WIOA Section 188 and 29 CFR Part 38.

The OOWD develops and disseminates policy guidelines for use in equal opportunity and nondiscrimination issues, directives, etc. The State EO Officer conducts annual compliance monitoring to examine the LWDA written materials such as case files, physical locations, policies, procedures, etc., for items relating to equal opportunity and nondiscrimination issues. If any discrimination issues arise, the monitoring may occur earlier when the severity of the issue necessitates. OOWD provides assistance with information technology services, administrative planning, budgeting, personnel and facilities, as needed.

The type and level of training each State and local level EO Officer has received and will receive to ensure that he or she is capable of fulfilling his or her responsibilities as an EO Officer.

The State EO Officer may attend training and seminars conducted by the Equal Employment & Opportunity Commission (EEOC), Equal Opportunity Conferences hosted by the National Association of State Workforce Agencies (NASWA), their EO Committee, and the U.S. Department of Labor, webinars provided by the Civil Rights Center, National Skills Coalition, Workforce GPS, and other organizations as well as Oklahoma-related training.

The State EO Officer provides annual trainings to LWDA EO Officers and (if necessary) OSPs to ensure that LWDAs, OSPs and other recipients understand and implement the requirements of the equal opportunity provisions of the WIOA, Section 188 and 29 CFR Part 38. The State EO Officer provides links to LWDA EO

Officers on relevant webinars related to equal opportunity and nondiscrimination issues, policies and training opportunities.

The means by which the State makes public the names, position titles and telephone numbers (including TDD/TTY numbers) of State EO Officer and each local level EO Officer. ***(29 CFR 38.29)***

The primary dissemination of the State EO Officer's name and contact information is on the "Equal Opportunity Is the Law" notice/poster. The notice contains information including the State EO Officer by name, title, business address, e-mail address, and telephone number including the TDD/TTY number. Additionally, the State publishes a directory on the Oklahoma Works website, www.OklahomaWorks.gov to locate the State and LWDA EO Officers.

Section 2 – Documentation

ATTACHMENTS

1. State Equal Opportunity Officer Job Description
2. Equal Opportunity Is the Law Notice – State EO Officer *(English)*
3. Equal Opportunity Is the Law Notice – State EO Officer *(Spanish)*
4. Equal Opportunity and Nondiscrimination Training Transcript

Section 2 – Attachment 1

Oklahoma State University-Oklahoma City
Job Description

Position Title: State Equal Opportunity Officer

Department: Oklahoma Office of Workforce Development (OOWD)

Reports To: Executive Director of Oklahoma Office of Workforce Development

Supervises the Work of: No direct staff supervisory responsibilities

Position Summary

The State Equal Opportunity Officer serves as the OOWD's liaison with the U.S. Department of Labor's Civil Rights Center, and is responsible for coordinating a recipient's obligations under Section 188 of the Workforce Innovation and Opportunity Act (WIOA) and Section 29 CFR Part 38 of related regulations, requiring nondiscrimination and equal opportunity in the administration, oversight and delivery of WIOA-related services, aid, benefits, training, and employment practices. All EO Officers are responsible for monitoring and investigating the recipient's activities, and the programmatic activities of the entities that receive WIOA Title I funding, and working with other WIOA partner agencies that operate federal programs, including: Department of Rehabilitation Services, Department of Career and Technology Education, and the Employment Security Commission, among others. This position is responsible for conducting training, evaluations, coordination, and capacity building 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; monitoring that 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; and ensuring Limited English Proficiency (LEP) policies and procedures are written and followed.

The State Equal Opportunity Office is responsible for offering interpretation and application of the Workforce Innovation and Opportunity Act (WIOA) in compliance with state law in Oklahoma, in other areas that do not present an actual or apparent conflict of interest with the responsibilities of an EO Officer. The person in this position will assist in quality policy development processes, writing local program policy, and ensuring policy implementation through appropriate monitoring. The Policy and Program Officer supports and provides back up, as needed, to other Officers, and leadership positions. In conjunction and cooperation of programmatic staff, this position interprets, develops, issues and implements program policies to ensure statewide service delivery meets the standards outlined by the WIOA Act and Regulations.

REQUIREMENTS:

Work Experience

Five years of experience working with federal or state law, or an equivalent combination of education and experience.

Experience with federal Department of Labor programs and grants preferred.

Direct experience with the Workforce Innovation and Opportunity Act, or its predecessor the Workforce Investment Act; and/or direct experience with EEO/AA/ADA and labor law preferred.

Knowledge, Skills, and Abilities

Knowledge of:

- Federal, State, and local legislation, case law, and regulations pertaining to EEO, including:
    - WIOA Section 188 and related civil rights laws
    - Title VI of the Civil Rights Act of 1964
    - Section 504 of the Rehabilitation Act of 1973; and the ADA of 1990 as amended
    - The Age Discrimination Act of 1975
    - Title IX of the Education Amendments Act of 1972
    - Related retaliation clauses
- Discrimination complaint investigation techniques.
- Principles and practices of public administration, governmental budgeting, supervision, personnel administration, analytical procedures, and modern office management methods and practices.
- Qualitative and quantitative (statistical) analysis techniques.
- Principles and methods of recruitment, selection, and upward mobility of employees, if needed.

Skill in:

- Collecting and analyzing large volumes of data and reaching a conclusion supported by research.
- Analyzing complex problems and identifying alternative actions and solutions.
- Building a consensus among parties with competing or conflicting interests.
- Presenting ideas effectively verbally and in writing.
- Eliciting information and effectively listening.
- Counseling and resolving problems.
- Use of computers, computer applications, and software.

Ability to:

- Interpret and apply regulatory practices, rules, and policies to factual situations.
- Conduct investigations and write clear, concise reports.
- Gather, interpret, analyze, and evaluate data.
- Operate with a high degree of ethical and professional obligation.
- Identify ramifications of decisions, anticipate problems, and take proactive action.
- Establish and maintain effective working relationships with people of diverse backgrounds, both internal and external to the organization.
- Work well in a team environment.
- Meet urgent deadlines with short-turnaround times in a highly political environment.

Evidences a history of demonstrating ethical and professional behavior

Certifications &/or Licenses

Preferred: Equal Opportunity Certified; Equal Employment Opportunity Commission Investigator; Mediator Certification; Project Management Certification

Education

Bachelor's Degree or equivalent combination of education and experience and certification

Preferred Qualifications.

- Master's Degree in human resource management, public policy, public administration, or related field

Essential Job Functions:

1. Investigate violations of equal opportunity laws and policies to ensure the public workforce system is employing and serving people without regard to race, religion, color, national origin, sex, age, or disability.
2. Monitor and evaluate the adequacy and effectiveness of the policies and procedures used to guide EO/AA and ADA programs and compliance in workforce centers on a consistent basis.
3. Interpret civil rights laws for the workforce system.
4. Clarify issues regarding equal opportunity.
5. Evaluate the workforce system to determine if systematic discrimination is occurring.
6. Process complaints and act as arbitrator to mediate disputes.
7. Develop guidelines for non-discriminatory practices.
8. Keep informed on all current equal opportunity and affirmative action issues.
9. Provide procedural information to complainants on filing charges of failure to adhere to equal opportunity and affirmative action policies and procedures.
10. Disseminate information.
11. Train state and local staff on EO issues and procedures, among other topics, and provide technical assistance as needed.
12. Maintain open lines of communications and feedback for those who have reported discrimination.
13. Maintain quality records.
14. Create and timely submit quality state and federal reports and required plans and policies.
15. Completes all mandatory training and participates in a minimum of two professional development each year.
16. Performs other duties as assigned.

The duties listed in this job description are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

Working Conditions:

Normal office working environment; in-state travel required often, out-of-state travel for training and professional development also required on occasion.

Physical Requirements:
Normal office working environment.

The work environment and physical demands described here are representative of those required by an employee to perform the essential functions of this job with or without reasonable accommodations.

EQUAL OPPORTUNITY IS THE LAW

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases: against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I–financially assisted program or activity.

The recipient must not discriminate in any of the following areas: deciding who will be admitted, or have access, to any WIOA Title I–financially assisted program or activity; providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

Recipients of federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities

WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

If you think you have been subjected to discrimination under the Wagner-Peyser Act, a WIOA Title I–financially assisted program or activity, or unsure as to where to file your complaint, you may file a complaint within 180 days from the date of the alleged violation with either:

Name:_____
Local EO Officer
Address:_____
_____
_____

Phone:_____
TDD/TTY:_____
Email:_____

Ferris Barger
State Equal Opportunity Officer
Oklahoma Office of Workforce Development
900 N. Portland Avenue
Oklahoma City, OK 73107
Phone: (405) 945-9184
TTY: 711 or 800-722-0353
Email: eoofficer@osuokc.edu

Naomi M. Barry-Perez, Director
Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue NW,
Room N-4123,
Washington, DC 20210
Phone: (202) 693-6500
Fax: (202) 693-6505
TTY: (202) 693-6516
or electronically as directed on the CRC website at www.dol.gov/crc.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above). If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient). If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

LA IGUALDAD DE OPORTUNIDAD ES LA LEY

La ley prohíbe que este beneficiario de asistencia financiera federal discrimine por los siguientes motivos: contra cualquier individuo en los Estados Unidos por su raza, color, religión, sexo (incluyendo el embarazo, el parto y las condiciones médicas relacionadas, y los estereotipos sexuales, el estatus transgénero y la identidad de género), origen nacional (incluyendo el dominio limitado del inglés), edad, discapacidad, afiliación o creencia política, o contra cualquier beneficiario, solicitante de trabajo o participante en programas de capacitación que reciben apoyo financiero bajo el Título I de la ley de Innovación y Oportunidad en la Fuerza Laboral (WIOA, por sus siglas en inglés), debido a su ciudadanía, o por su participación en un programa o actividad que recibe asistencia financiera bajo el Título I de WIOA.

El beneficiario no deberá discriminar en los siguientes áreas: decidiendo quién será permitido de participar, o tendrá acceso a cualquier programa o actividad que recibe apoyo financiero bajo el Título I de WIOA; proporcionando oportunidades en, o tratar a cualquier persona con respecto a un programa o actividad semejante; o tomar decisiones de empleo en la administración de, o en conexión a un programa o actividad semejante.

Los beneficiarios de asistencia financiera federal deben tomar medidas razonables para garantizar que las comunicaciones con las personas con discapacidades sean tan efectivas como las comunicaciones con los demás. Esto significa que, a petición y sin costo alguno para el individuo, los recipientes están obligados a proporcionar ayuda auxiliar y servicios para individuos con discapacidades calificados.

QUE DEBE HACER SI CREE QUE HA SIDO DISCRIMINADO

Si usted piensa que ha sido discriminado en un programa o actividad que recibe apoyo financiero bajo el Título I de WIOA, usted puede presentar una queja no más de 180 días después de la fecha en que ocurrió la presunta violación, ya sea con: El oficial de igualdad de oportunidad del recipiente (o la persona que el recipiente haya designado para este propósito);

Name:_____
Local EO Officer
Address:_____
_____
_____

Teléfono:_____
TDD/TTY:_____
Email:_____

Ferris Barger
State Equal Opportunity Officer
Oklahoma Office of Workforce Development
900 N. Portland Avenue
Oklahoma City, OK 73107
Teléfono: (405) 945-9184
TTY: 711 or 800-722-0353
Email: eoofficer@osuokc.edu

Naomi M. Barry-Perez, Director
Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue NW,
Room N-4123,
Washington, DC 20210
Teléfono: (202) 693-6500
Fax: (202) 693-6505
TTY: (202) 693-6516
o electrónicamente como indica el sitio web del CRC
www.dol.gov/crc.

Si usted presenta una queja con el recipiente, usted debe esperar hasta que el recipiente emita una decisión final escrita o que pasen por lo menos 90 días (lo que ocurra primero), antes de presentar una queja con el Centro de Derechos Civiles (CRC, por sus siglas en inglés) a la dirección mencionada previamente. Si el beneficiario no le entrega una decisión final escrita dentro de 90 días después de la fecha en que presento su queja, usted puede presentar su queja con el CRC antes que reciba la decisión final. Sin embargo, es necesario presentar su queja con el CRC dentro de 30 días después de la fecha límite de 90 días (en otras palabras, dentro de 120 días después de la fecha en presento la queja con el recipiente). Si el recipiente emite una decisión final escrita, pero usted no está satisfecho con él resultado o resolución, usted puede presentar una queja con el CRC. Usted debe presentar su queja con el CRC dentro de 30 días después que reciba la decisión final escrita.

Empleador/programa con Igualdad de Oportunidades
Aparatos y servicios auxiliare están disponibles a petición a las personas con discapacidades.

WIOA

EQUAL OPPORTUNITY AND NONDISCRIMINATION

TRAINING

State EO Officer-Training Received

- 2017
  - Civil Rights Center State-Level Equal Opportunity Officer Conference, Washington, DC
  - Oklahoma Works Workforce Partners Conference – Sessions on Accessibility
  - NASWA Equal Opportunity Conference & Committee Meeting, Washington, DC
- 2018
  - NASWA Workforce Summit & EO Committee Meeting, Birmingham, AL
  - Oklahoma Works Workforce Partners Conference – Sessions on Accessibility
  - Oklahoma ABLE Tech Conference, Oklahoma City, OK
  - Tech AccessOK, Oklahoma City, OK
  - WIOA from a Disability Perspective & Section 188: A Powerful Foundation for Access Series
  - Walking the ADA Tightrope: Disability Discrimination & Reasonable Accommodation
  - State Workforce Systems that are Making Equal Opportunity a Priority: Missouri, Virginia, California
  - Diversity, Respect and Inclusion
  - Achieving 188 Compliance & AJC Certification: Key Strategies & Actions from Policy to Procedures
  - Global Diversity
  - 2018 Web Accessibility Standards & Overview
  - Mediation Training
  - EEOC Training
- 2019
  - Oklahoma Works Workforce Partners Conference – Sessions on Accessibility
  - Tech AccessOK, Oklahoma City, OK
  - Midwest Equal Opportunity Summit, Blue Springs, MO
  - NASWA Workforce Summit & EO Committee Meeting, Boston, MA
  - Achieving Equal Access and Opportunity: Requirements and Promising Practices
  - The New Era of Workplace Investigations: Key Strategies and Best Practices

EO, ADA & Nondiscrimination – Training Provided

- 2017
  - Oklahoma Works Workforce Partners Conference – Sessions on Accessibility
  - TechAccessOK, Oklahoma City, OK
- 2018
  - 2018 Web Accessibility Standards & Overview
  - Oklahoma Works Workforce Partners Conference – Sessions on Accessibility
  - TechAccessOK, Oklahoma City, OK
- 2019
  - Midwest EO Summit, Blue Springs, MO
  - Oklahoma Works Workforce Partners Conference – Sessions on Accessibility
  - TechAccessOK, Oklahoma City, OK

SECTION 3 – NOTICE AND COMMUNICATION

PURPOSE

In Element Three, the State addresses how it, its WIOA OSPs, and their recipients comply with the requirements of 29 CFR 38.34 through 38.39. The State ensures the establishment of a notice and communication system that is accessible to all registrants for WIOA funded services, applicants for employment, employees and interested members of the public, making them aware of the WIOA One-Stop's requirements to operate its programs and activities in a nondiscriminatory manner, and the extent of the rights of members of these groups to file complaints of discrimination.

NARRATIVE

The methods and frequency of dissemination of the notice/poster, including initial dissemination. *(29 CFR 38.34)*

The "Equal Opportunity Is the Law" notice/poster (English and Spanish), is distributed annually and sent electronically, or by other methods, to LWDA, WP, UI EO Officers/Area Managers including OSPs. This allows the partners to edit the documents to include information about the identification and contact information of the EO Officer for each LWDA. *(See Section 2 Documentation – Attachments 1 & 2)*

As changes occur, a notice is sent out electronically to all WIOA recipients and includes the name of any new State and/or LWDA EO Officer(s). All WIOA EO complaints may be filed at the local level, the state level or directly with the U.S. Department of Labor/Civil Rights Center (USDOL/CRC).

The means by which the notice is made available to individuals with disabilities. *(29 CFR 38.36)*

In the instructions for posting the "Equal Opportunity Is the Law" notice/poster, the LWDAs and OSPs are instructed to read the notice/poster to anyone who requests assistance or when staff observe the customer is visually impaired or might have difficulty reading the poster without assistance.

Auxiliary aids must be obtained for an individual who requests an aide, or staff have observed the customer is visually or hearing impaired or might have difficulty reading. Auxiliary aids or services may include: qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, telecommunications devices for deaf persons (TDDs/TTYs), videotext displays, or other effective means of making aurally delivered materials available to individuals with hearing impairments. Also used are qualified readers, recorded texts, audio recordings, Braille materials, large print materials, and other effective means of making visually delivered materials available to individuals with hearing impairments.

The means by which the State ensures that recipients post the notice/poster. *(29 CFR 38.37)*

The State has notified each of the WIOA One-Stop system partners in writing as required by the law under WIOA Section 188 to clearly display the "Equal Opportunity Is the Law" notice/poster in all facilities throughout the State where OSPs, UI, and WIOA Title I funded activities are conducted, including One-Stop Centers.

The State EO Officer completes on-site monitoring of a sample of at least one Center in each Local Workforce Development Area on an annual basis to ensure that the recipients have the required posters in place. Local Workforce Development Boards complete a self-evaluation of compliance with the Nondiscrimination Plan yearly. *(Section 3 Documentation – Attachment 1)* The review includes review of the required postings.

The means by which a copy of the notice is placed in the participant's file (29 CFR 38.37), or where the files are maintained electronically, how the requirement of 38.31(a) is and will continue to be met.

The State requires a permanent paper file or electronic record be maintained on all participants. All LWDAs in the State are required, at the time of orientation whether in a group setting or one on one, to include the document detailing the equal opportunity law and all other WIOA documentation in the participant's permanent paper or electronic file.

State ensures that recruitment brochures and other materials routinely made available to the public include the statements "equal opportunity employer/program" and "auxiliary aids and services are available upon request to individuals with disabilities." *(29 CFR 38.34(a))*

In accordance with 29 CFR 38.34, all recipient publications (State, LWDA and sub-recipients) must include the equal opportunity policy statement that indicates the recipient is "an equal opportunity employer/program". Additionally, all recipient publications must include the appropriate tag lines "auxiliary aids and services available upon request to individuals with disabilities". The State's WIOA section, LWDAs and OSPs include the equal opportunity policy statement and the appropriate tag lines in publications, and other broadcasts it disseminates. Each recipient is responsible for including the equal opportunity policy statement and the appropriate tag lines on all brochures, publications, web sites, and broadcasts. The State ensures each recipient is in compliance with this requirement during compliance reviews using the State "Equal Opportunity Monitoring Review Guide".

Where a telephone number is included on recruitment brochures and other materials, the means by which the State ensures that the materials indicate a TDD/TTY number or provide for an equally effective means of communication with individuals with hearing impairments. *(29 CFR 38.15)*

During the desk and on-site compliance reviews, the State checks each of the LWDA/OSP sites for recruitment brochures and other materials ensuring that such materials provide for an equally effective means of communication with individuals with hearing and visual impairments. The State requires that all recipients provide any materials that are intended for public notification to be reviewed by either the State or LWDA EO Officers prior to the release of the material.

This ensures compliance with 29 CFR 38.15 is met. The State also requires that LWDAs utilize an effective telecommunications system. The State has in place the 7-1-1 system that ensures communication is as available to individuals with disabilities as other participants.

The steps taken to ensure that communications with individuals with disabilities are as effective as communications with others. *(29 CFR 38.38)*

The State EO Officer ensures that communications, offices and programs are physically accessible to disabled individuals during on-site compliance reviews. The State ensures materials indicate a TDD/TTY number and all other materials routinely made available to the public include the statements "equal opportunity employer/program" and "auxiliary aids and services available upon request to individuals with disabilities". All current available aides in the comprehensive offices throughout the State are to be maintained and staff trained in the One-Stop Centers to assist individuals with disabilities in using them.

The means by which program-related information is published or broadcast in the news media (e.g., youth summer employment/training programs; job fairs) and the means by which the State ensures that publications/broadcasts state that the program is an equal opportunity employer/program and that auxiliary aids and services are available upon request to individuals with disabilities. *(29 CFR 38.38)*

As required by law under WIOA, the State requires that all recipients of WIOA Title I financially assisted programs advertise in their broadcasts or media publications that they are an equal opportunity employer/program with auxiliary aids and services available upon request for individuals with disabilities.

During desk reviews, the State EO Officer will check the LWDA/OSP for statements that the program is an equal opportunity employer/program and that auxiliary aids and services are available upon request to individuals with disabilities. During desk reviews and on-site compliance reviews, the State checks each of the LWDA sites for evidence that program-related information published in the news media (e.g., publication of Requests for Proposal) include statements that the program is an equal opportunity employer/program and that auxiliary aids and services are available upon request to individuals with disabilities. The Local staff are trained to recognize and alert the appropriate EO Officer when an employer uses any discriminatory practices. The EO Officer will take the necessary corrective actions and appropriate enforcement remedies.

The manner in which and the extent to which information in languages other than English is provided, and the manner in which the State ensures that persons of Limited English Speaking ability have access to its programs and activities on a basis equal to that of those who are proficient in English. *(29 CFR 38.40)*

It is the policy of the State to provide services and information in a language other than English for customers with limited English proficiency (LEP) in order to effectively inform or enable those customers to participate in departmental programs or activities. *(Section 3 Documentation – Attachments 2 and 3)* When a LWDA/OSP determines a significant proportion of the population eligible to be served are more likely to be

directly affected by a program/activity needs information in a single language other than English, the LWDA and OSP must translate its written program materials into that language and provide effective interpretation services to members of the significant LEP group. The State can provide interpreters for LEP customers who are not part of a significant group in order to provide the customer meaningful access to programs and services. When an interpreter for the needed language cannot be located, the Language Line Solutions (1-866-874-3972) is used to serve the customer.

The policy of the State is to provide quality and timely language assistance services to customers with limited English proficiency (LEP) to ensure meaningful access to programs, services, and activities. The LWDA and OSP shall translate vital documents into languages other than English or include a tag line (Babel notice) in the vital document to notify the LEP customer of the importance of the document, and/or the availability of language assistance services. Babel notice is defined as a short notice included in a document or electronic medium (e.g. web site, application, "app" email) in multiple languages informing the reader that the communication contains vital information, and explaining how to access language services to have the contents of the communication provided in other languages (29 CFR Section 38.4(i)). Also, AJCs use "I Speak" cards and/or posters for language identification.

The manner in which and the extent to which orientations for registrants, applicants, eligible applicants/registrants, employees, applicants for employment, and members of the public include a discussion of the rights of such persons under WIOA Section 188 and 29 CFR Part 38. *(29 CFR 38.36)*

LWDAs include a discussion of equal opportunity and nondiscrimination rights as part of orientations for registrants, applicants, eligible applicants/registrants, and employees. LWDAs are required, at the time of orientation, to include a written copy of the notice detailing the equal opportunity law and all other WIOA documentation in the participant's permanent file. The State EO Officer checks the participant's permanent paper files or electronic records for these documents during the on-site monitoring. One-Stop applicants/registrants must register using the OKJobMatch (OKJM) system and is required to acknowledge "Equal Opportunity Is the Law" notice in order to complete registration and utilize the OKJM system.

The process the State uses to develop and communicate policy and conduct training regarding nondiscrimination and equal opportunity. *(29 CRF 3.25(c), and 38.54)*

Oklahoma uses the Policy and Data Center on the www.oklahomaworks.gov website to communicate policy related to nondiscrimination and equal opportunity. Policy development is standardized across the WIOA system and Title I programs, often incorporating local input.

To ensure that information is accessible to more LWDA/OSP staff, the State incorporates technology-based training solutions, statewide technical assistance conferences, and a Question & Answer section on the Oklahoma Works and Oklahoma Employment Security Commission websites. Training opportunities are released via electronic communication to LWDA EO Officers and are posted on the "Events" section on the OOWD and the OESC websites.

Section 3 – Documentation

ATTACHMENTS

1. Local Workforce Development Boards Self-Evaluation of EO Compliance (AJC Certification Checklist) – Oklahoma Workforce Development Issuance (OWDI) #01-2019 Attachment A

2. OESC's Limited English Proficiency Policy and Procedures

3. Oklahoma Workforce Development Issuance #17-2017 Limited English Language Proficiency (LEP)

OWDI #01-2019 Attachment A: Oklahoma Works AJC Certification Checklist (for Affiliate and Comprehensive Centers)

Equal Opportunity & Accessibility

Local Area Name:	
Oklahoma Works AJC Name & Address:	
Type of center:	Comprehensive Affiliate Specialized
Date of On-Site Evaluation:	
Evaluator Name:	

Must Meet Criteria

		Met	Not Met
EOA.1	The physical and programmatic accessibility of the one-stop center has been assessed by the local board, as required in 20 CFR 679.370.		
EOA.2	The Emergency Action plan is up to date and easily accessible. (29 CFR Part 1910.38; 29 CFR Part 1910.38)		
EOA.3	The one-stop is accessible consistent with Oklahoma Works Access for All standards found on the ABLE Tech website and is accessible to the Web Content Accessibility Guidelines 2.0, AA.		
EOA.4	The Local Equal Opportunity Officer periodically reviews the one-stop center's policies, procedures, and facility for accessibility and equal opportunity and provides recommendations and technical assistance.		
EOA.5	There are procedures in place to receive and respond to programmatic grievances and complaints.		
EOA.6	All program services are made available to and are accessible to all individuals, including those with disabilities as detailed by the Oklahoma Works Access for All initiative.		

EOA.7	Phone, real-time Web-based communications or other technology is physically present, enables real-time interaction (e.g., via Skype) and is accessible to the Web Content Accessibility Guidelines 2.0,AA		

Scored Criteria

		Score		
EOA.8A	Assistive technology devices or other auxiliary aids are readily available.	3 - Exceeds expectations	2 - Meets expectations	1 - Meets minimum expectation
EOA.9B	The one-stop center's resources include bilingual materials or an on-demand translation service and are tailored to the populations served.	3 - Exceeds expectations	2 - Meets expectations	1 - Meets minimum expectation
EOA.10C	Program partner staff are able to demonstrate they know how to use assistive technologies and are aware of the available resources.	3 - Exceeds expectations	2 - Meets expectations	1 - Meets minimum expectation

Evaluator Notes

OKLAHOMA EMPLOYMENT SECURITY COMMISSION
LIMITED ENGLISH PROFICIENCY POLICY

I. POLICY STATEMENT

The policy of the Oklahoma Employment Security Commission (OESC) is to provide quality and timely language assistance services to customers with limited English proficiency (LEP) to ensure meaningful access to programs, services, and activities. Each affected division of the OESC shall:

- Develop and adhere to specific written procedures;
- Perform a needs and capacity assessment;
- Arrange for oral language assistance, as appropriate;
- Determine which of the OESC's documents meet the definition of a vital document;
- Translate vital documents into languages other than English or include a tag line (Babel notice) in the vital document to notify the LEP customer of the importance of the document, deadlines for appeal, and/or the availability of language assistance services;
- Provide notification to customers of the availability of language assistance services;
- Evaluate current Agency web sites for LEP compliance;
- Develop and implement standards to ensure LEP compliance on all future web pages;
- Train all staff who are likely to have contact with OESC customers and the management staff who support them;
- Develop and incorporate an accessible issue resolution process;
- Monitor and evaluate customer access to language assistance; and
- Review procedures on annual basis and update as needed.

II. AUTHORITY – TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, 42 USC 2000D et seq.

Section 601 of Title VI of the Civil Rights Act of 1964, 42 USC Section 200d et seq. states, "No person in the United States shall on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."
Regulations implementing Title VI provide in part at 45 CFR Section 80.3 (b):

(1) A recipient [the Agency is a 'recipient' under this law] under any program to which this part applies [generally any program that receives federal funds] may not, directly or through contractual or other arrangements, on ground of race, or color, or national origin:

(i) Deny an individual any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others in the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program or the class of individuals to whom, or the situations in which such services, financial aid or other benefits, or facilities will be provided..."*may not directly, or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination, because of their race, color or national origin, or have the effect of defeating or substantially impairing accomplishments of the objectives of the program with respect to individuals of a particular race, color, or national origin." (emphasis added)*

III. OVERVIEW

Title VI of the Civil Rights Act of 1964, as amended, requires that agencies take reasonable steps to ensure meaningful access to their programs and activities for persons with limited English proficiency. For the purposes of this Policy, individuals with limited English proficiency (LEP) are defined as individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English.

OESC'S LEP policy ensures that the Agency, and all Agency services regardless of funding source, comply with the requirements of Title VI of the Civil Rights Act of 1964 by setting out standards for its affected divisions to follow. Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin by any entity receiving federal financial assistance. OESC prohibits administrative methods or procedures that have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations.

In order to avoid discrimination on the grounds of national origin, all programs or activities administered by OESC shall take adequate steps to ensure that their procedures do not deny, or have the effect of denying, individuals with LEP equal access to benefits and services for which such persons qualify. This Policy defines Agency responsibilities to ensure that individuals with LEP can communicate effectively.

IV. SCOPE

This LEP policy applies to all Agency divisions and contractors who provide direct Agency services to LEP customers. The Agency shall be responsible for development of procedures to ensure compliance with Agency LEP policy. Each division, whether or not it provides services, information, or assistance to LEP customers shall designate an LEP contact to ensure compliance.

The OESC's Civil Rights Administrator is responsible for review and approval of Agency LEP procedures. This review will be limited to ensuring the Agency LEP procedure is consistent and in compliance with the Agency LEP policy.

V. DEFINITIONS

***Customer*:** Any applicant, claimant, or recipient of Agency services, including LEP customers.
Division: An administrative or functional unit within the Agency.
***Executive Director*:** The Director or Deputy Director, or their designee with authority over a division.
***Interpret*:** Providing a verbal translation between two or more persons in a language other than English. This may be done by on-site trained Agency staff, if available, contractors, or through commercially available resources, including but not limited to telephonic interpretation services.
***Language Used Significantly*:** A language spoken at home other than English that is used by 5% or more of the population 5 years old and over in Oklahoma according to the most recent U.S. Census data.
***Limited English Proficiency (LEP) Contact*:** The person within a division who is responsible for ensuring their division is LEP compliant.
Limited English Proficiency (LEP) Customer: Any prospective, or actual recipient of benefits or services from the Agency who cannot speak, read, write, or understand the English language at a level that permits effective interaction with the Agency.
Non-Vital Documents: Documents that are not critical to access Agency benefits and services.
Translate: Providing a written document in a language other than English.
Vital Document: A document that conveys information that affects the ability of the customer to make decisions about his or her participation in the program. The decision of whether a document is vital may depend upon the importance of the program information, encounter, or service involved, and the consequence to the LEP person if the information is not provided accurately or in a timely manner.

VI. STANDARDS

A. General statement: All Agency staff shall provide services to Agency customers in a manner which ensures all customers have meaningful access to their programs and activities, including those persons who have limited English proficiency.

B. Compliance and enforcement: It is the responsibility of each Director to ensure that activities within the Director's division are conducted consistent with both the Agency LEP policy and the LEP procedures.

C. Agency procedures: Each division identified as warranting language assistance services shall implement Agency LEP Procedures applicable to its division activities. These procedures must be consistent with the standards listed in the Agency LEP policy. Written procedures shall address the following areas:

1. Provisions of language services generally;
2. Identification and assessment of language needs;
3. Oral language assistance services;
4. Written translations;
5. Oral and written notification of the availability of language services;
6. Issue resolution rights;
7. Staff training on language service provision; and
8. Monitoring access to language assistance.

D. Needs and capacity assessment: The Agency shall employ a four-step process to determine the need and capacity for LEP services. Determine the number or proportion of LEP customers served;

- Determine the frequency of contact between LEP customers and Agency programs;
- Assess the nature and importance of the programs;
- Assess available resources; and
- Establish an early LEP service need detection and intervention strategy.

1. ***The Agency shall identify the steps in its service delivery process and identify the anticipated number of customer interactions that occur at each of these steps.***
   These steps could include points of contact with Agency staff where customers get information or staff takes an action that affects a customer's ability to meaningfully participate in an Agency program or activity. The points of contact include Agency offices, including but not limited to local offices, service centers, and appellate division offices, telephone numbers regularly used by the public, outreach activities, informational and operational web sites, and written notices. These contacts may be face-to-face, telephonic, written, or electronic.

2. ***The Agency shall identify the languages used by the populations it serves and shall use this information to determine the incidences in which the Agency expects to interact with customers in various languages other than English.***
   The Agency shall use the most recent U.S. Census data to determine overall language trends in Oklahoma. These trends will be used to determine the LEP population's alternative language needs. The Agency will update this information with the issuance of new census data.

3. ***The Agency shall annually assess the language assistance needs of its LEP customers and the capacity of its programs to meet these needs.***
   Agency procedures shall include the methods used to conduct this assessment.

4. ***The Agency shall implement a process*** to be used in Workforce Offices that LEP customers may use to identify and communicate their preferred language to Agency staff.
   a. The Agency shall include a procedure for displaying in a prominent manner language preference posters in offices where customer interaction is anticipated. These posters are designed to provide an opportunity for LEP persons to self-declare their language preference during Workforce Office contacts.

E. Oral language assistance:

1. The Agency ***shall arrange for oral language assistance in face-to-face and telephone contacts with LEP customers for divisions that have direct contact with LEP customers***:
   Agency procedures shall identify the processes for providing oral language assistance and the method for obtaining these services. The oral language assistance portion of the Agency procedures

for identifying individuals with LEP shall be consistent with those outlined in this policy. LEP services shall be provided free of charge upon the request of the customer. Agency procedures shall ensure that the provision of bilingual/interpretive services is prompt and without undue delays. Language services will be made available to LEP customers within reasonable time frames during all operating hours by:

a. Establishing interpreter service contracts. Direction shall be provided to all divisions on how to access and use contracts for interpreter services. Agency procedures shall identify how divisions may request and coordinate these services. Interpreter services through commercially available telephonic interpretation services shall be available when needed.

b. Implementing a means to compensate bilingual staff. Subject to the availability of funds, the Agency offers a bilingual skill based pay differential that compensates bilingual staff who meet required standards for performing verbal interpretation services. Agency procedures shall identify the offices in which a need for bilingual staff has been established and which languages are needed.

c. Orally translating vital documents into languages other than English for LEP customers.

2. Location and Accessibility of LEP Services:

The Agency shall ensure that their procedures include provisions that respond to the language needs of the populations in each area in which the ~~division~~ Agency provides services. Accommodations such as translations of commonly requested documents, bilingual staff, and telephone interpreter services should be made available at locations that are readily accessible to the public, such as reception areas and service center telephone lines.

3. Use of Bilingual Staff:

The Agency will make reasonable efforts to recruit and have bilingual staff employed in programs and activities where the number or percentage of LEP customers or potential LEP customers is statistically significant, or where the frequency of contact with such persons makes the employment of bilingual staff a more cost effective, efficient, and effective mode for communication:

a. The Agency shall make a decision to employ bilingual staff after a needs assessment, with due consideration given to the budgetary, personnel, and other constraints of the division.

b. Bilingual staff or contractors must be assessed for bilingual proficiency. The Agency should ensure that individuals providing interpretative services possess a level of fluency and comprehension appropriate to the specific nature, type, and purpose of information at issue.

4. Unacceptable Practices:

The Agency should only use family members or friends to interpret for LEP customers if the LEP customer insists on using the friend or family member after Agency-provided language services have been offered. Minor children should never be used to interpret.

F. Translation of written materials:

The Agency must identify its vital documents. Vital documents include, but are not limited to, the following for any service, benefit, or program, provided by the Agency:

- Applications;
- Documents that require a response;
- Letters or other written documents that contain information regarding participation in a program;
- Notices of eligibility criteria, authorization or denial, applicant or participant rights, benefit or service changes, and hearings;
- Complaint forms;
- Appeal rights and complaint procedures;
- Notices advising LEP persons of free language assistance; and

- Any other document that the Agency deems vital due to the importance of the program, information, encounter, or service involved and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner.

1. ***The Agency shall translate its vital documents into each significantly used language of its LEP customers, or include a tag line (Babel notice) in the vital document to notify the LEP customer of the importance of the document, deadlines for appeal, and/or the availability of language assistance services.***
   The Agency shall maintain contracts with commercial language translation/interpretation companies to translate written material, including required posters and signs, into languages other than English. Agency procedures shall identify the commercial language translation/interpretation companies to be used. Agency procedure shall also include a listing of the documents that meet the definition of a vital document.
2. ***The Agency shall respond to written communications from LEP customers in a manner that is consistent with this policy***.
   Agency procedures shall address a process to ensure that LEP customer case records are noted as LEP when Agency staff receive information from a customer in a language other than English. Agency staff shall interact with the individual in a manner consistent with the Agency LEP policy unless the customer indicates otherwise.
3. ***The Agency should be sensitive to the literacy levels of the LEP public***.
   There are situations in which the use of translated written material may not meet the needs of some Agency LEP customers. Some languages are historically unwritten or some LEP customers may be illiterate in their native language. Agency procedures must ensure that staff use the most effective means to communicate with LEP individuals. This may include either verbal or written communication.

G. Institutional considerations for translation:

1. ***The Agency shall ensure that the public is aware of available interpretation and translation assistance***.
   The Agency shall include on all documents that are *not* translated into a language other than English a statement in each significantly used language indicating that all persons have the right to free language assistance and how the assistance can be obtained. This notification shall be included on all documents that are routinely disseminated to the public, including electronic text.
2. ***The Agency shall ensure that its electronic sources for providing vital information are LEP compliant***.
   The Agency and each division shall ensure that its websites and other electronic sources for vital information or documents provide this information in significantly used languages other than English. Websites shall prominently display access to non-English versions of this information on any page that may be used as the initial point of contact for LEP individuals. Websites shall also identify methods to access language assistance free of charge.
3. ***The Agency shall produce and readily make available to its customers, an LEP Rights pamphlet in English and all other significantly used languages***.
   The pamphlet shall explain that LEP services are available from the Agency free of charge and shall explain procedures for accessing these services.
4. ***The Agency may translate non-vital documents into languages other than English***.

H. Training:

Training shall include a consistent message explaining why it is important for the Agency to ensure that LEP customers are served in a manner consistent with this policy. Training shall include, but not be limited to:

1. **General training** – for all staff on the importance of providing services for individuals with LEP.

2. **Division-specific training** – to ensure that division staff who deal with or are likely to have contact with Agency customers are trained on the LEP policies and procedures. This includes, but is not limited to, specific training for staff who have LEP customer contact to work effectively with in-person and telephone interpreters.
3. **Technical assistance training** – for LEP contact staff.
4. **Management level training** – for supervisors and administrative staff assisting staff with direct customer contact.

I. Providing notice to LEP customers of the availability of language assistance services and outreach:
Agency procedures shall identify how to inform LEP customers of the availability of free language assistance services. The Agency shall make the notification at the first point of contact. Notification includes signs in intake areas or other customer entry points, outreach documents such as brochures or booklets, LEP posters and pamphlets, and telephone menus in significantly used languages:

1. The Agency shall provide the notification of free language assistance in the language of the LEP customer.
2. Consistent with its commitment to partnership and outreach, the Agency engages in comprehensive outreach to ensure awareness by LEP persons of its programs and activities. Outreach includes the leveraging of resources through other Workforce Oklahoma partnerships including but not limited to: Oklahoma Department of Human Services, Oklahoma Department of Rehabilitation Services, Oklahoma Career Technology Centers, Regional Workforce Investment Boards, and Oklahoma Department of Corrections.
3. Agency procedures shall include provisions to ensure that web pages accessible to members of the general public include information on the availability of language assistance.
4. The Agency shall maintain copies of written documents such as flyers or pamphlets intended to be used to notify persons of language assistance. Pamphlets shall be maintained in locations in which direct service to Agency customers is provided and shall be readily available to customers without the need of Agency staff intervention.

J. Monitor access to language assistance:
The Agency shall institute procedures to monitor the accessibility and quality of language assistance activities for LEP customers.
Agency procedures shall include specific time frames and methods to reassess language assistance activities to ensure that the services provided by the Agency address the actual needs of the LEP customers. Agency procedures shall ensure that such monitoring is completed no less often than every 12 months. Agency procedures should include a process for obtaining community and customer feedback in this activity through surveys, questionnaires, or other means. Data collection and record keeping are key to an effective monitoring and compliance system. In order to determine the validity of any language assistance complaints, it may be necessary to analyze and review data that reflect how the Agency provides services to LEP customers. Data collection also allows the Agency to obtain an overview of how their services are provided. The Agency procedure shall include data collection and record keeping requirements to ensure that these assessments are fact-based and reflect actual current activity. The Agency shall assess the effectiveness of its LEP policies based on:

a. Current LEP populations in service areas;
b. Frequency of encounters with LEP customers;
c. Nature and importance of activities to LEP customers;
d. Availability of resources, including technological advances, and costs imposed;
e. Whether existing assistance is meeting the needs of the LEP customers;
f. Whether staff know and understand the LEP procedures; and
g. Whether identified sources for assistance are still available and viable.

K. Provision of technical assistance:

The Agency shall identify an LEP contact for division staff. Agency procedures shall include a process to ensure that LEP-related questions that arise are addressed in a timely and efficient manner.
The LEP contact shall be available to coordinate efforts towards compliance with the Agency's LEP policy and procedures.

L. Issue resolution:

1. The Agency shall create a procedure outlining an LEP issue resolution process that shall be used to resolve a concern or dispute arising from any action or inaction taken by Agency staff in administering programs or providing services.
   a. The Agency shall require that Agency customers are advised in writing of the appropriate procedure to raise an LEP-related concern. This notification also advises the customer of their right to file a complaint at any point in time with the federal Agency responsible for the program for which they are applying.
   b. The Agency shall ensure that any forms needed to request review of LEP-related decisions are available at any location in which Agency customers may receive services.
   c. The Agency shall conduct the procedure in a language that is understandable by the person raising the concern. The Agency shall make appropriate use of interpreter services, contracted provider services, or other resources needed to facilitate the dispute resolution process.
   d. The issue resolution process shall include the following:
      The manager in charge at the site where an LEP-related concern is filed, or his or her designee, will review the complaint with the assistance of the division LEP contact. Staff shall reduce oral complaints to writing and shall place them in the appropriate case record. At any point in the process, the manager is empowered to resolve the complaint using methods and practices outlined the Agency LEP policy and procedures. It is the intention of the Agency most LEP issues will be resolved at this level. The manager shall ensure that all reasonable measures are pursued to immediately verbally notify the LEP customer of the outcome of the issue resolution. The Agency shall provide a written confirmation of the decision within five business days.

2. Whenever an LEP customer expresses in writing to the Agency that the Agency's attempt to resolve the issue has not met their need, the LEP customer shall be advised that a final decision may be requested from the Agency's Civil Rights Administrator. If the LEP customer is not satisfied with the Agency Civil Rights Administrator's proposed resolution, the Agency Civil Rights Administrator will again inform the LEP customer of their rights to file with the appropriate federal Agency.

VII. PROCEDURES

This policy will be supported by specific procedures which identify how action related to this policy will be conducted, including responsibilities, time frames, and required actions.

THE OKLAHOMA EMPLOYMENT SECURITY COMMISSION
LIMITED ENGLISH PROFICIENCY PROCEDURES

I. PURPOSE

The purpose of these procedures is to identify how specific requirements of the Oklahoma Employment Security Commission's *Limited English Proficiency* (LEP) Policy will be implemented. The Reemployment Services Divisions and the Appellate Division, (hereinafter "Division" or "Divisions"), have been identified as areas having LEP customer interaction in their service delivery process. Each of these Divisions shall designate an LEP Representative (Rep) to coordinate with the Civil Rights Administrator in meeting the requirements of the LEP Procedures. The Information Technology Division (IT) shall also designate an LEP Rep to oversee Internet website maintenance and coordinate with Division LEP Reps. Divisions may supplement these procedures, should the need arise, with additional procedures which should be approved by the Civil Rights Administrator (CRA). The following procedures are included:

- Performing the Needs and Capacity Assessment.
- Maintaining translation service contracts
- Maintaining Websites in a manner that is compliant with the LEP policy.
- Utilizing a pamphlet explaining LEP services.
- Including LEP rights information on required Division documents
- Ensuring staff are adequately trained.
- Maintaining posters explaining LEP services in each office which customers may access.
- Monitoring to ensure the Division remains compliant with LEP requirements.

II. PROCESS

A. Needs and Capacity Assessment

1. Each RES Division and the Appellate Division ("Division or Divisions") shall identify the steps in their service delivery process and identify the anticipated number of customer interactions that occur at each of these steps.
2. The Oklahoma Employment Security Commission, ("OESC" or "Agency"), shall identify the languages used by the populations it serves.
    a. OESC shall use the U.S. census data as a reliable indicator of the languages used by the population it serves.
    b. The data provided by the census shall be considered reliable unless other more current reliable data becomes available.
    c. The Economic Research and Analysis Division (Research) shall be responsible for conducting an assessment of the data provided by the U.S. census to determine the significantly used languages for the populations served by OESC.
    d. Research will assume that the population served by the Agency is consistent with the overall population of the State of Oklahoma.

3. Upon designation of a new significantly used language, Research shall notify the RES and Appellate Divisions. Those Divisions will ensure that all vital documents are provided in the new language.

B. Translation /Interpretation Contracts

Translations shall comply with the directives outlined in the LEP Policy.

1. Spanish Translations

   Only vendors under State approved contract shall provide translation services for Division forms and pamphlets that have been identified as vital documents.

   a. Division LEP Reps shall access translation services for vital documents by submitting documents to a Vendor under State approved contract.

2. Other Translations

   The Finance Division (Finance) shall ensure that adequate contracts with vendors are in place to secure needed translation and interpretation contracts. Finance shall maintain a list of the vendors that are available to use for translation and interpretation services.

   a. Divisions may contact Finance and request a list of the approved vendors.
   b. Divisions may select the vendor that will meet their needs.
   c. Once a vendor has been identified, the Division shall follow the steps outlined in the contract to access these services. The Division LEP Rep shall ensure that all Division staff, particularly those staff who create vital documents, have the information needed in order to utilize the services of the selected vendor.

C. OESC Internet Website Maintenance

1. The IT LEP Rep is responsible for maintaining the appropriate standards for all OESC Internet Websites.
2. The Division LEP Rep or their designee shall coordinate with the IT LEP Rep to ensure that:
   a. Vital documents placed on the OESC Internet Websites are available in all significantly used languages.
   b. All vital information included on OESC Internet Websites is available in all significantly used languages.
   c. The names and contact numbers for Division LEP Reps are kept current.
3. Request to modify the Internet Website shall be coordinated through the Division LEP Rep, or the Division Director, and the IT LEP Rep.

D. LEP Flyer

1. The CRA shall develop and maintain an LEP Flyer. The CRA will ensure that the LEP Flyer is:
   a. Available in all significantly used languages, and

b. Accessible from the OESC Website. The CRA shall work with the IT LEP Rep to ensure that this document is accessible.

2. Division LEP Reps shall make sure that sufficient copies of the LEP Flyer are accessible to Division customers at each site in which customers are seen.
3. The LEP Flyer shall be listed in the OESC Intranet Forms section and available for printing by the Divisions.

E. LEP Rights Information

1. OESC shall include the following statement on all general information documents, including, but not limited to, electronic documents that are provided to customers but not translated into a language other than English:

   English

   "The Oklahoma Employment Security Commission provides language assistance free of charge. For assistance provided in your preferred language, please contact

   ***(405) 557-7100**."*

   Spanish

   "La Comisión de seguridad de empleo de Oklahoma proporciona ayuda con el idioma de forma gratuita. ***Para asistencia en su idioma de preferencia, por favor póngase en contacto con (405) 557-7100****."*
2. This wording must be in English and Spanish and located near the beginning of the document.
3. Each Division shall coordinate with the CRA to ensure that all documents, including electronic documents that are not translated into a language other than English, contain this statement.

F. TRAINING

1. The CRA is responsible for development and maintenance of LEP training materials.
2. The CRA or a designee will provide LEP Policy and Procedures training to the Divisions.
3. At a minimum, training shall include the following modules:
   a. An overview of LEP, including a definition of LEP, the rights that those who interact with OESC have in relation to LEP, and OESC's responsibilities. This training is mandatory for all Division staff.
   b. Procedural guidelines for operation within each Division. The CRA will work with the Divisions to develop their own training packet. This training is mandatory for all Division staff.
   c. Responsibilities for Division LEP Reps. This training is mandatory for designated LEP Reps.
   d. Management level training designed for Division Supervisors and Managers. This training will provide guidance on ensuring staff is aware of their LEP responsibilities and that they follow up appropriately when LEP services are needed.

4. The CRA shall establish time frames for completion of required training.
5. The CRA shall track completion of all required training except Division specific procedural training. The CRA shall notify the Division Director when it appears an individual is out of compliance with the training requirement. The individual shall then complete the training requirement within thirty (30) days.
6. Each Division LEP Rep shall be responsible for tracking completion of Division specific procedural training.

G. Process for Identifying Preferred Language

1. The CRA shall develop and maintain a process to be used in local offices that LEP individuals may use to identify and communicate their preferred language to the appropriate Division staff.
   a. The CRA may designate the existing LEP posters as the accepted means to meet this requirement.
   b. The CRA may, when necessary, develop and distribute an alternative method for language identification to Division offices.
   c. LEP posters and supplies may be obtained through the CRA.

H. Monitoring

1. Division LEP Reps shall monitor their procedures to ensure that LEP persons interacting with the OESC are receiving required LEP services.
2. Divisions that utilize customer satisfaction surveys shall include questions that are designed to determine if LEP customers are receiving necessary services. The customer satisfaction surveys must be available in all significantly used languages.
3. LEP Reps shall periodically contact their Division offices where there is public access to ensure that:
   a. The office has an adequate supply of the acceptable LEP posters or other accepted means for those interacting with OESC to communicate their language preference.
   b. The office has an adequate supply of LEP Flyers to ensure that LEP customers can take the information with them.
   c. Staff has the appropriate information needed to access translation and interpretation contracts.
   d. All staff has successfully completed the mandatory LEP training.
4. Division management is responsible for reviewing the results of Division surveys and implementing corrective actions when it appears that Division LEP customers may not be receiving the services they need.

5. Divisions may, as needed, establish additional monitoring tools to ensure Division compliance with OESC's LEP Policy.
6. The CRA shall, on an annual basis, contact each Division LEP Rep to ensure overall agency compliance with these procedures.

OKLAHOMA WORKFORCE DEVELOPMENT ISSUANCE #17-2017

TO: Workforce Development Board Chairs
Workforce Development Board Staff
Workforce Development Fiscal Agents

FROM: Erin E. Risley-Baird, Executive Director

DATE: September 12, 2017

SUBJECT: Limited English Language Proficiency (LEP)

PURPOSE: The Oklahoma Office of Workforce Development (OOWD) as the Governor's chosen Workforce Innovation and Opportunity Act (WIOA) administrative entity provides this issuance as guidance to communicate Oklahoma's process and procedures regarding the prohibition against national origin discrimination as it affects persons with Limited English Proficiency (LEP). This policy applies to Local Workforce Development Boards (LWDBs) and other Workforce Innovation and Opportunity Act (WIOA) title I grant recipients, and is effective immediately.

REFERENCES:

- The Workforce Innovation and Opportunity Act (WIOA) (29 USC § 3248)
- Title 29 Code of Federal Regulations (CFR) Part 38
- Department of Labor (DOL) Training and Employment Notice (TEN) 28-16, Subject: Best Practices, Partnership Models, and Resources Available for Serving English Language Learners, Immigrants, Refugees, and New Americans (January 9, 2017)

BACKGROUND:
The nondiscrimination and equal opportunity provisions found in Section 188 of WIOA and 29 CFR Part 38 prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including LEP), age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title I-financially assisted program or activity.

National origin discrimination now includes LEP under 29 CFR Section 38.9 and specifically states that in providing any aid, benefit, service, or training under a WIOA title I-financially assisted program or activity, a recipient must not, directly or through contractual, licensing, or other arrangements, discriminate on the basis of national origin, including LEP. Additionally, 29 CFR Section 38.41 added "LEP and preferred language" to the list of categories of information that each recipient must record about each applicant, registrant, eligible applicant/registrant, participant, and terminee.

DEFINITIONS:

Babel Notice: a short notice included in a document or electronic medium (e.g. web site, application, ‘‘app’’ email) in multiple languages informing the reader that the communication contains vital information, and explaining how to access language services to have the contents of the communication provided in other languages (29 CFR Section 38.4(i)).

Employment-related training: training that allows or enables an individual to obtain skills, abilities and/or knowledge that are designed to lead to employment (29 CFR Section 38.4(t)).

Limited English Proficiency (LEP) individual: an individual whose primary language for communication is not English and who has a limited ability to read, speak, write, and/or understand English. An LEP individual may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing) (29 CFR Section 38.4(hh)).

Limited English Proficiency (LEP) Plan: A written language access plan which assists in ensuring that LEP individuals have meaningful access to WIOA title I-financially assisted programs and activities (29 CFR Section 38.9 Appendix).

Meaningful Access: Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English proficient individuals.

Primary language: An individual’s primary language is the language in which an individual most effectively communicates, as identified by the individual.

MESSAGE:

Reasonable Steps to Ensure Meaningful Access for LEP Individuals

LWDBs are required to take reasonable steps to ensure that LEP individuals have meaningful access to their programs and activities. Reasonable steps (29 CFR Section 38.9(b)(1)) may include, but are not limited to, the following:

- Conducting an assessment of an LEP individual to determine their language assistance needs.
- Providing oral interpretation or written translation of both hard-copy and electronic materials, in the appropriate non-English languages, to LEP individuals.
- Conducting outreach to LEP communities to improve service delivery in needed languages.

Furthermore, LWDBs should ensure that that every program delivery method, whether it be in person, electronic, or by phone, conveys in the appropriate language how an LEP individual may effectively learn about, participate in, and/or access any aid, benefit, service, or training available to them. It should also be noted that as new methods for the delivery of information or assistance are developed, LWDBs are

required to take reasonable steps to ensure that LEP individuals remain able to learn about, participate in, and/or access any aid, benefit, service, or training available to them (29 CFR Section 38.9(c)).

Language Assistance Services

Language assistance generally comes in two forms: oral interpretation or written translation. LWDBs must ensure that above all, these services are free of charge and provided in a timely manner. An LEP individual must be given adequate notice about the existence of interpretation and translation services and that they are available free of charge. For LEP individuals who enter an Oklahoma Works (One-Stop) Center, language assistance services must be timely, and with adequate notice, where feasible. Language assistance will be considered timely when it is provided at a place and time that ensures equal access and avoids the delay or denial of any aid, benefit, service, or training (29 CFR Section 38.9(d) and (e)).

Interpreter Services

LWDBs shall not require an LEP individual to provide their own interpreter. Furthermore, LWDBs shall not rely on an LEP individual's minor child or adult family or friend to interpret or facilitate communication, except for the following circumstances:

- In emergency situations while awaiting a qualified interpreter;
- When the information conveyed is of minimal importance to the services to be provided; or
- When an LEP individual specifically requests that an accompanying adult provide language assistance and they agree to provide assistance to the individual. If a Local Area permits an accompanying adult to serve as an interpreter for an LEP individual, it must make and retain a record of the LEP individual's decision to use their own interpreter.

Finally, where precise, complete, and accurate interpretations or translation of information and/or testimony are critical for adjudicatory or legal reasons, LWDBs can still provide their own, independent interpreter, even if an LEP individual wants to use their own interpreter as well. This also applies in cases where the competency of the interpreter requested by the LEP individual is not established. (29 CFR Section 38.9(f))

Concerning Vital Information

For languages spoken by a significant portion of the population eligible to be served or likely to be encountered, LWDBs must translate vital information in written materials into these languages. These translations must in turn be readily available upon request in hard copy or electronically. Written training materials offered or used within employment-related training programs (see definitions section) are excluded from these translation requirements. However, in all cases, LWDBs must take reasonable steps to ensure meaningful access for LEP individuals.

For languages not spoken by a significant portion of the population eligible to be served or likely to be encountered, LWDBs must take reasonable steps to meet the particularized language needs of LEP

individuals who seek to learn about, participate in, and/or access the aid, benefit, service or training that is available to them. Vital information may be conveyed orally if not translated.

LWDBs must also be sure to include a Babel Notice, indicating that language assistance is available in all communications of vital information. This includes letters or decisions in hardcopy or electronic formats. (29 CFR Section 38.9(g))

Finally, to the extent otherwise required by 29 CFR Part 38, once a recipient becomes aware of the non-English preferred language of an LEP beneficiary, participant, or applicant for aid, benefit, service, or training, the recipient must convey vital information in that language. (29 CFR Section 38.9(h))

Developing a Written LEP Plan

In order to ensure that reasonable steps are taken to allow meaningful access for LEP individuals, the OOWD highly recommends LWDBs develop a written LEP plan. LWDBs that develop, implement, and periodically revise an LEP plan are more likely to fulfill their obligation of taking reasonable steps to ensure meaningful access to programs and activities by LEP individuals. Furthermore, developing and implementing an LEP plan has many benefits, including providing Local Area staff with a roadmap for establishing and documenting compliance with nondiscrimination obligations and ensuring that LEP individuals receive the necessary assistance to participate in the programs and activities of a Local Area.

When developing an LEP plan, Local Area staff should address the following elements as they provide a clear framework that will ensure meaningful access to LEP individuals:

- The process the LWDBs will use to determine the language needs of individuals who may or may seek to participate in programs and activities (self-assessment or needs - assessment) that receive financial assistance under WIOA title I.
- The results of assessment (e.g., identifying the LEP populations to be served by the Local Area).
- Timelines for implementing the LEP plan.
- All language services to be provided to LEP individuals.
- The manner in which LEP individuals will be advised of available services.
- Steps LEP individuals should take to request language assistance.
- The manner in which Local Area staff will provide language assistance services.
- What steps must be taken to implement the LEP plan (e.g., creating or modifying policy documents, employee manuals, employee training material, posters, web sites, outreach material, contracts, and electronic and information technologies, applications, or adaptations).
- The manner in which Local Area staff will be trained.
- Steps the Local Area will take to ensure quality control, including monitoring implementation, establishing a complaint process, timely addressing complaints, and obtaining feedback from stakeholders and employees.
- The manner in which the Local Area will document the provision of language services.
- The schedule for revising the LEP plan.

- The individual(s) assigned to oversee implementation of the LEP plan (e.g., LEP Coordinator or Program Manager).
- Allocation of resources to implement the LEP plan.

It should be noted that the elements of a successful LEP plan are not fixed and must be tailored to the Local Area's specific programs and activities. Over time, LEP plans will need to be revised to reflect the following:

- New recommendations and government guidance.
- Changes in the Local Area's operations as well as the experiences and lessons learned.
- Changing demographics.
- Stakeholder and beneficiary feedback.

(29 CFR Section 38.9 Appendix)

For additional information on best practices and resources for serving individuals with substantial cultural and language barriers to employment, LWDBs are encouraged to review DOL TEN 28-16.

EQUAL OPPORTUNITY AND NONDISCRIMINATION: All providers must comply with WIOA's Equal Opportunity and Nondiscrimination provisions which prohibit discrimination 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, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title-I financially assisted program or activity.

ACTION REQUIRED: This Oklahoma Workforce Development Issuance (OWDI) is to become a part of your permanent records and made available to appropriate staff and sub-recipients.

INQUIRIES: If you have any questions about this issuance, please contact the State Equal Opportunity (EO) officer in the Oklahoma Office of Workforce Development. Contact information can be found at http://www.oklahomaworks.gov/about/.

SECTION 4 – DATA AND INFORMATION COLLECTION AND MAINTENANCE (29 CFR 38.54)

PURPOSE

The State addresses how it and their recipients are complying and will continue to comply with the requirements of 29 CFR Part 38 related to data and information collection and maintenance. The State ensures a data and information collection and maintenance system, for all its recipients and federal financially assisted programs, are established and maintained. The system and format in which the records and data are kept is designed to allow the Governor and the CRC to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with Section 188 of WIOA.

NARRATIVE

The State's data and information collection is in compliance with the requirements of the Participant Individual Record Layout (PIRL) as published by DOL. All recipients are responsible for collecting and maintaining obtained client and potential client information. The State is responsible for reporting the information to DOL via the PIRL. OESC and OOWD utilize the same system to collect the necessary information on customers. All recipients are monitored annually by the State EO Officer and the UI EO Officer to ensure compliance with record keeping and contract requirements, to assess recipient equal opportunity performance, to identify instances or areas of discrimination, and to identify individuals or groups of individuals who may have been discriminated against on a basis prohibited by WIOA Section 188 and 29 CFR Part 38.

All recipients collect and maintain records on applicants, registrants, eligible applicants/ registrants, participants, terminees, employees, and applicants for employment. ***(29 CFR 38.41)***

The LWDAs collect the information during the eligibility process and update as needed throughout the individual's participation in federal programs and activities. The LWDAs are responsible for maintaining records on applicants for employment as well as entering and maintaining data in the database system. The WIOA State EO Officer checks the data via a desk review of the records for a recipient prior to an on-site visit to compare the paper files against the database records for data validity. Records are maintained on each claimant in the OKJM system. The collected data is available in a data warehouse where data can be queried at any time.

Recipients record the race/ethnicity, sex, age, and disability status of each applicant, registrant, eligible applicant/registrant, participant, employee, and applicant for employment. ***(29 CFR 38.41)***

The LWDAs collect the demographic (race, ethnicity, sex, age and disability status) information of each applicant, registrant, eligible applicant/registrant, participant, employee, and applicant for employment. LWDAs and OSPs maintain electronic files for each applicant, employee, and applicant for employment, and

electronic records are kept for each registrant and participant for WIOA, LWDA, OSP services. An individual is considered an applicant when he/she submits personal information (e.g., name, address, social security number, etc.).

Oklahoma successfully worked with its vendor, America's Job Link Alliance (AJLA), to collect LEP data consistent with 29 CFR 38.41(b)(2) which was required by January 3, 2019. The DOL-only PIRL element 803 defines "English Language Learner at Program Entry" as a person who has limited ability in speaking, reading, writing, or understanding the English language. This is a mandatory field that is currently collected on each individual that registers for Wagner-Peyser and Title I services in Oklahoma. DOL-only PIRL element 804, Basic Skills Deficient/Low Levels of Literacy at Program Entry, is also collected on each individual, it provides the information needed to determine who is unable to compute and solve problems, or read, write, or speak English at a level necessary to function on the job, in the participant's family, or in society. We currently collect preferred language and worked with our vendor to implement this as a mandatory collection field in order to be consistent with 29 CFR 38.41(b)(2).

AJLA is an alliance of workforce organizations across multiple states partnering to produce a cost effective system, and in order to maintain consistency with federal reporting requirements across programs and states, the specific LEP requirements need to be included in the PIRL to avoid incurring additional programming costs. In addition to collecting LEP data, OOWD has issued an LEP policy to further ensure LEP individuals have equal access to all programs. *(See Section 3 Documentation – Attachment 3)*

Recipients treat records, particularly those containing medical information, in a manner that ensures their confidentiality. *(29 CFR 32.15; and 29 CFR 38.41)*

The State provides, as required in 29 CFR 38.41, for the confidentiality of information collected and maintained regarding the disabilities of individuals. This requirement applies regardless of the status of the individual whether he or she is an applicant, participant or candidate for employment, etc.

Any medical or disability-related information obtained about a particular individual, including information that could lead to the disclosure of a disability, must be collected on separate forms. All such information, whether in hard copy, electronic, or both, must be maintained in one or more separate files, apart from any other information about the individual, and treated as confidential. Whether these files are electronic or hard copy, they must be locked or otherwise secured (for example, through password protection).

Knowledge of disability status or medical condition and access to information in related files. Persons in the following categories may be informed about an individual's disability or medical condition had have access to the information in related files under the following listed circumstances:

- Program staff who are responsible for documenting eligibility, where disability is an eligibility criterion for a program or activity.
- First aid and safety personnel who need access to underlying documentation related to a participant's medical condition in an emergency.

- Government officials engaged in enforcing the part, any other laws administered by the Department, or any other Federal laws.

Knowledge of disability status or medical condition only. Supervisors, managers, and other necessary personnel may be informed regarding restrictions on the activities of individuals with disabilities and regarding reasonable accommodations for such individuals.

Recipients maintain a log of complaints filed that allege discrimination on one or more of the bases prohibited by WIOA Section 188. *(29 CFR 38.54)*

Complaints alleging discrimination on one or more of the following basis: race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship, and/or participation in a WIOA 1B financially assisted program or activity are kept in a log as required by the Civil Rights Center. *(See Section 7 Documentation – Attachment 2)* Complaints may be filed at the local level, the State level or with the CRC Director. The Local Equal Opportunity Officer notes each complaint filed in a discrimination complaint log and the log is forwarded to the State EO Officer for documentation. The complaint log contains the name and address of the complainant, the basis of the complaint, a description of the complaint, date complaint was filed, disposition, date of disposition and any other pertinent information relating to the complaint. The Local EO Officers inform the State EO Officer about complaint investigations and submit complaint reports at a minimum on a quarterly basis. The State EO reports to CRC upon request.

Recipients maintain such records for a period of three years. *(29 CFR 38.43(a)*

Complaint forms, investigation notes, disposition letters, and other pertinent information on each complaint filed, as well as complaint logs, must be maintained by recipients or sub-recipients for a period of three years from the close of the applicable program year, unless a complaint has been filed and is not yet resolved in which it will be a period of three years from the closure of the open complaint, in accordance with 29 CFR 38.43.

The LWDAs monitor sub-recipient's equal opportunity compliance by identifying areas and individuals or groups of individuals that appear to be discriminated against to assure compliance with WIOA Section 188 and 29 CFR Part 38.

Grant applicants and recipients notify the CRC Director of administrative enforcement actions and lawsuits brought against them that allege discrimination on one or more of the basis prohibited by WIOA Section 188. *(29 CFR 38.42)*

The State, as well as each grant applicant and recipient, are required to promptly notify the CRC Director when any administrative enforcement actions or lawsuits are filed against it alleging discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief. In addition, the State policy requires recipients to notify the CRC Director under 29 CFR 38.42(a) and the State concurrently.

SECTION 5 – AFFIRMATIVE OUTREACH (29 CFR 38.40)

PURPOSE

It is the intent of Section 5 to address how the State of Oklahoma (State) and its recipients are complying with the requirements of 29 CFR 38.40 relating to the provision of affirmative outreach to programs and activities.

NARRATIVE

The State has communicated the obligation of recipients (e.g., Local Workforce Development Areas (LWDAs), One-Stop Partners (OSPs), Unemployment Insurance (UI), Wagner-Peyser (WP) and all service providers) to conduct outreach efforts in order to broaden the composition of the pool of those considered for participation or employment in their programs and activities. The State will ensure that recruitment of potential participants is conducted in a nondiscriminatory manner and that the participant pool is a proportionate reflection of the local area as well as individuals with disabilities.

The State uses a monitoring tool to ensure that all EO Officers are kept cognizant of their Affirmative Outreach obligations by inquiring into their process of broadening the participation in their programs.

Recipients have made and will continue to make efforts to broaden the composition of those considered for participation or employment in their programs and activities, as described above.

The LWDAs and their required One-Stop Partners include Title I, OOWD, OESC, and the Oklahoma Department of Rehabilitation Services (DRS) provides services to individuals with disabilities that breakdown barriers to employment or independent living. OOWD and the LWDAs have adopted *Oklahoma Works Access for All*. The Oklahoma Works Access for All initiative was developed as a system-wide effort and includes two parts to the Access for All Certification in Oklahoma. One considers accessibility in the physical space and the other considers accessibility in technology. Both focus on the environments that job seekers interact with when participating in services provided by the Oklahoma Works Workforce System Partners. In the end, Oklahoma Works Workforce System Partners and LWDAs work through an Oklahoma Works Access for All Accessibility Process to achieve certification and work toward continuous improvement. As a core partner in the One-Stop system, DRS has worked with the One-Stop operators and other WIOA partner programs to increase employment opportunities for persons with disabilities. All comprehensive One-Stop Centers must be physically and programmatically accessible to individuals with disabilities, as described in 29 CFR Part 38, the implementing regulations of WIOA Section 188. *(Section 5 Documentation – Attachment 1)*

For WP, LWDAs and OSPs, technology is a key component in ensuring affirmative outreach by employing a number of strategies to include the following:

- Increased referral services;
- Provision of equal opportunities for workforce training services for both rural and urban areas, as well as for persons with disabilities or other barriers to communication;
- Access to services for persons of all levels of computer literacy; and
- Assistance in using the self-service component of the One-Stop Center.

All recipients and sub-recipients work to enhance the employability and increase the earning potential of individuals with multiple barriers to employment. Strategies to address individual needs include: assessments of skills and abilities, basic skills programs, occupational skill training, job analyses, job accommodations, disability awareness training, and other activities that address barriers and support achievement of positive employment outcome. Individuals with multiple barriers to employment are offered a continuum of education, job training, career counseling and job development to enhance attainment and retention of employment. To enhance the employability skill of individuals with disabilities, Local Workforce Development Boards, One-Stop Centers and providers assure:

- Priorities of services for participants beyond the self-service phase are implemented;
- Representation of individuals with disabilities on staff, where feasible;
- Cross-training of staff;
- Disability awareness training for staff;
- Outreach programs for individuals with disabilities;
- Technical assistance to employers including information regarding ADA requirements.

The One-Stop system provides the broadest possible menu for all job seekers. Eligible individuals include:

- Special needs participants;
- Individuals with disabilities;
- Persons with Limited English speaking ability;
- Persons training for nontraditional employment;
- Displaced homemakers;
- Public assistance recipients;
- Veterans;
- Persons with multiple barriers to employment;
- Elderly participants;
- Women;
- Minorities;
- Lesbian, Gay, Bisexual, Transgender & Queer, Plus (LGBTQ+) communities

Recipients and their service providers strive to provide access to services to clients of both sexes, LGBTQ+, the various race, ethnic and age groups, individuals with disabilities as well as individuals with Limited English Proficiency (LEP), which includes:

- Publicity materials (brochures, letters) designed to provide an overview of employment services to the general public;
- Participation in local and statewide job related events; and
- Coordination and involvement with various agencies, committees, task forces, and projects that focus on employment-related functions, and Wagner-Peyser special programs for targeted groups (e.g., Veterans, Youth, Dislocated Workers, etc.).

One-Stop Centers (OSC) have taken the following actions to ensure affirmative outreach:

- Signs have been posted to inform customers of telephone numbers to call or to see the manager if an accommodation is needed to receive services;
- Individuals and organizations have been identified and are available if assistance is needed to provide services or information in a language other than English, and written procedures are available to staff to assist LEP individuals;
- Employees who have skills in languages other than English have identified themselves and offered their services in assisting any customers by providing instruction, conveying information, or assisting with completing forms;
- Contacts have been developed and maintained with community-based organizations and advocacy groups to ensure the center meets the specific needs of each constituency;
- Coordination linkages with other federal, state and local agencies serving the various segments of the populations have been developed;
- Participation in community employment events such as job fairs, seminars, and public recruitment for employers has publicized the services of One-Stop Centers;
- On-site visits with employers and community agencies, participation in job fairs, special recruitment efforts, employer seminars, and public relations campaigns have encouraged employer use Oklahoma's workforce system; and
- Oklahoma Works, a proud partner of the American Job Center Network, is the statewide workforce development network that helps employers of all sizes and types recruit, develop and retain the best employees for their needs.

The State monitors and evaluates the success of recipient efforts to broaden the composition of those considered for participation and employment in their programs and activities, as described above.

The State takes reasonable steps to ensure that policies and procedures do not deny equal access to individuals with Limited English Proficiency (LEP) and. The State implements, evaluates and documents programs, activities, and services to customers with LEP.

The EO Officers are responsible for monitoring recipient programs and ensuring compliance with the affirmative outreach element of nondiscrimination and equal opportunity provisions of Section 188 of WIOA. The State continually stresses to recipients the importance of their obligation to expand the diversity of the participant pool and staffing selections.

The State annually monitors the recipients to measure the effectiveness of their efforts to serve and employ a diverse population, including members of genders, various racial, ethnic and age groups, and individuals with disabilities.

In the selection of center locations, consideration is given to accessibility to members of the general population for all programs, services, and benefits.

Current State practices designed to broaden the composition of those considered for participation and employment at the One-Stop Centers include the following:

- Identification of staff with bilingual skills;
- Information exchange and collaboration with community organizations regarding translators, interpreters and resources for LEP;
- Publication of selected materials in languages other than English *(Spanish Rapid Response Handbook);* and
- Use of interpreters, telephone interpreters and contract interpreters as needed to provide language assistance to customers on a case-by-case basis.

Section 5 – Documentation

ATTACHMENT

1. Oklahoma Works Access for All Certification Initiative Process – A Roadmap for Physical and Technology Accessibility Standards Certification

Oklahoma Works

Appendix A
Oklahoma's Workforce System
A Roadmap for Physical and Technology Accessibility Standards Certification

Prepared by the Oklahoma Department of Rehabilitation Services and Oklahoma ABLE Tech

OKLAHOMA WORKS

www.oklahomaworks.gov

DRS Oklahoma Department of Rehabilitation Services

www.okdrs.gov
1.800.845.8476

ABLE Tech

okabletech.okstate.edu
1.800.257.1705

Oklahoma Works Workforce System
Roadmap for Physical and Technology Accessibility Standards Certification

It is critical Oklahoma Works Partners do not discriminate against people with disabilities. Oklahoma Department of Rehabilitation Services (DRS) and Oklahoma ABLE Tech partner to help Agencies to remove physical and technological barriers that block access to Agency programs.

This roadmap document serves to detail coordination among the Oklahoma Works System Partners with regards to efforts to make Oklahoma's Workforce System accessible to job seekers with disabilities.

Below is an outline of the process that a Workforce System Partner representative can use to get answers and technical assistance for questions about accessible and inclusive physical spaces and technology services.

ACCESS TO OKLAHOMA WORKS PARTNER PROGRAMS

One of the central purposes of civil rights laws like the Americans with Disabilities Act (ADA) is to prevent discrimination against people with disabilities when delivering Agency programs. For Oklahoma's Job Seekers, Programs might include:

- Education
- Job coaching
- Job placement
- Skills assessment
- Workforce development

WORKFORCE INNOVATION AND OPPORTUNITY ACT

The ADA is not the only law that aims to prevent discrimination against job seekers with disabilities. The Workforce Innovation and Opportunity Act (WIOA) specifically calls on agencies to increase employment opportunities by focusing on job seekers with disabilities. Section 188 specifically includes job seekers with disabilities among the other protected classes specified in the law. This Section will help to achieve the overall WIOA goal of creating integrated and competitive employment for job seekers with disabilities.

Program delivery happens in many different ways. Agencies might have offices or centers where Job Seekers work with people or technology tools. Agencies may provide training or support through information and communication technology, like websites or software. And Agencies might provide services through telephone systems and printed material.

In every instance, program delivery cannot discriminate against people with disabilities on the basis of their disability. And, Agencies must ensure that communication with Job Seekers with disabilities is effective.

TWO DISTINCT ASPECTS OF PROGRAM ACCESS

This Roadmap focuses on two distinct aspects of Program Access: the built environment and information and communication technology (ICT).

1) The **built environment** includes the buildings and offices that job seekers access to interact with Workforce Partners across the state. From the parking lot to the inside of the building itself, the built environment must be accessible so that job seekers with disabilities do not encounter physical barriers that prevent them from securing competitive and integrated employment.
2) **Information and communication technology** includes websites, software and information or registration kiosks that Workforce Partners use to interact with job seekers. Similar to the built environment, technology resources must also be accessible to make sure that job seekers with disabilities do not encounter digital barriers. Informational materials such as printed forms and brochures must be available in additional formats other than standard print. For example, individuals with low vision will need large print materials or may use an online version to enlarge the font size.

OVERSIGHT

Three roles oversee accessibility in an Oklahoma State Agency's built environment and technology: the **Agency ADA** Coordinator and the **Agency Accessibility Compliance Representative, or ACR**. At the area level within the Workforce System, some of the duties in those two roles are combined into the Area Accessibility Representative, or AAR.

An ADA Coordinator is familiar with the accessibility provisions of the Americans with Disabilities Act. The ADA Coordinator may also know how other civil rights laws steer the Agency to create an environment that is accessible to job seekers with disabilities. The ADA itself establishes the role of ADA Coordinator and requires that public entities fill that role.

The ADA itself is a broad civil rights law that applies to both public and private entities. Within Oklahoma Works public partners, the ADA creates the expectation that all programs, services and activities will be offered to all job seekers without discriminating against job seekers with disabilities.

An Accessibility Compliance Representative (ACR) is familiar with Oklahoma's Electronic and Information Technology Accessibility (EITA) law and the standards that the law specifies. Like the ADA Coordinator, the ACR helps an agency to manage accessibility in its technology. Technology such as websites, software and digital documents (such as Microsoft Word, PowerPoint or Adobe PDF formats) must be accessible to job seekers with disabilities.

Oklahoma's EITA law (https://www.ok.gov/accessibility/) applies to state agencies, higher education institutions and the Oklahoma Career and Technology Schools. EITA establishes standards that those entities must apply to technology that they create, use or acquire.

The AAR helps to coordinate training and technical assistance at the Area level. The AAR is unique to the Workforce System. Each AAR will also help to coordinate activities around accessible technology that is offered within the Workforce Area.

It has been suggested that the One-Stop Operator serve as the AAR for a given Area.

The ADA Coordinator and ACR may work together to manage accessibility throughout an agency.

EFFECTIVE COMMUNICATION

Communication is critical to job seekers. Oklahoma Works Partners communicate with job seekers through several methods. Communication can take place over the telephone, through the internet or in person.

Communication is so important to job seekers because it is the key to navigating Oklahoma Works programs and ensuring a positive outcome. There are several things that Oklahoma Works Partners can do to ensure effective communication. Some involve providing an auxiliary aid or service. Auxiliary aids and services include interpreters, communication technology such as TTY relay or sound amplification, and techniques as simple as using pen and paper to have a straightforward conversation instead of talking.

Public entities need to provide effective communication by making sure that they communicate with a job seeker with a disability using the job seeker's preferred communication methods. You can find out more about effective communication under the ADA (http://adata.org/factsheet/communication).

1) ACCESSIBILITY IN THE BUILT ENVIRONMENT

Oklahoma Works System Partners know that the way to create a more inclusive workforce begins with creating more inclusive programs and services for Oklahoma's job seekers with disabilities. For many agencies, the first step toward inclusion is making sure that the buildings that house programs, services and activities are accessible to people with disabilities.

Oklahoma Department of Rehabilitation Services and Oklahoma ABLE Tech are available to help Partner Agencies to assess accessibility in and around Agency buildings. We can also help Partner Agencies with remediation planning.

Each Partner Agency should have an ADA Coordinator or, in workforce areas, an Area Accessibility Representative, identified. Oklahoma Department of Rehabilitation Services and Oklahoma ABLE Tech will coordinate with the Agency ADA Coordinator or AAR to provide desired services and technical assistance.

CERTIFICATION

Agency Partners may achieve certification showing their commitment and work toward creating built environments that are more accessible to job seekers with disabilities. The Access for All Workforce System Certification is based on a set of ADA checkpoints that help to guide Agency activities toward

making parking lots, paths of travel, building entry ways, public and employee areas more accessible to Job Seekers with disabilities.

An Access for All Accessibility Process is being developed to help to guide certificate seekers. Additional information will come from the DRS ADA Coordinator.

Steps to certification include

- Policy and Procedure
  - Does the Agency have an ADA Coordinator?
  - Is accessibility a part of documented policy?
- Assessment of accessibility barriers in the above areas
- Remediation guidance: Toolkit of Solutions
  - Proposed remediation steps
  - Budget estimates for remediation
- Reassessment to determine efficacy of remediation

Partner Agencies and areas will/can also receive feedback on the assessments and Toolkits during an in-person or remote meeting. The Certification does not indicate that an Agency's built environment meets every criterion under the Americans with Disabilities Act. However, it will demonstrate an Agency's commitment to an inclusive Workforce.

Submit questions about the Certification process online, (http://bit.ly/AccessQuestion)

2) ACCESSIBILITY OF INFORMATION AND COMMUNICATION TECHNOLOGY – STATE STANDARDS

Procurement, Design and Content

Oklahoma Works Partner Agencies or Institutions shall identify an Accessibility Compliance Representative (ACR). Entities such as Workforce Investment Boards shall identify an Area Accessibility Representative (AAR). Until a formal method exists to do this, Partners may identify this individual directly to Oklahoma ABLE Tech. Oklahoma ABLE Tech is authorized to provide training and in-depth technical assistance to Oklahoma Works Partners through a partnership with the Oklahoma Department of Rehabilitation Services (OKDRS). Oklahoma ABLE Tech is available to deliver customized, tailored training to Oklahoma Works System Partners to help Partners to acquire, develop and deliver accessible information and communication technology (ICT) products and solutions.

Oklahoma Works Partners may request training or technical assistance through their Agency ACR or AAR. The ACR or AAR serves as the primary point of contact between Oklahoma ABLE Tech and the Agency. Agencies may identify more than one ACR that helps to more fully coordinate ICT accessibility efforts within the Agency. However, one ACR serves as the point of contact between the Agency and Oklahoma ABLE Tech. That ACR will stay informed about the kinds of training or technical assistance requests that come from the Agency. That ACR will also assist to coordinate participation in training provided to the Agency.

The AAR will help to coordinate information between Oklahoma ABLE Tech and the workforce area. The AAR will also help to identify skills gaps and coordinate training that will close those gaps over time.

Oklahoma ABLE Tech is available to consult with Oklahoma Works Partners as they identify their Agency ACR or ACRs, or AARs. The Agency ACR is the first point of contact within your Agency, and the AAR is the first point of contact within a workforce region.

Submit questions about the Certification process online (http://bit.ly/AccessQuestion).

CERTIFICATION

As with the built environment, Oklahoma Works Partner Agencies can earn certification recognition for their efforts to create more accessible digital environments. The Information and Communication Technology (ICT) Access for All Workforce System Certification is based on measurable steps toward process change and outcomes. An Access for All Accessibility Process is being developed to help to guide certificate seekers. Additional Certification is granted in the following content areas, where applicable:

Steps to certification include

- **Policy and Procedure**
  - Does the Agency have an Accessibility Compliance Representative identified, or does the Area have an Area Accessibility Representative identified?
  - Has the ACR or AAR received training in order to provide guidance, training and to perform tasks in areas such as:
    - Training and technical assistance for Agency staff or Area partners
    - Web and non-web content evaluation and testing
    - Procurement accessibility evaluation
  - Is ICT accessibility a part of documented policy?
  - Are staff position descriptions that require accessibility written to include experience in it as a primary or preferred skill?
  - Does policy specify the Web Content Accessibility Guidelines 2.0, Level AA as the goal standard for ICT?
- **Procurement and Acquisition**
  - Does Agency or Area procurement paperwork (Request for Proposal, contracts, scope of work documentation, etc.) include specific language about ICT accessibility?
  - Are Agency or Area procurement staff or experts informed about how to request documentation from vendors that attests to their product's accessibility?
  - Does the Agency or Area have a process in place to vet documentation from vendors?
- **Web**

    - Does the Agency's or Area's website, as determined from a sample of public-facing pages, meet standards set forth in Oklahoma's EITA statute or the Web Content Accessibility Guidelines (WCAG) 2.0, AA?
    - Are website designers and developers and content managers trained in areas of accessibility that apply to their roles?
- **Non-web**
    - Does non-web electronic material, (PDF files, PowerPoint presentations and Word documents), as determined from a sample, meet standards set forth in WCAG 2.0, AA?
    - Are non-web content designers and authors trained in areas of accessibility that apply to their roles?
- **Multimedia**
    - Is a process in place, with allocated budget, to ensure that web-based audio is transcribed and video is captioned?

Within the above content areas, Oklahoma ABLE Tech will provide training to relevant agency or area staff. The goal is to equip agencies to be self-sustaining. Instead of building dependency on someone from outside of the agency, ABLE Tech will help each agency to become independent in providing training, assessment and monitoring to support its technology accessibility efforts. Oklahoma ABLE Tech is available to help assess a Partner Agency's ICT accessibility program and help to identify and support development of a sustainable and broad effort.

At the workforce area level, the goal is to equip AARs with the knowledge to bring the right people together to account for accessibility in technology tools.

The full ICT Accessibility Certification requires that at least 3 of the above content areas are addressed as outlined above.

RESOURCES AND ADDITIONAL READING

- Access for All, a partnership between the Oklahoma Department of Rehabilitation Services and Oklahoma ABLE Tech (https://www.ok.gov/abletech/Workforce_for_All/index.html)
- The Workforce Innovation and Opportunity Act under the United States Department of Labor (https://www.doleta.gov/wioa/)
- Title I of the Americans with Disabilities Act, which applies to employment settings (http://www.ada.gov/ada_title_I.htm)
- Title II of the Americans with Disabilities Act, which applies to state and local governments (http://www.ada.gov/ada_title_II.htm)
- Title III of the Americans with Disabilities Act, which applies to private places of public accommodation (http://www.ada.gov/ada_title_III.htm)
- Oklahoma's Electronic and Information Technology Accessibility law (https://www.ok.gov/accessibility/)

SECTION 6 – GOVERNOR'S OVERSIGHT RESPONSIBILITY REGARDING RECIPIENTS' RECORDKEEPING (38.53)

The Oklahoma Office of Workforce Development (OOWD) ensures that recipients collect and maintain records in a manner consistent with the provisions of 29§38.41 and any procedures prescribed in Section 188 of WIOA and 29§38.41(a). OOWD has provided more guidance for this section under Oklahoma's Nondiscrimination Plan, Section IV Data and Information Collection and Maintenance (38.41 through 38.45). All WIOA recipients should refer to this section for guidance.

The OOWD has ultimate responsibility for administration of the workforce development components of the WIOA Nondiscrimination and Equal Opportunity program in the state and, on behalf of the Governor, ensures that Local Workforce Boards (LWDBs) and all sub-recipients, comply with all Federal regulations. Serving in an associated role, the Oklahoma Employment Security Commission (OESC) administers the state unemployment insurance program.

SECTION 7 – COMPLAINT PROCESSING PROCEDURES (29 CFR 38.54)

PURPOSE

The State and its recipients are complying with the requirements of 29 CFR 38.69 through 29 CFR 38.79 regarding complaint processing procedures. The State has revised and published procedures for processing complaints alleging discrimination by any program or activities funded under the WIOA Title I. These procedures provide the complainant with the option to file with the LWDA or the Oklahoma Employment Security Commission (OESC) UI EO Officer, the State EO Officer at the Oklahoma Office of Workforce Development (OOWD), or directly with the CRC Director, U.S. Department of Labor (DOL). LWDAs and OSPs are required to include complaint and grievance procedures as part of their Local Plans and those procedures must comply with the requirements of 29 CFR 38.76 through 29 CFF 38.79.

NARRATIVE

Recipients that are required to do so (29 CFR 38.74) have developed and published complaint procedures.

The State has issued a WIOA Nondiscrimination and EO policy *(Section 7 Documentation – Attachment 1)*, which sets forth the complaint procedures for all LWDA/OSPs and sub-recipients, and it includes the State's WIOA Section 188 Discrimination Complaint Procedures, Form and Complaint and Communication Log Templates *(Section 7 Documentation – Attachment 2)*. All recipients must comply with these procedures, which meet the requirements of 29 CFR 38.70-38.78. Complaints may be filed at the federal level, the state level or at the local level. The local EO Officers document each complaint filed on an EO Discrimination Complaint Log which is forwarded to the State EO Officer for review. The Discrimination Complaint Log contains the name and address of the complainant, the basis of the complaint, a description of the complaint, the date the complaint was filed, the disposition, the date of the disposition, and any other pertinent information relating to the complaint. LWDA EO Officers and One-Stop partners inform the State EO Officer about complaint investigations and submit the Discrimination Complaint Logs on a quarterly basis. Upon request from the CRC, the State EO Officer will provide the Discrimination Complaint Log.

Provide for the issuance of a written Notice of Final Action within 90 days of the date on which the complaint is filed. ***(29 CFR 38.76)***

The Oklahoma WIOA Equal Opportunity and Discrimination Complaint Policy states, "The EO Officer will provide a written Notice of Final Action to the complainant within 90 days of the date on which the complaint was filed," in accordance with 29 CFR § 38.79.

Initial, written notice to the complainant that contains an acknowledgment that the recipient has received the complaint, and a notice that the complainant has the right to be represented in the complaint process. ***(29 CFR 38.72(b)(1))***

The Oklahoma WIOA Equal Opportunity and Discrimination Complaint Policy states, The EO Officer will provide a written acknowledgment of receipt of the complaint to the complainant with notice that the complainant has the right to be represented in the complaint process, in accordance with 29 CFR 38.72.

A written statement provided to the complainant, that contains a list of the issues raised in the complaint and, for each issue, a statement whether the recipient will accept the issue for investigation or reject the issue, and the reasons for each rejection. *(29 CFR 38.82)*

The Oklahoma WIOA Equal Opportunity and Discrimination Complaint Policy states, "Upon receipt of a complaint or information alleging discrimination, the EO Officer will provide written notice to all parties of the specific issues raised in the complaint; and provide a statement for each issue, either accepting the issue for investigation or rejecting the issue, and the reasons for each rejection", as required by 29 CFR 38.82.

A period for fact-finding or investigation of the circumstances underlying the complaint. *(29 CFR 38.72)*

The Oklahoma WIOA Equal Opportunity and Discrimination Complaint Policy states, upon receipt of a complaint or information alleging discrimination, the EO Officer will initiate an investigation or fact-finding of the circumstances underlying the complaint. This meets the requirements of 29 CFR 38.72.

A period during which the recipient attempts to resolve the complaint and the methods available to resolve the complaint must include Alternative Dispute Resolution (ADR). *(29 CFR 38.72)*

The Oklahoma WIOA Equal Opportunity and Discrimination Complaint Policy states, the EO Officer will contact the complainant in writing after receipt of the complaint to determine the complainant's willingness to mediate using the Alternative Dispute Resolution (ADR) procedures.

A written Notice of Final Action, provided to the complainant with 90 days of the date on which the complaint was filed, that contains, for each issue raised in the complaint, either a statement of the recipient's decision on the issue and an explanation of the reasons underlying the decision, or a description of the way the parties resolved the issue.

The Oklahoma WIOA Equal Opportunity and Discrimination Complaint Policy states, "The Local Area shall be allowed 90 days to issue a Notice of Final Action from the date on which the complaint was filed. If, during the 90 day period, the Local Area issues a decision that is not acceptable to the complainant, the complainant or his or her representative may file a complaint with the CRC within 30 days after the date on which the complainant receives the Notice." This language mirrors the requirements of 29 CFR 38.72.

Notice that the complainant has a right to file a complaint with the CRC Director, DOL, within 30 days of the date on which the Notice of Final Action issued, if he or she is dissatisfied with the recipient's final action on the complaint. *(29 CFR 38.72)*

The Oklahoma WIOA Equal Opportunity and Nondiscrimination Complaint Policy states, "The Local Area shall be allowed 90 days to issue a Notice of Final Action from the date on which the complaint was filed. If, during the 90-day period, the Local Area issues a decision that is not acceptable to the complainant, the complainant or his or her representative may file a complaint with the CRC within 30 days after the date on which the complainant receives the Notice."

Provide that, if the complainant is dissatisfied with the outcome of the investigation, or if there is no final resolution of the complaint within 90 days of the date the complaint is filed, the complainant is notified that he or she may file his or her complaint with the Civil Rights Center.

The Oklahoma WIOA Equal Opportunity and Discrimination Complaint Policy states, "If, during the 90-day period, the EO Officer issues its Notice of Final action, but the complainant is dissatisfied with the decision on the complaint, the complainant or his/her representative may file a complaint with the CRC Director within 30 days after the date on which the complainant receives the Notice of Final Action."

Recipients follow the established procedures.

Consistent with 29 CFR 38.69 through 29 CFR 38.72, the State will maintain compliance according to the Oklahoma WIOA Equal Opportunity and Discrimination Complaint Policy, which provides for prompt and equitable resolution of complaints and includes the following elements:

- Initial Written Notice;
- An Acknowledgement of Receipt;
- Notice of Right to Representation;
- Issues raised in complaint;
- A period for Fact-Finding that includes ADR; and
- A Written Notice of Final Action.

Each recipient is required to comply with the Equal Opportunity and Discrimination Complaint Policy process for resolving complaints in connection with WIOA Title I programs operated by recipients. Utilizing this complaint procedure, each WIOA Title I recipient shall provide for local level processing of complaints. Recipients will be monitored to ensure they are complying with this requirement.

Section 7 – Documentation

ATTACHMENTS

1. Nondiscrimination and Equal Opportunity Policy – OWDI #13-2017, Change 2
2. WIOA Section 188 Discrimination Complaint Procedures – OWDI #01-2018, Change 1

OKLAHOMA WORKFORCE DEVELOPMENT ISSUANCE #13-2017, CHANGE 2

TO: Workforce Development Board Chairs
Workforce Development Board Staff
Workforce Development Fiscal Agents

FROM: Erin E. Risley-Baird, Executive Director

DATE: January 31, 2018

SUBJECT: Nondiscrimination and Equal Opportunity Policy, Change 2

PURPOSE: To issue additional communication requirements to the State EO Officer with the addition of a recommended template, delete references to complaint processing procedures now included in a separate policy, clarify EO monitoring and sanctions, update reporting structure of Local EO Officers, and add EO Officer conflict of interest language.

The Oklahoma Office of Workforce Development (OOWD) as the Governor's chosen Workforce Innovation and Opportunity Act (WIOA) administrative entity provides this issuance as guidance to communicate Oklahoma's process and procedures regarding nondiscrimination and equal opportunity procedures. This policy applies to all Local Workforce Development Areas (LWDBs), and is effective immediately.

REFERENCES:

- Civil Rights Act of 1964 Titles VI and VII (42 USC §2000d et seq.)
- Education Amendments of 1972 Title IX (20 USC § 1681 et seq.)
- Rehabilitation Act of 1973 (Rehab Act) Title V, Section 504 (29 USC § 794 et seq.)
- Age Discrimination Act of 1975 (42 USC § 6101 et seq.)
- Americans with Disability Act of 1990 (ADA), as amended by American Disabilities Act Amendments Act (ADAAA) (42 USC §12101 et seq., Public Law 110-325, 122 Stat. 3553 (2008))
- Workforce Innovation and Opportunity Act (WIOA) Sections 121(b), 183(c), and 188 (29 USC § 3151, 3243, and 3248)
- Title 29 CFR Part 38

DEFINITION:

Recipient: Any entity to which financial assistance under the WIOA Title I is extended, either directly from the Department of Labor (DOL) or through the Governor or another recipient (including any successor, assignee, or transferee of a recipient), but excluding the ultimate beneficiaries of the WIOA Title I funded program or activity. In addition, One-Stop partners, as defined in Section 121(b) of WIOA, are treated as

"recipients" and are subject to the nondiscrimination and equal opportunity requirements of 29 CFR Part 38, to the extent that they participate in the One-Stop delivery system (29 CFR § 38.4(zz)).

MESSAGE:

Provisions of the Nondiscrimination Plan

In order to provide a reasonable guarantee of compliance with the nondiscrimination and equal opportunity (EO) provisions of Section 188 of the WIOA and 29 CFR Part 38, the Governor must establish and implement a Nondiscrimination Plan for state programs as outlined in 29 CFR Section 38.54(a)(1). Previously known as the MOA under WIA, the WIOA Nondiscrimination Plan must, at a minimum, describe how the requirements outlined below have been satisfied.

Assurances

Contracts, cooperative agreements, job training plans, and policies and procedures must contain the nondiscrimination assurance specified in 29 CFR § 38.25 and 38.26. The nondiscrimination assurance must state the grant applicant will "comply fully with the nondiscrimination and equal opportunity provisions of the WIOA" (29 CFR Part 38 Preamble) and acknowledge the government's right to seek judicial enforcement of the nondiscrimination assurance. Also in accordance with 29 CFR § 38.25, each application for federal financial assistance under WIOA Title I must include the nondiscrimination assurance. Application for assistance is defined as the process by which required documentation is provided to the Governor, recipient, or the DOL prior to, and as a condition of, receiving federal financial assistance under WIOA Title I (including both new and continuing assistance).

Nondiscrimination Statement

The Oklahoma Office of Workforce Development (OOWD), Recipients, and Subrecipients/Subgrantees must maintain a policy to provide equal opportunity in all services and activities. Discrimination is strictly prohibited on the grounds of race, ethnicity, orientation, religion, sex, gender, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIOA Title I-financially assisted program or activity.

Designation of Local EO Officers

Each LWDB must designate an EO Officer who is responsible for coordinating its obligation under these regulations and who has direct access to the Chief Elected Official (CLEO) and LWDB Chair. The state requires that LWDBs notify the State Equal Opportunity (EO) Officer and the Oklahoma Office of Workforce Development (OOWD) within 5 business days whenever the designation of the Local EO Officer changes.

Local EO Officers

The Local EO Officer's responsibilities include the following:

- Serving as the liaison with the State EO Officer and OOWD.
- Investigating and monitoring the Local Area's and its subrecipients' WIOA Title I funded activities and programs.
- Reviewing the Local Area's organizations' and its subrecipients' written policies.

- Developing, publishing, and enforcing the Local Area's discrimination complaint procedures.
- Conducting outreach and education about equal opportunity and nondiscrimination requirements consistent with 29 CFR § 38.40, and how an individual may file a complaint consistent with 29 CFR § 38.69.
- Participating in continuing training and education, and ensuring that assigned staff receives the necessary training and support to maintain competency.
- Informing participants, employees, and program beneficiaries of their equal opportunity rights and responsibilities, and how the discrimination complaint process works.

An EO Officer may not be assigned any other (non-EO related) duties or activities that create either a real or apparent conflict of interest with responsibilities of an EO Officer.

Local Areas will assign sufficient staff and resources to the EO Officer to ensure compliance with the nondiscrimination and equal opportunity provisions of the WIOA and 29 CFR Part 38. Local Areas must submit a copy of their EO Officer's position description and organizational chart showing the relationship of EO Officer to the CLEO and LWDB Chair. Please submit the required documents via electronic mail to the following address: eoofficer@osuokc.edu

The Local Area EO Officer's contact information such as name, position title, business address, including email address, and telephone number (voice and Telecommunications Device for the Deaf, which is also known as teletypewriter [TTY]), must be publicized at the local level through a variety of means, including posters, handouts, and listings in local directories.

The Local Area EO Officer's identity and contact information must appear on all internal and external communications related to equal opportunity issues.

Attending one annual training each program year is required and additional periodic trainings are recommended for the LWDB EO Officer and assigned staff to keep abreast of equal opportunity issues. Resources for nondiscrimination and equal opportunity are available on the U.S. Department of Labor and Civil Rights Center websites and through the state EO Officer.

Notice and Communication of EO Policy and Procedures

A recipient must provide initial and continuing notice that it does not discriminate on any prohibited basis, including display and distributions of the notice/poster relating to "Equal Opportunity is the Law."

This notice/poster must meet the following criteria:

- Posted prominently, in reasonable numbers and places, in available and conspicuous physical locations and on the recipient's website pages.
- Disseminated in internal memoranda and other written or electronic communications with staff.

- Included in employee and participant handbooks or manuals regardless of form, including electronic and paper form if both are available.
- Provided to each participant and employee; the notice must be made part of each employee's and participant's file. It must be a part of both paper and electronic files, if both are maintained (29 CFR § 38.36(a)).

The notice must be provided in appropriate formats to registrants, applicants, eligible applicants/registrants, and applicants for employment and employees and participants with visual impairments. Where notice has been given in an alternate format to registrants, applicants, eligible applicants/registrants, participants, applicants for employment and employees with a visual impairment, a record such notice has been given must be made part of the employee's or participant's file. The notice must be provided in appropriate languages other than English (29 CFR § 38.36(b)).

As it concerns communication, recipients must indicate that the WIOA Title I-financially assisted 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." This must be included on recruitment brochures and other materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or on paper to staff, clients, or the public at large, to describe programs financially assisted under WIOA Title I or the requirements for participation by recipients and participants.

Where such materials indicate that the recipient may be reached by voice telephone, the materials must also provide the TTY number or equally effective communications system, such as a videophone, captioned telephone, or a relay service.

Recipients that publish or broadcast program information in the news media must ensure that such publications and broadcasts state that the WIOA Title I-financially assisted programs or activity in question is an equal opportunity employer/program (or otherwise indicate that discrimination in the WIOA Title I-financially assisted program or activity is prohibited by Federal law) and indicate that auxiliary aids and services are available upon requests to individuals with disabilities.

A recipient must not communicate any information that suggests, by text or illustration, that the recipient treats beneficiaries, registrants, applicants, participants, employees or applicants for employment differently on any prohibited basis, except as such treatment is otherwise permitted under federal law or regulation.

During each presentation to orient new participants, new employees, and/or the general public to its WIOA Title I-financially assisted programs or activity, whether this be in person or over the internet or using other technology, a recipient must include a discussion of rights and responsibilities under the nondiscrimination and equal opportunity provisions of WIOA Section 188 and 29 CFR Part 38, including the right to file a complaint of discrimination with the recipient or the Director of the Civil Rights Center (CRC). This information must be communicated in appropriate languages as required in 29 CFR § 38.9 and in formats accessible for individuals with disabilities as required in 29 CFR Part 38 and specified in Section 38.15.

Data and Information Collection and Maintenance
Each recipient must collect and maintain nondiscrimination data. The system and format in which the records and data are kept must be designed to allow the Governor and the CRC to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with Section 188 of the WIOA and 29 CFR Part 38.

Per 29 CFR § 38.42, each recipient must promptly notify the CRC Director, State EO Officer, and Executive Director of OOWD when any administrative enforcement actions or lawsuits are filed against it alleging discrimination 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, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in a WIOA Title I-financially assisted program or activity. This notification must include the information required by 29 CFR § 38.42(a).

Communication of Equal Opportunity Issues to State EO Officer
For any communication identifying an equal opportunity and nondiscrimination issue with a LWDB, or for any matter that may quickly escalate to a formal complaint, the State EO Officer must be notified at eoofficer@osuokc.edu within three (3) business days of receipt. All equal opportunity and nondiscrimination related communications, including non-written communications, not recorded on the Discrimination Complaint Log, as explained in the WIOA Section 188 Discrimination Complaint Procedures shall be recorded on the Communications Log (see WIOA Section 188 Discrimination Complaint Procedures policy). The purpose of the Communications Log is to keep track of any EO issue that arises, regardless of whether it constitutes a complaint.

These communications must also be logged on a Communication. Each EO Officer must submit a Communications Log quarterly to the State EO Officer at eoofficer@osuokc.edu on or before each of the following dates:

- March 31
- June 30
- September 30
- December 31

Affirmative Outreach
The guidelines found in 29 CFR § 38.40 require recipients to take appropriate steps to ensure they are providing equal access to their WIOA Title I-financially assisted programs and activities. These steps should involve reasonable efforts to include members of the various groups protected by 29 CFR Part 38 including but not limited to persons of different sexes, various racial and ethnic/national origin groups, various religions, limited English proficiency (LEP) individuals, individuals with disabilities, and individuals in different age groups. Such efforts may include, but are not limited to, the following:

- 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.
- Consulting with appropriate community service groups about ways in which the recipient may improve its outreach and service to various populations.

Discrimination Prohibited Based on Disability

In providing any aid, benefit, service, or training under a WIOA Title I-financially assisted program or activity, whether directly or through contractual, licensing, or other arrangements, on the basis of disability, a recipient must not do any of the following:

- Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, service, or training, including meaningful opportunities to seek employment and work in competitive integrated settings.
- Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefits, services, or training that is not equal to that afforded others.
- Provide a qualified individual with a disability with any aid, benefit, 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.
- Provide different, segregated, or separate aid, benefit, service, or training to individuals with disabilities, or to any class of individuals with disabilities, unless such action is necessary to provide qualified individuals with disabilities with any aid, benefit, service, or training that is as effective as those provided to others, and consistent with the requirements of the Rehabilitation Act as amended by the WIOA, including those provisions that prioritize opportunities in competitive integrated employment.
- Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards.
- Otherwise limit 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.

Accessibility Requirements

No qualified individual with a disability may be excluded from participation in, or be denied the benefits of a recipient's service, program, or activity or be subjected to discrimination by any recipient because a recipient's facilities are inaccessible or unusable by individuals with disabilities. In addition, recipients that receive federal financial assistance must meet their accessibility obligations under Section 504 of the Rehabilitation Act and the implementing regulations at 29 CFR Part 32. Some recipients may be subject to additional accessibility requirements under other statutory authority, including Title III of the Americans with Disabilities Act (ADA) that is not enforced by the CRC. As indicated in Section 38.3(d)(10), compliance with this part does not affect a recipient's obligation to comply with the applicable ADA Standards for Accessible Design.

All WIOA Title I-financially assisted programs and activities must be programmatically accessible. This includes providing reasonable accommodations for individuals with disabilities, making reasonable modifications to policies, practices, and procedures, administering programs in the most integrated setting appropriate, communicating with persons with disabilities as effectively as with others, and providing appropriate auxiliary aids or services, including assistive technology devices and services, where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the program or activity.

Reasonable Accommodation and Reasonable Modifications for Individuals with Disabilities
With regard to any aid, benefit, service, training, and employment, a recipient must provide reasonable accommodations to qualified individuals with disabilities who are applicants, registrants, eligible applicants/registrants, participants, employees, or applicants for employment, unless providing the accommodation would cause undue hardship. For more information on what would constitute undue hardship as it relates to a reasonable accommodation of individuals with disabilities, please see the definition of “undue burden or undue hardship” in 29 CFR § 38.4(rrr)(1).

With regard to any aid, benefit, service, training, and employment, a recipient must also make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless making the modifications would fundamentally alter the nature of the service, program, or activity, which would constitute a fundamental alteration. For more information, see the definition of “fundamental alteration” found in 29 CFR § 38.4(z).

In those circumstances where a recipient believes that the proposed accommodation would cause undue hardship, or the proposed modification would fundamentally alter the program, the recipient has the burden of proving that compliance with this section would result in such hardship and alteration. The recipient must make the decision that the accommodation would cause such hardship or result in such alteration only after considering all factors listed in the definitions of "undue hardship" and "fundamental alteration." The decision must be accompanied by a written statement of the recipient's reasons for reaching that conclusion. The recipient must provide a copy to the State EO Officer of the statement of reasons to the individual(s) who requested the accommodation or modification.

If a requested accommodation would result in undue hardship or a modification would result in a fundamental alteration, the recipient must take any other action that would not result in such hardship or such alteration but would nevertheless ensure that individuals with disabilities receive the aid, benefits, services, training or employment provided by the recipient. In addition, 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.

Intimidation and Retaliation Are Prohibited
No recipient may discharge, intimidate, retaliate, threaten, coerce, or discriminate against any individual because the individual has filed a complaint alleging any of the following:

- A violation of the WIOA.
- Opposed a practice prohibited by the nondiscrimination and equal opportunity provisions of the WIOA.
- Furnished information to, or assisted or participated in any manner in an investigation, review, hearing, or any other activity related to administration of, exercise of authority under, or exercise of privilege secured by the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR Part 38.

Sanctions
Sanctions are available for any violation of a nondiscrimination and equal opportunity issue within this policy and under 29 C.F.R. Part 38. Sanctions include any remedy legally available under WIOA laws and regulations.

Governor's Oversight and Monitoring Responsibilities for State Programs
The State EO Officer will conduct, at a minimum, annual monitoring reviews, which may include onsite visits. As the administrative entity, OOWD may conduct desk reviews, on-site or virtual monitoring in addition to annual monitoring, of any issues identified or closely related to the equal opportunity and nondiscrimination issues raised in this policy. A corrective action plan must be submitted to the State EO Officer at eoofficer@osuokc.edu with remedies for all issues identified in the corrective action plan to be completed within 30 days or within a reasonable time frame agreed upon by all parties. The purpose of this is to ensure that all equal opportunity and nondiscrimination issues identified are proactively and promptly addressed to avoid intentionally or inadvertently violating civil rights.

EQUAL OPPORTUNITY AND NONDISCRIMINATION: All providers must comply with WIOA's Equal Opportunity and Nondiscrimination provisions which prohibit discrimination 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, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title-I financially assisted program or activity.

ACTION REQUIRED: This Oklahoma Workforce Development Issuance (OWDI) is to become a part of your permanent records and made available to appropriate staff and subrecipients.

INQUIRIES: If you have any questions about this issuance, please contact the State EO officer in the Oklahoma Office of Workforce Development. Contact information can be found at http://www.oklahomaworks.gov/about/.

OKLAHOMA WORKFORCE DEVELOPMENT ISSUANCE #01-2018, Change 1

TO: Chief Local Elected Officials Workforce Development Board Chairs Workforce Development Board Staff WIOA Equal Opportunity Officers
Oklahoma Works Core System Partners

FROM: Sarah Ashmore, Interim Executive Director

DATE: July 10, 2019

SUBJECT: WIOA Section 188 Discrimination Complaint Procedures Governing WIOA Activities and Oklahoma Works (One-Stop) Center Activities

PURPOSE: The Oklahoma Office of Workforce Development (OOWD), as the Governor's chosen Workforce Innovation and Opportunity Act (WIOA) administrative entity, provides this issuance as guidance on the WIOA Section 188 Discrimination Complaint Procedures. It should be noted that initiation of a discrimination action does not mean there has been a violation, but notifying the Civil Rights Center (CRC) as soon as possible offers the best avenue for recipients to receive technical assistance (TA) to ensure compliance.

REFERENCES: These policies and procedures govern discrimination complaint investigations arising under Section 188 of the Workforce Innovation and Opportunity Act (WIOA) at 29 U.S.C. § 3248, as implemented by 29 C.F.R. §§ 38.69-38.79. The policies and procedures are issued in compliance with:

- WIOA Section 188, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I-financially assisted program or activity;

- Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, as amended, which prohibits discrimination on the bases of race, color and national origin;

RESCISSIONS	EXPIRATION DATE
OWDI #01-2018	Continuing

OOWD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 *et seq.*, as amended, which prohibits discrimination against qualified individuals with disabilities;

- The Age Discrimination Act of 1975, 42 U.S.C. § 6101 *et seq.*, as amended, which prohibits discrimination on the basis of age; and

- Title IX of the Education Amendments of 1972, 29 U.S.C. § 1681 *et seq.*, as amended, which prohibits discrimination on the basis of sex in educational programs.

MESSAGE: The Nondiscrimination Complaint Form or its equivalent, along with the "Complainant Consent/Identity Release Form" (hereinafter referred to as "Consent Form"), and the "Notice of Investigatory Uses of Personal Information" (together referred to as the "Discrimination Complaint Package") must be in writing, signed, and filed with the Equal Opportunity (EO) Officer within 180 days of the date of the alleged adverse action (*see* Attachment A).

All discrimination complaints involving denial of access to, or participation in programs and activities delivered by or through a "recipient" as defined at 29 C.F.R. § 38.4(zz) must be filed with the EO Officer for LWDB, Oklahoma Employment Security Commission Unemployment Insurance (UI) EO Officer, State EO Officer at the Oklahoma Office of Workforce Development, or the U.S. Department of Labor Civil Rights Center. Authority of each Office is as follows:

U.S. Department of Labor's Civil Rights Center	90 calendar days has passed from the date of receipt of a WIOA Section 188 discrimination complaint.
Oklahoma Office of Workforce Development State EO Officer	Either upon (1) recusal or unavailability of the first-line EO Officer; or (2) at any time the State EO Officer determines it is appropriate to assume jurisdiction of a discrimination complaint investigation.

Oklahoma Employment Security Commission Unemployment Insurance EO Officer	All complaints alleging discrimination in UI policies, practices, procedures, or determinations, including failure to provide language interpretation or translation services for limited English proficient persons, or auxiliary aids and services for individuals with disabilities. For complaints alleging an adverse UI determination in violation of WIOA Section 188, all UI appeals must be exhausted prior to assuming jurisdiction of the complaint.
EO Officer for the Local Workforce Development Board	All non-UI complaints alleging discrimination under WIOA Section 188 and arising in the LWDB service area, e.g. complaints arising from services provided in an Oklahoma Works Center.

The Discrimination Complaint Package may be made available in Braille or large print (*i.e.,* 18-point font) on request of a person who is blind or has low vision by the LWDB. Moreover, all complaint notices, procedures, and forms must contain a "Babel" notice pursuant to 29 C.F.R. § 38.9(g)(3), which provides:

Recipients must include a "Babel notice," indicating in appropriate languages that language assistance is available, in all communications of vital information, such as hard copy letters or decisions or those communications posted on websites.

I. The Discrimination Complaint

Any person, or the person's representative, who believes that an individual or class of individuals has been or is being discriminated against on a basis prohibited by Title I of WIOA may file a complaint. Prohibited bases of discrimination are race, color, national origin (including limited English proficiency), gender (including pregnancy discrimination, childbirth, and related medical conditions, transgender status, and gender identity), age, religion, disability, political affiliation or belief, and for beneficiaries only, citizenship, and WIOA participant status. *See 29 U.S.C. § 3248 and* 29 C.F.R. § 38.5.

The EO Officer shall provide assistance, as needed, to any person filing a discrimination complaint under these procedures, including but not limited to individuals who are limited English proficient, and individuals with disabilities.

An overview of the process set forth in these procedures is as follows:

Action	Completion date from date of receipt of complaint
Jurisdiction determination	As soon as possible, but no later than 14 calendar days
Rejection of a complaint (no jurisdiction)	As soon as possible, but no later than 14 calendar days
Notice of acceptance (*see* special procedures for complaints alleging age-based discrimination)	As soon as possible, but no later than 30 calendar days
Appointment of mediator	As soon as possible, but no later than 45 calendar days; conciliation agreement due to EO Officer no later than 65 calendar days
Notice of final action (if no mediation occurs, or is unsuccessful), or EO Officer's issuance of executed conciliation agreement	As soon as possible, but no later than 90 calendar days

For any communication identifying an equal opportunity issue with a LWDB, or for any matter that may quickly escalate to a formal complaint (*e.g.,* a formal or informal complaint filed by an advocacy group or community-based organization), the State EO Officer must be notified at eoofficer@osuokc.edu within three (3) business days of receipt, even if it is determined that there is no jurisdiction to investigate the matter under this policy and WIOA Section 188. These communications must also be logged in on the Communications Log (*see* Attachment D). The Communications Log is also submitted quarterly to the State EO Officer on the same dates as the Discrimination Complaint Logs.

As the administrative entity, OOWD will coordinate monitoring activities in such a way to avoid

duplication of efforts and increase efficiencies. Annual EO monitoring will occur concurrently with programmatic monitoring. This monitoring may take place virtually, onsite or via a desk review. The EO Officer will conduct annual monitoring of actions taken by LWDBs in response to equal opportunity and nondiscrimination issues raised in this policy.

LWDB recipients shall monitor their activities and One Stop Centers to ensure compliance with EO nondiscrimination policies. State recipients, including the EO Officer at each core partner agency (OOWD, CareerTech, Department of Rehabilitation Services (DRS), Oklahoma Employment Security Commission (OESC)), shall ensure formalized assurances that the complaints received through their agencies directly related to claims in One Stop Centers shall be investigated. The State EO Officer must be notified of the results of any EO nondiscrimination investigation and of any formal complaints filed and/or investigated regarding employment with a recipient. State recipient EO Officers will monitor annually and provide reports to the OOWD State EO Officer for coordination of a state report.

A corrective action plan must be submitted to the State EO Officer at eoofficer@osuokc.edu with remedies for all issues identified in the corrective action plan to be completed within 30 days or within a reasonable time frame agreed upon by all parties. The purpose of this is to ensure that all equal opportunity and nondiscrimination issues identified are proactively and promptly addressed to avoid intentionally or inadvertently violating civil rights.

At any time, the State EO Officer has the discretion to take over an investigation conducted by a local EO Officer and/or remand a complaint received by OOWD to a local EO Officer for processing, unless a conflict of interest exists on behalf of the State EO Officer.

In the event a complaint is filed by an employee of a service provider or small recipient regarding the recipient's employment practices, the EO Officer may coordinate the investigation of the complaint with the personnel department of the recipient if, in the EO Officer's judgment, the recipient has adequate procedures and resources in place to investigate the complaint.

A service provider or small recipient will work in conjunction with the EO Officer regarding complaints of discrimination.

II. Methods of Filing

Before a communication is reviewed to determine whether it meets the jurisdictional requirements for investigation, it must be in writing and signed. Communications that do not meet these basic requirements are not classified as "discrimination complaints" for purposes of this process, and are not included in the "Discrimination Complaint Log" as discussed below in these procedures. However, all equal opportunity and nondiscrimination related communications, including non-written communications, not recorded on the "Discrimination Complaint Log," shall be recorded on the "Communications Log" (Attachment D). The purpose of the "Communications Log" is to keep track of any EO issue that arises, regardless of whether

it constitutes a complaint.

Prior to concluding that a communication does not meet the jurisdiction requirements, every effort shall be made to provide the Complainant notice and an opportunity to cure any deficiencies (*i.e.,* contact the complainant by phone, email, or regular mail to explain what additional information the EO Officer needs to determine if there is jurisdiction.

Definitions

Business Day is defined as Monday through Friday, excluding weekends and holidays.

Complainant is defined as the individual alleging s/he suffered discrimination (*i.e.*, was subjected to an adverse act) in a WIOA-funded program or activity.

Respondent is defined as the alleged wrongdoer. More than one Respondent may be named in a complaint.

Recipient is defined at 29 C.F.R. § 38.4(zz) and is any entity that, either directly or indirectly, receives WIOA-Title I funding, or is part of the system of delivering WIOA Title I services, aid, benefits, or training.

A. Verbal Communication; In-Person and Telephone

No verbal communication (*i.e.,* in-person or telephonic) may be accepted for processing as a discrimination complaint. In addition, verbal communications are not recorded in the "Discrimination Complaint Log," as these communications are not in writing and signed.

Rather, any person seeking to lodge a discrimination complaint in-person or over the telephone must be notified that such a complaint must be in writing and signed. On request, the EO Officer shall assist an individual in completing the Discrimination Complaint Package (*see* Attachment A). Any signed Nondiscrimination Complaint Form or equivalent submitted by the Complainant or Complainant's representative in-person to the EO Officer shall be date-stamped as of the date of in-person delivery for purposes of determining timeliness.

The EO Officer also shall ensure that a signed Consent Form and "Notice of Investigatory Uses of Personal Information" is in the investigative file.

Failure or refusal to file a signed Consent Form, after being afforded notice and an opportunity to cure this deficiency, shall result in administrative closure of the matter, and the individual shall be notified in writing. The communication is not recorded in the "Discrimination Complaint Log," as it is not signed.

B. By Electronic Mail (Email)

1. Generally

If a signed copy of the Nondiscrimination Complaint Form or its equivalent is scanned and emailed to the EO Officer as an attachment, then the date of filing is the date on which the email is received by the EO Officer. Within five (5) business days, the EO Officer shall notify the individual that the email was received and is being reviewed.

To document the filing date in the investigative file for purposes of timeliness, the EO Officer shall download and print the email along with the attachment and/or upload the email and any attachment to an electronic database. The date of receipt of the email constitutes the filing date for purposes of determining timeliness.

2. Effect of Unsigned Nondiscrimination Complaint Form

If the EO Officer receives an unsigned Nondiscrimination Complaint Form, or equivalent communication, by email, then the EO Officer shall download and print the original email along with any attachment. Within five (5) business days, notification of the deficiency shall be made in writing via email to the sender's address with instructions for the sender to print the communication, sign it, and submit it to the EO Officer within 10 calendar days by:

- Scanning the signed communication and transmitting it by email;
- Sending the signed communication by regular mail; or
- Transmitting the signed communication by fax.

If the sender cures the deficiency and submits a signed communication, then the date of receipt of the original, unsigned email shall constitute the date of filing for purposes of timeliness. The signed communication shall be added to the investigative file. This policy ensures that the rights of the individual filing the communication are protected to the maximum extent possible.

3. Consent Form

The EO Officer also shall ensure that a signed Consent Form and "Notice of Investigatory Uses of Personal Information" is in the investigative file.

Failure or refusal to file a signed Consent Form, after being afforded notice and an opportunity to cure this deficiency, shall result in administrative closure of the matter, and the individual shall be notified in writing. The communication is not recorded in the "Discrimination Complaint Log," as it is not signed.

C. By Facsimile (Fax)

1. Generally

If a signed copy of the Nondiscrimination Complaint Form, or equivalent communication, is transmitted by fax to the EO Officer, then the date of filing is the date on which the fax is received by the EO Officer. Within five (5) business days, the EO Officer shall notify the individual that the fax was received and is being reviewed. The date of receipt of the fax constitutes the filing date for purposes of determining timeliness.

2. Effect of Unsigned Nondiscrimination Complaint Form

If the EO Officer receives an unsigned Nondiscrimination Complaint Form, or equivalent unsigned communication, by fax, then the EO Officer shall place the original, unsigned fax in the investigative file. Within five (5) business days, written notification of the deficiency shall be sent to the sender with instructions for the sender to print the communication, sign it, and submit it within 10 calendar days to the EO Officer by:

- Scanning the signed communication and transmitting it by email;
- Sending the signed communication by regular mail; or
- Transmitting the signed communication by fax.

If the sender cures the deficiency and submits a signed communication, then the date of receipt of the original, unsigned fax shall constitute the date of filing for purposes of timeliness. The signed communication shall be added to the investigative file. This policy ensures that the rights of the individual filing the communication are protected to the maximum extent possible.

3. Consent Form

The EO Officer also shall ensure that a signed Consent Form and "Notice of Investigatory Uses of Personal Information" is in the investigative file.

Failure or refusal to file a signed Consent Form, after being afforded notice and an opportunity to cure this deficiency, shall result in administrative closure of the matter, and the individual shall be notified in writing. The communication is not recorded in the "Discrimination Complaint Log," as it fails to meet the technical requirements for a discrimination complaint.

D. By Mail

1. Generally

If a signed copy of the Nondiscrimination Complaint Form is transmitted by mail (regular, express, certified, or registered), then the date of filing is the postmark date. Within five (5) business days, the EO Officer shall notify the individual that the communication was received and is being reviewed.

To document the filing date in the investigative file, the EO Officer shall retain the envelope documenting the postmark date. If the postmark date is illegible, then the date on which the EO Officer date-stamps the communication as being received shall constitute the date of filing for purposes of timeliness.

2. Effect of Unsigned Nondiscrimination Complaint Form

If the EO Officer receives an unsigned Nondiscrimination Complaint Form, or other unsigned communication by mail, then the EO Officer shall place the unsigned communication in the investigative file along with the envelope. Within five (5) business days, written notification of the deficiency shall be sent to the individual with instructions to sign the communication, and submit it within 10 calendar days to the EO Officer by:

- Scanning the signed communication and transmitting it by email;
- Sending the signed communication by regular mail; or
- Transmitting the signed communication by fax.

If the sender cures the deficiency and timely submits a signed communication, then the postmark date of receipt of the original, unsigned communication shall constitute the date of filing for purposes of timeliness. This policy ensures that the rights of the individual filing the communication are protected to the maximum extent possible.

3. Consent Form

The EO Officer also shall ensure that a signed Consent Form and "Notice of Investigatory Uses of Personal Information" is in the investigative file.

Failure or refusal to file a signed Consent Form, after being afforded notice and an opportunity to cure this deficiency, shall result in administrative closure of the matter, and the individual shall be notified in writing. The communication is not recorded in the "Discrimination Complaint Log," as it is not signed.

E. Other Signed, Written Communication

Per 29 C.F.R § 38.70, an individual is not required to utilize the Nondiscrimination Complaint Form when filing a discrimination complaint; rather, the EO Officer shall receive any signed, written communication alleging an adverse action on a prohibited basis (*e.g.,* race, color, national origin, disability, religion, gender, age) against a "recipient" as defined at 29 C.F.R. § 38.4(zz).

As with the filing of the Nondiscrimination Complaint Form, the EO Officer must determine whether all jurisdictional requirements are met prior to initiating an investigation. Depending on the method of filing the communication (*e.g.,* email, fax, mail), the EO Officer shall follow the same procedures as are applicable to the filing of the Nondiscrimination Complaint Form. And, the individual must sign the Consent Form accompanying the "Notice of Investigatory Uses of Personal Information" (*see* Attachment A).

F. Effect of EO Officer Unavailable or Disqualified—Conflict of Interest

If the EO Officer is unavailable (*e.g.,* extended leave), or is disqualified (*e.g.,* actual or apparent conflict of interest) to handle a particular discrimination complaint, the State EO Officer (or official designee) shall appoint an EO Officer or other appropriate official to investigate the discrimination complaint.

If any party requests disqualification of a local EO Officer because of a conflict of interest, the State EO Officer (or official designee) shall, in his or her sole discretion, determine whether a local EO Officer is disqualified with regard to any particular complaint or inaction. Issuance of an adverse decision by a local EO Officer will not alone demonstrate that the local EO Officer is disqualified to handle a discrimination complaint.

If it is determined that the local EO Officer is disqualified to conduct the investigation of a particular complaint, then the complaint shall be assigned to the State EO Officer or other appropriate official to conduct the discrimination complaint investigation pursuant to these procedures. If the State EO Officer (or official designee) determines the assigned EO Officer is qualified to handle a particular discrimination complaint, then the EO Officer shall not be disqualified and shall promptly continue processing the complaint pursuant to these procedures.

The State EO Officer's (or official designee's) determination regarding unavailability shall be in writing, copies shall be sent to the parties, and the determination shall be final upon issuance. A copy of the written notification shall be placed in the investigative file.

Likewise, the State EO Officer's (or official designee's) determination in response to a party's request for disqualification of the EO Officer shall be in writing, copies shall be sent to the parties, and the determination shall be final upon issuance. A copy of the written

notification shall be placed in the investigative file.

III. Types of Discrimination Complaints

A. Individual

An "individual" discrimination complaint is filed by one person, or the authorized representative of one person. An individual discrimination complaint alleges adverse treatment of the individual on a prohibited basis. For example:

- A customer alleges he could not complete program forms because he is limited English proficient, and the forms are available only in English.
- The mother of a 17-year-old alleges that her son was not allowed to enroll in an on-the-job training program because of the son's age.
- An attorney files a complaint alleging her client, a black man, was referred to a lower paying job than comparably qualified white men.

Individual discrimination complaints may be accepted for investigation provided the jurisdictional requirements are met, and such signed, written complaints are recorded in the "Discrimination Complaint Log" (*see* Attachment E).

B. Class Action

A class action discrimination complaint is filed by more than one person and/or their authorized representative(s). A class action complaint alleges a common type of adverse treatment against a group of individuals on a common prohibited basis. For example, a group of women allege they are referred to lower paying jobs than comparably qualified men.

Class action complaints may be accepted for investigation, provided the jurisdictional requirements are met, and such signed, written complaints are recorded in the "Discrimination Complaint Log" (*see* Attachment E).

C. Third Party

A third-party discrimination communication is lodged by an individual (not an authorized representative) or an organization on behalf of a category of similarly-situated persons. The aggrieved person(s) may, or may not, be identified in the communication. For example, the Islamic Association files a communication alleging that persons of the Muslim faith are not afforded the same on-the-job training opportunities as comparably qualified persons who are not of the Muslim faith.

All third party communications must be treated as complaints and individuals must be notified of their rights to file a formal complaint until it is determined there is no jurisdiction. Third-party communications cannot be accepted for investigation unless one or more affected individuals submit a signed Discrimination Complaint Form or its equivalent, and Consent Form accompanying the Notice of Investigatory Uses of Personal Information (*see* Attachment A). Third-party communications do not constitute discrimination complaints, and such communications are not recorded in the "Discrimination Complaint Log." Third party communications must be logged in the "Communications Log."

The local EO Officer and the State EO Officer may utilize third-party communications for purposes of monitoring the program or activity at issue.

D. Anonymous Communications

An anonymous communication, whether verbal or written, shall not be considered a discrimination complaint as it is not signed and there is no name or contact information for the allegedly aggrieved individual. And, anonymous complaints are not recorded in the "Discrimination Complaint Log" (*see* Attachment E). These communications are logged in the "Communications Log" (*see* Attachment D). Before it is determined that a communication is anonymous, attempts must be made to notify the aggrieved individual and inform of the right to file a formal complaint.

IV. Determining Jurisdiction

Once a signed, written Nondiscrimination Complaint Package is received, a jurisdiction determination must be made. The EO Officer shall provide the complainant with notice and an opportunity to cure any jurisdictional deficiencies.

A. Completed within 14 Calendar Days

Within 14 calendar days of the date of receipt of a discrimination complaint, the EO Officer shall (1) determine whether jurisdiction to investigate the complaint exists, and (2) issue a written notice accepting or rejecting the discrimination complaint as discussed further below.

B. Assign Identifier

Each complaint received by the EO Officer shall be assigned a unique identifier by the EO Officer for purposes of processing and tracking the complaint. The identifier shall be the calendar year in which the discrimination complaint was received, followed-by the designation "WIOA," and followed-by the sequential number in which the complaint was received. For example, the 11th discrimination complaint received in calendar year 2018

would be designated 2018-WIOA-11.

C. Elements of Jurisdiction

The complaint must comply with the following basic federal requirements in order for jurisdiction to be present:

- The complaint must be in writing;
- The complaint must be signed by the Complainant (*i.e.,* the aggrieved person), or the Complainant's authorized representative;
- The complaint must identify a Respondent who is a "recipient" under 29 C.F.R. § 38.4(zz);
- The complaint must contain sufficient contact information for the Complainant (*e.g.,* address, telephone number, email address);
- The complaint must allege a prohibited basis of discrimination (*e.g.,* race, color, national origin, gender, age, disability, political affiliation, religion);
- The complaint must set forth an "issue," or adverse action;
- The "issue" or adverse action must have occurred within 180 days of the filing of the complaint; and
- The complaint must have "apparent merit"—said differently, does the complaint allege an adverse action taken by Respondent against the Complainant on a prohibited basis?

D. Recipient Defined

In determining jurisdiction, the regulations define "recipient" very broadly as follows:

> *Recipient* means entity to which financial assistance under Title I of WIOA is extended, directly from the Department or through the Governor or another recipient (including any successor, assignee, or transferee of a recipient) . . .. In instances in which a Governor operates a program or activity, either directly or through a State agency, using discretionary funds apportioned to the Governor under WIOA Title I (rather than disbursing the funds to another recipient), the Governor is also a recipient. In addition, for purposes of this part, one-stop partners, as defined in section 121(b) of WIOA, are treated as "recipients," and are subject to the nondiscrimination and equal opportunity requirements of this part, to the extent that they participate in the one-stop delivery system. "Recipient" includes, but is not limited to:
>
> (1) State-level agencies that administer, or are financed in whole or in part with, WIOA Title I funds;
>
> (2) State Workforce Agencies;

(3) State and Local Workforce Development Boards;
(4) LWDB grant recipients;
(5) One-stop operators;
(6) Service providers, including eligible training providers;
(7) On-the-Job Training (OJT) employers;
(8) Job Corps contractors and center operators;
(9) Job Corps national training contractors;
(10) Outreach and admissions agencies, including Job Corps contractors that perform these functions;
(11) Placement agencies, including Job Corps contractors that perform these functions;
(12) Other National Program recipients.

Recipients include "one-stop partners" as defined at Section 121(b) of WIOA, but the "ultimate beneficiary" of a WIOA Title I program or activity is not a "recipient." 29 C.F.R. § 38.4(zz).

E. Unemployment Insurance (UI) Benefits, Special Considerations

If a complaint alleges an adverse decision regarding unemployment insurance benefits on a prohibited basis, the EO Officer must determine whether all administrative remedies have been exhausted (*i.e.,* all appeals taken and a final determination issued with OESC). If the UI adjudication process is not completed, the complaint is premature and the EO Officer shall not commence an investigation of the complaint unless and until such time as the adverse decision is final, and all other jurisdictional requirements are met.

F. Opportunity to Cure Deficiencies

To give the individual the fullest protection of the law, the EO Officer shall provide notice, and an opportunity to cure, any jurisdictional deficiencies. To the extent possible, the EO Officer shall provide assistance to the individual in addressing any jurisdictional deficiencies. The EO Officer cannot advocate on behalf of, or give advice to, the Complainant. Rather, the EO Officer must offer clarification of what is being asked or requested. The goal here is to ensure resolution of the nondiscrimination and equal opportunity issues identified, regardless of any technical or de minimis deficiencies.

IV. Rejecting a Complaint

A. Notice issued in 14 calendar days

Within 14 calendar days of receipt of the complaint, the EO Officer shall make a jurisdiction determination.

If the EO Officer determines that a complaint will be rejected for *any jurisdictional defect other than timeliness*, and the Complainant failed to cure the defect after being afforded notice and an opportunity to do so, then written notice shall be sent to the Complainant as soon as possible (*i.e.,* within 14 calendar days of the date of receipt of the complaint when the jurisdiction determination is made), but no later than 30 calendar days of the date on which the complaint was received. The complaint shall be recorded in the "Discrimination Complaint Log" (*see* Attachment E) with a proper notation as to its disposition.

If the EO Officer determines that a complaint is untimely (*i.e.,* it was not filed within 180 days of the date on which the alleged discriminatory conduct occurred), then written notice shall be sent to the Complainant as soon as possible (*i.e.,* within 14 calendar days of the date of receipt of the complaint when the jurisdiction determination is made), but no later than within 30 calendar days of the date on which the complaint was received. The complaint shall be recorded in the "Discrimination Complaint Log" (*see* Attachment E), with a proper notation as to its disposition.

B. Rude and unprofessional conduct

Complaints alleging rude or unprofessional customer service must be referred to the recipient within 14 calendar days of the date on which the complaint is received, and the Complainant must receive written notice of the referral. The recipient must contact the Complainant and, if appropriate, direct refresher training to staff members involved on successful engagements with customers and treating all customers with respect and dignity as required by the Oklahoma Workforce Development Issuance (OWDI) #16-2017, addressing grievance and complaint process policies.

V. Accepting a Complaint for Investigation

A. Notice Issued in 30 Calendar Days

Within 30 calendar days of the date of receipt of a Nondiscrimination Complaint Package, if all jurisdictional requirements are met, the EO Officer shall notify the Complainant and named Respondent(s) that the complaint has been accepted for investigation. The

complaint shall be recorded in the "Discrimination Complaint Log" (*see* Attachment E)

B. Alternative Dispute Resolution (ADR) & Mediation

The EO Officer shall make every effort to expeditiously resolve the complaint without the need for an investigation. Informal mediation of the complaint occurs between the EO Officer and parties to a complaint. This form of mediation is particularly useful with regard to denial of access to apply for, or participate in, a program or activity.

Formal mediation occurs between a third-party neutral (not the EO Officer conducting the investigation), and the parties to the complaint. The EO Officer does not participate in, or attend, the mediation. Formal mediation, in the discretion of the EO Officer, may be used for class action complaints, or complicated individual complaints involving multiple issues and/or bases. However, the parties must agree to formal mediation voluntarily, and they must execute a "Consent to Mediate" form (*see* Attachment B).

No party shall be charged any fee for formal or informal mediation services.

If the EO Officer determines that a complaint is appropriate for formal mediation, and all parties to the complaint voluntarily agree to participate in this mediation, the EO Officer shall assign a third-party neutral, no later than 45 calendar days from the date of receipt of the complaint. Within 20 calendar days of the date on which a third-party neutral is assigned to conduct the mediation, or upon submission of a settlement agreement, *whichever occurs first*, the EO Officer shall: (1) either initiate an investigation, or (2) close the complaint due to resolution of all issues.

C. Conciliation Agreements

Resolution of a complaint through formal or informal mediation shall be recorded in a written agreement, which is signed by the parties (*see* Attachment C). The written agreement shall be maintained with the record of the complaint for a period of not less than three (3) years from the date of final action related to resolution of the complaint or compliance review. 29 C.F.R. § 38.43. The conciliation agreement shall be finalized in writing within 90 days of the receipt of a complaint, if the parties resolve the matter through mediation or other alternative dispute resolution.

D. Age Discrimination, Special Procedures

With few exceptions, the Age Discrimination Act of 1975 at 42 U.S.C. § 6101 *et seq.* prohibits discrimination on the basis of *any* age in federally-funded, federally-assisted, and federally-conducted programs and activities. This means a recipient/provider may not exclude, deny, or provide different or lesser services to

beneficiaries or potential beneficiaries on the basis of age—*any* age. However, the statute does not prohibit the consideration of age for purposes of determining eligibility in certain "targeted" programs (*e.g.,* youth training programs, employment programs for older Americans).

The U.S. Department of Health and Human Services (HHS) has oversight and coordination responsibility for the Age Discrimination Act. Per 45 C.F.R. Part 90, all complaints filed *with Federal departments and agencies* under the Age Discrimination Act be forwarded to the Federal Mediation and Conciliation Services (FMCS). FMCS has 60 days to attempt to resolve the complaint through mediation. *See* 45 C.F.R. § 90.43(c)(3).

Therefore, if a complaint alleges discrimination on the basis of age, the EO Officer shall inform the Complainant that, if the complaint is filed with the U.S. Department of Labor's Civil Rights Center, it will be referred to the FMCS for attempted mediation. If the Complainant elects to have the complaint investigated by the EO Officer, s/he will have the opportunity to engage in informal or formal mediation as discussed below in these procedures. This complaint is recorded in the "Discrimination Complaint Log" (*see* Attachment E).

VI. The Investigation and Final Action Notice

A. Completed in 90 Calendar Days

Within 90 calendar days of the date on which the Nondiscrimination Complaint Package is filed, if the complaint is not resolved through informal or formal mediation, the EO Officer shall develop a complaint investigation plan, conduct an investigation, and issue a written notice of final action to the parties resolving the complaint. 29 C.F.R. § 38.76.

At any time, the State EO Officer may take jurisdiction of the investigation in writing to the assigned EO Officer. In such cases, the assigned EO Officer shall fully cooperate with any and all requests for documents, information, and electronic or paper records inspections. The State EO Officer shall retain sole jurisdiction over investigation of the matter, and shall issue the written notice of final action to the parties if the matter is not resolved through mediation.

B. Conducting the Investigation

When conducting the investigation, the EO Officer first shall interview the Complainant. Then, any named Respondent(s) shall be interviewed. First-hand witnesses may be interviewed in the EO Officer's discretion to resolve one or more particular factual disputes.

Documents necessary to make a determination on the discrimination complaint shall be collected from the parties and, if needed, any witnesses. It is within the EO Officer's discretion to determine whether in-person interviews and/or inspections are needed, or whether a desk audit and telephone interviews may be conducted.

After interviews of the named Respondent(s) and witness(es) are conducted, the EO Officer shall interview the Complainant in order to afford the Complainant every opportunity to establish the elements of proof in support of his or her discrimination complaint.

Whether conducted in person, or by telephone, the EO Officer shall take notes during the interviews. For each interviewee having knowledge of material and relevant facts, the EO Officer shall prepare a written statement of the interview, and shall require that the interviewee sign and date the statement after the interviewee has the opportunity to make any changes or modifications to the statement. Statements of interviewees shall be used by the EO Officer to render factual findings in the notice of final action.

C. Issuing the Notice of Final Action

Not later than 90 calendar days from the date of filing of the complaint, the EO Officer shall issue a notice of final action setting forth all relevant investigative findings, as well as any sanctions and required corrective actions. With regard to sanctions and corrective actions, the EO Officer shall set forth deadlines for the completion of sanctions and corrective actions along with the procedures that will be followed for Respondent(s)' failure to comply.

If the EO Officer determines that prohibited discrimination was not proven, the EO Officer shall issue a notice of final action setting forth all relevant findings of fact, and the reasons discrimination was not established.

The notice of final action shall be issued to the Complainant, named Respondent(s), and their representatives (if any). A notation shall be placed in the "Discrimination Complaint Log."

D. Withdrawal of the Discrimination Complaint

At any time prior to issuance of a notice of final action, the Complainant may request withdrawal of the discrimination complaint. The request must be in writing. If the EO Officer determines that the request is made voluntarily, and is not the result of intimidation or threat of retaliation, the EO Officer shall issue a written notice to all parties stating that the complaint has been withdrawn and the matter is closed. The

disposition of this complaint is recorded in the "Discrimination Complaint Log" as "withdrawn".

E. Death of the Complainant

If the Complainant dies during pendency of the investigation of his or her complaint, then the EO Officer shall proceed to complete the investigation to the extent practicable, and issue a notice of final action. This is designed to ensure that the program or activity at issue is operating in compliance with WIOA's nondiscrimination and equal opportunity mandates.

VII. The Discrimination Complaint Log

A. Generally

The EO Officer shall maintain a "Discrimination Complaint Log" (*see* Attachment E). Every discrimination complaint shall be recorded in the log regardless of the nature of disposition of the complaint (*i.e.* withdrawal, settlement, dismissal, rejection for lack of jurisdiction, determination on the merits).

With regard to each discrimination complaint, the EO Officer shall maintain records pertaining to the complaint, and all actions taken on the complaint (including recording disposition of the complaint in the "Discrimination Complaint Log"), for a period of not less than three (3) years from the date of resolution of the complaint.

Each EO Officer must produce his or her complete "Discrimination Complaint Log" to the State EO Officer at eoofficer@osuokc.edu on or before each of the following dates:

- March 31
- June 30
- September 30
- December 31

B. What is *not* included

The following types of communications shall not be recorded by the EO Officer in the "Discrimination Complaint Log":

- Anonymous communications;
- Communications that are not signed and/or are not in writing;
- Third-party communications (*i.e.,* no written, signed complaint(s) have been filed by the aggrieved individual(s));

- Program complaints; or
- A complaint alleging discrimination by an individual or entity that is not a "recipient" as defined at 29 C.F.R. § 38.4(zz).

All communications not recorded in Section B on the "Discrimination Complaint Log," shall be recorded on the "Communications Log" (Attachment M). Each EO Officer must produce his or her complete "Communications Log" to the State EO Officer at eoofficer@osuokc.edu on or before each of the following dates:

- March 31
- June 30
- September 30
- December 31

C. Bases of Complaints, Special Considerations

When recording the "prohibited basis" of a complaint in the "Discrimination Complaint Log," the EO Officer shall follow these guidelines:

- Complaints alleging discrimination on the basis of limited English proficiency (LEP) shall be recorded as national origin-based complaints.
- Gender-based complaints include allegations of discrimination based on gender, sexual orientation, pregnancy, familial status, transgender, and transsexual status.
- Harassment and hostile environment. *Quid pro quo* harassment and hostile environment constitute forms of prohibited discrimination when based on protected class characteristics (*Quid pro quo* means a favor or advantage granted or expected in return for something). For example, an allegation of hostile environment based on race would be recorded in the "Discrimination Log" as a race-based discrimination complaint. Similarly, a quid pro quo allegation of sexual harassment would be recorded as a gender-based discrimination complaint.
- Retaliation. WIOA's nondiscrimination provisions prohibit retaliation on the bases of (1) filing a complaint alleging a violation of Section 188 of the WIOA, (2) furnishing information to, or assisting or participating in any manner, in an investigation, review, hearing, or other activity related to:
    - Administering the WIOA's nondiscrimination provisions;
    - Exercising authority under these provisions;
    - Exercising a privilege secured by the provisions; or
    - Otherwise exercising any rights and privileges under the nondiscrimination an equal opportunity provisions of the WIOA.

  Retaliation constitutes a form of discrimination, and is recorded in the

"Discrimination Complaint Log." The basis of this type of complaint shall be recorded as "retaliation."

- If a complaint alleges discrimination on more than one basis, then all asserted bases shall be recorded in the "Discrimination Complaint Log."

All items (electronic or paper) related to the discrimination complaint investigation, including discrimination complaint log entries, must be preserved for a period of not less than three (3) years from the date of final action related to resolution of the complaint. 29 C.F.R. § 38.43(b).

VIII. Confidentiality and Security of the Investigative File

The investigative file (including the discrimination complaint, investigative notes, witness statements, advisory memoranda pertaining to the complaint, and any other related documents) shall be kept in a locked filing cabinet, or, if maintained electronically, in an encrypted or password protected database. The only persons with access to the investigative file shall be:

- The EO Officer conducting the investigation;
- The State EO Officer;
- The Governor (or designee);
- The U.S. Department of Labor's Civil Rights Center.

Any and all medical information gathered in the course of a discrimination complaint investigation shall be kept confidential, and stored separately from the investigative file. Whether these files are electronic or hard copy, they must be locked or otherwise secured (for example, through password protection) in compliance with 29 C.F.R. § 38.41(b)(3).

Any party, witness, or non-party to a complaint seeking copies of any one or more documents in the investigative file must follow the procedures set forth in Oklahoma Open Records Act, 51 O.S. § 24A.1 *et seq*. Any request for documentation in the investigative file shall be submitted to http://www.nfoic.org/oklahoma-sample-foia-request.

Certain exemptions to disclosure may apply. It is the policy of the EO Officer to maintain the highest possible level of confidentiality in conducting an investigation of a discrimination complaint. Therefore, information from an investigative file will be released only if an exemption cannot be invoked for that particular piece of information.

When EO complaints contain general grievance, complaint information, or other items that are outside the scope of the EO nondiscrimination process, staff may be allowed limited access to relevant confidential information in investigative files on a need-to-know basis

including, supervisors, managers, and subject matter experts. In such cases, the EO Officer must provide notice to the complainant in writing explaining why the complaint is outside the scope of an EO nondiscrimination complaint under WIOA and provide instructions on how to re-file such complaints through other processes with the appropriate Federal, State, or local entity.

EQUAL OPPORTUNITY AND NONDISCRIMINATION: All recipients must comply with WIOA's Equal Opportunity and Nondiscrimination provisions which prohibit discrimination 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, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title-I financially assisted program or activity.

ACTION REQUIRED: This Oklahoma Workforce Development Issuance (OWDI) is to become a part of your permanent records and made available to all appropriate staff and sub-recipients.

INQUIRIES: If you have any questions about this issuance, please contact the State-level EO Officer in the Oklahoma Office of Workforce Development at eoofficer@osuokc.edu. Contact information can also be found at http://www.oklahomaworks.gov/about/.

ATTACHMENTS:

A – Discrimination Complaint Form, Consent Form and Notice of Investigatory Uses of Personal Information
B – Consent to Mediate Form
C – Conciliation Agreement Template
D – Communication Log Template
E – Discrimination Complaint Log

Discrimination Complaint Procedures Attachment A

Discrimination Complaint Form and Consent

WIOA EQUAL OPPORTUNITY AND NONDISCRIMINATION COMPLAINT FORM, CONSENT, AND NOTICE OF INVESTIGATORY USES

This form should be used by anyone who wishes to file a discrimination complaint against any person(s)/entity while involved in Oklahoma WIOA funded programs. To file a discrimination complaint, complete this form, sign on page 4, and return to the Local Equal Opportunity Officer as follows:

(Insert Contact Information Here)
Equal Opportunity Officer
Address
City, State, Zip
Telephone:
TDD:

1. Complainant Information

◯ Miss ◯ Ms. ◯ Mrs. ◯ Mr. ◯ Other

Home Phone: ( )
Work Phone: ( )
Cell Phone: ( )

Name: -

_____

Address:

_____

City, State, Zip:

_____

2. Complainant contact information

When is it a convenient time during business hours (8am – 5pm) to contact you by phone about this complaint?

Day	Monday	Tuesday	Wednesday	Thursday	Friday
Time					
Phone					

3. Contact information for the person(s) this complaint is against:

Provide the name of the entity where the person(s) work(s):

Name(s) of person(s):

Address of person(s)/entity:	City, State, Zip:
Telephone Number:	Date of first occurrence: Date of most recent occurrence:

4. Tell us about the incident(s)

- Explain briefly what happened:
- Provide the date(s) when the incident(s) occurred.
- Indicate who this program discrimination complaint is against. Include names and titles, if possible.
- If other people were treated differently than you, tell us how they were treated differently.
- Attach any documents that you think might help us better understand your complaint.

5. Please list below any person(s) (witnesses) that we can contact for additional information to support or clarify the complaint.

Name	Address	Phone

6. If this complaint involves discrimination, please check the type of discrimination you experienced, such as age, race, color, religion, sexual orientation, national origin, physical or mental disability, etc. If you believe more than one basis was involved, you may check more than one box.

☐ Age-provide date of birth ☐ Color ☐ National Origin ☐ Political Belief ☐ Retaliation ☐ Gender – *Specify* ☐ F ☐ M ☐ Race – *indicate race* ☐ Of Hispanic or Latino Origin ☐ Not of Hispanic or Latino Origin	☐ Citizenship or status as an alien U.S. worker ☐ Disability ☐ Political Affiliation ☐ Religion ☐ Sexual Harassment ☐ Status as a program participant under the Workforce Innovation and Opportunity Act (WIOA) ☐ Other *(specify)*

7. Have you previously filed a complaint against this person(s)/entity? ☐ Yes ☐ No

If Yes, answer the questions below. If No, move to Section 8.

a. Was your complaint in writing? ☐ **Yes** ☐ **No**

b. On what date did you file the complaint?

c. Name of office where you filed your complaint:

Address:

_____

City:

_____

Phone:

_____

Contact person *(if known)*:

_____

d. Have you been provided a final decision or report? ☐ **Yes** ☐ **No**

If you marked "Yes", please attach a copy of the complaint decision or report.
8. What corrective action or remedy do you seek? Please explain:
9. Choosing a personal representative:
• You may choose to have someone else represent you in dealing with this complaint. It may be a relative, friend, an attorney, or someone else. • If you choose to appoint someone to represent you, all of our communication to you will be routed through your representative.
Do you want to authorize a personal representative to handle this complaint? ☐ **Yes** ☐ **No**
If **"Yes"**, complete the section below. If **"No"**, go to Section 10.
AUTHORIZATION OF PERSONAL REPRESENTATIVE
I wish to authorize the individual identified below to act on my behalf as my personal representative, in matters such as mediation, settlement conferences, or investigations regarding this complaint.
Name:
☐ I am an attorney representing the complainant. ☐ I am not an attorney representing the complainant.
Mailing address:
City: State: Zip:
Phone: FAX:
E-mail:
10. Alternate Dispute Resolution (ADR) also known as mediation.
Notice: You must indicate if you wish to mediate your case. The Equal Opportunity Officer cannot begin to process your complaint until you have made a selection. Please check "**YES**" or "**NO**" in the space below.

- Mediation is an alternative to having your complaint investigated.
- Neither party loses anything by mediating.
- The parties to the complaint review the facts, discuss opinions about the facts, and strive for an agreement that is satisfactory for both.
    - Agreement to mediate is not an admission of guilt by the person(s)/entity that you claim discriminated against you.
    - Mediation is conducted by a trained, qualified and impartial mediator.
    - You (or your Personal Representative) have control to negotiate a satisfactory agreement.
    - Terms of the agreement are signed by the complainant and the person(s)/entity that you claim discriminated against you.
    - Agreements are legally binding on both sides.
    - If an agreement is not reached, a formal investigation will start.
    - Failure to keep an agreement will result in a formal investigation.
    - A formal investigation will be opened if retaliation is reported.

- **Do you wish to mediate your complaint?** ☐ **YES**, I want to mediate. ☐ **NO**, please investigate.

If you select "YES", you will be contacted within five (5) business days with more information.

11. Complainant Signature:

You must sign this form for your complaint to be processed.

- **Faxed or otherwise electronically delivered complaints will be logged into our system; however, an official investigation cannot begin until the original, signed copy is received by our office.**

By signing below, I attest that all of the information contained in this complaint is true to the best of my knowledge. I request that the necessary action be taken to resolve this matter, and I release my personal records so that this matter may be thoroughly investigated. This release is only to the extent necessary to reasonably and fully investigate this matter and is not a general release of all my personal records.

Signature:	**Date:**

COMPLAINANT CONSENT/IDENTITY RELEASE FORM

_____
(Printed name of Complainant)

Please read the information below, check the appropriate box, and sign this form. I have read the Notice of Investigatory Uses of Personal Information. As a complainant, I understand that in the course of an investigation it may become necessary for the investigator to reveal my identity to persons at the organization or institution under investigation. I am also aware of the obligations of the investigator to honor requests under the Oklahoma Open Records Act, 51 §24A.1 *et seq*. I understand that it may be necessary for the investigator to disclose information, including personally identifying details, which is gathered as a part of the investigation of my complaint. In addition, I understand that as a complainant I am protected by federal civil rights statutes and regulations from intimidation or retaliation for having taken action or participated in action to secure rights protected by applicable nondiscrimination laws.

CONSENT GRANTED–
I have read and understand the above information and authorize the investigator to reveal my identity to persons at the organization or institution under investigation. I hereby authorize the investigator to receive material and information about me pertinent to the investigation of my complaint. This release includes, but is not limited to, personal records and medical records. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release, and do so voluntarily.

_____
Signature of Complainant

Date: _____

CONSENT DENIED –
I have read and understand the above information and do not want the investigator to reveal my identity to the organization or institution under investigation, or to review, receive copies of, or discuss material and information about me, pertinent to the investigation of my complaint. I understand this is likely to impede the investigation of my complaint, and may result in the closure of the investigation.

_____
Signature of Complainant

Date: _____

NOTICE ABOUT INVESTIGATORY USES OF PERSONAL INFORMATION: NOTICE OF COMPLAINANT/INTERVIEWEE RIGHTS AND PRIVILEGES

Complainants and individuals who cooperate in an investigation, proceeding or hearing conducted by this investigator are afforded certain rights and protections. This brief description will provide you with an overview of these rights and protections.

A recipient may not force its employees to be represented by the recipient's counsel nor may it intimidate, threaten, coerce or discriminate against any employee who refuses to reveal to the recipient the content of an interview. A complainant does, however, have the right to representation by the individual of complainant's choice during an interview with the investigator.

The laws and regulations which govern this investigator's compliance and enforcement authority provide that no recipient or other person shall intimidate, threaten, coerce or discriminate against any individual because he/she has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding, or hearing conducted under my jurisdiction, or has asserted rights protected by applicable federal civil rights laws.

Information obtained from the complainant or other individual, which is maintained in the investigative file, may be exempt from disclosure under the State of Oklahoma Open Records Act, 51 §24A.1 *et seq*. if release of such information would constitute an unwarranted invasion of personal privacy.

Personal information will be used only for the specific purpose for which it was submitted, that is, for authorized civil rights compliance and enforcement activities. No law requires a complainant to give personal information to the investigator, and no sanctions will be imposed on complainants or other individuals who deny the investigator's request. However, if the investigator fails to obtain information needed to investigate allegations of discrimination, it may be necessary to close the investigation.

The investigator does not reveal the names or other identifying information about an individual unless it is necessary for the completion of an investigation or for enforcement activities against a recipient that violates the laws, or unless such information is required to be disclosed under the Oklahoma Open Records Act, 51 §24A.1 *et seq*. The investigator will keep the identity of complainants confidential except to the extent necessary to carry out the purposes of the civil rights laws, or unless disclosure is required under Oklahoma Open Records Act, 51 §24A.1 *et seq*., or otherwise required by law.

The investigator generally is not required to release documents during an investigation or

enforcement proceedings if the release could have an adverse effect on the ability of the investigator to do his or her job. Also, the investigator may refuse a request for records compiled for law enforcement purposes if their release could be an "unwarranted invasion of privacy" of an individual. Requests for other records, such as personnel and medical files, may be denied where the disclosure would be a "clearly unwarranted invasion of privacy." The investigator will seek to invoke the exemptions at Oklahoma Open Records Act, 51 §24A.1 *et seq*., to the extent possible.

BABEL NOTICE (29 C.F.R. § 38.9(g)(3)):

This document contains vital information. If English is not your preferred language, contact [insert EO Officer's name and contact information] to obtain translation and/or interpretation services for the content of this document.

Discrimination Complaint Procedures Attachment B

Consent to mediate form

AGREEMENT TO PARTICIPATE IN MEDIATION

We, the undersigned parties, understand and agree to the following in executing this "Agreement to Participate in Mediation":

Definition of mediation. Mediation is a process in which a neutral (the mediator) assists parties to a conflict in finding a mutually acceptable solution to their dispute.

Role of the mediator. The mediator facilitates discussion between the parties by assisting them in communicating, identifying and clarifying issues, and exploring potential solutions. The parties decide the outcome of the mediation.

Role of the parties. Each party agrees to participate in mediation in good faith and agrees to treat others in the mediation with respect and courtesy.

Confidentiality. Communications in mediation are confidential and may not be used in subsequent judicial or administrative proceedings, except for (a) communications used to plan or commit a crime, (b) threats of bodily injury, (c) information otherwise discoverable by legal procedures, (d) in any complaint for misconduct against an attorney or mediator who participates in the mediation process; (e) in any legal action to vacate the agreement, (f) when the parties agree to waive confidentiality in writing, or (g) as otherwise provided by law or rule. Threats of personal harm may be disclosed by the mediator as reasonably necessary to prevent people from harm.

In addition, all memoranda, work products and other materials contained in the case files of a mediator or mediation program are confidential. Any communication made in or in connection with the mediation, which relates to the controversy being mediated, including screening, intake, and scheduling a mediation, whether made by the mediator, mediation program staff, to a party, or to any other person, is confidential. However, a written mediated agreement signed by the parties shall not be confidential, unless the parties otherwise agree in writing.

Confidential materials and communications are not subject to disclosure in discovery or in any judicial or administrative proceeding except:

(i) where all parties to the mediation agree, in writing, to waive the confidentiality,
(ii) in a subsequent action between the mediator or mediation program and a party to the mediation for damages arising out of the mediation,
(iii) statements, memoranda, materials and other tangible evidence, otherwise subject to discovery, which were not prepared specifically for use in and actually used in the mediation,
(iv) where a threat to inflict bodily injury is made,
(v) where communications are intentionally used to plan, attempt to commit, or commit a crime or conceal an ongoing crime,

(vi) where an ethics complaint is made against the mediator by a party to the mediation to the extent necessary for the complainant to prove misconduct and the mediator to defend against such complaint,

(vii) where communications are sought or offered to prove or disprove a claim or complaint of misconduct or malpractice filed against a party's legal representative based on conduct occurring during a mediation, or

(viii) as provided by law or rule.

Voluntary. Mediation is voluntary. Any party, or the mediator, may decide to stop the mediation at any time for any reason.

Joint and separate sessions. The mediation generally will occur with all parties present. The mediator may also meet separately with each party.

Legal advice. The mediator does not provide legal advice. Each party to the mediation has the opportunity to consult with independent legal counsel at any time and is encouraged to do so.

Agreement. All terms of settlement are non-binding until they are put into a written agreement *and* signed by all parties. Any mediated agreement may affect the legal rights of the parties. Each party to the mediation should have any draft agreement reviewed by independent counsel prior to signing the agreement.

_____	_____
Party signature	Party signature
_____	_____
Party's representative (if present)	Party's representative (if present)
_____	_____
Other person present	Other person present
_____	
Mediator	

BABEL NOTICE (29 C.F.R. § 38.9(g)(3)):

This document contains vital information. If English is not your preferred language, contact [insert EO Officer's name and contact information] to obtain translation and/or interpretation services for the content of this document.

Discrimination Complaint Procedures Attachment C

Settlement agreement template

NOTICE: Pursuant to 29 C.F.R. § 38.93, a conciliation agreement must:

(a) Be in writing;

(b) Address the legal and contractual obligations of the recipient;

(c) Address each cited violation;

(d) Specify the corrective or remedial action to be taken within a stated period of time to come into compliance;

(e) Provide for periodic reporting on the status of the corrective and remedial action;

(f) State that the violation(s) will not recur;

(g) State that nothing in the agreement will prohibit CRC from sending the agreement to the complainant, making it available to the public, or posting it on the CRC or recipient's Web site;

(h) State that, in any proceeding involving an alleged violation of the conciliation agreement, CRC may seek enforcement of the agreement itself and shall not be required to present proof of the underlying violations resolved by the agreement; and

(i) Provide for enforcement for a breach of the agreement.

IN THE MATTER OF:

[name and address of Complainant]

v. Complaint No.: _____

[name and address of Respondent(s)]

CONCILIATION AGREEMENT

On (insert date complaint filed), the undersigned Equal Opportunity (EO) Officer received a complaint filed by (insert name of Complainant), the Complainant, alleging that (insert name of Respondent/Recipient), the Respondent, denied the Complainant [access/training/aid/benefits/services/ bid/proposal] on the basis of (insert protected class).

A number of federal civil rights laws apply to our federally-assisted programs and activities, including (1) Title VI of the Civil Rights Act of 1964, as amended; (2) Section 504 of the Rehabilitation Act of 1973, as amended; (3) Section 188 of the Workforce Innovation and Opportunity Act of 2014 (WIOA); (4) Title II of the Americans with Disabilities Act (ADA) of 1990 as amended by the Americans With Disabilities Act Amendments Act (ADAAA) of 2008; (5) Title IX of the Education Amendments of 1972, as amended; and (6) the Age Discrimination Act of 1975.

As a whole, these statutes bar discrimination on the "basis" of race, color, national origin, religion, age, sex, disability, citizenship, political affiliation or belief, and/or status as a WIOA participant in programs funded, in part or in whole, by the U.S. Department of Labor. I determined that I had jurisdiction to investigate this matter, and the issue(s) presented for investigation was as follows:

[insert the issue accepted for investigation]

Through mediation, the parties have reached a settlement of this matter. The terms of the settlement are as follows:

1.
2.
3.

Respondent agrees that violation of applicable federal civil rights laws will not recur.

All corrective actions [have been completed.][will be completed on or before _____].

Respondent understands that failure to complete the corrective actions may result in suspension and/or loss of funding. Both parties understand that this *Settlement Agreement* is binding and enforceable by law, and the EO Officer may seek enforcement of the agreement itself and shall not be required to present proof of the underlying violations resolved by the agreement.

The undersigned EO Officer shall retain jurisdiction over this matter for a period of three (3) years to ensure completion of agreed-to corrective actions, and to monitor for future compliance by Respondent.

Signed on this day of_____, 201_ by:

_____
Complainant

_____
Respondent Official

_____
EO Officer

_____
Representative (if any)

_____
Representative (if any)

Equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

BABEL NOTICE (29 C.F.R. § 38.9(g)(3)):

This document contains vital information. If English is not your preferred language, contact [insert EO Officer's name and contact information] to obtain translation and/or interpretation services for the content of this document.

Attachment D: COMMUNICATION LOG TEMPLATE

Name of Entity: _____

Date of Communication	Name	Contact Information	Identity of Federally Funded Program	Description	Action Taken

Equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

Attachment E: DISCRIMINATION COMPLAINT LOG TEMPLATE

Name of Entity: _____

Date of Complaint	Name of Complainant	Address of Complainant	Status of Complainant	Identity of Federally Funded Program	Date of Alleged Discriminatory Act	Grounds/Bases) of Complaint	Description/ Issue of Complaint	Name of Respondent	Is Respondent a recipient? Yes or No	Date of Disposition	ADR Yes or No	Complaint Completed by

The Oklahoma Office of Workforce Development/Oklahoma Works is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

SECTION 8 – GOVERNOR'S OVERSIGHT AND MONITORING RESPONSIBILITIES FOR STATE PROGRAMS (29 CFR 38.51 and 53)

PURPOSE

The State of Oklahoma addresses how WIOA EO Officer(s) monitors the recipients. The State has established procedures to monitor all aspects of the recipient's compliance with the WIOA Section 188 and 29 CFR Part 38. All EO Officers monitoring reviews include a review of compliance and responsibilities that have been assigned through the State's Nondiscrimination Plan (NDP). A review of each recipient's programs and activities to determine whether discrimination is occurring is also included in the monitoring.

NARRATIVE

The State ensures compliance with its administrative obligations under the WIOA Sections 188 and 29 CFR Part 38 during the monitoring process. Monitoring is conducted by the State EO Officer which includes a desk and field review to determine a recipient's compliance with the provisions of WIOA Section 188. These reviews check for compliance with the administrative obligations including assurances in contracts and agreements, notices, brochures and communication responsibilities under the State's NDP, as well as its programs and activities.

Monitoring recipients to ensure their programs and activities are operating in a nondiscriminatory manner must involve, at a minimum:

1. Analysis of the data and records collected by the recipient pursuant to 29 CFR 38.41 through 29 CFR 38.45 to determine whether any differences based upon race, ethnicity, sex, age and disability have practical or statistical significance; and
2. Where significant differences are found, follow-up investigations are done.
3. The system and format in which the records and data are kept must be designed to allow the Governor and CRC to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with Section 188 of WIOA.

In order to ensure that WIOA Title I financially assisted programs and/or activities are operating in a nondiscriminatory manner, the State's monitoring regimen includes a desk analysis of the data and records collected by the recipient pursuant to 29 CFR 38.41 through 29 CFR 38.45. This analysis, conducted by the EO Officers should determine if any differences based upon race, ethnicity, sex, age, or disability exist and whether such differences have a practical or statistical significance.

Complying with the administrative obligations of 29 CFR 38 includes but is not limited to:

Assurances. *(29 CFR 38.25 through 38.27)*

Assurances are required to be provided by each LWDA in their Local Plan. *(Refer to: Section 1 Documentation – Attachment 1)*

Equal Opportunity Officers. *(29 CFR 38.28 through 29 CFR 38.32)*

EO Officers are listed in Section 2: Designation of State and local level Equal Opportunity Officers.

Notice and Communication. *(29 CFR 38.34 through 29 CFR 38.39)*

"Equal Opportunity Is the Law" notices are listed in Section 3: Notice and Communication.

Affirmative Outreach. *(29 CFR 38.40)*

Affirmative Outreach is addressed in Section 5 to ensure that recipients are required to provide equal access to their programs and activities to include various groups that are protected by these regulations.

The State utilizes the "Equal Opportunity Monitoring Review Guide" when facilitating on-site monitoring reviews for recipients' programs and activities.

Data and information collection and maintenance. *(29 CFR 38.41)*

Data and information collection and maintenance are kept in a system that allows the Governor and CRC to conduct analysis as described in Section 4: Data and Information Collection and Maintenance.

Complaint processing procedures. *(29 CFR 38.72)*

The State provides a nondiscrimination and equal opportunity complaint process *(Refer to Section 7 Documentation – Attachment 2)* and offers Alternate Dispute Resolution (ADR) throughout the complaint processing procedure as listed in Section 7. All sub-recipients must comply with these procedures which meet the requirements of 29 CFR 38.70 through 29 CFR 38.80.

Conducting Equal Opportunity monitoring and evaluation, review of applicants for and recipients of WIOA Title I financial assistance (including assurance of programmatic and architectural accessibility).

The State, through a monitoring process, determines if the EO Officer or designee has reviewed applicants for and recipients of WIOA Title I financial assistance from or through the LWDA, including sub-recipient agencies. Monitoring includes the review of:

1. Receipt of the right to file grievance information for applicants and recipients;
2. Records of local discrimination complaint reports and resolution (*See Appendix C*);
3. Applicable equal opportunity notices and signage for individuals with disabilities and other special needs populations;
4. Appropriate signage and equal opportunity information presented in languages other than English;
5. Review participant's case files, both electronic and paper for required notices, signatures, or appropriate documentation.
6. The Local Plan for nondiscrimination and equal opportunity provisions of the WIOA Section 188;
7. Contractual assurances of compliance with the nondiscrimination and equal opportunity provisions of the WIOA;
8. Programmatic and physical accessibility for disabled individuals to appropriately receive WIOA services;
9. Staff and participant interviews; and
10. Review of the recipient's policy and procedures to ensure they are not discriminatory.
11. Review the procedures for obtaining prompt corrective action when applying sanctions when noncompliance is found.
12. Reports of monitoring reviews and reports of follow-up actions taken under those reviews where violations were found, including the sanctions (*See Appendices A & B*).

The State provides an annual monitoring report identifying all discrepancies found and the actions required to address each specific discrepancy. Each EO Officer bears the responsibility for monitoring these same elements, not only in their internal service delivery system but also for any and all sub-recipients who provide WIOA Title I funded services or activities.

Imposing sanctions and corrective actions for violations noted by a recipient during its monitoring reviews.

The State EO Officer issues a report summarizing all non-compliance issues found during annual monitoring. These issues are then put into a Corrective Action Plan with timelines that each local area is responsible for implementing. When implementation of a Corrective Action Plan is incomplete by the specified deadline, the state will issue appropriate sanctions based on the severity of the noncompliance issues identified in the Corrective Action Plans.

The process outlined above also applies when there is more frequent monitoring. However, the report summarizing issues of noncompliance may be communicated informally, e.g. email.

Sanctions are considered when the recipient fails to adequately implement the Corrective Action Plan by the deadlines specified in the plan. Sanctions may revoke approval of all or part of the recipient's WIOA Title I financial assistance.

Ensuring policy development, communication, and training are implemented.

State policies and procedures are available on the Oklahoma Works website. Additionally, policy broadcasts or informational broadcasts are sent via email to all LWDAs and workforce staff to communicate changes to policy or provide immediate information that may affect Title I programs or activities. The WIOA Policies and Procedures and broadcasts direct recipients of Title I funds to develop local equal opportunity and nondiscrimination policies and procedures that include requirements to ensure sub-recipient agencies meet the same obligation. Recipients' policies are located in each local plan and are updated as needed.

The State ensures the federal programs and activities are operating in a nondiscriminatory manner and provide equal opportunity, including but not limited to:

- Conducting analyses by race, ethnicity, sex, age and disability of program and employment activity including but not limited to rates of application, placement, and termination, to determine if significant differences exist; and
- Conducting follow-up monitoring to determine the cause of any such differences, through the analysis of the records of individual and eligible registrants, applicants, employees and applicants for employment, interviews and other appropriate techniques.

The statewide internet-based workforce data reporting system, OKJobMatch, allows for necessary reports to identify issues regarding equal opportunity and nondiscrimination.

These reports will continue calculations based on standard deviation for each of the applicant groups with respect to services such as job referrals, referred to training, entered employment, placements, and wages.

The UI program housed at OESC, a required core partner, collects information when initial unemployment claims are filed. Records are maintained on each claimant in a secure system. Data is stored in secure UI databases. Stored data is used to conduct analyses to determine whether any discriminatory issues exist. If any discriminatory issues exist, the State EO Officer will work with the OESC EO Officer to address them pursuant to policy.

The procedure for reviewing recipients' policies and procedures, to ensure that the policies and procedures do not violate the prohibitions contained in 29 CFR 38.5 through 38.10.

The EO Officer conducts a desk audit prior to on-site reviews to analyze program materials and the Local Plan to ensure no discrimination is occurring in local program policies, sub-contracts and procedures. Plans must have the following assurances:

1. The LWDA will provide a system that includes compliance with Title IV of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Age Discrimination Act of 1975, Title IX of the Education Act of 1972, Section 188 of WIOA and the Current State of Oklahoma Nondiscrimination (NDP);
2. The LWDA will describe how each access site identified in the NDP will ensure compliance with Equal Opportunity and Americans with Disabilities; and

3. The LWDA will provide contact information and identification of the Local, State and Federal EO Officers available in all facilities used to conduct WIOA Title I funded trainings, programs and activities.

Recipients are required to publish their Equal Opportunity and Nondiscrimination Complaint policy statement and procedure on their website.

The State EO Officer conducts interviews, as needed, as a part of the monitoring process.

The written reports prepared for each review must provide, among other things that the results of the monitoring review will be made available to the recipient(s) reviewed.

At the conclusion of the review, the State EO Officer conducts an exit interview with pertinent recipient staff and the LWDA director or designee. This conference is a brief discussion of issues or discrepancies identified during the course of the monitoring review.

An EO Monitoring Review Report is written by the State EO Officer. The EO Monitoring Review Report is then reviewed and submitted to the OOWD Executive Director for approval before being distributed to the Local EO Officer and Program Director. Copies of the EO Monitoring Review Report are provided to the Local EO Officer by the State EO Officer. The report identifies areas in which the LWDA is out of or could be out of compliance (discrepancies) and other areas of concern. The EO Monitoring Review Report may also make recommendations for corrective actions needed to correct deficiencies. *(See Appendices A & B)*

The Local EO Officer will maintain communication with the State EO Officer until all equal opportunity related discrepancies have been corrected.

The involvement of the State and local level EO Officer(s) in conducting reviews. Where EO monitoring is carried out by individuals other than the State or local level EO Officer, the narrative should provide the names, titles, and organizations of those persons.

The State, LWDA, UI, and OSP EO Officers are the primary reviewers; the name of the State EO Officer and a list of LWDA EO Officers are contained in Section 2 of this NDP. The State EO Officer reviews certain equal opportunity items as a part of the annual reviews. Any issues identified during the annual EO monitoring reviews involving equal opportunity and nondiscrimination are discussed with the State EO Officer to ensure compliance with applicable regulations. The State EO Officer conducts the review to ensure that past identified issues were appropriately addressed and resolved.

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.

The State reviews each recipient annually through desk reviews and on-site reviews, unless needed more frequently to track and identify compliance issues. A review schedule is developed

at the beginning of each program year identifying when each LWDA and OSP is scheduled for a desk and on-site review. Each recipient is provided with a copy of the review schedule along with a copy of the desk review guides that will be utilized during the review. LWDA Directors are sent a letter by the State EO Officer notifying them of the review 30 days prior to the review date. In addition to these scheduled monitoring reviews, the State reserves the right to conduct monitoring with increased frequency throughout the program year.

Recipients follow the established procedures:

A service provider or small recipient will work in conjunction with the EO Officer regarding complaints of discrimination.

Section 8 – Documentation

ATTACHMENT

1. WIOA Monitoring Tool Checklist for Equal Opportunity and Nondiscrimination

Oklahoma Office of Workforce Development

PY16 WIOA Monitoring Tool

Section 7: Equal Opportunity and Nondiscrimination

Area:
Dates:
Completed by:
State Monitor Date
LWDB Rep Date

The Oklahoma Office of Workforce Development/Oklahoma Works is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

§ 7 EQUAL OPPORTUNITY AND NONDISCRIMINATION

State of Oklahoma Monitoring Report:
Compliance with the Nondiscrimination and Equal Opportunity Provisions of Section 188 of the Workforce Innovation and Opportunity Act

The Summary of Review table below is a synopsis of the annual monitoring review. During desk review document the details of the area (i.e. number and names of service providers, fiscal agent, board staff employer of record, etc) in the "Summary" box. Document the potential risk areas for this section (from previous findings, LWDB certification delays, etc.) in the "Factors of Review" box. A brief overview of best practices, particular areas of concern, potential findings, etc. identified during the monitoring process should be documented in the "Notes" box.

Summary of Review (to be completed by State EO Officer or designee)	
Summary	
Factors for Review	
Notes	

Date of Onsite Monitoring:
Person Conducting Monitoring:
Name:

Facility Name/Location:

Title:
Phone:
Email:

Director/Head of Location:
Name:
Title:
Phone:
Email:

EO Officer for the Location:
Name:
Title:
Phone:
Email:
☐ Not applicable

This location provided a statement regarding whether it has any pending lawsuits or administrative actions filed against it involving allegations of prohibited discrimination under Section 188 of the Workforce Innovation and Opportunity Act (WIOA):

☐ Yes, lawsuits/administrative actions are pending
☐ No lawsuits/administrative actions are pending

PURPOSE: This monitoring tool is designed to help identify and address major compliance issues under the nondiscrimination and equal opportunity mandates of Section 188 the Workforce Innovation and Opportunity Act under Oklahoma Workforce Development Issuance #11-2017 (Aug. 16, 2017). Although this tool contains some disability-related review items, the official WIOA Section 188 disability checklist is published by the U.S. Department of Labor's Civil Rights Center. Monitoring includes a desk audit review (*see* Appendix A). Once completed, a copy of this monitoring report will be provided to the recipient.

REFERENCES:

These policies and procedures govern discrimination complaint investigations arising under. This monitoring will be conducted in compliance with:

- Section 188 of the Workforce Innovation and Opportunity Act (WIOA) at 29 U.S.C. § 3248, as implemented by 29 C.F.R. Part 38, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I-financially assisted program or activity;
- Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, as amended, which prohibits discrimination on the bases of race, color and national origin;
- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 *et seq.*, as amended, which prohibits discrimination against qualified individuals with disabilities;
- The Age Discrimination Act of 1975, 42 U.S.C. § 6101 *et seq.*, as amended, which prohibits discrimination on the basis of age; and
- Title IX of the Education Amendments of 1972, 29 U.S.C. § 1681 *et seq.*, as amended, which prohibits discrimination on the basis of sex in educational programs.

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I
"Equal Opportunity Is the Law" Notices and Posters

To ensure equal opportunity and nondiscrimination under Section 188 of WIOA, the recipient's equal opportunity policy must be widely-published, disseminated, and posted. 29 C.F.R. §§ 38.34, 38.36, and 38.39. This means the "Equal Opportunity Is the Law" posters must be prominently displayed throughout areas where we serve the public in English as well as in any other language(s) spoken by limited English proficient persons who constitute a "significant proportion or number" of our service area population. And, for any limited English proficient person who communicates in a less widely-used language, we must provide a translated version of the "Equal Opportunity Is the Law" notice at no cost to the LEP customer. Also, we must provide the "Equal Opportunity Is the Law" notice in appropriate alternative formats for persons with disabilities. Finally, we must document in participant files and on our electronic database that all customers and potential customers, including LEP persons and persons with disabilities, have received the notice.

	Findings	Corrective Actions	Follow-Up Target Date	Status (Open/Closed)
The "Equal Opportunity Is the Law" poster in English is prominently displayed in reasonable places and reasonable numbers	Yes ☐ No ☐			
The "Equal Opportunity Is the Law" poster is prominently displayed in reasonable places and numbers in languages spoken **by**	Yes ☐ No ☐			

a significant number or proportion of LEP population(s) in the service area. For this location the required languages are:				
Each poster contains complete and current contact information for the recipient's EO Officer, State EO Officer, and the U.S. Department of Labor's Civil Rights Center	Yes ☐ No ☐			
TTY and/or relay numbers are provided wherever telephone numbers are provided on "Equal Opportunity Is the Law" posters and notices	Yes ☐ No ☐			

The “Equal Opportunity Is the Law” notice is translated and provided to each LEP person at no charge to the LEP person	Yes ☐ No ☐			
The “Equal Opportunity Is the Law” notice is provided in an alternative format, on request, to each individual with a disability at no charge to that individual	Yes ☐ No ☐			

II
Assurances

The required assurances at 29 C.F.R. § 38.25 must be set forth in all arrangements related to the delivery of WIOA Title I-financially assisted programs and activities, including the following:

- contracts;
- memoranda of understanding;
- cooperative agreements;
- job training plans;
- grant applications;
- requests for proposals;
- agreements with training providers; and
- any other arrangements related to the delivery of WIOA Title I financially-assisted programs and activities.

Document Reviewed	Assurances Present?	Corrective Actions	Follow-Up Target Date	Status (Open/Closed)
	Yes ☐ No ☐ Incomplete ☐			
	Yes ☐ No ☐ Incomplete ☐			
	Yes ☐ No ☐ Incomplete ☐			
	Yes ☐ No ☐ Incomplete ☐			

III

Review of Written Materials and Website Content

The following two taglines shall appear on all written materials related to WIOA Title I-financially assisted programs and activities:

"Equal Opportunity Employer/Program"

and

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

29 C.F.R. § 38.38. The written materials on which the taglines must appear include, but are not limited to, the "Equal Opportunity Is the Law" posters and notices, publications, brochures, orientation and recruitment materials, manuals, handbooks, directives, correspondence, procedures, broadcast scripts, written advertising, and website pages related to WIOA Title I-financially assisted programs and activities. Moreover, wherever a telephone number is listed on these materials, a TTY or relay number also must be listed for persons who are deaf or hard of hearing, or who have speech disabilities.

Description of Document or Website Reviewed	Correct taglines present? TTY or relay number included wherever a telephone number is included?	Corrective Actions	Follow-Up Target Date	Status (Open/Closed)
	Taglines: Yes ☐ No ☐ TTY/relay: Yes ☐ No ☐			
	Taglines: Yes ☐ No ☐ TTY/relay: Yes ☐ No ☐			

With regard to written materials, the following also must be determined:

	Findings	Corrective Actions	Follow-Up Target Date	Status (Open/Closed)
Procedures are in place and known to staff to provide translation of "vital" documents for LEP persons; otherwise, interpretation services are provided.	Yes ☐ No ☐			
Procedures in place and known to staff to allow persons with disabilities equal access to any written materials.	Yes ☐ No ☐			
"Essential eligibility requirements" for services, aid, training, and benefits have been reviewed. The "essential eligibility requirements" are nondiscriminatory, including nondiscriminatory on the basis of disability and/or national origin (LEP status)	Yes ☐ No ☐			

IV
Limited English Proficient Persons

We have two responsibilities with regard to LEP persons in our service delivery area: (1) we must communicate in the language(s) used by a "significant number or proportion" of our service area population; and (2) we must assess the particularized language needs of LEP persons who communicate in less-widely-used languages. Thus, even if the LEP person speaks a language that a staff person has never heard before, we must have a system in place to identify the language and provide interpretation and/or translation services to afford the LEP person "meaningful access" to the services, aid, training, or benefits. Moreover, we must widely-publicize the fact that interpretation and translation services will provided at no charge to LEP persons. For purposes of this component of your monitoring, the staff guides the EO Officer step-by-step through the process for a services, aid, training, or benefits, and explain how an LEP person is served each step of the way. 29 C.F.R. § 38.9.

	Description of the services, aid, training, or benefits (*e.g.,* job referral, unemployment insurance, training, child care, apprenticeship)	Findings	Corrective Actions	Follow-Up Target Date	Status (Open/Closed)
Staff greets and assesses language needs.		Yes ☐ No ☐			
Language needs properly recorded in participant's file and on the electronic database. Beginning		Yes ☐ No ☐			

January 3, 2019, identification of LEP status and preferred language of each applicant, registrant, participant, terminee, applicant for employment, and employee must be collected and recorded.					
For each LEP person, staff provides qualified interpreter services (*i.e.,* staff does not require that the LEP person provide his/her own interpreter services).		Yes ☐ No ☐			
For each LEP person, translation of "vital"		Yes ☐ No ☐			

documents is provided. And, if a document is not deemed "vital," interpreter services are utilized.					
"Babel notice" requirements are met. 29 C.F.R. § 38.9(g)(3).		Yes ☐ No ☐			
It is widely-publicized that interpreter and/or translation services will be provided at no charge to the LEP person.		Yes ☐ No ☐			
Staff is able to provide core and intensive services to LEP persons.		Yes ☐ No ☐			

V
Blind/Low Vision

We must provide persons with disabilities effective access to, and an equal opportunity to participate in, our programs and activities. 29 C.F.R. §§ 38.12-38.17. To that end, staff must understand and follow the procedures for serving persons with disabilities. For purposes of this component of monitoring, staff takes the EO Officer step-by-step through the process for a services, aid, training, or benefits, and explain how a person who is blind or has low vision is served each step of the way.

	Findings	Corrective Actions	Follow-Up Target Date	Status (Open/Closed)
Staff greets and assesses needs of any person who is blind or has low vision.	Yes ☐ No ☐			
What auxiliary services are available at this location for persons who are blind or have low vision?	Yes ☐ No ☐			
What assistive technologies are available and operational at this location for persons who are blind or have low vision?	Yes ☐ No ☐			
Staff notifies persons who are blind or have low vision that auxiliary aids and services are available on request and at no	Yes ☐ No ☐			

charge to the person who is blind or has low vision.				
Staff knows how to secure auxiliary aids and services on request of a person who is blind or has low vision.	Yes ☐ No ☐			

VI

Deaf/Hard of Hearing

Again, staff will take the EO Officer step-by-step through the process for a services, aid, training, or benefits, and explain how a person who is deaf or hard of hearing is served each step of the way.

	Findings	Corrective Actions	Follow-Up Target Date	Status (Open/Closed)
Staff greets and assesses needs of any person who is deaf or hard of hearing	Yes ☐ No ☐			
What auxiliary services are available at this location for persons who are deaf or hard of hearing?				
What assistive technologies are available and operational at this location for persons who are deaf or hard of hearing?				

Staff notifies persons who are deaf or hard of hearing that auxiliary aids and services are available on request and at no charge to the person who is deaf or hard of hearing.	Yes ☐ No ☐			

VII
Integrated Services for Individuals with Disabilities

Review of overall operations at the location to determine the following:

	Findings	Corrective Actions	Follow-Up Target Date	Status (Open/Closed)
Persons with disabilities are served in an "integrated setting" alongside persons without disabilities	Yes ☐ No ☐			
Recipient ensures that eligibility criteria do not screen out an individual with a disability, or class of individuals with disabilities unless such criteria can be shown to be necessary for the provision of the aid, training, benefit, or service being offered	Yes ☐ No ☐			
Persons with disabilities are not offered lesser or different services, aid, training, or benefits than comparably eligible persons without disabilities	Yes ☐ No ☐			
An accessibility survey has been conducted for the	Yes ☐ No ☐			

location, and it is on file and readily available				
Persons with disabilities are not charged for the provision of auxiliary aids and services (*e.g.,* no surcharges to individuals with disabilities to participate in a program or activity)	Yes ☐ No ☐			
Qualified persons with disabilities are denied the opportunity to participate as a member of planning or advisory boards	Yes ☐ No ☐			
Individuals with disabilities have access to, and are able to participate in, training and education programs (including licensing and certification programs)	Yes ☐ No ☐			
Staff is adequately trained to use all auxiliary aids and services available at this location (*e.g.,* TTY machine, specialized software, video captioning, relay service)	Yes ☐ No ☐			
Reasonable accommodations are provided on request by	Yes ☐ No ☐			

qualified individuals with disabilities in registration for, and provision of aid, training, services, and benefits, including core and intensive services and support services				

VIII
Review of Participant Files

As an initial matter, medical information must be kept in a separate, secure location with limited access (*e.g.,* secured filing cabinets and/or encrypted Internet files). 29 C.F.R. §§ 38.41-38.45. Medical and/or disability-related information is not be kept in the participant's program file; rather, only the accommodation requested, if any, is maintained in the participant's file.

	Findings	Corrective Actions	Follow-Up Target Date	Status (Open/Closed)
Paper records containing data for each participant are maintained for a period of not less than three years from the close of the program year	Yes ☐ No ☐			
Electronic data for each participant is maintained for a period of not less than three years from the close of the program year	Yes ☐ No ☐			

And, specific paper and electronic files of participants are reviewed using the checklist at Appendix B. Below is a table of items that will be reviewed in each participant's file. Of the files reviewed, the files of LEP persons and persons with disabilities should be included in addition to a random selection of other participants' files and files selected due to results of the target population analysis.

IX
Review of Electronic Database

Using the same participants whose physical files you have reviewed using the checklist at Appendix B, you will now review the electronic database to ensure appropriate data entry for these participants.

	Findings	Corrective Actions	Follow-Up Target Date	Status (Open/Closed)
Data properly collected (*e.g.,* race/ethnicity, age, gender and, if known, disability status)	Yes ☐ No ☐			
Language needs properly noted for LEP persons	Yes ☐ No ☐			
Auxiliary aids and services needs properly noted for persons with disabilities; that is, only accommodations requested are noted in the participant's electronic program record	Yes ☐ No ☐			
Medical information (if stored electronically) is stored separately from the participant's program file in encrypted files with limited access	Yes ☐ No ☐			
Confirmation that the "Equal Opportunity Is the Law" notice was provided to the participant is properly noted in the electronic record	Yes ☐ No ☐			

X
Orientations

Date of orientation session attended:

	Findings	Corrective Actions	Follow-Up Target Date	Status (Open/Closed)
Orientation notices, agenda, and materials include the "Equal Opportunity Is the Law" notice	Yes ☐ No ☐			
Individuals with disabilities are able to access, and participate in, orientation sessions (*i.e.,* not offered lesser, different, or segregated orientation sessions)				
Orientation notice, agenda, and materials include required taglines: Equal Opportunity Employer/Program. Auxiliary aids and services available on request by persons with disabilities.	Yes ☐ No ☐			

Notice and orientation materials are provided in other languages (as needed) for LEP persons	Yes ☐ No ☐			
Notice and orientation materials are provided in alternative formats (as needed) for persons with disabilities	Yes ☐ No ☐			
Nondiscrimination and equal opportunity requirements of WIOA are explained and discussed during orientations	Yes ☐ No ☐			
Attendees of orientations are informed how to file a discrimination complaint	Yes ☐ No ☐			
The name and complete contact information for the EO Officer is provided to attendees	Yes ☐ No ☐			
Demographics of attendees during the orientation (total numbers, if known)	Sex Male Female			

	Race/ethnicity American Indian or Alaskan Native Asian Black or African American Native Hawaiian or Other Pacific Islander White Hispanic/Latin American Disability Age			

XI
Published Policies and Procedures

To ensure nondiscriminatory delivery of programs and activities in compliance with WIOA Section 188, it is critical to review policies, procedures, and other written and unwritten criteria for access to, and participation in, the programs and activities.

	Findings	Corrective Actions	Follow-Up Target Date	Status (Open/Closed)
The State's Nondiscrimination Plan and equal opportunity policies are known by staff at all levels and published	Yes ☐ No ☐			
Discrimination complaint procedures and forms are in writing and are	Yes ☐ No ☐			

known and available to staff and the public, including confidentiality and non-retaliation assurances				
Procedures for serving LEP persons are in writing and are known and available to staff and the public	Yes ☐ No ☐			
Procedures for serving persons with disabilities, including providing reasonable accommodations, are in writing and are known and available to staff and the public	Yes ☐ No ☐			
Procedures for handling requests for religious-based accommodation are in writing and are known and available to staff and the public	Yes ☐ No ☐			
Procedures for gathering, handling, storing, and using medical information are in writing and are known and available to staff and the public	Yes ☐ No ☐			

Criteria for determining priority of services for participants beyond the self-service phase are in writing, are nondiscriminatory, and are known and available to staff	Yes ☐ No ☐			
Policies and procedures related to delivery of WIOA Title I programs and activities are reviewed to ensure they are nondiscriminatory	Yes ☐ No ☐			
Written "essential eligibility requirements" for access to, and participation in, all WIOA Title I programs and activities are nondiscriminatory	Yes ☐ No ☐			
Other written policies and procedures for delivery of services, aid, training, and benefits not previously covered	Yes ☐ No ☐			

XII
The EO Officer

With the exception of "small recipients" (defined as serving less than 15 beneficiaries during a grant year *and* employing fewer than 15 employees on any given day during the grant year), an EO Officer must be designated. 29 C.F.R. §§ 38.25, 38.29-38.32, and 38.40. Recipients without an EO Officer report to the State EO Officer. The EO Officer must:

- Be a "senior-level" employee
- Have access to the "top officials" to report *directly* on EO matters
- 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
- Have knowledge, skill, and ability to do the job

29 C.F.R. § 38.30. The recipient's obligations are to ensure the EO Officer is a "senior level" employee designated who:

- Reports *directly* to top official (CEO, COO, Director) of organization or agency on all EO matters; and
- Has the support of top management

Moreover, the recipient must widely-publish and disseminate the EO Officer's contact information (including the TTY or relay number wherever a phone number is listed) on the website, and on all *internal and external* written materials related to WIOA programs and activities, and the recipient must:

- Assign sufficient authority, staff and resources to the EO Officer to enable him/her to perform EO duties; and
- Ensure the EO Officer and staff are afforded the opportunity to receive, *at recipient's expense*, training to maintain competency.

29 C.F.R. § 38.29.

	Findings	Corrective Actions	Follow-Up Target Date	Status (Open/ Closed)
Contact information is widely-published (including TTY and/or relay number wherever a telephone number is provided)	Yes ☐ No ☐			

The EO Officer's name and full contact information (including relay or TTY number) appears on internal and external communications regarding nondiscrimination in WIOA Title I programs and activities	Yes ☐ No ☐			
The EO Officer is a senior-level employee	Yes ☐ No ☐			
The EO Officer reports *directly* to the head official/director on *all* EO matters	Yes ☐ No ☐			
The EO Officer properly maintains a discrimination complaint log	Yes ☐ No ☐			
The EO Officer has published discrimination complaint procedures	Yes ☐ No ☐			
The EO Officer has sufficient staff and resources to perform his/her duties	Yes ☐ No ☐			
The EO Officer is afforded adequate training opportunities to	Yes ☐ No ☐			

maintain his/her competencies				
Training for the EO Officer and his/her staff is provided at the recipient's expense	Yes ☐ No ☐			
The EO Officer conducts monitoring, compliance reviews, and discrimination complaint investigations	Yes ☐ No ☐			
The EO Officer serves as a liaison to the Civil Rights Center of the U.S. Department of Labor, the State level EO Officer, and partners, affiliates, and service providers	Yes ☐ No ☐			
The EO Officer has engaged in affirmative outreach	Yes ☐ No ☐			

XIII
Target Population Analysis and Affirmative Outreach

In conjunction with monitoring, a target population analysis has been conducted for this location. Specifically, we must ensure our WIOA Title I-related programs and activities are operating in a nondiscriminatory and equal opportunity manner, which requires certain data analysis.

Analysis is conducted, by race/ethnicity, disability, age, and sex, of programs and employment activities, including but not limited to rates of application, placement, and termination, to determine if significant differences exist. If such significant differences are noted, the EO Officer will conduct follow-up monitoring to determine the cause of any such differences, through the analysis of the records of individual registrants, applicants, eligible applicants/registrants, employees and applicants for employment, interviews, and other appropriate techniques. And, then affirmative steps must be taken to ensure WIOA programs and activities are marketed to all populations in your service delivery area, particularly for:

- Different sexes;
- Racial, ethnic, and national origin groups;
- Various religions;
- Persons who are limited English proficient;
- Persons with disabilities; and
- Different age groups.

For areas where deficiencies are noted, possible corrective actions can include, but are not limited to, targeted advertising and marketing (*e.g.,* social media, broadcast, newspaper, and radio), booth events, public speaking engagements at events hosted by local community organizations, and engagements with advocacy groups.

The total number of working age population for this location's service area is:
The composition of the working age population for this location's service area is as follows:

Category	Total number

Sex	Male Female
Race/Ethnicity	American Indian or Alaskan Native Asian Black or African American Native Hawaiian or Other Pacific Islander White Hispanic/Latin American
Disability	
Age (18-65 years old)	

Sources: _____

The languages spoken in this service delivery areas are as follows:

Language	**Total**

English	
Spanish	
Other	

Sources: _____

Upon consideration of information provided in the desk audit for this monitoring along with population data for your service area population:

The following groups are appropriately represented in the location's delivery of services, aid, training, and benefits	Findings	Corrective Actions	Follow-Up Target Date	Status (Open/Closed)
Different sexes	Yes ☐ No ☐			

Racial, ethnic, and national origin groups	Yes ☐ No ☐			
Different religions	Yes ☐ No ☐			
Persons who are limited English proficient	Yes ☐ No ☐			
Persons with disabilities	Yes ☐ No ☐			
Different age groups	Yes ☐ No ☐			
Recruitment materials include required taglines: Equal Opportunity Employer/Program:	Yes ☐ No ☐			

Auxiliary aids and services are available upon request for persons with disabilities.				

Appendix A: Desk Audit Documentation

Desk Audit Checklist

Location:

Date onsite scheduled:

To promote effective and efficient onsite monitoring, electronic copies of the following items must be provided by the recipient in support of monitoring for compliance with Section 188 of the Workforce Innovation and Opportunity Act:

"Equal Opportunity Is the Law" Notice

- ☐ Copy of current "Equal Opportunity Is the Law" notice
- ☐ List of languages in which notice is available on-demand
- ☐ List of alternative formats in which the notice is available on-demand

Assurances

Copies of all open and pending agreements or arrangements used in the delivery of WIOA Title I financially-assisted services, aid, training, and benefits, including:

- ☐ Contracts
- ☐ Memoranda of understanding
- ☐ Cooperative agreements
- ☐ Job training plans
- ☐ Grant applications
- ☐ Requests for proposals
- ☐ Agreements with training providers
- ☐ Any other arrangements related to the delivery of WIOA Title I financially-assisted services, aid, training, or benefits.

Other Written Materials

Copies of all materials used in the delivery of WIOA Title I financially-assisted services, aid, training, and benefits, including:

- ☐ Publications
- ☐ Brochures
- ☐ A complete orientation package
- ☐ Recruitment materials
- ☐ Affirmative outreach strategy and list of engagements

☐ Manuals
☐ Handbooks
☐ Directives
☐ Policies and procedures
☐ Broadcast scripts
☐ Written advertising
☐ Website addresses for recipient's website pages related to WIOA Title I financially-assisted services, aid, training, and benefits
☐ "Essential eligibility requirements" used by the recipient for delivery of WIOA Title I services, aid, training, and benefits
☐ WIOA Section 188 discrimination complaint log

Organization

☐ Copy of EO Officer's resume
☐ Organizational chart for recipient
☐ Written confirmation that the EO Officer reports directly to the most senior official in the organization for all EO matters
☐ Copies of resumes for EO Officer's staff who provide support for all WIOA Section 188 activities
☐ Certificates of training or education received, and list of training received to maintain EO competencies over the past two years for the EO Officer and his/her staff who perform WIOA Section 188 activities

Data

Data must be collected for all WIOA Title I financially-assisted programs and activities by race/ethnicity, sex, age, and disability status. 20 C.F.R. §§ 38.37, 38.39, 38.41, 38.54, and 20 C.F.R. Part 652. Complete and submit the table below for all WIOA Title I financially-assisted programs and activities covering the time period from _____ to _____ (add additional rows for each WIOA Title I financially-assisted program or activity offered through the location):

Description of WIOA Title I financially-assisted program or activity	Category	Total number of applicants/registrants	Total number of eligible applicants/registrants	Total number of participants	Total number of terminees	Total applicants for employment(where appropriate)	Total number of employees (where appropriate)	Program data is maintained for not less than three years from the close of program year

	Disability status, if known							Yes ☐ No ☐
	<u>Sex</u>							
	Male							
	Female							
	<u>Race/ethnicity</u>							
	American Indian or Alaskan Native							
	Asian							
	Black or African American							
	Native Hawaiian or Other Pacific Islander							
	White							
	Hispanic/Latin American							
	<u>Age</u>							
	18-24 years							
	25-44 years							
	45-64 years							

	Over 65 years							

Appendix B: Participant File Review Checklist

Location:

Name of Reviewer:

Participant's Name:

Description of program or activity at issue

Preferred language (if other than English)

	Findings	Corrective Actions	Follow-Up Target Date	Status (Open/Closed)
Data properly collected (*e.g.,* race/ethnicity, age, gender and, if known, disability)	Yes ☐ No ☐ Sex Race/ethnicity Disability status, if known Age			
"Equal Opportunity Is the Law" notice is provided to the participant and receipt is documented in the participant's file (*e.g.,* notice provided in language or alternative format, as needed)	Yes ☐ No ☐			
Essential eligibility requirements for access to, or participation in, program or activity are nondiscriminatory and properly applied to this participant	Yes ☐ No ☐			
Medical information is maintained separate from participant's paper and electronic program files in a secured/encrypted location with limited access (only accommodations requested are in the participant's file)	Yes ☐ No ☐			

SECTION 9 – CORRECTIVE ACTIONS / SANCTIONS (29 CFR 38.54(c)(2)(vii))

PURPOSE

The State of Oklahoma (State) addresses how it and its recipients are complying with the requirements of 29 CFR 38.54(c)(2)(vii) in developing procedures for obtaining prompt corrective action when instances of noncompliance with the WIOA Section 188 or 29 CFR Part 38 are found or, as necessary, applying sanctions. *(Section 9 Documentation – Attachment 1)*

NARRATIVE

The State has established procedures for corrective and remedial actions to be applied when there is a violation of WIOA Section 188 and/or 29 CFR Part 38 by a recipient or sub-recipient.

The standards for corrective and remedial actions are to be applied when violations of WIOA Section 188 or 29 CFR Part 38 are found. Corrective and remedial actions must be designed to completely correct each violation. For each corrective action, a time frame should be established that sets the minimum time necessary to completely correct the violation. In the case of a finding of discrimination, the procedures must provide, where appropriate, for retroactive relief (including but not limited to back pay) and prospective relief (e.g., training, policy development and communication) to ensure that the discrimination does not recur.

The State has established procedures for corrective and remedial actions to be applied when there is a violation of WIOA section 188 and/or 29 CFR Part 38 by a Local Workforce Development Area or sub-recipient. Findings of noncompliance may result from investigation of a complaint, formal or informal, or a recipient compliance review.

Corrective and remedial action will be sought when any deficiency is identified as a result of any monitoring review or any employment opportunity complaint. Deficiencies can be technical violations, which are deficiencies that do not involve discrimination, require written assurance from the State, Unemployment Insurance (UI), Local Workforce Development Areas and One-Stop Partners (LWDA/OSP). Technical violations may include, but are not limited to: failure to post the required "Equal Opportunity is The Law" notice/poster, failure to include assurances in service plans, failure to include a signed "Equal Opportunity is The Law" notice/poster in a WIOA participant's file, as well as failure to include a signed statement confirming participant knowledge of Complaint Procedures and Grievance Procedures in their program file or in an electronic file.

Discrimination violations involve any complaint where discrimination is alleged. Discrimination violations may include, but are not limited to: discrepancies of disparate treatment, disparate impact, and failure to provide reasonable accommodation. These discrepancies may require an

Alternative Dispute Resolution (ADR) agreement, conciliation agreement or assurance statement. Provisions will include making whole relief to include where appropriate, retroactive relief (e.g. back pay, front pay, retroactive benefits, training, any service discriminatorily denied) or prospective relief, (e.g. change of policy, training, development of new policy, training on policy communication).

Corrective actions and sanctions are intended to guarantee equal access to programs, activities, and employment opportunities provided by WIOA financially assisted recipient organizations. Corrective actions must be appropriate for the violation identified and serve to end the discrimination or redress specific violations(s).

Local EO Officers are instructed to notify the State EO Officer if they are contacted directly by USDOL CRC regarding an alleged violation. Any corrective actions, when necessary, will be reported to USDOL CRC.

Where a compliance review or complaint investigation results in a finding of noncompliance, the State EO Officer must notify the:

(a) Grant applicant or recipient;
(b) Grant making agency; and
(c) Governor's Office.

Sanctions may include: written warnings for non-compliance, recommendation for termination of funding (partial, offset, and/or temporary suspension), and legal action under applicable laws. Recipients acknowledge notice that corrective actions and sanctions may be imposed to move recipients into compliance with the requirements of the WIOA and the Nondiscrimination Plan.

Standards for Corrective and Remedial Actions

The State reserves accountability for implementation of the Nondiscrimination Plan to the Governor, including complaint processing and resultant corrective or remedial action. The Governor also reserves the right to sanction grantees for failure to comply with the terms and conditions of grant contracts. The State EO Officer will monitor corrective action determined against a respondent in a Notice of Final Action for a specific complaint.

These actions must be designed to completely correct each violation. For each corrective action, a timeframe should be established that sets the minimum time necessary to completely correct the violation. In the case of a finding of discrimination, the procedures must provide, where appropriate, for retroactive relief (including but not limited to back pay) and prospective relief (e.g., training, policy development and communication) to ensure that the discrimination does not recur.

For each corrective action identified, the recipient must submit their corrective action plans within 30 days of receipt of the Monitoring Review Guide Report or equivalent notification. Corrections to the discrepancies should be made within 30 days of the Equal Opportunity

Monitoring Review Report or equivalent notification of noncompliance and designed to completely correct the violation and bring the recipient into compliance.

Recipients are required to complete all corrective actions in the monitoring report and the recipient must submit a written assurance that the discrepancies have been corrected and will not recur. The assurance will list the deficiency and corrective action as specified in the written notification, describe the corrective actions taken and the dates of those actions, state that the recipient or sub-recipient is taking and will continue to take steps to assure that the deficiency does not recur, and certify that the assurance is signed by the highest level official of the recipient or sub-recipient. If the discrepancies involve discrimination, a conciliation agreement is required.

Remedial actions are designed to make whole an individual or individuals who have suffered injury or loss because of unlawful discrimination. A person or persons wronged by discriminatory acts or policies must be restored to the status they would have expected had the discrimination not occurred. In a finding of discrimination, the procedures must provide, where appropriate, for retrospective relief (including, but not limited to, back pay) and prospective relief (including, but not limited to, to training, policy development and communication) to ensure the discrimination does not recur.

The procedures for follow-up monitoring to ensure that commitments to take corrective action and remedial action are fulfilled.

When a corrective or remedial action plan is established, the EO Officer overseeing the action plan will do a desk review and/or an on-site visit, as appropriate, to ensure that the commitments of the plan are satisfied and the violation will not recur. Any instances of noncompliance will be examined as a follow-up with an on-site visit or as part of the next scheduled monitoring review of the recipient.

Reports required from the violating recipient regarding actions to correct the violation(s).

The violating recipient will develop and submit a corrective action plan in writing to the EO Officer within 30 days of receiving the EO Monitoring Review Report or equivalent documentation. The corrective action plan will identify the violating recipient's plan and require that follow-up reports be prepared and forwarded to the EO Officer on a periodic basis for all completed actions. The EO Officer will conduct a follow-up to ensure that all the discrepancies and issues of noncompliance have been resolved and will close out the monitoring reviews.

Sanction procedures to be followed where voluntary compliance cannot be achieved.

Prior to implementing a sanction, a corrective action plan will be developed and submitted to the EO Officer. The corrective action plan includes deadlines to address all issues of noncompliance identified during monitoring. Once the deadlines included in the corrective

action plan have passed, the EO Officer follows-up with the appropriate monitoring and issues a final determination.

Sanctions penalize or censure a recipient and require the EO Officer to issue a final determination in writing and take such actions as allowable by law. The final determination must contain the following information:

- A statement of the efforts made to achieve voluntary compliance, and a statement that those efforts have been unsuccessful;
- A statement of those matters upon which the recipient and the EO Officer continue to disagree;
- A list of any modifications to the findings of fact or conclusions that were set forth in the initial determination;
- A statement of the recipient's liability and, if appropriate, the extent of that liability;
- A description of the corrective or remedial actions that the recipient must take to come into compliance; and
- A notice that if the recipient fails to come into compliance within ten days of the date on which it receives the final determination, one or more of the following consequences may result:
    - WIOA funds may be withheld in whole or in part;
    - Applications for set-aside funds may be denied when the recipient is determined to be noncompliant with EO requirements;
    - The Oklahoma Office of Workforce Development may refer the case to the Oklahoma State Attorney General or the U.S. Department of Justice with a request to file suit against the recipient; or
    - The Oklahoma Office of Workforce Development may take any other action against the recipient allowable by law.

A recipient has the right to appeal a final determination to the Director of the Civil Rights Center, U.S. Department of Labor, 200 Constitution Avenue, Northwest, Room N-4123, Washington, D.C. 20210. The appeal must be in writing and made within 30 days after the complainant receives the final determination or 90 days from the date of the filed complaint. Such an appeal, however, will not forestall the initiation of sanctions unless the Director of the CRC extends the deadline.

Section 9 – Documentation

ATTACHMENTS

1. Oklahoma Workforce Development Issuance-OWDI #05-2019 Nondiscrimination and Equal Opportunity Corrective Actions and Sanctions Policy and Guidelines under Section 188 of WIOA and 29 CFR Part 38

OKLAHOMA WORKFORCE DEVELOPMENT ISSUANCE #05-2019

TO: Chief Local Elected Officials
Workforce Development Board Chairs
Workforce Development Board Staff
WIOA Equal Opportunity Officers
Oklahoma Works Core System Partners

FROM: Sarah Ashmore, Interim Executive Director

DATE: July 10, 2019

SUBJECT: Nondiscrimination and Equal Opportunity Corrective Actions and Sanctions Policy and Guidelines under Section 188 of WIOA and 29 CFR Part 38

PURPOSE:
To inform grant recipients of the sanctions that may be imposed for violation of the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act (WIOA), and to outline the procedures to achieve voluntary compliance via corrective action/remedy.

AUTHORITY:
The Oklahoma Office of Workforce Development (OOWD), as the Governor's chosen WIOA administrative entity, provides this issuance as guidance to communicate Oklahoma's processes and procedures regarding nondiscrimination and equal opportunity procedures. This policy applies to all Local Workforce Development Areas (LWDAs), and is effective immediately.

BACKGROUND:
29 CFR Part 38.54 (c)(2)(vii) requires the Governor (or designee) of each state to establish procedures for obtaining prompt corrective action or, as necessary, applying sanctions when noncompliance is found regarding the nondiscrimination and equal opportunity provisions of WIOA.

REFERENCES:

- WIOA Section 188, which prohibits discrimination 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, and with regard to beneficiaries only, 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, 42 U.S.C. § 2000d *et seq.*, as amended, which prohibits discrimination on the bases of race, color and national origin;

- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 *et seq.*, as amended, which prohibits discrimination against qualified individuals with disabilities;

- The Age Discrimination Act of 1975, 42 U.S.C. § 6101 *et seq.*, as amended, which prohibits discrimination on the basis of age; and

- Title IX of the Education Amendments of 1972, 29 U.S.C. § 1681 *et seq.*, as amended, which prohibits discrimination on the basis of sex in educational programs.

MESSAGE:
When the Oklahoma Office of Workforce Development (OOWD), the administrative agency for WIOA, finds that a violation has occurred, the following steps will be taken to accomplish corrective action.

Corrective Action Process

Recipients at the state and local workforce development board level will apply corrective actions if voluntary efforts in seeking compliance fail, in particular when monitoring finds violations of the equal opportunity, nondiscrimination, or 29 CFR Part 38. Corrective actions are designed to completely address each violation and may result from an Equal Opportunity and Nondiscrimination monitoring review, a discrimination complaint, or both. Timeframes must be established to set the minimum time necessary in order to completely address the violation. Follow-up monitoring will occur as necessary to ensure that commitments to take corrective and remedial actions have been fulfilled. Local areas are required to establish policies and procedures for obtaining prompt corrective action. The LWDB Equal Opportunity (EO) Officer will notify the State-Level EO Officer of violation(s) discovered, corrective action(s) implemented, and timeframe(s) for completion. The LWDB EO Officer must also notify the State-Level EO Officer if they are contacted directly by USDOL Civil Rights Center regarding an alleged violation. Any corrective actions, when necessary, will be reported to USDOL Civil Rights Center.

Corrective action shall be implemented in the following circumstances:

- An assessment of the circumstances surrounding a discrimination complaint investigation reveals barriers to equal opportunity or equal access.
- A LWDB EO Officer or the State-Level EO Officer's monitoring review identifies a violation, a failure to follow through on written assurances, a barrier to accessibility, or

significant differences in participation in programs or services without investigation, mitigation, or justification.

- An EEOC or independent investigation found violations related to complaints filed by individuals with a recipient.

Corrective actions should be completed by the date(s) provided in the review report. If a recipient does not undertake the corrective actions specified, a conciliation agreement (or an alternate dispute resolution per 29 CFR Part 38.85) should be initiated and completed, pursuant to 29 CFR Part 38.93.

1. *Initial Determination:* The State EO Officer will issue an Initial Determination containing the following:

    a. Specific findings and relevant documentation underlying the finding of noncompliance;
    b. The corrective or remedial action that the State EO Officer is proposing
    c. The time by which the respondent must complete the corrective or remedial action; and
    d. A statement offering the opportunity to engage in voluntary compliance negotiations.

2. *Written Assurance or Conciliation Agreement:* A written assurance may be issued when the respondent has, within 30 calendar days after receipt of the Initial Determination identifying the noncompliance, taken all corrective actions to remedy the noncompliance. If a respondent disagrees with the findings or proposed corrective or remedial action in the Initial Determination, the respondent must respond to the Initial Determination in writing within 30 calendar days explaining in detail its disagreement and/or the items over which it desires to negotiate. The State EO Officer will carefully review the response and contact the respondent to begin negotiation regarding a Conciliation Agreement that resolves the matter on mutually agreeable terms. The total time allotted to secure voluntary compliance must not exceed 90 calendar days.

3. *Final Determination:* In the event voluntary compliance cannot be secured through steps (1) and (2) above, or if the respondent breaches the agreed-upon Conciliation Agreement, the State EO Officer will issue a Final Determination notice to the Executive Director of OOWD. This request for a final determination will specify the following:

    a. A statement of the efforts made to achieve voluntary compliance and a statement that those efforts have been unsuccessful;
    b. A statement of those matters upon which the respondent and State EO Officer continue to disagree;

c. The apparent violation(s), relevant EO and Nondiscrimination provision(s) of state policy and 29 CFR Part38, and conflicts with the State's Nondiscrimination Plan (NDP).
d. A list of any modifications to the Initial Determination;
e. A description of the corrective or remedial actions that the respondent must take to come into compliance; and
f. Notice that if the respondent fails to come into compliance within 10 calendar days of the date on which it receives the Final Determination, the OOWD may take actions outlined in the Sanctions Process.

The OOWD Executive Director may secure voluntary compliance with the recipient through a written assurance and/or conciliation agreement. The OOWD considers sanctions only if the recipient does not agree to take voluntary corrective action.

Sanctions

Sanctions may be necessary when a recipient refuses to implement voluntary corrective action, submit requested data or documentation, or refuses to provide access to premises or records during an EO and Nondiscrimination compliance review. Sanctions will be considered a last resort.

Sanctions that may be imposed include, but are not limited to, the following:

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

If sanctions are necessary, the precise nature of the sanction will be determined by the deliberateness, seriousness, and frequency of the violation. In situations where sanctions are to be applied, the recipient will be notified and will be provided an opportunity to respond prior to sanctions being applied. The notice will indicate the violation, the corrective action to be taken, and the impending sanction(s). The recipient will have 30 calendar days to respond to the notice of impending sanction(s). The response from the recipient will be evaluated by the State EO Officer, the OOWD Executive Director, representatives from the U.S. Department of Labor, and other individuals charged with oversight of WIOA. The State will have 90 calendar days to provide a final determination of any sanction(s).

At the LWDB level, it is the responsibility of the LWDB Executive Director to implement sanctions, if needed.

EQUAL OPPORTUNITY AND NONDISCRIMINATION STATEMENT: All Recipients, and Sub recipients/Sub grantees must comply with WIOA's Equal Opportunity and Nondiscrimination provisions which prohibit discrimination 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, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title-I financially assisted program or activity.

ACTION REQUIRED: This Oklahoma Workforce Development Issuance (OWDI) is to become a part of your permanent records and made available to appropriate staff and sub-recipients. This policy is available at http://oklahomaworks.gov/policy-center.

INQUIRIES: If you have any questions regarding this issuance, please contact the State Equal Opportunity Officer at the Oklahoma Office of Workforce Development. Contact information can be found at http://www.oklahomaworks.gov/about/

SECTION 10 – COMPLIANCE WITH SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED AND 29 CFR PART 38 (29 CFR 38.54)

PURPOSE

The State of Oklahoma addresses how the State and its recipients comply with the disability related requirements of the Workforce Innovation and Opportunity Act (WIOA) Section 188; Section 504 of the Rehabilitation Act of 1973, as amended; and their implementing regulations, including, but not limited to, 29 CFR 38.7, 38.8, and 38.9 and Subparts B and C of 29 CFR Part 31, 29 CFR 32.12(a), 32.26, and 29 CFR 38.7.

NARRATIVE

The State is committed to making all services, facilities and information accessible for individuals with disabilities. This applies to all programs, activities, and services provided by or made available to potential employees, volunteers, contractors, service providers, licensees, clients, and potential clients within the One-Stop system. To reinforce this commitment, all recipients and service providers are required to provide written assurance in their agreements, grants and contracts that they are committed to and will comply with the requirements of the WIOA Section 188, Americans with Disabilities Act (ADA), Rehabilitation Act of 1973, and with 29 CFR Part 32 and Part 38.

Meet their obligation not to discriminate on the basis of disability. *(29 CFR 32.12(a), 32.26, and 38.6)*

When applicable, the recipients must have established policies and procedures addressing reasonable accommodations, auxiliary aids and services, effective communication, and site selection assuring accessibility. These recipients must also conduct self-evaluations which include corrective action plans, when necessary that are developed to ensure compliance with obligations not to discriminate on the basis of disability and to provide reasonable accommodations.

In addition, when the State enters into contractual agreements with WIOA recipients, compliance with program-specific laws and regulations are specified as standard boilerplate language.

This same language further specifies that sub-recipients are required to comply as well. Ongoing training and monitoring ensures that the LWDAs and OSPs, Wagner Peyser (WP), and UI continue to meet their requirements not to discriminate. OOWD will oversee site assessments in accordance with the ADA Checklist for Existing Facilities. In the written contracts Terms and Conditions require all contractors meet the requirements of the ADA.

The State of Oklahoma's Four-Year Unified State Plan 2016-2020 supports the needs of persons with disabilities in preparing for, obtaining and maintaining employment within the Workforce System.

The State requires the LWDA, WP and UI complete an ADA self-evaluation checklist of its facilities utilizing the ADA Checklist for Existing Facilities version 2.1. *(See Section 5 Documentation – Attachment 2)* The EO Officers are trained and made aware of ADA regulations and implementation processes. The State's monitoring procedures for the recipients include documentation where all areas are reviewed. If any area(s) of noncompliance findings are noted, the local EO Officer must submit a corrective action plan to ensure compliance. The monitoring includes structural, programmatic accommodations, and technical assistance, if requested.

Provide reasonable accommodation for individuals with disabilities. *(29 CFR 32 and 29 CFR 38.14)*

The Oklahoma Works Access for All Committee, of which the State EO Officer is a member, is the responsible party for providing oversight in the area of "reasonable accommodations." A guidance policy was issued which provides options for programs to modify, as necessary. Included are procedures for making a request for accommodations, evaluating the request, procedures for denial of a request, along with other areas pertaining to the accommodation requested.

Provide reasonable modification of policies, practices, and procedures as required. *(29 CFR 38.14)*

Title II of the ADA requires that programs, services and activities of State and local governments are accessible to and usable by individuals with disabilities. The State provides general guidance on reasonable accommodation for program participants, and fair and equal access to communication for individuals with disabilities.

Provide architectural accessibility for individuals with disabilities.

The State EO Officer oversees annual site visits to ensure a facility remains in compliance, unless compliance issues require more frequent visits. The ADA Checklist for Existing Facilities is utilized as a field evaluation. Site reviews for accessibility to individuals with disabilities include wheelchair accessible entrances, signs indicating the nearest accessible entrance, designated restrooms, and TTY-TDD or Relay Services. Additionally, we recommend that all LWDAs conduct an annual facility self-assessment using the ADA Checklist for Readily Achievable Barrier Removal and inform the State EO officer of any potential deficiencies.

Provide programmatic accessibility for persons with disabilities.

The State and Local plans provide for communication and program accessibility for individuals with disabilities.

Entities within the One Stop delivery system, including system/center operators and partners, will comply with Section 188 of WIOA, if applicable, and applicable provisions of ADA regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including providing staff training and support for addressing the needs of individuals with disabilities.

The LWDAs are committed to complying with the requirements of WIOA Section 188 and the ADA to maximize access to services for people with disabilities. Entities within the one-stop delivery system (including one-stop operators and one-stop partners) are required to comply with WIOA Section 188 and the ADA by implementing policies, procedures, protocols and practices for programmatic accessibility of facilities, programs and services. The One-Stop Centers will comply with the ADA by promoting inclusion, choice, and accessibility. The One-Stop Operator ADA coordinator and staff will assure that job seekers with disabilities have programmatic access to all services.

The Roadmap for Physical and Technology Accessibility Standards Certification Process is utilized to address physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities. *(Section 10 Documentation – Attachment 2)*

In partnership with DRS, Physical Site Accessibility Reviews for workforce centers are conducted and any deficiencies are addressed. DRS also assists with a Technology Accessibility Assessment for compliance of technology used in workforce centers.

The State is committed to working with our partners to expand access to employment and training, education, and supportive services. The State will encourage and promote continued education and training on topics related to Section 188 and ADA programmatic and facility 95 accessibility, such as utilizing the Oklahoma Department of Rehabilitation Services expertise and services, Oklahoma ABLE Tech's Assistive Technology, and the "Access for All" webinar series.

The Oklahoma Works Access for All certification process, with their OSPs, ensures that communication and program accessibility provided is as effective for disabled individuals as it is for those who are not disabled. The State does utilize auxiliary aids and a telephone system (7-1-1) that meets this "equally effective" requirement. These aids include, but are not limited to TTY/TDD services for those individuals that rely on these services.

Provide for and adhere to a schedule to evaluate job qualifications to ensure that the qualifications do not discriminate on the basis of disability.

State job postings for hiring at OOWD are reviewed by the State EO Office and Human Resources staff at the time of each job posting to ensure the requirements do not allow for discrimination. Employers utilizing OKJM to enter jobs, the WP staff ensures job listings satisfy nondiscrimination requirements. They review the documentation and job description to make sure there are no

discriminatory requirements. LWDB job descriptions are sampled during annual monitoring to review to ensure the qualifications do not discriminate on the basis of disability.

Limit pre-employment/employment medical inquiries to those permitted by and in accordance with WIOA Section 188, Section 504, the Americans with Disabilities Act of 1990, and their implementing regulations. *(29 CFR 32.41)*

Pre-employment/employment medical inquiries are limited to those permitted by and in accordance with WIOA Section 188 and ADA Section 504. All questions regarding the nature and severity of any disability are generally prohibited. Any response is voluntary and does not change the scope of services available for the customer.

Ensure the confidentiality of medical information provided by registrants, applicants, eligible applicants/registrants, participants, employees, and applicants for employment. *(29 CFR 32.41)*

The Code of Federal Regulations provides rules for the confidentiality of information collected and maintained regarding all individuals. Medical information obtained in the course of a post-offer medical examination or inquiry may be provided to and used by appropriate decision-makers involved in the hiring process in order to make employment decisions consistent with the ADA.

Staff are allowed limited access to relevant confidential information on a need-to-know basis including, supervisors and managers, first aid and safety personnel, and employers (once a conditional offer of employment has been made).

Administer their WIOA Title I financially assisted programs and activities so that each individual with a disability participates in the most integrated setting appropriate to that individual.

The OOWD, along with DRS partner, is working closely with all LWDAs to ensure individuals with disabilities participate in the most integrated setting appropriate to each individual. DRS has supplied the One-Stop Centers with equipment to accommodate individuals with physical disabilities, as well as the hearing and vision impaired, to provide universal access to all customers entering the One-Stop Centers.

Are able to communicate with persons with disabilities as effectively as with others. *(29 CFR 38.9)*

DRS is working with all the One-Stop Centers in Oklahoma to ensure effective communication with persons with disabilities by assessing an individual's needs. Assistive technology is available to allow individuals with disabilities to participate in all programs in the most integrated setting appropriate to the individual and to ensure that recipients are able to communicate with persons with disabilities as effectively as with others. In addition, One-Stop Centers have procedures in place to access bilingual staff or services, and to access sign language services.

APPENDIX A

PY16 MONITORING REPORTS

OKLAHOMA WORKS

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Oklahoma Office of Workforce Development

PY16 Monitoring Reports

(Includes Equal Opportunity & Nondiscrimination)

For the following Workforce Development Areas:

Central

Eastern

Northeast

South Central

Southern

Tulsa

Western

Oklahoma Office of Workforce Development

PY16 FINAL MONITORING REPORT

Central Oklahoma Workforce Development Area

OOWD Monitors:
Connie Littleton
Sandy Elledge
Linda Emrich
Lindsey Workman
Emmit Grayson
Michael Carter

December 10, 2018

Oklahoma Office of Workforce Development
900 N Portland Avenue
Oklahoma City, OK 73107

Monitoring Dates:

June 11 - 15, 2018

OVERVIEW OF THE LOCAL AREA

Local Workforce Development Board – Central Oklahoma Workforce Development Board

SUMMARY OF REVIEW:

The Oklahoma Office of Workforce Development (OOWD) conducted a financial and programmatic review of the Central Oklahoma Area's WIOA Title I Youth, Adult, and Dislocated Worker programs; Financial Oversight; Design and Governance; and Equal Opportunity. The purpose of this review was to assess whether key policies, procedures, and systems are in place to manage these programs. The review covered the period of July 2016 - June 2017.

REVIEW SCOPE:

Local Program Monitoring
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Delivery of Adult & DLW Services
Delivery of Youth Services
Equal Opportunity

SECTION 1 – LOCAL MONITORING

The Central Oklahoma Workforce Development Area programmatic monitoring was broad and comprehensive and in compliance with the Board's monitoring policies. The fiscal agent maintains good written documentation, including monitoring reports, findings, corrective actions, and resolutions for each fiscal monitoring conducted.

SECTION 2 – DESIGN AND GOVERNANCE

The board certification of the Central Workforce Board is complete and the board has met all the requirements set forth by the Workforce Innovation and Opportunity Act (WIOA) and the Governor's Council for Workforce and Economic Development. The local area has set a timeline for updating all policies to reflect WIOA provisions by December 31, 2018.

SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS

The Central Oklahoma Workforce Innovation Board (COWIB) demonstrated adequate capacity to perform the broad management functions required to operate federally funded workforce development grants. Prior to and during the on-site financial monitoring, administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, contracting and procurement samples were reviewed.

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS

The review period for the Central Oklahoma LWDB monitoring covered July 1, 2016 - June 30, 2017. OOWD reviewed all of August 2016, November 2016, February 2017, and May 2017 expenditures reports for WIOA contracts along with the corresponding budget, accounting records, and cash requests. Also, a sampling of board, fiscal agent, and service provider expenditures were selected from the months reviewed. Overall, the Central Oklahoma LWDB demonstrates adequate capacity to perform the fiscal agent financial management functions required to operate federally funded workforce development grants.

The Finding in the Initial Monitoring Report has been resolved. COWIB has provided documentation that supports the appropriate adjustments to the grant have been made for disallowed EarlyBird Check-In fees, an unallowable cost pursuant to Section 200.474 (e) (1) of the Federal Uniform Guidance.

SECTION 5 – DELIVERY OF ADULT & DLW SERVICES

Of the total adults who received WIOA services during the monitoring review period, a comprehensive review was conducted on six Adult program and four DLW program enrollments.

All required actions have been resolved. There were no findings.

The Oklahoma Office of Workforce Development (OOWD) accepted COWIB's acknowledgement that a new Individual Training Account (ITA) should have been written as opposed to a modification to the ITA issued by the former East Central Workforce Innovation Board. Additionally, OOWD supports the local decision to ensure there was no break in training services for the participant. Moving forward, caution must be taken to ensure service providers are aware of all board policies, including (1) limits for ITAs and (2) the process for requesting a waiver to the local training expenditure cap.

Adult and Dislocated files reviewed:

1760191	1222128	1224676
1834159	1785621	1831003
1176823	1776538	1841048
1767761		

Best Practice:

COWIB's Individual Training Account (ITA) policy takes into consideration special requirements that pertain specifically to truck driver training. The requirements to pass a physical exam and drug screening, as well a requirement to possess a clean Motor Vehicle Record (i.e., no DUIs or moving violations within the last five years), are addressed in this section. COWIB allows for an exception to these disqualifying conditions when an applicant is able to obtain a pre-hire letter from an employer willing to hire them upon successful completion of training. Local policy states WIOA staff are "authorized and encouraged" to request a pre-hire letter, which will then become a part of the participant's record of assessment and career counseling. Additionally, COWIB's ITA policy includes a statement to ensure WIOA staff must follow Equal Employment Opportunity Commission (EEOC) arrest and conviction guidelines when providing career guidance and when developing an Individual Employment Plan (IEP) that includes occupational skills training.

SECTION 6 – DELIVERY OF YOUTH SERVICES

Of the total youth who received WIOA services during the monitoring review period, a comprehensive review was conducted on 10 enrollments and consisted of 10 out-of-school youth (OSY) and no in-school youth (ISY) enrollments.

- The monitoring sample indicated that the LWDB is serving the WIOA eligible/target population.
- The LWDB has developed an individual service strategy (ISS) that identifies and meets the specific needs of each participant.
- Supportive services are being provided as needed to overcome barriers to participation and completion of the ISS.
- Overall, participants are receiving services as needed and are progressing in accordance with their goals.

Youth files reviewed:

961109	1216330	1249070
1238584	1246370	914436
1780842	848737	1062986
1223197		

Final Monitoring Determination:
The local area has sufficiently responded to all required actions in the PY16 Initial Monitoring Report Youth Addendum, including:

- OKJobMatch has been updated to correctly reflect a status of "Completed" for participant 961109's incentive payment.
- In relation to follow-up services, the local area indicated staff retraining was conducted on the current follow-up process. Additional follow-up training based on current policy is planned to cover approved methods of contact, frequency, intent, and proper documentation when a participant cannot be contacted.
- The State deems the local area's actions and plan as appropriate to resolve follow-up issues, moving forward. However, the WIOA Youth formula program must be continually linked to program participation and the participant's individual service strategy (ISS), rather than to the timing of the youth service provider's contract or the transition of service provider staff.
- The local area is encouraged to continue efforts to contact participant 1238584 to ensure that the incentive payment for which he was eligible is received.
- Finally, the State accepts the local area's timeline for bringing the Youth policy into alignment with State policy by 12/31/18.

SECTION 7 – EQUAL OPPORTUNITY

The Equal Opportunity and Nondiscrimination review included a site visit to the Brookwood South American Job Center (one-stop center) in Oklahoma City. A review of policies and documentation was conducted to help identify and address compliance issues under the nondiscrimination and equal opportunity mandates of Section 188 of the Workforce Innovation and Opportunity Act.

COWIB was responsive to all recommended and required actions, resulting in:

- The inclusion of alternative effective communication methods wherever contact information is listed;
- A corrective action plan that addressed website accessibility issues;
- The inclusion of the "Equal Opportunity is the Law" notice in orientation presentations found at 29 C.F.R. § 38.35;
- A policy that covers applicable data collection requirements at 29 C.F.R. § 38.41 and 38.43;
- The inclusion of 29 C.F.R. § 38.25 assurances language in contracts and MOUs; and
- The insertion of taglines found at 29 C.F.R. § 38.38(a).

CONCLUSION:

Please be reminded that all local policies must be sent to OOWD as they are brought into compliance with WIOA provisions, as per the Governor's Oversight and Monitoring Plan, OWDI #11-2017.

OOWD is available for technical assistance at the request of the local area.

Oklahoma Office of Workforce Development

PY16 FINAL MONITORING REPORT

Eastern Workforce Development Area

OOWD Monitors:
Connie Littleton
Emmit Grayson
Sandy Elledge
Lindsey Workman
Linda Emrich

August 27, 2018

Oklahoma Office of Workforce Development
900 N Portland Avenue
Oklahoma City, OK 73107
405-945-3379

Monitoring Dates:
March 12-16, 2018

OVERVIEW OF THE LOCAL AREA

Local Workforce Development Board – Eastern Workforce Development Board

SUMMARY OF REVIEW:

The Oklahoma Office of Workforce Development (OOWD) conducted a financial and program review of the Eastern Area's Workforce Innovation and Opportunity Act Title I adult, dislocated worker, and youth programs. The purpose of this review was to assess whether key policies, procedures, and systems are in place to manage these programs. Additionally, the local area's Design and Governance and Equal Opportunity processes were reviewed. The review covered the period of July 1, 2016 - June 30, 2017.

REVIEW SCOPE:

Local Monitoring
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Delivery of Adult & Dislocated Worker Services
Delivery of Youth Services
Equal Opportunity

SECTION 1 – LOCAL MONITORING

Eastern Workforce Development Area monitoring was broad and comprehensive and in compliance with state and local monitoring policies.

SECTION 2 – DESIGN AND GOVERNANCE

The certification of the Eastern Workforce Board is complete and the Board has met all the requirements set forth by the Workforce Innovation and Opportunity Act (WIOA) and the Governor's Council for Workforce and Economic Development. Since the Initial Monitoring Report, the local area has updated all policies to WIOA provisions.

SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS

Overall, the Eastern LWDB demonstrates adequate capacity to perform the broad management functions required to operate federally funded workforce development grants. Prior to and during the on-site financial monitoring, administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, contracting and procurement samples were reviewed. There were no findings

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS

The review period for Eastern LWDB monitoring covered July 1, 2016 –June 30, 2017. OOWD reviewed all of August 2016, November 2016, February 2017, and May 2017 expenditure reports for WIOA contracts along with the corresponding budget, accounting records, and cash requests. A sampling of board, fiscal agent, and service provider expenditures were selected from the months reviewed. Overall, Eastern LWDB demonstrates adequate capacity to perform

the fiscal agent financial management functions required to operate federally funded workforce development grants. Disallowed costs discovered during PY16 State monitoring were reallocated back to the grants to which they were originally allocated. Also, as a result of PY16 State monitoring, the Eastern Board has developed a process to ensure financial transactions are in alignment with the local accounting policy.

SECTION 5 – DELIVERY OF ADULT & DLW SERVICES

Review of the Eastern LWDB's delivery of Adult and DLW services indicated a clear understanding of the targeted populations to be served. There were no findings. However, the LWDB has implemented the following actions as the result of PY16 State monitoring:

- Improvements to Work Experience (WEX) evaluations forms
- The implementation of a corrective action plan to address and resolve soft skill and work readiness issues at WEX sites and to document communication with work site supervisors to confirm improvement in defined areas of concern
- Procedures have been implemented to require documentation of financial aid and services provided by all partnering agencies and community programs. Backup documentation and more detailed program notes regarding coordination of funding will be required for all WIOA sponsorship.
- Staff training regarding proper agency referral procedures and program note documentation about coordination of services is ongoing
- Implementation of steps to ensure case managers address how the costs of licenses and mandatory exams will be covered upon completion of training.

The following Adult and DLW files were reviewed:

453396	1223114
1209757	1168216
838224	1163405
1251010	82281
101813	1807816
309270	

SECTION 6 – DELIVERY OF YOUTH SERVICES

The monitoring sample indicated that the LWDB is serving the WIOA eligible/target population and has developed an individual service strategy (ISS) that identifies and meets the specific needs of each participant. Supportive services are provided as needed to overcome barriers to participation and completion of the ISS. As the result of PY16 State monitoring, the local area has implemented the following:

- Follow-up contact and services will be made more frequently and based on participant need to ensure continued support and positive outcomes.
- Follow-up service entry will only be made when contact is made, and information or service of value is provided.
- Assurances have been made that case managers will make client contacts in compliance with the local policy

The following Youth files were reviewed:

1837860	1833199
1836279	1829996
834634	1226813
988205	999307
1075159	1770764

SECTION 7 – EQUAL OPPORTUNITY

The Equal Opportunity (EO)and Nondiscrimination review included a site visit to the Muskogee American Job Center (AJC). A review of policies and documentation was conducted to help identify and address compliance issues under the nondiscrimination and equal opportunity mandates of Section 188 of the Workforce Innovation and Opportunity Act. Since the site visit, local policies have been updated including the Equal Opportunity and Nondiscrimination Policy and Procedures and the Limited English Proficient (LEP) Policy and Plan. Additional EEO posters have been posted prominently in various place throughout the AJC, including computer resource rooms, training rooms, waiting rooms, and areas where orientations are conducted.

CONCLUSION:

Please thank your staff for the hospitality and cooperation provided during the visit conducted by the monitors. We look forward to continuing the excellent working relationship with your office.

Our office is available for any technical assistance or support you might need.

Oklahoma Office of Workforce Development

PY16 FINAL MONITORING REPORT

Northeast Workforce Development Area

OOWD Monitors:
Connie Littleton
Emmit Grayson
Sandy Elledge
Lindsey Workman
Linda Emrich

August 27, 2018

Oklahoma Office of Workforce Development
900 N Portland Avenue
Oklahoma City, OK 73107
405-945-3379

Monitoring Dates:
April 9 - 13, 2018

OVERVIEW OF THE LOCAL AREA
Local Workforce Development Board – Northeast Workforce Development Board

SUMMARY OF REVIEW:
The Oklahoma Office of Workforce Development (OOWD) conducted a financial and program review of the Northeast Area's Workforce Innovation and Opportunity Act Title I adult, dislocated worker, and youth programs. The purpose of this review was to assess whether key policies, procedures, and systems are in place to manage these programs. Additionally, the local area's Design and Governance and Equal Opportunity processes were reviewed. The review covered the period of July 1, 2016 - June 30, 2017.

REVIEW SCOPE:
Local Monitoring
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Delivery of Adult & Dislocated Worker Services
Delivery of Youth Services
Equal Opportunity

SECTION 1 – LOCAL MONITORING
The Northeast Workforce Development Area's monitoring was broad, comprehensive, and in compliance with state and local monitoring policies. The fiscal agent maintains good written documentation, including monitoring reports, findings, corrective actions, and resolutions for each fiscal monitoring conducted.

SECTION 2 – DESIGN AND GOVERNANCE
The certification of the Northeast Workforce Development Board (NEWDB) is complete and the Board has met all the requirements set forth by the Workforce Innovation and Opportunity Act (WIOA) and the Governor's Council for Workforce and Economic Development. Since the issuance of the PY16 Initial Monitoring Report, the NEWDB has updated the following policies:

- Grievance Policy
- System Integration Policy
- Nondiscrimination and Equal Opportunity Policy

Actions still pending include:

- All NEWDB policies updated to WIOA provisions by 12/31/18
- An amended One-Stop Operator contract by October 2018
- NEWDB's new website includes meeting agendas and minutes for 2017 and 2018. The Board's Executive Director continues to work with the new webhost to include 2016 meeting agendas and minutes.

SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS

Overall, the Northeast LWDB demonstrates adequate capacity to perform the broad management functions required to operate federally funded workforce development grants. Administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, contracting and procurement samples were reviewed.

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS

The review period for Northeast monitoring covered July 1, 2015 - January, 2017. OOWD reviewed all of August 2016, November 2016, February 2017, and May 2017 expenditure reports for WIOA contracts along with the corresponding budget, accounting records, and cash request(s). A sampling of board, fiscal agent, and service provider expenditures were selected from the months reviewed. Overall, the Board demonstrates adequate capacity to perform the fiscal agent financial management functions required to operate federally funded workforce development grants. OOWD recommended local accounting policy updates to reflect the federal and state requirements for record retention located at 2 CFR Chapter I, Chapter II, part 200.333 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards: Final Rule. Technical assistance was also provided to the local area regarding procurement by micro-purchase (2 CFR § 200.320).

SECTION 5 – DELIVERY OF ADULT & DLW SERVICES

The review of the Northeast LWDB's delivery of Adult and DLW services indicated a clear understanding of the targeted/priority populations to be served. There were no findings.

The following Adult and DLW files were reviewed:

905812	1766345
288382	1163501
933228	1239450
955968	458724
308652	227671
1792383	

Best Practice: The NEWDB's responsive action plans and staff training in regard to each area of concern were immediate and exemplified continuous improvement by the local area. OOWD considers each area of concern sufficiently addressed.

SECTION 6 – DELIVERY OF YOUTH SERVICES

The monitoring sample indicated that the LWDB is serving the WIOA eligible/target population. The LWDB has developed an individual service strategy (ISS) that identifies and meets the specific needs of each participant. Supportive services are being provided as needed to overcome barriers to participation and completion of the ISS.
Overall, participants are receiving services as needed, including follow-up services, and are progressing in accordance with their goals.

The following Youth files were reviewed:

1833592	1792805
1820408	1787563
1115984	1071294
1842632	1837654
1835534	1836703

SECTION 7 – EQUAL OPPORTUNITY

The Northeast LWDB was responsive to all recommended and required actions, resulting in policies that include an alternative effective method of communication wherever telephone numbers are listed. The following policies, procedures and contracts have been updated by the NEWDB to reflect recommended and required actions made by the State EO Officer:

- Grievance and Complaint Process
- Integration Policy
- Limited English Proficiency Plan
- Nondiscrimination and Equal Opportunity Policy
- WIOA Section 188 Discrimination Complaint Procedures
- One Stop Operator Contract Extension II
- Taglines have been updated to reflect required language
- The Complainant Consent/Identity Release Form has been added to local procedures
- Designated state and local contact information has been added to both the English and Spanish versions of the *"Equal Opportunity is the Law"* Notice
- All existing contracts have been updated to include the written assurances at 29 C.F.R. § 38.25
- A new webhost has been hired to ensure accessibility for all.

Best Practice: During the tour of the comprehensive center at Bartlesville, the office shared that during staff meetings they often conduct ten minute "stand up" trainings. These trainings function to keep important policies and issues fresh in the minds of staff.

CONCLUSION:

Please thank your staff for the hospitality and cooperation provided during the visit conducted by the monitors. We look forward to continuing the excellent working relationship with your office.

Our office is available for any technical assistance or support you might need.

Oklahoma Office of Workforce Development

PY16 FINAL MONITORING REPORT

Northwestern Oklahoma Workforce Development Area

OOWD Monitors:
Connie Littleton
Sandy Elledge
Lindsey Workman
Linda Emrich

September 6, 2018

Oklahoma Office of Workforce Development
900 N Portland Avenue
Oklahoma City, OK 73107
405-945-3379

Monitoring Dates:
May 14 - 18, 2018

OVERVIEW OF THE LOCAL AREA
Local Workforce Development Board – Northwestern Oklahoma Workforce Development Board

SUMMARY OF REVIEW:
The Oklahoma Office of Workforce Development (OOWD) conducted a programmatic review of the Northwestern Area's Workforce Innovation and Opportunity Act (WIOA) Title I Adult and Dislocated Worker programs. The purpose of this review was to assess whether key policies, procedures, and systems are in place to manage these programs. Additionally, the local area's Design and Governance and Equal Opportunity processes were reviewed. The review covered the period of July 1, 2016 - June 30, 2017.

The Northwestern Workforce Investment Board no longer exists as the Northwestern and Southwest workforce development areas were consolidated to create a new area, the Western Oklahoma Workforce Development Area (WOWDB), with a new workforce development board. Due to unforeseen circumstances, the review of the Youth program and Fiscal Monitoring will be completed at a later date and the monitoring results will be provided as an addendum to this report.

REVIEW SCOPE:
Local Monitoring
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Delivery of Adult & Dislocated Worker Services
Equal Opportunity

SECTION 1 – LOCAL MONITORING
Local Youth, Adult and Dislocated Worker internal monitoring was comprehensive and in alignment with local monitoring policy. Program monitoring policy was updated 1/08/18 and is currently in alignment with WIOA provisions. However, due to the failure of the local fiscal agent to provide the financial reports and documents to the Oklahoma Office of Workforce Development (OOWD) when originally requested, PY16 Fiscal Monitoring for the review period of July 1, 2016 - June 30, 2017 could not be completed.

Local Area Finding: In accordance with Oklahoma Workforce Development Issuance #11-2017, local areas shall provide OOWD with up-to-date copies of all local areas' plans, contracts, memorandums of understanding, grants, sub-grants, reports, records, and files applicable to programs administered by OOWD. Local areas shall also provide OOWD with all pertinent work papers, documentation, case notes, correspondence, reports, etc. relating to monitoring. Oklahoma Economic Development Authority (OEDA), as fiscal agent for the Northwestern

Workforce Development Board, was unable to provide the financial reports and documents that were required by OOWD in order to conduct an annual fiscal on-site monitoring.

Requested PY16 documentation for sections 1, 3, and 4 were received 7/31/2018. However, the corrective action plan from OEDA and/or WOWDB has not been received and must be received before the State Financial Policy and Program Officer will schedule an onsite PY16 fiscal monitoring. *Therefore, the requested corrective action plan must be provided by September 21, 2018. Sections 1, 3, and 4 of this report will be provided as an addendum to the final PY16 monitoring report.*

SECTION 2 – DESIGN AND GOVERNANCE

As stated earlier, the Northwestern Workforce Investment Board no longer exists as it was consolidated to create a new area. Before the consolidation, the Board had completed and met the certification requirements set forth by the Workforce Innovation and Opportunity Act (WIOA) and the Governor's Council for Workforce and Economic Development. Since the consolidation, WOWDB's policies have been updated to reflect WIOA provisions and are in alignment with State guidance.

SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS

Compliance for PY 16 has yet to be determined in regard to Program and Grant Management Systems. As stated in Section 1, a corrective action plan is pending from OEDA and/or WOWDB that must be provided by September 21, 2018 before the State Financial Policy and Program Officer will schedule an onsite PY16 fiscal monitoring. Section 3 will be provided as an addendum to this monitoring report once the fiscal monitoring is complete.

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS

Again, the corrective action plan from OEDA and/or WOWDB has not been received and must be received before the State Financial Policy and Program Officer will schedule an onsite PY16 fiscal monitoring. The requested corrective action plan must be provided by September 21, 2018. Section 4 of this report will be provided as an addendum to the final PY16 monitoring report, along with sections 1 and 3.

SECTION 5 – DELIVERY OF ADULT & DLW SERVICES

The review of the Northwestern area's delivery of Adult and DLW services indicated a clear understanding of the targeted/priority populations to be served. There were no areas of concern or findings.

Adult and DLW files reviewed:

1153373	1798981	1250470
1199860	1174551	1828108
235569	1784378	578122
699312	1803581	

SECTION 6 – DELIVERY OF YOUTH SERVICES

This section of the report will be added as an addendum at a later date.

SECTION 7 – EQUAL OPPORTUNITY

The Equal Opportunity (EO) and Nondiscrimination review included a site visit to the Enid American Job Center (AJC). A review of policies and documentation was conducted to help identify and address compliance issues under the nondiscrimination and equal opportunity mandates of Section 188 of the Workforce Innovation and Opportunity Act. The WOWDB has addressed all actions as required in the PY 16 Initial Monitoring Report, including:

- Removal of language on screen savers on resource area computers that pertains to limited staff for computer assistance;
- Updating taglines on all PY16 documents to include the correct required regulatory language;
- Inclusion of the Babel Notice to any documents and/or forms that contain vital information;
- Addition of language indicating the preservation of all records related to complaints for a period of not less than three years from the date of the complaint resolution or the complaint review:
- The provision of alternative effective communication methods wherever telephone numbers are listed;
- Inclusion of "Equal Opportunity is the Law" Notices on all documents, manuals and materials; and
- Reference to EO and nondiscrimination monitoring in the Program Monitoring Policy and inclusion of the applicable regulatory authority, 29 C.F.R Part 38.

Best Practices:

WOWDB, formerly the Northwestern Workforce Development Board, is located with a local community action agency in the Enid American Job Center. As a result of this partnership, the center is in a position to coordinate wrap around services that address individual needs, e.g. winter proofing homes and prescription drug services. Additionally, the design and layout of the center and the partners present at this location reinforce the integrated and collaborative approach to service delivery envisioned under WIOA.

OOWD also acknowledges the WOWDB, formerly Northwestern Workforce Development Board, for taking a proactive approach to addressing the needs of its area's increasing Marshallese refugee population by working with OOWD to align program requirements to better serve this population.

CONCLUSION:

OOWD appreciates the hospitality and cooperation provided during the visit conducted by the monitors and looks forward to continuing the excellent working relationship with your office.

Our office is available for any technical assistance or support you might need.

1116 19TH STREET
WOODWARD, OK 73801
PH: 580-256-8553 FAX: 580-254-2853
WESTERN OKLAHOMA WORKFORCE DEVELOPMENT BOARD

September 13, 2018

Erin E. Risley-Baird
Executive Director
Oklahoma Office of Workforce Development
900 N. Portland Ave.
Oklahoma City, OK 73107

Dear Mrs. Risley-Baird,

Western Oklahoma Workforce Development Board (WOWDB) received a copy of the PY 16 Monitoring report and would like to submit the following as the requested "corrective action plan" detailing the steps taken by the board to correct the Oklahoma Economic Development Authority (OEDA) issues as fiscal agent.

Monitoring report states:

> "Requested PY16 documentation for sections 1, 3, and 4 were received 7/31/2018. However, the corrective action plan from OEDA and/or WOWDB has not been received and must be received before the State Financial Policy and Program Officer will schedule an onsite PY16 fiscal monitoring. *Therefore, the requested corrective action plan must be provided by September 21, 2018. Sections 1, 3, and 4 of this report will be provided as an addendum to the final PY16 monitoring report."*

WOWDB's Response:

When OEDA's key accounting person quit in February 2018 and no steps had been taken by OEDA to fill the position by sometime in April, the WOWDB executive director wrote job descriptions, posted job orders, reviewed applications and interviewed applicants all to assist OEDA's executive director in filling the position. The WOWDB executive director, on behalf of the board, made several trips to Hooker and Beaver to assist OEDA staff with workforce financial issues. Central Oklahoma Workforce Innovation Board (COWIB) also assisted OEDA and WOWDB with fiscal agent duties during this time. June 18-22, 2018, Rosaland Rathbun, Accounting Manager, COWIB, Christi Porter, Executive Director, WOWDB and Michelle Baird, Fiscal Agent, OEDA, hired May 1, 2018, traveled to Hooker to get financials in order. This team found unorganized, untrained and incompetent staff handing the finances. This was brought to the attention of the WOWDA CLEO, OEDA executive director and OEDA board members. During the week, this three person team was accompanied by OEDA board members and was able to organize and complete January through May 2018 financials and input the information into OKGrants. The team gave specific instructions on completing journal entries, keeping bills and invoices current, and being aware of deadlines for OOWD to the OEDA Executive Director and staff designated to handle finances. WOWDB was ensured the designated OEDA staff could handle all required tasks and the situation was under control. OOWD was consulted frequently during the process with several conference and individual calls. OOWD has been fully aware of the efforts of

WOWDB to correct OEDA short comings and issues. When OEDA did not meet fiscal agent requirements set forth by law, WOWDB gathered information on other options for a fiscal agent. WOWDB then made recommendations to the CLEO and on August 8, 2018, COWIB was designated the new fiscal agent by the CLEO. OOWD graciously allowed this designation to be back dated to July 1, 2018 to correspond with the new WIOA program year.

WOWDB and staff have gone above and beyond to assist OEDA in correcting WIOA fiscal agent issues. It is not within the scope of duties of WOWDB staff to oversee or monitor the fiscal agent, as that responsibility lies with the State. All recommendations and assistance can be relayed or provided to OEDA, but the ultimately the responsibility to fulfill the requirements of the contract rests with OEDA. As soon as it was accepted that OEDA was not making changes necessary to correct ongoing issues the CLEO designated a new fiscal agent.

On Friday, August 31st, 2018 all information was entered into OKGrants by Michelle Baird, Rosaland Rathbun and Christi Porter. Marcy, with Crawford and Associates reported all back up documents were downloaded to a dropbox provided by OOWD. So, it is the WOWDB understanding all requested information from OEDA by OOWD has been provided. IF this is not the case please provide WOWDB with a list of what is still needed.

WOWDB board and staff would like to thank Eddie Foreman and Rosaland Rathbun, COWIB, as well as Connie Littleton, Erin Risley-Baird, Jeane Burrus, OOWD for all their assistance during this stressful and trying time. Through this experience WOWDB has gained knowledge that will help them identify well in advance any fiscal agent issues and corrective action will be taken promptly if warning signs appear in the future. WOWDB has every confidence in COWIB's abilities to perform fiscal agent duties.

Again if there is any additional required information needed to complete this PY16 monitoring process, please notify me as soon as possible with a list. I will get with the appropriate individuals and get the missing information to OOWD.

Please contact Christi Porter at ccastor@oeda.org , C.J. Rose at bvrco2@beaver.okcounties.org or Dennis Luckinbill at dennis.luckinbill@luckinbill.com with questions.

Respectfully,

Christi Y. Porter

Christi Y. Porter
Executive Director
Western Oklahoma Workforce Development Board

Oklahoma Office of Workforce Development

PY16 FINAL MONITORING REPORT

South Central Workforce Development Area

OOWD Monitors:
Connie Littleton
Sandy Elledge
Linda Emrich
Lindsey Workman

September 25, 2018

Oklahoma Office of Workforce Development
900 N Portland Avenue
Oklahoma City, OK 73107

Monitoring Dates:

June 25 - 29, 2018

OVERVIEW OF THE LOCAL AREA

~~Local Workforce Development Board – Sou~~th Central Workforce Development Board

SUMMARY OF REVIEW:

~~The Oklahoma Office of Work~~force Development (OOWD) conducted a financial and programmatic review of the South Central Area's WIOA Title I Adult and Dislocated Worker programs; Financial Oversight; Design and Governance; and Equal Opportunity. The purpose of this review was to assess whether key policies, procedures, and systems are in place to manage these programs. The review covered the period of July 2016 - June 2017.

REVIEW SCOPE:

~~Local Program Moni~~toring
Program and Grant Management Systems
Financial Management Systems
Delivery of Adult & DLW Services
Equal Opportunity

SECTION 1 – LOCAL MONITORING

The South Central Workforce Development Area programmatic monitoring was broad and comprehensive and in compliance with the Board's monitoring policies. The fiscal agent, the Central Oklahoma Workforce Innovation Board (COWIB), maintains good written documentation, including monitoring reports, findings, corrective actions, and resolutions for each fiscal monitoring conducted.

SECTION 2 – DESIGN AND GOVERNANCE

The board certification of the South Central Workforce Board is complete and the board has met all the requirements set forth by the Workforce Innovation and Opportunity Act (WIOA) and the Governor's Council for Workforce and Economic Development. All policies have been updated to reflect WIOA provisions.

SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS

The South Central Workforce Board and COWIB demonstrated adequate capacity to perform the broad management functions required to operate federally funded workforce development grants. Prior to and during the on-site financial monitoring, administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, contracting and procurement samples were reviewed.

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS

~~The review period for the South Central desk review monitoring~~ covered July 1, 2016 - June 30, 2017. Financial onsite monitoring was completed June 11 – 15, 2018 at the COWIB office. OOWD reviewed all of August 2016, November 2016, February 2017, and May 2017 expenditures reports for WIOA contracts along with the corresponding budget, accounting records, and cash requests. A sampling of board, fiscal agent, and service provider expenditures were selected from the months reviewed. Overall, the Central Oklahoma workforce development board, as the fiscal agent for South Central, demonstrated adequate capacity to perform the fiscal agent financial management functions required to operate federally funded workforce development grants.

SECTION 5 – DELIVERY OF ADULT & DLW SERVICES

~~Of the total adults who received WIOA services during the monitoring~~ review period, a comprehensive review was conducted on five Adult program and five DLW program enrollments.

The South Central Workforce Development Area participated in multiple Performance Accountability, Case Management, and OKJM training and technical assistance (TA) sessions in PY 16 and PY17, resulting in significant improvement in the areas of data collection and case management. Additionally, the following local trainings, conducted prior to PY16 state monitoring, adequately address the observations made in the PY16 initial monitoring report:

- Annual fundamental knowledge essentials for all staff providing WIOA and Case Management services, including compliance training and customer service training.
- Individualized training for new staff covering the Title I programs and case management.
- Monthly All Staff Training included topics such as Work Experience, guidelines for entering Program Notes, eligibility requirements and corresponding documentation, and appropriate entries in OKJM, including entries in the S&T plan, Measurable Skills Gains and Goals, and Exit Questions/Outcomes.

Adult and Dislocated files reviewed:

1781144	528670	1819557
709208	1037186	555423
1782212	370864	1245445
272929		

Best Practice:
The braiding of WIOA and Temporary Assistance for Needy Families (TANF) funds is considered a best practice. Individualized career services were provided to a TANF recipient at the Oklahoma Works American Job Center (OWAJC). The participant's training activity was a TANF Work Experience Program (WEP) position.

Local areas are also encouraged to utilize assessments provided by partner entities to prevent duplication of services, as allowed in OWDI #19-2017, Change 1 and preceding Adult and DLW policies, OWDI # 19-2017 and OWDI # 06-2016. The utilization of a partner entity's employability plan, such as the TANF Employability Plan, is also acceptable and encouraged in order to enhance alignment across partner entities. Corresponding program notes would need to identify the assessment(s) used and/or major details of the employability plan. If assessments and employability plans are made available by the participant or the TANF case manager, they should be uploaded to OKJM.

SECTION 6 – DELIVERY OF YOUTH SERVICES

Youth Service Delivery will be included as an addendum to the report.

SECTION 7 – EQUAL OPPORTUNITY

The Equal Opportunity and Nondiscrimination review included a site visit to the Oklahoma Works American Job Center (OWAJC) in Lawton. A review of policies and documentation was conducted to help identify and address compliance issues under the nondiscrimination and equal opportunity mandates of Section 188 of the Workforce Innovation and Opportunity Act.

The South Central Board was responsive to all recommended and required actions, resulting in:

- The inclusion of alternative effective communication methods wherever contact information is listed;

- A corrective action plan that addressed website accessibility issues;
- Revised complaint procedures with a link to WIOA Section 188;
- Documentation that participants received the "Equal Opportunity is the Law" notice in their preferred languages;
- A policy that covers applicable data collection requirements at 29 C.F.R. Part 38;
- The inclusion of 29 C.F.R. § 38.25 assurances language in contracts and MOUs; and
- The insertion of taglines found at 29 C.F.R. § 38.38(a).

CONCLUSION:

~~OOWD wishes to t~~hank the South Central Workforce Development Area for the hospitality and cooperation provided during the site visits from the State and the U.S. Department of Labor – Employment and Training Administration (DOLETA).

Please be reminded that OOWD is available for any technical assistance or support the local area might need.

Oklahoma Office of Workforce Development

PY16 FINAL MONITORING REPORT

Southern Oklahoma Workforce Development Area

OOWD Monitors:
Connie Littleton
Emmit Grayson
Sandy Elledge
Lindsey Workman
Linda Emrich

August 31, 2018

Oklahoma Office of Workforce Development
900 N Portland Avenue
Oklahoma City, OK 73107
405-945-3379

Monitoring Dates:
April 23 - 27, 2018

OVERVIEW OF THE LOCAL AREA
Local Workforce Development Board – Southern Workforce Development Board

SUMMARY OF REVIEW:
The Oklahoma Office of Workforce Development (OOWD) conducted a financial and program review of the Southern Area's Workforce Innovation and Opportunity Act Title I adult, dislocated worker, and youth programs. The purpose of this review was to assess whether key policies, procedures, and systems are in place to manage these programs. Additionally, the local area's Design and Governance and Equal Opportunity processes were reviewed. The review covered the period of July 1, 2016 - June 30, 2017.

REVIEW SCOPE:
Local Monitoring
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Delivery of Adult & Dislocated Worker Services
Delivery of Youth Services
Equal Opportunity

SECTION 1 – LOCAL MONITORING
The Southern Workforce Development Area's monitoring was broad, comprehensive, and in compliance with state and local monitoring policies. The fiscal agent maintains good written documentation, including monitoring reports, findings, corrective actions, and resolutions for each fiscal monitoring conducted.

SECTION 2 – DESIGN AND GOVERNANCE
The certification of the Southern Workforce Development Board is complete and the Board has met all the requirements set forth by the Workforce Innovation and Opportunity Act (WIOA) and the Governor's Council for Workforce and Economic Development. Since the issuance of the PY16 Initial Monitoring Report, the Southern LWDB has updated the following policies:

- Incident Reporting Policy
- Self-Sufficiency Policy
- Nondiscrimination and Equal Opportunity Policy

Additionally, the following documents have been updated to reflect WIOA citations provisions:

- Modification to extend the One-Stop Operator contract
- LEO Consortium Agreement Addendum
- LEO-SWB Agreement

SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS

Overall, the Southern LWDB demonstrates adequate capacity to perform the broad management functions required to operate federally funded workforce development grants. Administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, contracting and procurement samples were reviewed.

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS

The review period for Southern monitoring covered July 1, 2016 – June 30, 2017. OOWD reviewed all of August 2016, November 2016, February 2017, and May 2017 expenditure reports for WIOA contracts along with the corresponding budget, accounting records, and cash request(s). A sampling of board, fiscal agent, and service provider expenditures were selected from the months reviewed. Overall, the Board demonstrates adequate capacity to perform the fiscal agent financial management functions required to operate federally funded workforce development grants. OOWD recommended local accounting policy updates to reflect the federal and state requirements for record retention located at 2 CFR Chapter I, Chapter II, part 200.333 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards: Final Rule. Technical assistance was also provided to the local area regarding procurement by micro-purchase (2 CFR § 200.320).

SECTION 5 – DELIVERY OF ADULT & DLW SERVICES

The review of the Southern LWDB's delivery of Adult and DLW services indicated a clear understanding of the targeted/priority populations to be served. There were no findings.

Adult and DLW files reviewed:

804038	1233124	1239492
1814014	198437	196754
1193374	436079	170603

Best Practice: The LWDB's responsive action plans and staff training in regard to each area of concern were immediate and exemplified continuous improvement by the local area. OOWD considers each area of concern sufficiently addressed.

SECTION 6 – DELIVERY OF YOUTH SERVICES

The monitoring sample indicated that the LWDB is serving the WIOA eligible/target population. The LWDB has developed an individual service strategy (ISS) that identifies and meets the specific needs of each participant. Supportive services are being provided as needed to overcome barriers to participation and completion of the ISS. Overall, participants are receiving services as needed, including follow-up services, and are progressing in accordance with their goals.

Youth files reviewed:

1031048	1149000	1242073

1785964	1797198	1819252
1835492	1838684	1840687
1841513	1842441	1843094

SECTION 7 – EQUAL OPPORTUNITY

The Equal Opportunity (EO) and Nondiscrimination review included a site visit to the McAlester American Job Center (AJC). A review of policies and documentation was conducted to help identify and address compliance issues under the nondiscrimination and equal opportunity mandates of Section 188 of the Workforce Innovation and Opportunity Act.

The Southern LWDB was responsive to all recommended and required actions, resulting in:

- Increased relevant outreach material to inform participants of all community services and training programs in the local area;
- The attainment of quotes to integrate the accessible work station with other work stations;
- Updated personnel policies and procedures to provisions found at 29 C.F.R. § 38;
- A plan to update the WIOA Employment Program Handbook by 12/31/18;
- Addition of nondiscrimination notices in all policies;
- The incorporation of the required assurances language at 29 C.F.R. § 38.25 into all policies related to the delivery of WIOA aid, training, benefits, or service, either *verbatim* or by reference to the regulation; and,
- An updated Discrimination Complaints Process Policy.

CONCLUSION:

Please thank your staff for the hospitality and cooperation provided during the visit conducted by the monitors. We look forward to continuing the excellent working relationship with your office.

Our office is available for any technical assistance or support you might need.

Oklahoma Office of Workforce Development

PY16 FINAL MONITORING REPORT

Tulsa Workforce Development Area

OOWD Monitors:
Connie Littleton
Emmit Grayson
Sandy Elledge
Lindsey Workman
Linda Emrich

September 13, 2018

Oklahoma Office of Workforce Development
900 N Portland Avenue
Oklahoma City, OK 73107
405-945-3379

Monitoring Dates:
March 5 - 9, 2018

OVERVIEW OF THE LOCAL AREA
Local Workforce Development Board – Tulsa Area Workforce Development Board

SUMMARY OF REVIEW:
The Oklahoma Office of Workforce Development (OOWD) conducted a financial and program review of the Tulsa Area's Workforce Innovation and Opportunity Act Title I Adult, Dislocated Worker, and Youth programs. The purpose of this review was to assess whether key policies, procedures, and systems were in place to manage these programs. Additionally, the local area's Design and Governance and Equal Opportunity (EO) processes were reviewed. The review covered the period of July 1, 2016 - June 30, 2017.

REVIEW SCOPE:
Local Monitoring
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Delivery of Adult & Dislocated Worker Services
Delivery of Youth Services
Equal Opportunity

SECTION 1 – LOCAL MONITORING
The Tulsa Workforce Development Area/Tulsa Community College (TCC) monitoring was broad and comprehensive. Both entities were found to be in compliance with their own monitoring policies. TCC has done a great job of monitoring its sub-grantee/contractors. All required corrective actions have been resolved.

SECTION 2 – DESIGN AND GOVERNANCE
The board certification of the Tulsa Area Workforce Development Board is complete and the board has met all the requirements set forth by the Workforce Innovation and Opportunity Act (WIOA) and the Governor's Council for Workforce and Economic Development. All required and recommended actions have been satisfied.

SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS
Overall, the Tulsa LWDB demonstrates adequate capacity to perform the broad management functions required to operate federally funded workforce development grants. Prior to and during the on-site financial monitoring, administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, contracting and procurement samples were reviewed. There were no findings.

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS
The review period for the Tulsa Workforce Development Area monitoring covered July 1, 2016 – June 30, 2017. OOWD reviewed all of August 2016, November 2016, February 2017, and May 2017 expenditure reports for WIOA contracts along with the corresponding budget, accounting

records, and cash requests. A sampling of board, fiscal agent, and service provider expenditures were selected from the months reviewed. Overall, Tulsa Community College (TCC) demonstrates adequate capacity to perform the fiscal agent financial management functions required to operate federally funded workforce development grants. All concerns and required actions were adequately addressed, including:

- the provision of supporting documentation to verify employee travel reimbursements were paid;
- the establishment of procedures to ensure all work experience costs are reported monthly and quarterly;
- June 2016 and September 2016 invoices for legal services were determined allowable once the nature of the charges were verified; and
- A re-allocation of a travel reimbursement to the correct funding stream, with supporting documentation that financial adjustments had been made to TCC's accounting system.

SECTION 5 – DELIVERY OF ADULT & DLW SERVICES

Review of the Tulsa Area's delivery of Adult and DLW services indicated a clear understanding of the targeted populations to be served. There were no findings. However, the LWDB has created action plans for adding measurable skills gains (MSG) goals for multi-semester training programs, as well as for the addition an updating of MSG goals for TAA participants, which includes working with state level Trade Adjustment Assistance (TAA) staff. Additionally, TAA participants who complete their TAA funded training will be transitioned to WIOA staff to receive employment and follow-up services as requested by the participants.

Best Practices include:

- Detailed documentation of individualized career services for an ex-offender, including the provision of a mock telephone interview with positive feedback and suggestions for improvement, suggestions on how to address background issues in a "humble and tactful way," and encouragement to research companies that will hire individuals with felonies;
- Follow up services for an individual dissatisfied with newly acquired employment; and
- Braided funding to support an individualized set of services, which allowed expenditures from each source to be tracked and applied to the specific individual eligible for the funding.

The following Adult and DLW files were reviewed:

943434	70930	651733
1020282	835405	1195459
796386	1774950	1048304
1203969	518434	

SECTION 6 – DELIVERY OF YOUTH SERVICES

The local area continues to focus on the WIOA primary target population of out-of-school youth. Overall, participants are receiving services as needed and are progressing in accordance with their goals.

Local Area Finding:
WIOA section 129(c)(4) prioritizes work experiences with the requirement that local areas must spend a minimum of 20% of non-administrative local area funds on work experience. As stated in Section 4 on the monitoring report, the local area work experience expenditures have not met the statutory benchmark of 20%.

The Department of Labor (DOL) has been in contact with the state to discuss our aggregate work experience expenditures and specific local areas that are not meeting the requirement.

The Department of Labor previously provided its guidance on the specific costs that are allowed in the work experience expenditure in TEGL 23-14, 8-15 and 21-16. The State has issued policy and provided a technical assistance presentation to the local areas mirroring the breakout of allowable expenditures that may be counted towards the work experience expenditure requirement.

This finding could either be a financial reporting issue or a programmatic issue. This will be determined ultimately through initially ascertaining whether all work experience expenditures as allowed in TEGL 21-16 have been properly identified at the service provision level at minimum up to the subsequent reporting to the state by the fiscal agent for reporting to DOL quarterly.

As DOL has stated in a conference call with the state, if these determinations are not simply line item reporting issues, then the local strategies and recruitment would be questioned as a reason for not achieving the 20% requirement.

Upon further review, the fiscal agent (TCC) found a total of $34,058.12 in work experience costs that had not been reported in OKGrants.gov. OOWD acknowledges the local area and fiscal agent's collaborative financial reconciliation of the work experience expenditures in an effort to resolve this finding. However, the amounts reported did not increase the expenditures to the minimum statutory obligation in WIOA and 20 CFR § 681.590(a) requiring that a minimum of 20 percent of local area funds for the Title I Youth program be spent on work experience.

Corrective Action: The Tulsa Workforce Development Area needs to provide the state with a corrective action plan to increase the expenditures to the statutory 20 percent minimum for work experience. The local area needs to focus its efforts on increasing the client enrollment in paid work experience and assurances that it is accurately reporting all expenditures that count towards the work experience expenditure requirement. Please provide this plan within 30 days from the date of the monitoring report detailing your plan of action to correct the finding over the next 3 months.

Allowable work experience expenditures include the following:

- Wages/stipends paid for participation in a work experience;
- Staff time working to identify and develop a work experience opportunity, including staff time spent working with employers to identify and develop the work experience;

- Staff time working with employers to ensure a successful work experience, including staff time spent managing the work experience;
- Staff time spent evaluating the work experience;
- Participant work experience orientation sessions;
- Employer work experience orientation sessions;
- Classroom training or the required academic education component directly related to the work experience;
- Incentive payments directly tied to the completion of work experience; and
- Employability skills/job readiness training to prepare youth for a work experience.

The state will continue its evaluation of these expenditures on a monthly basis for local and state compliance and for reporting on the subsequent quarterly ETA 9130 report to the Department of Labor.

The following Youth files were reviewed:

1153882	1802599	1807171
1803874	1175645	1804248
938450	1827907	1835711
1835980	1837004	1837440

SECTION 7 – EQUAL OPPORTUNITY

The Equal Opportunity (EO) and Nondiscrimination review included a site visit to the Sapulpa American Job Center (AJC). Policies and documentation were reviewed to identify and address compliance issues under the nondiscrimination and equal opportunity mandates of Section 188 of the Workforce Innovation and Opportunity Act. Tulsa Workforce has addressed and/or provided timelines to address all actions as required in the PY 16 Initial Monitoring Report, including:

- Removal of language subjective language included in the "Equal Opportunity" policy;
- Development of an Affirmative Outreach plan;
- Updating all eligible contracts to include the required regulatory contract assurance language;
- Updating taglines on all PY16 documents to include the required regulatory language;
- Development of a Limited English Proficient (LEP) policy;
- Development of a Reasonable Accommodation policy;
- Inclusion of the Babel Notice to any documents and/or forms that contain vital information;
- The provision of an alternative effective communication methods wherever telephone numbers are listed;
- Inclusion of "Equal Opportunity is the Law" Notices on all documents, participant records, manuals, and materials; and
- Updating TAWDB website to ensure consistent with applicable laws on information communication technology (ICT) accessibility, per 29 C.F.R. part 38.

The following files were reviewed for EO compliance:

408655	541051	819716
1760609	75114	664135

CONCLUSION:

OOWD is available for any technical assistance or support needed by the Tulsa Workforce Development Area.

APPENDIX B

PY17 MONITORING REPORTS

OKLAHOMA WORKS.

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Oklahoma Office of Workforce Development

PY17 Monitoring Reports

(Includes Equal Opportunity & Nondiscrimination)

For the following Workforce Development Areas:

Central

Eastern

Northeast

South Central

Southern

Tulsa

Western

Oklahoma Office of Workforce Development

PY17 FINAL MONITORING REPORT

Central Oklahoma
Workforce Development Area

OOWD Monitor:
Connie Littleton
Emmit Grayson
Sandy Elledge
Lindsey Workman
Darcee Simon
Kristy Austin
Jared Bates

January 28, 2019 through
February 1, 2019

Oklahoma Office of
Workforce Development
900 N Portland Avenue
Oklahoma City, OK 73107

MONITORING DATES:

January 28, 2019 to February 1, 2019

OVERVIEW OF THE LOCAL AREA

Local Workforce Development Board – Central Oklahoma Workforce Innovation Board (COWIB)
Workforce Development Board Fiscal Agent – Central Oklahoma Workforce Innovation Board (COWIB)
Workforce Center On-Site Annual Monitoring- Shawnee Workforce Center

SUMMARY OF REVIEW:

The Oklahoma Office of Workforce Development (OOWD) conducted a review of Local Area Monitoring and Oversight, Design and Governance, Program and Grant Management, Systems, Financial Management Systems, Adult and Dislocated Worker Programs, Youth Programs, and Equal Opportunity and Nondiscrimination for PY17. The purpose of this review was to assess whether key policies, procedures, and systems are in place to manage these programs.

REVIEW SCOPE:

Local Program Monitoring
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Delivery of Adult & Dislocated Worker Services
Delivery of Youth Services
Equal Opportunity and Nondiscrimination

SECTION 1 – LOCAL MONITORING

Youth, Adult, and Dislocated Worker:
The scope of COWIB's monthly monitoring of the service provider included only financial monitoring of expenditures for on-the-job training (OJT), occupational skills training (OST), supportive services, work experience (WEX) and Transitional Jobs. However, the Oklahoma Office of Workforce Development (OOWD) was unable to determine whether local area Youth, Adult, and Dislocated Worker programmatic monitoring was conducted. There were no monitoring reports submitted to the OOWD indicating monitoring was conducted or reports demonstrating that Youth, Adult, and Dislocated Worker programmatic monitoring was completed for Program Year 17 (PY17).

Financial Management: The Central Oklahoma Workforce Development Area financial monitoring was broad and comprehensive and in compliance with their own monitoring policies. The fiscal agent maintains good written documentation, including monitoring reports, findings, corrective actions, and resolutions for each fiscal monitoring conducted.

Area of Concern #1:

It is unclear whether COWIB conducted annual programmatic monitoring for the Youth, Adult, and Dislocated Worker programs in PY17. In accordance with Oklahoma Workforce Development Issuance #11-2017 and 20 CFR 683.410, a Local Workforce Development Board (LWDB) must conduct regular

oversight and monitoring of its WIOA programs and those of its subrecipients and contractors as required under Title I of WIOA.

Required Action:
COWIB must provide documentation to the OOWD that Youth, Adult and Dislocated Worker program monitoring occurred in PY17. If programmatic monitoring did not occur in PY17, COWIB will need to submit a monitoring schedule indicating when monitoring for the Title I programs will occur. Upon completion of programmatic monitoring, COWIB will need to submit the monitoring documentation to the OOWD.

COWIB Response: Local monitoring was completed for Adult and Dislocated Workers and uploaded to section 1.2 of the Smart Sheet on January 7, 2019. Youth monitoring is attached in this email. (see Attachment 1)

OOWD Response: Indicator #1 of Local Area Monitoring and Oversight requires OOWD to document whether local monitoring policy and written reports are sufficient to ensure compliance and oversight of the local area. Local Area monitoring tools and procedures must be appropriate to cover all aspects of sub-recipient monitoring.

Indicator #2 inquires whether the organization (i.e., the local board) maintains written documentation including monitoring reports, findings, corrective actions, and resolutions for each monitoring conducted.
COWIB's current monitoring policy, updated May 12, 2010, clearly states throughout the document that local monitoring activities must be summarized in a written report. Although the policy indicates that monitoring activities culminate in a variety reports, a written narrative is listed as the type of report for the periodic on-site review of COWIB service providers. The monitoring policy requires COWIB to submit all written monitoring reports and resolutions to the State on an annual basis, as required by OETI #04-2010.

Required Action: COWIB's revised local monitoring policy, due no later than June 30, 2019, must address a procedure for the submission of all local area monitoring reports to OOWD on a yearly basis, including responses from sub-recipients and any follow-up conducted by the local area.

SECTION 2 - DESIGN AND GOVERNANCE

The board certification of the Central Oklahoma Workforce Investment Board is complete and the board has met all the requirements set forth by the Workforce Innovation and Opportunity Act (WIOA) and the Governor's Council for Workforce and Economic Development.

Observations from Review of Policies and Documentation:

Local Area Policy

- Priority of Services Policy for Limited Funds & Priority of Service for Veterans and Eligible Spouses (6/15/2012)
    - Local policy language references WIA, not WIOA.

Required action:
COWIB must review and update local board policies to replace WIA with WIOA references and citations by June 30, 2019.

COWIB Response: We are in the process of updating all policies. On February 22, 2019, COWIB sent 14 updated policies to OOWD. The remaining policies will be completed by June 30, 2019.

OOWD: Response acknowledged. Thank you for your follow-up to this recommended action.

Observations from On-Site System Monitoring:

It was evident at the on-site visit that the local plan has not been utilized as a tool to develop, align, and integrate service delivery strategies. Per 20 CFR §679.500, the purpose of the regional and local plan is to "serve as 4-year action plan to develop, align, and integrate service delivery strategies and to support the State's vision and strategic and operational goals." Based on the results of the interview with local workforce development board staff, it was determined that the local plan has been utilized as only a compliance document rather representative of a "collaborative process among local elected officials, local WDBs, and required other partners (including economic development, education, and private sector partners" (OWDI #01-2017). There was little evidence of an alternative tool or process through which board activities are aligned with a strategic vision or in which strategic collaboration is promoted. Not utilizing the local plan may inhibit the local workforce development area community stakeholders from viewing COWIB as a "strategic body that can do broad-based planning; credibly convene diverse players with multiple and at times competing agendas; and create a workforce development system that extends well beyond Title I of WIOA" (OWDI #03-2018).

Recommended Action:
In alignment with the two-year review of the local plan (OWDI #01-2017), COWIB should develop strategies to convene system partners for collaboration to align and integrate service delivery. COWIB should develop a plan for how they will approach the local plan review process to meet these goals and leverage the planning process to fulfill the local vision. (Based on OWDI #01-2017, Attachment B: Local Plan Template, A. Local Workforce Development System Vision, Questions 6 & 7).

COWIB Response: According to the American Dictionary "compliance is the act of complying with a wish, request or demand" and the word comply, by the same dictionary, is defined as "To act in accordance with another's command, request, rule or wish." So it is clear that when a local board must construct a regional and local plan according to the rules contained in WIOA section 108, 20 CFR §679.560 OWDI #01-2017 and OWDI #03-2018, the local plan becomes a compliance document by definition.

The Central Oklahoma Workforce Innovation Board (COWIB) fulfilled the requirements of creating a local plan. We met with our partners, elected officials and other community stakeholders to create a document that contained the necessary and required elements supporting the state plan as well. During the monitoring interviews, it would be dishonest to not call the finished document a compliance document. If other boards suggest that their plans are not compliance documents, as well as the state plan, then the entire workforce system is not being truthful. Everything we do at the local level that is required, is to be compliant, which hinders the opportunity to be a progressive local board.

COWIB has conducted local partner meetings monthly for the last several years where the exchange of ideas is encouraged. Certainly we understand that we cannot meet all of the challenges that face our local workforce area and we must engage others to be able to provide solutions to critical needs in Central Oklahoma. We partner not only with the required partners, but have 34 Memorandums of Understanding that describes how we will work together. We have also worked with community organizations to address real issues such as female diversion programs, employment for people in

addiction recovery, training for individuals working to reintegrate into society from corrections and the list goes on. We have always tried to work with organizations that were working to create opportunities for individuals in our communities that have barriers to education and employment.

When OOWD publishes the guidance for reviewing and possibly making revisions to our four year plan, you can be assured the COWIB will be at the forefront of meeting with the required partners in order to be compliant with the issued instructions. You must also note that while we labor with local required partners, it must be noted that none of the partners at our level can make policy or procedural changes that will impact how we can improve on the efficiency and effectiveness of the delivery of services in our area. I would be remiss to not mention that most of the policy making meetings that have occurred between OOWD and the required partners have yet to yield any positive results for us that are charged with actually putting services to work at the local level.

OOWD Response: The OOWD does not dispute the fact that the four-year local plan is a compliance document. The concern the OOWD has is with regards to how COWIB is setting out and progressing in accomplishing its vision, mission, and strategic objectives for the workforce development system in the Central Workforce Area. Please take this recommendation into consideration when updating your four-year local plan.

Best Practices:
COWIB Board of Director and Executive Committee meeting activities are well-documented with clear, comprehensive minutes that include notice/agenda posting dates as well as establishment of a quorum with bylaw citations. Additional tools are available on local area website to access board information including a board directory that is cross-referenced by county, organization, and term expiration dates.

SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS

COWIB demonstrates adequate capacity to perform the broad management functions required to operate federally funded workforce development grants. Prior to and during the on-site financial monitoring, administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, contracting and procurement samples were reviewed.

Review of policies to determine financial and administrative compliance resulted in the following observations:

Observation #1

Accounting policy should be in-line with state and federal regulations. In accordance with §200.333 Retention requirements for records; Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report. Also, the Procurement and Contracting policy submitted was last updated in 2010, therefore this policy is not up-to-date with current state and federal regulations.

Required Action: COWIB will need to update all policies to reflect federal requirements found at 2 CFR Chapter I, Chapter II, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards and Oklahoma Office of Workforce Development Issuance (OWDI) # 10-2017. These updated policies must be submitted to the Oklahoma Office of Workforce Development for review by

September 1, 2019.

COWIB Response: Required Action – Policies have been updated and were emailed to OOWD on February 22, 2019.

OOWD Response: The OOWD has reviewed and accepts the local area's response. No further action is required.

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS

The review period for Central Oklahoma LWDB monitoring covered July 1, 2017-June 30, 2018. OOWD reviewed all of July 2017, November 2017, February 2018, and June 2018 expenditure reports for WIOA contracts along with the corresponding budget, accounting records, and cash requests. In addition, a sampling of board, fiscal agent, and service provider expenditures were selected from the months reviewed.

Central Oklahoma LWDB demonstrates adequate capacity to perform the fiscal agent financial management functions required to operate federally funded workforce development grants. There were no findings or areas of concern noted in this section.

SECTION 5 – DELIVERY OF ADULT AND DLW SERVICES

OOWD's comprehensive review of the Adult and Dislocated Worker (DLW) programs consisted of a random sample of six Adult and five DLW files, as well as local monitoring of the Adult and DLW programs.

Observations from Adult Files:

PID 1840606
The participant had previously earned an Administrative Medical Assistant certification and was attending the Practical Nursing program at Platt College at the time of enrollment (October 10, 2017). She attained her Licensed Practical Nursing (LPN) license on October 4, 2018. The participant reported that she was employed, however employment details were not obtained. The last program, dated November 19, 2018, indicated follow-up contacts will focus on verifying employment.

No action required.

PID 1877607
The participant did not complete Commercial Driver's License (CDL) training. The case manager's negotiations with the training provider resulted in a refund to WIOA for half of the total cost of the three-week program, which was expected from the provider in January.

Required Action:
The local board must follow up with the training provider regarding the refund of training costs and provide accounting documentation to show when the refund is returned to the grant.

COWIB Response: The service provider (DWFS) has provided proof of the training provider refunding half of the tuition back to DWFS and a request to their corporate office to refund the amount back to COWIB. Backup documentation is attached. (see Attachment 2)

OOWD Response: Backup documentation has been reviewed and found to be appropriate. No further action is required.

PID 235380
The participant completed training and obtained her Certified Nurse Aide (CNA) and Home Health Aide (HHA) licenses. She accepted employment at a local nursing facility on August 27, 2018. She has requested additional WIOA assistance to fund Certified Medication Aid (CMA) training after six months of employment.

No action required.

PID 1101009
The participant was an inmate housed at a local Community Correctional Center. As such, he was enrolled in training offered through a Memorandum of Understanding (MOU) between the local workforce board and Metro Technology Centers (MTC). In addition to welding training, workplace readiness was included in the MOU. The welding certification exam, flame resistant clothing, equipment, and tools required during training were provided to the participant as supportive services. Program notes indicate the participant was offered a position with Alliance Steel upon completion of training, and was referred for on-the-job training (OJT). According to the Special Projects Status Report provided by COWIB, no OJTs were placed from the January 8, 2018 – March 8, 2018 welding class. There have been no successful contacts with the participant since April 12, 2018, and the last documented attempt with the halfway house was on June 1, 2018. Therefore, employment status is not documented.

Required Action:
Please provide documentation of additional attempts to verify the participant's current incarceration status/employment status. Also, please provide documentation of processes in place to ensure follow-up contact for a minimum of 12 months after program exit.

COWIB Response: Client exited on 3/15/18. Career Navigator referred client for possible OJT on 4/12/18 and reached out again on 5/29/18 and again on 6/1/18. The Career Navigator was not able to contact client on the last two attempts to verify employment. Adult and DLW only receive follow up if they are employed at the time of exit (OWDI 19-2017 Change 1) this client was not employed at the time of exit therefore follow-up is not required. Since OOWD monitoring the Career Navigator has attempted contact however has not been able to reach the client.

OOWD Response: OOWD acknowledges the additional contact attempts made since monitoring took place in January and February 2019. It should be noted that OOWD was not suggesting the offer of follow up services since the participant's employment status was not known at the time of program exit.

PID 1862540
Demographics indicate the participant was a disabled vet who received basic career services and RESEA services. There are no uploaded documents other than RESEA docs. The only services in the Adult Service and Training (S&T) plan were informational services regarding skills upgrade/retraining and supportive services availability information.

No action is required.

PID 184891
This justice-involved participant was placed in an OJT with a second chance employer. He did not complete

the OJT, reportedly moving out of state to seek employment. There were no contract numbers included on OJT documents, including the Contract, Employer Request for Reimbursement, Training Plan, Evaluation Time Sheets, etc. Although COWIB 's current OJT policy does not require the use of a contract number for an OJT, the board has indicated they are in the process of creating a policy that will include the development of contract numbers for OJT contracts.

Required Action: Please submit the new contract policy no later than June 30, 2019.

COWIB Response: Updated OJT policy was sent to OOWD on 2/22/19 which includes contract numbering process.

OOWD Response: Revised policy has been reviewed and no further action is required.

Observations from DLW files:

PID 115541
The participant worked for several years as an in-home caregiver for an elderly individual and became unemployed when the individual passed away. Although assessment results did not show a match for LTCNA/HHA, training was approved based on the client's career choice, experience in the field, and the need for formalized training in the field. She obtained her CNA license and is employed by a company that provides in-home care for the elderly.

No action is required.

PID 1845683
The participant failed to complete an online Medical Coding program offered by The Andrews School, an online provider. Since the beginning of training, which started in late April 2017, the case manager documented regular contacts and attempted contacts. The contacts did not specifically request progress reports, but inquired how the participant was doing, provided job fair information and asked about school plans. A gap of 88 days between the last successful contact with the client and first contact with the training provider was recorded by the case manager. The case manager learned in January 2019 that the client requested a three month "sabbatical" from training, from which she failed to return. She was therefore dropped from the training program on January 8, 2019. The provider has submitted a check to the service provider in the amount of $1,650.00 for the training modules not completed by the client.

Required Action #1:
Please provide the local area's process to ensure participant progress, i.e., skills progression, is tracked on a regular basis.

COWIB Response: Case managers contact each client monthly and it is recorded in program notes.

OOWD Response: OOWD accepts the above response as stated in the Section 5 Monitoring Tool completed by COWIB. It should be noted that OOWD will issue an Individual Employment Plan (IEP) policy in PY19 that will require the regular documentation of measurable skills gains and participant progress.

Required Action #2:
Please provide the appropriate accounting documentation to show reimbursement of the refund to the board, and subsequently to the appropriate grant.

COWIB Response: The service provider (DWFS) has provided proof of the training provider refunding half of the tuition back to DWFS and a request to their corporate office to refund the amount back to COWIB. Backup documentation is attached. (see Attachment 3)

OOWD Response: The appropriate documentation has been received and no further action is required.

PID 1077825
The participant's comprehensive assessment did not show a match for truck driver training, but was approved for CDL training as truck drivers are a local demand occupation. His years of experience as a Route Driver and the need for a commercial license to increase his pay were also contributing factors for training approval. He has attained employment as a Heavy Tractor Trailer Driver, earning $19.50 per hour, 40 hours per week.

No action is required.

PID 1880580
The participant was an LPN laid off from the local County Health Department as part of the Oklahoma State Department of Health (OSDH) reduction in force. Title I funds paid for an online Nurse Refresher course through Canadian Valley Technology Center (CVTC), which is anticipated to be completed February 11, 2019. The refresher course is required to upskill and pass the NCLEX to become a Registered Nurse (RN).

No action is required.

PID 899672
The participant completed truck driver training and accepted employment as a Bulk Driver for a local bottling company. He earns $16.48 per hour base pay, plus benefits.

No action is required.

SECTION 6 – DELIVERY OF YOUTH SERVICES

An observation of the Central Oklahoma Workforce Innovation Board (COWIB) Region Cumulative 4-Quarter Reporting Period report indicates the local area has continued its focus on the WIOA primary target population of out-of-school youth.

Of the total youth who received WIOA services during the monitoring review period, a comprehensive review was conducted on 10 enrollments that consisted of 8 out-of-school youth (OSY) and 2 in-school youth (ISY).

- The monitoring sample indicated the LWDB is serving the WIOA eligible/target population.
- The LWDB has developed an individual service strategy (ISS) that identifies and meets the specific needs of each participant.
- Supportive services are being provided as needed to overcome barriers to participation and completion of the ISS.
- Overall, participants are receiving services as needed and are progressing in accordance with their goals.

- It is recommended that COWIB focus on increasing the number of youth with credential attainment.
- Comments on follow-up services are outlined below

Observations from review of Out-of-School Youth Files:

Participant 1885303:
The participant's goal was a high school diploma. The youth successfully completed the requirements and obtained a high school equivalency diploma.

Recommended Action:
Due to the youth having deficiencies in reading and in math, please continue to encourage the youth to participate in the program, escalate communication with youth that display high risks of premature exit from the program and consider increasing the incentives in order to ensure that basic skills goals set will be achieved.

COWIB Response: Spoke to the Youth Service Provider, DWFS, about post TABE testing being offered with in the 6 months of the initial TABE test. At the all staff training on 2/22/19 DWFS retrained staff on the importance of post TABE testing and offering incentives to clients.

OOWD Response: The OOWD has reviewed and accepts the local area's response. No further action is required.

Participant 1857648:
There were no findings or areas of concern.

Participant 1874466:
There were no findings or areas of concern.

No action is required.

Participant 1250289:
There were no findings or areas of concern.

No action is required.

Participant 1889454:
The local area is utilizing an Individual Training Account (ITA) for the training. However, the Individual Training Account (ITA) Agreement Attachment C and Individual Training Voucher Form Attachment D is not uploaded in OkJobMatch for this youth.

Required Action:
Please upload the appropriate documentation in OKJobMatch and/or provide an explanation for the omission.

COWIB Response: This client didn't start training until 2/25/19. At the time of the monitoring the client's ITA/TV had not been approved therefore would not have been uploaded. The ITA/TV has since been approved and has been uploaded.

OOWD Response: The OOWD has reviewed and accepts the local area's response. No further action is required.

Participant 1149081:
An observation was made that the barrier that is identified as the youth's eligibility criteria is not the appropriate criteria for the youth in question. This did not affect the eligibility of the youth since he met the three criteria for eligibility: A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is either basic skills deficient or an English language learner.

No goals or interests have been entered in measurable skills gain for the youth. Goals and interests should be screened to address the basic skills deficiencies. It may be to the participants benefit to enroll the client in a service to address the deficiency, making it more likely that the participant will succeed in education and employment goals.

Recommended Action:
Due to the youth having deficiencies in reading and in math, please continue to encourage the youth to participate in the program and offer the youth an incentive to increase the basic skills scores in reading and in math.

COWIB Response: Spoke to the Youth Service Provider, DWFS, about post TABE testing being offered with in the 6 months of the initial TABE test. At the all staff training on 2/22/19 DWFS retrained staff on the importance of post TABE testing and offering incentives to clients.

OOWD Response: The OOWD has reviewed and accepts the local area's response. No further action is required.

Participant 1800482:
No goals or interests were entered in the measurable skills gain for the youth. Goals and interest should be screened to address the basic skills deficiencies. It may have been to the participants benefit to remain enrolled in the program to continue to address the deficiencies, making it more likely that the participant will succeed in education and employment goals.

Recommended Action:
The local area needs to continue to encourage youth to participate in the program when the youth has basic skills deficiencies. Escalate communication with youth that display high risks of premature exit from the program, and utilize incentives and consider increasing the incentives in order to ensure that skills goals set will be achieved.

COWIB Response: Spoke to the Youth Service Provider, DWFS, about post TABE testing being offered with in the 6 months of the initial TABE test. At the all staff training on 2/22/19 DWFS retrained staff on the importance of post TABE testing and offering incentives to clients. DWFS obtains not only a contact number for the client but also two alternative forms of contact on each client. Every effort is made to have multiple forms of communication with the client.

OOWD Response: The OOWD has reviewed and accepts the local area's response. No further action is required.

Participant 1856086:
It is noteworthy that the Educational Function Level was attained and the Training Milestone was met once the youth received the welding certification.

Follow Up:
The U.S. Department of Labor (DOL) and the State recognize the concerns that some youth may not be responsive to attempted contacts for follow-up, and other youth may be difficult to locate, making it challenging to provide follow-up services for such individuals.

Required Action:
Local programs need to update current policies in order to establish how to document and record when a participant cannot be located or contacted.

COWIB Response: Local policy on follow up was provided to OOWD on 2/22/19.

OOWD Response: The OOWD has reviewed and accepts the local area's response. No further action is required.

Remember that five program elements are also permitted as follow-up services during the follow-up period:

- Supportive Services;
- Adult Mentoring;
- Financial Literacy Education;
- Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and

Activities that help youth prepare for and transition to postsecondary education and training.

Participant 1878718:
The participant's worksite for work experience was Guthrie Job Corps. The Title I Youth formula program work experience component partnership with Job Corps is an excellent example of System thinking and collaboration between required DOL partner programs.

The participant also received the ServSafe Certification while attending Guthrie Job Corps. In Oklahoma, foodservice establishments in mandated counties are required to have at least one employee who is a Certified Food Manager (CFM). That information is provided by the Oklahoma Restaurant Association.

It is also noteworthy that the Career Navigator received a call from the participant indicating he received his ServSafe Certification through Job Corps on October 17, 2018 and that he has also been accepted into the Advanced Training at Treasure Island in California with the Job Corps Program.

No action is required.

Participant 1762518:
The Career Manager contacted the youth on March 20, 2018 to advise the youth that the enrollment would be closing very soon and they discussed the follow up contacts that would be made. However, after March 20, 2018, there are no other program notes for the participant, indicating there were no follow-up attempts made.

Follow-up services are required for not less than 12 months after the completion of activities planned in the ISS. Follow-up services are critical services provided after a youth completes program activities to help ensure the youth is successful in employment and/or post-secondary education and training. Services provided should be based on the needs of the youth; therefore, the type and intensity of these services will vary from individual to individual. Follow-up services must include more than an attempted contact made to gather information for reporting purposes. Follow-up services should provide the necessary support to ensure the success of youth post-program.

Required Action:
The US Department of Labor (DOL) and the State recognize the concerns that some youth may not be responsive to attempted contacts for follow-up, and other youth may be difficult to locate, making it challenging to provide follow-up services for such individuals. COWIB must have updated policies in place to establish how to document and record when a participant cannot be located or contacted by September 1, 2019.

Youth Policy Review:

The current local area In-school and Out-of-School Youth Policies were previously reviewed. However, the local area indicated the Youth Policy and Procedures Manual has been updated to reflect the most recent WIOA mandates and will be submitted for Board approval at the next scheduled meeting in 2019.

COWIB Response: Youth Policy Review- Once the ISY and OSY policies have been updated and approved they will be sent to OOWD.

OOWD Response: The OOWD has reviewed and accepts the local area's response. No further action is required.

SECTION 7 – EQUAL OPPORTUNITY

Observations from Review of Policies and Documentation

Equal Opportunity Exit call was held on Wednesday, February 6, 2019.

Area of Concern #3:
COWIB Procedure for Receiving, Processing, and Resolving Discrimination Complaints Section D.3, does not include updated EO Officer contact information.

Required Action:
Update policy to reflect current Local EO Officer.

COWIB Response: Required Action, the policy for Receiving, Processing and Resolving Discrimination Complaints was emailed to OOWD on 2/22/19.

OOWD Response: Documentation has been reviewed and found to be appropriate. No further action is required.

Area of Concern #4:
COWIB Local Monitoring Policy does not specify whether it includes EO and Nondiscrimination monitoring.

Required Action:
Ensure COWIB Local Monitoring Policy is either updated to include or issue a new policy that provides for EO and Nondiscrimination monitoring of subrecipients.

COWIB Response: Required Action, update Local Monitoring policy. This will be completed by 6/30/19.

OOWD Response: The OOWD reviewed accepts the COWIB response.

The following actions were identified as ***observations with required actions*** from PY16-17 Monitoring and these *required actions* were not reflected in the documentation submitted for PY17-18 Annual Monitoring. As a result, these observations have been elevated to Areas of Concern.

Area of Concern #5:
The Central Oklahoma Workforce Innovation Board website is not consistent with modern accessibility standards (Section 508 of the Rehabilitation Act, 36 C.F.R. Part 1194, and WCAG 2.0 AA). For example, OOWD monitoring team was unable to access content on homepage using only keyboard functionality.

Required Action:
In lieu of utilizing the negotiated Memorandum of Agreement between LWDB and ABLE-tech for an accessible website that meets the above requirements, COWIB notified the State its developing its own accessible website. Please provide OOWD the timeline for the completion of the website with your response to this monitoring. As a reminder, an "accessibility-ready template downloaded through WordPress", does not ensure the above accessibility standards will be met. OOWD recommends working with ABLE-tech throughout the development process to ensure an accessible product is delivered.

COWIB Response: Required Action- COWIB staff at the time of the monitoring were waiting on guidance from OOWD. On October 31, 2018 at training hosted by OOWD, the local areas were polled to see if they would like assistance from ABLE Tech in the development of assessable websites. OOWD then offered a grant to the locals on 1/30/19. The grant deadline was extended February 22, 2019. In the meantime, COWIB staff have been in contact with ABLE Tech to have them assist in the development of an assessable website. COWIB understands that only having "accessibility-ready template downloaded though WordPress" is not all that is involved in developing an assessable website. The expected date of the completed website is 6/30/19.

OOWD Response: The OOWD has reviewed and accepts the COWIB response.

COWIB OJT Policy (2014)

Global Recommendation: Update references from WIA to WIOA.

Area of Concern #6:
Under "Employer Eligibility" it states: "The employer must comply with requirements of the Civil Rights Act with respect to equal opportunity in employment for the OJT position as well as comply with all federal, state, and local laws." This is an incomplete statement of the law.

Required Action:

Please update to include the assurances language at 29 C.F.R. § 38.25 *verbatim,* or by reference to the specific regulation (29 C.F.R. § 38.25) in any agreement or contract.

COWIB Response: Required Action- Policy was emailed to OOWD on 2/22/19.

OOWD Response: Please ensure that for all future policies 29 C.F.R. § 38.25 is referenced, or that the specific language is included *verbatim*, in all agreements and contracts.

Area of Concern #7:
Specific "Equal Opportunity is the Law" notice is not present and telephone number is listed, but no alternative communication listed.

Required Actions:
Please insert the "Equal Opportunity is the Law" notice at 29 C.F.R. § 38.35 in this WIOA-related policy document. The regulations at 29 C.F.R. § 38.36(a) state:

> (a) At a minimum, the Equal Opportunity Notice required by §§ 38.34 and 38.35 must be:
>
> (1) Posted prominently, in reasonable numbers and places, in available and conspicuous physical locations and on the recipient's Web site pages;
> (2) Disseminated in internal memoranda and other written or electronic communications with staff;
> (3) Included in employee and participant handbooks or manuals regardless of form, including electronic and paper form if both are available; and
> (4) Provided to each participant and employee; the notice must be made part of each employee's and participant's file. It must be a part of both paper and electronic files, if both are maintained.

Also, at page 29, in the "Training Agreement Contract," the "Equal Opportunity is the Law" notice must be provided by OJT employer to OJT participants.

Finally, wherever a telephone number is listed, an alternative effective communication method also must be listed, per 29 C.F.R. § 38.15(b).

COWIB Response: Required Action- Policy was emailed to OOWD on 2/22/19.

OOWD Response: Please ensure that all future policies are in compliance with 29 C.F.R. § 38.25 and 29 C.F.R. § 38.36(a).

Area of Concern #8:
WIOA Section 188-related data collection is not addressed. Handling of medical information is not addressed.

Required Actions:
Ensure the OJT policy covers applicable data collection requirements at 29 C.F.R. Part 38 and OWDI 08-2017, Change 2. Participant records, whether they exist in electronic or hard copy, must be maintained for a "period of not less than three years from the close of the applicable program year." 29 C.F.R. § 38.43(a). Confidential information regarding medical conditions or disabilities must be handled, stored, used, and disclosed in compliance with 29 CFR 38.41(b)(3). No notation

other than the self-disclosure of disability information within the demographic section of OKJobMatch and the notation of an accommodation in a case note, without attachment to the disability, may be made within the participant's file. Case management activities should be documented as case notes.

COWIB Response: Required Action- Will be addressed in Adult, DLW and ISY/OSY youth policy by 6/30/19.

OOWD Response: The OOWD has reviewed and accepts the local workforce area's response. No further action is required.

Area of Concern #9:
Each form (attachments) must meet the requirements of 29 C.F.R. Part 38. Examples: (1) Attachment C does not have taglines nor a requirement that the employer "comply with WIOA Section 188" to be eligible; (2) Attachment D does not have taglines; (3) Attachment E does not have taglines or assurances language; (4) Attachment F does not have taglines; (5) Attachment G does not have taglines; (6) Attachment H does not have taglines; and (7) Attachment J does not have assurances language, and cites to WIA language.

Required Actions:

For Attachments C, D, E, F, G, H, I, and J, insert taglines: "Equal opportunity employment/program. Auxiliary aids and services are available to individuals with disabilities upon request." 29 C.F.R. § 38.38(a).

For Attachment C, Employer Eligibility Review, insert a requirement "To comply with WIOA Section 188."

At Attachments E and J, insert the assurances language at 29 C.F.R. § 38.25 *verbatim,* or by reference to the specific regulation.

For Attachment J, update citations from WIA to WIOA. Also, under Section 17, Grievance Procedures, insert the "Equal Opportunity is the Law" notice at 29 C.F.R. § 38.35 and, at Section 25, ensure the nondiscrimination notice is complete:

> No individual in the United States may, on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in any WIOA Title I-financially assisted program or activity, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any WIOA Title I-financially assisted program or activity. 29 C.F.R. § 38.5.

COWIB Response: Required Action – Policy was emailed to OOWD on 2/22/19.

OOWD Response: Please ensure that for all future policies 29 C.F.R. § 38.25 is referenced, or that the specific language is included *verbatim*, in all agreements and contracts.

Transitional Jobs Policy

Global: Update references from WIA to WIOA.

Area of Concern #10:
Specific "Equal Opportunity is the Law" notice is not present.

Required Action:
Insert the "Equal Opportunity is the Law" notice at 29 C.F.R. § 38.35 in this WIOA-related policy document. The regulations at 29 C.F.R. § 38.36(a) state:

> (a) At a minimum, the Equal Opportunity Notice required by §§ 38.34 and 38.35 must be:
>
> (1) Posted prominently, in reasonable numbers and places, in available and conspicuous physical locations and on the recipient's Web site pages;
> (2) Disseminated in internal memoranda and other written or electronic communications with staff;
> (3) Included in employee and participant handbooks or manuals regardless of form, including electronic and paper form if both are available; and
> (4) Provided to each participant and employee; the notice must be made part of each employee's and participant's file. It must be a part of both paper and electronic files, if both are maintained. 29 C.F.R. § 38.36(a).

COWIB Response: Required Action- Policy was emailed to OOWD on 2/22/19.

OOWD Response: Please ensure that for all future policies the specific "Equal Opportunity is the Law" notice is inserted in all policies.

Area of Concern #11: Prohibited bases of discrimination under WIOA not updated.

Required Action:
Ensure the nondiscrimination notice is complete:

> No individual in the United States may, on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in any WIOA Title I-financially assisted program or activity, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any WIOA Title I-financially assisted program or activity. 29 C.F.R. § 38.5.

COWIB Response: Required Action- Policy was emailed to OOWD on 2/22/19.

OOWD Response: Please update the Transitional Job Policy to include the nondiscrimination notice described in 29 CFR §38.5 from above, *verbatim*.

Area of Concern #12:
Attachments are stand-alone documents and do not contain the required EO language.

Attachments C and E had blank pages.

Required Actions:
Ensure Attachment C (Worksite Agreement) contains the assurances language at 29 C.F.R. § 38.25 *verbatim,* or by reference to the specific regulation (29 C.F.R. § 38.25). Attachment E (Model Worksite Orientation Packet) must contain the specific "Equal Opportunity is the Law" notice at 29 C.F.R. § 38.35:

> During each presentation to orient new participants, new employees, and/or the general public to its WIOA title I-financially assisted program or activity, in person or over the internet or using other technology, a recipient must include a discussion of rights and responsibilities under the nondiscrimination and equal opportunity provisions of WIOA and this part, including the right to file a complaint of discrimination with the recipient or the Director. This information must be communicated in appropriate languages as required in § 38.9 and in formats accessible for individuals with disabilities as required in this part and specified in § 38.15. 29 C.F.R. § 38.39.

COWIB Response: Required Action- Policy was emailed to OOWD on 2/22/19.

OOWD Response: Please ensure that the Worksite Agreement and the Model Worksite Orientation Packet include the required language as stated above.

Signed Contract Dynamic Workforce Solutions

Area of Concern #13:
Section XXIII, Participant Grievances, does not include requirements at 29 C.F.R. Part 38.

Required Action:
Ensure contractor understands WIOA Section 188 discrimination complaints processing must comply with 29 C.F.R. § 38.35. In future service provider contracts, please ensure clarity around the EO and nondiscrimination responsibilities.

COWIB Response: In future contracts we will ensure clarity around the EO and nondiscrimination responsibilities.

OOWD Response: The OOWD has reviewed and accepts the local workforce area's response. No further action is required.

Area of Concern #14:
Assurances language not present.

Required Action:
Insert the assurances language at 29 C.F.R. § 38.25 *verbatim,* or by reference to the specific regulation (29 C.F.R. § 38.25). In future service provider contracts, please ensure clarity around the EO and nondiscrimination responsibilities.

COWIB Response: Attached is contract modification #5 (see Attachment 4).

OOWD Response: The OOWD has reviewed and accepts the local workforce area's response.

Area of Concern #15:
OOWD reviewed the "Personnel Policy and Procedures Manual." The "Equal Opportunity is the Law" notice is not included.

Required Actions:
Insert the "Equal Opportunity is the Law" notice at 29 C.F.R. § 38.35 in this manual. The regulations at 29 C.F.R. § 38.36(a)(3) state:

> (a) At a minimum, the Equal Opportunity Notice required by §§ 38.34 and 38.35 must be:
> (3) Included in employee and participant handbooks or manuals regardless of form, including electronic and paper form if both are available . . .. 29 C.F.R. § 38.36(a)(3).

COWIB Response: Policy was emailed to OOWD on 2/22/19.

OOWD Response: The OOWD has reviewed and accepts the local workforce area's response. No further action is required.

State Monitor Note concerning Required Actions:
Please provide documentation of the completion of each Required Action in Section 7 and/or a timeline for the completion of any remaining Required Actions by June 30, 2019.

CONCLUSION:

Please note that all local policies must be sent to OOWD as they are brought into compliance with WIOA provisions, as per the Governor's Oversight and Monitoring Plan, OWDI #11-2017. The local area timeline for bringing local policies into compliance with state policies and WIOA provisions is June 30, 2019. An exception to this is the Accounting Policy, Procurement Policy, and Youth Contact Policy, which should be updated by September 1, 2019.

The observations, recommendations and required actions, and findings contained in this report are the responsibility of the local board as the subrecipient of Title I funds. It is ultimately the responsibility of each Title I subrecipient to ensure all workforce activities meet all Federal, State, and local requirements.

Please thank your staff for the hospitality and cooperation provided during the visit conducted by the OOWD Program and Policy Team. We look forward to continuing the excellent working relationship with your office. Our office is available for any technical assistance or support you might need.

Oklahoma Office of Workforce Development

PY17 MONITORING REPORT

Eastern Oklahoma Workforce Development Area

OOWD Monitor:
Connie Littleton
Emmit Grayson
Sandy Elledge
Lindsey Workman
Darcee Simon
Kristy Austin
Jared Bates

March 11, 2019 through March 15, 2019

Oklahoma Office of
Workforce Development
900 N Portland Avenue
Oklahoma City, OK 73107

MONITORING DATES:
March 11, 2019 through March 15, 2019

The Oklahoma Office of Workforce Development (OOWD) reviewed Program Year 17 (PY17), which covers the period from July 1 2017- June 30 2018.

SECTION 1 – LOCAL MONITORING

Youth Monitoring

The local area youth program monitoring was comprehensive and in line with the local area monitoring process.

Adult and Dislocated Worker Monitoring

Observation #1-1: Local programmatic monitoring of the Adult and Dislocated Worker Programs was conducted in accordance with the Eastern Workforce Development Board's Monitoring Policy and Procedure. The local workforce development board performed annual monitoring of seventeen (17) Adult and seven (7) Dislocated Worker (DLW) files, as documented by Adult and DLW Review Sheets that were submitted to OOWD. However, there was no written summary of the monitoring activities as required by OWDI 11-2017, which became effective August 16, 2017.

Required Actions: Please provide a written summary of the programmatic monitoring that occurred October 16, 2017 thru January 31, 2018. Also, please verify whether there were any work experience and/or on-the-job training (OJT) placements for individuals enrolled in the adult programs in PY17, and provide verification of worksite monitoring of adult programs, as appropriate.

EWDB Response:
Please find the attached written summary of the programmatic monitoring that occurred for PY 17. Verification of worksite monitoring was uploaded in the tool. There were no WE for the Adult programs during this period.

OOWD Response: OOWD accepts this response and no further action is required.

Fiscal Monitoring

The Eastern LWDA fiscal monitoring was broad and in compliance with their own monitoring policies.

Observation #1-2: The Eastern LWDB did not provide a narrative on its PY17 subrecipient fiscal monitoring; only working papers were submitted to OOWD.

Required Action: OOWD is requesting Eastern LWDB to provide a narrative report that supports the working papers that were submitted as proof of monitoring of its sub-recipient. This documentation will assist OOWD in determining that financial compliance has been met.

EWDB Response:
Please find the attached narrative report that supports the working papers submitted as proof of

monitoring of the subrecipient.

Financial Recommendation: The Eastern LWDA, along with its fiscal agent, should maintain good written documentation, which includes monitoring reports, findings, corrective actions, and resolutions for each fiscal monitoring conducted in order to be consistent with OOWD's monitoring guidance, OWDI #11-2017.

OOWD Response: This requirement has been completed and is closed.

SECTION 2 - DESIGN AND GOVERNANCE

The board certification of the Eastern LWDB is complete and the board has met all the requirements set forth by the Workforce Innovation and Opportunity Act (WIOA) and the Governor's Council for Workforce and Economic Development.

Observations from Review of Policies and Documentation:

Bylaws & Proxy/Alternative Designee Voting Process

Observation #2-1: Eastern LWDB's by-laws do not include a policy or process for an alternative designee process for board members to follow when they are unable to attend a meeting. Eastern LWDB's by-laws state, "Proxy voting and alternates are prohibited" (Section 7.04 Decision-Making, b). Oklahoma Workforce Development Issuance (OWDI) #05-2017 (A. Local Policy Requirements) requires, "The proxy and alternative designee process that will be used when a local workforce development board (LWDB) member is unable to attend a meeting and assigns a designee per WIOA." However, with reference to the Oklahoma Open Meeting Act, the Oklahoma Attorney General Opinion No. 82-17 (January 20, 1982) states a "Member of board operating under Open Meeting Act cannot delegate his right to vote at a meeting to another member by use of a proxy", thus the use of a proxy by a workforce board in its meetings would be in violation of Oklahoma statute. Therefore only an alternative designee process may be utilized in Oklahoma, per § 679.310 (g) (4), §679.110(d)(4), and §679.340.

Required Action: Eastern LWDB must work with the Chief Elected Official to revise its by-laws and ensure compliance with the WIOA rules and regulations and OWDI #05-2017, thus allowing for the use of an alternative designee. The revised by-laws must be submitted to OOWD for review.

EWDB Response:
Eastern will work with the Chief Elected Official to revise its by-laws and ensure compliance with WIOA rules and regulations. We will utilize the anticipated updates to OWDI #05-2017 to ensure state compliance. Once complete, the revision will be submitted to OOWD for review.

OOWD Response: Response received – thank you for your attention to this required action item.

Executive Director Authorization to Change or Update Policies

Observation #2-2: The July 9, 2017 EWIB Executive Committee minutes stated "Discussion and Vote to Authorize Executive Director to make mandated State and Federal Changes or Updates to EWB Policies", which suggests that board approval and oversight is not required for potentially substantive policy changes and exceeds the scope of policy implementation and technical assistance responsibilities of Board Staff.

Recommended action: The local board must clarify the role and extent to which the Executive Director

may make policy changes or updates to ensure appropriate board oversight and compliance with the board responsibilities to "conduct oversight of youth, adult, dislocated worker activities, and the entire One-Stop delivery system in the local area" (OWDI #03-2018 WIOA Roles and Responsibilities). Please provide an agenda, minutes and any supporting documentation related to this board discussion. EWIB should draft policy language regarding this authorization and include this language in forthcoming policies and policy revisions.

It is ultimately the local area's responsibility as a sub-recipient of federal funds to ensure that local policies are in compliance with all acceptable laws, regulations, uniform administrative requirements, and state policies.

EWDB Response:
Eastern will review the OOWD recommendation, and revisit the authority of the Executive Director to execute state and federal requirements.

OOWD Response: Response received – thank you for your attention to this recommended action item.

Observations from On-Site System Monitoring:

Observation #2-3: During the tour of the Okmulgee American Job Center, the center manager stated that few classes for job-seekers (outside of Adult Basic Education- GED classes) have been offered at the center in the past few months. There was also discussion on the decline in the number of customers entering the facility, which could be related to the location of the facility as well as the pending relocation.

Recommended action: Continue to monitor daily customer service rate, conduct a needs assessment, and analyze this information in order to develop a strategic outreach plan for the transition into the new center location. The workforce area may look at adding additional services and classes, including building a resume and interviewing, in order to help promote awareness of Oklahoma Works, engage clientele in the new location, which could help increase daily customer service rate.

EWDB Response:
Eastern will review the need for additional services being offered in Okmulgee.

OOWD Response: Response received – thank you for your attention to this recommended action item.

Best Practices:

The on-site visit demonstrated evidence of strong partnership and collaboration between collocated partners (OESC, WIOA, DRS, ABE). The OOWD observed strong relationships and cross-agency communication that prioritizes a seamless transition in service delivery and meeting customer needs. Partners go above and beyond to assist customers in reaching their goals and providing for the customer needs.

SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS

The OOWD has determined that the Eastern LWDB demonstrates adequate capacity to perform the broad management functions required to operate federally funded workforce development grants. Prior to and during the on-site financial monitoring, administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, contracting,

and procurement samples were reviewed. After review of working papers, policies, and processes, the following observation and required actions have been determined.

Observations #3-1: In review of the Supportive Service policy, it was determined that the policy does not have guidelines or guidance related to the process of determining cost allowability related to the participant rental assistance payments.

Required Action: Eastern LWDB must establish guidelines and a process that will assist in determining whether the rental assistance payments are allocable, necessary and reasonable for the performance of the Federal award. . Eastern LWDB must update all policies regarding participant rental assistance payments to reflect UG at 200.403-405.

EWDB Response:
Eastern will develop guidelines to address rental assistance payments.

OOWD Response: This requirement remains open.

Recommendation: Eastern LWDB should require the following documentation to accompany participant rental assistance payments and supportive service request:

- Rental lease/Letter from lessor (proof of occupants/occupancy)
- Rental status (determines current rental status of lessee)
- Proof of amount due (determine actual cost owed)

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS

OOWD reviewed all of July 2017, November 2017, February 2018, and June 2018 expenditure reports for WIOA contracts along with the corresponding budget, accounting records, and cash requests. In addition, a sampling of board, fiscal agent, and service provider expenditures were selected from the months reviewed. Review of working papers to determine financial and administrative compliance resulted in an area of concern and observation.

Area of Concern #4-1: Backup documentation provided does not reflect how actual cost of the invoice was paid for in an American Express invoice dated 6-2018. This included a USPS invoice in the amount of $ 13.45 to be paid using NR funding, the
Required Action: Eastern LWDB must provide backup documentation to show allowability of cost or proof cost was not charged to WIOA grants. If Eastern LWDB cannot provide the necessary backup documentation that reflects actual expenditures, and if it cannot demonstrate that the costs are allowable under WIOA, then the cost will be considered disallowed.

EWDB Response:
Please find the attached backup documentation, as well as a copy of 20 CFR 683.215 (b) (3) which states that administrative costs, including postage, are allowable.

There was a note on the postage documentation to pay out of the Non Restricted fund. The note was made by an administrative assistant, however in the accounting review it was determined that postage is an allowable cost and was therefore paid with WIOA funds.

OOWD Response: This requirement has been completed and is closed.

Observation #4-2: There appears to be a lack of documentation to determine proof of allowability, necessity and reasonableness of costs. For example, in review of a supportive service payment dated July 10, 2017, for $1140.00 to Ozark Ridge Affordable Housing, the only backup documentation provided in lieu of a lease, was a vendor payment summary from the apartment complex displaying the vendor name, Pretty-Sky Wilden, and non-payment for June and July 2017.

Recommendation Action: Please review the Observation #6 Recommendation for more information.

EWDB Response:
Eastern will develop guidelines to address rental assistance payments.

OOWD Response: This requirement remains open.

SECTION 5 – DELIVERY OF ADULT AND DLW SERVICES

The Eastern LWDB anticipates local adult and dislocated worker (DLW) policies will be brought into compliance with WIOA and current state policies by June 30, 2019.

OOWD's comprehensive review of the Adult and Dislocated Worker (DLW) programs consisted of a random pull of six Adult and five DLW files, as well as a review of local programmatic monitoring.

Area of Concern #5-1 – Individual Employment Plan (IEP): An IEP is described as an ongoing strategy developed by the participant and the career manager that identifies employment goals, appropriate achievement objectives, and the appropriate combination of services to achieve the employment success of the individual. The Client Involvement Statement currently in use by the Eastern LWDB as part of the IEP states that "the IEP is a general plan of services and training and is neither an entitlement nor a contract between the program and the customer." Guidance has recently been received from the Department of Labor (DOL) - Employment and Training Administration that the Individual Employment Plan (IEP) is an agreement/contract between the WIOA program and the program participant. In addition, DOL found that local IEP development did not clearly identify the employment goals, appropriate achievement objectives, and the appropriate combination of services to achieve the employment success of adults or dislocated workers. Oklahoma's Adult and DLW policies in effect during PY17 (OWDI #06-2016 and OWDI # 19-2017) require an IEP to be developed for each individual determined eligible for Adult or DLW program services. An IEP taskforce, facilitated by OOWD, that includes both board and service provider staff from across the state is currently addressing this area of concern. The processes to ensure all local workforce areas incorporate the required elements of an IEP in one detailed document that can be readily shared with the participant should be in place no later than June 30, 2019.

Required Action: The Client Involvement Statement that is currently in use by the Eastern Workforce Development Area must be modified to reflect that the IEP is an agreement between the WIOA Program and the participant. Please revise the local Client Involvement Statement and submit a copy to OOWD. Subsequent modification of Eastern LWDB's IEP may be necessary once the new IEP state policy and other pertinent elements are in place.

EWDB Response:
Eastern's current Client Involvement Statement is in alignment with current guidance. Eastern will modify the Client Involvement Statement to reflect that the IEP is an agreement between the WIOA Program and the participant once the new IEP state policy and other pertinent elements ae

in place. The revised Client Involvement Statement will be submitted to OOWD.

OOWD Response: OOWD accepts this response and no further action is required.

Area of Concern #5-2 – Training Program Inclusion on the Eligible Training Provider List (ETPL): Guidance has been provided to the local board to suggest they consider changing the local procedure for approving training programs on the ETPL. This suggestion mas made to ensure local programs are considered for inclusion on the ETPL in a timely manner. OWDI #03-2016 requires local boards to establish, maintain, review and update annually a list of existing or emerging occupations that are determined to be in demand, however there is no state or federal requirement for the Eastern LWDB to approve each training program. It is the responsibility of the local ETPL administrator to approve individual training programs based on several criteria, including whether the program trains for in-demand occupations or those with a high potential for sustained demand or growth in the local area, as determined by the LWDB. The State then makes the final determination regarding each training program's inclusion on the ETPL.

Required Action: It is required that Eastern LWDB review its policy on approving training programs for the ETPL and ensure that the new process allows for training programs to be approved in a timely manner. Please provide an agenda from the Board Meeting where the ETPL process is addressed and the outcome of the discussion.

EWDB Response:

Eastern will review its policy and procedure on approving training programs for the ETPL. An agenda from the Board Meeting will be provided to OOWD.

OOWD Response: OOWD has provided additional ETPL guidance to Eastern's Executive Director Board for the June 19, 2019 presentation to the Eastern Workforce Development Board. The local area's response is accepted.

Observations from Adult Files:

PID 1245285:

This file is an excellent example of braided funding. The participant was a recipient of Temporary Assistance for Needy Families (TANF) who attended the Business program at Oklahoma State University Institute of Technology (OSU-IT). Tuition was paid with a Pell grant, with additional classroom services and an internship placement provided through a Higher Education/TANF collaborative agreement. Title I Adult formula funds provided job readiness services (resume assistance, interviewing skills, and job search training), as well as supportive services. The participant received an Associate degree and then transferred to Northeastern State University (NSU) to attain a Bachelor's Degree in Health Care Administration. While at NSU, fall 2016 and spring 2017 tuition were paid through a Pell grant and an Oklahoma Tuition Aid Grant (OTAG). The cost of tuition and books for summer 2017 semester were paid with WIOA funds as the participant did not receive financial aid for the term. She also worked part time at the local Chamber of Commerce during the summer of 2017. While at the Chamber, she decided to change her major to Organizational Leadership, understanding that WIOA would not fund the revised training program. She withdrew from NSU midway through the spring semester of 2018, and accepted full time employment as an administrative assistant at the Chamber, earning $8.50 per hour. The client has since returned to OSU-IT as a full time employee where she earns $12.58 per hour as an administrative assistant.

Area of Concern 5-3: Although the participant's story is an example of a strong local partnership and of braiding funds, it is also an example of a situation where the IEP was not followed, resulting in changed employment and training goals without appropriate career counseling/career guidance. An IEP is intended to be jointly developed with the participant, and changes to the employment goal must be mutually approved. WIOA funds were utilized for the cost of a degree that the participant ultimately chose not to complete. Instead she opted to accept employment at a low rate of pay, rather than following through with a career pathway that could lead to employment in an in-demand occupation in health care administration. A June 2018 program note indicated the participant had "no plans to return to school for a few years". The case manager is encouraged to offer financial literacy education to the participant and to encourage degree completion in the in-demand field of training in which she started, while she retains employment. This plan may entail referrals to partner entities for financial assistance and/or support services. It should be noted that employment at a self-sufficient wage is an expected outcome of WIOA funded training programs.

Required Action: The Individual training account (ITA) balance form does not reflect the cost of training as entered on the ITA voucher or the entries in the Adult Service and Training (S&T) plan/FiscalLink. Based on the expended amounts shown in FiscalLink, $237.21 should have been de-obligated instead of $1,487.20, as shown on the ITA balance sheet. Please provide accounting documentation to show the correct reconciliation of expenditures.

EWDB Response:
The de-obligated amount of 1487.20 is correct. The data in Fiscallink was not reconciled to reflect the final statement balance for the participant. Please see the attached accounting documentation that demonstrates the reconciliation of expenditures.

OOWD Response: The accounting records received correctly reconcile expenditures. No further action is required.

PID 1824636:

This young adult did not meet eligibility requirements to qualify as an out-of-school youth (OSY). She had completed High School and was attending the Allied Health program at OSU-IT when she requested financial assistance to complete her goal of becoming a Physical Therapy Assistant (PTA). The participant was enrolled in the Adult program in March 2017 and maintained regular contact with case managers throughout the enrollment. She was persistent in her pursuit to get tuition assistance for furthering her education in the medical field, and was willing to consider other training providers to achieve her goal of becoming a PTA or Occupational Therapy Assistant (OTA). Program notes indicate the OTA program the participant was considering had not yet been placed on the board meeting agenda or executive meeting. PTA programs at Tulsa Community College (TCC) and Indian Capital Technology Center (ICTC), and the Nursing program at OSU-IT, were also mentioned as training options in program notes, with no documented career guidance to mutually determine the best path for the participant to achieve her employment goal or modify the goal. Recent program notes indicate she still intends to pursue PTA training and has not received WIOA assistance with tuition costs.

Recommended Action: The local area is encouraged to contact the participant to determine continued interest in her chosen career pathway and providing services, as appropriate per state and local policies.

EWDB Response:

CM still continues to try to contact participant to encourage her to participate in her chosen career pathway to include services as appropriate per state and local policies.

OOWD Response: OOWD acknowledges this statement and appreciates the extra effort, as demonstrated in program notes.

PID 716353:

The participant had worked as a Heavy Equipment Operator and Truck Driver for several years but had no credential or certification in the field. Justification for training was based on better opportunities for employment and the perception that he was less likely to be laid off with the attainment of a Commercial Driver's License (CDL). He was hired upon program completion, earning $20.25 per hour, 40 hours or more per week. The case manager provided excellent monthly follow up documentation, which included inquiries about the individual's job satisfaction, updates regarding route expansions and changes in his work schedule, as well as reminders to contact the case manager if any employment issues develop.

No action is required.

PID 358218:

The participant received WIOA funding each trimester from September 3, 2014 thru August 22, 2016 to the amount of attendance costs not covered by her Pell grant and provider-awarded scholarship. WIOA supportive services funds were utilized for the participant's travel costs. Upon completion of an Associates in Allied Health Sciences degree from OSU-IT, the participant decided to further her education without consulting her case manager. She enrolled at NSU and was determined eligible for services from the Department of Rehabilitation Services (DRS). There were no WIOA expenditures in PY17. Although the participant failed to respond to efforts by the case manager to monitor training progress, information regarding the student's progress was obtained through the DRS partner. The client is scheduled to graduate from NSU in the spring of 2019 with a Nutritional Sciences Degree, Dietetics Option.

No action is required.

PID 714259:

This participant, employed as a Licensed Practical Nurse (LPN), requested WIOA assistance to complete the LPN to Registered Nurse (RN) Bridge program at OSU-IT. At the time of her Title I Adult enrollment, she was no longer Pell eligible as she had exhausted the grant to obtain her LPN. The first trimester of the Bridge program was paid by the participant prior to her WIOA application. The spring term was paid with WIOA funds. She was placed on probation for failure to successfully complete a required course, which she planned to retake in the fall. During the summer she accepted full time employment as an LPN at a local hospital, and opted not to return to training. She is currently employed full time as an LPN earning $18.00 per hour.

No action is required.

<u>Observations from Dislocated Worker files:</u>

PID 1801201:

Due to a reduction in force (RIF), the participant was laid off after 19 years of employment with the Cherokee Nation Indian Health Services where she had held jobs as a Medical Technician and Physical Therapy Clerk III. She supported her family with her severance package and unemployment benefits (UI) for approximately a year before seeking funding for training. After completing numerous applications and interviews, she determined that she needed training to achieve her career goal in the field of human resources/business administration. She was referred to Cherokee Nation Career Services and received a Pell grant. With three dependents, she planned to work full time and attend college part time. She was only able to find part time employment at minimum wage however, and soon decided to discontinue her education due to financial concerns. She was able to return to the Cherokee Nation Hastings Hospital on January 7, 2019. She currently works as a Physical Therapy Clerk III, earning $9.50 per hour, 40 hours per week. The participant indicated plans to enroll in an advanced medical coding course and will seek financial assistance through the Cherokee Tribe when it is determined she can handle training while working full time.

Recommended Action: Program notes indicate the participant's employment at the Cherokee Nation entailed working with medical records. She completed career research in October 2017 that indicated her skills would be more marketable outside of the Cherokee Nation with an American Health Information Management Association (AHIMA) Medical Coding course. It is recommended that the case manager encourage the participant to explore online AHIMA Coding courses and research the average salary for medical coders in the region in which she resides. It is also recommended to offer financial literacy education and coordination of services to assist the participant with additional training to achieve a self-sufficient income for her family of four.

EWDB Response:
The career manager recognizes the importance to continue to reach out to the participant to provide additional counseling related to AHIMA Medical Coding courses and other educational opportunities. The career manager continues to reach out to this participant to offer guidance and services as appropriate; however, has not been successful in the attempts to connect with the participant.

OOWD Response: Program notes document the additional effort put forth by the case manager. No additional action is required.

PID 1807816:

The participant was a displaced homemaker who received Title I funding to attend the LPN program at Green Country Technology Center. She successfully completed training in December 2017 and was issued her license in February 2018. Since that time the case manager has been provided many job referrals, including those that could assist with the cost of additional training, as becoming an RN is her long term goal. The last conversation with the participant was on May 15, 2018. At that time the she had not accepted employment and planned to enroll in the Bachelor of Science in Nursing (BSN) program at the University of Oklahoma-Tulsa in the fall of 2018. Service provider staff has continued to document attempted monthly contacts to request training and employment updates, and to offer services.

No action is required.

PID 916643:

The participant was laid off from the U.S. Department of Agriculture where his job included information technology (IT) job duties. With no formalized IT training or credential, he was determined to be in need of individualized career and training services to help him reach his career goal of becoming an IT Technician. The participant was not Pell eligible and WIOA training funds were not utilized for training costs as the participant already had a Bachelor's degree in Business Administration. The participant made monthly payments to the technology center for the cost of training, utilizing savings and income earned by his spouse. The case manager remained in contact after program completion and monitored the participant's job search progress. He has attained full time employment with benefits at the City of Tahlequah, two months after the completion of IT training. His job title is Computer Support Specialist.

No action is required.

PID 120693:

This dislocated worker's training was funded by the Trade Adjustment Assistance (TAA)/WIOA Dual Enrollment Project. She received a Bachelor of Technology, Information Technologies Software Development in April 2018 and has been seeking employment. WIOA has provided job referrals and work readiness activities, including resume assistance and interviewing skills. As of the last client contact on January 10, 2019, the participant indicated she was still searching for employment and was given three additional job referrals. A mock interview arranged with a local employer in July 2018 proved to be very informative, indicating the participant's interviewing skills needed work and her resume was too long and included irrelevant information.

Recommended Action: The participant has not yet exited. It is recommended that additional employment readiness and job search skills be provided for the participant. Please refer to the July 23, 2018 program note for details regarding the client's mock interview and resume. It may also benefit the participant to be placed in work experience or other work-based learning to get more insight into her work history. There appears to have been several short-term jobs that may have been contracted employment and significant gaps in employment.

Required Action: Documentation from OSU-IT shows payments from the Eastern LWDB totaling $12,234.01, while FiscalLink reflects total TAA payments to WIOA in the amount of $12,100.85 for the time frame August 22, 2016 thru March 30, 2018. Please determine if an additional payment is due from TAA to reconcile the $133.16 difference, and notify the State TAA Coordinator, as appropriate.

EWDB Response:
Please see the attached documentation regarding the payments to OSUIT. Based on the documentation, the amounts paid are correct. The CM will continue to reach out to the participant regarding additional services that may benefit the participant.

OOWD Response: Supporting documentation received from EWDB indicates payments to OSU-IT are correct and no additional funds from TAA are required.

PID 1815430:

The participant was a young adult who did not meet the criteria to be considered an OSY. He completed the Air Conditioning and Refrigeration Technician program at OSU-IT. Training was funded with a Pell Grant, a Federal Supplemental Educational Opportunity Grant (SEOG), and an Oklahoma Tuition Aid Grant

(OTAG). Title I funds were used to supplement the portion of training costs not covered by the Federal and State financial aid. The participant's credential has not yet been provided, and has been requested by the case manager. He has indicated a need for job search assistance, which was scheduled by the case manager as of the last client contact.

No action is required.

Best practices:

- The service provider has implemented a procedure to place participants in job shadowing for one or two days prior to placement in a training program to ensure participants have a realistic picture of their chosen employment goal. They have also implemented a process to stack a job shadowing placement with a work experience, when appropriate, to further solidify that the employment goal the individual has chosen is the best option for the individual in the long term.
- The service provider has processes in place to ensure that barriers are addressed prior to the start of training. Individualized services and referrals to partner entities may be made while clients are waiting to get into the training program of their choice These services may include financial and career counseling prior to the development of an ITA, upfront soft skills or learning skills, a high school equivalency, or other services to help ensure better participation in a training program.
- The coordination of services between system partners for Adult and DLW participants in the Okmulgee Oklahoma Works American Job Center (OWAJC) is exceptional. The delivery of services appears to be seamless, with "warm handoffs" between the partner entities rather than sending participants to the next entity with only a paper referral.

SECTION 6 – DELIVERY OF YOUTH SERVICES

An observation of the Eastern LWDB Region Cumulative 4-Quarter Reporting Period report indicates the local area has continued its focus on the WIOA primary target population of out-of-school youth.

Of the total youth who received WIOA services during the monitoring review period, a comprehensive review was conducted on 10 enrollments that consisted of 9 out-of-school youth (OSY) and 1 in-school youth (ISY).

- The monitoring sample indicated the Eastern LWDB is serving the WIOA eligible/target population.
- The Eastern LWDB has developed an individual service strategy (ISS) that identifies and meets the specific needs of each participant.
- Supportive services are being provided as needed to overcome barriers to participation and completion of the ISS.
- Overall, participants are receiving services as needed and are progressing in accordance with their goals.
- It is recommended that Eastern LWDB focus on increasing the number of youth with credential attainment.
- Comments on follow-up services are outlined below

Observations from Review of Youth Files:

Participant 834634:

The youth was a dropout at enrollment, however he ultimately passed his General Educational Development (GED) assessment and received the High School Equivalency Diploma while participating in the WIOA Youth Formula Program.

It is noteworthy that the youth continued to work at Steward Martin Kubota Sales & Leasing after exit from the WIOA Youth Formula Program. However, on November 2, 2018 the youth was terminated for attendance and repeated tardiness. Once the youth informed the case manager of his termination, the case manager began assisting the youth with filing for unemployment and also provided the youth with job leads to consider applying for. The youth has entered follow-up and the service was entered in OkJobMatch. During follow-up, which was provided consistently, the local area communicated with the youth in relation to his job and activities that help prepare for and transition to postsecondary education and training, and adult mentoring. He is currently in follow-up and as of 3/12/19 the case manager and the youth were discussing his job search and the interview that he had the week prior at Paragon in Sapulpa. The case manager also reminded the youth of training opportunities with the tribe and of the follow-up services available. This example is reflective of the local areas servicing in the local youth program.

No action is required.

Participant 1018148:

The youth's goal was to increase his math educational functioning level by at least one level. This did not occur and the result was a program exit without the basic skills goal nor any other goal being set or attained.

Recommended Action: The local area needs to continue to encourage the youth to participate in the program, escalate communication with youth that display high risks of premature exit from the program and increase the incentives in order to ensure that skills goals set will be achieved. Such incentives for achievement include improvements marked by acquisition of a credential or other successful outcomes.

EWDB Response:

The recommended action will be implemented. The career managers will participate in training to recognize those youth who display high risks of premature exit from the program. Comprehensive wrap around services will be offered to encourage their continued participation and success.

OOWD Response: The OOWD has reviewed and accepts the local workforce area's response. No further action is required.

Participant 1002648:

There were no findings or observations. It is noteworthy that the local area continued to push the youth to further increase her educational functioning level in math after the initial post testing increase. The second post test score designates the youth as no longer basic skills deficient in math.

No action is required.

Participant 1861339:

The youth did not participate in the program due to him not responding or showing up for services. He was advised of follow-up and refused it as well by indicating he no longer wished to be contacted.

Recommended Action: The local area needs to continue to encourage youth to participate in the program and escalate communication with youth that display high risks of premature exit from the program.

EWDB Response:

The recommended action will be implemented. The career managers will participate in training to recognize those youth who display high risks of premature exit from the program. Comprehensive wrap around services will be offered to encourage their continued participation and success.

OOWD Response: The OOWD has reviewed and accepts the local workforce area's response. No further action is required.

Participant 1847439:

The youth goal was to receive a General Educational Development (GED) through Union Public Schools. The goal was set but not attained as the youth exited the program without completing the goal. It was a plus that the work experience was aligned with the career goal. However, his initial goal of receiving the GED was not accomplished.

Recommended Action: The local area needs to continue to gather as much contact information, including social media contact information, and communicate with the youth through those mediums during intake, enrollment and servicing. It is difficult to keep youth engaged when we have no social media contact as primary and alternate contact information.

Escalate communication with youth that display high risks of premature exit from the program, and utilize incentives and consider increasing the incentives in order to ensure that the goal set, such as EFL and credential attainment (i.e., the GED), is achieved.

EWDB Response:

The recommended action will be implemented. Eastern has required additional contact information to include social media, and escalated outreach communication efforts continue to be a significant component of CM training. The career managers will participate in training to recognize those youth who display high risks of premature exit from the program. Comprehensive wrap around services will be offered to encourage their continued participation and success.

OOWD Response: The OOWD has reviewed and accepts the local workforce area's response. No further action is required.

Participant 1160645:

In error, the goal for the client was described as, "Client is basic skills proficient in Reading and Math." However, the youths test results indicate she was basic skills deficient in reading and math. There was also no re-testing completed before program exit to determine if the educational functioning level agreed to had been achieved.

Recommended Action: Due to the youth having deficiencies in reading and in math, please continue to encourage the youth to participate in the program, escalate communication with youth that display high risks of premature exit from the program, and consider increasing the incentives in order to ensure that basic skills goals set will be achieved.

EWDB Response:

The recommended action will be implemented. The career managers will participate in training to ensure accurate information is articulated consistently throughout the participants file. Comprehensive wrap around services will be offered to encourage their continued participation and success.

OOWD Response: The OOWD has reviewed and accepts the local workforce area's response. No further action is required.

Participant 1826048:

There were findings or observations.

No action is required.

Participant 1858017:

Basic Skills Deficiency Goal: The youth's goal was to increase her reading and math educational functioning levels to a proficient level. This did not occur and the result was a program exit without the basic skills goal nor any other goal set being attained.

High School Equivalency Goal: The youth goal was to receive a General Educational Development (GED) through Union Public Schools. The goal was set but not attained as the youth exited the program without completing the goal.

Training Goal: The youth was also enrolled in work experience with an employer but the work experience was not successful.

Recommended Action: Escalate communication with youth that display high risks of premature exit from the program, and utilize incentives and consider increasing the incentives in order to ensure that the goal set, such as EFL and credential attainment (i.e., the GED), is achieved.

EWDB Response:

The recommended action will be implemented. The career managers will participate in training to recognize those youth who display high risks of premature exit from the program. Comprehensive wrap around services will be offered to encourage their continued participation and success.

OOWD Response: The OOWD has reviewed and accepts the local workforce area's response. No further action is required.

Participant 1884699:

Occupational Skills Goal: The client goal is to complete Certified Nursing Assistant (CNA) training.

Employment Goal: The goal is to become employed as a CNA after completion of her training.

No goals were achieved and the youth did not participate in any program elements due to no contact with the local program.

However, the local area did its diligence documenting and recording when the participant could not be located or contacted.

Recommended Action:
The local area needs to continue to gather as much contact information, including social media contact information, and communicate with the youth through those mediums during intake, enrollment and servicing. It is difficult to keep youth engaged when we have no social media contact as primary and alternate contact information.

Escalate communication with youth that display high risks of premature exit from the program, and utilize incentives and consider increasing the incentives in order to ensure that the goal set, such as EFL and credential attainment (i.e., the GED), is achieved.

EWDB Response:
The recommended action will be implemented. Eastern has required additional contact information to include social media, and escalated outreach communication efforts continue to be a significant component of CM training. The career managers will participate in training to recognize those youth who display high risks of premature exit from the program. Comprehensive wrap around services will be offered to encourage their continued participation and success

OOWD Response: The OOWD has reviewed and accepts the local workforce area's response. No further action is required.

Participant 1149384:
There were no findings or observations. The youth has exited the program and is in follow-up. According to her program report, she will graduate with her Bachelor's Degree in the summer of 2019 and is anticipating an internship in Okmulgee Public Schools.

Recommended Action: We recommend that you continue follow-up with this youth as she seems to be receptive to follow-up. There are also five program elements that can also be provided to her; and follow-up does not have to end at twelve months.

EWDB Response:
The recommendation will be implemented. The CM will continue to follow up to include the program elements identified.

OOWD Response: The OOWD has reviewed and accepts the local workforce area's response. No further action is required.

Youth Policy Review:
Please update your follow-up policy so that the five program elements that can be offered during follow-up aligns with the current law. Also revise the Individual Service Strategy (ISS) policy to align with WIOA.

SECTION 7 – EQUAL OPPORTUNITY (EO)

Area of Concern 7-1: The updated Eastern LWDB Grievance and Complaint Process deleted reference to the criminal fraud and abuse standard referenced in 20 CFR § 683.620 (updated from WIA to 20 CFR § 667.630), which was included in the "Grievance Policy updated 10-2012." The policy states:

> "Grievance and complaint procedures do not apply to complaints and reports of criminal fraud and abuse addressed under WIOA. Information and complaints involving criminal fraud, waste, abuse, or other criminal activity must be reported immediately to ***either the EWB executive director, or EWB chairman/board and OOWD complaint division***." [emphasis added].

The updated policy also states, "Grievances or complaints must be filed within one year of the alleged violation."

Required Action: Update the policy to include the requirements at 20 CFR § 683.620. For more information, please review the requirements at TEGL NO. 2-12. In the updated policy, clearly indicate that the one year deadline does not apply to complaints and reports of criminal fraud and abuse under 20 CFR § 683.620.

EWB RESPONSE: This was added to the Grievance and Complaint Policy:
Grievance and complaint procedures do not apply to complaints and reports of criminal fraud and abuse addressed under WIOA. Information and complaints involving criminal fraud, waste, abuse, or other criminal activity ***must be reported immediately*** *as prescribed in the Incident Reporting Policy. Allegations of fraud and abuse will be reported and an incident report filed* ***immediately*** *with the appropriate agencies as specified in the Incident Reporting Policy included in this document, as directed by TEGL 2-12 and 20 CFR-683.620. Fraud and Abuse reports will be filed as dictated in the EWB Incident Reporting Policy contained in the EWB Fraud and Risk Assessment Policy (currently being developed).*

OOWD Response: The OOWD has reviewed and accepts the local workforce area's response. No further action is required.

Area of Concern 7-2: Eastern LWDB Personnel Policy submitted does not include all of the prohibited bases of discrimination in Section 2.1. Section 5.9 outlines a different Grievance and Complaint Process than the Grievance and Complaint Process submitted and omits reference to required EO notice language at 29 C.F.R. § 38.35. Form B is overly broad and could result in the disclosure of legally protected information. Form D does not include the requirements at 29 CFR § 38.39.

Required Action: Update Section 2.1 to include the prohibited bases of discrimination at 38.25(a)(i)(A). Update Section 5.9 to be consistent with Grievance and Complaint Process. Form B must be deleted. Form D must be updated to include the requirements at 29 CFR § 38.39, add the "EO Is the Law" notice at 29 C.F.R. § 38.35.

OOWD Response: The OOWD has reviewed and accepts the local workforce area's response. No further action is required.

EWB RESPONSE:
EWB Personnel Policy, per 29 CFR §38.35; §38.25 and §38.39, has been amended to include:

- All the prohibited bases of discrimination **(P.P. Page 7, §2.1) Copy.** with CFR language highlighted. (Policy uploaded)

- **Page 23, § 5.9 Grievance/complaint** includes highlighted CFR language recommended by OOWD Monitors.

Observation 7-3: Complaint processing procedures references "Washington State Methods of Administration."

Required Action: Remove reference to "Washington State Methods of Administration" and include the "Oklahoma Nondiscrimination Plan." MOA was replaced by the Nondiscrimination Plan (NDP) in WIOA.

EWB RESPONSE: Correction was made. (Page 3 of EWB EO Policy)

OOWD Response: The OOWD has reviewed and accepts the local workforce area's response. No further action is required.

Area of Concern 7-4: The PY 17 documentation submitted under "XVII Participant File Review Checklist" has a box checked "yes" next to the statement "Equal Opportunity is the Law"; the notice is provided to the participant and receipt is documented in the participants file." However, the forms uploaded in Job Match titled "Grievance" in each of the participant files do not match the statutorily required language.

Required Action: Develop an "Equal Opportunity is the Law" notice using the statutorily required language at 29 C.F.R. § 38.35. Include the required contact information for the Local EO Officer, the State EO Officer, and the USDOL Civil Rights Center Director in a separate document from any grievance procedures or notice. The same language in the "Equal Opportunity is the Law" posters distributed to local areas has the accurate statutory language and should be used for the notice in participant files. Additionally, a Babel notice should be added, per 29 C.F.R. § 38.9(g)(3).

EWB RESPONSE: Required poster is in use and has been uploaded to OOWD.

OOWD Response: The OOWD has reviewed and accepts the local workforce area's response. No further action is required.

Area of Concern 7-5: The "Grievance form(s)" uploaded to the participant files reviewed include a section "Orientation to Reporting Grievance" and provide an incomplete statement of the law that conflates grievance issues with civil rights complaints. The "Orientation to Youth Services" form appears to be used to demonstrate compliance with 29 CFR 38.39.

Required Action: 29 CFR 38.39 requires "a discussion of rights and responsibilities under the nondiscrimination and equal opportunity provisions of WIOA and this part [29 CFR part 38]." As such, it is essential the applicable laws and regulations are fully covered at each orientation.

EWB RESPONSE: Please find the attached revised acknowledgement forms.

OOWD Response: The OOWD has reviewed and accepts the local workforce area's response. No further action is required.

Area of Concern 7-6: The Integrated Service Delivery Policy and Procedures submitted for PY17 review did not include changes identified in PY16 monitoring.

Required Action: Remove "physical or mental challenges" language and update the taglines to "Equal Opportunity Employer/Program" and "Auxiliary aids and services are available upon request to individuals with disabilities," as required by 20 C.F.R. § 38.38. Documentation must be added stating "Equal Opportunity is the Law" to the notice using the statutorily required language at 29 C.F.R. § 38.35; also include this in both the paper (if applicable) and electronic files within OKJobMatch to the required documentation for employment plan. The Eastern LWDB must ensure consistency with OWDI 21-2017, Change 1 Data Validation policy requirements

EWB RESPONSE: Appropriate taglines have been added to the policy and it is currently being revised for board approval. **(Policy with noted changes has been uploaded)**

Area of Concern 7-7: Update documents with the assurance language at 29 CFR § 38.25 for the PY16 monitoring "Recommended Action(s)". All MOUs submitted for PY17 review contained a "Nondiscrimination and Equal Opportunity" section, however the MOU does not include the assurance language at 29 CFR § 38.25.

Required Action: Include the assurance language at 29 CFR § 38.25 in all future MOUs and contracts.

EWB RESPONSE: EWB will include all required assurance language required in all future MOUs and Contracts.

OOWD Response: The OOWD has reviewed and accepts the local workforce area's response. No further action is required.

Observation 7-8: OOWD was made aware of an article in the *Muskogee Now* publication that referenced the former executive director of the Eastern LWDB and stated that a lawsuit was filed by the individual alleging racial discrimination. OWDI 13-2017, Change 2 Nondiscrimination and Equal Opportunity Policy, states:

> Per 29 CFR § 38.42, each recipient must promptly notify the CRC Director, State EO Officer, and Executive Director of OOWD when ***any administrative enforcement actions or lawsuits are filed against it alleging*** discrimination 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, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in a WIOA Title I-financially assisted program or activity. This notification must include the information required by 29 CFR § 38.42(a).

Required Action: When the Eastern LWDB is a party to a lawsuit or an administrative action that meets the above requirements, the local workforce board must follow the process provided in OWDI 13-2017, Change 2 and provide the following information, per 29 CFR § 38.42(a):

(1) The names of the parties to action or lawsuit;
(2)The forum in which each case was filed; and
(3) The relevant case numbers

The forum is referring to "A court of justice, or Judicial tribunal; a place of jurisdiction; a place where a remedy is sought; a place of litigation (https://thelawdictionary.org/forum/). The contact information for USDOL CRC is as follows: Email: CivilRightsCenter@dol.gov; Address: 200 Constitution Ave NW; Room N-4123; Washington, DC 20210. Please do not hesitate to reach out to this office if the Eastern LWDB needs additional technical assistance on this issue. To ensure timely reporting for all actions required in the future, OWDI 13-2017, Change 2 will be updated to move any actions to the "Action required" section to assist with clearly communicating the local board responsibility.
[1] https://thelawdictionary.org/forum/

EWB RESPONSE:
Eastern received guidance from OOWD on March 28, 2019. A subsequent notice was submitted to the USDOL. Please see attached.

OOWD Response: The OOWD has reviewed and accepts the local workforce area's response. No further action is required.

Oklahoma Office of Workforce Development

PY17 INITIAL MONITORING REPORT

Northeast Oklahoma Workforce Development Area

OOWD Monitor:
Connie Littleton
Emmit Grayson
Sandy Elledge
Darcee Simon
Kristy Austin
Jared Bates

April 22, 2019 through April 26, 2019

Oklahoma Office of
Workforce Development
900 N Portland Avenue
Oklahoma City, OK 73107

MONITORING DATES:

April 22, 2019 through April 26, 2019

The Oklahoma Office of Workforce Development (OOWD) reviewed Program Year 17 (PY17), which covers the period from July 1 2017- June 30 2018.

SECTION 1 – LOCAL MONITORING

Programmatic Monitoring
Local programmatic monitoring of the Youth, Adult, and Dislocated Worker Programs was comprehensive and complete, and was conducted in accordance with the Northeastern Workforce Development Board's monitoring policy, procedures, and schedule.

Fiscal Monitoring
The Northeast Workforce Development Area's fiscal monitoring was broad and comprehensive and in compliance with their own monitoring policies. The fiscal agent maintains good written documentation, including monitoring reports, findings, corrective actions, and resolutions for each fiscal monitoring conducted.

SECTION 2 - DESIGN AND GOVERNANCE

The board certification of the Northeast Oklahoma Workforce Development Board is complete and the board has met all the requirements set forth by the Workforce Innovation and Opportunity Act (WIOA) and the Governor's Council for Workforce and Economic Development.

Observations from Review of Policies and Documentation:

Bylaws Membership

NEWDB's by-laws state "Employer Members, who cannot attend are encouraged to send alternates. These alternates are not counted in a quorum and do not have voting privileges" (Article IV, 4.4). Oklahoma Workforce Development Issuance (OWDI) #05-2017 (A. Local Policy Requirements) requires, "The proxy and alternative designee process that will be used when a local workforce development board (LWDB) member is unable to attend a meeting and assigns a designee per WIOA." The OWDI requirement applies to all board members, while the by-laws only specify a process for specific "employer" members. There also appears to be conflicting references of board members related to "business members" in the by-laws, which appears synonymous for "employer members".

Recommended Action: NEWDB should work with the Chief Elected Official to review and revise its by-laws and ensure compliance with the policy cited above. Submit the revised by-laws to OOWD for review.

Areas of Concern #2-1:
LEO Consortium Agreement

The revised Agreement between the Northeast Workforce Development Area Local Elected Officials and NEWDB (2/14/18) does not include the designation of a fiscal agent. The model agreement included in

OWDI #04-2016 references "basic content" that is required for all LEO consortium agreements, specifically, section 4: Fiscal Agent Designation. Omission of this section in the revised agreement does not comply with the state policy.

Required action: NEWDB must work with the Chief and Local Elected Officials to revise its agreement and to ensure compliance with the policy cited above. Submit the revised agreement to OOWD for review.

It is ultimately the local area's responsibility as a sub-recipient of federal funds to ensure that local policies are in compliance with all acceptable laws, regulations, uniform administrative requirements, and state policies.

Best Practices:

- The on-site visit demonstrated strong evidence of processes for communicating board priorities with partners and local staff including consortium partner meetings and weekly "stand up" meetings at all centers with centralized meeting content.
- NEWDB engages system partners in the ongoing development of system processes, such as referral tracking systems. NEWDB shows evidence of actively soliciting and responding to feedback from system partners.

SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS

Overall, the Northeast LWDB demonstrates adequate capacity to perform the broad management functions required to operate federally funded workforce development grants. Prior to and during the on-site financial monitoring, administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, contracting and procurement samples were reviewed to determine financial and administrative compliance resulted in no issues found.

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS

The review period for Northeast LWDB monitoring covered July 1, 2017-June 30, 2018. OOWD reviewed all of July 2017, November 2017, February 2018, and June 2018 expenditure reports for WIOA contracts along with the corresponding budget, accounting records, and cash requests. Also, a sampling of board, fiscal agent, and service provider expenditures were selected from the months reviewed. Overall, Northeast LWDB demonstrates adequate capacity to perform the fiscal agent financial management functions required to operate federally funded workforce development grants. Review of working papers to determine financial and administrative compliance resulted in no issues found.

SECTION 5 – DELIVERY OF ADULT AND DLW SERVICES

OOWD's comprehensive review of the Adult and Dislocated Worker (DLW) programs consisted of a random monitoring sample that included five Adult and five DLW files.

Observations from Adult Files:

PID 746665

While enrolled in the Adult program, the participant completed a Certified Nurse Aide (CNA)/Home Health

Aide (HHA) program, as well as Medical Terminology and Nursing Concepts courses, as part of her career pathway to become a Licensed Practical Nurse (LPN). She then accepted employment as a HHA, enrolled in a High School Equivalency (HSE) course, and completed a Certified Medication Aide (CMA) program to gain points for acceptance into the LPN program. She has been working in the medical field since July 2017 and has completed all prerequisites for LPN training except the HSE requirement. Despite the online practice tests recommended by the case manager, she has not completed the math portion of the exam. She accepted employment as an Administrative Assistant, with the cost of the Medical Assistant training paid by her employer. In March 2018 the participant was still employed and reported she was studying for her Clinical Medical Assistant Certification and the math portion of the HSE exam.

No action is required.

PID 1205845

In May 2015 the participant sought assistance with training costs from WIOA for LPN training. His goal was to complete LPN and fast track into the Registered Nurse (RN) program at Northeastern Oklahoma State University (NEO). He received his LPN license in July 2016 and was accepted into NEO's RN program, where he received an associate degree in nursing. He accepted employment as an Emergency Room Graduate Nurse, earning $15.00 per hour with an increase to $21.39 plus shift differential when he passed his NCLEX. He has since set new goals to pursue a Bachelor's of Science in Nursing (BSN) and to eventually become a Family Nurse Practitioner.

No action is required.

PID 1767755

The participant completed LPN training in PY16 while working weekends as a CNA. She was accepted into the RN program at Rogers State College (RSU) but had to forfeit her spot when she did not pass her LPN exam. She returned to employment as a CNA and attained her LPN license in December 2017. Since that time she has been employed full time as an LPN, earning $24.00 per hour. She started classes for an RN license in September 2018.

No action is required.

PID 885083

The participant's long term goal was stated as either Medical Assistant or LPN. Prior to taking maternity leave, she completed CNA/HHA training. Once released from physician's care, she accepted employment at a nursing home, earning $10.00 per hour. Within three months she accepted a new job at the Veterans Hospital earning $14.00 per hour. As part of her career pathway, she completed Medical Terminology and requested CMA training. She did not get into CMA training because there was not a locally approved program on the eligible training provider list (ETPL) at that time. Since June 2018, the case manager has exhausted all means of contact with the participant, including e-mail, Facebook, and personal and alternate phone numbers.

No action is required.

PID 1844762

The participant was in his senior year at RSU when he applied for the Title I Adult program. His degree program required the completion of an internship to graduate with a Bachelors in Social Science. The participant was placed in a Title I work experience (WEX) position at the Mayes County Department of Human Services (DHS), which counted as his internship. He planned to apply for a position at DHS upon graduation, however, he learned in August 2018 that he had been accepted into the Army with an entrance date of January 2019. He had successfully completed all requirements for his Bachelor's degree before his military enlistment began.

No action is required.

Observations from DLW Files:

PID 1841561

The participant was a displaced homemaker with a long term goal of becoming a Nurse Practitioner. She completed LPN training funded by Title I DLW formula funds and institutional aid from Tri County Technology Center (TCTC). Her LPN license was issued July 23, 2018. She accepted employment on the night shift at St. John Health Systems in the medical/surgical unit. Starting wages were $18.81 per hour with full benefits. She is currently working toward the completion of the 1,000 LPN hours required to be accepted into the RN/BSN program at the University of Oklahoma (OU) College of Nursing.

No action is required.

PID 1839700

The participant received unemployment benefits (UI) from the state of Kansas due to a reduction in force at a refinery in Coffeyville, KS. He was determined eligible for the DLW program as he resides in Oklahoma. He completed the Electrical Technology program at Coffeyville Community College (CCC) and accepted employment as an Electrician Journeyman Apprentice. He reported working 58 hours per week at $17.65 per hour, plus per diem and benefits.

No action is required.

PID 806012

This dislocated worker requested WIOA assistance to attend and complete the Medical Assistant training program at CCC. The participant attained certifications and licensure in Phlebotomy Technician, Certified Medical Assistant, and Certified Clinical Medical Assistant. While in training she accepted employment as a Medical Assistant I at an Urgent Care facility. As of the last program note dated April 27, 2018 she was still employed and in follow-up status.

No action is required.

PID 362188

The participant was laid off from employment in auto sales. Although he had previously worked as a cross country truck driver, he required additional training to renew his license with an Interstate Endorsement.

He accepted employment on July 2, 2018, earning $1,200.00 per load.

No action is required.

PID 547524

The participant completed CNA training in June 2018 but has never passed the state exam. She accepted employment unrelated to training at a local casino. The employment was short lived as she was laid off when she had to have surgery and had no accumulated leave. She has not exited from the DLW program, and continues to apply for employment as part of her open Reemployment Services and Eligibility Assessments enrollment. Program notes indicate she continues to receive job leads from her Title I case manager and that she is actively seeking employment.

Observation #5-1: It is the State Monitor's observation that the participant may no longer be motivated to pursue employment in the medical field, or she may not have the capacity to work in the field due to two reported surgeries. Her statement (documented in a 3/11/19 program note) that CNA is "hard physical work" plus her inquiry as to whether she "had to get her certification" may be an indication that her employment and training goals need to be revised. Additionally, when asked by the case manager to meet at the workforce center, the participant stated that she does her job search from home and "it is going well". She has also stated that she was not sure at this point what career pathway she wanted to pursue.

Recommended Action: As this participant has not yet exited as of May 13, 2019, it is suggested that the case manager send an appointment letter to the participant requiring an in-person meeting to re-evaluate the participant's IEP, which must include setting a realistic employment goal and a timeline for each achievement objective. The IEP must be developed jointly with the participant, and the case manager must address whether the participant's stated employment goal is realistic and achievable, based on a current evaluation and taking into consideration barriers identified in the basic employment plan (BEP) and program notes. A discussion with the local Wagner-Peyser partner is also recommended to determine whether the participant is meeting all requirements for the RESEA program and continued eligibility for services. The participant should be given an opportunity to state whether she wants continued WIOA and RESEA services, and whether she plans to comply with all programmatic requirements.

SECTION 6 – DELIVERY OF YOUTH SERVICES

An observation of the Northeast Workforce Development Board (NEWDB) Region Cumulative 4-Quarter Reporting Period report indicates the local area has continued its focus on the WIOA primary target population of out-of-school youth.

Of the total youth who received WIOA services during the monitoring review period, a comprehensive review was conducted on 10 enrollments that consisted of 9 out-of-school youth (OSY) and 1 in-school youth (ISY).

- The monitoring sample indicated the LWDB is serving the WIOA eligible/target population.
- The LWDB has developed an individual service strategy (ISS) that identifies and meets the specific needs of each participant.
- Supportive services are being provided as needed to overcome barriers to participation and completion of the ISS.
- Overall, participants are receiving services as needed and are progressing in accordance with their goals.
- Work experience expenditures were above the 20% benchmark for the program period.

- Please review requirements and recommendations on follow-up services.

Results from the Review of the Youth Files:

Participant 1845360

Observation #6-1: The local program did not offer the youth a service to help the youth re-engage in education that leads to a high school equivalency diploma.

Recommended Action: With the emphasis on career pathways under WIOA and considering that all three career choices selected by the client require a high school diploma or equivalency, it may have been to the client's benefit to encourage him to enroll in a service to address his dropout status. The local area did not document the selective service status of the youth once he turned 18 years of age.

Required Action: Please submit evidence to the State that the youth has complied with the requirements of the Military Selective Service Act (50 U.S.C. App. 451 et seq.).

Participant 1839776

Observation #6-2: There was a gap in follow-up contact with the client after exit from the May 23, 2018 contact until the March 8, 2019 attempted contact.

Required Action: Please continue to provide the required follow-up services to youth and document where attempts at follow-up have been made but were unsuccessful. The local area may need to update current policies in order to establish how to document and record gaps in contact when a participant cannot be located or contacted during follow-up.

Participant 1824829

Observation #6-3: The client's work experience did not end successfully as he was terminated from the position and his average rating decreased from the initial rating of 2.5 down to 1.5. However, through the referral process, he was referred to Talking Leaves Job Corps by the case manager and was subsequently enrolled in Job Corps Business Office Technology program.

Follow Up Element: The follow-up services after exit was less than twelve months. The U.S. Department of Labor (DOL) and the State recognize the concerns that some youth may not be responsive to attempted contacts for follow-up, and other youth may be difficult to locate, making it challenging to provide follow-up services for such individuals.

Recommend Action: The local area may need to update current policies in order to establish how to document and record when a participant cannot be located or contacted.

Participant 1884753

Observation #6-4: The youth goal was to receive a General Educational Development (GED), but it was not attained as the youth exited the program without completing the goal. Since the youth was enrolled in a service to address the dropout status, Alternative Secondary School Services & Dropout Recovery Services needed to be selected as a service in the Service and Training Plan.

Required Action: The appropriate program element needs to be selected in the OkJobMatch Youth Service & Training Section to reflect the Youth Measurable Skill Gains Goal and the goal of passing the General Educational Development (GED).

Recommended Action: Escalate communication with youth that display high risks of premature exit from the program. Utilize incentives and consider increasing the incentives in order to ensure that the goal set, such as educational functioning level (EFL) and credential attainment (i.e. the GED), is achieved.

Participant 850258

There were no findings or observations. The youth was a dropout at enrollment, however the youth ultimately passed the General Educational Development (GED) assessment and received the High School Equivalency Diploma while participating in the WIOA Youth Formula Program. The youth also maintained her employment at the work experience host company on a permanent basis after exit from the program.

No action is required.

Participant 1845025

There are no findings or observations. It is noteworthy that the local area provided the youth with an incentive of $100.00 after successful completion of the work experience job shadowing.

No action is required.

Participant 1071294

Observation #6-5: Follow-up services were offered. However, the last contact was April 30, 2018 whereas follow-up should have occurred until August 25, 2018.

Required Action: Please continue to provide the required follow-up services to youth and document where attempts at follow-up have been made but were unsuccessful. The local area may need to update current policies in order to establish how to document and record gaps in contact when a participant cannot be located or contacted during follow-up.

Participant 1810605

There are no findings or observations. The youth was a dropout at enrollment, however the individual ultimately passed the General Educational Development (GED) assessment and received the High School Equivalency Diploma while participating in the WIOA Youth Formula Program.

No action is required.

Participant 1804683

There were no findings or observations. This youth will face additional barriers so please continue to engage the youth in the services available that will assist her in the GED goal attainment through support services and other follow-up services as needed, as she is now a parenting youth.

No action is required.

Participant 1837654

Observation #6-6: The OOWD was unable to determine if the youth was income qualified as required for all in-school youth.

Required Action: Please determine whether the youth was income qualified.

Youth Policy Review

The local area aligned its policy with state policy by integrating local policy into OWDI 02-2016 Change 2.

SECTION 7 – EQUAL OPPORTUNITY (EO)

A review of policies and documentation was conducted to help identify and address compliance issues under the nondiscrimination and equal opportunity mandates of Section 188 of the Workforce Innovation and Opportunity Act and following are observations, recommendations, and required actions from the review.

Opportunity for Improvement #7-1: Self-attestation is utilized to capture information on the participant. Medical information is not requested, but could be provided by a participant.

Recommended Action: Participants may provide medical information even if the information was not requested. The Northeast Workforce Area is encouraged to review its systems and processes so that medical information provided by participants in the self-attestation is protected.

Opportunity for Improvement #7-2: Northeast's self-assessment indicated no complaints have been filed on alleged discrimination.

Recommended Action: No complaints of alleged discrimination are an indication that either 1) there are no issues of alleged discrimination occurring, or 2) the reporting system for complaints of alleged discrimination needs to be improved. The Northeast Workforce Area is encouraged to review its systems and processes regarding reports of complaints of alleged discrimination.

Opportunity for Improvement #7-3: Northeast's Nondiscrimination and Equal Opportunity Policy includes a section on Sanctions for any violation of nondiscrimination and equal opportunity.

Recommended Action: The Northeast Workforce Area is encouraged to develop a process for obtaining prompt corrective action and, when necessary, applying sanctions, when noncompliance is found with regard to nondiscrimination and equal opportunity. The OOWD will provide technical assistance and guidance at a later date.

Observation #7-4: Assurances language from 29 C.F.R. § 38.25 was not systematically included in all agreements, contracts, or MOUs. The assurances language from 29 CFR § 38.25 does not appear in the Operator Agreement with ODLE Management, the Negotiated Indirect Cost Rate Agreement, the Local Elected Officials and Grant Recipient/Fiscal Agent Agreement, or the NE OK Conflict of Interest form. The assurances language from 29 C.F.R. § 38.25 does appear in the NEWDB MOU/IFA.

Required Action: Please ensure that all agreements, contracts, and MOUs contain the assurances language

at 29 C.F.R. § 38.25 *verbatim,* or by reference to the specific regulation (29 C.F.R. § 38.25).

Observation #7-5: The Equal Employment Opportunity Statement on page 5 of the Personnel Policy and Procedures (2017-8-9) is not in alignment with the Equal Opportunity is the Law" notice at 29 C.F.R. § 38.35.

Required Action: Incorporate the "Equal Opportunity is the Law" notice at 29 C.F.R. § 38.35.

CONCLUSION:

Please note that all local policies must be sent to OOWD as they are brought into compliance with WIOA provisions, as per the Governor's Oversight and Monitoring Plan, OWDI #11-2017. The local area timeline for bringing local policies into compliance with state policies and WIOA provisions is June 30, 2019. An exception to this is the Accounting Policy, Procurement Policy, and Youth Contact Policy, which should be updated by September 1, 2019.

The observations, opportunities for improvement, recommended actions, required actions, and findings contained in this report are the responsibility of the local board as the subrecipient of Title I funds. It is ultimately the responsibility of each Title I subrecipient to ensure all workforce activities meet all Federal, State, and local requirements.

Please thank your staff for the hospitality and cooperation provided during the visit conducted by the OOWD Program and Policy Team. We look forward to continuing the excellent working relationship with your office. Our office is available for any technical assistance or support you might need.

Oklahoma Office of Workforce Development

PY17 INITIAL MONITORING REPORT

South Central Oklahoma Workforce Development Area

OOWD Monitor:
Connie Littleton
Emmit E. Grayson Jr.
Sandy Elledge
Lindsey Workman
Darcee Simon
Kristy Austin
Michael Carter
Jared Bates

February 18, 2019 through April 5, 20:

Oklahoma Office of
Workforce Development
900 N Portland Avenue
Oklahoma City, OK 73107

MONITORING DATES:

February 18, 2019 through April 5, 2019

The review period for South Central Oklahoma LWDB monitoring covered July 1, 2017-June 30, 2018.

SECTION 1 – LOCAL MONITORING

Local programmatic monitoring of the Youth, Adult and Dislocated Worker Programs was comprehensive and was conducted in accordance with the South Central Workforce Development Board's Monitoring Policy and Procedures.

Local financial monitoring was broad and comprehensive and in compliance with the South Central Oklahoma Workforce Development Board monitoring policies. The fiscal agent and board monitor maintains good written documentation, including monitoring reports, findings, corrective actions, and resolutions for each fiscal monitoring conducted.

SECTION 2 – DESIGN AND GOVERNANCE

The board certification of the South Central Oklahoma Workforce Board is complete and the board has met all the requirements set forth by the Workforce Innovation and Opportunity Act (WIOA) and the Governor's Council for Workforce and Economic Development.

Observations from Review of Policies and Documentation:

Area of Concern: *Bylaws & Proxy/Alternative Designee Voting Process:* SCOWB's by-laws do not include a policy or process for a proxy and alternative designee for board members to follow when they are unable to attend a meeting. SCOWB's by-laws state, "According to the Oklahoma Open Meetings Act, no member of the SCOWB may delegate his or her vote to another member by proxy" (Article V - Meetings, 9). Oklahoma Workforce Development Issuance (OWDI) #05-2017 (A. Local Policy Requirements) requires, "The proxy and alternative designee process that will be used when a local workforce development board (LWDB) member is unable to attend a meeting and assigns a designee per WIOA."

Required Action: SCOWB must work with the Chief Elected Official to revise its by-laws and ensure compliance with the policy as cited above. Submit the revised by-laws to OOWD.

Area of Concern: *By-laws Appointments:* The SCOWB by-laws state "Since SCOWB is incorporated, current directors will elect new members as directors" (Article IV, 6). The way that this process is described appears to be in conflict with Sec. 107(c) Appointment and Certification of Board "(A) The chief elected official in a local area is authorized to appoint the members of the local board for such areas, in accordance with State criteria" and OWDI #05-2017 "The CLEO will make appointments to the LWDB".

Required action: SCOWB must work with the Chief Elected Official to revise its by-laws to include clarification of the appointment process and to ensure compliance with Sec. 107(c) as cited above. Submit the revised by-laws to OOWD for review.

It is ultimately the local area's responsibility as a sub-recipient of federal funds to ensure that local policies

are in compliance with all acceptable laws, regulations, uniform administrative requirements, and state policies.

Best Practices:

The on-site visit demonstrated evidence of strategic innovation through expanding partnerships including:

- piloting Oklahoma Access for All,
- potential collaboration with Legal Aide, and
- the anticipated partnership with the parole/probation office that will be moving into the building.

Paired with the strong staff expertise and a culture of collaboration at the Chickasha center, this AJC appears to be well-positioned to adapt and respond to employer and jobseeker needs and demands.

SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS

South Central Oklahoma Workforce Development Board along with its fiscal agent, Central Oklahoma Workforce Board, demonstrates adequate capacity to perform the broad management functions required to operate federally funded workforce development grants. Prior to and during the on-site financial monitoring, administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, contracting and procurement samples were reviewed.

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS

The review period for South Central Oklahoma LWDB monitoring covered July 1, 2017-June 30, 2018. OOWD reviewed all of July 2017, November 2017, February 2018, and June 2018 expenditure reports for WIOA contracts along with the corresponding budget, accounting records, and cash requests. In addition, a sampling of board, fiscal agent, and service provider expenditures were selected from the months reviewed.

SECTION 5 – DELIVERY OF ADULT & DISLOCATED WORKER SERVICES

Of the total adults who received WIOA services during the monitoring review period, a comprehensive review was completed on five Adult program enrollments and five DLW program enrollments.

Observations from Adult Program Files:

PID 109989

The participant completed truck driver training on August 30, 2018 and was hired as a truck driver in early October 2018.

No action is required.

PID 1041628

This underemployed individual was co-enrolled in the Adult and Youth programs, with cost of training paid

by Title I Adult funds and supportive services provided by both programs. Certified Nurse Aide (CNA)/Home Health Aide (HHA) training was completed on May 9, 2018, however there is no documentation of receiving CNA/HHA licenses. The use of an alternate contact resulted in a successful telephone contact with the participant, in which she reported full-time employment in retail. Additional contacts with the participant indicate she was involved in a vehicular accident and was no longer employed. The participant was last contacted on April 8, 2019, at which time she stated she was still unemployed and needed additional surgery. She requested a call back from the case manager in four months.

Area of Concern: The above participant's interest in continuing training to become a licensed practical nurse (LPN) was noted throughout her file. However, it appears there was no follow through to address a long term goal, which would more likely help her achieve self-sufficiency.

Required Action: Please contact the participant to determine if she received her CNA and HHA licenses and whether she intends to pursue LPN training. Program notes and OKJobMatch must be updated appropriately.

We concur with the findings and have taken the following actions to correct: The following program note has been entered.

Program Note	
Customer Name:	Macayla Potter
Staff Name:	Carol Estes
Agency:	ResCare
Case Detail Page:	Add Notes Page
Contact Type:	Email
Reference Date:	05/14/2019
Descriptor:	Clarification of Certificate
Date:	05/14/2019
Notes:	Participant completed the training classes for CNA but did not pass the testing to earn her license. Since December 2018 she has been struggling since and cannot attend classes.

PID 1204438

Program notes indicate there has been no successful contact with the participant since March 23, 2018 when he was provided a gas card to cover transportation costs to his training program in Oklahoma City. He did, however, complete training for Heavy Equipment Operations Level 2 on May 3, 2018, as documented by a completion certificate in OKJobMatch. There is no indication that the participant attained employment in Oklahoma upon completion of training, as verified by UI wage records.

Recommended Action: Please request employment verification from the training provider, Heavy Equipment Colleges of America.
The following actions have been taken to correct: A UI wage inquiry was pulled and uploaded. A program note has also been entered.

PID 707160

The individual was referred by the homeless shelter director to WIOA for assistance with funding for truck driver training. He had his permit when enrollment occurred. While in training, he was provided supportive services for transportation assistance in the form of bus passes. He had attendance issues and was advised to take materials home to study. As of February 4, 2019, he still had not passed backing or his pre-trip road test. He has, however, accepted employment as a sanitation worker for the City of Lawton, where he is allowed time to work with the training provider to pass all requirements for his Commercial Driver's License (CDL). He no longer resides in the homeless shelter and his training completion date has been extended to April 15, 2019.

No action is required.

PID 960122

The participant is currently progressing toward her goal of becoming a Medical Assistant. Since her enrollment in the Adult program, she has achieved her CNA certification, as well as certificates of completion in Medical Math and Human Anatomy and Physiology. She has also completed Medical Coding, Phlebotomy, and Medical Terminology according to the March 2019 Progress Report uploaded to OKJobMatch. Program notes indicate she is currently in her Medical Assisting class. She has inquired about attending the Surgical Technologist program at Canadian Valley Technology Center.

NOTE: The case manager is reminded to update the participant's Individual Employment Plan (IEP) to update the participant's revised employment and training goals.

No further action is required.

Observations from DLW Program Files:

PID 303116

The participant was a non-traditional student who completed Operating Engineer training and accepted employment in North Dakota, earning $26.00 per hour, $39.00 for overtime.

No action is required.

PID 670524

The participant enrolled in the DLW program and was approved to attend the local technology center's Heavy Tractor and Trailer Truck Driving program. He did not start the program as scheduled, and did not respond to any contact attempts by the case manager or the intended training provider. The technology center has dropped the participant and agreed to refund the tuition to the service provider.

Required Action: Please provide accounting documentation of the refund to the grant.

We have taken the following actions to correct: The accounting documentation has been uploaded into the participants file.

PID 1186263

The participant's Web Design training program was funded through a Trade Adjustment Assistance (TAA)

subcontract with a local technology center. The training was approved for two years, covering tuition, books and fees. Computer software was requested in January 2017 and was provided with TAA funds. The participant received a Web Design Professional certification in August 2017. She informed the WIOA case manager she was not interested in the WIOA program and requested that she receive no additional calls. The participant exited the Adult, DLW, and TAA programs in September 2017.

No action is required.

PID 1233550

The participant's training was paid through TAA. Training was completed in January 2019, and the national exam for Certified Medical Administrative Assistant is scheduled for mid-April 2019. A TAA program note indicates they will remain in touch for one year.

No action is required.

PID 963160

The participant, determined to be low income due to the receipt of public assistance, was laid off from employment as a CNA due to the facility's reduction in patient load. She enrolled in Certified Medication Aide (CMA) training and requested assistance with training costs. Scrubs and supplies (stethoscope, blood pressure cuff, and bandage scissors) were provided with supportive services funds. The participant accepted weekend employment as a Medication Aid, and at last contact (December 31, 2018) was still employed as a CMA.

Recommended Action: Program notes indicate an interest in Physical Therapy Technician training. It is recommended that the case manager contact the participant to determine is she plans to pursue additional training and to coordinate services with the Department of Human Services, as appropriate.

Promising Practice:

The local area released their Adult/DLW Post-Exit Follow-Up Process on January 2, 2019. The document provides information on performing follow-up, completing and submitting quarterly follow-up forms, and documenting and verifying employment placements. A two-way exchange between the service provider or Program Manager and either the participant (or his or her advocate) or the individual's employer is listed as a follow-up service for system-exited WIOA Title I Adult and DLW program participants. This may include workplace counseling, assistance in resolving work-related problems, connecting individuals to peer support groups, and providing information about educational or employment opportunities. The Adult/DLW Post-Exit Follow-Up Process also describes in detail the number of contact attempts, how contacts are to be made and how all attempts (successful and unsuccessful) are to be documented in OKJobMatch and program notes. Employment verification/documentation and the completion of a survey offering follow-up services is requested upon successful contact with the participant.

SECTION 6 – DELIVERY OF YOUTH SERVICES

An observation of the South Central Oklahoma Workforce Board (SCOWB) Region Cumulative 4-Quarter Reporting Period report indicates the local area has continued its focus on the WIOA primary target population of out-of-school youth.

Of the total youth who received WIOA services during the monitoring review period, a comprehensive review was conducted on 10 enrollments that consisted of 10 out-of-school youth (OSY) and 0 in-school youth (ISY). The following overall observations were made for PY17:

- The monitoring sample indicated the LWDB is serving the WIOA eligible/target population.
- The LWDB has developed an individual service strategy (ISS) that identifies and meets the specific needs of each participant.
- Supportive services are being provided as needed to overcome barriers to participation and completion of the ISS.
- Overall, participants are receiving services as needed and are progressing in accordance with their goals.
- SCOWB needs to focus on increasing the number of youth with credential attainment as the PY17 measure was 30 percent.
- SCOWB needs to increase its work experience participation and staff time to increase the expenditures to, at a minimum, of 20 percent of total youth program funds. WIOA; 20 CFR § 681.590(a), and the State requires that a minimum of 20 percent of local area funds for the Title I Youth program be spent on work experience. Examples of how funds may be spent to support this requirement include
    - Using funds to support staff time working to identify and develop a work experience opportunity, including staff time spent working with employers to identify and develop the work experience; and
    - Using funds to support staff time working with employers to ensure a successful work experience.

- The local monitoring of work experience is another cost that needs to be included in the expenditures. See TEGL 8-15 for all allowable expenditures for the component.

Comments on follow-up services are outlined below.

Observations from Review of Out-of-School Youth Files:

Participant 1836495

The client entered the program as a 20 year old high school dropout and exited the program with a deficiency in mathematics below the 8th grade level, and she had not received her high school diploma. No goals or interests were entered in the measurable skills gain or goals and interest screen to address the basic skills deficiency. It may have been to the participants benefit to enroll her in a service to address the deficiency, making it more likely that the participant would succeed in education and employment goals.

Recommended Action: When youth have deficiencies in reading and/or math, please continue to encourage the youth to participate in the program and offer the youth an incentive to increase the basic skills scores.

Follow Up Element: The follow-up services after exit was less than twelve months. The U.S. Department of Labor (DOL) and the State recognize the concerns that some youth may not be responsive to attempted

contacts for follow-up, and other youth may be difficult to locate, making it challenging to provide follow-up services for such individuals.

Required Action: The local area may need to update current policies in order to establish how to document and record when a participant cannot be located or contacted.
We concur with the findings and have taken the following actions to correct: A procedure has been implemented to document and record when a participant cannot be located or contacted it is included as attachment A to this report.

Final Observation: The youth eligibility documentation indicates the youth is an out-school-youth, although the Rolling 4 Quarters Report through June 30, 2018 lists the youth as an in-school youth.

Required Action: Contact our OkJobMatch.com administrators to coordinate a correction so that the WIOA Quarterly Report correctly matches the client's school status at enrollment.
We concur with the findings and have taken the following actions to correct: A data edit request has been completed to correct the school status.

Participant 1875528

The youth indicated she had the following supportive service:

- Assistance with transportation.
- Assistance with housing.
- Referral to medical services.
- Assistance with uniforms or other work attire.
- Assistance with work related tools.
- Assistance with eye glasses and/or protective eye glasses.
- Assistance with education expenses.

However, none of the needs were met or attempted according to the service and training plan. Provision of one or more of these services includes entering the service in the service and training plan, and or referring the client through "linkages to a community service," which is program element #7: Supportive Services. The youth exited the program without receiving her high school equivalency, making it less likely that she is on a pathway towards becoming a Certified Nursing Assistant (CNA), nor LPN. Contact was lost with the youth during follow-up.

Follow Up: The follow-up services after exit was less than twelve months. The U.S. Department of Labor (DOL) and the State recognize the concerns that some youth may not be responsive to attempted contacts for follow-up, and other youth may be difficult to locate, making it challenging to provide follow-up services for such individuals.

Required Action: The local area may need to update current policies in order to establish how to document and record when a participant cannot be located or contacted.

We concur with the findings and have taken the following actions to correct: A procedure has been implemented to document and record when a participant cannot be located or contacted it is included as attachment A to this report.

Recommended Action: Escalate communication with youth that display high risks of premature exit from the program. Offer incentives and consider increasing the incentives in order to ensure that high school equivalency goals set are achieved.

Participant 1857169

The client exited the program without participating in a program element.

Recommended Action: Escalate communication with youth that display high risks of premature exit from the program. Offer incentives and consider increasing the incentives in order to make it more likely that the basic skills goals set will be achieved.

Follow Up: The follow-up services after exit was less than twelve months. The U.S. Department of Labor (DOL) and the State recognize the concerns that some youth may not be responsive to attempted contacts for follow-up, and other youth may be difficult to locate, making it challenging to provide follow-up services for such individuals.

Required Action: Local programs need to update current policies in order to establish how to document and record when a participant cannot be located or contacted.

We concur with the findings and have taken the following actions to correct: A procedure has been implemented to document and record when a participant cannot be located or contacted it is included as attachment A to this report.

Participant 1878706

Please note that the WIOA Youth Eligibility Form is not the area that you note that the individual is basic skills deficient unless you are utilizing that barrier for eligibility. Local staff noted in the In-School Youth criteria that the youth was basic skills deficient which identifies the youth for eligibility purposes as an In-School Youth whom is basic skills deficient. The form also indicates that the youth is an In-school Youth, "That requires additional assistance to enter or complete an educational program or to secure or hold employment."

Required Action: Local staff needs to identify the appropriate school status and the appropriate barrier during eligibility determination.
We concur with the finding and have taken the following actions to correct: The WIOA Youth Eligibility form has been corrected and uploaded.

Recommended Action: The youth's training goal is completing her GED and subsequently to become a Chef. The local area is encouraged to keep her engaged in the program and incentivize in accordance with State statutes and policies.

Participant 1873602

The youth met the initial goal of passing his High School Equivalency. However, he also has a career goal of becoming an Emergency Medical Technician (EMT).

Recommended Action: Since he is not at the age for enrollment in the EMT program, consider providing the youth with work experience in a related field to keep him engaged in the program.

Participant 1873607

Observation: The youth met the initial goal of passing his High School Equivalency. The measurable skills gain is recorded in the Youth Measurable Skill Gains and Goals section of OkJobMatch and reflects the youth passing the HiSET and receiving the High School Diploma. The test score and diploma are uploaded as well. However, when the youth Individual Service Strategy was developed, the next step that needed to occur was enrollment in a program element. Since the youth was a dropout at enrollment and working towards the high school equivalency, the minimum program element to be provided to the youth would have been Alternative Secondary School Services or Dropout Recovery Services in the Service and Training Plan. Given the emphasis on career pathways and the youth's career goal of becoming a sales agent, it would have been to the youth's benefit to address the basic skills deficiency in math.

Response Required: Please provide a response indicating whether the deficiency in math was addressed in his high school equivalency program.
We concur with the findings and have taken the following actions to correct: The following program note has been entered.

Status Sheet for Brian Elwood Part ID: 1873607 (05/13/2019)

Program Note

Customer Name:	Brian Elwood
Staff Name:	Carol Estes
Agency:	ResCare
Case Detail Page:	Add Notes Page
Contact Type:	Email
Reference Date:	05/13/2019
Descriptor:	Clarification of BSD
Date:	05/13/2019
Notes:	Participant had a deficiency in Math at enrollment. No post TABE was administered to youth before exit of the program. however he did receive tutoring at the ABE classes he attended at RRTC. His knowledge was increased so that he was able to pass the HISET test and earn his GED.

Participant 1845029

Observation: The youth was enrolled in the WIOA youth formula program on November 8, 2018 as an out-of-school youth. However, the factors noted from the case management system that do not support the category and eligibility of the youth. These eligibility factors include the following:

- According to the Inventory Form, the youth was enrolled in post-secondary education at Cameron University during eligibility determination. That factor alone designates the youth as in-school unless the youth was only enrolled in non-credit-bearing post-secondary classes. If so, then she would not be considered attending postsecondary school and therefore an out-of-school youth.
- The local area utilized criteria #8 on the uploaded attachment B WIOA Youth Eligibility Form, "Low income and requires additional assistance to enter or complete an educational program or to

secure or hold employment as defined by the State." However, the local area did not identify at least one of the barriers required by the State to meet this criteria as follows:

- A youth with a parent or legal guardian that is currently or previously incarcerated for a felony conviction;
- A youth with a parent or legal guardian who lacks a high school diploma or GED;
- A youth who attends or has attended chronically under performing schools listed as a priority or targeted intervention school on the Oklahoma State Department of Education website http://sde.ok.gov/sde/priority-schools;
- A youth between 18-24 years of age with a pattern of Poor Work History. Poor work history includes non-reoccurring employment income and sporadic employment.

Note: A status of currently unemployed would not meet the criteria for a low income youth with poor work history.

Observation: The youth mentioned wanting to participate in work experience, but she was never enrolled in a work experience. Once the summer of 2018 arrived there was no mentioning of it during contact with the youth. There were no goals set for work experience, which may be due to the youth not agreeing to the component in the Individual Service Strategy.

Required Action: Since the youth was enrolled in Occupational Skills Training for Registered Nursing, the local area should have offered to find a partner within her occupational cluster for a potential paid work experience. Consider this recommended action for other active participants going forward.

We concur with the finding and have taken the following actions to correct: A current list of youth is compiled monthly and reviewed by Program and Quality Director and Talent Development Specialists to make sure work experience is offered to all youth participants.

Participant 1850738

The youth eligibility Form Attachment B was not uploaded in OkJobMatch.com. The OOWD was unable to identify the out-of-school barrier that the youth is enrolled under since the form was not attached.

Required Action: Determine the specific barrier that the youth was enrolled under and provide supporting documentation to the state. The participant was referred to the local Adult Learning Center to work towards earning the High School Equivalency Diploma. However, there was not a service entered to address the basic skills deficiency in reading of a 5.8.

We concur with the findings and have taken the following actions to correct: The following snip shows in the enrollment note that the youth was enrolled under the barrier of Requires Additional Assistance to attain employment. A correction was made to the WIOA Youth Eligibility Form and has been uploaded.

Agency	ResCare Workforce Services
Type of Contact	In Person
Reference Date	07/31/2017
Recontact Date	09/13/2017
Description	Enrollment
Notes	Client is enrolling in the Youth program. Client met with the TDS to complete his initial application on 07/31/17. All the WIOA paperwork was also completed and signed on: 07/31/17 Eligibility Date: 07/31/17 Requested Enrollment Date: 07/31/2017 Job Seeker was determined eligible based on the following criteria: Economic & Eligibility Criteria: SNAPS Recipient Barriers at Enrollment: Requires Additional Assistance to attain employment and complete an Occupational Skills Program.

Return | Delete

Recommended Action: It may be to the participants benefit to enroll the client in a service to address the deficiency making it more likely that the participant will succeed in education and employment goals.

Participant 1875182

Program notes and the measurable skills gain, goals and interest screen indicates the youth received a high school equivalency. However, there is not a copy of the diploma uploaded in OkJobMatch.com

In accordance with OWDI 21-2017 Change 1 Youth Eligibility Source Documentation Guide P. 38:

Supporting Source Documentation includes one of the following:

- Transcript
- Certificate
- Diploma
- Licensure

Required Action: Upload a copy of the credential in OkJobMatch as required in OWDI 21-2017 Change 1
We concur with the finding and have taken the following actions to correct: The HISET transcript verifying completion of high school equivalency has been uploaded into the participants virtual case file uploads.

Job Search Client Client Search Resume Search	Comprehensive Assessment Documentation	HiSet Comprehensive Score Report	Kearney, Chere'	04/11/2019	• Youth 02/06/2018 • I.E.P. Development	Edit

Participant 1877879

There were no findings or observations.

Youth Policy Review

The local area aligned its policy with state policy by integrating local policy into OWDI 02-2016 Change 2. Please consider adding a section to establish how to document and record when a participant cannot be located or contacted during participation and follow-up.

SECTION 7 – EQUAL OPPORTUNITY

Areas of Concern and Observations from Review of Policies and Documentation

The following areas of concern pertain to the SCOWB Memorandum of Understanding (MOU):

Area of Concern: The telephone number was listed in the MOU. However, no alternative communication was provided.

Required Action: Please ensure that wherever a telephone number is listed, an alternative effective communication method also is listed, per 29 C.F.R. § 38.15(b).

Area of Concern: In the "Nondiscrimination and Dispute" section, the list of prohibited bases of discrimination under WIOA Section 188 is incomplete.

Required Action: Please ensure the complete WIOA Section 188 nondiscrimination notice is inserted into the MOU. The notice should include the following:

> "No individual in the United States may, on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in any WIOA Title I-financially assisted program or activity, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any WIOA Title I-financially assisted program or activity. 29 C.F.R. § 38.5."

Area of Concern: The required assurances language within 29 C.F.R. § 38.25 is not present in the MOU.

Required Action: For all existing, open and future MOUs, the assurances language at 29 C.F.R. § 38.25 must be inserted *verbatim,* or by reference to the specific regulation at 29 C.F.R. § 38.25. Please ensure that this language is inserted into the MOU.

The following areas of concern pertain to the Work Experience Participant Handbook:

Area of Concern: It is unclear from the language in the handbook whether there is distinction between grievances and EO complaints. Grievance procedures, per 20 C.F.R. § 683.600, are distinguishable from civil rights discrimination complaint processing procedures, which must comply with 29 C.F.R. § 38.72. Per 20 C.F.R. § 683.600(g)(1) - (2), "The provisions of this section on grievance procedures do not apply to discrimination complaints brought under WIOA sec. 188 and/or 29 C.F.R. part 38. Such complaints must

be handled in accordance with the procedures set forth in that regulatory part."

Required Action: Please update the Work Experience Participant Handbook to make clear there are two different procedures for grievances and discrimination complaints:

- a procedure for grievances alleging violations of WIOA Title I under 20 C.F.R. Part 683, and
- a procedure for discrimination complaints brought under WIOA sec. 188 and/or 29 C.F.R. Part 38. Please review Grievances procedures at OWDI 16-2017, Change 1 and WIOA Section 188 Complaint Procedures at OWDI 01-2018.

Observation: There does not appear to be an indication that the "Equal Opportunity is the Law" notice is provided to the participant, as required by 29 C.F.R. § 38.39

Recommended Action: Please ensure that participants receive the "Equal Opportunity is the Law," per 29 C.F.R. §§ 38.35 & 38.36. The "Equal Opportunity is the Law" notice must be included with the specific wording in 29 C.F.R. § 38.35.

The following area of concern pertain to the Adult & DLW Flyer:

Area of Concern: The telephone number was listed in the Adult and DLW Flyer. However, no alternative communication was provided.

Required Action: Please ensure that wherever a telephone number is listed, an alternative effective communication method also is listed, per 29 C.F.R. § 38.15(b).

The following area of concern pertain to the Summer Youth Flyer:

Area of Concern: The telephone number was listed in the Summer Youth Flyer. However, no alternative communication was provided.

Required Action: Please ensure that wherever a telephone number is listed, an alternative effective communication method also is listed, per 29 C.F.R. § 38.15(b).

The following area of concern pertain to the Rescare Workforce Services Brochure:

Area of Concern: The telephone number was listed in the Rescare Workforce Services Brochure. However, no alternative communication was provided.

Required Action: Please ensure that wherever a telephone number is listed, an alternative effective communication method also is listed, per 29 C.F.R. § 38.15(b).

The following area of concern pertain to the Youth Flyer

Area of Concern: The telephone number was listed in the Youth Flyer. However, no alternative communication was provided.

Required Action: Please ensure that wherever a telephone number is listed, an alternative effective communication method also is listed, per 29 C.F.R. § 38.15(b).

The following area of concern pertain to New Enrollment Adult 1-11-19

Area of Concern: Grievance procedures per 20 C.F.R. § 683.600 are distinguishable from civil rights discrimination complaint processing procedures. Per 20 C.F.R. § 683.600(g)(1)-(2), "The provisions of this section on grievance procedures do not apply to discrimination complaints brought under WIOA sec. 188 and/or 29 C.F.R. part 38. Such complaints must be handled in accordance with the procedures set forth in that regulatory part."

Required Action: Please update New Enrollment Adult documents to make clear there are two different procedures—a procedure for grievances alleging violations of WIOA Title I under 20 C.F.R. Part 683 and a procedure for discrimination complaints brought under WIOA sec. 188 and/or 29 C.F.R. Part 38. Please review grievance procedures at OWDI 16-2017, Change 1 and WIOA Section 188 Complaint Procedures at OWDI 01-2018 to ensure all regulatory requirements are met.

The following area of concern pertain to New Enrollment Youth 1-7-19

Area of Concern: Grievance procedures per 20 C.F.R. § 683.600 are distinguishable from civil rights discrimination complaint processing procedures. Per 20 C.F.R. § 683.600(g)(1)-(2), "The provisions of this section on grievance procedures do not apply to discrimination complaints brought under WIOA sec. 188 and/or 29 C.F.R. part 38. Such complaints must be handled in accordance with the procedures set forth in that regulatory part."

Required Action: Please update New Enrollment Youth documents to make clear there are two different procedures—a procedure for grievances alleging violations of WIOA Title I under 20 C.F.R. Part 683 and a procedure for discrimination complaints brought under WIOA sec. 188 and/or 29 C.F.R. Part 38. Please review Grievances procedures at OWDI 16-2017, Change 1 and WIOA Section 188 Complaint Procedures at OWDI 01-2018 to ensure all regulatory requirements are met.

The following area of concern pertain to the Legal Aid Memo

Area of Concern: Required assurances language at 29 C.F.R. § 38.25 is not present.

Required Action: For all existing, open and future MOUs, the assurances language at 29 C.F.R. § 38.25 must be inserted *verbatim,* or by reference to the specific regulation (29 C.F.R. § 38.25). Please ensure this language is present in the Legal Aid Memo.

Attachment A:

Quarterly Follow-Up Process	YTH	404
	Prepared By: Carol Estes	
Initial Release Date: 11/6/18	**Approved By:**	
Revised Date:	**Document Owner:** ResCare	

Purpose

This topic provides information on completing and submitting quarterly follow-up reports.

Policy

In accordance with WIOA, the contract South Central Workforce Board and RWS requires the completion and submission of quarterly follow-up forms for four (4) quarters after the exit quarter. For four (4) quarters after the exit quarter, the TDS shall make no less than four (4) contact attempts to obtain placement verification.

Who Is Involved

Talent Development Specialist, Operations & Finance Director, Program & Quality Director

Procedure

STEP	ACTIVITY
1)	The TDS shall use the Okjobmatch/Monthly Report system Follow-Up Roster to ensure that follow-ups are completed for all individuals requiring follow-up contacts and completion of follow-up forms.
2)	Contact Attempt 1: Phone Call to Participant. If calling a cell phone, send text if no answer. If phone is disconnected, call alternate contact. Document the case notes and update Monthly Report with contact attempt. • If participant returns call and is employed, request placement verification/documentation. • Upon receipt of verification, close the follow-up as completed and document case notes. • If no return call from participant in 3-5 days, complete Contact Attempt 2.
3)	Contact Attempt 2: Send Email to Participant. Document the case notes and update the Monthly Report with contact attempt. • If participant responds to email and is employed, request placement verification/documentation. • Upon receipt of verification, close the follow-up as completed and document case notes. • If no response from participant in 3-5 days, complete Contact Attempt 3.
4)	Contact Attempt 3: Call Participant (or Alternate Contact). Document the case notes and update the Monthly Report with contact attempt. • If participant returns call and is employed, request placement verification/documentation.

	• Upon receipt of verification, close the follow-up as completed and document case notes. If no return call from participant in 3-5 days, complete Contact Attempt 4
5)	Contact Attempt 4: Send Email to Participant. If no response in 2 business days: • Send Employment Verification Letter to employer, if known. • Pull a wage inquiry if no response from the employer or the participant in 2 business days, or if you have received incomplete information. • Check the *Student Clearinghouse* if no response from the employer or the participant in 2 business days, or if you have received incomplete information.
6)	If placement verification has **not** been received, the TDS shall document the 4th contact attempt date on the Monthly Report and case will be closed in Okjobmatch system.
7)	If placement verification is received after the closure of the Follow-Up Tab of the Monthly Report, contact quality for assistance in editing the Follow-Up Tab of the Monthly Report and adding the placement documentation.

Forms and Supporting Documents

Process Map: Follow-Up Process

Related Procedures

Monthly Post-Exit Contacts and Retention Services

Oklahoma Office of Workforce Development

PY17 MONITORING REPORT

Southern Oklahoma Workforce Development Area

OOWD Monitor:
Connie Littleton
Emmit Grayson
Sandy Elledge
Darcee Simon
Kristy Austin
Jared Bates

May 6, 2019 through May 10, 2019

Oklahoma Office of
Workforce Development
900 N Portland Avenue
Oklahoma City, OK 73107

MONITORING DATES:

May 6, 2019 through May 10, 2019.

The Oklahoma Office of Workforce Development (OOWD) reviewed Program Year 17 (PY17), which covers the period from July 1 2017- June 30 2018.

SECTION 1 – LOCAL MONITORING

Programmatic Monitoring

Local programmatic monitoring of the Youth, Adult and Dislocated Worker Programs was comprehensive and complete, and was conducted in accordance with the Southern Workforce Development Board's Monitoring Policy and Procedures. However, the Youth Program, Section 1.2A Monitoring Reports Issued in the last 12 months- at current stage, was not completed by the local area.

Fiscal Monitoring

The Southern LWDB monitoring was broad and comprehensive and in compliance with their own monitoring policies. The fiscal agent maintains good written documentation, including monitoring reports, findings, corrective actions, and resolutions for each fiscal monitoring conducted.

After review of working papers, policies, and processes, the following observation and required action are listed below:

Observation #1-1: Worksheet 1.2.A- Monitoring Reports, in Section 1 of the state issued WIOA Monitoring Tool were not complete. Monthly working papers to document monitoring of sub-recipient were completed and submitted, however it is a requirement to complete worksheet 1.2.A-Monitoring Reports in Section 1 of the state issued WIOA Monitoring Tool.

Required Action: Please complete worksheet 1.2A-Monitoring Reports located in Section 1 of the state issued WIOA Monitoring Tool for all PY17 monitoring that was completed.

SECTION 2 - DESIGN AND GOVERNANCE

The board certification of the Southern Workforce Board is complete and the board has met all the requirements set forth by the Workforce Innovation and Opportunity Act (WIOA) and the Governor's Council for Workforce and Economic Development.

It is ultimately the local area's responsibility as a sub-recipient of federal funds to ensure that local policies are in compliance with all acceptable laws, regulations, uniform administrative requirements, and state policies.

Best Practices:

- The board has set a strong vision for service delivery integration at the AJCs, where front-line staff are system-oriented. This is a constant priority that drives customer-centered service and is foundational in the development of additional system efficiencies.

SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS

Overall, the Southern LWDB demonstrates adequate capacity to perform the broad management functions required to operate federally funded workforce development grants. Prior to and during the financial monitoring, administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, contracting and procurement samples were reviewed to determine financial and administrative compliance resulted in no issues found.

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS

The review period for Southern LWDB monitoring covered July 1, 2017-June 30, 2018. OOWD reviewed all of July 2017, November 2017, February 2018, and June 2018 expenditure reports for WIOA contracts along with the corresponding budget, accounting records, and cash requests. Also, a sampling of board, fiscal agent, and service provider expenditures were selected from the months reviewed. Overall, Southern LWDB demonstrates adequate capacity to perform the fiscal agent financial management functions required to operate federally funded workforce development grants. Review of working papers to determine financial and administrative compliance resulted in no issues found.

SECTION 5 – DELIVERY OF ADULT AND DLW SERVICES

OOWD's comprehensive review of the Adult and Dislocated Worker (DLW) programs consisted of a random monitoring sample that included five Adult and five DLW files.

Observations from Adult Files:

PID 172116
This low income, single parent of four requested assistance with the cost of Emergency Medical Technician (EMT) and Phlebotomy training at Kiamichi Technology Center. Both training programs were offered in the evenings, allowing the participant to continue working at her housekeeping job to support her family. The phlebotomy course was cancelled due to low enrollment and the participant was dropped from the EMT class when she failed to meet attendance requirements. Therefore, a supportive service for transportation cost was provided to the participant only once. The participant exited the Adult program February 21, 2018, and was still employed at that time.

No action is required.

PID 937597
The participant was eligible for the Adult program as a resident of a high poverty area referred to as a Promise Zone. This qualifies her as an Adult Priority 4 in the Southern Workforce Development Area. She completed online courses through the University of Texas – Arlington, which she self-paid with the assistance of a student loan as the training provider was not on the State eligible training provider list (ETPL). Adult formula funds provided supportive services for the cost of books, examinations, personal computer repair, scrubs, supplies, and travel reimbursements while in clinical rotations. The cost of her cap and gown for graduation were also reimbursed with supportive services funds. She graduated in December 2018 with a Bachelor's degree in Nursing and accepted employment at the Texoma Medical Center on January 14, 2019, earning $24.00 per hour.

No action is required.

PID 729444
This low income participant applied for WIOA assistance to assist with training costs for a career pathway plan leading to employment as a Licensed Practical Nurse (LPN). Assessments indicated that the participant was basic skills deficient, however there was no further mention in program notes about services to address the deficiency. The participant completed certified nurse aid (CNA) training on April 10, 2018 and inquired about WIOA assistance for further training. She reported employment as a CNA beginning May 1, 2018 and was exited from the Adult program. She consistently requested further training throughout program notes and was told that the local area could not help while she was in follow-up. She is still earning $9.00 per hour after more than a year of employment as a CNA.

Recommended Action: Although it is apparent that regular contact with the client has been attempted and the employer has verified continued employment, it is recommended that the case manager contact the client to determine if she is still interested in a career pathway in the medical field. If the participant indicates a desire to pursue additional training, WIOA staff should encourage her to re-apply for WIOA training services. Additional assessments should be considered to determine whether math and reading deficiencies need to be addressed to help ensure training and employment success.

PID 1862699
The participant was placed in a work experience (WEX) at a local nursing facility and discovered CNA was not an appropriate employment goal for her. After additional career exploration, the participant was placed in a WEX at the public library. The WEX evolved into an on-the-job (OJT) training position, which ended November 16, 2018. She remains employed part time with the library in an unsubsidized position, and indicated another part time job is needed to become self-sufficient. The client currently works 24 hours per week at $10.04 per hour, and job search assistance has been offered by the case manager.

Recommended Action: Additional services through the Oklahoma Works American Job Center are recommended to help the participant become self-sufficient. As suggested by WIOA staff at the on-site visit, local public schools may have need for a part time position as a library assistant. Other options to consider include encouraging the participant to do career research for other types of employment or to pursue training in library science or a related field.

PID 816112
The participant was enrolled in the Title I Adult program on June 27, 2016. She requested assistance with the cost of the LPN program she was currently attending. Pell had covered the participant's tuition and fees, determined Adult formula funds could be provided for transportation costs, tires, scrubs, shoes and equipment necessary for training. Upon the participant's return from maternity leave, Title I Adult formula funds were utilized for the final $1,500.00 of tuition. The participant received her LPN license in August 2018 and accepted employment at a family clinic earning $15.15 per hour, 40 hours per week. In November 2018 she accepted a new full time position at the Central Oklahoma Family Medical Clinic earning $17.00 per hour.

No action is required.

Observations from DLW Files:

PID 271268
The participant was referred by the Oklahoma Employment Security Commission (OESC) Veteran Specialist for WIOA assistance with tuition for truck driver training. Upon successfully completing training, he attained his CDL and accepted employment with a trucking company out of Iowa. The company is operated

by Veterans and employs Veterans.

No action is required.

PID 924180
After being laid off from the City of McAlester, the participant requested assistance with the cost of a Computer and Network Technology program at Kiamichi Technology Center (KTC). Title I DLW formula funds paid for spring 2018 training costs prior to the release of OWDI #19-2017, Change 1, which clarified that financial aid must be applied prior to WIOA funds. Fall 2018 and spring 2019 tuition and fees were covered by the participant's Pell grant. He also held a work study position while enrolled at KTC. WIOA funds provided supportive services for tires and transportation costs in PY18. As of the last program note, the participant was on track to graduate in May 2019.

No action is required.

PID 278912
The participant was laid off from employment in the oil and gas industry, where his duties consisted of dismantling and moving oil rigs. Although Native American, he did not reside in the Seminole Nation coverage area and therefore was not eligible for their services. The participant chose Truck Driving as his employment goal. The chosen training provider assured the participant that he would be placed in employment upon program completion despite his status as an ex-offender. The participant completed the CDL exam on his third try and accepted employment as a truck driver in August 2016, earning 41 cents per mile, or approximately $26.65 per hour. He has since quit two jobs, claiming his pay was shorted by the first employer and disreputable practices by the second. As of July 2017, the participant was successfully employed with A&A Trucking.

No action is required.

PID 1026758
The participant was laid off due to company downsizing. While seeking employment, he discovered that truck drivers were in high demand and therefore chose to pursue truck driving as a career. He completed training, accepted employment as a long haul driver, and as of last contact was earning $1.25 per mile.

No action is required.

PID 1172513
This unemployed participant attended evening welding classes while working sporadic, short term jobs referred to as "shutdowns" in program notes. He attained certifications in gas tungsten arc welding, flux core arc welding, oxy fuel cutting, and shielded metal arc welding. He completed welding school June 29, 2018, yet he has been unable to find steady, full time employment. The last job documented in program notes was for one month in October 2018. The case manager has continued to attempt contacts with the participant, who exited the Adult and DLW programs November 7, 2018.

Recommended Action: The case manager is encouraged to offer career guidance that promotes steady, full time employment in the area in which the participant was trained, rather than high paying but temporary jobs. Career research and the exploration of an apprenticeship or other work-based learning opportunities may be considered to help motivate the participant to find stable employment leading to self-sufficiency.

SECTION 6 – DELIVERY OF YOUTH SERVICES

An observation of the Southern Workforce Development Board (SWDB) Region Cumulative 4-Quarter Reporting Period report indicates the local area has continued its focus on the WIOA primary target population of out-of-school youth.

Of the total youth who received WIOA services during the monitoring review period, a comprehensive review was conducted on ten enrollments that consisted of eight out-of-school youth (OSY) and two in-school youth (ISY). Delivery of youth services in the Southern Workforce Area exhibit the following characteristics:

- The monitoring sample indicated the LWDB is serving the WIOA eligible/target population.
- The LWDB has developed an individual service strategy (ISS) that identifies and meets the specific needs of each participant.
- Supportive services are being provided as needed to overcome barriers to participation and completion of the ISS.
- Overall, participants are receiving services as needed and are progressing in accordance with their goals.
- Work experience expenditures were above the 20% benchmark for the program period.

Results from the Review of the Youth Files:

Participant 1841678
There are no findings or observations.

No action is required.

Participant 1819854
The local area did not document the selective service status of the youth once he turned 18 years of age. There is no proof of selective service registration uploaded or in program notes, nor a referral noted selective service.

Required Action: Please verify that the youth has complied with the requirements of the Military Selective Service Act (50 U.S.C. App. 451 et seq.).

Participant 1843502
There are no findings or observations. The youth agreed to retest in math before exiting the program, however the retesting did not occur.

Recommended Action: In cases where youth have reading or math deficiencies, please continue to encourage the youth to participate in the program, escalate communication with youth that display high risks of premature exit from the program, and consider offering or increasing the incentives in order to ensure that basic skills goals set will be achieved.

Participant 1884301
On Attachment I, Southern Workforce Board, Inc. OJT Payment Timesheet/ Invoice, the client signed on the Employer Signature Line and the employer signed on the Employee line. The local area needed to select Work Experience as a Service Type in the Service and Training Plan as OJT's are considered work experience when paid from the youth formula funding.

Recommended Action: In cases where youth have reading or math deficiencies, please continue to encourage the youth to participate in the program, escalate communication with youth that display high risks of premature exit from the program, and consider offering or increasing the incentives in order to ensure that basic skills goals set will be achieved.

Participant 1872353
The ISS indicates there was a goal to increase the reading skills by one or more functional level. This did not occur and the result was a program exit without the basic skills being improved.

Recommended Action: Escalate communication with youth that display high risks of premature exit from the program. Utilize incentives and consider offering or increasing the incentives in order to ensure that the goal set, such as EFL and credential attainment, is achieved.

Participant 1840409
There are no findings or observations.

No action is required.

Participant 1107529
There are no findings or observations. The goal was to receive a welding license. It is noted that he did not complete the welding school classes at Force Welding and he indicated that he had barriers to training that included additional gas costs due to the training moving to Idabel, Oklahoma.

Recommended Action: Determine whether the clients exit from training was a result of additional barriers to training and reiterate to servicing staff the importance of identifying other needs and barriers. Provide additional supportive services prior to and after exit as needed.

Participant 1785394
There are no findings or observations. It is also noteworthy that the goal was to become a licensed LPN and it was achieved.

No action is required.

Participant 1886725
The ISS indicates there was a goal to increase reading skills by one or more functional level. This did not occur and the result was a program exit without the basic skills being attained.

Recommended Action: Escalate communication with youth that display high risks of premature exit from the program. Utilize incentives and consider offering or increasing the incentives in order to ensure that the goal set, such as EFL and credential attainment, is achieved.

Participant 1881164
There are no findings or observations.

No action is required.

Youth Policy Review

The local area aligned its policy with state policy by integrating local policy into OWDI 02-2016 Change 2.

SECTION 7 – EQUAL OPPORTUNITY (EO)

A review of policies and documentation was conducted to help identify and address compliance issues under the nondiscrimination and equal opportunity mandates of Section 188 of the Workforce Innovation and Opportunity Act and following are observations, recommendations, and required actions from the review.

Opportunity for Improvement #7-1: The Southern Workforce Area indicated that no complaints have been filed on alleged discrimination. No complaints of alleged discrimination are an indication that either 1) there are no issues of alleged discrimination occurring, or 2) the reporting system for complaints of alleged discrimination needs to be improved.

Recommended Action: The Southern Workforce Area is encouraged to review its systems and processes regarding reports of complaints of alleged discrimination.

Opportunity for Improvement #7-2: There does not appear to be established procedures for administering sanctions when noncompliance is found.

Recommended Action: The Southern Workforce Area is encouraged to develop a process for obtaining prompt corrective action and, when necessary, applying sanctions, when noncompliance is found with regard to nondiscrimination and equal opportunity. The OOWD will provide technical assistance at a later date.

Observation #7-4: Assurances language from 29 C.F.R. § 38.25 was not systematically included in all agreements, contracts, or MOUs. The assurances language from 29 CFR § 38.25 does not appear in the RFP for the One Stop Operator, OJT Contract, or STEM RFP. There is a reference to 29 C.F.R. § 38 in the One-Stop Operator Agreement, but not specifically to 29 C.F.R. § 38.25 and there is no mention of the assurances language in this agreement. The assurances language is present in the MOU/IFA document.

Required Action: Please ensure that all agreements, contracts, and MOUs contain the assurances language at 29 C.F.R. § 38.25 *verbatim,* or by reference to the specific regulation (29 C.F.R. § 38.25).

Observation #7-5: OOWD reviewed the MOU/IFA, the Youth Contract, and the Service Provider Contract. The required language "Equal opportunity employment/program. Auxiliary aids and services are available to individuals with disabilities upon request." does not appear to be included in these documents.

Required Action: Please update all documents with the language set forth in the regulations: "Equal opportunity employment/program. Auxiliary aids and services are available to individuals with disabilities upon request."

Observation #7-6: OOWD reviewed the "One Stop Operator Contract" and it does not contain the nondiscrimination statement.

Recommended Action: Please update the One Stop Operator contract with the following statement:

"No individual in the United States may, on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in any WIOA Title I-financially assisted program or activity, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any WIOA Title I-financially assisted program or activity. (29 C.F.R. § 38.5)."

Observation #7-7: OOWD reviewed the Recruitment Flyer, Youth Contract, and Supervisor Handbook. There does not appear to be an alternative effective method for communication for those that are deaf/hard of hearing or who have speech disabilities.

Recommended Action: Ensure wherever a telephone is listed, an alternative effective communication method also is listed, per 29 C.F.R. § 38.15(b).

Observation #7-8: OOWD reviewed the "supervisor orientation book". There is no indication that it is confirmed that the trainee receives and understands the "Equal Opportunity is the Law" notice; the "Equal Opportunity is the Law" notice is not listed as an item provided during orientation.

Recommended Action: Please update the agreement to require that the "Equal Opportunity is the Law" notice is provided during orientation in compliance with 29 C.F.R § 38.39.

*The following actions were identified as **observations with required actions** from PY16-17 Monitoring and these required actions were not reflected in the documentation submitted for PY17-18 Annual Monitoring. Please ensure that all policies referenced below are updated to include the required changes.*

A review of policies and documentation was conducted to help identify and address compliance issues under the nondiscrimination and equal opportunity mandates of Section 188 of the Workforce Innovation and Opportunity Act and following are observations, recommendations, and required actions from the review:

Personnel Policy and Procedures (Apr. 2016).

Observation: Reference to the "Equal Opportunity is the Law" notice is not present.

Required Action: Incorporate the "Equal Opportunity is the Law" notice at 29 C.F.R. § 38.35 in the document as required by 29 C.F.R. § 38.36.

Observation: At section 1.10, prohibited bases of discrimination in WIOA Section 188 are not referenced.

Required Action: Incorporate the prohibited bases of discrimination at 29 C.F.R. § 38.5.

Observation: On page 10 (Word), the word "handicap" is used.

Required Action: The Rehabilitation Act was amended to require removal of the word "handicap." Replace with the word "disability."

Observation: The document contains telephone numbers without an alternative effective method of communication for individuals who are deaf/hard of hearing, or who have speech disabilities.

Required Action: Ensure wherever a telephone is listed (*e.g.,* page 11 (Word), an alternative effective communication method also is listed. 29 C.F.R. § 38.15(b).

Observation: The discussion regarding discrimination complaints (*e.g.,* EEO and EO) is confusing.

Recommended Action: Clarify when and how to file discrimination complaints regarding (1) employment practices; and (2) delivery of WIOA Title I aid, training, benefits, or services.

Observation: On page 27 (Word), orientation is discussed, but it is not clear whether the "Equal Opportunity is the Law" notice is required to be distributed.

Required Action: Clarify the policy to require that the "Equal Opportunity is the Law" notice is provided during orientation in compliance with 29 C.F.R. § 38.39.

Observation: The first bullet at page 40 (Word), does not include prohibited bases of discrimination under WIOA Section 188.

Required Action: Incorporate the nondiscrimination language at 29 C.F.R. § 38.5.

Observation: OOWD reviewed the Incumbent Worker Training Policy (Nov. 2006) on page 5, there is a discussion about contracts and RFPs. Equal opportunity and nondiscrimination assurances language was not mentioned. This language needs to be incorporated to ensure ongoing notice of nondiscrimination obligations.

Recommended Action: If policy is still in effect, please update language in the policy to require that all grants, cooperative agreements, contracts, RFPs, and any other arrangements for delivery of WIOA Title I aid, training, benefits, or services shall comply with and include the language contained in the nondiscrimination requirements at 29 C.F.R. § 38.25.

Observation: OOWD reviewed the "Worksite Agreement Policy (Mar. 14, 2018)," on page 4 (Word), the "Equal Opportunity is the Law" notice is not listed as an item provided during orientation.

Required Action: Please update the agreement to require that the "Equal Opportunity is the Law" notice is provided during orientation in compliance with 29 C.F.R. § 38.39.

WIOA Employment Program Handbook (Mar. 3, 2018)

Observation: On page 4 (Word), there is no indication that it is confirmed that the trainee receives and understands the "Equal Opportunity is the Law" notice.

Recommended Action: Suggest adding, "Ensure the trainee understands the Equal Opportunity is the Law notice."

Observation: The document does not contain a "Babel" notice in relevant languages.

Recommended Action: This is a "vital" document as defined at 29 C.F.R. § 38.4(ttt), and must include a "Babel" notice in relevant language(s). 29 C.F.R. § 38.9(g)(3). *See also* 29 C.F.R. § 38.72(b)(1)(iv). Notice should be in English, Spanish, and any other languages "spoken by a significant number or portion of the

population eligible to be served, or likely to be encountered." 29 C.F.R. § 38.9(g)(3). The "Babel" notice also must be present on any documents where the participant/trainee signs.

Observation: On page 24 (Word), the document defines "harassment."

Required Action: Ensure the definition tracks the language at 29 C.F.R. § 38.10.

Observation: On page 24 (Word), contact information is listed, but there is no alternative effective method of communication for individuals who are deaf/hard of hearing, or who have speech disabilities.

Required Action: Ensure wherever a telephone is listed, an alternative effective communication method also is listed. 29 C.F.R. § 38.15(b).

Observation: Reference to the "Equal Opportunity is the Law" notice is not mentioned.

Required Action: Incorporate the "Equal Opportunity is the Law" notice at 29 C.F.R. § 38.35 in the document as required by 29 C.F.R. § 38.36.

Observation: OOWD reviewed the Adult and Dislocated Worker Programs Policy (Mar. 2018) and it did not include a nondiscrimination notice in the document.

Recommended Action: As part of providing ongoing notice of nondiscrimination to staff and beneficiaries, OOWD recommends that document, forms and IEP template be updated with the following:

No individual in the United States may, on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in any WIOA Title I-financially assisted program or activity, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any WIOA Title I-financially assisted program or activity. (29 C.F.R. § 38.5).

Observation: OOWD reviewed the Adult and Dislocated Worker Programs Policy (Mar. 2018) Agreements or other arrangements, such as IEP (page 5 (Word)), or ITA (page 10 (Word), page 21 (Word)), training voucher form (page 22 (Word), and training contracts (page 11 (Word)) do not include assurances language.

Required Action: For each of the foregoing items that SWB has the ability to edit, if related to the delivery of WIOA Title I aid, training, benefits, or services, the required assurances language at 29 C.F.R. § 38.25 must be incorporated either *verbatim* or by reference to the regulation.

Discrimination Complaints Process Policy (3-18):

Observation: On pages 4-5 (Word), the nondiscrimination statement is incomplete.

Required Action: To be consistent across policy documents where the prohibited bases are identified, and to give proper notice to the public of their rights, update the document with the following:
No individual in the United States may, on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in any WIOA Title I-financially assisted program or activity, be excluded from

participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any WIOA Title I-financially assisted program or activity. (29 C.F.R. § 38.5).
Observation: On page 6 (Word), 13 (Word), 22 (Word), the State Equal Opportunity Officer's contact information is listed, but there is no alternative effective method of communication for individuals who are deaf/hard of hearing, or who have speech disabilities.

Required Action: Ensure wherever a telephone is listed, an alternative effective communication method also is listed. 29 C.F.R. § 38.15(b). The TTY number for the State Equal Opportunity Officer is the same as the other TTY numbers listed in the policy.

Observation: On page 13 (Word), section D.18, the notice that the complaint will not be accepted must include notice of the right to file a complaint with the CRC within 30 days, per 29 C.F.R. § 38.75. Also, if the complaint is untimely, it must include the waiver notice.

Required Action: Ensure that the complainant is properly notified of his or her rights when a complaint is rejected for lack of jurisdiction. Suggested language is as follows:

NOTICE OF RIGHT TO REQUEST WAIVER: Your complaint has been found untimely because it was not filed within 180 days of the alleged act of discrimination. However, you may request a waiver of the 180 day time limit for filing a complaint by demonstrating "good cause." Any request for waiver must be submitted in writing to the Director of the Civil Rights Center, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210. The Director of the Civil Rights Center has the sole discretion to grant or deny a request for waiver.

NOTICE OF RIGHT TO FILE COMPLAINT: If you are dissatisfied with this Notice of Final Action, you may file a complaint with the Civil Rights Center, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210. The complaint must be filed within 30 days of the date on which you received this Notice of Final Action.

Observation: The regulations do not provide that the EO Officer suspend the complaint inquiry based on the parties' election to pursue Alternative Dispute Resolution (ADR). *See also* 29 C.F.R. § 38.85(d) ("CRC will not suspend its investigation and complaint processes during ADR").

Required Action: On page 16 (Word), the process should provide, even if ADR is selected, the EO Officer will continue to pursue the inquiry. Within 90 days of the date of receipt of the complaint, the matter will be concluded based on a settlement agreement or, if no settlement agreement is reached, the EO Officer will issue a Notice of Final Action. This ensures that, if the complainant files with the CRC, the CRC will have the benefit of the state or local EO Officer's findings.

Observation: On page 19 (Word), the procedures provide that complaint records are retained for "a period of not less than three years from the date of resolution."

Recommended Action: The language should be clarified to provide the following: "Where a discrimination complaint has been filed . . . every recipient that possesses or maintains any type of hard-copy or electronic record related to the complaint . . . must preserve all records . . . *for a period of not less than three years from the date of final action related to resolution of the complaint or compliance review*." (29 C.F.R. § 38.43(b)) (italics added). Please ensure internal processes are coordinated to ensure the policy is followed.

CONCLUSION

Please note that all local policies must be sent to OOWD as they are brought into compliance with WIOA provisions, as per the Governor's Oversight and Monitoring Plan, OWDI #11-2017. The local area timeline for bringing local policies into compliance with state policies and WIOA provisions is June 30, 2019. An exception to this is the Accounting Policy, Procurement Policy, and Youth Contact Policy, which should be updated by September 1, 2019.

The observations, opportunities for improvement, recommended actions, required actions, and findings contained in this report are the responsibility of the local board as the subrecipient of Title I funds. It is ultimately the responsibility of each Title I subrecipient to ensure all workforce activities meet all Federal, State, and local requirements.

Please thank your staff for the hospitality and cooperation provided during the visit conducted by the OOWD Program and Policy Team. We look forward to continuing the excellent working relationship with your office. Our office is available for any technical assistance or support you might need.

OKLAHOMA WORKS

Oklahoma Office of Workforce Development

PY17 MONITORING REPORT

Tulsa Oklahoma Workforce Development Area

OOWD Monitors:
Connie Littleton
Emmit Grayson
Sandy Elledge
Darcee Simon
Kristy Austin
Jared Bates
Michael Carter

June 10, 2019 through June 14, 2019

Oklahoma Office of
Workforce Development
900 N Portland Avenue
Oklahoma City, OK
73107

MONITORING DATES:
June 10, 2019 through June 14, 2019

OVERVIEW OF THE LOCAL AREA:
Local Workforce Development Board –Tulsa Area Workforce Development Board
Workforce Development Board Fiscal Agent – Tulsa Community College
Workforce Center On-Site Annual Monitoring- Sapulpa Workforce Center

SUMMARY OF REVIEW:
The Oklahoma Office of Workforce Development (OOWD) conducted a review of Local Area Monitoring and Oversight, Design and Governance, Program and Grant Management Systems, Financial Management Systems, Adult and Dislocated Worker Programs, and Youth Programs for PY17. The purpose of this review was to assess whether key policies, procedures, and systems are in place to manage these programs.

The Oklahoma Office of Workforce Development (OOWD) reviewed Program Year 17 (PY17), which covers the period from July 1, 2017- June 30, 2018.

REVIEW SCOPE:
Local Program Monitoring
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Delivery of Adult & Dislocated Worker Services
Delivery of Youth Services
Equal Opportunity and Nondiscrimination

SECTION 1 – LOCAL MONITORING
The Tulsa Area Workforce Development Board's Youth Program monitoring was comprehensive and in accordance with the local process and local monitoring schedule.

Local programmatic monitoring of the Adult and Dislocated Worker Programs was comprehensive and complete, and was conducted in accordance with the Tulsa Area Workforce Development Board's (TAWDB's) Monitoring Policy and Procedures.

Financial Monitoring: Tulsa Community College as fiscal agent for TAWDB financial monitoring was broad and comprehensive and in compliance with their own monitoring policies. The fiscal agent maintains good written documentation, including monitoring reports, findings, corrective actions, and resolutions for each fiscal monitoring conducted.

No issues were found.

- **Notable Practice:** TCC has implemented an effective and well organized monitoring process and tool. OOWD has shared both with state local area fiscal agents and regional state counterparts.

SECTION 2 - DESIGN AND GOVERNANCE

The board certification of Workforce Tulsa is complete and the board has met all the requirements set forth by the Workforce Innovation and Opportunity Act (WIOA) and the Governor's Council for Workforce and Economic Development.

It is ultimately the local area's responsibility as a sub-recipient of federal funds to ensure that local policies are in compliance with all acceptable laws, regulations, uniform administrative requirements, and state policies.

Observations:

- Strategic plan: The Workforce Tulsa board has been utilizing a strategic plan independently of the local or regional area plan. The strategic plan is viewed as a living document and is well-supported by specific local area data. The strategic plan duplicates key functions of a local plan, especially "represent a collaborative process among local elected officials, local WDBs, and required and other partners" (OWDI #01-2017).

  Recommended action:
  Identify ways to better align local plan updates and the process for local and regional planning to correspond to the structures and functions of the strategic plan.

- IWOC: The Workforce Tulsa board has a newly developed Innovative Workforce Opportunity Council that fosters collaboration between partners and resources across target barrier populations. This reflects a broader spirit of collaboration and effort to reduce silos among partners.

  Recommended action: Leverage the engaged members of this group for system mapping to analyze for gaps and duplication in the service delivery process.

Best Practices:

- The leadership team at the site visit including board staff, service providers and AJC management demonstrated strong communication and cohesive teamwork. There was evidence that staff leadership is receptive to feedback and fosters a culture of mutual respect.

- Customer feedback is actively received and responded to. The leadership team at the site visit provided multiple examples of changes that resulted from partner and customer feedback including processes, center environment, and communication.

SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS

The Oklahoma Office of Workforce Development (OOWD) has determined that the Tulsa AWDB demonstrates adequate capacity to perform the broad management functions required to operate federally funded workforce development grants. Prior to and during financial monitoring, administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, contracting, and procurement samples were reviewed. After review of working papers,

policies, and processes; there were no issues found.

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS

OOWD reviewed all of July 2017, November 2017, February 2018, and June 2018 expenditure reports for WIOA contracts along with the corresponding budget, accounting records, and cash requests. In addition, a sampling of board, fiscal agent, and service provider expenditures were selected from the months reviewed. Review of working papers to determine financial and administrative compliance resulted in questioned costs and observations:

- **Questioned Costs #1-Supportive Service Rental Assistance Documentation**: Double G. Rentals need additional explanation/documentation. Documentation provided indicates rental is for a shed/barn.

  Required Action: Additional documentation is required to ensure payment was for rental assistance of a living dwelling and not for storage shed/barn as stated in provided documents.
  Documentation has been received and the required action has been satisfied.

- **Questioned Cost #2-OSY Work Experience Payment:** PID 1877521 lack of back-up documentation to support payment to Manpower for OSY work experience.

  Required Action: Back-up documentation is required to support payment to Manpower for OSY work experience.
  Documentation has been received and the required action has been satisfied.

- **Question Cost #3-Temporary Staff Payment:** Lack of back-up documentation to support payment to Manpower for temporary staff.

  Required Action: Back-up documentation is required to support payment to Manpower for temporary staff.
  Documentation has been received and the required action has been satisfied.

- **Observation #1-Supportive Service Rental Assistance Documentation:** Required back-up documentation (property lease) provided is not a properly executed document due to omitted lessee signature.
  No action is required.

- **Observation #2- Training Assistance**: PID 1855144 co-enrolled in the Adult and Dislocated Worker program but training costs only charged to the Adult funding stream. Due to the Tulsa LWDB being in jeopardy of not meeting the requirement of expending 40 percent of its funding on Direct Participant Training, it would have been beneficial for the costs of training divided amongst Adult and Dislocated Worker programs.
  No action is required.

SECTION 5 – DELIVERY OF ADULT AND DLW SERVICES

OOWD's comprehensive review of the Adult and Dislocated Worker (DLW) programs consisted of a random monitoring sample that included five Adult and five DLW files.

Area of Concern: The files reviewed did not include clearly defined and documented achievement objectives and employment goals, which are required components of an individual employment plan (IEP). WIOA section 134(c)(2)(A)(xii)(II), 20 CFR 680.170, and State policy require an IEP that is jointly developed by the participant and the case manager. The plan must identify employment goal(s), achievement objectives and the appropriate combination of services for the participant to achieve the employment goal(s). In several of the files reviewed, the attainment of a measurable skills gain or training goal appeared to be the only planned outcome or achievement objective, rather than attainment of sustainable employment. For example, the last program note for participant 587289 (see the observation below) states that a training goal was set April 4, 2018 with a completion date of September 6, 2018, and that the participant had gained "the accreditation suitable to obtain training related employment" and "does not have any further barriers related to training". There was no employment goal set related to the training approved in PY17 for this participant.

OWDI #03-2019, Guidance for the Development of the Adult and Dislocated Worker Individual Employment Plan was released June 28, 2019. The virtual IEP, when completed in accordance to the guidance, documents where the participant is at program enrollment, where they want to be, and the appropriate mix and sequence of services and support to reach a realistic employment goal or career pathway. The use of the virtual IEP is mandated for use by all workforce development areas in PY19 and will resolve the above area of concern when implemented as intended.

There is no additional action required of the local area for this concern.

Observations from Adult Files:

PID 587289

During her first Adult Program enrollment (PY15), the participant completed Certified Medication Aid (CMA) training. She received her CMA license in August 2016. The participant requested WIOA assistance again in PY17 and, according to documentation uploaded to OKJobMatch, she enrolled in the Healthcare IT Technician program. She did not complete the Healthcare IT Technician program, but received a certificate of completion for the Medical Office Administration component of the program. An October 2018 program note indicated the participant had not taken the exam for her Medical Office Administration license because she had not been informed of the test date. Her employment status had not been verified as of the last program note in December 2018.

Recommended Action:

Program notes indicated that the participant expected the training provider to contact her about scheduling her Medical Office Administration exam. Since the training provider's Education Plan Quote includes the cost for exams as a part of the total training cost, the case manager is encouraged to contact the training provider to inquire whether they have record of paying for the participant's exam and, if the test was taken, the results. The

training provider's policy or procedure for ensuring that students are prepared for required licensure/certification exams upon program completion should be provided to WIOA staff in writing, including whether it is the program's or the individual student's responsibility to schedule the exams. The training provider's procedures should also be provided to potential and/or newly enrolled students in the form of a student handbook, acceptance letter, or similar document to clarify critical information and provider requirements, including but not limited to cost of attendance, refund policy for incomplete training, attendance requirements, the process for scheduling exams, and all other pertinent information for successful program completion.

PID 81445
Program notes indicated this low income participant had nurse aide skills but needed training to return to the medical field. She attended Certified Nurse Aide (CNA)/Home Health Aide (HHA) training while employed as a clerk. Her CNA and HHA licenses were attained in May 2018.

Area of Concern: Although unemployment insurance (UI) wages are recorded for the participant after program exit, there is no documentation as to whether she accepted employment in the healthcare field. In addition to case management activities and contact attempts, OWDI #19-2017 (in effect during the participant's enrollment) required a detailed, ongoing narrative to document the attainment of employment, including name of the employer, employment start date, and wage at hire, as well as the provision of follow-up services.

Action required: Please provide documentation of TAWDB's process for ensuring employment is documented in accordance with current State guidance for the delivery of adult and dislocated worker services, OWDI 19-2017 Change 1, to ensure this area of concern is addressed prior to PY18 monitoring.

PID 573401
The participant received welding training and job readiness activities in PY16, while residing in a pre-release facility, the Oklahoma City Community Correction Center. The training was funded through a memorandum of understanding (MOU) between the Central Oklahoma Workforce Innovation Board (COWIB) and a local technology center. Supportive services in the form of tools and work clothing necessary for training were also provided with title I funds. The participant completed the training program and returned to his home in Sand Springs upon release from the correctional facility. His file was transferred to the Tulsa Workforce Development Area where he received career guidance in PY17. He reported employment in late August 2017 and was exited at that time.

No action is required.

PID 1883732
The participant was employed as a Pharmacy Technician when she applied for WIOA services. She requested CNA training with an ultimate employment goal/career pathway of becoming a Registered Nurse (RN). She was issued her HHA and CNA licenses in June 2018. The participant reported continued employment at the University of Oklahoma Health Sciences Center (OUHSC) Pharmacy in October 2018, and stated she was

returning to school to complete her long term goal. She requested no other WIOA funds or assistance with her continued training.

No action is required.

PID 646075:
The participant, an underemployed older worker, requested assistance with the cost of Adobe Illustrator courses to help her attain employment in her previous field as a Trainer/Training Manager. The short term training was funded by Work Ready Oklahoma since the training provider and program did not meet eligible training provider list (ETPL) requirements. No additional services were requested or provided.

No action is required.

Observations from DLW Files

Area of Concern: Of the five randomly pulled DLW files, four were co-enrolled in Trade Adjustment Assistance (TAA). Three of the four TAA/WIOA Dual Enrollment Project participants exited without completion of training, as described in the observations below.

Required Action: Please provide documentation of procedures that have been developed since PY17 to improve training completion and employment outcomes when training is funded by TAA. If such procedures have not been developed, please provide TAWDB's plan to ensure coordination between WIOA staff and the State's TAA staff to produce better employment and training results for DLW participants, as well as better performance outcomes for the State and local area. Please include planned meetings with all relevant partners and staff, as well as any provision of, and requests for, technical assistance.

PID 863458:
This dislocated worker was approved for the TAA/WIOA Dual Enrollment Project in PY15. He attended the Respiratory Care program at Tulsa Community College (TCC), but dropped out after the spring 2017 semester. The participant reported part time employment prior to discontinuing his training, and last responded to attempted contact attempts in October 2017.

No action is required.

PID 644374:
The participant started the Mechanical Engineer program at Tulsa Community College in in the spring of 2016 after being laid off. The cost of training was funded by the TAA/WIOA Dual Enrollment Project. The State TAA Coordinator approved a one-time financial hardship exception to pay for a course that the participant was required to retake. He was given an extension of his training time and approval to change his major to an associate degree as he lacked only the repeat course and one other to complete the lesser degree. The exceptions were granted with the condition that he provide a degree audit to verify that he would obtain a degree upon successful completion of the two courses. The participant was exited without completion in February 2019 for failure to provide the

requested documentation.

No action is required.

PID 1240556:
TAA approved the cost of GED and HVAC training through BRU, Inc. and Wichita Technical Institute, respectively. He exited both programs without completion. The last program note on July 13, 2018 indicated the participant was working as an Uber driver and was waiting to hear back from FedEx.

No action is required.

PID 806947:
The participant's cost of HVAC training was paid by TAA. He completed training in January 2018 and reported in March that he had started his own business and was not in need of any WIOA services. He was not willing to complete the local area's Participant Employment Statement to verify earned income and there were no reported UI wages after program exit.

No action is required.

PID 5421204:
The participant was laid off after more than 10 years as a Material Coordinator due to a reduction in force at his place of employment. He chose to attend truck driver training to increase his marketability as an older worker. He attained a CDL A license and accepted employment on August 16, 2017 as a truck driver, earning thirty-eight cents per mile, averaging 1500 miles per week.

Area of Concern: Only one successful contact was made with the participant since he attained employment and there are no documented attempts since January 10, 2018. Follow up services must be provided for up to 12 months after the attainment of unsubsidized employment, per TEGL 19-16 (effective March 1, 2017) and OWDI 06-2016 (in effect October 24, 2016 – October 15, 2017), as well as subsequent Adult and DLW policies, OWDI 19-2017 and OWDI 2017, Change 1. The local process for documenting follow-up services found in the TAWDB's Adult & Dislocated Worker Policy (Board approved June 15, 2017) requires an exit program note to be entered upon a participant's exit, identifying that the participant is eligible for follow-up services. Local policy also requires a follow-up service to be entered into the participant's service and training plan (S&T) once the participant has exited the program. Each entered follow-up service is required to be set for one year from the date of exit. Neither program notes nor the S&T include documentation of follow-up.

Required Action: Please describe the current local process for ensuring 12 months of follow up services for individuals who obtain employment, as well as how follow-up services and follow up contact are to be documented.

SECTION 6 – DELIVERY OF YOUTH SERVICES

An observation of the Tulsa Region Cumulative 4-Quarter Reporting Period report indicates the local area has continued its focus on the WIOA primary target population of out-of-school youth.

Of the total youth who received WIOA services during the monitoring review period, a comprehensive review was conducted on 10 enrollments that consisted of 10 out-of-school youth (OSY) and 0 in-school youth (ISY).

- The monitoring sample indicated the LWDB is serving the WIOA eligible/target population.
- The LWDB has developed an individual service strategy (ISS) that identifies the specific needs of each participant. See further recommendations in relation to work experience.
- Supportive services are being provided as needed to overcome barriers to participation and completion of the ISS.
- Work experience expenditures for the local area are below the 20% statutory requirement. This includes PY17 and prior program years under WIOA.
- The local area based on PY17 Performance Numbers were at a credential attainment level of 25.5% vs. the negotiated level of 56.1%. There needs to be an emphasis on increasing the number of youth with credential attainments.

Results from the Review of the Youth Files:

Participant 1884480

Observation: The youth's goal as set in the Youth Measurable Skill Gains screen to receive a GED was not attained during enrollment and the youth exited the program without completing the goal.

The youth also had agreed to achieve a training goal as set in the Youth Measurable Skill Gains screen to complete CNC Machining training. However, this was not attained and the youth exited the program without completing the goal.

Recommended Action:

Escalate communication with youth that display high risks of premature exit from the program, and utilize incentives and consider increasing the incentives in order to ensure that the goal set, such as Educational Functioning Levels (EFL) and credential attainment (i.e., the GED), is achieved.

After December 3, 2018, there are no other program notes for the participant that indicated that the youth was entered into follow-up nor is there any indication that follow-up attempts were made.

Follow-up services are required for not less than 12 months after the completion of activities planned in the ISS. Follow-up services are critical services provided after a youth completes program activities to help ensure the youth is successful in employment and/or post-secondary education and training. Services provided should be based on the needs of the youth; therefore the type and intensity of these services will vary from individual to

individual. Follow-up services must include more than an attempted contact made to gather information for reporting purposes. Follow-up services should provide the necessary support to ensure the success of youth post-program.

Required Action:
The US Department of Labor (DOL) and the State recognize the concerns that some youth may not be responsive to attempted contacts for follow-up, and other youth may be difficult to locate, making it challenging to provide follow-up services for such individuals. Local programs must have updated policies in place to establish how to document and record when a participant cannot be located or contacted.

Participant 1827966:
There are no findings or observations. However, it is noteworthy that the youth increased her reading score from a basic skills deficient level of 5.4 to 12.9+ in post-testing while participating in the WIOA Youth Program.

Participant 1809114:
There are no findings or observations. It is noteworthy that the post TABE testing resulted in the youth increasing the reading score from a deficient level of 7.4 to an efficiency in reading of 12.9+.

Although the math score increased from 4.6 to 7.3, the client remained basic skills deficient in math at program exit.

Recommended Action:
Consider increasing the incentives in order to ensure that the goal set, such as Educational Functioning Levels (EFL) and credential attainment (i.e., the GED), is achieved and the increase in the incentive agreement could serve as a motivator for additional EFL gains. The goal has to ultimately be statewide that our participants are going to exit geared to succeed in his or her education and employment goals.

Participant 1879804:
Observation: Please review the following program note dated 03/29/2018 and determine if the local area funding was insufficient to support training of the youth in the desired career pathway:

Date: 3/29/18 "*Client is an in school youth enrolled at Tulsa Community College for their basic education and wanting to pursue Education to become a teacher. Therefore, funding is not available for training for in school youth. This results in the training goal being complete.*"

Recommended Action:
Since the client was enrolled in the WIOA Youth and the WIOA Adult Program, the local area should have considered leveraging both funding streams in order to assist the youth in completing the career goal of becoming a teacher, if funds were available.

Participant 1827966:
There are no findings or observations. The client received the Pharmacy Technician Certificate. It is also noteworthy that the post TABE testing resulted in the youth increasing the reading score from a deficient level of 5.4 to an efficiency in reading of 12.9+.

Participant 1197492:
The youth goal as set in the Youth Measurable Skill Gains screen to receive a General Educational Development (GED) was not attained during enrollment and the youth exited the program without completing the goal.

The local area did not document the selective service status of the youth once he turned 18 years of age. There is no proof of selective service registration uploaded or in program notes, nor a referral noted selective service.

Required Action:
Verify that the youth has complied with the requirements of the Military Selective Service Act (50 U.S.C. App. 451 et seq.).

Recommended Action:
Escalate communication with youth that display high risks of premature exit from the program, and utilize incentives and consider increasing the incentives in order to ensure that the goal set, such as EFL and credential attainment (i.e., the GED), is achieved.

Participant 1851970
The ISS indicates there was a goal to increase the reading grade level by one or more functional levels. This did not occur and the result was a program exit without the basic skills being attained. Also, the youth exited without obtaining the educational functioning level of a GED.

Recommended Action:
Escalate communication with youth that display high risks of premature exit from the program, and utilize incentives and consider offering or increasing the incentives in order to ensure that the goal set, such as EFL and credential attainment is achieved.

Participant 1006735:
The youth exited the program without completing any employment, work readiness, training, nor his basic skills goal.

Recommended Action:
Escalate communication with youth that display high risks of premature exit from the program, and utilize incentives and consider offering or increasing the incentives in order to ensure that the goal set, such as EFL and credential attainment is achieved.

Participant 1846188:
The youth exited the program without completing any employment, work readiness, training, nor his basic skills goal.

Recommended Action:
Escalate communication with youth that display high risks of premature exit from the program, and utilize incentives and consider offering or increasing the incentives in order to ensure that the goal set, such as EFL and credential attainment is achieved.

Participant 1862935:
The client needs were a GED, transportation and job readiness skills according to her needs and barrier assessment. The ISS planning worksheet comments state: "*Client is a high-school dropout but does not need services due to receiving services through Youth Services of Tulsa.*"

However, the State believes that the local area should have offered her an incentive to motivate her to progress through that program completion making it more likely that she would complete the program. There was also a GED goal set but it was not attained.

Recommended Action:
Consider offering or increasing the incentives in order to ensure that the goal set, such as EFL and credential attainment including GED's are attained.

Local Area Work Experience

PY16 Section 6: Final Determination:

Local Area Finding:
WIOA section 129(c)(4) prioritizes work experiences with the requirement that local areas must spend a minimum of 20% of non-administrative local area funds on work experience. As stated in Section 4 on the monitoring report, the local area work experience expenditures have not met the statutory benchmark of 20%.

The Department of Labor (DOL) has been in contact with the state to discuss our aggregate work experience expenditures and specific local areas that are not meeting the requirement.

The Department of Labor previously provided its guidance on the specific costs that are allowed in the work experience expenditure in TEGL 23-14, 8-15 and 21-16. The State has issued policy and provided a technical assistance presentation to the local areas mirroring the breakout of allowable expenditures that may be counted towards the work experience expenditure requirement.

This finding could either be a financial reporting issue or a programmatic issue. This will be determined ultimately through initially determining whether all work experience expenditures as allowed in TEGL 21-16 have been properly identified at the service provision level at minimum up to the subsequent reporting to the state by the fiscal agent for reporting to DOL quarterly.

As DOL has stated in conference calls with the state, if these determinations are not simply line item reporting issues, then the local strategies and recruitment would be questioned as a reason for not achieving the 20% requirement.

☐ **Workforce Tulsa Response:** After further review, TCC found that the following work experience was not reported in OKgrants:

July 2016 Youth 6-553266 $1820.00
July 2016 Youth 6-554706 $6,376.77
August 2016 Youth 6-554706 $15,299.72
March 2017 Youth 6-554706 $10,190.63
April 2017 Youth 6-554706 $371.00
TOTAL: $34,058.12

Upon further review, the fiscal agent (TCC) found a total of $34,058.12 in work experience costs that had not been reported in OKGrants.gov. OOWD acknowledges the local area and fiscal agent's collaborative financial reconciliation of the work experience expenditures in an effort to resolve this finding. However, the amounts reported did not increase the expenditures to the minimum statutory obligation in WIOA and 20 CFR § 681.590(a) requiring that a minimum of 20 percent of local area funds for the Title I Youth program be spent on work experience.

Corrective Action:
The Tulsa Workforce Development Area needs to provide the state with a corrective action plan to increase the expenditures to the statutory 20 percent minimum for work experience. The local area needs to focus its efforts on increasing the client enrollment in paid work experience and assurances that it is accurately reporting all expenditures that count towards the work experience expenditure requirement. Please provide this plan within 30 days from the date of the monitoring report detailing your plan of action to correct the finding over the next 3 months.

Allowable work experience expenditures include the following:

- Wages/stipends paid for participation in a work experience;
- Staff time working to identify and develop a work experience opportunity, including staff time spent working with employers to identify and develop the work experience;
- Staff time working with employers to ensure a successful work experience, including staff time spent managing the work experience;
- Staff time spent evaluating the work experience;
- Participant work experience orientation sessions;
- Employer work experience orientation sessions;
- Classroom training or the required academic education component directly related to the work experience;
- Incentive payments directly tied to the completion of work experience; and
- Employability skills/job readiness training to prepare youth for a work experience.

The state will continue its evaluation of these expenditures on a monthly basis for local and state compliance and for reporting on the subsequent quarterly ETA 9130 report to the Department of Labor.

PY17 Work Experience Percentage Finding

Finding:
The local area work experience expenditure total for PY17 was 8 percent. This percentage is based solely on the aggregate of reported totals submitted by the fiscal agent on behalf of the local area.

WIOA and 20 CFR § 681.590(a) require that a minimum of 20 percent of local area funds for the Title I Youth program be spent on work experience.

Potential Cause:

- Lack of recruitment of youth aged 14 to 24 and the effectiveness in the local strategies for serving youth under the work experience component, as well as the training type that is considered a category of work experience, e.g., on-the-job training (OJT) not being included in the work experience totals submitted to the State for enrolled youth that are under an OJT contract.

- Manpower is a service provider and the costs in the standard service agreement that benefits the WIOA Youth work experience component are costs that need to be included in the work experience expenditure totals reported to the State in accordance with TEGL 8-15.

Corrective Action:

- Re-evaluate the local process for developing the individual service strategies (ISS) for youth 14-24 years of age and how the process engages the youth in the program services, career exposure and ultimate transitions into work experience; and in accordance with your Youth Committee By-Laws, include your Youth Committee in the evaluation of the process and the

- Ensure that all work experience expenditures as allowed in TEGL 8-15 have been properly identified at the service provision level at minimum up to the subsequent reporting to the State by the fiscal agent for reporting to DOL quarterly.

- Reconcile the PY17 and PY18 expenditures to determine that all allowable expenses including youth OJT's and the Manpower expenditures referenced above are included in the totals that are reported to the State for work experience. These steps at the local level may significantly impact your aggregate totals;

- Also, as discussed during the PY17 Exit Call, OOWD would like the local area to evaluate the reasonableness of the scaled fee calculated in the work experience component and other costs associated; and in accordance with your Youth Committee By-Laws, include your Youth Committee in the evaluation.

Section 7: Nondiscrimination and Equal Opportunity
To be Determined

OKLAHOMA WORKS

Oklahoma Office of Workforce Development

PY17 EO MONITORING REPORT

Tulsa Oklahoma Workforce Development Area

OOWD Monitor:
Linda Emrich
Michael Carter

June 10, 2019 through June 14, 2019

Oklahoma Office of
Workforce Development
900 N Portland Avenue
Oklahoma City, OK
73107

MONITORING DATES:
June 10, 2019 through June 14, 2019

OVERVIEW OF THE LOCAL AREA:
Local Workforce Development Board –Tulsa Area Workforce Development Board
Workforce Development Board Fiscal Agent – Tulsa Community College
Workforce Center On-Site Annual Monitoring- Sapulpa Workforce Center

SUMMARY OF REVIEW:
The Oklahoma Office of Workforce Development (OOWD) conducted a review of Local Area Monitoring and Oversight, Design and Governance, Program and Grant Management Systems, Financial Management Systems, Adult and Dislocated Worker Programs, and Youth Programs, and Equal Opportunity and Nondiscrimination for PY17. The purpose of this review was to assess whether key policies, procedures, and systems are in place to manage these programs.

The Oklahoma Office of Workforce Development (OOWD) reviewed Program Year 17 (PY17), which covers the period from July 1, 2017- June 30, 2018.

REVIEW SCOPE:
Equal Opportunity and Nondiscrimination

SECTION 7: NONDISCRIMINATION AND EQUAL OPPORTUNITY
A review of policies and documentation was conducted to help identify and address compliance issues under the nondiscrimination and equal opportunity mandates of Section 188 of the Workforce Innovation and Opportunity Act and following are observations, recommendations, and required actions from the review:

Observation: OOWD reviewed the "Youth Program Policy." Page 3 (PDF) for the document read, "An equal opportunity (EO) notice must be provided in appropriate formats to registrants, applicants[...]

Recommended Action: Suggest adding, "Ensure the trainee understands the Equal Opportunity is the Law notice," in lieu of this.

Observation: OOWD reviewed the "On-The-Job Training Policy" document. There is a discussion about contracts and RFPs. Equal opportunity and nondiscrimination assurances language was not mentioned. This language needs to be incorporated to ensure ongoing notice of nondiscrimination obligations.

Recommended Action: If policy is still in effect, please update language in the policy to require that all grants, cooperative agreements, contracts, RFPs, and any other arrangements for delivery of WIOA Title I aid, training, benefits, or services shall comply with and include the language contained in the nondiscrimination requirements at 29 C.F.R. § 38.25.

Observation: The "Equal Opportunity is the Law" notice is not listed as an item provided during orientation.

Required Action: Please update the agreement to require that the "Equal Opportunity is the Law" notice is provided during orientation in compliance with 29 C.F.R. § 38.39.

Observation: On page 7 (PDF) the State Equal Opportunity Officer's contact information is listed, but there is no alternative effective method of communication for individuals who are deaf/hard of hearing, or who have speech disabilities. Additionally there is contact information for Equal Opportunity personnel who are no longer with Workforce Tulsa.

Required Action: Ensure wherever a telephone is listed, an alternative effective communication method also is listed. 29 C.F.R. § 38.15(b). The TTY number for the State Equal Opportunity Officer is the same as the other TTY numbers listed in the policy.

Observation: OOWD reviewed the "Equal Opportunity Policy" and on page 5, 8 and 11 (Word) there is contact information for Equal Opportunity personnel who are no longer with Workforce Tulsa.
Required Action: Update the contact information for Workforce Tulsa's new EO Officer.

Observation: OOWD reviewed the "Anti-Harassment Policy" and on page 5 and 2 (PDF) there is contact information for EO personnel who are no longer with Workforce Tulsa.

Required Action: Update the contact information for Workforce Tulsa's new Equal Opportunity Officer.

Observation: OOWD reviewed the Adult & Dislocated Worker Programs Policy (Feb. 2018) and it did not include a nondiscrimination notice in the document.

Recommended Action: As part of providing ongoing notice of nondiscrimination to staff and beneficiaries, OOWD recommends that document, forms and IEP template be updated with the following:

- No individual in the United States may, on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in any WIOA Title I-financially assisted program or activity, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any WIOA Title I-financially assisted program or activity. (29 C.F.R. § 38.5).

Observation: OOWD reviewed the Adult and Dislocated Worker Programs Policy (Mar. 2018) Agreements or other arrangements, such as IEP (page 5 (Word)), or ITA (page 10 (Word), page 21 (Word)), training voucher form (page 22 (Word), and training contracts (page 11 (Word)) do not include assurances language.

Required Action: For each of the foregoing items that Workforce Tulsa has the ability to edit, if related to the delivery of WIOA Title I aid, training, benefits, or services, the

required assurances language at 29 C.F.R. § 38.25 must be incorporated either *verbatim* or by reference to the regulation.

OOWD Response: OOWD reviewed the revisions submitted and considers the Required Action resolved.

CONCLUSION:

The observations, recommendations and required actions, and findings contained in this report are the responsibility of the local board as the subrecipient of Title I funds. It is ultimately the responsibility of each Title I subrecipient to ensure all workforce activities meet all Federal, State, and local requirements.

Please thank your staff for the hospitality and cooperation provided during the visit conducted by the OOWD Program and Policy Team. We look forward to continuing the excellent working relationship with your office. Our office is available for any technical assistance or support you might need.

OKLAHOMA WORKS

WOWDB's Response to the:

Oklahoma Office of Workforce Development

PY17 FINAL MONITORING REPORT

Western Oklahoma Workforce Development Area

OOWD Monitors:

Connie Littleton
Emmit Grayson
Sandy Elledge
Lindsey Workman
Darcee Simon
Kristy Austin
Jared Bates

Responders:

Christi Y. Porter, WOWDB Executive Director

Hattie Wales, Odle Management Operations Manager

January 7-11, 2019

Oklahoma Office of
Workforce Development
900 N Portland Avenue
Oklahoma City, OK 73107

MONITORING DATES:
January 7, 2019 to January 11, 2019

OVERVIEW OF THE LOCAL AREA
Local Workforce Development Board – Western Oklahoma Development Board (WOWDB)
Workforce Development Board Fiscal Agent – Oklahoma Economic Development Authority (OEDA)
Stillwater Workforce Center – On-Site Annual Monitoring

SUMMARY OF REVIEW:
The Oklahoma Office of Workforce Development (OOWD) conducted a review of Local Area Monitoring and Oversight, Design and Governance, Program and Grant Management, Systems, Financial Management Systems, Adult and Dislocated Worker Programs, Youth Programs, and Equal Opportunity and Nondiscrimination for PY17. The purpose of this review was to assess whether key policies, procedures, and systems are in place to manage these programs.

REVIEW SCOPE:
Local Program Monitoring
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Delivery of Adult & Dislocated Worker Services
Delivery of Youth Services
Equal Opportunity and Nondiscrimination

REVIEW TIME PERIOD
July 1, 2017 to June 30, 2018

SECTION 1 – LOCAL MONITORING
The Western Oklahoma Workforce Development Board (WOWDB) youth program monitoring was contracted with Emsi, a Labor Market Analytics company, and performed in June 2018 covering youth receiving a career or training service. The Emsi monitoring report also covered Adult and Dislocated Worker (DLW) compliance monitoring and addressed the timeliness of case notes and file uploads. The report indicates overall program monitoring was comprehensive and detailed.

Finding #1:
The WOWDB nor its Chief Local Elected Official (CLEO)-designated fiscal agent, Oklahoma Economic Development Authority (OEDA), conducted an annual financial monitoring for program year 17 (PY17) of its subrecipients.

In accordance to Oklahoma Workforce Development Issuance #11-2017 and 2 CFR 200.328-331, a Local Workforce Development Board (LWDB) and the fiscal agent have local oversight and monitoring responsibilities for all programs funded through the Oklahoma Office of Workforce Development (OOWD). Per the policy, LWDBs and fiscal agents will: Ensure monitoring of all subrecipients (service providers and one stop operators) on an annual basis and at least sixty (60) days prior to expiration of the service provider or subrecipients' contract. Monitoring reports and resolutions must be submitted to the OOWD.

Required Action: WOWDB must conduct the required annual PY17 monitoring of its sub recipients and submit monitoring reports and resolutions to OOWD within 90 days of receipt of this notice. WOWDB will

also need to submit a corrective action plan outlining processes, procedures, and policy that prevents future findings such as this, and ensures adequate oversight that effectively protects the integrity and compliance of WIOA grant funding.

WOWDB Response:

The WOWDA CLEO appointed a new fiscal agent, COWIB, on 08/07/2018. COWIB's start date was made retro to July 01, 2018 by OOWD. COWIB staff assisted in the transition from OEDA to COWIB by assisting OEDA. All information regarding the transition was reported at the last monitoring for PY 16, approximately 5 months ago. The WOWDB staff has kept the OOWD staff abreast of all the issues with OEDA, OOWD is fully aware of all the struggles. OOWD Staff has assisted WOWDB staff in getting results from OEDA and making the transfer from OEDA to COWIB as quickly as possible.
The WOWDB Staff will be conducting the fiscal monitoring and monitoring invoices and other information to ensure the fiscal agent duties and responsibilities are being fulfilled timely.
SEE ATTACHMENT #1 schedule of Monitoring given to OOWD.

OOWD Response: The attachments have been reviewed and OOWD accepts the local response regarding WOWDB's financial monitoring documentation. Please send the OOWD the Local Area Final Monitoring Report to be issued by the WOWDB on June 1, 2019, when possible.

SECTION 2 – DESIGN AND GOVERNANCE

The board certification of the Western Oklahoma Workforce Development Board (WOWDB) is complete and the board has met the requirements set forth by the Workforce Innovation and Opportunity Act (WIOA) and the Governor's Council for Workforce and Economic Development.

Observations from Review of Policies and Documentation:
Local Area Policy

- Priority of Services Policy (11/28/17)
- Self Sufficiency Policy (7/18/13)
- Limited English Proficiency Policy (1/8/18)
- Demand Occupation Policy (10/3/17)
- Conflict of Interest Policy (1/18/18 and 10/11/18)
- Supportive Services Policy (4/12/18)

Local policy language authorizes Executive Director to "make needed and necessary compliance changes." This infers that board approval and oversight is not required for potentially substantive policy changes and exceeds the scope of policy implementation and technical assistance responsibilities of Board Staff.

Recommended Action: WOWDB should conduct an audit of board policies to review the scope and clarify the intent of such authorizations, such that they may not include substantive policy changes without board approval. WOWDB should make the necessary revisions as identified by the audit.

WOWDB Response:

The Wording mentioned above is the old wording that was placed on policies.
The wording on all new policies states:
"Policy Additions and Clarifications

> The WOWDB Staff is authorized to issue additional instructions, guidance, forms, etc., to further implement the requirements of this policy. The WOWDB Executive Director/Staff is further authorized to make needed and necessary compliance changes to this policy as the need arises due to changes in state interpretation or guidance. Periodic changes should be necessary to continually improve the systems. The WOWDB Executive Director/Staff is further authorized to approve any service provider procedures that are needed in order to implement this policy locally. It will not be necessary to have Board approval of Service Provider procedures as WOWDB Executive Director/Staff will approve procedures as necessary and appropriate. Service Providers are cautioned to always be aware of and have a thorough knowledge of current state guidelines that may be issued along with required forms and procedures."

Additionally, the WOWDB Policy writer will ensure all the appropriate wording is on all the new policies by make necessary changes. As the old policies are rewritten, the wording will be the same as stated above.

OOWD Response:

In continuing technical assistance via telephone and email, the WOWDB proposed the wording for all current and future policies regarding executive director authority to be:

> The WOWDB Executive Director is authorized to issue additional instructions, guidance, approvals and/or forms to further implement the requirements of this policy *without making substantive change to the policy except in situations where new or updated state and federal guidance is issued.*

Thank you for your response and collaboration to address this observation. No further action is required.

Open Meetings

The response submitted in the PY17 WIOA Monitoring Tool and confirmed during on-site interviews indicate the process for making meeting minutes available to the public is that a request must be submitted through the Woodward board office or electronically to Board Staff and fulfilled electronically by direct document access or addition to a listserv.

Recommended Action: In the absence of a website or centralized electronic platform for information distribution, review the process for fulfilling open meeting requests to ensure transparency and availability of information across your local area.

WOWDB Response:

The WOWDB disagrees with this statement above. In the Oklahoma Open Meetings Act does it state this board must have a Website. It only states IF you have a website you must.....

> According to the Oklahoma Open Meetings Act Under "section 529. Authorized Teleconferences (A)(7) Any materials shared electronically between members of the public body, before or during the videoconference, **shall also be immediately available to the public in the same form and manner as shared with members of the public body**;"

The WOWDB is compliant with the Oklahoma Open Meeting Act as it relates to Minutes or information being requested under this act. The information has to be "open to public inspection". This is available at the WOWDB office or as described during the onsite interview the public can request a copy and it will be sent electronically or however the individual making the request prefers, i.e. faxed, mailed etc...

> Also, under **Section 534. Minutes.** (A.) The proceedings of a public body shall be kept by a person so designated by such public body in the form of written minutes which shall be an official summary of the proceedings showing clearly those members present and absent, all matters considered by the public body, and all actions taken by such public body. The minutes of each meeting shall be open to public inspection and shall reflect the manner and time of notice required by this act.

Again, the WOWDB is in compliance with the Oklahoma Open Meetings Act. If OOWD disagrees with this, please provide the actual wording from the act you feel we are in violation.

OOWD Response: The observation does not dispute that the WOWDB makes meeting materials publicly available through the existing process nor Open Meeting Compliance. Rather, the recommendation is to ensure the transparency and availability of information by reviewing the process for fulfilling requests. Materials that are only made available by request or through a listserv have a different degree of transparency than materials made publicly available without request being made. Additionally, we commend the WOWDB for participation in the Equal Opportunity Accessible Technology Grant Award project to enhance the ability to use technology to maximize the accessibility and effectiveness of the local workforce development system. It could be beneficial for WOWDB to evaluate this further, however there is no action required on the part of WOWDB regarding this recommendation.

Observations from On-Site System Monitoring:
The Stillwater Workforce Center reflected the WOWDB strategic priority as indicated in the local plan to implement wrap-around services by offering a closet of interview clothes for job-seekers and bicycles for veterans in partnership with local community organizations. The processes and priorities of the local board evidence strong partnerships and collaboration between the One-Stop Operator, center manager, and OESC area manager.

Best Practices:
A universal referral form and tracking system has been developed and implemented across partners at Oklahoma Works American Job Centers (AJCs). This reflects strong partnerships and collaboration in the local area that will support the board in identifying and addressing areas of need.

Customer satisfaction is regularly measured through a standardized survey. The local area has developed

and implemented a system for regular review across partners for analysis and development. There is evidence of feedback from customers being used to improve the design and delivery of services.

SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS

Area of Concern #1

The Western Oklahoma Workforce Development Board (WOWDB) nor its CLEO-designated fiscal agent, Oklahoma Economic Development Authority (OEDA), provided OOWD with requested financial documentation within required timeframe. Financial documentation for monitoring is due 30 days prior to monitoring as required by the Oklahoma Office of Workforce Development Issuance (OWDI) #11-2017. In accordance with the OWDI #11-2017 (IV) (B) (1) (b) the LWDBs and its fiscal agents will: Provide OOWD all requested documents at least thirty 30 days prior to the scheduled monitoring.

Required Action: WOWDB will need to submit a corrective action plan outlining processes and procedures that ensure adequate administrative and internal controls are in place to effectively maintain and submit financial records in a timely manner.

WOWDB Response:

OEDA is no longer the fiscal agent for the WOWDA due to these types of inadequacies. The WOWDA CLEO appointed a new fiscal agent, COWIB, on 08/07/2018. COWIB's start date was made retro to July 01, 2018 by OOWD. COWIB staff assisted in the transition from OEDA to COWIB by assisting OEDA. All information regarding the transition was reported at the last monitoring for PY 16, approximately 5 months ago. The WOWDB staff has kept the OOWD staff abreast of all the issues with OEDA. OOWD is fully aware of all the struggles. OOWD Staff has assisted WOWDB staff in getting results from OEDA and making the transfer from OEDA to COWIB as quickly as possible.

The internal controls included the WOWDB Staff reviewing most of the invoice and completing the fiscal monitoring for all the sub-recipients. COWIB has been and is currently the fiscal agent for a few workforce boards and has never had any issues or problems as described in this concern. Due to the time frames of the PY16 and PY17 monitoring by OOWD, it appears this issue has continued from one monitoring to the next, when in reality it has not. The short time frame between each monitoring has not allowed enough time for OEDA's responsibilities to expire. OEDA is no longer our fiscal agent and has chosen continue to be untimely. During the exit call the fiscal monitor with OOWD stated OEDA had provided all requested information. They also praised and thanked the OEDA staff for all their hard work and dedication, so this finding comes as a surprise to the WOWDB staff.

OOWD Response: The OOWD has reviewed and accepts the local workforce area's response. No further action is required.

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS

Area of Concern #2

As stewards of Workforce Innovation and Opportunity Act (WIOA) funding, the Western Oklahoma Workforce Development Board (WOWDB) and the Oklahoma Economic Development Authority (OEDA) are jointly responsible for assuring safeguards are in place to protect the integrity of WIOA grants. It is with understanding that OEDA had an unforeseen circumstance during a period of organizational restructure, but as a requirement of WIOA, adequate safeguards must be in place to effectively maintain financial grant

management.

The WOWDB and its CLEO-designated fiscal agent, OEDA did not have effective or efficient processes or procedures in place at the time of monitoring that would allow for:

1. Proper maintenance of records and accounts.
2. On demand inspection of records and accounts by OOWD and its agents and designees.
3. Timely reporting (monthly and quarterly).

Required Action: WOWDB will need to submit a corrective action plan outlining processes and procedures that ensure adequate administrative and internal controls are in place to effectively maintain financial compliance of WIOA grants in accordance to 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards and State policy.

WOWDB Response:

OEDA is no longer the fiscal agent for the WOWDA due to these types of inadequacies. The WOWDA CLEO appointed a new fiscal agent, COWIB, on 08/07/2018. COWIB's start date was made retro to July 01, 2018 by OOWD. COWIB staff assisted in the transition from OEDA to COWIB by assisting OEDA. All information regarding the transition was reported at the last monitoring for PY 16, approximately 5 months ago. The WOWDB staff has kept the OOWD staff abreast of all the issues with OEDA. OOWD is fully aware of all the struggles. OOWD Staff has assisted WOWDB staff in getting results from OEDA and making the transfer from OEDA to COWIB as quickly as possible.
The internal controls included the WOWDB Staff reviewing most of the invoice and completing the fiscal monitoring for all the sub-recipients. COWIB has been and is currently the fiscal agent for several workforce boards and has never had any issues or problems as described in this concern. Due to the time frames of the PY16 and PY17 monitoring by OOWD, it appears this issue has continued from one monitoring to the next, when in reality it has not. The short time frame between each monitoring has not allowed enough time for OEDA's responsibilities to expire. OEDA is no longer our fiscal agent and has chosen continue to be untimely. During the exit call the fiscal monitor with OOWD stated OEDA had provided all requested information. They also praised and thanked the OEDA staff for all their hard work and dedication, so this finding comes as a surprise to the WOWDB staff.

OOWD Response: The OOWD has reviewed and accepts the local workforce area's response. No further action is required.

SECTION 5 – DELIVERY OF ADULT & DISLOCATED WORKER SERVICES

OOWD's comprehensive review of the Adult and Dislocated Worker (DLW) programs consisted of a sample that included five Adult and four DLW files, as well as local monitoring of the Adult and DLW programs.

Area of Concern #3 – Individual Employment Plan

During the U.S. Department of Labor (DOL), Employment and Training Administration Region 4 monitoring, conducted December 3 - 7, 2018, the Federal Program Officer indicated the Client Involvement Statement currently in use includes a statement that the IEP is a general plan of services and training and is neither an entitlement nor a contract between the program and the customer. The Adult and DLW policies in effect in PY17, OWDI #06-2016 and OWDI # 19-2017, state an IEP must be developed for each individual

determined eligible for Adult or DLW program services. An IEP is described as an ongoing strategy developed by the participant and the career planner (aka case manager or career manager) that identifies employment goals, appropriate achievement objectives, and the appropriate combination of services to achieve the employment success of the individual. OOWD concurs with DOL that the IEP is an agreement between the participant and the WIOA program. A taskforce has been put in place to ensure all workforce development boards incorporate the required elements of an IEP in one detailed document that can be readily shared with the participant. Additionally, the IEP must be detailed and take into consideration services from other workforce partners and entities in which the participant is involved.

Required Action: Please remove or revise the second statement on page 21 of 28 of Western Oklahoma Workforce Development Board's WIOA Application to reflect that the IEP is an agreement between the participant and the WIOA program.

WOWDB Response:

We have gone to the one page application (See Attached #2). Also the client involvement statement is now being reworked by the ISS/IEP Workgroup with OOWD to reflect better wording and be included in the ISS/IEP process on OKJobMatch. The "big application" is now the "Interview Tool" and is now only 17 pages. This form is just a tool and is not required by policy. New staff or staff who has difficulty talking with clients about some issues/barriers use this tool. The other forms that were attached came from the state guidance. They have all been removed from the interview tool. (See attached#3)

OOWD Response: The attachments have been reviewed and OOWD accepts the local response. No further action is required.

Area of Concern #4 – Individual Training Account

The local area utilizes an ITA Checklist that is uploaded to OKJobMatch. The checklist is a local tool that consists of ten (10) items for upload into OKJobMatch. Several of the files reviewed included partly completed checklists that may have contributed to missing uploads, including ITA Agreements and ITA Vouchers.

Required Action: Please provided a description of Western's processes that ensure timely uploads of enrollment documents, such as the ITA, ITA Voucher, and other required documents that support Title I expenditures.

WOWDB Response:

The timely uploading of documents was discussed at length at the Technical Assistance on 02/12/2019 with all Service Provider staff. Follow up to this Odle Management is having an all staff in-service on 03/14/2019 to discuss timeliness and WIOA 101. The Board staff has also scheduled another Technical Assistance on 05/09/2019 at High Plains in the computer lab to discuss OKJobMatch101, which will include uploads, case notes, eligibility, performance measures etc.

OOWD Response: OOWD has reviewed the technical assistance and in-service meeting agendas submitted by the local area and accepts the local response. No further action is required.

Observations from Adult Files:

PID 1884446:
The participant was underemployed as a certified nurse aid (CNA) and was attending Pioneer Technology Center at WIOA application. However, she was not determined to be low income as she exceeded the income limit by $235.00. She was therefore determined to be an Adult Priority of Service 4.
Although the Coordination of Training Funds (COTF) form indicated the participant was eligible for federal and state financial aid, the Individual Training Account (ITA) and ITA Voucher were approved by the designated fiscal agent on 5/14/18, authorizing $1,000.00 for tuition to be paid with Title I Adult formula funds. This was prior to the June 11, 2018 release of OWDI #19-2017, Change 1, which clarified Pell grants must be utilized first for the cost of training and mandatory fees. Therefore, there is no questioned cost or finding. The participant exited the Practical Nursing program without completion and accepted employment as a Production Operator earning $11.30 per hour.

Required Action: Please provide accounting documentation to support actual expenditures as there are no services with budgets or payments in the Consolidated Expenditures section of OKJobMatch.

WOWDB Response:

Budget and payments have been entered in OKJobMatch. –hw
Since the transition to a new fiscal agent, staff has been trained and there are procedures in place with to ensure all budgets and payments are entered into OKJobMatch as they occur.

OOWD Response: The budgets and payment entries have been verified. OOWD accepts the local response and no further action is required.

PID 277126:
There is no individual training account (ITA) agreement uploaded for the participant's Class A CDL training. The participant completed his training and has since declined offers of employment that either required additional training through the prospective employer or did not include benefits. According to program notes, the participant has current medical insurance that will end when he accepts new employment. Program notes also indicated the end of short term disability, as well as pending litigation with the former employer. The last program note, dated 12/18/18, indicated the participant had received a job offer and had a scheduled interview with a second company.

Required Action: Please upload a copy of the ITA agreement that authorized training. Also, please address the local area's processes to ensure appropriate uploading of all documentation supporting the expenditure of Title I funds, including full utilization and uploading of the local area's ITA Checklist document.

WOWDB Response:

ITA Agreement has been uploaded in OKJobMatch. Service Provider has addressed with all staff the process and procedure to ensure documentation to be uploaded timely. –hw
The timely uploading of documents was discussed at length at the Technical Assistance on 02/12/2019 with all Service Provider staff. Follow up to this Odle Management is having an all staff in-service on 03/14/2019 to discuss timeliness and WIOA 101. The Board staff has also scheduled another Technical Assistance on 05/09/2019 at High Plains in the computer lab to discuss OKJobMatch101, which will include uploads, case notes, eligibility, performance measures etc.

OOWD Response: OOWD has verified that the ITA agreement has been uploaded. The technical assistance and in-service meeting agendas have been provided and no further action is required.

PID 1802832:
The participant is a single parent with four children, underemployed as a certified nurse aid (CNA). She completed Licensed Practical Nurse (LPN) training in May 2018 and passed the National Council Licensure Examination (NCLEX) the following October. As of 12/27/18 the case manager was awaiting a return call from the participant regarding job search and employment attainment.

A modification to the ITA amount was requested due to additional ATI fees, which were described as educational computer costs. The modification request is noted on the uploaded Attachment D: Individual Training Account Request. However, there was no corresponding ITA modification upload. Only the original ITA is found in OKJobMatch, which does not reflect the additional $537.00 requested.

Required Action 1: Please provided documentation of local processes to ensure ITA modifications are completed according to local policy when additional funds are required to complete the goals listed the Individual Employment Plan (IEP).

WOWDB Response:

These procedures are in the ITA policy and have always been. All aspects of WIOA was discussed at length at the Technical Assistance on 02/12/2019 with all Service Provider staff. Follow up to this Odle Management is having an all staff in-service on 03/14/2019 to discuss timeliness and WIOA 101. The Board staff has also scheduled another Technical Assistance on 05/09/2019 at High Plains in the computer lab to discuss OKJobMatch101, which will include uploads, case notes, eligibility, performance measures etc.

OOWD Response: No further action is required. The agendas from the technical assistance meeting and in-service training have been provided.

Required Action 2: Amounts on the Ad Hoc Payment Report and Budget Status Sheet Payment Voucher differ from the Budget Status Sheet/Funding Authorization Voucher. Programmatic documentation, i.e., the ITA Tracker, indicates the entire authorized amount of $3,865.00 was paid. Please provide backup accounting information to support actual expenditures.

WOWDB Response:

Since we do not have any accounting information from OEDA, Autry Tech provided documentation to the Service Provider that they received $3585.00 from OEDA for this participant, which aligns with Budget Status Sheet/Payment Voucher. Documentation from Autry Technology Center is attached.-hw See Attachment #4

Since the transition to a new fiscal agent, there are procedures in place with to ensure all budgets and payments are entered into OKJobMatch as they occur.

OOWD Response: The OKJobMatch Budget Status Sheet reconciles with accounting documentation from Autry Tech for a total of $3,565.00 paid for the participant's cost of training. The local area has corrected the typo in the above response. No further action is required.

PID 704578:
The participant, employed as a Home Health Aide (HHA) at WIOA application, entered LPN training at the local technology center on 2/8/18. Program notes document she was required to go before a panel to determine the appropriate action for unprofessional behavior while at a clinical site. The determination was the participant must either withdraw or be dismissed by the school, with a partial refund issued to WIOA for incomplete training. The participant remains employed as an HHA.

Required Action: Please provide backup accounting documentation to support training expenditures and the refund to Adult Formula Funds.

WOWDB Response:

Since we do not have any accounting information from OEDA, Service Provider contacted Central Technology Center and verified that Central Tech sent a partial refund check to OEDA on 5/22/2018 in the amount of $289.89, check # 35491. –hw See Attachment #5

Since the transition to a new fiscal agent, there are procedures in place with to ensure all budgets and payments are entered into OKJobMatch as they occur.

OOWD Response: The actual refund from Central Tech was $282.89, as documented by Attachment 5. The amount in the above response was a typo. OOWD accepts the local response that procedures have been put into place to ensure timely budget and payment entries into OKJobMatch. No further action is required.

PID 1861329:
The participant was working approximately 20 hours per week as a nursing home caregiver while attending Northwestern Oklahoma State University (NWOSU). Adult Priority of Service 2, low income individual, is documented by receipt of SNAP benefits. Program notes indicate a fax sent from NWOSU did not include information about the receipt of a Pell grant for the 2017-2018 academic year. However, the coordination of training funds (COTF) form in the participant's uploaded documents verifies the participant received a Pell grant in the amount of $2,960.00 for the spring semester, 1/8/18 – 5/7/18. Clarification that Pell grants must be utilized prior to Title I funds for the cost of training and mandatory fees was not released

until June 11, 2018, after the training funds were obligated from the Adult funding stream. Therefore, there is no questioned cost or finding.

Recently entered documentation and program notes indicate the participant graduated from NWOSU with a Bachelor's of Science in Nursing (BSN) in May 2018. Supportive services funds reimbursed him for the NCLEX and Nurse Application. He is licensed to practice as an LPN or RN in his home state of Texas, where he is currently employed in a rehabilitation center.

Required Action 1: Please provide documentation of processes to ensure timely uploads of enrollment documents, such as the ITA, ITA Voucher, and other required documents that support Adult Formula Funds expenditures. Also, please provide backup accounting information to support all actual program expenditures, including appropriately signed ITA # WOA 233 and corresponding ITA Voucher.

WOWDB Response:

Documentation attached: Signed ITA Training Voucher WOA 233, ITA documentation, Supportive Service Request and Voucher for NCLEX and State Nursing Board test and fees -hw See Attachment # 6A
Service Provider has addressed with all staff the process and procedure to ensure documentation to be uploaded timely. –hw
The timely uploading of documents was discussed at length at the Technical Assistance on 02/12/2019 with all Service Provider staff. Follow up to this Odle Management is having an all staff in-service on 03/14/2019 to discuss timeliness and WIOA 101. The Board staff has also scheduled another Technical Assistance on 05/09/2019 at High Plains in the computer lab to discuss OKJobMatch101, which will include uploads, case notes, eligibility, performance measures etc.

OOWD Response: The agendas from the technical assistance meeting and in-service training have been provided and the reviewed attachments meet the requirements of State and local policies. No further action is required.

Required Action 2: Please document the local processes to ensure Title I funds are secondary to Pell grants and other financial aid.

WOWDB Response:

Adult Funds were expended prior to the release of the June 2018 OWDI . Local Policy has since been updated. –hw See Attachment # 6B
This procedure is in state policy, which is followed by the WOWDA.

OOWD Response: The OOWD accepts the local workforce areas response. No further action is required.

Required Action 3: The Service and Training (S&T) plan indicates the participant exited Occupational Skills Training (OST) without completion. Please submit a ticket to support@oowd.zendesk.com to correct the completion status of OST to Completed, as per the 1/15/19 enrollment documentation labeled BA or BS Diploma or Degree.

WOWDB Response:

Data Edit Request was submitted to OOWD on 2/12/2019. Documentation attached – hw
See Attachment #6C

OOWD Response: The OOWD accepts the local workforce areas response. No further action is required.

Observations from DLW Files:

PID 564153:
The participant was laid off from Smith International in June 2017. He completed the Residential Heating, Ventilation, and Air Conditioning (HVAC) Technician program at Meridian Technology Center in May 2018. The cost of training was paid through Trade Adjustment Assistance (TAA)/WIOA Dual Enrollment. The course of training consisted of an on-the-job training component through the technology center, for which an apprentice card was issued by the Oklahoma Construction Industries Board. The participant entered unsubsidized employment in July 2018 at an hourly rate of $30.00 per hour plus full benefits.

No action is required.

PID 422086:
The participant successfully completed the Computer Numerical Control (CNC) Machinist program at Meridian Technology Center. He became employed as a Production Assembler at Ditch Witch, earning $13.30 per hour, 50 hours per week, plus insurance. He has since received a pay increase to $14.05 per hour.

No action is required.

PID 292362:
The participant was laid off from her employment as a Machinist at Weatherford International on 2/3/17. She was enrolled in the Title I Adult program 3/24/17, where she received only basic career services. On 7/10/17 she was enrolled as a DLW prior to starting the LPN program at High Plains Technology Center on 7/24/17. She was awarded a diploma for completion of the Theory and Practice course in the School of Practical Nursing on June 21, 2018. Regular monthly contact was made with the participant while in training. After program completion, there were several attempts made to contact her, including through an alternate contact. As of the last program note on 12/31/18, there has been no response and it is unknown if the participant is employed at this time. UI wage information is not available for the participant on OKJobMatch.

No action is required. The local area is encouraged to continue contact attempts with the exited participant, per local policy.

PID 911698:
The participant was employed as a part time bookkeeper with multiple companies while attending Autry Tech's Accounting Services program on a half time basis. Although the participant stated she had previously been employed "in and around office work" she had no formal training or education beyond High School. A credential in the field of accounting was needed to help her reach her employment goal and attain self-sufficiency. The participant is currently employed as a full time bookkeeper, receiving benefits.

The original ITA uploaded to OKJobMatch was for the amount of the participant's total unmet need rather

than the actual cost of training. The local area has since uploaded the corrected ITA document, as well as an updated ITA checklist.

No action is required.

SECTION 6 – DELIVERY OF YOUTH SERVICES

An observation of the Western Region Cumulative 4-Quarter Reporting Period report indicates the local area has continued its focus on the WIOA primary target population of out-of-school youth.

Of the total youth who received WIOA services during the monitoring review period, we conducted a comprehensive review on ten enrollments which included ten out-of-school youth (OSY), and zero in-school youth (ISY) enrollments.

- The monitoring sample indicated that the LWDB is serving the WIOA eligible/target population.
- The LWDB has developed an individual service strategy (ISS) that identifies and meets the specific needs of each participant.
- Supportive services are being provided as needed to overcome barriers to participation and completion of the ISS.
- Overall, participants are receiving services as needed and are progressing in accordance with their goals. However, please note the observations on measurable skills gains.
- In general, participants are receiving follow-up services. However, please note the observation on follow-up for participant 1825615 and participant 1830365.

Observations from review of the Youth Program Service Delivery:

Participant 1838876:
The client enrolled in the youth program as a high school dropout and subsequently received her high school diploma. However, during participation in work experience the client on at least one occasion arrived to work under the influence of drugs. Although the youth admitted to being under the influence, there was no plan or agreement for comprehensive guidance and counseling. This category of youth should be offered and encouraged to enroll in comprehensive guidance and counseling since it was warranted and is one of the 14 youth program elements.

Also, the participant indicated she needed assistance with independent living skills such as developing budgets and paying bills. Needs and barriers goals and self-sufficiency goals were set but they were not attained.

Required Action: Please explain why the needs and barriers goals and self-sufficiency goals were set but they were not attained.

It is noteworthy that the client increased her reading score from 6.6 to 11.8.

As a result, the client is no longer basic skills deficient in reading. However, a basic skills goal to increase math scoring from a 4.3 to 9.0 or higher was set, but there is no test score recorded that indicates the higher score was attained although the status of attained was updated in the Measurable Skills Gains and Goals section of OkJobMatch.

WOWDB Response:

Unsure why needs and barriers goal and self-sufficiency goal was not attained. The primary caseworker at that time is no longer employed by the service provider. –hw
Numeracy gain uploaded on 08/17/17 showing the increase from 4.3 to 11.8 on 08/11/2017. Math score was entered by Hattie Wales in the Testing Tab in OKJobMatch.

OOWD Response: The responses have been reviewed and OOWD accepts the local response. No further action is required.

Recommended Action: The local area needs to continue to encourage the youth to participate in the program, escalate communication with youth that display high risks of premature exit from the program and increase the incentives in order to ensure that skills goals set will be achieved. Such incentives for achievement include improvements marked by acquisition of a credential or other successful outcomes.

Follow-up services may include regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise." Follow-up services may begin immediately following the last expected date of service in the youth program.

In addition, such follow-up services should be documented in OkJobMatch that they were provided as follow-up services.

WOWDB Response:

Service Provider staff has been instructed and trained on follow-up services for youth participants. –hw
Service Provider has addressed with all staff the process and procedure of Follow-up services to all staff. This subject was discussed at length at the Technical Assistance on 02/12/2019 with all Service Provider staff. Follow up to this Odle Management is having an all staff in-service on 03/14/2019 to discuss timeliness and WIOA 101. The Board staff has also scheduled another Technical Assistance on 05/09/2019 at High Plains in the computer lab to discuss OKJobMatch101, which will include uploads, case notes, eligibility, performance measures etc.

OOWD Response: The responses have been reviewed and OOWD accepts the local response. No further action is required.

Participant 1825615:
The youth's testing results indicated she was basic skills deficient in reading and math. Goals were set to increase the score to an efficient level but there are no post-test scores indicating retesting was done. There were several contacts attempts with no success from June 7, 2018 through December 11, 2018. There was infrequent contact during the follow-up period and it is not clear what specific follow-up services the youth received.

Required Action 1: The local area must ensure that follow-up services include more than an attempted contact made to gather information for reporting purposes. Follow-up services should provide the necessary support to ensure the success of youth post-program.

WOWDB Response:

Service Provider staff has been instructed and trained on follow-up services for youth participants. –hw
Service Provider has addressed with all staff the process and procedure of Follow-up services to all staff. This subject was discussed at length at the Technical Assistance on 02/12/2019 with all Service Provider staff. Follow up to this Odle Management is having an all staff in-service on 03/14/2019 to discuss timeliness and WIOA 101. The Board staff has also scheduled another Technical Assistance on 05/09/2019 at High Plains in the computer lab to discuss OKJobMatch101, which will include uploads, case notes, eligibility, performance measures etc.

OOWD Response: The responses have been reviewed and OOWD accepts the local response. No further action is required.

Required Action 2: The US Department of Labor (DOL) and the State recognize the concerns that some youth may not be responsive to attempted contacts for follow-up, and other youth may be difficult to locate making it challenging to provide follow-up services for such individuals. Local programs should have policies in place to establish how to document and record when a participant cannot be located or contacted. The local area has a follow-up policy in place. However, please demonstrate in your response assurances of how follow-up and attempts at follow-up will be documented moving forward.

WOWDB Response:

Service Provider staff has been instructed and trained on follow-up services for youth participants. –hw
Service Provider has addressed with all staff the process and procedure of Follow-up services to all staff. This subject was discussed at length at the Technical Assistance on 02/12/2019 with all Service Provider staff. Follow up to this Odle Management is having an all staff in-service on 03/14/2019 to discuss timeliness and WIOA 101. The Board staff has also scheduled another Technical Assistance on 05/09/2019 at High Plains in the computer lab to discuss OKJobMatch101, which will include uploads, case notes, eligibility, performance measures etc.

OOWD Response: The responses have been reviewed and OOWD accepts the local response. No further action is required.

Participant 1830365:
In relation to the attempts at follow-up, there was one contact attempt during the follow-up period. It is clarified in case notes that the focus was on the youth employment status and postsecondary education.

Required Action: The US Department of Labor (DOL) and the State recognize the concerns that some youth may not be responsive to attempted contacts for follow-up, and other youth may be difficult to locate, making it challenging to provide follow-up services for such individuals. Local programs should have updated policies in place to establish how to document and record when a participant cannot be located or contacted. The local area has a follow-up policy in place. However, please demonstrate in your response assurances of how follow-up and attempts at follow-up will be documented moving forward.

WOWDB Response:

Guidance has been given to Career Managers regarding Follow-Up with youths and services we are able to provide. –hw
Service Provider has addressed with all staff the process and procedure of Follow-up services to all staff. This subject was discussed at length at the Technical Assistance on 02/12/2019 with all Service Provider staff. Follow up to this Odle Management is having an all staff in-service on 03/14/2019 to discuss timeliness and WIOA 101. The Board staff has also scheduled another Technical Assistance on 05/09/2019 at High Plains in the computer lab to discuss OKJobMatch101, which will include uploads, case notes, eligibility, performance measures etc.

OOWD Response: The response has been reviewed and OOWD accepts the local response. No further action is required.

Participant 1863851:
The youth was a dropout at enrollment with basic skills deficiencies in math and reading. She ultimately received her high school diploma through Penn Foster High School and increased her basic skills deficiency in math from a 4.9 to an efficiency level of 9.4. However, a basic skills goal was set for the youth to increase her reading score from an 8.1 to 9.0 or higher. But there is no retesting scores uploaded or increased score to indicate she met this goal prior to exiting the program. The youth expressed interest in exiting the program which could have resulted in her lack of interest in retesting for reading.

Recommended Action: The local area needs to continue to encourage the youth to participate in the program, escalate communication with youth that display high risks of premature exit from the program and increase the incentives in order to ensure that skills goals set will be achieved. Such incentives for achievement include improvements marked by acquisition of a credential or other successful outcomes.

WOWDB Response:

Career Managers are pushing incentives to encourage youth participants to increase their math and reading scores and, ultimately, obtain their GED/HS diploma. –hw
Service Provider has addressed this issue with all staff the process and procedure of incentive payments and entering the information into the online system. This subject was discussed at length at the Technical Assistance on 02/12/2019 with all Service Provider staff. Follow up to this Odle Management is having an all staff in-service on 03/14/2019 to discuss timeliness and WIOA 101. The Board staff has also scheduled another Technical Assistance on 05/09/2019 at High Plains in the computer lab to discuss OKJobMatch101, which will include uploads, case notes, eligibility, performance measures etc.

OOWD Response: The response has been reviewed and OOWD accepts the local response. No further action is required.

Participant 1865577:
The youth was a dropout at enrollment with basic skills deficiencies in math and reading. She ultimately received her high school diploma through Penn Foster High School. According to the program notes dated July 12, 2018, the career manager submitted an incentive request for the client in the amount of $50.00 due to a literacy gain in reading from 7.2 to a final score of 10.7. However, testing scores that reflect the increase are not source documented anywhere other than in program notes.

Required Action: In accordance with OWDI 21-2017 Change 1 page 38, youth supporting source documentation, such as testing scores, must be uploaded in OkJobMatch.

WOWDB Response:

Documentation has been uploaded in OKJobMatch and is also attached –hw
Service Provider staff has been instructed and trained on follow-up services for youth participants. –hw See Attachment #7
Service Provider has addressed with all staff the process and procedure of uploading all documentation in the clients file in the online system. This subject was discussed at length at the Technical Assistance on 02/12/2019 with all Service Provider staff. Follow up to this Odle Management is having an all staff in-service on 03/14/2019 to discuss timeliness and WIOA 101. The Board staff has also scheduled another Technical Assistance on 05/09/2019 at High Plains in the computer lab to discuss OKJobMatch101, which will include uploads, case notes, eligibility, performance measures etc.

OOWD Response: The response has been reviewed and OOWD accepts the local response. No further action is required.

Participant 1863830:

The youth was a dropout at enrollment with basic skills deficiencies in math and reading. He ultimately received his high school diploma through Penn Foster High School and increased his basic skills in math from 5.5 to 12.9. The youth's goal was also to no longer be basic skills deficient in Reading, scoring a 9.0 or higher. After retesting, his score increase from 5.8 to 6.6.

The case manager lost contact with the youth immediately after exit, as his phone number was disconnected. However, program notes do not indicate that his email noted in the application was utilized to attempt follow-up contact.

Recommended Action: The local area needs to continue to encourage the youth to participate in the program, escalate communication with youth that display high risks of premature exit from the program and increase the incentives in order to ensure that skills goals set will be achieved. Such incentives for achievement include improvements marked by acquisition of a credential or other successful outcomes.

WOWDB Response:

Service Provider staff has been instructed and trained on follow-up services for youth participants. –hw
Service Provider has addressed this issue with all staff the process and procedure of keeping the youth engaged and participating in the program. This subject was discussed at length at the Technical Assistance on 02/12/2019 with all Service Provider staff. Follow up to this Odle Management is having an all staff in-service on 03/14/2019 to discuss timeliness and WIOA 101. The Board staff has also scheduled another Technical Assistance on 05/09/2019 at High Plains in the computer lab to discuss OKJobMatch101, which will include uploads, case notes, eligibility, performance measures etc.

OOWD Response: The response has been reviewed and OOWD accepts the local response. No further action is required.

Participant 1865496:
On July 6, 2018, the Career Manager submitted an incentive request for the youth for completion of the high school diploma. However, there is not a copy of the diploma documented anywhere other than in program notes.

Required Action: In accordance with OWDI 21-2017 Change 1 page 38, youth supporting source documentation, such as a diploma, must be uploaded in OkJobMatch.

WOWDB Response:

Documentation has been uploaded on OKJobMatch and is attached. –hw

Service Provider has addressed this issue with all staff the process and procedure of uploading all documentation into the online system. This subject was discussed at length at the Technical Assistance on 02/12/2019 with all Service Provider staff. Follow up to this Odle Management is having an all staff in-service on 03/14/2019 to discuss timeliness and WIOA 101. The Board staff has also scheduled another Technical Assistance on 05/09/2019 at High Plains in the computer lab to discuss OKJobMatch101, which will include uploads, case notes, eligibility, performance measures etc.

OOWD Response: The response has been reviewed and OOWD accepts the local response. No further action is required.

Participant 1820926:
The youth was a 24-year-old dropout at enrollment with basic skills deficiencies in reading and math. She ultimately received her high school diploma through Penn Foster High School and increased her basic skills in reading from a 9.0 to a 9.4 and math from a 7.2 to a 12.9+.

The case manager was having difficulty connecting with the youth and there had not been a direct contact with the youth since April 30, 2018. Based on the program notes, there was not any formal communication between case management staff and the youth again until November 27, 2018 at which time the youth responded to the case managers email attempt at contact. This case is an example of how important it is to have alternate contact information noted during participation.

Participant 1781579:
The local area developed a form that is used to track incentives for the numeracy gain. The form states, *"Total Supportive Services Spent to Date: $50.00." The Service/Item of reference is 3/31/17 "Out of School Numeracy Gain*Please note that incentives payments to youth are for recognition and achievement directly tied to training activities and work experiences, and improvements marked by testing or other successful outcomes. Supportive Services are a program element that enables an individual to participate in WIOA activities.

Required Action: The local area needs to have separate tracking documents for incentives vs. supportive

services

The youth increased the math score from a 5.2 to a 7.6. But the goal was 9.0 or higher.

WOWDB Response:

Tracking for incentives and supportive services has been separated. -hw

OOWD Response: The response has been reviewed and OOWD accepts the local response. No further action is required.

Recommended Action: The local area needs to continue to encourage the youth to participate in the program, escalate communication with youth that display high risks of premature exit from the program

and increase the incentives in order to ensure that skills goals set will be achieved. Such incentives for achievement include improvements marked by acquisition of a credential or other successful outcomes

WOWDB Response:

Service provider has been trained in this area and will pay the max incentive amount allowed by local policy. Hw

The WOWDB will review the incentive policy to see if there needs to be an adjustment for the amounts of the incentive for the youth.

OOWD Response: The response has been reviewed and OOWD accepts the local response. No further action is required.

Participant 1865196:
The Client indicated on the intake application that she was in need of interview clothing. Client will be referred to the local clothing bank for free or reduced priced clothing. That was an appropriate step to provide supportive services. However, the need for supportive services should not be documented as a goal type "Work Readiness Skills." in the Measurable Skills Gains and Goals and Interests screen in OKJobMatch. The result has a "Status" set but not attained. Work Readiness Skills is not a supportive service/ linkage to community services.

Required Action: Supportive Services need to be documented in case notes if you are referring the individual to another source; and in the Service and Training Plan as a Supportive Service if formula funds are used to pay after verification that no other sources are available.

WOWDB Response:

Service provider staff has been trained in providing Supportive Services and documentation. –hw Service Provider has addressed this issue with all staff the process and procedure of Supportive Services and entering it into the online system. This subject was discussed at length at the Technical Assistance on 02/12/2019 with all Service Provider staff. Follow up to this Odle Management is having an all staff in-service on 03/14/2019 to discuss timeliness and WIOA 101. The Board staff has also scheduled another Technical Assistance on 05/09/2019 at High Plains in the computer lab to discuss OKJobMatch101, which will include uploads, case notes, eligibility, performance measures etc.

OOWD Response: The response has been reviewed and OOWD accepts the local response. No further action is required.

Participant 1786693:
The form used to track incentives for the numeracy gain states, "Total Supportive Services Spent To Date: $100.00" yet, the Service/Item of reference is 3/31/17 "Out of School Numeracy Gain." Please note that incentives payments to youth are for recognition and achievement directly tied to training activities and work experiences, and improvements marked by testing or other successful outcomes. Supportive Services are a program element that enables an individual to participate in WIOA activities.

Required Action: The local area needs to have separate tracking documents for incentives vs. supportive services.

WOWDB Response:

Tracking for incentives and supportive services has been separated. -hw

OOWD Response: The response has been reviewed and OOWD accepts the local response. No further action is required.

Policy on Case notes:
Overall, the Case notes were detailed and reflective of the objectives and strategy for serving the youth reviewed. However, there were instances where case notes were not timely or were sporadic during follow-up.

Youth Policy Review:
The local area policies and practices need to be updated to reflect any additional state policy releases including WIOA Title I Youth Program Guidance, OWDI 02-2016 Change #2 released October 16, 2017, and the WIOA Worksite Agreement policy OWDI 04-2018 released January 31, 2018.

SECTION 7 – EQUAL OPPORTUNITY AND NONDISCRIMINATION

Area of Concern #5 – EO Tagline

Changes to the policy requested in PY16 Annual monitoring were not made at the time documentation was

submitted for this year's monitoring. As a result, the following observation for PY16 has been elevated to an "Area of Concern." OOWD reviewed the "WB Policy EO Tagline 7-14-16" and the taglines included in the policy were modified from the language required by the regulations. As a result, the taglines on all PY16 documents reviewed did not have the correct required regulatory language.

Required Action: Please update policy and documents with the language set forth in the regulations: "Equal opportunity employment/program. Auxiliary aids and services are available to individuals with disabilities upon request." The regulation state the equal opportunity taglines be included... "in recruitment brochures and other materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or on paper, to staff, clients, or the public at large to describe programs financially assisted under Title I of WIOA or the requirements for participation by recipients and participants." (29 C.F.R. § 38.38(a)). After the Exit call, WOWDB submitted changes to its "WB Policy EO Tagline Policy" that have been approved by its board and satisfy the required action above.

OOWD Response: The response has been reviewed and OOWD accepts the local response. No further action is required.

Area of Concern #6 – EO & Nondiscrimination Monitoring

Changes to the policy requested in PY16 Annual monitoring were not made at the time documentation was submitted for this year's monitoring. As a result, the following observation for PY16 has been elevated to an "Area of Concern." OOWD reviewed the same "Program Monitoring Policy (1/18/18)" from PY16 and the Observation listed in the PY16 There is no reference to equal opportunity and nondiscrimination monitoring to ensure compliance with WIOA Section 188 or 29 C.F.R. part 38 in the monitoring document. 29 C.F.R. § 38.31(b).

Required Action: Please update policy to reference equal opportunity and nondiscrimination monitoring and include applicable regulatory authority, 29 C.F.R. part 38.

WOWDB Response:

The WOWDB Director would like for the state to provide her with their equal opportunity and nondiscrimination monitoring policy for guidance on what exactly needs to be in the policy to meet all the requirements. Also, does this policy include an example monitoring tool or state approved tool for the local workforce boards to use for this monitoring? The WOWDB Director is requesting technical Assistance for herself, the EO officer and the policy writer to ensure this issue is corrected.

OOWD Response: The response has been reviewed and OOWD accepts the local response. The OOWD will provide technical assistance at a date to be determined that will provide clarification on the policy needing updates.

Area of Concern #7 – Discrimination and Grievance Policy

Changes to the policy requested in PY16 Annual monitoring were not made at the time documentation was submitted for this year's monitoring. As a result, the following observation for PY16 has been elevated to an "Area of Concern." OOWD reviewed the "WB Discrimination and Grievance 11.28.17" policy and it appears to conflate instances where the grievance procedures apply and when equal opportunity and nondiscrimination complaint procedures apply, like the policy OOWD reviewed for PY16 Annual Monitoring. OOWD is willing to provide one-on-one technical assistance as staff work to revise this policy.

Required Action: OOWD recommends creating two policies—a grievance policy, and a WIOA Section 188 complaint processing policy (see OWDI 01-2018), subsequently rescinding the "WB Discrimination and Grievance 11.28.17." OOWD requests the following: (1) review and update policies to make clear that per 20 C.F.R. § 683.600(g) grievance procedures do not apply to discrimination complaints under WIOA Section 188 and/or 29 C.F.R. part 38; (2) update citations based on WIOA; (3) update to include the prohibited bases of discrimination, per 29 C.F.R. § 38.5; (4) update the Section 188 complaint process to align with the timeframes and requirements for filing a complaint at 29 C.F.R. §§ 38.69-38.75; (5) update policy to clarify that harassment or hostile environment on any protected basis is prohibited, not limited to sexual harassment, per 29 C.F.R. § 38.10; (6) update the EO taglines to be consistent with updated Tagline policy; and (7) update policy to include language that intimidation and retaliation is prohibited, per 29 C.F.R. § 38.19. Again, OOWD is willing to provide one-on-one technical assistance as staff work to revise this policy.

WOWDB Response:

Please take into consideration all the monitoring and overlaps starting from May 14th, 2018 to date and the fact the Board staff consisted of a director and one other staff person:

- During the last Monitoring for PY16 (May 14, 2018 to final report being issued on 09/06/2018 and the PY16 monitoring report youth addendum being issued on 09/20/2018)
- The USDOL monitoring (notice on 10/2/2018 onsite visits and requesting information. USDOL at our offices for the week of 12/03/2018 to 12/07/2018. 01/25/2018 OOWD requesting information for the USDOL monitoring report. The response to USDOL being sent 03/01/2019
- OOWD PY17 Monitoring letter requesting information on 11/30/2018. January 7-11 2019. Monitoring occurred report for PY17 on 02/11/2019 and it's due 03/13/2019.
- The Board staff monitoring of the 4 sub-recipients, reviewing four months for each sub-recipient, of PY 17 due to OEDA and SWODA not conducting these monitoring's when they were fiscal agents for the WOWDB Area during the merger started on 01/24/2019 getting the monitoring tool created for the board. February 01-25, 2019 started the monitoring process and obtaining information for the monitoring. This week review of all the information and monitoring each sub-recipient occurred.

All the while still conducting all the day to day business for the Board and keep up with all the other demands and compliance issues.

The WOWDB Director would like to schedule technical assistance with the OOWD EO officer for the policy writer and herself to understand the requirement and the splitting of the policies mentioned above.

OOWD Response: The response has been reviewed and OOWD accepts the local response. The OOWD will provide technical assistance at a date to be determined that will provide clarification on the policies needing updated.

Area of Concern #8 – Outreach Materials

Changes to the policy requested in PY16 Annual monitoring were not made at the time documentation was submitted for this year's monitoring. As a result, the following observation for PY16 has been elevated to an "Area of Concern." Outreach materials that were reviewed for PY17 included telephone numbers, but no method of alternative effective communication was included.

Required Action: Please ensure wherever a telephone is listed, an alternative effective communication method also is listed, per 29 C.F.R. § 38.15(b), e.g. Oklahoma Relay 711 or 800-722-0353. After the exit call, WOWDB submitted changes to outreach materials that satisfy the required action above.

OOWD Response: The response has been reviewed and OOWD accepts the local response. No further action is required.

CONCLUSION:

The observations, recommendations and required actions, and findings contained in this report are the responsibility of the local board as the subrecipient of Title I funds. It is ultimately the responsibility of each Title I subrecipient to ensure all workforce activities meet all Federal, State, and local requirements.

Please thank your staff for the hospitality and cooperation provided during the visit conducted by the OOWD Program and Policy Team. We look forward to continuing the excellent working relationship with your office. Our office is available for any technical assistance or support you might need.

APPENDIX C

COMPLAINT AND COMMUNICATION LOGS

DISCRIMINATION COMPLAINT LOG

Name of Entity: **Central Oklahoma Workforce Innovation Board**

Date of Complaint	Name of Complainant	Address of Complainant	Status of Complainant	DOL-funded program	Date of Alleged Discriminatory Incident	Grounds/(Bases) of Complaint	Description/ Issue of Complaint	Name of Respondent	Is Respondent a recipient? Yes or No	Disposition	Date of Disposition

This is to certify that no other complaints were received during the period from October 1 through December 31, 2018.

Ashley Sellers

Equal Opportunity Officer

DISCRIMINATION COMPLAINT LOG

Name of Entity: **Central Oklahoma Workforce Innovation Board**

Date of Complaint	Name of Complainant	Address of Complainant	Status of Complainant	DOL-funded program	Date of Alleged Discriminatory	Grounds/(Bases) of Complaint	Description/ Issue of Complaint	Name of Respondent	Is Respondent a recipient?	Disposition	Date of Disposition

This is to certify that no other complaints were received during the period from July 1st through September 30, 2018.

Eddie Foreman

Equal Opportunity Officer

DISCRIMINATION COMPLAINT LOG

Name of Entity: **Central Oklahoma Workforce Innovation Board**

Date of Complaint	Name of Complainant	Address of Complainant	Status of Complainant	DOL-funded program	Date of Alleged Discriminatory Incident	Grounds/(Bases) of Complaint	Description/ Issue of Complaint	Name of Respondent	Is Respondent a recipient? Yes or No	Disposition	Date of Disposition	ADR Yes or No	Complaint Completed By

This is to certify that no other complaints were received during the period from April 1st through June 30, 2018.

Eddie Foreman

Equal Opportunity Officer

DISCRIMINATION COMPLAINT LOG

Name of Entity: **Central Oklahoma Workforce Innovation Board**

Date of Complaint	Name of Complainant	Address of Complainant	Status of Complainant	DOL-funded program	Date of Alleged Discriminatory Incident	Grounds/(Bases) of Complaint	Description/ Issue of Complaint	Name of Respondent	Is Respondent a recipient? Yes or No	Disposition	Date of Disposition	ADR Yes or No	Complaint Completed By
3/8/2018	Jeffalon Renae Martin	9901 Staci Ln, Edmond, OK 73025	Terminee / Former Participant	WIOA Title I Adult program	2016 & September, 2017	Discrimination based on age and sex.	Ms. Martin described how one or more instructors used vulgar language to create an unwelcome environment for women. She described how men were given training opportunities that were not afforded to women. Age discrimination was alleged, as well.	American Truck Training School	Yes, the respondent is an Eligible Training Provider.	A Notice of Final Action was given to the Complainant. The complaint was determined to be untimely.	Mar. 29, 2018	N/A	

This is to certify that no other complaints were received during the period from January 1st through March 31, 2018.

Bill Bryant

Equal Opportunity Officer

Bill Bryant

Attachment D: COMMUNICATION LOG TEMPLATE

Name of Entity: Central Oklahoma Workforce Innovation Board

* NO Communication identifying an EO issue with the LWDB

Date of Communication	Name	Contact Information	Identity of Federally Funded Program	Description	Action Taken

7/1/18 - 9/30/18

Eddie Lara

Equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

PY18

Attachment D: COMMUNICATION LOG TEMPLATE

Name of Entity: Central Oklahoma Workforce Innovation Board

* NO communications identifying an EO issue with the LWDB

Date of Communication	Name	Contact Information	Identity of Federally Funded Program	Description	Action Taken

10/1/18- 12/31/18 Ashley Allen

Equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

EASTERN

EASTERN WORKFORCE INVESTMENT BOARD

OKLAHOMA WORKS

Equal Opportunity

Discrimination Complaint Log

Date of Complaint	Name of Complainant	Address of Complainant	Status of Complainant	Federally Funded Program	Date of Alleged Discriminatory Act	Grounds/Basis of Complaint	Description/Issue of Complaint	Name of Respondent	Is Respondent a recipient? Yes or No	Disposition	Date of Disposition	ADR Yes or No
complaint to OOWD on July 2, 2018	Crystal Brown submitted complaint to OOWD - employee of EWDB	1024 Enid Street Muskogee, OK 74403	final - allegations not confirmed	y	unknown	alleged discrimination,retaliation and harassment by staff and members of the board	employment	EWIB	yes	y	10/1/2018	Y
07/12/2018 complaint to OOWD	Nanette Spencer submitted complaint to OOWD - consultant to EWDB	1403 Dexter Street Fort Gibson, OK 74434	final-allegations not confirmed	y	unknown	alleged discrimination,retaliation and harassment by staff and EWDB members	employment	EWIB	yes	y	10/1/2018	Y
07/23/2018 complaint filed with OOWD	Kirley Martin submitted complaint to OOWD - employee of OOWD	2633 Denver Street	final - allegations not confirmed	y	unknown	alleged discrimination, retaliation and harassment by staff and EWDB Members	employment	EWIB	yes	y	10/1/2018	Y
12/14/2018	Nanette Robertson - lawsuit	307 NE. 40th St., Checotah, OK.	pending	y	07/31/2018	alleged violation of rights under Civil rights Act of 1866	plaintiff claims constructive discharge	EWDB	Yes			

QUARTER ENDING: **Year:** 2018

- ☐ March 31
- ☐ June 30
- ☐ September 30
- ☒ December 31

Completed By: Juanita Hermanns

Title: Policy Coordinator

The EO Officer must submit the Discrimination Complaint Log quarterly to the State EO Officer at eoofficer@osuokc.edu on or before each of the dates listed above.

EASTERN

EASTERN WORKFORCE INVESTMENT BOARD

OKLAHOMA WORKS

Equal Opportunity

Discrimination Complaint Log

Date of Complaint	Name of Complainant	Address of Complainant	Status of Complainant	Federally Funded Program	Date of Alleged Discriminatory Act	Grounds/Basis of Complaint	Description/Issue of Complaint	Name of Respondent	Is Respondent a recipient? Yes or No	Disposition	Date of Disposition	ADR Yes or No
7/16/2018	Crystal Brown submitted directly to OOWD	1024 Enid Street Muskogee, OK 74401	final determination issued		no date	No basis found by OOWD	alleged discrimination by staff and board members	OOWD	pass through entity		10/01/2018	
7/17/2018	Nanette Spencer submitted directly to OOWD	1403 Dexter Street Fort Gibson, OK 74434	final determination issued		no date	No basis found by OOWD	alleged discrimination by staff and board members	OOWD	pass through entity		10/01/2018	
7/20/2018	Kinley Martin directly to OOWD	10321 S 194th Street West Boynton, OK 74422	Final Determination issued by OOWD		no date	No basis found by OOWD	alleged discrimination by staff and board members	OOWD	pass through entity		10/01/2018	

QUARTER ENDING: **Year:** 2018

- ☐ March 31
- ☐ June 30
- ■ September 30
- ☐ December 31

Completed By: Juanita Hermanns

Title: Compliance and Operations Specialist

The EO Officer must submit the Discrimination Complaint Log quarterly to the State EO Officer at eoofficer@osuokc.edu on or before each of the dates listed above.

EASTERN

EASTERN WORKFORCE INVESTMENT BOARD

OKLAHOMA WORKS

Equal Opportunity

Discrimination Complaint Log

Date of Complaint	Name of Complainant	Address of Complainant	Status of Complainant	Federally Funded Program	Date of Alleged Discriminatory Act	Grounds/Basis of Complaint	Description/Issue of Complaint	Name of Respondent	Is Respondent a recipient? Yes or No	Disposition	Date of Disposition	ADR Yes or No
	None											

QUARTER ENDING: **Year:** 2018

Completed By: Jerri Schoats-Stoutermire, Ed.D.

Title: Executive Director

- ☐ March 31
- ■ June 30
- ☐ September 30
- ☐ December 31

The EO Officer must submit the Discrimination Complaint Log quarterly to the State EO Officer at eoofficer@osuokc.edu on or before each of the dates listed above.

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This document is funded in whole or in part by funds received from the US Department of Labor As administered by Oklahoma Office of Workforce Development.

EASTERN

EASTERN WORKFORCE INVESTMENT BOARD

OKLAHOMA WORKS

Equal Opportunity

Discrimination Complaint Log

Date of Complaint	Name of Complainant	Address of Complainant	Status of Complainant	Federally Funded Program	Date of Alleged Discriminatory Act	Grounds/Basis of Complaint	Description/Issue of Complaint	Name of Respondent	Is Respondent a recipient? Yes or No	Disposition	Date of Disposition	ADR Yes or No
	None											

QUARTER ENDING: **Year:** PY 2017

- ☐ March 31
- ☐ June 30
- ☐ September 30
- ☐ December 31

Completed By: Jerri Schoats-Stoutermire, Ed.D.

Title: Executive Director

The EO Officer must submit the Discrimination Complaint Log quarterly to the State EO Officer at eoofficer@osuokc.edu on or before each of the dates listed above.

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Communications

NON SYSTEM
DISCRIMINATION COMPLAINT LOG - PY 2017 - 2018

Name of Entity: Eastern Workforce Board

Date of Complaint	Name of Complainant	Address of Complainant	Status of Complainant	DOL-funded program	Date of Alleged Discriminatory Incident	Grounds/(Bases) of Complaint	Description/ Issue of Complaint	Name of Respondent	Is Respondent a recipient? Yes or No	Disposition	Date of Disposition	ADR Yes or No	Complaint Completed By
2/20/18	D. Allen	Tahlequah	Closed		N/A 2/20/2018	Participant enrolled in ineligible training provider program							Wanted appeal for ETP
2/24/18	B Counts	Okmulgee	closed		N/A	Participant was upset because program she wants to attend is not on ETP							

DISCRIMINATION COMPLAINT LOG

Name of Entity: Eastern Workforce Board 2017 - 2018

Date of Complaint	Name of Complainant	Address of Complainant	Status of Complainant	DOL-funded program	Date of Alleged Discriminatory Incident	Grounds/(Bases) of Complaint	Description/ Issue of Complaint	Name of Respondent	Is Respondent a recipient? Yes or No	Disposition	Date of Disposition	ADR Yes or No	Complaint Completed By
	N/A												

Com. Log.

EASTERN WORKFORCE BOARD

2016-2017

No Complaints

Complaint Log				
Date	Name	Description of Complaint	Resolution	Date of Resolution

DISCRIMINATION COMPLAINT LOG

Name of Entity: Northeast Workforce Development Board

EO Officer: Linda Wilson

Date of Complaint	Name of Complainant	Address of Complainant	Status of Complainant	DOL-funded program	Date of Alleged Discriminatory Incident	Grounds/(Bases) of Complaint	Description/ Issue of Complaint	Name of Respondent	Is Respondent a recipient? Yes or No	Disposition	Date of Disposition	ADR Yes or No	Complaint Completed By
PY17	No Complaints.												

(Non-Discrimination) **COMMUNICATION LOG**

Name of Entity: Northeast Workforce Board **PY 17**

IF THE COMPLAINT IS BASED ON GROUNDS OTHER THAN ON GROUNDS OF RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, CITZENSHIP, AGE, HANDICAP OR POLITICAL AFFILIATION OR BELIEF, IT IS CONSIDERED A NON-EQUAL OPPORTUNITY OR NON-DISCRIMINATION GRIEVIENCE. ALL NON- DISCRIMINATION GRIEVANCES

Date of Communication	Name	Contact Information	Identity of Federally Funded Program	Description	Action Taken
No Grievances					

BABEL NOTICE (29 C.F.R. § 38.9(g) (3)): This document contains vital information. If English is not your preferred language, contact One Stop Operator, 1414 E. Wade Watts Ave. McAlester, Ok 74501 (580)634-1853 TTD/TTY: 711 or 800-722-0353 to obtain translation and/or interpretation services for the content of this document

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DISCRIMINATION COMPLAINT LOG

Name of Entity: Northeast Workforce Development Board

EO Officer: Linda Wilson

Date of Complaint	Name of Complainant	Address of Complainant	Status of Complainant	DOL-funded program	Date of Alleged Discriminatory Incident	Grounds/(Bases) of Complaint	Description/ Issue of Complaint	Name of Respondent	Is Respondent a recipient? Yes or No	Disposition	Date of Disposition	ADR Yes or No	Complaint Completed By
PY18	No Complaints.												

(Non-Discrimination) **COMMUNICATION LOG**

Name of Entity: Northeast Workforce Board **PY 18**

IF THE COMPLAINT IS BASED ON GROUNDS OTHER THAN ON GROUNDS OF RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, CITZENSHIP, AGE, HANDICAP OR POLITICAL AFFILIATION OR BELIEF, IT IS CONSIDERED A NON-EQUAL OPPORTUNITY OR NON-DISCRIMINATION GRIEVIENCE. ALL NON- DISCRIMINATION GRIEVANCES

Date of Communication	Name	Contact Information	Identity of Federally Funded Program	Description	Action Taken
No Grievances					

BABEL NOTICE (29 C.F.R. § 38.9(g) (3)): This document contains vital information. If English is not your preferred language, contact One Stop Operator, 1414 E. Wade Watts Ave. McAlester, Ok 74501 (580)634-1853 TTD/TTY: 711 or 800-722-0353 to obtain translation and/or interpretation services for the content of this document

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DISCRIMINATION COMPLAINT LOG

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Name of Entity: SCOWB - PY 17

EO Officer - Jana Farmer

Date of Complaint	Name of Complainant	Address of Complainant	Status of Complainant	DOL-funded program	Date of Alleged Discriminatory Incident	Grounds/(Bases) of Complaint	Description/ Issue of Complaint	Name of Respondent	Is Respondent a recipient? Yes or No	Disposition	Date of Disposition	ADR Yes or No	Complaint Completed By
	There have been no complaints												

Equal Opportunity Programs/Employer – Auxiliary aids and services available upon request for individuals with disabilities

(Non-Discrimination) **COMMUNICATION LOG**

Name of Entity: South Central Workforce Board **PY 17**

IF THE COMPLAINT IS BASED ON GROUNDS OTHER THAN ON GROUNDS OF RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, CITZENSHIP, AGE, HANDICAP OR POLITICAL AFFILIATION OR BELIEF, IT IS CONSIDERED A NON-EQUAL OPPORTUNITY OR NON-DISCRIMINATION GRIEVIENCE. ALL NON- DISCRIMINATION GRIEVANCES

Date of Communication	Name	Contact Information	Identity of Federally Funded Program	Description	Action Taken
No Grievances					

BABEL NOTICE (29 C.F.R. § 38.9(g) (3)): This document contains vital information. If English is not your preferred language, contact One Stop Operator, 1414 E. Wade Watts Ave. McAlester, Ok 74501 (580)634-1853 TTD/TTY: 711 or 800-722-0353 to obtain translation and/or interpretation services for the content of this document

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DISCRIMINATION COMPLAINT LOG

OKLAHOMA WORKS

Name of Entity: SCOWB - PY 18

EO Officer - Jana Farmer

Date of Complaint	Name of Complainant	Address of Complainant	Status of Complainant	DOL-funded program	Date of Alleged Discriminatory Incident	Grounds/(Bases) of Complaint	Description/ Issue of Complaint	Name of Respondent	Is Respondent a recipient? Yes or No	Disposition	Date of Disposition	ADR Yes or No	Complaint Completed By
	There have been no complaints												

Equal Opportunity Programs/Employer – Auxiliary aids and services available upon request for individuals with disabilities

(Non-Discrimination) **COMMUNICATION LOG**

Name of Entity: South Central Workforce Board **PY 18**

IF THE COMPLAINT IS BASED ON GROUNDS OTHER THAN ON GROUNDS OF RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, CITZENSHIP, AGE, HANDICAP OR POLITICAL AFFILIATION OR BELIEF, IT IS CONSIDERED A NON-EQUAL OPPORTUNITY OR NON-DISCRIMINATION GRIEVIENCE. ALL NON- DISCRIMINATION GRIEVANCES

Date of Communication	Name	Contact Information	Identity of Federally Funded Program	Description	Action Taken
No Grievances					

BABEL NOTICE (29 C.F.R. § 38.9(g) (3)): This document contains vital information. If English is not your preferred language, contact One Stop Operator, 1414 E. Wade Watts Ave. McAlester, Ok 74501 (580)634-1853 TTD/TTY: 711 or 800-722-0353 to obtain translation and/or interpretation services for the content of this document

SWB is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

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SOUTHERN WORKFORCE BOARD
(Non-Discrimination) **COMMUNICATION LOG**

Name of Entity: Southern Workforce Board **October, November, December 2018**

IF THE COMPLAINT IS BASED ON GROUNDS OTHER THAN ON GROUNDS OF RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, CITZENSHIP, AGE, HANDICAP OR POLITICAL AFFILIATION OR BELIEF, IT IS CONSIDERED A NON-EQUAL OPPORTUNITY OR NON-DISCRIMINATION GRIEVIENCE. ALL NON- DISCRIMINATION GRIEVANCES

Date of Communication	Name	Contact Information	Identity of Federally Funded Program	Description	Action Taken

BABEL NOTICE (29 C.F.R. § 38.9(g) (3)): This document contains vital information. If English is not your preferred language, contact One Stop Operator, 1414 E. Wade Watts Ave. McAlester, Ok 74501 (580)634-1853 TTD/TTY: 711 or 800-722-0353 to obtain translation and/or interpretation services for the content of this document

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SOUTHERN WORKFORCE BOARD
DISCRIMINATION COMPLAINT LOG

Name of Entity: Southern Workforce Board **October, November, December 2018**

Date of Complaint	Name of Complainant	Address of Complainant	Status of Complainant	Identity of Federally Funded Program	Date of Alleged Discriminatory Act	Grounds/Bases of Complaint	Description/ Issue of Complaint	Name of Respondent	Is Respondent a recipient? Yes or No	Dispositior
NO Complaints										

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Attachment D:

SOUTHERN WORKFORCE BOARD

Communication LOG

IF THE COMPLAINT IS BASED ON GROUNDS OTHER THAN ON GROUNDS OF RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, CITZENSHIP, AGE, HANDICAP OR POLITICAL AFFILIATION OR BELIEF, IT IS CONSIDERED A NON-EQUAL OPPORTUNITY OR NON-DISCRIMINATION GRIEVIENCE. ALL NON- DISCRIMINATION GRIEVANCES ARE PROCESSED BY THE SOUTHERN WORKFORCE BOARD.

Name of Entity Southern Workforce Board January, February, March 2019

Date of Communication	Name	Contact Information	Identity of Federally Funded Program	Description	Action Taken
No Complaints					

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BABEL NOTICE (29 C.F.R. § 38.9(g) (3)):

This document contrains vital information. If English is not your preferred language, contact Sherry Latham1414 Wade Watts Ave. McAlester, Ok 74501 (580)924-1853 TTD/TTY 800-722-0353 to obtain translation and/or interpretation services for the content of this document.

SOUTHERN WORKFORCE BOARD
(Non-Discrimination) **COMMUNICATION LOG**

Name of Entity: Southern Workforce Board **April, May, June, 2019**

IF THE COMPLAINT IS BASED ON GROUNDS OTHER THAN ON GROUNDS OF RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, CITZENSHIP, AGE, HANDICAP OR POLITICAL AFFILIATION OR BELIEF, IT IS CONSIDERED A NON-EQUAL OPPORTUNITY OR NON-DISCRIMINATION GRIEVIENCE. ALL NON- DISCRIMINATION GRIEVANCES

Date of Communication	Name	Contact Information	Identity of Federally Funded Program	Description	Action Taken
04/05/2019	Lanye Hartwell- Cottrell	580/369/8116	WIOA YOUTH	Wanted to know where reimbursement was for books. Wanted to be assigned to a new case manager.	Informal Resolution by Sandra Zientek, PO request was completed in February by Case Manager. Client did not get copy of breakdown documentation needed to get PO approved. Sandra Zientek meet with client on 4/6/2019 to obtain breakdown documentation for PO and to address change of new case manager. Moved client from Rebecca to another CM
05/07/2019	Cody Rodenberger	codyrodenberger@hotmail.com	WIOA Adult Choctaw Nation	Client want to transfer from 4C welding school to Force Welding . He felt that 4C Welding had shared drug test information to Service Provider Dynamic and that it was a violation of his information.	Informal Resolution by Brook Sims Clint was transferred to Force Welding for completion of training.

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4/29/2019	Kris Blaylock	405-924-8809		Clint , stated he was unable to get services , he had received training services from OKC . Stated he was disabled and had Utilized DRS to obtain his Bachelors Degree and will not help him again.	Informal Resolution by Toni Smith Client was emailed SWB EEO Process and Procedures for Complaints on April. 30 2019 Clint was referred to Choctaw Nation No contact since 4/30/2019
7/25/2019	Bobby Carter	405-428-1938	WIOA Adult	Client Called to discuss going to another Truck Driving School. Felt unwelcome at current Schoo.	Informal Resolution Client was transferred to another area.

SOUTHERN WORKFORCE BOARD
DISCRIMINATION COMPLAINT LOG

Name of Entity: Southern Workforce Board **April, May, June, 2019**

Date of Complaint	Name of Complainant	Address of Complainant	Status of Complainant	Identity of Federally Funded Program	Date of Alleged Discriminatory Act	Grounds/Bases of Complaint	Description/ Issue of Complaint	Name of Respondent	Is Respondent a recipient? Yes or No	Dispositior
NO Complaints										

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SOUTHERN WORKFORCE BOARD
(Non-Discrimination) **COMMUNICATION LOG**

Name of Entity: Southern Workforce Board **April, May, June 2018**

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Date of Communication	Name	Contact Information	Identity of Federally Funded Program	Description	Action Taken
No Grievances					

BABEL NOTICE (29 C.F.R. § 38.9(g) (3)): This document contains vital information. If English is not your preferred language, contact One Stop Operator, 1414 E. Wade Watts Ave. McAlester, Ok 74501 (580)634-1853 TTD/TTY: 711 or 800-722-0353 to obtain translation and/or interpretation services for the content of this document

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Attachment E:
SOUTHERN WORKFORCE BOARD
DISCRIMINATION COMPLAINT LOG

Name of Entity: Southern Workforce Board **April, May, June 2018**

Date of Complaint	Name of Complainant	Address of Complainant	Status of Complainant	Identity of Federally Funded Program	Date of Alleged Discriminatory Act	Grounds/Bases of Complaint	Description/ Issue of Complaint	Name of Respondent	Is Respondent a recipient? Yes or No	Dispositio
NO Complaints										

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SOUTHERN WORKFORCE BOARD
(Non-Discrimination) **COMMUNICATION LOG**

Name of Entity: Southern Workforce Board **April, May, June 2017**

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Date of Communication	Name	Contact Information	Identity of Federally Funded Program	Description	Action Taken
No Grievances					

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SOUTHERN WORKFORCE BOARD
DISCRIMINATION COMPLAINT LOG

Name of Entity: Southern Workforce Board **April, May, June 2017**

Date of Complaint	Name of Complainant	Address of Complainant	Status of Complainant	Identity of Federally Funded Program	Date of Alleged Discriminatory Act	Grounds/Bases of Complaint	Description/ Issue of Complaint	Name of Respondent	Is Respondent a recipient? Yes or No	Dispositior
NO Complaints										

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SOUTHERN WORKFORCE BOARD
(Non-Discrimination) **COMMUNICATION LOG**

Name of Entity: Southern Workforce Board **January, February, March 2017**

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SOUTHERN WORKFORCE BOARD
DISCRIMINATION COMPLAINT LOG

Name of Entity: Southern Workforce Board **January, February, March 2017**

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NO Complaints											

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SOUTHERN WORKFORCE BOARD
DISCRIMINATION COMPLAINT LOG

Name of Entity: Southern Workforce Board **January, February, March 2018**

Date of Complaint	Name of Complainant	Address of Complainant	Status of Complainant	Identity of Federally Funded Program	Date of Alleged Discriminatory Act	Grounds/Bases of Complaint	Description/ Issue of Complaint	Name of Respondent	Is Respondent a recipient? Yes or No	Dispositior
NO Complaints										

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SOUTHERN WORKFORCE BOARD
(Non-Discrimination) **COMMUNICATION LOG**

Name of Entity: Southern Workforce Board **July, August September 2018**

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Date of Communication	Name	Contact Information	Identity of Federally Funded Program	Description	Action Taken
No Grievances					

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SOUTHERN WORKFORCE BOARD
DISCRIMINATION COMPLAINT LOG

Name of Entity: Southern Workforce Board **July, August, September 2018**

Date of Complaint	Name of Complainant	Address of Complainant	Status of Complainant	Identity of Federally Funded Program	Date of Alleged Discriminatory Act	Grounds/Bases of Complaint	Description/ Issue of Complaint	Name of Respondent	Is Respondent a recipient? Yes or No	Disposition	Date of Disposition	ADR Yes or No	Complaint Completed by
NO Complaints													

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SOUTHERN WORKFORCE BOARD
(Non-Discrimination) **COMMUNICATION LOG**

Name of Entity: Southern Workforce Board **July, August, September 2017**

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SOUTHERN WORKFORCE BOARD
DISCRIMINATION COMPLAINT LOG

Name of Entity: Southern Workforce Board **July, August, September 2017**

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SOUTHERN WORKFORCE BOARD
(Non-Discrimination) **COMMUNICATION LOG**

Name of Entity: Southern Workforce Board **October, November, December 2017**

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Date of Communication	Name	Contact Information	Identity of Federally Funded Program	Description	Action Taken
No Grievances					

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SOUTHERN WORKFORCE BOARD
DISCRIMINATION COMPLAINT LOG

Name of Entity: Southern Workforce Board **October, November, December 2017**

Date of Complaint	Name of Complainant	Address of Complainant	Status of Complainant	Identity of Federally Funded Program	Date of Alleged Discriminatory Act	Grounds/Bases of Complaint	Description/ Issue of Complaint	Name of Respondent	Is Respondent a recipient? Yes or No	Dispositior
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Tulsa WDB
Discrim. Log
PY16

Program Year 2016

Issue Log

PY- Issue #	PID	Client Name	Contact Information	Type	Priority	Receipt Date	Workforce Staff	Response Date	Date Sent to SP	Status	Resolution	Close Date	Notes
1	1756170	Anthony Ingram	918.271.0586	Program?	Non	10/24/2016	Shelley Cadamy	LM 10/26/2016 Spoke 10/26/2016 LM to ensure client was ok with strategy 11/15/2016 NO further response	N/A	Closed	N/A	N/A	• Received Phone Call October 19, 2016 3:12 p.m. • Sent Grievance Policy 10/19/2016 • Received VM from Participant, stating has not received Grievance. Email was incorrect. Resent 10/20/20167 • Received official grievance in mail 10.24.2016. • ED LM 10/26/2016 • ED Spoke with participant 10/26/2016 • ED LM to ensure client was ok with strategy 11/15/2016 • No return phone call
2	74598	Angela Mitchel on behalf of Patrick Mitchell		Program	Veteran	10/25/2016 via email from OOWD	Shelley Cadamy	10.26.2016 Shelley Cadamy contacted OOWD via email and informed that in the time between when the complaint was received by the Governor's office and when it was forwarded to OOWD, we've re-enrolled Mr. Mitchell in our services, and he actually started training 10.25.2016. Shelley asked the OOWD to contact her if further action was necessary.	N/A	Closed	Client was already in training once the grievance was received.	10.26.2016	•10.25.2016 Received email from OOWD informing of grievance received by the Governor's office. • 10.26.2016 Shelley Cadamy send an email back to the OOWD informing of that in the time between when the complaint was received by the Governor's office and when it was forwarded to OOWD, we've re-enrolled Mr. Mitchell in our services, and he actually started training 10.25.2016. Shelley asked the OOWD to contact her if further action was necessary.
3	328583	Katherine Brocksmith	N/A	Training		4/2/2017	Shelley Cadamy	LM 04/06/2017	SP tried handling issue first	Closed	Work with Tulsa Technology Center to obtain further education.	06.30.2017	• 04/02/2017 received letter addressed to Shelley Cadamy. • 04/06/2017 Shelley left message. • 04/21/2017 Received email the State Attachment Scanned Letter • 05/01/2017 Received another letter, this addressed to Nicole Cue, from client that stated the first letter did not make it to the Workforce Office. • 05/08/2017 Sent response letter after Shelley tried to contact Katherine on several occasions. • Formal Hearing - EC 06/08/2017 • Participant did contacted Joyce McClellan, as identified as an option in the email from Board Chair. •06/30/2017 Shelley Cadamy followed up with Karen via email stating since Katherine did follow up with Joyce and follow the resolution outlined in the meeting Shelley is considering the grievance closed.
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9													
10													

Tulsa PY16

Program Year 2016

Issue Log

PY- Issue #	PID	Client Name	Contact Information	Type	Priority	Receipt Date	Workforce Staff	Response Date	Date Sent to SP	Status	Resolution	Close Date	Notes
1	1758170	Anthony Ingram	918.271.0586	Program?	Non	10/24/2016	Shelley Cadamy	LM 10/26/2016 Spoke 10/26/2016 LM to ensure client was ok with strategy 11/15/2016 NO further response	N/A	Closed	N/A	N/A	• Received Phone Call October 19, 2016 3:12 p.m. • Sent Grievance Policy 10/19/2016 • Received VM from Participant, stating has not received Grievance. Email was incorrect. Resent 10/20/20167 • Received official grievance in mail 10.24.2016. • ED LM 10/26/2016 • ED Spoke with participant 10/26/2016 • ED LM to ensure client was ok with strategy 11/15/2016 • No return phone call
2	74598	Angela Mitchel on behalf of Patrick Mitchell		Program	Veteran	10/25/2016 via email from OOWD	Shelley Cadamy	10.26.2016 Shelley Cadamy contacted OOWD via email and informed that in the time between when the complaint was received by the Governor's office and when it was forwarded to OOWD, we've re-enrolled Mr. Mitchell in our aservices, and he actually started training 10.25.2016. Shelley asked the OOWD to contact her if further action was necessary.	N/A	Closed	Client was already in training once the grievance was received.	10.26.2016	•10.25.2016 Received email from OOWD informing of grievance received by the Governor's office. • 10.26.2016 Shelley Cadamy send an email back to the OOWD informing of that in the time between when the complaint was received by the Governor's office and when it was forwarded to OOWD, we've re-enrolled Mr. Mitchell in our services, and he actually started training 10.25.2016. Shelley asked the OOWD to contact her if further action was necessary.
3	328583	Katherine Brocksmith	N/A	Training		4/2/2017	Shelley Cadamy	LM 04/06/2017	SP tried handling issue first	Closed	Work with Tulsa Technology Center to obtain further education.	06.30.2017	• 04/02/2017 received letter addressed to Shelley Cadamy. • 04/06/2017 Shelley left message. • 04/21/2017 Received email the State Attachment Scanned Letter • 05/01/2017 Received another letter, this addressed to Nicole Cue, from client that stated the first letter did not make it to the Workforce Office. • 05/08/2017 Sent response letter after Shelley tried to contact Katherine on several occasions. • Formal Hearing - EC 06/08/2017 • Participant did contacted Joyce McClellan, as identified as an option in the email from Board Chair. •06/30/2017 Shelley Cadamy followed up with Karen via email stating since Katherine did follow up with Joyce and follow the resolution outlined in the meeting. Shelley is considering the grievance closed.
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Tulsa PY16
Complaint Log

Program Year 2016

Compliant Log

Y- Issue	PID	Client Name	Contact Information	Client Address	Type	Basis of Complaint	Complaint File Date	Date of Deposition	Result of Deposition	Status	Resolution	Close Date	Notes
1	328583	Katherine Brocksmith	918.747.6274	3008 E 51st St Apt 34 Tulsa, OK 74105	Age	Not provided training.		N/A			No resolution was obtained		09.21.2017 A mediation phone call. No resolution was obtained.
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3													
4													
5													
6													
7													
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9													
10													

Tulsa WDB
PY16
Complaint log

Program Year 2016

Compliant Log

Y- Issue	PID	Client Name	Contact Information	Client Address	Type	Basis of Complaint	Complaint File Date	Date of Deposition	Result of Deposition	Status	Resolution	Close Date	Notes
1	328583	Katherine Brocksmith	918.747.6274	3008 E 51st St Apt 34 Tulsa, OK 74105	Age	Not provided training.		N/A			No resolution was obtained		09.21.2017 A mediation phone call. No resolution was obtained.
2													
3													
4													
5													
6													
7													
8													
9													
10													

Program Year

TULSA WDB PY17 - DISCRIMINATION COMPLAINT LOG

Y- Issue	PID	Client Name	Contact Information	Client Address	Type	Basis of Complaint	Complaint File Date	Date of Deposition	Result of Deposition	Response Date	Date Sent to SP	Status	Resolution	Close Date
1														
2		NONE												
3														
4														
5														
6														
7														
8														
9														
10														

Program Year

Issue Log - PY17 Tulsa WDB (Communication Log)

PY- Issue #	PID	Client Name	Contact Information	Client Address	Type	Priority	Basis of Complaint	Receipt Date	File Date	Workforce Staff	Response Date	Date Sent to SP	Status	Resolution	Close Date	Notes
1	830334	Shalana Brewer	918.261.9873	6612 E 19th Apt. B Tulsa, OK 74112	Program	Pre Enrollment	Taking Too long to get enrolled; want training; Front Deck rude	04.27.2018 Phone call	N/A	Nicole Cue	4.27.2018 Spoke with Client on phone.	04.27.2018	Closed	Attend Training	05.14.2018	**04.27.2018 Phone Call** - Client informed me they had received two parking tickets. the front desk women, short hair name starts with an "A", is rude and doesn't know what she is doing. Client was sent away on several occasions and required to come back, one time for required documents. Client is interested in training - forklifting training - that happened on the weekend. **Client Desired Outcome:** Enroll into program and receive forklift training. **05.14.2018 Email from Service Provider** - "Nicole, I can provide an update. Since the complaint that you received I spoke with Shey via phone and spoke with him on 05/02/2018 in person in attempts to rectify the situation where he reported having a complaint again the volunteer representative in the resource room for telling someone that he was on unemployment within the community that they are in outside of the office. I reported the complain to Ron with OESC who informed me that he would be passing it on to her Supervisor with SCSEP. During the conversation with Shalana on 05/02/2018 he reported that he does not want to file a grievance and just wants to be in truck driver training. As a result, I got him connected with Scott O who completed his enrollment and will be working with him moving forward." **05.14.2018 Phone Call to Participant** - I called participant to ensure all was well and the resolution that was identified was agreeable. The Participant stated he was satisfied with the results and is currently working towards obtaining training. I informed the participant I was closing this issue and if they had additional concerns or questions to please give me a call.
2	812530	Jessica Jones	918.932.3012 - OOS 918.932.0512 _ New	2211 E. Reeding St. Tulsa, OK 74110	Program	2	Need training. Case Manager was released of duty and case had not been reassigned, therefor participant was not able to continue on with the plan to receive training.	05.14.2018 Phone Call	N/A	Nicole Cue	05.14.2018 Spoke with Client on phone	05.14.2018	Open	Attend Training		**05.14.2018 Email from Service Provider** - "I just spoke with her, and she is coming in to complete her next steps next Monday, 5-21-18. Goal start day for CNA training is 6-11-18." **05.15.2018 Email from Service Provider** - "Hi Nicole, I also looked into this person. Antonio is working with her and her training date is set for 6/11/18." **Services provided and contact with participant can be found in OSL for the time frame in between 05.15.2018 - 06.14.2018** **06.14.2018 Received VM from Participant** stating her training class had been cancelled and she needed help and felt she was not getting help. **06.14.2018** Called Service Provider who tried to reach out to the participant via phone. A message was left. I called the participant who informed me she had went up the center today to complete the workshop that was assigned to her, however, the workshop had moved due the change in orientation process. The Case manager acknowledge his miscommunication and apologized. The participant did not complete her training documentation because she was upset and left. I told her to show up in the morning and complete her paperwork and she would be able to obtain training in the next few weeks with Wings. She said she would be there. 06.25.2018 - In OSL participant begins training today. Called and left message on participants phone for her call me. Once I verify the participant is satisfied I will close this issue.
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Program Year

TULSA WDB 2017/2018 COMMUNICATION LOG

PY. Issue #	PID	Client Name	Contact Information	Client Address	Type	Priority	Basis of Complaint	Receipt Date	File Date	Workforce Staff	Response Date	Date Sent to SF	Status	Resolution	Close Date	Notes
1	630334	Shalena Brewer	918.261.9873	5612 E 19th Apt. B Tulsa, OK 74112	Program	Pre Enrollment	Taking Too long to get enrolled; went training: Front Deck rude	04.27.2018 Phone call	N/A	Nicole Cue	4.27.2018 Spoke with Client on phone.	04.27.2018	Closed	Attend Training	05.14.2018	**04.27.2018 Phone Call** - Client informed me they had received two parking tickets, the front desk women, short hair name starts with an "A", is rude and doesn't know what she is doing. Client was sent away on several occasions and required to come back, one time for required documents. Client is interested in training - forklifting training - that happened on the weekend. **Client Desired Outcome:** Enroll into program and receive forklift training. **05.14.2018 Email from Service Provider** - "Nicole, I can provide an update. Since the complaint that you received I spoke with Shay via phone and spoke with him on 05/02/2018 in person in attempts to rectify the situation where he reported having a complaint again the volunteer representative in the resource room for telling someone that he was on unemployment within the community that they are in outside of the office. I reported the complain to Ron with OESC who informed me that he would be passing it on to her Supervisor with SCSEP. During the conversation with Shalena on 05/02/2018 he reported that he does not want to file a grievance and just wants to be in truck driver training. As a result, I got him connected with Scott O who completed his enrollment and will be working with him moving forward." **05.14.2018 Phone Call to Participant** - I called participant to ensure all was well and the resolution that was identified was agreeable. The Participant stated he was stratified with the results and is currently working towards obtaining training. I informed the participant I was closing this issue and if they had additional concerns or questions to please give me a call.
2	812533	Jessica Jones	918.932.3012 - COS 918.932.9512 _ New	2211 E. Reading St. Tulsa, OK 74110	Program	2	Need training. Case Manager was released of duty and case had not been reassigned, therefor participant was not able to continue on with the plan to receive training.	05.14.2018 Phone Call	N/A	Nicole Cue	05.14.2018 Spoke with Client on phone.	05.14.2018	Closed	Attend Training	07.26.2018	**05.14.2018 Email from Service Provider** - "I just spoke with her, and she is coming in to complete her next steps next Monday, 5-21-18. Goal start day for CNA training is 6-11-18." **05.15.2018 Email from Service Provider** - "Hi Nicole, I also looked into this person. Antonio is working with her and her training date is set for 6/11/18." **Services provided and contact with participant can be found in OSL for the time frame in between 05.15.2018 - 06.14.2018** **06.14.2018 Received VM from Participant** stating her training class had been cancelled and she needed help and felt she was not getting help. **06.14.2018 Called** Service Provider who tried to reach out to the participant via phone. A message was left. I called the participant who informed me she had went up the center today to complete the workshop that was assigned to her, however, the workshop had moved due the change in orientation process. The Case manager acknowledge his miscommunication and apologized. The participant did not complete her training documentation because she was upset and left. I told her to show up in the morning and complete her paperwork and she would be able to obtain training in the next few weeks with Wings. She said she would be there. 06.25.2018 - in OSL participant begins training today. Called and left message on participants phone for her call me. Once I verify the participant is satisfied I will close this issue
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DISCRIMINATION COMPLAINT LOG

Name of Entity: PY 17 Western Oklahoma Workforce Area

Date of Complaint	Name of Complainant	Address of Complainant	Status of Complainant	Identity of Federally Funded Program	Date of Alleged Discriminatory Act	Grounds/Bases) of Complaint	Description/ Issue of Complaint	Name of Respondent	Is Respondent a recipient? Yes or No	Disposition	Date of Disposition	ADR Yes or No	Complaint Completed by
No complaints													

Equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

COMMUNICATION LOG

Name of Entity: PY 17 Western Oklahoma Workforce Development Area

Date of Communication	Name	Contact Information	Identity of Federally Funded Program	Description	Action Taken
No complaints.					

Equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

DISCRIMINATION COMPLAINT LOG

Name of Entity: PY 18 Western Oklahoma Workforce Area

Date of Complaint	Name of Complainant	Address of Complainant	Status of Complainant	Identity of Federally Funded Program	Date of Alleged Discriminatory Act	Grounds/Bases) of Complaint	Description/ Issue of Complaint	Name of Respondent	Is Respondent a recipient? Yes or No	Disposition	Date of Disposition	ADR Yes or No	Complaint Completed by
No complaints													

Equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

COMMUNICATION LOG

Name of Entity: PY 18 Western Oklahoma Workforce Development Area

Date of Communication	Name	Contact Information	Identity of Federally Funded Program	Description	Action Taken
No complaints.					

Equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

SOUTHERN WORKFORCE BOARD
(Non-Discrimination) **COMMUNICATION LOG**

Name of Entity: Southern Workforce Board **October, November, December 2018**

IF THE COMPLAINT IS BASED ON GROUNDS OTHER THAN ON GROUNDS OF RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, CITZENSHIP, AGE, HANDICAP OR POLITICAL AFFILIATION OR BELIEF, IT IS CONSIDERED A NON-EQUAL OPPORTUNITY OR NON-DISCRIMINATION GRIEVIENCE. ALL NON- DISCRIMINATION GRIEVANCES

Date of Communication	Name	Contact Information	Identity of Federally Funded Program	Description	Action Taken
No Grievance					

BABEL NOTICE (29 C.F.R. § 38.9(g) (3)): This document contains vital information. If English is not your preferred language, contact One Stop Operator, 1414 E. Wade Watts Ave. McAlester, Ok 74501 (580)634-1853 TTD/TTY: 711 or 800-722-0353 to obtain translation and/or interpretation services for the content of this document

SWB is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

OKLAHOMA WORKS
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DISCRIMINATION COMPLAINT LOG

Name of Entity: **OKLAHOMA OFFICE OF WORKFORCE DEVELOPMENT** **PY17**

Date of Complaint	Name of Complainant	Address of Complainant	Status of Complainant	DOL-funded program	Date of Alleged Discriminatory Incident	Grounds/(Bases) of Complaint	Description/ Issue of Complaint	Name of Respondent	Is Respondent a recipient? Yes or No	Disposition	Date of Disposition	ADR Yes or No	Complaint Completed By
	None to Report.												

COMMUNICATION LOG

Name of Entity: PY 17 Oklahoma Office of Workforce Development

Date of Communication	Name	Contact Information	Identity of Federally Funded Program	Description	Action Taken
None to Report.					

Equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

DISCRIMINATION COMPLAINT LOG

Name of Entity: **OKLAHOMA OFFICE OF WORKFORCE DEVELOPMENT** **PY18**

Date of Complaint	Name of Complainant	Address of Complainant	Status of Complainant	DOL-funded program	Date of Alleged Discriminatory Incident	Grounds/(Bases) of Complaint	Description/ Issue of Complaint	Name of Respondent	Is Respondent a recipient? Yes or No	Disposition	Date of Disposition	ADR Yes or No	Complaint Completed By
7/2/2018	Crystal Brown	1024 Enid Street, Muskogee, OK 74403	Final - allegations not confirmed	Yes	1st occurrence Feb 2016	Complainant alleges Discrimination, harrassment by staff and board members.	Alleged discrimination, retaliation and harassment by staff and members of the board.	OOWD	Yes	Based on an analysis of the available evidence, there does not appear to be sufficient information to support the allegation. As such, it is not confirmed.	9/28/2018	Yes	Travis Kirkpatrick, Investigator, Office of Juvenile Affairs
7/12/2018	Nanette Spencer	1403 Dexter St., Ft. Gibson, OK 74434	Final - allegations not confirmed	Yes	1st - 1/7/16, most recent 6/20/18	Complainant alleges Discrimination, harrassment by staff and board members.	Alleged discrimination, retaliation and harassment by staff and members of the board.	OOWD	Yes	Based on an analysis of the available evidence, there does not appear to be sufficient information to support the allegation. As such, it is not confirmed.	9/28/2018	Yes	Travis Kirkpatrick, Investigator, Office of Juvenile Affairs

DISCRIMINATION COMPLAINT LOG

Name of Entity: **OKLAHOMA OFFICE OF WORKFORCE DEVELOPMENT** **PY18**

Date of Complaint	Name of Complainant	Address of Complainant	Status of Complainant	DOL-funded program	Date of Alleged Discriminatory Incident	Grounds/(Bases) of Complaint	Description/ Issue of Complaint	Name of Respondent	Is Respondent a recipient? Yes or No	Disposition	Date of Disposition	ADR Yes or No	Complaint Completed By
7/23/2018	Kinley Martin	2633 Denver St., Muskogee, OK 74401	Final - allegations not confirmed	Yes	1st - 1/19/2018 most recent- 7/18/2018	Complainant alleges Discrimination, harrassment by staff and board members.	Alleged discrimination, retaliation and harassment by staff and members of the board.	OOWD	Yes	Based on an analysis of the available evidence, there does not appear to be sufficient information to support the allegation. As such, it is not confirmed.	9/28/2018	Yes	Travis Kirkpatrick, Investigator, Office of Juvenile Affairs

COMMUNICATION LOG

Name of Entity: PY 18 Oklahoma Office of Workforce Development

Date of Communication	Name	Contact Information	Identity of Federally Funded Program	Description	Action Taken
None to Report.					

Equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.